

AMENDED IN ASSEMBLY DECEMBER 18, 2008

CALIFORNIA LEGISLATURE—2009–10 FIRST EXTRAORDINARY SESSION

SENATE BILL

No. 7

Introduced by Senator Ducheny

December 8, 2008

~~An act relating to the Budget Act of 2008.~~ *An act to amend Sections 69766 and 89722 of, and to add Section 90082 to, the Education Code, to amend Section 17311 of the Family Code, amend Sections 16140, 16310, 16428.15, 17302, 17303, 17310, 17311, 22910, 30051, 30061, and 30070 of, and to add Section 29553 to, the Government Code, to amend Sections 50740, 50782, 116760.30, and 129215 of the Health and Safety Code, to amend Sections 8613 and 48027 of the Public Resources Code, to amend Section 11003 of the Revenue and Taxation Code, to amend Sections 822, 1611, and 3001 of the Unemployment Insurance Code, to amend Section 9250 of the Vehicle Code, and to amend Sections 14163, 16809, and 18221 of, to add Section 5778.3 to, and to repeal and add Section 18220 of, the Welfare and Institutions Code, relating to state and local government, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 7, as amended, Ducheny. ~~Budget Act of 2008.~~ *2008: state and local government.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2008.~~

(1) Existing law establishes various funds in the State Treasury. Existing law also provides for the investment of money in the State Treasury, generally, by the Pooled Money Investment Board, in the Pooled Money Investment Account. Interest earned and increments

derived from these investments are distributed to the Surplus Money Investment Fund and the General Fund.

This bill would authorize the Controller to loan moneys in various funds to the General Fund for specified purposes. The bill would require that, with specified exception, interest be paid on all moneys loaned to the General Fund at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which the moneys were loaned. The bill would not authorize any transfer that would interfere with the carrying out of the object for which the funds were created.

(2) Existing law appropriates from the General Fund any unapplied money, as defined, in any amounts necessary to pay the interest on, and the principal of, any notes issued as the notes become due and payable. Existing law appropriates \$250,000 from the General Fund without regard to fiscal years, to be set aside in the State Notes Expense Account, to be used to pay expenses incurred by the Treasurer, the Controller, or the Department of Finance in providing for the preparation, sale, issuance, advertising, legal services, or any other act which, in the Treasurer's discretion, is necessary to carry out provisions of law relating to the issuance of warrants by the Controller.

The bill would provide that when any payment on a note or any payment to the provider of a credit enhancement or liquidity facility for a note is due, that payment shall be made subject only to the prior payment of payments required by law to be paid before the note or provider payment and payments that by the terms of the note or credit enhancement or liquidity agreement are permitted to be paid before the note or provider payment. The bill would provide that a demand drawn pursuant to these provisions to include those expenses described above. In the alternative, all or a portion of those expenses may be paid by causing the notes to bear interest at a rate that results in payment by the purchaser of the notes of a premium sufficient to pay those expenses.

(3) Existing law requires the amount appropriated by the Legislature for the use of the Department of Motor Vehicles and the Franchise Tax Board for the enforcement of the Vehicle License Fee Law, to be transferred from the Motor Vehicle License Fee Account in the Transportation Tax Fund to the Motor Vehicle Account in the State Transportation Fund, as specified.

This bill would instead require that this amount calculated for support of the Department of Motor Vehicles for the enforcement of the Vehicle

License Fee Law be deposited in a Local Safety and Protection Account in the Transportation Tax Fund, which would be continuously appropriated and allocated for specified purposes.

(4) Existing law authorizes counties and cities and counties to apply to the Controller to receive specified funding for certain booking or detention expenses.

This bill, during the 2008–09 fiscal year, would require 50% of the funding from the Controller to be funded from the Local Safety and Protection Account, and during the 2009–10 fiscal year would require those payments to be fully funded from that account, thereby resulting in an appropriation.

(5) Existing law requires the Department of Corrections and Rehabilitation to allocate \$168,713,000 among counties based on a specified allocation schedule.

This bill would instead require the Controller to allocate the funds deposited in the Local Safety and Protection Account to each county to support juvenile probation activities, thereby resulting in an appropriation.

Existing law also requires the Department of Corrections and Rehabilitation to annually allocate the sum of \$32,700,000 among counties that operate juvenile camps and ranches, based on the number of occupied beds in each camp, as prescribed.

This bill would, commencing with the 2008–09 fiscal year, reduce this allocation to \$29,430,000.

(6) Existing law establishes in each county treasury, a Supplemental Law Enforcement Services Fund to receive all amounts allocated to a county to fund specified public safety programs.

This bill would, commencing March 1, 2009, require the Controller to fund the Supplemental Law Enforcement Services Fund from the Local Safety and Protection Account in the Transportation Tax Fund, thereby resulting in an appropriation.

(7) Existing law annually appropriates from the General Fund to the Controller for allocation to county sheriff's departments, \$500,000 to enhance law enforcement efforts in specified counties.

This bill would, during the 2008–09 fiscal year, reduce this appropriation to \$275,000 to specified county sheriff's departments, and would eliminate this appropriation for each fiscal year thereafter.

(8) Existing law requires the Department of Motor Vehicles to charge a registration fee of \$31 on every vehicle or trailer coach, as specified.

This bill would require the department, on March 1, 2009, and thereafter, to charge a registration fee of \$43 on every vehicle or trailer coach, as specified.

(9) Under existing law, every constitutional amendment, bond measure, or other legislative measure submitted to the people by the Legislature shall appear on the ballot of the first statewide election occurring at least 131 days after the adoption of the proposal by the Legislature. Existing law provides that elections held in June and November of each even-numbered year, and elections held the first Tuesday in February of each year evenly divisible by the number 4, are statewide elections and these dates are statewide elections dates. Under existing law, the statewide elections in June and November of each even-numbered year are held on the first Tuesday after the first Monday of the month.

This bill would require that any Senate Constitutional Amendment or Assembly Constitutional Amendment adopted during the 2009–10 First Extraordinary Session be submitted to the voters at the November 2, 2010, statewide general election in accordance with the provisions of the Government Code and the Elections Code governing the submission of statewide measures to the voters.

(10) This bill would provide that it shall become effective only if either AB 2 or SB 2 and either AB 9 or SB 9 of the First Extraordinary Session are chaptered.

~~The~~

(11) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 1, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 1, 2008, pursuant to the California Constitution.

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

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

1 *SECTION 1. Section 69766 of the Education Code is amended*
2 *to read:*

69766. (a) The Federal Student Loan Reserve Fund and the Student Loan Operating Fund are hereby created in the State Treasury. On January 1, 2000, the State Guaranteed Loan Reserve Fund shall cease to exist, and funds deposited, or required to be deposited, in that fund, shall be transferred to the Federal Student Loan Reserve Fund or to the Student Loan Operating Fund and allocated to those funds in accordance with the requirements of federal law.

(b) All ~~money~~ moneys received for the purposes of this article from federal, state, or local governments, including any ~~money~~ moneys deposited in the State Guaranteed Loan Reserve Fund, or from other private or public sources, shall be deposited in the Federal Student Loan Reserve Fund or the Student Loan Operating Fund and allocated to those funds in accordance with the requirements of federal law. Funds deposited in the Federal Student Loan Reserve Fund or the Student Loan Operating Fund are not part of the General Fund, as defined in Section 16300 of the Government Code. No moneys from the General Fund shall be deposited in the Federal Student Loan Reserve Fund or the Student Loan Operating Fund.

(c) The contents of the Federal Student Loan Reserve Fund are federal funds, administered in accordance with federal laws and regulations. The contents of the Student Loan Operating Fund are state funds within the custody and control of the Student Aid Commission.

(d) Notwithstanding Section 13340 of the Government Code, all moneys deposited in the Federal Student Loan Reserve Fund and the Student Loan Operating Fund are hereby continuously appropriated, without regard to fiscal years, for purposes of this article. The continuous appropriation made by this section shall be available to assume the obligation under any outstanding budget act appropriation from the State Guaranteed Loan Reserve Fund as it existed prior to January 1, 2000. On or after the operative date of Article 2.4 (commencing with Section 69521), the expenditure of funds from the Student Loan Operating Fund is subject to the limitations set forth in Sections 69522 and 69526.

(e) *Notwithstanding any other provision of law, the Controller may use the moneys in the Student Loan Operating Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code, however, interest shall be paid on all*

1 moneys loaned to the General Fund from the Student Loan
2 Operating Fund. Interest payable shall be computed at a rate
3 determined by the Pooled Money Investment Board to be the
4 current earning rate of the fund from which loaned. This
5 subdivision does not authorize any transfer that will interfere with
6 the carrying out of the object for which the Student Loan Operating
7 Fund was created.

8 (e)–

9 (f) The total amount of all outstanding debts, obligations, and
10 liabilities that may be incurred or created under this article or under
11 Article 2.5 (commencing with Section 69522), including any
12 obligation to repay to the United States any funds provided under
13 Title IV of the “Higher Education Act of 1965,” and extensions
14 thereof or amendments thereto, or any similar act of Congress, is
15 limited to the amount contained in the Federal Student Loan
16 Reserve Fund or the Student Loan Operating Fund, and the state
17 shall not be liable to the United States, or to any other person or
18 entity, beyond the amount contained in the Federal Student Loan
19 Reserve Fund or the Student Loan Operating Fund for any debts,
20 obligations, and liabilities.

21 SEC. 2. Section 89722 of the Education Code is amended to
22 read:

23 89722. (a) The California State University Trust Fund is
24 hereby created in the State Treasury. ~~Money~~ Moneys in the
25 California State University Trust Fund ~~is~~ are appropriated to the
26 trustees as provided in Section 89724. Interest accruing upon the
27 investment of moneys of the California State University Trust
28 Fund shall be paid into and credited to ~~such~~ that fund. The trustees
29 shall apportion as of June 30 and December 31 of each year the
30 revenues earned and deposited in the fund during the six calendar
31 months ending with those dates. There shall be apportioned and
32 credited to each campus of the California State University having
33 deposits in the fund, an amount directly proportionate to the total
34 deposits in the fund and the length of time the deposits remained
35 therein. The chief fiscal officer of each campus of the California
36 State University may allocate further this amount to the extent
37 considered necessary.

38 (b) Notwithstanding any other provision of law, the Controller
39 may use the moneys in the California State University Trust Fund
40 for loans to the General Fund as provided in Sections 16310 and

1 16381 of the Government Code, however, interest shall be paid
2 on all moneys loaned to the General Fund from the California
3 State University Trust Fund. Interest payable shall be computed
4 at a rate determined by the Pooled Money Investment Board to be
5 the current earning rate of the fund from which loaned. This
6 subdivision does not authorize any transfer that will interfere with
7 the carrying out of the object for which the California State
8 University Trust Fund was created.

9 SEC. 3. Section 90082 is added to the Education Code, to read:
10 90082. Notwithstanding any other provision of law, the
11 Controller may use the moneys in the State College Dormitory
12 Building Maintenance and Equipment Reserve Fund for loans to
13 the General Fund as provided in Sections 16310 and 16381 of the
14 Government Code, however, interest shall be paid on all moneys
15 loaned to the General Fund from the State College Dormitory
16 Building Maintenance and Equipment Reserve Fund. Interest
17 payable shall be computed at a rate determined by the Pooled
18 Money Investment Board to be the current earning rate of the fund
19 from which loaned. This section does not authorize any transfer
20 that will interfere with the carrying out of the object for which the
21 State College Dormitory Building Maintenance and Equipment
22 Reserve Fund was created.

23 SEC. 4. Section 17311 of the Family Code is amended to read:
24 17311. (a) The Child Support Payment Trust Fund is hereby
25 created in the State Treasury. The department shall administer the
26 fund.

27 (b) (1) The state may deposit child support payments received
28 by the State Disbursement Unit, including those amounts that result
29 in overpayment of child support, into the Child Support Payment
30 Trust Fund, for the purpose of processing and providing child
31 support payments. Notwithstanding Section 13340 of the
32 Government Code, the fund is continuously appropriated for the
33 purposes of disbursing child support payments from the State
34 Disbursement Unit.

35 (2) The state share of the interest and other earnings that accrue
36 on the fund shall be available to the department and used to offset
37 the following General Fund costs in this order:

38 (A) Any transfers made to the Child Support Payment Trust
39 Fund from the General Fund.

1 (B) The cost of administering the State Disbursement Unit,
2 subject to appropriation by the Legislature.

3 (C) Other child support program activities, subject to
4 appropriation by the Legislature.

5 (c) The department may establish and administer a revolving
6 account in the Child Support Payment Trust Fund in an amount
7 not to exceed six hundred million dollars (\$600,000,000) to ensure
8 the timely disbursement of child support. This amount may be
9 adjusted by the Director of Finance upon notification of the
10 Legislature as required, to meet payment timeframes required
11 under federal law.

12 (d) It is the intent of the Legislature to provide transfers from
13 the General Fund to provide startup funds for the Child Support
14 Payment Trust Fund so that, together with the balances transferred
15 pursuant to Section 17311.7, the Child Support Payment Trust
16 Fund will have sufficient cash on hand to make all child support
17 payments within the required timeframes.

18 (e) Notwithstanding any other provision of law, an ongoing loan
19 shall be made available from the General Fund, from funds not
20 otherwise appropriated, to the Child Support Payment Trust Fund,
21 not to exceed one hundred fifty million dollars (\$150,000,000) to
22 ensure the timely disbursement of child support payments when
23 funds have not been recorded to the Child Support Payment Trust
24 Fund or due to other fund liabilities, including, but not limited to,
25 Internal Revenue Service negative adjustments to tax intercept
26 payments. Whenever an adjustment of this amount is required to
27 meet payment timeframes under federal law, the amount shall be
28 adjusted after approval of the Director of Finance. In conjunction
29 with the Department of Finance and the Controller's office, the
30 department shall establish repayment procedures to ensure the
31 outstanding loan balance does not exceed the average daily cash
32 needs. The ongoing evaluation of the fund as detailed in these
33 procedures shall occur no less frequently than monthly.

34 (f) *Notwithstanding any other provision of law, the Controller*
35 *may use the moneys in the Child Support Payment Trust Fund for*
36 *loans to the General Fund as provided in Sections 16310 and*
37 *16381 of the Government Code, however, interest shall be paid*
38 *on all moneys loaned to the General Fund from the Child Support*
39 *Payment Trust Fund. Interest payable shall be computed at a rate*
40 *determined by the Pooled Money Investment Board to be the*

1 *current earning rate of the fund from which loaned. This*
2 *subdivision does not authorize any transfer that will interfere with*
3 *the carrying out of the object for which the Child Support Payment*
4 *Trust Fund was created.*

5 *SEC. 5. Section 16140 of the Government Code is amended to*
6 *read:*

7 ~~16140. There is hereby continuously appropriated to the~~
8 ~~Controller from the General Fund a sum sufficient to make the~~
9 ~~payments required by this chapter.~~

10 *The*

11 *16140. The payments provided by this chapter shall be made*
12 *only when the value of each parcel of open-space land assessed*
13 *under Sections 423, 423.3, 423.4, and 423.5 of the Revenue and*
14 *Taxation Code is less than the value that would have resulted if*
15 *the valuation of the property was made pursuant to Section 110.1*
16 *of the Revenue and Taxation Code, as though the property were*
17 *not subject to an enforceable restriction in the base year.*

18 *SEC. 6. Section 16310 of the Government Code is amended to*
19 *read:*

20 *16310. (a) When the General Fund in the Treasury is or will*
21 *be exhausted, the Controller shall notify the Governor and the*
22 *Pooled Money Investment Board. The Governor may order the*
23 *Controller to direct the transfer of all or any part of the moneys*
24 *not needed in other funds or accounts to the General Fund from*
25 *those funds or accounts, as determined by the Pooled Money*
26 *Investment Board, including the Surplus Money Investment Fund*
27 *or the Pooled Money Investment Account. All moneys so*
28 *transferred shall be returned to the funds or accounts from which*
29 *they were transferred as soon as there are sufficient moneys in the*
30 *General Fund to return them. No interest shall be charged or paid*
31 *on any transfer authorized by this section, exclusive of the Pooled*
32 *Money Investment Account, except as provided herein. This section*
33 *does not authorize any transfer that will interfere with the object*
34 *for which a special fund was created or any transfer from the*
35 *Central Valley Water Project Construction Fund, the Central Valley*
36 *Water Project Revenue Fund, or the California Water Resources*
37 *Development Bond Fund.*

38 *(b) (1) Interest shall be paid on all moneys transferred to the*
39 *General Fund from the Department following funds:*

1 (A) *The Department of Food and Agriculture Fund* ~~and from~~
2 ~~any.~~

3 (B) *The DNA Identification Fund.*

4 (C) *The Mental Health Services Fund.*

5 (D) *All funds created pursuant to the California Children and*
6 *Families Act of 1998, enacted by Proposition 10 at the November*
7 *3, 1998, statewide general election.*

8 (E) *Any funds retained by or in the possession of the California*
9 *Exposition and State Fair pursuant to this section.* ~~With~~

10 (2) *With respect to all other funds, and unless otherwise*
11 *specified, if the total moneys transferred to the General Fund in*
12 *any fiscal year from any special fund pursuant to this section*
13 *exceed an amount equal to 10 percent of the total additions to*
14 *surplus available for appropriation as shown in the statement of*
15 *operations of a prior fiscal year as set forth in the most recent*
16 *published annual report of the Controller, interest shall be paid on*
17 *the excess. Interest payable under this section shall be computed*
18 *at a rate determined by the Pooled Money Investment Board to be*
19 *the current earning rate of the fund from which transferred.*

20 (c) *Except as described in subdivision (d), all moneys in the*
21 *State Treasury may be loaned for the purposes described in*
22 *subdivision (a).*

23 (d) *Subdivision (c) shall not apply to any of the following:*

24 (1) *The Local Agency Investment Fund.*

25 (2) *Funds classified in the State of California Uniform Codes*
26 *Manual as bond funds or retirement funds.*

27 (3) *All or part of the moneys not needed in other funds or*
28 *accounts for purposes of subdivision (a) where the Controller is*
29 *prohibited by the California Constitution, bond indenture, or*
30 *statutory or case law from transferring all or any part of those*
31 *moneys.*

32 SEC. 7. *Section 16428.15 of the Government Code is amended*
33 *to read:*

34 16428.15. (a) *The Ratepayer Relief Fund is hereby established*
35 *in the State Treasury. The purpose of the fund is to benefit*
36 *electricity and natural gas ratepayers and to fund investigation and*
37 *litigation costs of the state in pursuing allegations of overcharges*
38 *and unfair business practices against generators, suppliers, or*
39 *marketers of electricity or natural gas.*

(b) Notwithstanding any other provision of law, the Controller may use the moneys in the Ratepayer Relief Fund for loans to the General Fund as provided in Sections 16310 and 16381, however, interest shall be paid on all moneys loaned to the General Fund from the Ratepayer Relief Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Ratepayer Relief Fund was created.

SEC. 8. Section 17302 of the Government Code is amended to read:

17302. Notes shall be issued pursuant to this part only to raise funds in an amount sufficient to satisfy the Controller's registered demand or demands. Proceeds of notes may also be used for the payments described in Section 17311 to the extent that those payments are not included within the appropriations comprising the demand or demands. The principal amount of the issuance of notes shall equal the amount of the demand or the portion of the demand that is satisfied by the issuance. The issuance of any notes pursuant to this part shall be authorized by a resolution adopted by the Treasurer with the approval of the Controller and the Director of Finance.

(a) Any note (1) may be negotiable, (2) may be payable to order or to bearer, (3) may be in any denomination, (4) shall be payable not later than 120 days after the end of the fiscal year in which the note has been issued and shall not be renewable beyond that date, (5) may bear fixed or variable interest at a rate or rates to be determined as provided by the resolution and payable as provided therein, (6) may be payable on a fixed date or upon demand of the holder of the note, (7) may be made subject to prepayment or redemption at the option of the state or at the option of the holder, and (8) may have a term not exceeding 12 months.

(b) In lieu of issuing notes pursuant to subdivision (a), the resolution may provide for the issuance of notes in the form of commercial paper. This commercial paper may be issued and renewed from time to time, in amounts, subject to the requirements of this subdivision, as the Treasurer shall determine, from the date of initial issuance until the final maturity date, which shall not be more than 12 months, and shall occur not more than 120 days after

1 the end of the fiscal year in which the commercial paper was first
2 issued, and may not be renewed beyond that date. The maximum
3 principal amount of commercial paper outstanding at any one time
4 shall be stated in the resolution, and shall not be greater than the
5 amount of the Controller's demand. The resolution may also
6 provide that the commercial paper (1) may be negotiable, (2) may
7 be payable to order or to bearer, (3) may be in any denomination,
8 (4) may bear fixed or variable interest at a rate or rates to be
9 determined as provided in the resolution and payable as provided
10 therein, (5) may be payable on a fixed date or upon demand of the
11 holder of the commercial paper, (6) may be made subject to
12 prepayment or redemption at the option of the state or of the holder,
13 and (7) may contain any other provision necessary or appropriate
14 to carry out the program of commercial paper.

15 *SEC. 9. Section 17303 of the Government Code is amended to*
16 *read:*

17 17303. Upon receipt of the purchase price of the notes, the
18 Treasurer shall notify the Controller that funds for the payment of
19 *all or part of* the registered demand or demands are in the State
20 Treasury and available for the payment of claims represented by
21 the registered demand or demands. The Controller may thereupon
22 proceed to draw warrants against appropriations lawfully made by
23 the Legislature to be paid in the fiscal year and represented by the
24 registered demand or demands. Upon the payment in full of the
25 notes representing the registered demand or demands, *or the*
26 *portion of the demand or demands as set forth in Section 17302,*
27 *the appropriate portion of* the registered demand or demands shall
28 be canceled.

29 *SEC. 10. Section 17310 of the Government Code is amended*
30 *to read:*

31 17310. (a) Notwithstanding Section 13340, there is hereby
32 appropriated from the General Fund any unapplied money, as
33 defined in *subdivision (a) of* Section 17220, in any amounts
34 necessary to pay the interest on, and the principal of, any notes
35 issued pursuant to this part, as the *interest on and the principal of*
36 *the notes* become due and payable.

37 (b) *When any payment on a note or any payment to the provider*
38 *of a credit enhancement or liquidity facility for a note is due, that*
39 *payment shall be made subject only to prior payment of the*
40 *following:*

1 (1) *Payments required by law to be paid before the note or*
2 *provider payment.*

3 (2) *Payments that by the terms of the note or credit enhancement*
4 *or liquidity agreement are permitted to be paid before the note or*
5 *provider payment.*

6 SEC. 11. *Section 17311 of the Government Code is amended*
7 *to read:*

8 17311. (a) *There is hereby appropriated from the General Fund*
9 *without regard to fiscal years, two hundred fifty thousand dollars*
10 *(\$250,000), which shall be set aside in a special account entitled*
11 *State Notes Expense Account, and shall be used to pay expenses*
12 *incurred by the Treasurer, Controller, or the Department of Finance*
13 *in providing for the preparation, sale, issuance, advertising, legal*
14 *services, or any other act which, in the discretion of the Treasurer*
15 *or the Department of Finance, is necessary to carry out the purposes*
16 *of this part. This account shall operate as a revolving fund and*
17 *whenever notes are sold, out of the first money realized from their*
18 *sale, any remaining expenses shall be paid and then there shall be*
19 *redeposited in the account any amounts that have been expended*
20 *for the above purposes, which amounts may be used for the same*
21 *purposes and repaid in the same manner whenever additional sales*
22 *are made. Without limiting Section 17300, a demand drawn under*
23 *Section 17300 may include the expenses described in this*
24 *subdivision. In the alternative, all or a portion of the expenses*
25 *described in this subdivision may be paid by causing the notes to*
26 *bear interest at a rate that results in payment by the purchaser of*
27 *the notes of a premium sufficient to pay these expenses.*

28 (b) *Any premium received upon the sale of an issuance of notes*
29 *shall be applied to expenses described in subdivision (a) or shall*
30 *be credited to the General Fund and applied to the payment of*
31 *interest on notes.*

32 SEC. 12. *Section 22910 of the Government Code is amended*
33 *to read:*

34 22910. (a) *There shall be maintained in the State Treasury the*
35 *Public Employees' Contingency Reserve Fund. The board may*
36 *invest funds in the Public Employees' Contingency Reserve Fund*
37 *in accordance with the provisions of law governing its investment*
38 *of the retirement fund.*

39 (b) (1) *An account shall be maintained within the Public*
40 *Employees' Contingency Reserve Fund with respect to the health*

1 benefit plans the board has approved or that have entered into a
2 contract with the board. The account shall be credited, from time
3 to time and in amounts as determined by the board, with moneys
4 contributed under Section 22885 or 22901 to provide an adequate
5 contingency reserve. The income derived from any dividends, rate
6 adjustments, or other funds received from a health benefit plan
7 shall be credited to the account. The board may deposit, in the
8 same manner as provided in paragraph (4), up to one-half of 1
9 percent of premiums in the account for purposes of cost
10 containment programs, subject to approval as provided in paragraph
11 (2) of subdivision (c).

12 (2) The account for health benefit plans may be utilized to defray
13 increases in future rates, to reduce the contributions of employees
14 and annuitants and employers, to implement cost containment
15 programs, or to increase the benefits provided by a health benefit
16 plan, as determined by the board. The board may use penalties and
17 interest deposited pursuant to subdivision (c) of Section 22899 to
18 pay any difference between the adjusted rate set by the board
19 pursuant to Section 22864 and the applicable health benefit plan
20 contract rates.

21 (3) The total credited to the account for health benefit plans at
22 any time shall be limited, in the manner and to the extent the board
23 may find to be most practical, to a maximum of 10 percent of the
24 total of the contributions of the employers and employees and
25 annuitants in any fiscal year. The board may undertake any action
26 to ensure that the maximum amount prescribed for the fund is
27 approximated.

28 (4) Board rules and regulations adopted pursuant to Section
29 22831 to minimize the impact of adverse selection or contracts
30 entered into pursuant to Section 22864 to implement health benefit
31 plan performance incentives may provide for deposit in and
32 disbursement to carriers or to Medicare from the account the
33 portion of the contributions otherwise payable directly to the
34 carriers by the Controller under Section 22913 as may be required
35 for that purpose. The deposits may not be included in applying the
36 limitations, prescribed in paragraph (3), on total amounts that may
37 be deposited in or credited to the fund.

38 (5) Notwithstanding Section 13340, all moneys in the account
39 for health benefit plans are continuously appropriated without
40 regard to fiscal year for the purposes provided in this subdivision.

(c) (1) An account shall also be maintained in the Public Employees' Contingency Reserve Fund for administrative expenses consisting of funds deposited for this purpose pursuant to Sections 22885 and 22901.

(2) The moneys deposited pursuant to Sections 22885 and 22901 in the Public Employees' Contingency Reserve Fund may be expended by the board for administrative purposes, provided that the expenditure is approved by the Department of Finance and the Joint Legislative Budget Committee in the manner provided in the Budget Act for obtaining authorization to expend at rates requiring a deficiency appropriation, regardless of whether the expenses were anticipated.

(d) An account shall be maintained in the Public Employees' Contingency Reserve Fund for health plan premiums paid by contracting agencies, including payments made pursuant to subdivision (f) of Section 22850. Notwithstanding Section 13340, the funds are continuously appropriated, without regard to fiscal year, for the payment of premiums or other charges to carriers or the Public Employees' Health Care Fund. Penalties and interest paid pursuant to subdivision (c) of Section 22899 shall be deposited in the account pursuant to paragraphs (1) and (2) of subdivision (b).

(e) Accounts shall be maintained in the Public Employees' Contingency Reserve Fund for complementary annuitant premiums and related administrative expenses paid by annuitants pursuant to Section 22802. Notwithstanding Section 13340, the funds are continuously appropriated, without regard to fiscal year, to reimburse the Public Employees' Retirement Fund for payment of annuitant health premiums, and for the payment of premiums and other charges to carriers or to the Public Employees' Health Care Fund. Administrative expenses deposited in this account shall be credited to the account provided by subdivision (c).

(f) Amounts received by the board for retiree drug subsidy payments that are attributed to contracting agencies and their annuitants and employees pursuant to subdivision (c) of Section 22910.5 shall be deposited in the Public Employees' Contingency Reserve Fund. Notwithstanding Section 13340, these amounts are continuously appropriated, without regard to fiscal year, for the payment of premiums, costs, contributions, or other benefits related to contracting agencies and their employees and annuitants, and

1 as consistent with the Medicare Prescription Drug Improvement
2 and Modernization Act, as amended.

3 (g) The Account for Retiree Drug Subsidy Payments is hereby
4 established in the Public Employees' Contingency Reserve Fund
5 and funds in that account shall, upon appropriation by the
6 Legislature, be used for the purposes described in Section 22910.5.

7 (h) *Notwithstanding any other provision of law, the Controller*
8 *may use the moneys in the Public Employees' Contingency Reserve*
9 *Fund for loans to the General Fund as provided in Sections 16310*
10 *and 16381, however, interest shall be paid on all moneys loaned*
11 *to the General Fund from the Public Employees' Contingency*
12 *Reserve Fund. Interest payable shall be computed at a rate*
13 *determined by the Pooled Money Investment Board to be the*
14 *current earning rate of the fund from which loaned. This*
15 *subdivision does not authorize any transfer that will interfere with*
16 *the carrying out of the object for which the Public Employees'*
17 *Contingency Reserve Fund was created.*

18 SEC. 13. Section 29553 is added to the Government Code, to
19 read:

20 29553. *Beginning July 1, 2009, the payments authorized by*
21 *Section 29552 shall be fully funded from the Local Safety and*
22 *Protection Account. The Controller shall allocate 8.77 percent of*
23 *the moneys annually deposited in the Local Safety and Protection*
24 *Account for purposes of these payments.*

25 SEC. 14. Section 30051 of the Government Code is amended
26 to read:

27 30051. (a) The Local Public Safety Fund is hereby created in
28 the State Treasury. The fund shall consist of the Interim Public
29 Safety Account to receive all revenues deposited therein pursuant
30 to *former* paragraph (8) of, and the Public Safety Account to
31 receive all those revenues deposited therein pursuant to *former*
32 paragraph (9) of, subdivision (a) of Section 7102 of the Revenue
33 and Taxation Code. Moneys in the fund may only be appropriated
34 for the purposes specified in Section 30052.

35 (b) *Notwithstanding any other provision of law, the Controller*
36 *may use the moneys in the Public Safety Account in the Local*
37 *Public Safety Fund for loans to the General Fund as provided in*
38 *Sections 16310 and 16381, however, interest shall be paid on all*
39 *moneys loaned to the General Fund from the Public Safety Account*
40 *in the Local Public Safety Fund. Interest payable shall be computed*

at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Public Safety Account in the Local Public Safety Fund was created.

SEC. 15. Section 30061 of the Government Code is amended to read:

30061. (a) There shall be established in each county treasury a Supplemental Law Enforcement Services Fund (SLESF), to receive all amounts allocated to a county for purposes of implementing this chapter.

(b) In any fiscal year for which a county receives moneys to be expended for the implementation of this chapter, the county auditor shall allocate the moneys in the county's SLESF, including any interest or other return earned on the investment of those moneys, within 30 days of the deposit of those moneys into the fund, and shall allocate those moneys in accordance with the requirements set forth in this subdivision. However, the auditor shall not transfer those moneys to a recipient agency until the Supplemental Law Enforcement Oversight Committee certifies receipt of an approved expenditure plan from the governing board of that agency. The moneys shall be allocated as follows:

(1) Five and fifteen-hundredths percent to the county sheriff for county jail construction and operation. In the case of Madera, Napa, and Santa Clara Counties, this allocation shall be made to the county director or chief of corrections.

(2) Five and fifteen-hundredths percent to the district attorney for criminal prosecution.

(3) Thirty-nine and seven-tenths percent to the county and the cities within the county, and, in the case of San Mateo, Kern, Siskiyou, and Contra Costa Counties, also to the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District, in accordance with the relative population of the cities within the county and the unincorporated area of the county, and the Broadmoor Police Protection District in the County of San Mateo, the Bear Valley Community Services District and the Stallion Springs Community Services District in Kern County, the Lake Shastina Community

1 Services District in Siskiyou County, and the Kensington Police
2 Protection and Community Services District in Contra Costa
3 County, as specified in the most recent January estimate by the
4 population research unit of the Department of Finance, and as
5 adjusted to provide a grant of at least ~~one hundred thousand dollars~~
6 ~~(\$100,000)~~ *eighty-nine thousand five hundred dollars (\$89,500)*
7 to each law enforcement jurisdiction. For a newly incorporated
8 city whose population estimate is not published by the Department
9 of Finance, but that was incorporated prior to July 1 of the fiscal
10 year in which an allocation from the SLESF is to be made, the city
11 manager, or an appointee of the legislative body, if a city manager
12 is not available, and the county administrative or executive officer
13 shall prepare a joint notification to the Department of Finance and
14 the county auditor with a population estimate reduction of the
15 unincorporated area of the county equal to the population of the
16 newly incorporated city by July 15, or within 15 days after the
17 Budget Act is enacted, of the fiscal year in which an allocation
18 from the SLESF is to be made. No person residing within the
19 Broadmoor Police Protection District, the Bear Valley Community
20 Services District, the Stallion Springs Community Services District,
21 the Lake Shastina Community Services District, or the Kensington
22 Police Protection and Community Services District shall also be
23 counted as residing within the unincorporated area of the County
24 of San Mateo, Kern, Siskiyou, or Contra Costa, or within any city
25 located within those counties. The county auditor shall allocate a
26 grant of at least ~~one hundred thousand dollars (\$100,000)~~
27 *eighty-nine thousand five hundred dollars (\$89,500)* to each law
28 enforcement jurisdiction. Moneys allocated to the county pursuant
29 to this subdivision shall be retained in the county SLESF, and
30 moneys allocated to a city pursuant to this subdivision shall be
31 deposited in an SLESF established in the city treasury.

32 (4) Fifty percent to the county or city and county to implement
33 a comprehensive multiagency juvenile justice plan as provided in
34 this paragraph and to the Board of Corrections for administrative
35 purposes. Funding for the Board of Corrections, as determined by
36 the Department of Finance, shall not exceed two hundred
37 seventy-five thousand dollars (\$275,000). For the 2003–04 fiscal
38 year, of the two hundred seventy-five thousand dollars (\$275,000),
39 up to one hundred seventy-six thousand dollars (\$176,000) may
40 be used for juvenile facility inspections. The juvenile justice plan

shall be developed by the local juvenile justice coordinating council in each county and city and county with the membership described in Section 749.22 of the Welfare and Institutions Code. If a plan has been previously approved by the Board of Corrections, the plan shall be reviewed and modified annually by the council. The plan or modified plan shall be approved by the county board of supervisors, and in the case of a city and county, the plan shall also be approved by the mayor. The plan or modified plan shall be *annually* submitted to the ~~Board~~ *Department of Corrections by May 1, 2002, and annually thereafter and Rehabilitation by May 1 of each year.*

(A) Juvenile justice plans shall include, but not be limited to, all of the following components:

(i) An assessment of existing law enforcement, probation, education, mental health, health, social services, drug and alcohol, and youth services resources that specifically target at-risk juveniles, juvenile offenders, and their families.

(ii) An identification and prioritization of the neighborhoods, schools, and other areas in the community that face a significant public safety risk from juvenile crime, such as gang activity, daylight burglary, late-night robbery, vandalism, truancy, controlled substances sales, firearm-related violence, and juvenile substance abuse and alcohol use.

(iii) A local juvenile justice action strategy that provides for a continuum of responses to juvenile crime and delinquency and demonstrates a collaborative and integrated approach for implementing a system of swift, certain, and graduated responses for at-risk youth and juvenile offenders.

(iv) Programs identified in clause (iii) that are proposed to be funded pursuant to this subparagraph, including the projected amount of funding for each program.

(B) Programs proposed to be funded shall satisfy all of the following requirements:

(i) Be based on programs and approaches that have been demonstrated to be effective in reducing delinquency and addressing juvenile crime for any elements of response to juvenile crime and delinquency, including prevention, intervention, suppression, and incapacitation.

(ii) Collaborate and integrate services of all the resources set forth in clause (i) of subparagraph (A), to the extent appropriate.

(iii) Employ information sharing systems to ensure that county actions are fully coordinated, and designed to provide data for measuring the success of juvenile justice programs and strategies.

(iv) Adopt goals related to the outcome measures that shall be used to determine the effectiveness of the local juvenile justice action strategy.

(C) The plan shall also identify the specific objectives of the programs proposed for funding and specified outcome measures to determine the effectiveness of the programs and contain an accounting for all program participants, including those who do not complete the programs. Outcome measures of the programs proposed to be funded shall include, but not be limited to, all of the following:

(i) The rate of juvenile arrests per 100,000 population.

(ii) The rate of successful completion of probation.

(iii) The rate of successful completion of restitution and court-ordered community service responsibilities.

(iv) Arrest, incarceration, and probation violation rates of program participants.

(v) Quantification of the annual per capita costs of the program.

(D) The ~~Board~~ *Department of Corrections and Rehabilitation* shall review plans or modified plans submitted pursuant to this paragraph within 30 days upon receipt of submitted or resubmitted plans or modified plans. The board shall approve only those plans or modified plans that fulfill the requirements of this paragraph, and shall advise a submitting county or city and county immediately upon the approval of its plan or modified plan. The board shall offer, and provide, if requested, technical assistance to any county or city and county that submits a plan or modified plan not in compliance with the requirements of this paragraph. The SLESF shall only allocate funding pursuant to this paragraph upon notification from the board that a plan or modified plan has been approved.

(E) To assess the effectiveness of programs funded pursuant to this paragraph using the program outcome criteria specified in subparagraph (C), the following periodic reports shall be submitted:

(i) Each county or city and county shall report, beginning October 15, 2002, and annually each October 15 thereafter, to the county board of supervisors and the ~~Board~~ *Department of Corrections and Rehabilitation*, in a format specified by the ~~Board~~

Department of Corrections and Rehabilitation, on the programs funded pursuant to this chapter and program outcomes as specified in subparagraph (C).

(ii) ~~The Board~~ *Department of Corrections and Rehabilitation* shall compile the local reports and, by March 15, 2003, and annually thereafter, make a report to the Governor and the Legislature on program expenditures within each county and city and county from the appropriation for the purposes of this paragraph, on the outcomes as specified in subparagraph (C) of the programs funded pursuant to this paragraph and the statewide effectiveness of the comprehensive multiagency juvenile justice plans.

(c) Subject to subdivision (d), for each fiscal year in which the county, each city, the Broadmoor Police Protection District, the Bear Valley Community Services District, the Stallion Springs Community Services District, the Lake Shastina Community Services District, and the Kensington Police Protection and Community Services District receive moneys pursuant to paragraph (3) of subdivision (b), the county, each city, and each district specified in this subdivision shall appropriate those moneys in accordance with the following procedures:

(1) In the case of the county, the county board of supervisors shall appropriate existing and anticipated moneys exclusively to provide frontline law enforcement services, other than those services specified in paragraphs (1) and (2) of subdivision (b), in the unincorporated areas of the county, in response to written requests submitted to the board by the county sheriff and the district attorney. Any request submitted pursuant to this paragraph shall specify the frontline law enforcement needs of the requesting entity, and those personnel, equipment, and programs that are necessary to meet those needs. The board shall, at a public hearing held at a time determined by the board in each year that the Legislature appropriates funds for purposes of this chapter, or within 30 days after a request by a recipient agency for a hearing if the funds have been received by the county from the state prior to that request, consider and determine each submitted request within 60 days of receipt, pursuant to the decision of a majority of a quorum present. The board shall consider these written requests separate and apart from the process applicable to proposed allocations of the county general fund.

(2) In the case of a city, the city council shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with written requests submitted by the chief of police of that city or the chief administrator of the law enforcement agency that provides police services for that city. These written requests shall be acted upon by the city council in the same manner as specified in paragraph (1) for county appropriations.

(3) In the case of the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County, the legislative body of that special district shall appropriate existing and anticipated moneys exclusively to fund frontline municipal police services, in accordance with written requests submitted by the chief administrator of the law enforcement agency that provides police services for that special district. These written requests shall be acted upon by the legislative body in the same manner specified in paragraph (1) for county appropriations.

(d) For each fiscal year in which the county, a city, or the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District or the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, or the Kensington Police Protection and Community Services District within Contra Costa County receives any moneys pursuant to this chapter, in no event shall the governing body of any of those recipient agencies subsequently alter any previous, valid appropriation by that body, for that same fiscal year, of moneys allocated to the county or city pursuant to paragraph (3) of subdivision (b).

(e)

(e) Effective March 1, 2009, the programs authorized by this chapter shall be funded from the Local Safety and Protection Account in the Transportation Fund authorized by Section 11003 of the Revenue and Taxation Code. Of the amount deposited in the Local Safety and Protection Account in the 2008–09 fiscal year, the Controller shall allocate 29.26 percent for purposes of

paragraphs (1), (2), and (3) of subdivision (b), and shall allocate 29.26 percent for purposes of paragraph (4) of subdivision (b). Beginning July 1, 2009, and every fiscal year thereafter, the Controller shall allocate 26.69 percent of the amount deposited in the Local Safety and Protection Account for purposes of paragraphs (1), (2), and (3) of subdivision (b), and shall allocate 26.69 percent for purposes of paragraph (4) of subdivision (b).

(f) The Controller shall allocate funds, ~~upon their appropriation by the Legislature in the annual Budget Act,~~ to local jurisdictions for public safety in accordance with this section as *annually* calculated by the Director of Finance. The Controller shall allocate these funds in four equal installments, to be paid in September, December, March, and June of each fiscal year.

(f)

(g) Funds received pursuant to subdivision (b) shall be expended or encumbered in accordance with this chapter no later than June 30 of the following fiscal year. A local agency that has not met this requirement shall remit unspent SLESF moneys *received prior to March 1, 2009*, to the Controller for deposit into the General Fund. *A local agency that has not met the requirement of this subdivision shall remit unspent SLESF moneys received after March 1, 2009, to the Local Safety and Protection Account.*

(g)

(h) If a county, a city, a city and county, or a qualifying special district does not comply with the requirements of this chapter to receive an SLESF allocation, the Controller shall revert those funds *that were provided for the noncompliant entity prior to March 1, 2009*, to the General Fund. *Funds provided for the noncompliant entity after March 1, 2009, shall be reverted to the Local Safety and Protection Account.*

SEC. 16. Section 30070 of the Government Code is amended to read:

30070. (a) The sum of eighteen million five hundred thousand dollars (\$18,500,000) is hereby annually appropriated from the General Fund to the Controller for allocation to county sheriffs' departments to enhance law enforcement efforts in the counties specified in paragraphs (1) to (37), inclusive, according to the following schedule:

(1) Alpine County.....	500,000
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1	(2) Amador County.....	500,000
2	(3) Butte County.....	500,000
3	(4) Calaveras County.....	500,000
4	(5) Colusa County.....	500,000
5	(6) Del Norte County.....	500,000
6	(7) El Dorado County.....	500,000
7	(8) Glenn County.....	500,000
8	(9) Humboldt County.....	500,000
9	(10) Imperial County.....	500,000
10	(11) Inyo County.....	500,000
11	(12) Kings County.....	500,000
12	(13) Lake County.....	500,000
13	(14) Lassen County.....	500,000
14	(15) Madera County.....	500,000
15	(16) Marin County.....	500,000
16	(17) Mariposa County.....	500,000
17	(18) Mendocino County.....	500,000
18	(19) Merced County.....	500,000
19	(20) Modoc County.....	500,000
20	(21) Mono County.....	500,000
21	(22) Napa County.....	500,000
22	(23) Nevada County.....	500,000
23	(24) Placer County.....	500,000
24	(25) Plumas County.....	500,000
25	(26) San Benito County.....	500,000
26	(27) San Luis Obispo County.....	500,000
27	(28) Santa Cruz County.....	500,000
28	(29) Shasta County.....	500,000
29	(30) Sierra County.....	500,000
30	(31) Siskiyou County.....	500,000
31	(32) Sutter County.....	500,000
32	(33) Tehama County.....	500,000
33	(34) Trinity County.....	500,000
34	(35) Tuolumne County.....	500,000
35	(36) Yolo County.....	500,000
36	(37) Yuba County.....	500,000

37

38 (b) Funds allocated pursuant to this section shall be used to
 39 supplement rather than supplant existing law enforcement
 40 resources.

(c) The appropriation and allocation of funds to county sheriffs' departments under this section shall be suspended for the 2003–04 fiscal year.

(d) *Beginning July 1, 2009, the appropriation authorized by this section shall be suspended. This suspension shall remain in effect unless rescinded by a subsequently enacted statute.*

SEC. 17. Section 50740 of the Health and Safety Code is amended to read:

50740. (a) The Rental Housing Construction Incentive Fund established in the State Treasury is hereby renamed the Rental Housing Construction Fund. Notwithstanding Section 13340 of the Government Code, all ~~money~~ moneys in the fund ~~is are~~ hereby continuously appropriated to the Department of Housing and Community Development, and, except as provided in subdivisions (b) and (c), shall be utilized for purposes of this chapter, Section 50775.5, and Chapter 15 (commencing with Section 50880). All interest or other increment resulting from investment or deposit of moneys in the fund shall be deposited in the fund, notwithstanding Section 16305.7 of the Government Code. Moneys in the fund shall not be subject to transfer to any other fund pursuant to Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, except the Surplus Money Investment Fund.

(b) An amount not to exceed four million dollars (\$4,000,000) of the moneys from the fund utilized by the agency for development costs which is repaid to the agency or disencumbered on or after July 1, 1983, shall be deposited in a separate account and utilized and apportioned in accordance with the following percentages as it becomes available:

(1) Fifty percent of the moneys shall be transferred by the agency to the department and deposited in the Housing Rehabilitation Loan Fund, established pursuant to Section 50661, and utilized for making deferred payment loans for residential hotels as authorized by subdivision (b) of Section 50661 and for purposes of subdivision (c) of that section.

(2) Twenty-five percent of the moneys shall be transferred by the agency to the department for deposit in the Emergency Housing and Assistance Fund, established pursuant to Section ~~50800~~ 50800.5.

1 (3) Twenty-five percent of the moneys shall be transferred by
2 the agency to the department for deposit in the annuity fund,
3 established pursuant to Section 50738.5.

4 (c) Notwithstanding any other provision of law, effective with
5 the date of the act adding this subdivision, appropriations
6 authorized for support of the department from the Family Housing
7 Demonstration Account shall instead be authorized for expenditure
8 from the Rental Housing Construction Fund.

9 (d) *Notwithstanding any other provision of law, the Controller*
10 *may use the moneys in the Rental Housing Construction Fund for*
11 *loans to the General Fund as provided in Sections 16310 and*
12 *16381 of the Government Code, however, interest shall be paid*
13 *on all moneys loaned to the General Fund from the Rental Housing*
14 *Construction Fund. Interest payable shall be computed at a rate*
15 *determined by the Pooled Money Investment Board to be the*
16 *current earning rate of the fund from which loaned. This*
17 *subdivision does not authorize any transfer that will interfere with*
18 *the carrying out of the object for which the Rental Housing*
19 *Construction Fund was created.*

20 SEC. 18. Section 50782 of the Health and Safety Code is
21 amended to read:

22 50782. (a) The Mobilehome Park Purchase Fund is hereby
23 created in the State Treasury and, notwithstanding Section 13340
24 of the Government Code or any other provisions of law, is
25 continuously appropriated to the department for the purpose of
26 providing loans pursuant to this chapter and for related
27 administrative costs of the department. Notwithstanding Section
28 16305.7 of the Government Code, any moneys received by the
29 department pursuant to this chapter, *and* any other sources,
30 repayments, interest, or new appropriations, shall be deposited in
31 the fund. ~~Money~~ Moneys in the fund shall not be subject to transfer
32 to any other fund pursuant to any provision of Part 2 (commencing
33 with Section 16300) of Division 4 of Title 2 of the Government
34 Code, except the Surplus Money Investment Fund. The department
35 may require the transfer of moneys in the fund to the Surplus
36 Money Investment Fund for investment pursuant to Article 4
37 (commencing with Section 16470) of Chapter 3 of Part 2 of
38 Division 4 of Title 2 of the Government Code. Notwithstanding
39 Section 16305.7 of the Government Code, all interest, dividends,
40 and pecuniary gains from the investments shall accrue to the fund.

(b) Notwithstanding any other provision of law, the Controller may use the moneys in the Mobilehome Park Purchase Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code, however, interest shall be paid on all moneys loaned to the General Fund from the Mobilehome Park Purchase Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Mobilehome Park Purchase Fund was created.

SEC. 19. Section 116760.30 of the Health and Safety Code is amended to read:

116760.30. (a) There is hereby created in the State Treasury the Safe Drinking Water State Revolving Fund for the purpose of implementing this chapter, and, notwithstanding Section 13340 of the Government Code, the fund is hereby continuously appropriated, without regard to fiscal years, to the department to provide, from moneys available for this purpose, grants or revolving fund loans for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards. The department shall be responsible for administering the fund.

(b) The department shall report at least once every two years to the policy and budget committees of the Legislature on the implementation of this chapter and expenditures from the fund. The report shall describe the numbers and types of projects funded, the reduction in risks to public health from contaminants in drinking water provided through the funding of the projects, and the criteria used by the department to determine funding priorities.

(c) Notwithstanding any other provision of law, the Controller may use the moneys in the Safe Drinking Water State Revolving Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code, however, interest shall be paid on all moneys loaned to the General Fund from the Safe Drinking Water State Revolving Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere

1 *with the carrying out of the object for which the Safe Drinking*
2 *Water State Revolving Fund was created.*

3 *SEC. 20. Section 129215 of the Health and Safety Code is*
4 *amended to read:*

5 129215. (a) The Health Facility Construction Loan Insurance
6 Fund, established pursuant to Section 129200, shall be a trust fund
7 and neither the fund nor the interest or other earnings generated
8 by the fund shall be used for any purpose other than those purposes
9 authorized by this chapter.

10 (b) *Notwithstanding any other provision of law, the Controller*
11 *may use the moneys in the Health Facility Construction Loan*
12 *Insurance Fund for loans to the General Fund as provided in*
13 *Sections 16310 and 16381 of the Government Code, however,*
14 *interest shall be paid on all moneys loaned to the General Fund*
15 *from the Health Facility Construction Loan Insurance Fund.*
16 *Interest payable shall be computed at a rate determined by the*
17 *Pooled Money Investment Board to be the current earning rate of*
18 *the fund from which loaned. This subdivision does not authorize*
19 *any transfer that will interfere with the carrying out of the object*
20 *for which the Health Facility Construction Loan Insurance Fund*
21 *was created.*

22 *SEC. 21. Section 8613 of the Public Resources Code is*
23 *amended to read:*

24 8613. (a) Moneys in the fund shall be available for expenditure
25 by the trustee to purchase outstanding interests in tide and
26 submerged lands whether or not they have been filled, diked, or
27 cut off from tidal waters, lands which have been or may be
28 converted to wetlands, or adjoining or nearby lands where the
29 public use and ownership of the land is necessary or extremely
30 beneficial for furtherance of public trust purposes.

31 (b) Moneys deposited in the fund pursuant to subdivision (b)
32 or (c) of Section 8625 shall be available for expenditure by the
33 trustee for management and improvement of real property held by
34 the trustee to provide open space, habitat for plants and animals,
35 and public access.

36 (c) *Notwithstanding any other provision of law, the Controller*
37 *may use the moneys in the Land Bank Fund for loans to the*
38 *General Fund as provided in Sections 16310 and 16381 of the*
39 *Government Code, however, interest shall be paid on all moneys*
40 *loaned to the General Fund from the Land Bank Fund. Interest*

payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Land Bank Fund was created.

SEC. 22. Section 48027 of the Public Resources Code is amended to read:

48027. (a) (1) The Legislature hereby finds and declares that effective response to cleanup at solid waste disposal and codisposal sites requires that the state have sufficient funds available in the trust fund created pursuant to subdivision (b).

(2) The Legislature further finds and declares that the maintenance of the trust fund is of the utmost importance to the state and that it is essential that, *except as described in subdivision (g)*, any ~~money~~ moneys in the trust fund be used solely for the purposes authorized in this article and not be used, loaned, or transferred for any other purpose.

(b) The Solid Waste Disposal Site Cleanup Trust Fund is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, the ~~money~~ moneys in the trust fund ~~is are~~ hereby continuously appropriated to the board for expenditure, without regard to fiscal years, for the purposes of this article.

(c) The following ~~money~~ moneys shall be deposited into the trust fund:

(1) Funds appropriated by the Legislature from the Integrated Waste Management Account to the board for solid waste disposal or codisposal site cleanup.

(2) Any interest earned on the ~~money~~ moneys in the trust fund.

(3) Any cost recoveries from responsible parties for solid waste disposal or codisposal site cleanup and loan repayments pursuant to this article.

(d) If this article is repealed, the trust fund shall be dissolved and all ~~money~~ moneys in the fund shall be distributed to solid waste landfill operators who have paid into the trust fund during effective life of the trust fund.

(e) Any trust fund distributions received by solid waste landfill operators pursuant to subdivision (c) may be used for only any of the following activities, as related to solid waste landfills:

(1) Solid waste landfill closure and postclosure maintenance operations.

(2) Implementation of Part 258 (commencing with Section 258.1) of Title 40 of the Code of Federal Regulations.

(3) Corrective actions at the solid waste landfill.

(f) The balance in the trust fund each July 1 shall not exceed thirty million dollars (\$30,000,000).

(g) Notwithstanding any other provision of law, the Controller may use the moneys in the Solid Waste Disposal Site Cleanup Trust Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code, however, interest shall be paid on all moneys loaned to the General Fund from the Solid Waste Disposal Site Cleanup Trust Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Solid Waste Disposal Site Cleanup Trust Fund was created.

SEC. 23. Section 11003 of the Revenue and Taxation Code is amended to read:

11003. (a) The amount appropriated by the Legislature for the use of the Department of Motor Vehicles and the Franchise Tax Board for the enforcement of this part ~~shall be transferred from the Motor Vehicle License Fee Account in the Transportation Tax Fund to the Motor Vehicle Account in the State Transportation Fund.~~ That amount shall be determined so that the appropriate costs for registration and motor vehicle license fee activities are apportioned between the recipients of revenues in proportion to the revenues that would have been received by those recipients if the total fee imposed under this part was 2 percent of the market value of a vehicle.

(b) (1) *Notwithstanding subdivision (a), for the 2008–09 fiscal year, ninety-two million dollars (\$92,000,000) of the amount calculated for the support of the Department of Motor Vehicles, which shall not include any revenue resulting from penalties, shall be deposited into the Local Safety and Protection Account, which is hereby created in the Transportation Tax Fund. Notwithstanding Section 13340 of the Government Code, the account is continuously appropriated to the Controller for allocation as specified by statute.*

(2) *Notwithstanding subdivision (a), for the 2009–10 fiscal year and thereafter, the full amount calculated for the support of the Department of Motor Vehicles shall be deposited into the Local*

1 *Safety and Protection Account, and shall consist of license fee*
2 *revenue that does not include revenue resulting from penalties.*

3 *(c) The Local Safety and Protection Account shall be allocated*
4 *pursuant to Sections 29553 and 30061 of the Government Code*
5 *and Sections 18220 and 18221 of the Welfare and Institutions*
6 *Code.*

7 *(d) The Legislature shall appropriate an amount from the Motor*
8 *Vehicle Account that is necessary to replace the funding that the*
9 *Department of Motor Vehicles would have received pursuant to*
10 *the calculations in subdivision (a).*

11 *SEC. 24. Section 822 of the Unemployment Insurance Code is*
12 *amended to read:*

13 *822. (a) There is hereby established in the State Treasury the*
14 *“School Employees Fund.” The School Employees Fund is the*
15 *successor of the “Classified School Employees Fund.” Moneys*
16 *received pursuant to Section 823, together with any charges,*
17 *notices, fees, interest, penalties, assessments, or other revenue,*
18 *shall be deposited in this fund. All ~~money~~ moneys in the fund-is*
19 *are hereby appropriated to the administrator without regard to*
20 *fiscal year for carrying out the purposes of this article, for*
21 *administrative costs, for making refunds, and for investment*
22 *through the Surplus Money Investment Fund, with any interest or*
23 *earnings credited to the School Employees Fund. Funds to be used*
24 *for administrative costs shall be budgeted and expended in*
25 *accordance with existing state law.*

26 *(b) Notwithstanding any other provision of law, the Controller*
27 *may use the moneys in the School Employees Fund for loans to*
28 *the General Fund as provided in Sections 16310 and 16381 of the*
29 *Government Code, however, interest shall be paid on all moneys*
30 *loaned to the General Fund from the School Employees Fund.*
31 *Interest payable shall be computed at a rate determined by the*
32 *Pooled Money Investment Board to be the current earning rate of*
33 *the fund from which loaned. This subdivision does not authorize*
34 *any transfer that will interfere with the carrying out of the object*
35 *for which the School Employees Fund was created.*

36 *SEC. 25. Section 1611 of the Unemployment Insurance Code*
37 *is amended to read:*

38 *1611. ~~Money~~ Moneys in the Employment Training Fund shall*
39 *be expended only for the purposes of Chapter 3.5 (commencing*
40 *with Section 10200) of Part 1 of Division 3, and for the costs of*

1 administering this article and Section 976.6, except *those moneys*
2 *may be used for any of the following:*

3 (a) With the approval of the Legislature, the fund or
4 contributions to it may be used to pay interest charged on federal
5 loans to the Unemployment Fund.

6 (b) Commencing with allocations made to the Employment
7 Training Panel in the 1992–93 fiscal year, any moneys allocated
8 to the panel in a fiscal year that are not encumbered by the panel
9 in that fiscal year, shall revert to the Unemployment Insurance
10 Fund.

11 (c) It is the intent of the Legislature that the panel shall closely
12 monitor program performance and expenditures for employment
13 training programs administered by the panel, and that the panel
14 shall expeditiously disencumber funds that are not needed for
15 employment training program completion. Commencing with the
16 1992–93 fiscal year, those moneys that are disencumbered during
17 the fiscal year that are not reencumbered during the same fiscal
18 year shall revert to the Unemployment Insurance Fund.

19 (d) *Notwithstanding any other provision of law, the Controller*
20 *may use the moneys in the Employment Training Fund for loans*
21 *to the General Fund as provided in Sections 16310 and 16381 of*
22 *the Government Code, however, interest shall be paid on all*
23 *moneys loaned to the General Fund from the Employment Training*
24 *Fund. Interest payable shall be computed at a rate determined by*
25 *the Pooled Money Investment Board to be the current earning rate*
26 *of the fund from which loaned. This subdivision does not authorize*
27 *any transfer that will interfere with the carrying out of the object*
28 *for which the Employment Training Fund was created.*

29 SEC. 26. Section 3001 of the Unemployment Insurance Code
30 is amended to read:

31 3001. (a) The Unemployment Compensation Disability Fund
32 is continued in existence as a special fund in the State Treasury,
33 separate and apart from all other public money or funds of this
34 State state. ~~The money~~ moneys and assets of this fund shall be held
35 in trust by the State Treasurer and administered under the direction
36 of the director exclusively, for the purpose of this part.

37 (b) *Notwithstanding any other provision of law, the Controller*
38 *may use the moneys in the Unemployment Compensation Disability*
39 *Fund for loans to the General Fund as provided in Sections 16310*
40 *and 16381 of the Government Code, however, interest shall be*

1 *paid on all moneys loaned to the General Fund from the*
2 *Unemployment Compensation Disability Fund. Interest payable*
3 *shall be computed at a rate determined by the Pooled Money*
4 *Investment Board to be the current earning rate of the fund from*
5 *which loaned. This subdivision does not authorize any transfer*
6 *that will interfere with the carrying out of the object for which the*
7 *Unemployment Compensation Disability Fund was created.*

8 *SEC. 27. Section 9250 of the Vehicle Code is amended to read:*

9 *9250. (a) A registration fee of thirty-one dollars (\$31) shall*
10 *be paid to the department for the registration of every vehicle or*
11 *trailer coach of a type subject to registration under this code, except*
12 *those vehicles that are expressly exempted under this code from*
13 *the payment of registration fees. This subdivision shall apply to*
14 *all of the following:*

15 *(1) The initial or original registration, on or after January 1,*
16 *2004, but before April 1, 2009, of any vehicle not previously*
17 *registered in this state.*

18 *(2) The renewal of registration of any vehicle for which the*
19 *registration period expires on or after January 1, 2004, but before*
20 *April 1, 2009, regardless of whether a renewal application was*
21 *mailed to the registered owner prior to January 1, 2004.*

22 *(3) Any renewal of a registration that expired on or before*
23 *December 31, 2003, but for which the fees are not paid until on*
24 *or after January 1, 2004, but before April 1, 2009.*

25 *(b) A registration fee of forty-three dollars (\$43) shall be paid*
26 *to the department for the registration of every vehicle or trailer*
27 *coach of a type subject to registration under this code, except those*
28 *vehicles that are expressly exempted under this code from the*
29 *payment of registration fees. This subdivision shall apply to all of*
30 *the following:*

31 *(1) The initial or original registration, on or after April 1, 2009,*
32 *of any vehicle not previously registered in this state.*

33 *(2) The renewal of registration of any vehicle for which the*
34 *registration period expires on or after April 1, 2009, regardless*
35 *of whether a renewal application was mailed to the registered*
36 *owner prior to April 1, 2009.*

37 *(3) Any renewal of a registration that expired on or before*
38 *March 31, 2009, but for which the fees are not paid until on or*
39 *after April 1, 2009.*

40 *(b)*

(c) The registration fee imposed under this section applies to all vehicles described in Section 5004, whether or not special identification plates are issued to that vehicle.

(e)

(d) Trailer coaches are subject to the fee provided in subdivision (a) for each unit of the trailer coach.

~~(d) This section applies to all of the following:~~

~~(1) The initial or original registration, on or after January 1, 2004, of any vehicle not previously registered in this state.~~

~~(2) The renewal of registration of any vehicle for which the registration period expires on or after January 1, 2004, regardless of whether a renewal application was mailed to the registered owner prior to January 1, 2004.~~

~~(3) Any renewal of a registration that expired on or before December 31, 2003, but for which the fees are not paid until on or after January 1, 2004.~~

SEC. 28. Section 5778.3 is added to the Welfare and Institutions Code, to read:

5778.3. Notwithstanding any other provision of law, including subdivision (b) of Section 16310 of the Government Code, the Controller may use the moneys in the Mental Health Managed Care Deposit Fund for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. Interest shall be paid on all moneys loaned to the General Fund from the Mental Health Managed Care Deposit Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Mental Health Managed Care Deposit Fund was created.

SEC. 29. Section 14163 of the Welfare and Institutions Code is amended to read:

14163. (a) For purposes of this section, the following definitions shall apply:

(1) "Public entity" means a county, a city, a city and county, the State of California, the University of California, a local health care district, a local health authority, or any other political subdivision of the state.

(2) "Hospital" means a health facility that is licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of

the Health and Safety Code to provide acute inpatient hospital services, and includes all components of the facility.

(3) “Disproportionate share hospital” means a hospital providing acute inpatient services to Medi-Cal beneficiaries that meets the criteria for disproportionate share status relating to acute inpatient services set forth in Section 14105.98.

(4) “Disproportionate share list” means the annual list of disproportionate share hospitals for acute inpatient services issued by the department pursuant to Section 14105.98.

(5) “Fund” means the Medi-Cal Inpatient Payment Adjustment Fund.

(6) “Eligible hospital” means, for a particular state fiscal year, a hospital on the disproportionate share list that is eligible to receive payment adjustment amounts under Section 14105.98 with respect to that state fiscal year.

(7) “Transfer year” means the particular state fiscal year during which, or with respect to which, public entities are required by this section to make an intergovernmental transfer of funds to the Controller.

(8) “Transferor entity” means a public entity that, with respect to a particular transfer year, is required by this section to make an intergovernmental transfer of funds to the Controller.

(9) “Transfer amount” means an amount of intergovernmental transfer of funds that this section requires for a particular transferor entity with respect to a particular transfer year.

(10) “Intergovernmental transfer” means a transfer of funds from a public entity to the state, that is local government financial participation in Medi-Cal pursuant to the terms of this section.

(11) “Licensee” means an entity that has been issued a license to operate a hospital by the department.

(12) “Annualized Medi-Cal inpatient paid days” means the total number of Medi-Cal acute inpatient hospital days, regardless of dates of service, for which payment was made by or on behalf of the department to a hospital, under present or previous ownership, during the most recent calendar year ending prior to the beginning of a particular transfer year, including all Medi-Cal acute inpatient covered days of care for hospitals that are paid on a different basis than per diem payments.

(13) “Medi-Cal acute inpatient hospital day” means any acute inpatient day of service attributable to patients who, for those days,

1 were eligible for medical assistance under the California state plan,
2 including any day of service that is reimbursed on a basis other
3 than per diem payments.

4 (14) “OBRA 1993 payment limitation” means the
5 hospital-specific limitation on the total annual amount of payment
6 adjustments to each eligible hospital under the payment adjustment
7 program that can be made with federal financial participation under
8 Section 1396r-4(g) of Title 42 of the United States Code as
9 implemented pursuant to the Medi-Cal State Plan.

10 (b) The Medi-Cal Inpatient Payment Adjustment Fund is hereby
11 created in the State Treasury. Notwithstanding Section 13340 of
12 the Government Code, the fund shall be continuously appropriated
13 to, and under the administrative control of, the department for the
14 purposes specified in subdivision (d). The fund shall consist of the
15 following:

16 (1) Transfer amounts collected by the Controller under this
17 section, whether submitted by transferor entities pursuant to
18 applicable provisions of this section or obtained by offset pursuant
19 to subdivision (j).

20 (2) Any other intergovernmental transfers deposited in the fund,
21 as permitted by Section 14164.

22 (3) Any interest that accrues with respect to amounts in the fund.

23 (c) Moneys in the fund, which shall not consist of any state
24 general funds, shall be used as the source for the nonfederal share
25 of payments to hospitals pursuant to Section 14105.98. Moneys
26 shall be allocated from the fund by the department and matched
27 by federal funds in accordance with customary Medi-Cal
28 accounting procedures, and used to make payments pursuant to
29 Section 14105.98.

30 (d) Except as otherwise provided in Section 14105.98 or in any
31 provision of law appropriating a specified sum of money to the
32 department for administering this section and Section 14105.98,
33 moneys in the fund shall be used only for the following:

34 (1) Payments to hospitals pursuant to Section 14105.98.

35 (2) Transfers to the Health Care Deposit Fund as follows:

36 (A) In the amount of two hundred thirty-nine million seven
37 hundred fifty-seven thousand six hundred ninety dollars
38 (\$239,757,690) for the 1994–95 and 1995–96 fiscal years.

(B) In the amount of two hundred twenty-nine million seven hundred fifty-seven thousand six hundred ninety dollars (\$229,757,690) for the 1996–97 fiscal year.

(C) In the amount of one hundred fifty-four million seven hundred fifty-seven thousand six hundred ninety dollars (\$154,757,690) for the 1997–98 fiscal year.

(D) In the amount of one hundred fourteen million seven hundred fifty-seven thousand six hundred ninety dollars (\$114,757,690) for the 1998–99 fiscal year.

(E) (i) In the amount of eighty-four million seven hundred fifty-seven thousand six hundred ninety dollars (\$84,757,690) for the 1999–2000 fiscal year.

(ii) It is the intent of the Legislature that the economic benefit of any reduction in the amount transferred, or to be transferred, to the Health Care Deposit Fund pursuant to this subdivision for the 1999–2000 fiscal year, as compared to the amount so transferred for the 1998–99 fiscal year, be allocated equally between public and nonpublic disproportionate share hospitals. To implement the reduction in clause (i) the department shall, by June 30, 2000, adjust the calculations in Section 14105.98 in order to allocate the funds in accordance with this clause.

(F) In the amount of twenty-nine million seven hundred fifty-seven thousand six hundred ninety dollars (\$29,757,690) for the 2000–01 fiscal year and the 2001–02 fiscal year.

(G) In the amount of eighty-five million dollars (\$85,000,000) for the 2002–03 fiscal year and each fiscal year thereafter.

(H) The transfers from the fund shall be made in six equal monthly installments to the Medi-Cal local assistance appropriation item (Item 4260-101-0001 of the annual Budget Act) in support of Medi-Cal expenditures. The first installment shall accrue in October of each transfer year, and all other installments shall accrue monthly thereafter from November through March.

(e) For the 1991–92 state fiscal year, the department shall determine, no later than 70 days after the enactment of this section, the transferor entities for the 1991–92 transfer year. To make this determination, the department shall utilize the disproportionate share list for the 1991–92 fiscal year issued by the department pursuant to paragraph (1) of subdivision (f) of Section 14105.98. The department shall identify each eligible hospital on the list for which a public entity is the licensee as of July 1, 1991. The public

entity that is the licensee of each identified eligible hospital shall be a transferor entity for the 1991–92 transfer year.

(f) The department shall determine, no later than 70 days after the enactment of this section, the transfer amounts for the 1991–92 transfer year.

The transfer amounts shall be determined as follows:

(1) The eligible hospitals for 1991–92 shall be identified. For each hospital, the applicable total per diem payment adjustment amount under Section 14105.98 for the 1991–92 transfer year shall be computed. This amount shall be multiplied by 80 percent of the eligible hospital’s annualized Medi-Cal inpatient paid days as determined from all Medi-Cal paid claims records available through April 1, 1991. The products of these calculations for all eligible hospitals shall be added together to determine an aggregate sum for the 1991–92 transfer year.

(2) The eligible hospitals for 1991–92 involving transferor entities as licensees shall be identified. For each hospital, the applicable total per diem payment adjustment amount under Section 14105.98 for the 1991–92 transfer year shall be computed. This amount shall be multiplied by 80 percent of the eligible hospital’s annualized Medi-Cal inpatient paid days as determined from all Medi-Cal paid claims records available through April 1, 1991. The products of these calculations for all eligible hospitals with transferor entities as licensees shall be added together to determine an aggregate sum for the 1991–92 transfer year.

(3) The aggregate sum determined under paragraph (1) shall be divided by the aggregate sum determined under paragraph (2), yielding a factor to be utilized in paragraph (4).

(4) The factor determined in paragraph (3) shall be multiplied by the amount determined for each hospital under paragraph (2). The product of this calculation for each hospital in paragraph (2) shall be divided by 1.771, yielding a transfer amount for the particular transferor entity for the transfer year.

(g) For the 1991–92 transfer year, the department shall notify each transferor entity in writing of its applicable transfer amount or amounts.

(h) For the 1992–93 transfer year and subsequent transfer years, transfer amounts shall be determined in the same procedural manner as set forth in subdivision (f), except:

(1) The department shall use all of the following:

1 (A) The disproportionate share list applicable to the particular
2 transfer year to determine the eligible hospitals.

3 (B) The payment adjustment amounts calculated under Section
4 14105.98 for the particular transfer year. These amounts shall take
5 into account any projected or actual increases or decreases in the
6 size of the payment adjustment program as are required under
7 Section 14105.98 for the particular year in question, including any
8 decreases resulting from the application of the OBRA 1993
9 payment limitation. The department may issue interim, revised,
10 and supplemental transfer requests as necessary and appropriate
11 to address changes in payment adjustment levels that occur under
12 Section 14105.98. All transfer requests, or adjustments thereto,
13 issued to transferor entities by the department shall meet the
14 requirements set forth in subdivision (i).

15 (C) Data regarding annualized Medi-Cal inpatient paid days for
16 the most recent calendar year ending prior to the beginning of the
17 particular transfer year, as determined from all Medi-Cal paid
18 claims records available through April 1 preceding the particular
19 transfer year.

20 (D) The status of public entities as licensees of eligible hospitals
21 as of July 1 of the particular transfer year.

22 (E) For the 1993–94 transfer year and subsequent transfer years,
23 the divisor to be used for purposes of the calculation referred to
24 in paragraph (4) of subdivision (f) shall be determined by the
25 department. The divisor shall be calculated to ensure that the
26 appropriate amount of transfers from transferor entities are received
27 into the fund to satisfy the requirements of Section 14105.98,
28 exclusive of the amounts described in paragraph (2) of this
29 subdivision, and to satisfy the requirements of paragraph (2) of
30 subdivision (d), for the particular transfer year. For the 1993–94
31 transfer year, the divisor shall be 1.742.

32 (F) The following provisions shall apply for certain transfer
33 amounts relating to nonsupplemental payments under Section
34 14105.98:

35 (i) For the 1998–99 transfer year, transfer amounts shall be
36 determined as though the payment adjustment amounts arising
37 pursuant to subdivision (ag) of Section 14105.98 were increased
38 by the amounts paid or payable pursuant to subdivision (af) of
39 Section 14105.98.

(ii) Any transfer amounts paid by a transferor entity pursuant to subparagraph (C) of paragraph (2) shall serve as credit for the particular transferor entity against an equal amount of its transfer obligation for the 1998–99 transfer year.

(iii) For the 1999–2000 transfer year, transfer amounts shall be determined as though the amount to be transferred to the Health Care Deposit Fund, as referred to in paragraph (2) of subdivision (d), were reduced by 28 percent.

(2) (A) Except as provided in subparagraphs (B), (C), and (D), for the 1993–94 transfer year and subsequent transfer years, transfer amounts shall be increased for the particular transfer year in the amounts necessary to fund the nonfederal share of the total supplemental payment adjustment amounts of all types that arise under Section 14105.98. These increases shall be paid only by those transferor entities that are licensees of hospitals that are projected to receive some or all of the particular supplemental payments, and the increases shall be paid by the transferor entities on a pro rata basis in connection with the particular supplemental payments. For purposes of this paragraph, supplemental payment adjustment amounts shall be deemed to arise for the particular transfer year as of the date specified in Section 14105.98. Transfer amounts to fund the nonfederal share of the payments shall be paid for the particular transfer year within 20 days after the department notifies the transferor entity in writing of the additional transfer amount to be paid.

(B) For the 1995–96 transfer year, the nonfederal share of the secondary supplemental payment adjustments described in paragraph (9) of subdivision (y) of Section 14105.96 shall be funded as follows:

(i) Ninety-nine percent of the nonfederal share shall be funded by a transfer from the University of California.

(ii) One percent of the nonfederal share shall be funded by transfers from those public entities that are the licensees of the hospitals included in the “other public hospitals” group referred to in clauses (ii) and (iii) of subparagraph (B) of paragraph (9) of subdivision (y) of Section 14105.98. The transfer responsibilities for this 1 percent shall be allocated to the particular public entities on a pro rata basis, based on a formula or formulae customarily used by the department for allocating transfer amounts under this section. The formula or formulae shall take into account, through

1 reallocation of transfer amounts as appropriate, the situation of
2 hospitals whose secondary supplemental payment adjustments are
3 restricted due to the application of the limitation set forth in clause
4 (v) of subparagraph (B) of paragraph (9) of subdivision (y) of
5 Section 14105.98.

6 (iii) All transfer amounts under this subparagraph shall be paid
7 by the particular transferor entities within 30 days after the
8 department notifies the transferor entity in writing of the transfer
9 amount to be paid.

10 (C) For the 1997–98 transfer year, transfer amounts to fund the
11 nonfederal share of the supplemental payment adjustments
12 described in subdivision (af) of Section 14105.98 shall be funded
13 by a transfer from the County of Los Angeles.

14 (D) (i) For the 1998–99 transfer year, transfer amounts to fund
15 the nonfederal share of the supplemental payment adjustment
16 amounts arising under subdivision (ah) of Section 14105.98 shall
17 be increased as set forth in clause (ii).

18 (ii) The transfer amounts otherwise calculated to fund the
19 supplemental payment adjustments referred to in clause (i) shall
20 be increased on a pro rata basis by an amount equal to 28 percent
21 of the amount to be transferred to the Health Care Deposit Fund
22 for the 1999–2000 fiscal year, as referred to in paragraph (2) of
23 subdivision (d).

24 (3) The department shall prepare preliminary analyses and
25 calculations regarding potential transfer amounts, and potential
26 transferor entities shall be notified by the department of estimated
27 transfer amounts as soon as reasonably feasible regarding any
28 particular transfer year. Written notices of transfer amounts shall
29 be issued by the department as soon as possible with respect to
30 each transfer year. All state agencies shall take all necessary steps
31 in order to supply applicable data to the department to accomplish
32 these tasks. The Office of Statewide Health Planning and
33 Development shall provide to the department quarterly access to
34 the edited and unedited confidential patient discharge data files
35 for all Medi-Cal eligible patients. The department shall maintain
36 the confidentiality of that data to the same extent as is required of
37 the Office of Statewide Health Planning and Development. In
38 addition, the Office of Statewide Health Planning and Development
39 shall provide to the department, not later than March 1 of each
40 year, the data specified by the department, as the data existed on

1 the statewide database file as of February 1 of each year, from all
2 of the following:

3 (A) Hospital annual disclosure reports, filed with the Office of
4 Statewide Health Planning and Development pursuant to *former*
5 Section 443.31 *of* or Section 128735 of the Health and Safety Code,
6 for hospital fiscal years that ended during the calendar year ending
7 13 months prior to the applicable February 1.

8 (B) Annual reports of hospitals, filed with the Office of
9 Statewide Health Planning and Development pursuant to *former*
10 Section 439.2 *of* or Section 127285 of the Health and Safety Code,
11 for the calendar year ending 13 months prior to the applicable
12 February 1.

13 (C) Hospital patient discharge data reports, filed with the Office
14 of Statewide Health Planning and Development pursuant to *former*
15 subdivision (g) of Section 443.31 *of* or Section 128735 of the
16 Health and Safety Code, for the calendar year ending 13 months
17 prior to the applicable February 1.

18 (D) Any other materials on file with the Office of Statewide
19 Health Planning and Development.

20 (4) Transfer amounts calculated by the department may be
21 increased or decreased by a percentage amount consistent with the
22 Medi-Cal state plan.

23 (5) For the 1993–94 fiscal year, the transfer amount that would
24 otherwise be required from the University of California shall be
25 increased by fifteen million dollars (\$15,000,000).

26 (6) Notwithstanding any other provision of law, except for
27 subparagraph (D) of paragraph (2), the total amount of transfers
28 required from the transferor entities for any particular transfer year
29 shall not exceed the sum of the following:

30 (A) The amount needed to fund the nonfederal share of all
31 payment adjustment amounts applicable to the particular payment
32 adjustment year as calculated under Section 14105.98. Included
33 in the calculations for this purpose shall be any decreases in the
34 program as a whole, and for individual hospitals, that arise due to
35 the provisions of Section 1396r-4(f) or (g) of Title 42 of the United
36 States Code.

37 (B) The amount needed to fund the transfers to the Health Care
38 Deposit Fund, as referred to in subdivision (d).

39 (7) (A) Except as provided in subparagraphs (B) and (C) and
40 in paragraph (2) of subdivision (j), and except for a prudent reserve

1 not to exceed two million dollars (\$2,000,000) in the Medi-Cal
2 Inpatient Payment Adjustment Fund, any amounts in the fund,
3 including interest that accrues with respect to the amounts in the
4 fund, that are not expended, or estimated to be required for
5 expenditure, under Section 14105.98 with respect to a particular
6 transfer year shall be returned on a pro rata basis to the transferor
7 entities for the particular transfer year within 120 days after the
8 department determines that the funds are not needed for an
9 expenditure in connection with the particular transfer year.

10 (B) The department shall determine the interest amounts that
11 have accrued in the fund from its inception through June 30, 1995,
12 and, no later than January 1, 1996, shall distribute these interest
13 amounts to transferor entities:

14 (C) With respect to those particular amounts in the fund resulting
15 solely from the provisions of subparagraph (D) of paragraph (2),
16 the department shall determine by September 30, 1999, whether
17 these particular amounts exceed 28 percent of the amount to be
18 transferred to the Health Care Deposit Fund for the 1999–2000
19 fiscal year, as referred to in paragraph (2) of subdivision (d). Any
20 excess amount so determined shall be returned to the particular
21 transferor entities on a pro rata basis no later than October 31,
22 1999.

23 (D) Regarding any funds returned to a transferor entity under
24 subparagraph (A) or (C), or interest amounts distributed to a
25 transferor entity under subparagraph (B), the department shall
26 provide to the transferor entity a written statement that explains
27 the basis for the particular return or distribution of funds and
28 contains the general calculations used by the department in
29 determining the amount of the particular return or distribution of
30 funds.

31 (i) (1) For the 1991–92 transfer year, each transferor entity
32 shall pay its transfer amount or amounts to the Controller, for
33 deposit in the fund, in eight equal installments.

34 (2) (A) Except as provided in subparagraphs (B) and (C), for
35 the 1992–93 transfer year and subsequent transfer years, each
36 transferor entity shall pay its transfer amount or amounts to the
37 Controller, for deposit in the fund, in eight equal installments.
38 However, for the 1997–98 and subsequent transfer years, each
39 transferor entity shall pay its transfer amount or amounts to the
40 Controller, for deposit in the fund, in the form of periodic

1 installments according to a timetable established by the department.
2 The timetable shall be structured to effectuate, on a reasonable
3 basis, the prompt distribution of all nonsupplemental payment
4 adjustments under Section 14105.98, and transfers to the Health
5 Care Deposit Fund under subdivision (d).

6 (B) For the 1994–95 transfer year, each transferor entity shall
7 pay its transfer amount or amounts to the Controller, for deposit
8 in the fund, in five equal installments.

9 (C) For the 1995–96 transfer year, each transferor entity shall
10 pay its transfer amount or amounts to the Controller, for deposit
11 in the fund, in five equal installments.

12 (D) Except as otherwise specifically provided, subparagraphs
13 (A) to (C), inclusive, shall not apply to increases in transfer
14 amounts described in paragraph (2) of subdivision (h) or to
15 additional transfer amounts described in subdivision (o).

16 (E) All requests for transfer payments, or adjustments thereto,
17 issued by the department shall be in writing and shall include (i)
18 an explanation of the basis for the particular transfer request or
19 transfer activity, (ii) a summary description of program funding
20 status for the particular transfer year, and (iii) the general
21 calculations used by the department in connection with the
22 particular transfer request or transfer activity.

23 (3) A transferor entity may use any of the following funds for
24 purposes of meeting its transfer obligations under this section:

25 (A) General funds of the transferor entity.

26 (B) Any other funds permitted by law to be used for these
27 purposes, except that a transferor entity shall not submit to the
28 Controller any federal funds unless those federal funds are
29 authorized by federal law to be used to match other federal funds.
30 In addition, no private donated funds from any health care provider,
31 or from any person or organization affiliated with the health care
32 provider, shall be channeled through a transferor entity or any
33 other public entity to the fund, unless the donated funds will qualify
34 under federal rules as a valid component of the nonfederal share
35 of the Medi-Cal program and will be matched by federal funds.
36 The transferor entity shall be responsible for determining that funds
37 transferred meet the requirements of this subparagraph.

38 (j) (1) If a transferor entity does not submit any transfer amount
39 within the time period specified in this section, the Controller shall
40 offset immediately the amount owed against any funds which

1 otherwise would be payable by the state to the transferor entity.
2 The Controller, however, shall not impose an offset against any
3 particular funds payable to the transferor entity where the offset
4 would violate state or federal law.

5 (2) Where a withhold or a recoupment occurs pursuant to the
6 provisions of paragraph (2) of subdivision (r) of Section 14105.98,
7 the nonfederal portion of the amount in question shall remain in
8 the fund, or shall be redeposited in the fund by the department, as
9 applicable. The department shall then proceed as follows:

10 (A) If the withhold or recoupment was imposed with respect to
11 a hospital whose licensee was a transferor entity for the particular
12 state fiscal year to which the withhold or recoupment related, the
13 nonfederal portion of the amount withheld or recouped shall serve
14 as a credit for the particular transferor entity against an equal
15 amount of transfer obligations under this section, to be applied
16 whenever the transfer obligations next arise. Should no such
17 transfer obligation arise within 180 days, the department shall
18 return the funds in question to the particular transferor entity within
19 30 days thereafter.

20 (B) For other situations, the withheld or recouped nonfederal
21 portion shall be subject to paragraph (7) of subdivision (h).

22 (k) All transfer amounts received by the Controller or amounts
23 offset by the Controller shall immediately be deposited in the fund.

24 (l) For purposes of this section, the disproportionate share list
25 utilized by the department for a particular transfer year shall be
26 identical to the disproportionate share list utilized by the
27 department for the same state fiscal year for purposes of Section
28 14105.98. Nothing on a disproportionate share list, once issued by
29 the department, shall be modified for any reason other than
30 mathematical or typographical errors or omissions on the part of
31 the department or the Office of Statewide Health Planning and
32 Development in preparation of the list.

33 (m) Neither the intergovernmental transfers required by this
34 section, nor any elective transfer made pursuant to Section 14164,
35 shall create, lead to, or expand the health care funding or service
36 obligations for current or future years for any transferor entity,
37 except as required of the state by this section or as may be required
38 by federal law, in which case the state shall be held harmless by
39 the transferor entities on a pro rata basis.

(n) Except as otherwise permitted by state and federal law, no transfer amount submitted to the Controller under this section, and no offset by the Controller pursuant to subdivision (j), shall be claimed or recognized as an allowable element of cost in Medi-Cal cost reports submitted to the department.

(o) Whenever additional transfer amounts are required to fund the nonfederal share of payment adjustment amounts under Section 14105.98 that are distributed after the close of the particular payment adjustment year to which the payment adjustment amounts apply, the additional transfer amounts shall be paid by the parties who were the transferor entities for the particular transfer year that was concurrent with the particular payment adjustment year. The additional transfer amounts shall be calculated under the formula that was in effect during the particular transfer year. For transfer years prior to the 1993–94 transfer year, the percentage of the additional transfer amounts available for transfer to the Health Care Deposit Fund under subdivision (d) shall be the percentage that was in effect during the particular transfer year. These additional transfer amounts shall be paid by transferor entities within 20 days after the department notifies the transferor entity in writing of the additional transfer amount to be paid.

(p) (1) Ten million dollars (\$10,000,000) of the amount transferred from the Medi-Cal Inpatient Payment Adjustment Fund to the Health Care Deposit Fund due to amounts transferred attributable to years prior to the 1993–94 fiscal year is hereby appropriated without regard to fiscal years to the State Department of Health Services to be used to support the development of managed care programs under the department’s plan to expand Medi-Cal managed care.

(2) These funds shall be used by the department for both of the following purposes: (A) distributions to counties or other local entities that contract with the department to receive those funds to offset a portion of the costs of forming the local initiative entity, and (B) distributions to local initiative entities that contract with the department to receive those funds to offset a portion of the costs of developing the local initiative health delivery system in accordance with the department’s plan to expand Medi-Cal managed care.

(3) Entities contracting with the department for any portion of the ten million dollars (\$10,000,000) shall meet the objectives of

1 the department's plan to expand Medi-Cal managed care with
2 regard to traditional and safety net providers.

3 (4) Entities contracting with the department for any portion of
4 the ten million dollars (\$10,000,000) may be authorized under
5 those contracts to utilize their funds to provide for reimbursement
6 of the costs of local organizations and entities incurred in
7 participating in the development and operation of a local initiative.

8 (5) To the full extent permitted by state and federal law, these
9 funds shall be distributed by the department for expenditure at the
10 local level in a manner that qualifies for federal financial
11 participation under the medicaid program.

12 (q) (1) Any local initiative entity that has performed
13 unanticipated additional work for the purposes identified in
14 subparagraph (B) of paragraph (2) of subdivision (p) resulting in
15 additional costs attributable to the development of its local initiative
16 health delivery system, may file a claim for reimbursement with
17 the department for the additional costs incurred due to delays in
18 start dates through the 1996–97 fiscal year. The claim shall be
19 filed by the local initiative entity not later than 90 days after the
20 effective date of the act adding this subdivision, and shall not seek
21 extra compensation for any sum that is or could have been asserted
22 pursuant to the contract disputes and appeals resolution provisions
23 of the local initiative entity's respective two-plan model contract.
24 All claims for unanticipated additional incurred costs shall be
25 submitted with adequate supporting documentation including, but
26 not limited to, all of the following:

27 (A) Invoices, receipts, job descriptions, payroll records, work
28 plans, and other materials that identify the unanticipated additional
29 claimed and incurred costs.

30 (B) Documents reflecting mitigation of costs.

31 (C) To the extent lost profits are included in the claim,
32 documentation identifying those profits and the manner of
33 calculation.

34 (D) Documents reflecting the anticipated start date, the actual
35 start date, and reasons for the delay between the dates, if any.

36 (2) In determining any amount to be paid, the department shall
37 do all of the following:

38 (A) Conduct a fiscal analysis of the local initiative entity's
39 claimed costs.

1 (B) Determine the appropriate amount of payment, after taking
2 into consideration the supporting documentation and the results
3 of any audit.

4 (C) Provide funding for any such payment, as approved by the
5 Department of Finance through the deficiency process.

6 (D) Complete the determination required in subparagraph (B)
7 within six months after receipt of a local initiative entity's
8 completed claim and supporting documentation. Prior to final
9 determination, there shall be a review and comment period for that
10 local initiative entity.

11 (E) Make reasonable efforts to obtain federal financial
12 participation. In the event federal financial participation is not
13 allowed for this payment, the state's payment shall be 50 percent
14 of the total amount determined to be payable.

15 *(r) Notwithstanding any other provision of law, the Controller*
16 *may use the moneys in the Medi-Cal Inpatient Payment Adjustment*
17 *Fund for loans to the General Fund as provided in Sections 16310*
18 *and 16381 of the Government Code, however, interest shall be*
19 *paid on all moneys loaned to the General Fund from the Medi-Cal*
20 *Inpatient Payment Adjustment Fund. Interest payable shall be*
21 *computed at a rate determined by the Pooled Money Investment*
22 *Board to be the current earning rate of the fund from which loaned.*
23 *This subdivision does not authorize any transfer that will interfere*
24 *with the carrying out of the object for which the Medi-Cal Inpatient*
25 *Payment Adjustment Fund was created.*

26 *SEC. 30. Section 16809 of the Welfare and Institutions Code*
27 *is amended to read:*

28 16809. (a) (1) The board of supervisors of a county that
29 contracted with the department pursuant to *former* Section 16709
30 during the 1990–91 fiscal year and any county with a population
31 under 300,000, as determined in accordance with the 1990
32 decennial census, by adopting a resolution to that effect, may elect
33 to participate in the County Medical Services Program. The
34 governing board shall have responsibilities for specified health
35 services to county residents certified eligible for those services by
36 the county.

37 (2) The board of supervisors of a county that has contracted
38 with the governing board pursuant to paragraph (1) may also
39 contract with the governing board for the delivery of health care
40 and health-related services to county residents other than under

1 the County Medical Services Program by adopting a resolution to
2 that effect. The governing board shall have responsibilities for the
3 delivery of specified health services to county residents as agreed
4 upon by the governing board and the county. Participation by a
5 county pursuant to this paragraph shall be voluntary, and funds
6 shall be provided solely by the county.

7 (b) The governing board may contract with the department or
8 any other person or entity to administer the County Medical
9 Services Program.

10 (1) If the governing board contracts with the department to
11 administer the County Medical Services Program, that contract
12 shall include, but need not be limited to, all of the following:

13 (A) Provisions for the payment to participating counties for
14 making eligibility determinations as determined by the governing
15 board.

16 (B) Provisions for payment of expenses of the governing board.

17 (C) Provisions relating to the flow of funds from counties'
18 vehicle license fees, sales taxes, and participation fees and the
19 procedures to be followed if a county does not pay those funds to
20 the program.

21 (D) Those provisions, as applicable, contained in the 1993–94
22 fiscal year contract with counties under the County Medical
23 Services Program.

24 (E) Provisions for the department to administer the County
25 Medical Services Program pursuant to regulations adopted by the
26 governing board or as otherwise determined by the governing
27 board.

28 (F) Provisions requiring that the governing board reimburse the
29 state costs of providing administrative support to the County
30 Medical Services Program in accordance with amounts determined
31 between the governing board and the department.

32 (2) If the governing board does not contract with the department
33 for administration of the County Medical Services Program, the
34 governing board may contract with the department for specified
35 services to assist in the administration of that program. Any
36 contract with the department under this paragraph shall require
37 that the governing board reimburse the state costs of providing
38 administrative support.

39 (3) The department shall not be liable for any costs related to
40 decisions of the governing board that are in excess of those set

1 forth in the contract between the department and the governing
2 board.

3 (c) Each county intending to participate in the County Medical
4 Services Program pursuant to this section shall submit to the
5 governing board a notice of intent to contract adopted by the board
6 of supervisors no later than April 1 of the fiscal year preceding the
7 fiscal year in which the county will participate in the County
8 Medical Services Program.

9 (d) A county participating in the County Medical Services
10 Program pursuant to this section, or a county contracting with the
11 governing board pursuant to paragraph (2) or (3) of subdivision
12 (a), or participating in a pilot project or contracting with the
13 governing board for an alternative product pursuant to Section
14 16809.4, shall not be relieved of its indigent health care obligation
15 under Section 17000.

16 (e) (1) The County Medical Services Program Account is
17 established in the County Health Services Fund. The County
18 Medical Services Program Account is continuously appropriated,
19 notwithstanding Section 13340 of the Government Code, without
20 regard to fiscal years. The following amounts may be deposited
21 in the account:

22 (A) Any interest earned upon ~~money~~ moneys deposited in the
23 account.

24 (B) Moneys provided by participating counties or appropriated
25 by the Legislature to the account.

26 (C) Moneys loaned pursuant to subdivision (n).

27 (2) The methods and procedures used to deposit funds into the
28 account shall be consistent with the methods used by the program
29 during the 1993–94 fiscal year, unless otherwise determined by
30 the governing board.

31 (f) Moneys in the program account shall be used by the
32 governing board, or by the department if the department contracts
33 with the governing board for this purpose, to pay for health care
34 services provided to the persons meeting the eligibility criteria
35 established pursuant to subdivision (j) and to pay the governing
36 board expenses and program administrative costs. In addition,
37 moneys in this account may be used to reimburse the department
38 for state costs pursuant to subparagraph (F) of paragraph (1) of
39 subdivision (b).

(g) (1) Moneys in this account shall be administered on an accrual basis and notwithstanding any other provision of law, except as provided in this section and Section 17605.051, shall not be transferred to any other fund or account in the State Treasury except for purposes of investment as provided in Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code.

(2) (A) All interest or other increment resulting from the investment shall be deposited in the program account, notwithstanding Section 16305.7 of the Government Code.

(B) All interest deposited pursuant to subparagraph (A) shall be available to reimburse program-covered services, governing board expenses, and program administrative costs.

(h) The governing board shall establish a reserve account for the purpose of depositing funds for the payment of claims and unexpected contingencies. Funds in the reserve account in excess of the amounts the governing board determines necessary for these purposes shall be available for expenditures in years when program expenditures exceed program funds, and to augment the rates, benefits, or eligibility criteria under the program.

(i) (1) Counties shall pay participation fees as established by the governing board and their jurisdictional risk amount in a method that is consistent with that established in the 1993–94 fiscal year.

(2) A county may request, due to financial hardship, the payments under paragraph (1) be delayed. The request shall be subject to approval by the governing board.

(3) Payments made pursuant to this subdivision shall be deposited in the program account, unless otherwise directed by the governing board.

(4) Payments may be made as part of the deposits authorized by the county pursuant to Sections 17603.05 and 17604.05.

(j) (1) (A) Beginning in the 1992–93 fiscal year and for each fiscal year thereafter, counties and the state shall share the risk for cost increases of the County Medical Services Program not funded through other sources. The state shall be at risk for any cost that exceeds the cumulative annual growth in dedicated sales tax and vehicle license fee revenue, up to the amount of twenty million two hundred thirty-seven thousand four hundred sixty dollars (\$20,237,460) per fiscal year, except for the 1999–2000, 2000–01,

1 2001–02, 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, *and*
 2 2007–08 fiscal years, and all fiscal years thereafter. Counties shall
 3 be at risk up to the cumulative annual growth in the Local Revenue
 4 Fund created by Section 17600, according to the table specified
 5 in paragraph (2), to the County Medical Services Program, plus
 6 the additional cost increases in excess of twenty million two
 7 hundred thirty-seven thousand four hundred sixty dollars
 8 (\$20,237,460) per fiscal year, except for the 1999–2000, 2000–01,
 9 2001–02, 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, *and*
 10 2007–08 fiscal years, and all fiscal years thereafter.

11 (B) For the 1999–2000, 2000–01, 2001–02, 2002–03, 2003–04,
 12 2004–05, 2005–06, 2006–07, *and* 2007–08 fiscal years, and all
 13 fiscal years thereafter, the state shall not be at risk for any cost that
 14 exceeds the cumulative annual growth in dedicated sales tax and
 15 vehicle license fee revenue. Counties shall be at risk up to the
 16 cumulative annual growth in the Local Revenue Fund created by
 17 Section 17600, according to the table specified in paragraph (2),
 18 to the County Medical Services Program, plus any additional cost
 19 increases for the 1999–2000, 2000–01, 2001–02, 2002–03,
 20 2003–04, 2004–05, 2005–06, 2006–07, *and* 2007–08 fiscal years,
 21 and all fiscal years thereafter.

22 (C) (i) The governing board shall establish uniform eligibility
 23 criteria and benefits among all counties participating in the County
 24 Medical Services Program listed in paragraph (2). For counties
 25 that are not listed in paragraph (2) and that elect to participate
 26 pursuant to paragraph (1) of subdivision (a), the eligibility criteria
 27 and benefit structure may vary from those of counties participating
 28 pursuant to paragraph (2) of subdivision (a).

29 (ii) Notwithstanding clause (i), the governing board may
 30 establish and maintain pilot projects to identify or test alternative
 31 approaches for determining eligibility or for providing or paying
 32 for benefits under the County Medical Services Program, and may
 33 develop and implement alternative products with varying levels
 34 of eligibility criteria and benefits outside of the County Medical
 35 Services Program.

36 (2) For the 1991–92 fiscal year, and each year thereafter,
 37 jurisdictional risk limitations shall be as follows:

38		
39	Jurisdiction	Amount
40	Alpine.....	\$ 13,150

1	Amador.....	620,264
2	Butte.....	5,950,593
3	Calaveras.....	913,959
4	Colusa.....	799,988
5	Del Norte.....	781,358
6	El Dorado.....	3,535,288
7	Glenn.....	787,933
8	Humboldt.....	6,883,182
9	Imperial.....	6,394,422
10	Inyo.....	1,100,257
11	Kings.....	2,832,833
12	Lake.....	1,022,963
13	Lassen.....	687,113
14	Madera.....	2,882,147
15	Marin.....	7,725,909
16	Mariposa.....	435,062
17	Mendocino.....	1,654,999
18	Modoc.....	469,034
19	Mono.....	369,309
20	Napa.....	3,062,967
21	Nevada.....	1,860,793
22	Plumas.....	905,192
23	San Benito.....	1,086,011
24	Shasta.....	5,361,013
25	Sierra.....	135,888
26	Siskiyou.....	1,372,034
27	Solano.....	6,871,127
28	Sonoma.....	13,183,359
29	Sutter.....	2,996,118
30	Tehama.....	1,912,299
31	Trinity.....	611,497
32	Tuolumne.....	1,455,320
33	Yuba.....	2,395,580

34
35 (3) Beginning in the 1991–92 fiscal year and in subsequent
36 fiscal years, the jurisdictional risk limitation for the counties that
37 did not contract with the department pursuant to *former* Section
38 16709 during the 1990–91 fiscal year shall be the amount specified
39 in subparagraph (A) plus the amount determined pursuant to

subparagraph (B), minus the amount specified by the governing board as participation fees.

(A)

Jurisdiction	Amount
Merced.....	2,033,729
Placer.....	1,338,330
San Luis Obispo.....	2,000,491
Santa Cruz.....	3,037,783
Yolo.....	1,475,620

(B) The amount of funds necessary to fully fund the anticipated costs for the county shall be determined by the governing board before a county is permitted to participate in the County Medical Services Program.

(4) The specific amounts and method of apportioning risk to each participating county may be adjusted by the governing board.

(k) The Legislature hereby determines that an expedited contract process for contracts under this section is necessary. Contracts under this section shall be exempt from Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code. Contracts of the department pursuant to this section shall have no force or effect unless they are approved by the Department of Finance.

(l) The state shall not incur any liability except as specified in this section.

(m) Third-party recoveries for services provided under this section may be pursued.

(n) The Department of Finance may authorize a loan of up to thirty million dollars (\$30,000,000) for deposit into the program account to ensure that there are sufficient funds available to reimburse providers and counties pursuant to this section.

(o) Moneys appropriated from the General Fund to meet the state risk, as set forth in subparagraph (A) of paragraph (1) of subdivision (j), shall not be available for those counties electing to disenroll from the County Medical Services Program.

(p) Notwithstanding any other provision of law, the Controller may use the moneys in the County Medical Services Program Account for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code, however, interest shall

be paid on all moneys loaned to the General Fund from the County Medical Services Program Account. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the County Medical Services Program Account was created.

SEC. 31. Section 18220 of the Welfare and Institutions Code is repealed.

~~18220. (a) (1) The Department of Corrections and Rehabilitation, commencing July 1, 2005, shall administer funds appropriated for the purposes of this chapter and allocated pursuant to this section.~~

~~(2) For purposes of this chapter, "department" means the Department of Corrections and Rehabilitation.~~

~~(b) (1) The department shall administer this chapter, including the establishment of agreements with all county probation departments that receive funding under this chapter.~~

~~(2) (A) Subject to the availability of funds in the annual Budget Act, the department shall be responsible for allocating funds to counties.~~

~~(B) Commencing with the 2005-06 fiscal year, the department shall allocate one hundred sixty-eight million seven hundred thirteen thousand dollars (\$168,713,000) among counties based on the allocation schedule specified in this subparagraph. In any year in which the total amount appropriated by the Legislature for the purposes of this section differs from the total amount provided in the 2004-05 fiscal year, the amount appropriated shall be apportioned to counties based on the 2004-05 fiscal year allocation schedule as follows:~~

Alameda.....	\$6,667,935
Alpine.....	\$584
Amador.....	\$100,667
Butte.....	\$538,712
Calaveras.....	\$103,092
Colusa.....	\$57,526
Contra Costa.....	\$4,493,504
Del Norte.....	\$197,338
El Dorado.....	\$508,807

1	Fresno.....	\$3,635,282
2	Glenn.....	\$90,484
3	Humboldt.....	\$286,072
4	Imperial.....	\$572,419
5	Inyo.....	\$241,575
6	Kern.....	\$4,333,734
7	Kings.....	\$647,746
8	Lake.....	\$314,736
9	Lassen.....	\$91,671
10	Los Angeles.....	\$67,713,506
11	Madera.....	\$404,791
12	Marin.....	\$631,365
13	Mariposa.....	\$22,394
14	Mendocino.....	\$333,240
15	Merced.....	\$584,419
16	Modoc.....	\$36,005
17	Mono.....	\$12,013
18	Monterey.....	\$1,018,813
19	Napa.....	\$593,942
20	Nevada.....	\$209,805
21	Orange.....	\$14,270,138
22	Placer.....	\$450,012
23	Plumas.....	\$46,127
24	Riverside.....	\$5,438,322
25	Sacramento.....	\$3,602,070
26	San Benito.....	\$360,418
27	San Bernardino.....	\$5,856,862
28	San Diego.....	\$9,463,866
29	San Francisco.....	\$3,232,706
30	San Joaquin.....	\$1,493,704
31	San Luis Obispo.....	\$1,013,424
32	San Mateo.....	\$3,201,176
33	Santa Barbara.....	\$2,794,054
34	Santa Clara.....	\$9,799,213
35	Santa Cruz.....	\$1,033,949
36	Shasta.....	\$694,367
37	Sierra.....	\$6,168
38	Siskiyou.....	\$126,526
39	Solano.....	\$1,748,360
40	Sonoma.....	\$2,200,569

Stanislaus.....	\$889,952
Sutter.....	\$226,793
Tehama.....	\$243,674
Trinity.....	\$58,342
Tulare.....	\$2,381,471
Tuolumne.....	\$119,136
Ventura.....	\$2,900,636
Yolo.....	\$429,067
Yuba.....	\$189,721
	-
Total.....	\$168,713,000

(C) Commencing with the 2005-06 fiscal year, the department shall allocate thirty-two million seven hundred thousand dollars (\$32,700,000) among counties that operate juvenile camps and ranches based on the number of occupied beds in each camp as of 12:01 a.m. each day, up to the Corrections Standards Authority rated maximum capacity, as determined by the Corrections Standards Authority.

SEC. 32. Section 18220 is added to the Welfare and Institutions Code, to read:

18220. (a) Of the amount deposited in the Local Safety and Protection Account, the Controller shall allocate 41.48 percent in the 2008-09 fiscal year and 37.84 percent in the 2009-10 fiscal year, and each fiscal year thereafter, for purposes of Section 18221.

(b) Commencing January 1, 2009, the Controller shall allocate funds in equal quarterly installments, to be paid in September, December, March, and June of each year, to local jurisdictions to support juvenile probation activities based on the percentages as follows:

Alameda.....	3.9522%
Alpine.....	0.0004%
Amador.....	0.0597%
Butte.....	0.3193%
Calaveras.....	0.0611%
Colusa.....	0.0341%
Contra Costa.....	2.6634%

1	<i>Del Norte</i>	0.1170%
2	<i>El Dorado</i>	0.3016%
3	<i>Fresno</i>	2.1547%
4	<i>Glenn</i>	0.0536%
5	<i>Humboldt</i>	0.1696%
6	<i>Imperial</i>	0.3393%
7	<i>Inyo</i>	0.1432%
8	<i>Kern</i>	2.5687%
9	<i>Kings</i>	0.3839%
10	<i>Lake</i>	0.1866%
11	<i>Lassen</i>	0.0543%
12	<i>Los Angeles</i>	40.1353%
13	<i>Madera</i>	0.2399%
14	<i>Marin</i>	0.3742%
15	<i>Mariposa</i>	0.0133%
16	<i>Mendocino</i>	0.1975%
17	<i>Merced</i>	0.3464%
18	<i>Modoc</i>	0.0213%
19	<i>Mono</i>	0.0071%
20	<i>Monterey</i>	0.6039%
21	<i>Napa</i>	0.3520%
22	<i>Nevada</i>	0.1244%
23	<i>Orange</i>	8.4582%
24	<i>Placer</i>	0.2667%
25	<i>Plumas</i>	0.0273%
26	<i>Riverside</i>	3.2234%
27	<i>Sacramento</i>	2.1350%
28	<i>San Benito</i>	0.2136%
29	<i>San Bernardino</i>	3.4715%
30	<i>San Diego</i>	5.6095%
31	<i>San Francisco</i>	1.9161%
32	<i>San Joaquin</i>	0.8854%
33	<i>San Luis Obispo</i>	0.6007%
34	<i>San Mateo</i>	1.8974%
35	<i>Santa Barbara</i>	1.6561%
36	<i>Santa Clara</i>	5.8082%
37	<i>Santa Cruz</i>	0.6128%
38	<i>Shasta</i>	0.4116%
39	<i>Sierra</i>	0.0037%
40	<i>Siskiyou</i>	0.0750%

Solano.....	1.0363%
Sonoma.....	1.3043%
Stanislaus.....	0.5275%
Sutter.....	0.1344%
Tehama.....	0.1444%
Trinity.....	0.0346%
Tulare.....	1.4116%
Tuolumne.....	0.0706%
Ventura.....	1.7193%
Yolo.....	0.2543%
Yuba.....	0.1125%

Total..... 100%

(c) Commencing with the 2008–09 fiscal year, the department shall allocate twenty-nine million four hundred thirty thousand dollars (\$29,430,000) among counties that operate juvenile camps and ranches based on the number of occupied beds in each camp as of 12:01 a.m. each day, up to the Corrections Standards Authority rated maximum capacity, as determined by the Corrections Standards Authority.

SEC. 33. Section 18221 of the Welfare and Institutions Code is amended to read:

18221. (a) Subject to the availability of funds for the purposes described in this section, funds provided pursuant to subparagraphs (B) and (C) of paragraph (2) of subdivision (b) of Section 18220 may be used to serve children who are habitual truants, runaways, at risk of being wards of the court under Section 601 or 602, or under juvenile court supervision or supervision of the probation department. Funds may be used to serve parents or other family members of these children if serving them will promote increased self-sufficiency, personal responsibility, and family stability for the child. Services shall be provided pursuant to a family service plan. When a family is served by multiple public agencies or in need of services from multiple public agencies, the family service plan shall be developed through an interdisciplinary approach that shall include representatives from agencies that provide services to the family or that may be required to implement the service plan.

(b) Services authorized under this section include all of the following:

- (1) Educational advocacy and attendance monitoring.
- (2) Mental health assessment and counseling.
- (3) Home detention.
- (4) Social responsibility training.
- (5) Family mentoring.
- (6) Parent peer support.
- (7) Life skills counseling.
- (8) Direct provision of, and referral to, prevocational and vocational training.
- (9) Family crisis intervention.
- (10) Individual, family, and group counseling.
- (11) Parenting skills development.
- (12) Drug and alcohol education.
- (13) Respite care.
- (14) Counseling, monitoring, and treatment.
- (15) Gang intervention.
- (16) Sex and health education.
- (17) Anger management, violence prevention, and conflict resolution.
- (18) Aftercare services as juveniles transition back into the community and reintegrate into their families.
- (19) Information and referral regarding the availability of community services.
- (20) Case management.
- (21) Therapeutic day treatment.
- (22) Transportation related to any of the services described in this subdivision.
- (23) Emergency and temporary shelter.

SEC. 34. Any Senate Constitutional Amendment or Assembly Constitutional Amendment adopted during the 2009–10 First Extraordinary Session shall be submitted to the voters at the November 2, 2010, statewide general election in accordance with the provisions of the Government Code and the Elections Code governing the submission of statewide measures to the voters.

SEC. 35. This act shall become effective only if either of the bills listed in subdivision (a) and either of the bills listed in subdivision (b), of the 2009–10 First Extraordinary Session of the Legislature, is also chaptered:

1 (a) Assembly Bill 2 or Senate Bill 2.

2 (b) Assembly Bill 9 or Senate Bill 9.

3 SEC. 36. This act addresses the fiscal emergency declared by
4 the Governor by proclamation on December 1, 2008, pursuant to
5 subdivision (f) of Section 10 of Article IV of the California
6 Constitution.

7 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
8 ~~changes relating to the Budget Act of 2008.~~

9 ~~SEC. 2. This act addresses the fiscal emergency declared by~~
10 ~~the Governor by proclamation on December 1, 2008, pursuant to~~
11 ~~subdivision (f) of Section 10 of Article IV of the California~~
12 ~~Constitution.~~