

Volume 1

# STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

**2001**

Constitution of 1879 as Amended

General Laws, Amendments to the Codes, Resolutions,  
and Constitutional Amendments passed by the  
California Legislature

**2001-02 Regular Session**

**2001-02 First Extraordinary Session**

**2001-02 Second Extraordinary Session**



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# EFFECTIVE DATES

## Regular Session

The 2001–02 Regular Session convened on December 4, 2000, and the interim study recess commenced on September 14, 2001. Statutes enacted in 2001, other than those taking immediate effect, will become effective January 1, 2002.

The effective date of a joint or concurrent resolution is the date it is filed with the Secretary of State.

An initiative statute or referendum or a constitutional amendment proposed by the Legislature and adopted by the people takes effect the day after the election unless the measure provides otherwise.

*Statutes Which Take Effect Immediately.* An urgency statute, and a statute calling an election, providing for a tax levy, or making an appropriation for the usual current expenses of the state may take effect immediately. Such a statute becomes *effective* on the date it is filed with the Secretary of State.

*Operative Date.* The provisions of a statute normally become operative on the date it takes effect. However, any statute may, by its own terms, delay the *operation* of its provisions until the happening of some contingency or until a specified time. Also, a later statute or a general provision in a particular code may delay the operation of a statute to a time after its effective date.

## Extraordinary Sessions

An urgency statute enacted at a special session of the Legislature takes effect immediately, as outlined above, and the same rules apply with respect to a delayed *operative* date. A nonurgency statute takes effect on the 91st day after adjournment of the special session at which the bill was passed.

The 2001–02 First Extraordinary Session convened on January 3, 2001, and adjourned *sine die* on May 14, 2001. The 91st day after adjournment is August 13, 2001.

The 2001–02 Second Extraordinary Session convened in the Assembly on May 14, 2001, and in the Senate on May 17, 2001. This Extraordinary Session had not been adjourned prior to publication of this Statutes and Amendments to the Codes; please refer to the succeeding year's Statutes and Amendments to the Codes.



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**CONSTITUTION OF THE STATE  
OF CALIFORNIA**

**1879**

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# CONSTITUTION OF THE STATE OF CALIFORNIA\*

AS AMENDED AND IN FORCE NOVEMBER 7, 2000

## PREAMBLE

We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

## ARTICLE I

### DECLARATION OF RIGHTS

SECTION 1. [*Repealed November 5, 1974. See Section 1, below.*]

#### [*Inalienable Rights*]

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy. [*New section adopted November 5, 1974.*]

#### [*Liberty of Speech and of the Press—Newspersons' Refusal to Disclose Information Sources Not Adjudged in Contempt*]

SEC. 2. (a) Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

(b) A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, shall not be adjudged in contempt by a judicial, legislative, or administrative body, or any other body having the power to issue subpoenas, for refusing to disclose the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

Nor shall a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

\* Adopted by the people on May 7, 1879. Certain spelling and capitalization variances reflect State Printer's style in effect at time of adoption of amendments.

As used in this subdivision, “unpublished information” includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated. [*As amended June 3, 1980.*]

[*Right to Assemble and to Petition*]

SEC. 3. The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good. [*New section adopted November 5, 1974.*]

SEC. 4. [*Repealed November 5, 1974. See Section 4, below.*]

[*Liberty of Conscience*]

SEC. 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs. [*New section adopted November 5, 1974.*]

SEC. 5. [*Repealed November 5, 1974. See Section 5, below.*]

[*The Military*]

SEC. 5. The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner’s consent. [*New section adopted November 5, 1974.*]

SEC. 6. [*Repealed November 5, 1974. See Section 6, below.*]

[*Slavery Prohibited*]

SEC. 6. Slavery is prohibited. Involuntary servitude is prohibited except to punish crime. [*New section adopted November 5, 1974.*]

[*Due Process of Law—Use of Pupil School Assignment or Pupil Transportation*]

SEC. 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil trans-

portation. In enforcing this subdivision or any other provision of this Constitution, no court of this State may impose upon the State of California or any public entity, board, or official any obligation or responsibility with respect to the use of pupil school assignment or pupil transportation, (1) except to remedy a specific violation by such party that would also constitute a violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution, and (2) unless a federal court would be permitted under federal decisional law to impose that obligation or responsibility upon such party to remedy the specific violation of the Equal Protection Clause of the 14th Amendment of the United States Constitution.

Except as may be precluded by the Constitution of the United States, every existing judgment, decree, writ, or other order of a court of this State, whenever rendered, which includes provisions regarding pupil school assignment or pupil transportation, or which requires a plan including any such provisions shall, upon application to a court having jurisdiction by any interested person, be modified to conform to the provisions of this subdivision as amended, as applied to the facts which exist at the time of such modification.

In all actions or proceedings arising under or seeking application of the amendments to this subdivision proposed by the Legislature at its 1979–80 Regular Session, all courts, wherein such actions or proceedings are or may hereafter be pending, shall give such actions or proceedings first precedence over all other civil actions therein.

Nothing herein shall prohibit the governing board of a school district from voluntarily continuing or commencing a school integration plan after the effective date of this subdivision as amended.

In amending this subdivision, the Legislature and people of the State of California find and declare that this amendment is necessary to serve compelling public interests, including those of making the most effective use of the limited financial resources now and prospectively available to support public education, maximizing the educational opportunities and protecting the health and safety of all public school pupils, enhancing the ability of parents to participate in the educational process, preserving harmony and tranquility in this State and its public schools, preventing the waste of scarce fuel resources, and protecting the environment.

*[Privileges and Immunities]*

(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked. *[As amended November 6, 1979.]*

[*Sex, Race, Etc., Not a Disqualification for Business*]

SEC. 8. A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin. [*Former Section 18 of Article XX, as renumbered and amended November 5, 1974.*]

SEC. 9. [*Repealed November 5, 1974. See Section 9, below.*]

[*Bill of Attainder—Ex Post Facto Law—Obligation of Contract*]

SEC. 9. A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed. [*New section adopted November 5, 1974.*]

SEC. 10. [*Repealed November 5, 1974. See Section 10, below.*]

[*Detention of Witnesses—No Imprisonment for Debt*]

SEC. 10. Witnesses may not be unreasonably detained. A person may not be imprisoned in a civil action for debt or tort, or in peacetime for a militia fine. [*New section adopted November 5, 1974.*]

SEC. 11. [*Repealed November 5, 1974. See Section 11, below.*]

[*Suspension of Habeas Corpus*]

SEC. 11. Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion. [*New section adopted November 5, 1974.*]

[*Bail—Release on Own Recognizance*]

SEC. 12. A person shall be released on bail by sufficient sureties, except for:

- (a) Capital crimes when the facts are evident or the presumption great;
- (b) Felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or
- (c) Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.

Excessive bail may not be required. In fixing the amount of bail, the court shall take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case.

A person may be released on his or her own recognizance in the court's discretion. [*As amended November 8, 1994.*]

SEC. 13. [*Repealed November 5, 1974. See Section 13, below.*]

[*Unreasonable Seizure and Search—Warrant*]

SEC. 13. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized. [*New section adopted November 5, 1974.*]

SEC. 14. [*Repealed November 5, 1974. See Section 14, below.*]

[*Felony Defendant Before Magistrate—Prosecutions*]

SEC. 14. Felonies shall be prosecuted as provided by law, either by indictment or, after examination and commitment by a magistrate, by information.

A person charged with a felony by complaint subscribed under penalty of perjury and on file in a court in the county where the felony is triable shall be taken without unnecessary delay before a magistrate of that court. The magistrate shall immediately give the defendant a copy of the complaint, inform the defendant of the defendant's right to counsel, allow the defendant a reasonable time to send for counsel, and on the defendant's request read the complaint to the defendant. On the defendant's request the magistrate shall require a peace officer to transmit within the county where the court is located a message to counsel named by defendant.

A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings. [*New section adopted November 5, 1974.*]

[*Felony—Prosecution by Indictment*]

SEC. 14.1. If a felony is prosecuted by indictment, there shall be no postindictment preliminary hearing. [*New section adopted June 5, 1990. Initiative measure.*]

SEC. 14½. [*Repealed November 5, 1974.*]

SEC. 15. [*Repealed November 5, 1974. See Section 15, below.*]

[*Criminal Prosecutions—Rights of Defendant—Due Process of Law—Jeopardy—Depositions—Assistance of Counsel*]

SEC. 15. The defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant. The Legislature may provide for the deposition of a witness in the presence of the defendant and the defendant's counsel.

Persons may not twice be put in jeopardy for the same offense, be compelled in a criminal cause to be a witness against themselves, or be deprived of life, liberty, or property without due process of law. [*New section adopted November 5, 1974.*]

[*Trial by Jury*]

SEC. 16. Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

[*Number of Jurors in Civil Trials*]

In civil causes the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court. In civil causes other than causes within the appellate jurisdiction of the court of appeal the Legislature may provide that the jury shall consist of eight persons or a lesser number agreed on by the parties in open court.

[*Number of Jurors in Criminal Trials*]

In criminal actions in which a felony is charged, the jury shall consist of 12 persons. In criminal actions in which a misdemeanor is charged, the jury shall consist of 12 persons or a lesser number agreed on by the parties in open court. [*As amended June 2, 1998.*]

SEC. 17. [*Repealed November 5, 1974. See Section 17, below.*]

[*Unusual Punishment—Excessive Fines*]

SEC. 17. Cruel or unusual punishment may not be inflicted or excessive fines imposed. [*New section adopted November 5, 1974.*]

SEC. 18. [*Repealed November 5, 1974. See Section 18, below.*]

[*Treason*]

SEC. 18. Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort. A person may not be convicted of treason except on the evidence of two witnesses to the same overt act or by confession in open court. [*New section adopted November 5, 1974.*]

SEC. 19. [*Repealed November 5, 1974. See Section 19, below.*]

[*Eminent Domain*]

SEC. 19. Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide

for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation. [*New section adopted November 5, 1974.*]

SEC. 20. [*Repealed November 5, 1974. See Section 20, below.*]

[*Rights of Noncitizens*]

SEC. 20. Noncitizens have the same property rights as citizens. [*New section adopted November 5, 1974.*]

SEC. 21. [*Repealed November 5, 1974. See Section 21, below.*]

[*Separate Property of Husband and Wife*]

SEC. 21. Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property. [*Former Section 8 of Article XX, as renumbered November 5, 1974.*]

SEC. 22. [*Repealed November 5, 1974. See Section 22, below.*]

[*No Property Qualification for Electors*]

SEC. 22. The right to vote or hold office may not be conditioned by a property qualification. [*New section adopted November 5, 1974.*]

SEC. 23. [*Repealed November 5, 1974. See Section 23, below.*]

[*Grand Juries*]

SEC. 23. One or more grand juries shall be drawn and summoned at least once a year in each county. [*New section adopted November 5, 1974.*]

[*Constitutional Rights—Rights Reserved*]

SEC. 24. Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution.

In criminal cases the rights of a defendant to equal protection of the laws, to due process of law, to the assistance of counsel, to be personally present with counsel, to a speedy and public trial, to compel the attendance of witnesses, to confront the witnesses against him or her, to be free from unreasonable searches and seizures, to privacy, to not be compelled to be a witness against himself or herself, to not be placed twice in jeopardy for the same offense, and to not suffer the imposition of cruel or unusual punishment, shall be construed by the courts of this State in a manner consistent with the Constitution of the United States. This Constitution shall not be construed by the courts to afford greater rights to criminal defendants than those afforded by the Constitution of the United States, nor shall it be construed to afford greater rights to minors in juvenile proceedings on criminal causes than those afforded by the Constitution of the United States.

This declaration of rights may not be construed to impair or deny others retained by the people. [*As amended June 5, 1990. Initiative measure.*]

[*Right to Fish*]

SECTION 25. The people shall have the right to fish upon and from the public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken. [*New section adopted November 8, 1910.*]

SEC. 26. [*Renumbered Section 1 of Article II June 8, 1976. See Section 26, below.*]

[*Constitution Mandatory and Prohibitory*]

SEC. 26. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise. [*Former Section 28, as renumbered June 8, 1976.*]

SEC. 26a. [*Repealed November 8, 1949.*]

[*Death Penalty*]

SEC. 27. All statutes of this State in effect on February 17, 1972, requiring, authorizing, imposing, or relating to the death penalty are in full force and effect, subject to legislative amendment or repeal by statute, initiative, or referendum.

The death penalty provided for under those statutes shall not be deemed to be, or to constitute, the infliction of cruel or unusual punishments within the meaning of Article 1, Section 6 nor shall such punishment for such offenses be deemed to contravene any other provision of this constitution. [*New section adopted November 7, 1972. Initiative measure.*]

[*"The Victims' Bill of Rights"*]

SEC. 28. (a) The People of the State of California find and declare that the enactment of comprehensive provisions and laws ensuring a bill of rights for victims of crime, including safeguards in the criminal justice system to fully protect those rights, is a matter of grave statewide concern.

The rights of victims pervade the criminal justice system, encompassing not only the right to restitution from the wrongdoers for financial losses suffered as a result of criminal acts, but also the more basic expectation that persons who commit felonious acts causing injury to innocent victims



will be appropriately detained in custody, tried by the courts, and sufficiently punished so that the public safety is protected and encouraged as a goal of highest importance.

Such public safety extends to public primary, elementary, junior high, and senior high school campuses, where students and staff have the right to be safe and secure in their persons.

To accomplish these goals, broad reforms in the procedural treatment of accused persons and the disposition and sentencing of convicted persons are necessary and proper as deterrents to criminal behavior and to serious disruption of people's lives.

(b) Restitution. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to restitution from the persons convicted of the crimes for losses they suffer.

Restitution shall be ordered from the convicted persons in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss, unless compelling and extraordinary reasons exist to the contrary. The Legislature shall adopt provisions to implement this section during the calendar year following adoption of this section.

(c) Right to Safe Schools. All students and staff of public primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful.

(d) Right to Truth-in-Evidence. Except as provided by statute hereafter enacted by a two-thirds vote of the membership in each house of the Legislature, relevant evidence shall not be excluded in any criminal proceeding, including pretrial and post conviction motions and hearings, or in any trial or hearing of a juvenile for a criminal offense, whether heard in juvenile or adult court. Nothing in this section shall affect any existing statutory rule of evidence relating to privilege or hearsay, or Evidence Code, Sections 352, 782 or 1103. Nothing in this section shall affect any existing statutory or constitutional right of the press.

(e) Public Safety Bail. A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. In setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety shall be the primary consideration.

A person may be released on his or her own recognizance in the court's discretion, subject to the same factors considered in setting bail. However, no person charged with the commission of any serious felony shall be released on his or her own recognizance.

Before any person arrested for a serious felony may be released on bail, a hearing may be held before the magistrate or judge, and the prosecuting attorney shall be given notice and reasonable opportunity to be heard on the matter.

When a judge or magistrate grants or denies bail or release on a person's own recognizance, the reasons for that decision shall be stated in the record and included in the court's minutes.

(f) Use of Prior Convictions. Any prior felony conviction of any person in any criminal proceeding, whether adult or juvenile, shall subsequently be used without limitation for purposes of impeachment or enhancement of sentence in any criminal proceeding. When a prior felony conviction is an element of any felony offense, it shall be proven to the trier of fact in open court.

(g) As used in this article, the term "serious felony" is any crime defined in Penal Code, Section 1192.7(c). [*New section adopted June 8, 1982. Initiative measure.*]

[*Criminal Cases—Due Process of Law—Speedy and Public Trial*]

SEC. 29. In a criminal case, the people of the State of California have the right to due process of law and to a speedy and public trial. [*New section adopted June 5, 1990. Initiative measure.*]

[*Criminal Cases—Jointure-Hearsay Evidence—Discovery*]

SEC. 30. (a) This Constitution shall not be construed by the courts to prohibit the joining of criminal cases as prescribed by the Legislature or by the people through the initiative process.

(b) In order to protect victims and witnesses in criminal cases, hearsay evidence shall be admissible at preliminary hearings, as prescribed by the Legislature or by the people through the initiative process.

(c) In order to provide for fair and speedy trials, discovery in criminal cases shall be reciprocal in nature, as prescribed by the Legislature or by the people through the initiative process. [*New section adopted June 5, 1990. Initiative measure.*]

[*Prohibition Against Discrimination or Preferential Treatment*]

SEC. 31. (a) The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(b) This section shall apply only to action taken after the section's effective date.

(c) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(d) Nothing in this section shall be interpreted as invalidating any court order or consent decree which is in force as of the effective date of this section.

(e) Nothing in this section shall be interpreted as prohibiting action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.

(f) For the purposes of this section, "State" shall include, but not necessarily be limited to, the State itself, any city, county, city and county, public university system, including the University of California, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the State.

(g) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing California antidiscrimination law.

(h) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section. [*New section adopted November 5, 1996. Initiative measure.*]

ARTICLE II. [*Repealed November 7, 1972. See Article II, below.*]

## ARTICLE II\*

### VOTING, INITIATIVE AND REFERENDUM, AND RECALL

[*Heading as amended June 8, 1976.*]

SEC. 1. [*Renumbered Section 2 June 8, 1976. See Section 1, below.*]

[*Purpose of Government*]

SECTION 1. All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require. [*Former Section 26 of Article I, as renumbered June 8, 1976.*]

SEC. 1½. [*Repealed November 7, 1972.*]

SEC. 2. [*Renumbered Section 3 June 8, 1976. See Section 2, below.*]

[*Right to Vote*]

SEC. 2. A United States citizen 18 years of age and resident in this State may vote. [*Former Section 1, as renumbered June 8, 1976.*]

\* New Article II adopted November 7, 1972.

SEC. 2.5. [Repealed November 7, 1972.]

SEC. 2<sup>3</sup>/<sub>4</sub>. [Repealed November 7, 1972.]

SEC. 3. [Renumbered Section 4 June 8, 1976. See Section 3, below.]

[Residence—Registration—Free Elections]

SEC. 3. The Legislature shall define residence and provide for registration and free elections. [Former Section 2, as renumbered June 8, 1976.]

SEC. 4. [Renumbered Section 5 June 8, 1976. See Section 4, below.]

[Improper Practices That Affect Elections—Mentally Incompetent, Etc.]

SEC. 4. The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. [Former Section 3, as renumbered June 8, 1976.]

SEC. 5. [Renumbered Section 6 June 8, 1976. See Section 5, below.]

[Primary Elections for Partisan Offices—Open Presidential Primary]

SEC. 5. The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy. [Former Section 4, as renumbered June 8, 1976.]

[Nonpartisan Offices]

SEC. 6. (a) All judicial, school, county, and city offices shall be nonpartisan.

(b) No political party or party central committee may endorse, support, or oppose a candidate for nonpartisan office. [As amended June 3, 1986.]

[Voting—Secret]

SEC. 7. Voting shall be secret. [Former Section 6, as renumbered June 8, 1976.]

[Initiative]

SEC. 8. (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.

(b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5 percent in the case of a statute, and 8 percent

in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

(c) The Secretary of State shall then submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

(d) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

(e) An initiative measure may not include or exclude any political subdivision of the State from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of that political subdivision.

(f) An initiative measure may not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure. [*As amended June 2, 1998.*]

[*Referendum*]

SEC. 9. (a) The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State.

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 90 days after the enactment date of the statute, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors. In the case of a statute enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, the petition may not be presented on or after January 1 next following the enactment date unless a copy of the petition is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II before January 1.

(c) The Secretary of State shall then submit the measure at the next general election held at least 31 days after it qualifies or at a special statewide election held prior to that general election. The Governor may call a special statewide election for the measure. [*As amended June 5, 1990.*]

[*Initiative and Referendum—Vote and Effective Date—Conflicts—Legislative Repeal or Amendment—Titling*]

SEC. 10. (a) An initiative statute or referendum approved by a majority of votes thereon takes effect the day after the election unless the

measure provides otherwise. If a referendum petition is filed against a part of a statute the remainder shall not be delayed from going into effect.

(b) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval.

(d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law.

(e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors. [*Former Section 24 of Article IV, as renumbered June 8, 1976.*]

[*Initiative and Referendum—Cities or Counties*]

SEC. 11. (a) Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide. Except as provided in subdivisions (b) and (c), this section does not affect a city having a charter.

(b) A city or county initiative measure may not include or exclude any part of the city or county from the application or effect of its provisions based upon approval or disapproval of the initiative measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of the city or county or any part thereof.

(c) A city or county initiative measure may not contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure. [*As amended June 2, 1998.*]

[*Naming Individual or Private Corporation to Office or Duty Prohibited*]

SEC. 12. No amendment to the Constitution, and no statute proposed to the electors by the Legislature or by initiative, that names any individual to hold any office, or names or identifies any private corporation to perform any function or to have any power or duty, may be submitted to the electors or have any effect. [*Former Section 26 of Article IV, as renumbered June 8, 1976.*]

[*Recall Defined*]

SEC. 13. Recall is the power of the electors to remove an elective officer. [*New section adopted June 8, 1976.*]

*[Recall Petitions]*

SEC. 14. (a) Recall of a state officer is initiated by delivering to the Secretary of State a petition alleging reason for recall. Sufficiency of reason is not reviewable. Proponents have 160 days to file signed petitions.

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, members of the Assembly, members of the Board of Equalization, and judges of courts of appeal and trial courts must equal in number 20 percent of the last vote for the office.

(c) The Secretary of State shall maintain a continuous count of the signatures certified to that office. *[New section adopted June 8, 1976.]*

*[Recall Elections]*

SEC. 15. (a) An election to determine whether to recall an officer and, if appropriate, to elect a successor shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures.

(b) A recall election may be conducted within 180 days from the date of certification of sufficient signatures in order that the election may be consolidated with the next regularly scheduled election occurring wholly or partially within the same jurisdiction in which the recall election is held, if the number of voters eligible to vote at that next regularly scheduled election equal at least 50 percent of all the voters eligible to vote at the recall election.

(c) If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate, nor shall there be any candidacy for an office filled pursuant to subdivision (d) of Section 16 of Article VI. *[As amended November 8, 1994.]*

*[Legislature to Provide for Petitions, Etc.]*

SEC. 16. The Legislature shall provide for circulation, filing, and certification of petitions, nomination of candidates, and the recall election. *[New section adopted June 8, 1976.]*

*[Recall of Governor or Secretary of State]*

SEC. 17. If recall of the Governor or Secretary of State is initiated, the recall duties of that office shall be performed by the Lieutenant Governor or Controller, respectively. *[New section adopted June 8, 1976.]*

*[Reimbursement of Recall Election Expenses]*

SEC. 18. A state officer who is not recalled shall be reimbursed by the State for the officer's recall election expenses legally and personally in-

curred. Another recall may not be initiated against the officer until six months after the election. [*New section adopted June 8, 1976.*]

[*Recall of Local Officers*]

SEC. 19. The Legislature shall provide for recall of local officers. This section does not affect counties and cities whose charters provide for recall. [*New section adopted June 8, 1976.*]

[*Terms of Elective Offices*]

SEC. 20. Terms of elective offices provided for by this Constitution, other than Members of the Legislature, commence on the Monday after January 1 following election. The election shall be held in the last even-numbered year before the term expires. [*New section adopted June 8, 1976.*]

ARTICLE III. [*Repealed November 7, 1972. See Article III, below.*]

ARTICLE III\*

STATE OF CALIFORNIA

[*United States Constitution Supreme Law*]

SEC. 1. The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land. [*New section adopted November 7, 1972.*]

[*Boundaries of the State—Sacramento Seat of Government*]

SEC. 2. The boundaries of the State are those stated in the Constitution of 1849 as modified pursuant to statute. Sacramento is the capital of California. [*New section adopted November 7, 1972.*]

[*Separation of Powers*]

SEC. 3. The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution. [*New section adopted November 7, 1972.*]

[*Administrative Agencies: Declaration Statute Unenforceable or Unconstitutional Prohibited*]

SEC. 3.5. An administrative agency, including an administrative agency created by the Constitution or an initiative statute, has no power:

(a) To declare a statute unenforceable, or refuse to enforce a statute, on the basis of it being unconstitutional unless an appellate court has made a determination that such statute is unconstitutional;

\* New Article III adopted November 7, 1972.



(b) To declare a statute unconstitutional;

(c) To declare a statute unenforceable, or to refuse to enforce a statute on the basis that federal law or federal regulations prohibit the enforcement of such statute unless an appellate court has made a determination that the enforcement of such statute is prohibited by federal law or federal regulations. [*New section adopted June 6, 1978.*]

[*Salaries of Elected State Officers—Salaries of Judges*]

SEC. 4. (a) Except as provided in subdivision (b), salaries of elected state officers may not be reduced during their term of office. Laws that set these salaries are appropriations.

(b) Beginning on January 1, 1981, the base salary of a judge of a court of record shall equal the annual salary payable as of July 1, 1980, for that office had the judge been elected in 1978. The Legislature may prescribe increases in those salaries during a term of office, and it may terminate prospective increases in those salaries at any time during a term of office, but it shall not reduce the salary of a judge during a term of office below the highest level paid during that term of office. Laws setting the salaries of judges shall not constitute an obligation of contract pursuant to Section 9 of Article I or any other provision of law. [*As amended November 4, 1980.*]

[*Suits Against State*]

SEC. 5. Suits may be brought against the State in such manner and in such courts as shall be directed by law. [*New section adopted November 7, 1972.*]

[*Official State Language*]

SEC. 6. (a) Purpose.

English is the common language of the people of the United States of America and the State of California. This section is intended to preserve, protect and strengthen the English language, and not to supersede any of the rights guaranteed to the people by this Constitution.

(b) English as the Official Language of California.

English is the official language of the State of California.

(c) Enforcement.

The Legislature shall enforce this section by appropriate legislation. The Legislature and officials of the State of California shall take all steps necessary to insure that the role of English as the common language of the State of California is preserved and enhanced. The Legislature shall make no law which diminishes or ignores the role of English as the common language of the State of California.

(d) Personal Right of Action and Jurisdiction of Courts.

Any person who is a resident of or doing business in the State of California shall have standing to sue the State of California to enforce this section, and the Courts of record of the State of California shall have jurisdiction to hear cases brought to enforce this section. The Legislature may provide reasonable and appropriate limitations on the time and manner of suits brought under this section. [*New section adopted November 4, 1986. Initiative measure.*]

[*Retirement Benefits for Elected Constitutional Officers*]

SEC. 7. (a) The retirement allowance for any person, all of whose credited service in the Legislators' Retirement System was rendered or was deemed to have been rendered as an elective officer of the State whose office is provided for by the California Constitution, other than a judge and other than a Member of the Senate or Assembly, and all or any part of whose retirement allowance is calculated on the basis of the compensation payable to the officer holding the office which the member last held prior to retirement, or for the survivor or beneficiary of such a person, shall not be increased or affected in any manner by changes on or after November 5, 1986, in the compensation payable to the officer holding the office which the member last held prior to retirement.

(b) This section shall apply to any person, survivor, or beneficiary described in subdivision (a) who receives, or is receiving, from the Legislators' Retirement System a retirement allowance on or after November 5, 1986, all or any part of which allowance is calculated on the basis of the compensation payable to the officer holding the office which the member last held prior to retirement.

(c) It is the intent of the people, in adopting this section, to restrict retirement allowances to amounts reasonably to be expected by certain members and retired members of the Legislators' Retirement System and to preserve the basic character of earned retirement benefits while prohibiting windfalls and unforeseen advantages which have no relation to the real theory and objective of a sound retirement system. It is not the intent of this section to deny any member, retired member, survivor, or beneficiary a reasonable retirement allowance. Thus, this section shall not be construed as a repudiation of a debt nor the impairment of a contract for a substantial and reasonable retirement allowance from the Legislators' Retirement System.

(d) The people and the Legislature hereby find and declare that the dramatic increase in the retirement allowances of persons described in subdivision (a) which would otherwise result when the compensation for those offices increases on November 5, 1986, or January 5, 1987, are not benefits which could have reasonably been expected. The people and the Legislature further find and declare that the Legislature did not intend to

provide in its scheme of compensation for those offices such windfall benefits. [*New section adopted November 4, 1986.*]

[*California Citizens Compensation Commission*]

SEC. 8. (a) The California Citizens Compensation Commission is hereby created and shall consist of seven members appointed by the Governor. The commission shall establish the annual salary and the medical dental, insurance, and other similar benefits of state officers.

(b) The commission shall consist of the following persons:

(1) Three public members, one of whom has expertise in the area of compensation, such as an economist, market researcher, or personnel manager; one of whom is a member of a nonprofit public interest organization; and one of whom is representative of the general population and may include, among others, a retiree, homemaker, or person of median income. No person appointed pursuant to this paragraph may, during the 12 months prior to his or her appointment, have held public office, either elective or appointive, have been a candidate for elective public office, or have been a lobbyist, as defined by the Political Reform Act of 1974.

(2) Two members who have experience in the business community, one of whom is an executive of a corporation incorporated in this State which ranks among the largest private sector employers in the State based on the number of employees employed by the corporation in this State and one of whom is an owner of a small business in this State.

(3) Two members, each of whom is an officer or member of a labor organization.

(c) The Governor shall strive insofar as practicable to provide a balanced representation of the geographic, gender, racial, and ethnic diversity of the State in appointing commission members.

(d) The Governor shall appoint commission members and designate a chairperson for the commission not later than 30 days after the effective date of this section. The terms of two of the initial appointees shall expire on December 31, 1992, two on December 31, 1994, and three on December 31, 1996, as determined by the Governor. Thereafter, the term of each member shall be six years. Within 15 days of any vacancy, the Governor shall appoint a person to serve the unexpired portion of the term.

(e) No current or former officer or employee of this State is eligible for appointment to the commission.

(f) Public notice shall be given of all meetings of the commission, and the meetings shall be open to the public.

(g) On or before December 3, 1990, the commission shall, by a single resolution adopted by a majority of the membership of the commission, establish the annual salary and the medical, dental, insurance, and other similar benefits of state officers. The annual salary and benefits specified in that resolution shall be effective on and after December 3, 1990.

Thereafter, at or before the end of each of each fiscal year, the commission shall, by a single resolution adopted by a majority of the membership of the commission, adjust the annual salary and the medical, dental, insurance, and other similar benefits of state officers. The annual salary and benefits specified in the resolution shall be effective on and after the first Monday of the next December.

(h) In establishing or adjusting the annual salary and the medical, dental, insurance, and other similar benefits, the commission shall consider all of the following:

(1) The amount of time directly or indirectly related to the performance of the duties, functions, and services of a state officer.

(2) The amount of the annual salary and the medical, dental, insurance, and other similar benefits for other elected and appointed officers and officials in this State with comparable responsibilities, the judiciary, and, to the extent practicable, the private sector, recognizing, however, that state officers do not receive, and do not expect to receive, compensation at the same levels as individuals in the private sector with comparable experience and responsibilities.

(3) The responsibility and scope of authority of the entity in which the state officer serves.

(i) Until a resolution establishing or adjusting the annual salary and the medical, dental, insurance, and other similar benefits for state officers takes effect, each state officer shall continue to receive the same annual salary and the medical, dental, insurance, and other similar benefits received previously.

(j) All commission members shall receive their actual and necessary expenses, including travel expenses, incurred in the performance of their duties. Each member shall be compensated at the same rate as members, other than the chairperson, of the Fair Political Practices Commission, or its successor, for each day engaged in official duties, not to exceed 45 days per year.

(k) It is the intent of the Legislature that the creation of the commission should not generate new state costs for staff and services. The Department of Personnel Administration, the Board of Administration of the Public Employees' Retirement System, or other appropriate agencies, or their successors, shall furnish, from existing resources, staff and services to the commission as needed for the performance of its duties.

(l) "State officer," as used in this section, means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, member of the State Board of Equalization, and Member of the Legislature. [*New section adopted June 5, 1990.*]

## ARTICLE IV

## LEGISLATIVE

*[Heading as amended November 8, 1966.]*

SECTION 1. *[Repealed November 8, 1966. See Section 1, below.]*

*[Legislative Power]*

SEC. 1. The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly, but the people reserve to themselves the powers of initiative and referendum. *[New section adopted November 8, 1966.]*

SEC. 1a. *[Renumbered Section 20 of Article XIII and amended November 8, 1966.]*

SEC. 1b. *[Repealed November 8, 1966.]*

SEC. 1c. *[Repealed November 8, 1966.]*

SEC. 1d. *[Repealed November 8, 1966.]*

*[Legislators—Limitation on Incumbency—Restriction of Retirement Benefits— Limitation of Staff and Support Services—Number of Terms]*

SEC. 1.5. The people find and declare that the Founding Fathers established a system of representative government based upon free, fair, and competitive elections. The increased concentration of political power in the hands of incumbent representatives has made our electoral system less free, less competitive, and less representative.

The ability of legislators to serve unlimited number of terms, to establish their own retirement system, and to pay for staff and support services at state expense contribute heavily to the extremely high number of incumbents who are reelected. These unfair incumbent advantages discourage qualified candidates from seeking public office and create a class of career politicians, instead of the citizen representatives envisioned by the Founding Fathers. These career politicians become representatives of the bureaucracy, rather than of the people whom they are elected to represent.

To restore a free and democratic system of fair elections, and to encourage qualified candidates to seek public office, the people find and declare that the powers of incumbency must be limited. Retirement benefits must be restricted, state-financed incumbent staff and support services limited, and limitations placed upon the number of terms which may be served. *[New section adopted November 6, 1990. Initiative measure.]*

[*Senate and Assembly—Membership—Elections—Number of Terms—Qualifications—Vacancies*]

SEC. 2. (a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. No Senator may serve more than 2 terms.

The Assembly has a membership of 80 members elected for 2-year terms. No member of the Assembly may serve more than 3 terms.

Their terms shall commence on the first Monday in December next following their election.

(b) Election of members of the Assembly shall be on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as members of the Assembly.

(c) A person is ineligible to be a member of the Legislature unless the person is an elector and has been a resident of the legislative district for one year, and a citizen of the United States and a resident of California for 3 years, immediately preceding the election.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy. [*As amended November 6, 1990. Initiative measure.*]

[*Legislative Sessions—Regular and Special Sessions*]

SEC. 3. (a) The Legislature shall convene in regular session at noon on the first Monday in December of each even-numbered year and each house shall immediately organize. Each session of the Legislature shall adjourn sine die by operation of the Constitution at midnight on November 30 of the following even-numbered year.

(b) On extraordinary occasions the Governor by proclamation may cause the Legislature to assemble in special session. When so assembled it has power to legislate only on subjects specified in the proclamation but may provide for expenses and other matters incidental to the session. [*As amended June 8, 1976.*]

[*Legislators—Conflict of Interest—Prohibited Compensation—Earned Income*]

SEC. 4. (a) To eliminate any appearance of a conflict with the proper discharge of his or her duties and responsibilities, no Member of the Legislature may knowingly receive any salary, wages, commissions, or other similar earned income from a lobbyist or lobbying firm, as defined by the Political Reform Act of 1974, or from a person who, during the previous 12 months, has been under a contract with the Legislature. The Legislature shall enact laws that define earned income. However, earned income does not include any community property interest in the income of a spouse. Any Member who knowingly receives any salary, wages, commissions, or other similar earned income from a lobbyist employer, as defined by the

Political Reform Act of 1974, may not, for a period of one year following its receipt, vote upon or make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the Legislature, other than an action or decision involving a bill described in subdivision (c) of Section 12 of this article, which he or she knows, or has reason to know, would have a direct and significant financial impact on the lobbyist employer and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, "public generally" includes an industry, trade, or profession.

*[Legislators—Travel and Living Expenses]*

(b) Travel and living expenses for Members of the Legislature in connection with their official duties shall be prescribed by statute passed by rollcall vote entered in the journal, two-thirds of the membership of each house concurring. A Member may not receive travel and living expenses during the times that the Legislature is in recess for more than three calendar days, unless the Member is traveling to or from, or is in attendance at, any meeting of a committee of which he or she is a member, or a meeting, conference, or other legislative function or responsibility as authorized by the rules of the house of which he or she is a member, which is held at a location at least 20 miles from his or her place of residence.

*[Legislators—Retirement]*

(c) The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of five hundred dollars (\$500) paid to any Member of the Legislature unless the Member receives the greater amount while serving as a Member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to Members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a Member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the Member. However, the Legislature may provide that no Member shall be deprived of a cost of living adjustment based on a monthly salary of five hundred dollars (\$500) which has accrued prior to the commencement of the 1967 Regular Session of the Legislature. *[As amended June 5, 1990.]*

*[Legislators—Retirement]*

SEC. 4.5. Notwithstanding any other provision of this Constitution or existing law, a person elected to or serving in the Legislature on or after November 1, 1990, shall participate in the Federal Social Security (Retirement, Disability, Health Insurance) Program and the State shall pay

only the employer's share of the contribution necessary to such participation. No other pension or retirement benefit shall accrue as a result of service in the Legislature, such service not being intended as a career occupation. This Section shall not be construed to abrogate or diminish any vested pension or retirement benefit which may have accrued under an existing law to a person holding or having held office in the Legislature, but upon adoption of this Act no further entitlement to nor vesting in any existing program shall accrue to any such person, other than Social Security to the extent herein provided. [*New section adopted November 6, 1990. Initiative measure.*]

[*Legislators—Qualifications—Expulsion*]

SEC. 5. (a) Each house shall judge the qualifications and elections of its Members and, by rollcall vote entered in the journal, two thirds of the membership concurring, may expel a Member.

[*Legislators—Honoraria*]

(b) No Member of the Legislature may accept any honorarium. The Legislature shall enact laws that implement this subdivision.

[*Legislators—Gifts—Conflict of Interest*]

(c) The Legislature shall enact laws that ban or strictly limit the acceptance of a gift by a Member of the Legislature from any source if the acceptance of the gift might create a conflict of interest.

[*Legislators—Prohibited Compensation or Activity*]

(d) No Member of the Legislature may knowingly accept any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any state government board or agency. If a Member knowingly accepts any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any local government board or agency, the Member may not, for a period of one year following the acceptance of the compensation, vote upon or make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the Legislature, other than an action or decision involving a bill described in subdivision (c) of Section 12 of this article, which he or she knows, or has reason to know, would have a direct and significant financial impact on that person and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, "public generally" includes an industry, trade, or profession. However, a Member may engage in activities involving a board or agency which are strictly on his or her own behalf, appear in the capacity of an attorney before any court or the Workers' Compensation Appeals Board, or act as an advocate without compensation or make an inquiry for information on behalf of a person be-



fore a board or agency. This subdivision does not prohibit any action of a partnership or firm of which the Member is a member if the Member does not share directly or indirectly in the fee, less any expenses attributable to that fee, resulting from that action.

*[Legislators—Lobbying]*

(e) The Legislature shall enact laws that prohibit a Member of the Legislature whose term of office commences on or after December 3, 1990, from lobbying, for compensation, as governed by the Political Reform Act of 1974, before the Legislature for 12 months after leaving office.

*[Legislators—Conflict of Interest]*

(f) The Legislature shall enact new laws, and strengthen the enforcement of existing laws, prohibiting Members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities. However, the people reserve to themselves the power to implement this requirement pursuant to Article II. *[As amended June 5, 1990. Subdivision (b) operative December 3, 1990.]*

SEC. 6. *[Repealed June 3, 1980. See Section 6, below.]*

*[Senatorial and Assembly Districts]*

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into 40 Senatorial and 80 Assembly districts to be called Senatorial and Assembly Districts. Each Senatorial district shall choose one Senator and each Assembly district shall choose one member of the Assembly. *[New section adopted June 3, 1980.]*

*[House Rules—Officers—Quorum]*

SEC. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

*[Journals]*

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

*[Public Proceedings—Closed Sessions]*

(c) (1) The proceedings of each house and the committees thereof shall be open and public. However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or

other public officer or employee, or to establish the classification or compensation of an employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(2) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of the members of the same political party, may meet in closed session.

(3) The Legislature shall implement this subdivision by concurrent resolution adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and shall prescribe that, when a closed session is held pursuant to paragraph (1), reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

[*Recess*]

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place. [*As amended June 5, 1990. Subdivision (c) operative December 3, 1990.*]

[*Legislature—Total Aggregate Expenditures*]

SEC. 7.5. In the fiscal year immediately following the adoption of this Act, the total aggregate expenditures of the Legislature for the compensation of members and employees of, and the operating expenses and equipment for, the Legislature may not exceed an amount equal to nine hundred fifty thousand dollars (\$950,000) per member for that fiscal year or 80 percent of the amount of money expended for those purposes in the preceding fiscal year, whichever is less. For each fiscal year thereafter, the total aggregate expenditures may not exceed an amount equal to that expended for those purposes in the preceding fiscal year, adjusted and compounded by an amount equal to the percentage increase in the appropriations limit for the State established pursuant to Article XIII B. [*New section adopted November 6, 1990. Initiative measure.*]

[*Bills and Statutes—30-day Waiting Period*]

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

*[Bills and Statutes—3 Readings]*

(b) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

*[Bills and Statutes—Effective Date]*

(c) (1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

*[Bills and Statutes—Urgency Statutes]*

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest. *[As amended June 5, 1990.]*

[*Ballot Measures—Application*]

SEC. 8.5. An act amending an initiative statute, an act providing for the issuance of bonds, or a constitutional amendment proposed by the Legislature and submitted to the voters for approval may not do either of the following:

(a) Include or exclude any political subdivision of the State from the application or effect of its provisions based upon approval or disapproval of the measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of that political subdivision.

(b) Contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure. [*New section adopted June 2, 1998.*]

SEC. 9. [*Repealed November 8, 1966. See Section 9, below.*]

[*Statutes—Title—Section*]

SEC. 9. A statute shall embrace but one subject, which shall be expressed in its title. If a statute embraces a subject not expressed in its title, only the part not expressed is void. A statute may not be amended by reference to its title. A section of a statute may not be amended unless the section is re-enacted as amended. [*New section adopted November 8, 1966.*]

[*Governor's Veto—Bill Introduction in Biennial Session*]

SEC. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if it is signed by the Governor. The Governor may veto it by returning it with any objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute.

(b) (1) Any bill, other than a bill which would establish or change boundaries of any legislative, congressional, or other election district, passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, that is not returned within 30 days after that date becomes a statute.

(2) Any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned on or before September 30 of that year becomes a statute.

(3) Any other bill presented to the Governor that is not returned within 12 days becomes a statute.

(4) If the Legislature by adjournment of a special session prevents the return of a bill with the veto message, the bill becomes a statute unless the

Governor vetoes the bill within 12 days after it is presented by depositing it and the veto message in the office of the Secretary of State.

(5) If the 12th day of the period within which the Governor is required to perform an act pursuant to paragraph (3) or (4) of this subdivision is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.

(c) Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by January 31 of the second calendar year of the biennium may no longer be acted on by the house. No bill may be passed by either house on or after September 1 of an even-numbered year except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.

(d) The Legislature may not present any bill to the Governor after November 15 of the second calendar year of the biennium of the legislative session.

(e) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. The Governor shall append to the bill a statement of the items reduced or eliminated with the reasons for the action. The Governor shall transmit to the house originating the bill a copy of the statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills. [*As amended June 5, 1990.*]

[*Committees*]

SEC. 11. The Legislature or either house may by resolution provide for the selection of committees necessary for the conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control. [*As amended November 7, 1972.*]

[*Governor's Budget—Budget Bill—Other Appropriations*]

SEC. 12. (a) Within the first 10 days of each calendar year, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements for recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, the Governor shall recommend the sources from which the additional revenues should be provided.

(b) The Governor and the Governor-elect may require a state agency, officer or employee to furnish whatever information is deemed necessary to prepare the budget.

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each

house by the persons chairing the committees that consider appropriations. The Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been enacted, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

(d) No bill except the budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the General Fund of the State, except appropriations for the public schools, are void unless passed in each house by rollcall vote entered in the journal, two thirds of the membership concurring.

(e) The Legislature may control the submission, approval, and enforcement of budgets and the filing of claims for all state agencies. [*As amended June 4, 1974, and November 5, 1974.*]

[*Legislators—Ineligible for Certain Offices*]

SEC. 13. A member of the Legislature may not, during the term for which the member is elected, hold any office or employment under the State other than an elective office. [*As amended November 5, 1974.*]

SEC. 14. [*Repealed November 8, 1966. See Section 14, below.*]

[*Members—Not Subject to Civil Process*]

SEC. 14. A member of the Legislature is not subject to civil process during a session of the Legislature or for 5 days before and after a session. [*New section adopted November 8, 1966.*]

[*Influencing Action or Vote of a Member—Felony*]

SEC. 15. A person who seeks to influence the vote or action of a member of the Legislature in the member's legislative capacity by bribery, promise of reward, intimidation, or other dishonest means, or a member of the Legislature so influenced, is guilty of a felony. [*As amended November 5, 1974.*]

[*Uniform Operation of General Laws—Special Statute—Invalid*]

SEC. 16. (a) All laws of a general nature have uniform operation.

(b) A local or special statute is invalid in any case if a general statute can be made applicable. [*As amended November 5, 1974.*]

SEC. 17. [*Repealed November 8, 1966. See Section 17, below.*]

[*Grant of Extra Compensation or Allowance Prohibited*]

SEC. 17. The Legislature has no power to grant, or to authorize a city, county, or other public body to grant, extra compensation or extra allowance to a public officer, public employee, or contractor after service has

been rendered or a contract has been entered into and performed in whole or in part, or to authorize the payment of a claim against the State or a city, county, or other public body under an agreement made without authority of law. [*New section adopted November 8, 1966.*]

SEC. 18. [*Repealed November 8, 1966. See Section 18, below.*]

[*Impeachment*]

SEC. 18. (a) The Assembly has the sole power of impeachment. Impeachments shall be tried by the Senate. A person may not be convicted unless, by rollcall vote entered in the journal, two thirds of the membership of the Senate concurs.

(b) State officers elected on a statewide basis, members of the State Board of Equalization, and judges of state courts are subject to impeachment for misconduct in office. Judgment may extend only to removal from office and disqualification to hold any office under the State, but the person convicted or acquitted remains subject to criminal punishment according to law. [*New section adopted November 8, 1966.*]

[*Lotteries—Horse Races Regulated—Bingo Games and Raffles for Charitable Purposes—Gaming on Tribal Lands*]

SEC. 19. (a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

(d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.

(e) The Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.

(f)\* Notwithstanding subdivisions (a) and (e), and any other provision of state law, the Governor is authorized to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly, slot machines, lottery games, and banking and percentage card games are hereby permitted to be conducted and operated on tribal lands subject to those compacts.

(f)† Notwithstanding subdivision (a), the Legislature may authorize private, nonprofit, eligible organizations, as defined by the Legislature, to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's beneficial and chari-

\* Ballot Proposition 1A (SCA 11) March 7, 2000.

† Ballot Proposition 17 (SCA 4) March 7, 2000.

table works, provided that (1) at least 90 percent of the gross receipts from the raffle go directly to beneficial or charitable purposes in California, and (2) any person who receives compensation in connection with the operation of a raffle is an employee of the private nonprofit organization that is conducting the raffle. The Legislature, two-thirds of the membership of each house concurring, may amend the percentage of gross receipts required by this subdivision to be dedicated to beneficial or charitable purposes by means of a statute that is signed by the Governor. [*As amended March 7, 2000.*]

SEC. 20. [*Repealed November 8, 1966. See Section 20, below.*]

[*Fish and Game—Districts and Commission*]

SEC. 20. (a) The Legislature may provide for division of the State into fish and game districts and may protect fish and game in districts or parts of districts.

(b) There is a Fish and Game Commission of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 6-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. The Legislature may delegate to the commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. A member of the commission may be removed by concurrent resolution adopted by each house, a majority of the membership concurring. [*New section adopted November 8, 1966.*]

[*War- or Enemy-Caused Disaster*]

SEC. 21. To meet the needs resulting from war-caused or enemy-caused disaster in California, the Legislature may provide for:

(a) Filling the offices of members of the Legislature should at least one fifth of the membership of either house be killed, missing, or disabled, until they are able to perform their duties or successors are elected.

(b) Filling the office of Governor should the Governor be killed, missing, or disabled, until the Governor or the successor designated in this Constitution is able to perform the duties of the office of Governor or a successor is elected.

(c) Convening the Legislature.

(d) Holding elections to fill offices that are elective under this Constitution and that are either vacant or occupied by persons not elected thereto.

(e) Selecting a temporary seat of state or county government. [*As amended November 5, 1974.*]

[*Accountability—Session Goals and Objectives*]

SEC. 22. It is the right of the people to hold their legislators accountable. To assist the people in exercising this right, at the convening of each



regular session of the Legislature, the President pro Tempore of the Senate, the Speaker of the Assembly, and the minority leader of each house shall report to their house the goals and objectives of that house during that session and, at the close of each regular session, the progress made toward meeting those goals and objectives. [*New section adopted June 5, 1990.*]

SEC. 22a. [*Repealed November 8, 1966.*]

SEC. 23. [*Renumbered Section 9 of Article II June 8, 1976.*]

SEC. 23a. [*Repealed November 8, 1966.*]

SEC. 23b. [*Repealed November 8, 1966.*]

SEC. 24. [*Renumbered Section 10 of Article II June 8, 1976.*]

SEC. 25. [*Renumbered Section 11 of Article II June 8, 1976.*]

SEC. 25a. [*Repealed November 8, 1966.*]

SEC. 25½. [*Repealed November 8, 1966.*]

SEC. 25<sup>5</sup>/<sub>8</sub>. [*Renumbered Section 22 of Article XIII and amended November 8, 1966.*]

SEC. 25<sup>3</sup>/<sub>4</sub>. [*Renumbered Section 25.7 and amended November 6, 1962.*]

SEC. 25.7. [*Repealed November 8, 1966.*]

SEC. 26. [*Renumbered Section 12 of Article II June 8, 1976.*]

SEC. 27. [*Repealed June 3, 1980.*]

[*State Capitol Maintenance—Appropriations*]

SEC. 28. (a) Notwithstanding any other provision of this Constitution, no bill shall take effect as an urgency statute if it authorizes or contains an appropriation for either (1) the alteration or modification of the color, detail, design, structure or fixtures of the historically restored areas of the first, second, and third floors and the exterior of the west wing of the State Capitol from that existing upon the completion of the project of restoration or rehabilitation of the building conducted pursuant to Section 9124 of the Government Code as such section read upon the effective date of this section, or (2) the purchase of furniture of different design to replace that restored, replicated, or designed to conform to the historic period of the historically restored areas specified above, including the legislators' chairs and desks in the Senate and Assembly Chambers.

(b) No expenditures shall be made in payment for any of the purposes described in subdivision (a) of this section unless funds are appropriated expressly for such purposes.

(c) This section shall not apply to appropriations or expenditures for ordinary repair and maintenance of the State Capitol building, fixtures and furniture. [*New Section adopted June 3, 1980.*]

SEC. 29. [*Renumbered Section 23 of Article XIII and amended November 8, 1966.*]

SEC. 30. [*Renumbered Section 24 of Article XIII and amended November 8, 1966.*]

SEC. 31. [*Renumbered Section 25 of Article XIII and amended November 8, 1966.*]

SEC. 31a. [*Renumbered Section 26 of Article XIII and amended November 8, 1966.*]

SEC. 31b. [*As adopted by Assembly Constitutional Amendment 14 of 1931, repealed November 6, 1956.*]

SEC. 31b. [*As adopted November 8, 1932, renumbered Section 27 of Article XIII and amended November 8, 1966.*]

SEC. 31c. [*As adopted November 3, 1936, renumbered Section 28 of Article XIII and amended November 8, 1966.*]

SEC. 31c. [*As adopted November 3, 1942, repealed November 6, 1956.*]

SEC. 31d. [*Repealed November 6, 1956.*]

SEC. 32. [*Repealed November 8, 1966.*]

SEC. 33. [*Repealed November 8, 1966.*]

SEC. 34. [*Repealed November 8, 1966.*]

SEC. 34a. [*Repealed November 8, 1966.*]

SEC. 35. [*Repealed November 8, 1966.*]

SEC. 36. [*Repealed November 8, 1966.*]

SEC. 37. [*Repealed November 8, 1966.*]

SEC. 38. [*Repealed November 8, 1966.*]

ARTICLE V. [*Repealed November 8, 1966. See Article V, below.*]

## ARTICLE V\*

### EXECUTIVE

[*Executive Power Vested in Governor*]

SECTION 1. The supreme executive power of this State is vested in the Governor. The Governor shall see that the law is faithfully executed. [*As amended November 5, 1974.*]

[*Election—Eligibility—Number of Terms*]

SEC. 2. The Governor shall be elected every fourth year at the same time and places as members of the Assembly and hold office from the Monday after January 1 following the election until a successor qualifies. The Governor shall be an elector who has been a citizen of the United

\* New Article V adopted November 8, 1966.

States and a resident of this State for 5 years immediately preceding the Governor's election. The Governor may not hold other public office. No Governor may serve more than 2 terms. [*As amended November 6, 1990. Initiative measure.*]

[*Report to Legislature—Recommendations*]

SEC. 3. The Governor shall report to the Legislature each calendar year on the condition of the State and may make recommendations. [*As amended November 7, 1972.*]

SEC. 4. [*Repealed November 8, 1966. See Section 4, below.*]

[*Information From Executive Officers, Etc.*]

SEC. 4. The Governor may require executive officers and agencies and their employees to furnish information relating to their duties. [*New section adopted November 8, 1966.*]

[*Filling Vacancies—Confirmation by Legislature*]

SEC. 5. (a) Unless the law otherwise provides, the Governor may fill a vacancy in office by appointment until a successor qualifies.

(b) Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes. [*As amended November 2, 1976.*]

SEC. 6. [*Repealed November 8, 1966. See Section 6, below.*]

[*Executive Assignment and Agency Reorganization*]

SEC. 6. Authority may be provided by statute for the Governor to assign and reorganize functions among executive officers and agencies and their employees, other than elective officers and agencies administered by elective officers. [*New section adopted November 8, 1966.*]

[*Commander of Militia*]

SEC. 7. The Governor is commander in chief of a militia that shall be provided by statute. The Governor may call it forth to execute the law. [*As amended November 5, 1974.*]

[*Reprieves—Pardons—Commutations*]

SEC. 8. (a) Subject to application procedures provided by statute, the Governor, on conditions the Governor deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. The Governor shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and the reasons for granting it. The Governor may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

(b) No decision of the parole authority of this State with respect to the granting, denial, revocation, or suspension of parole of a person sentenced to an indeterminate term upon conviction of murder shall become effective for a period of 30 days, during which the Governor may review the decision subject to procedures provided by statute. The Governor may only affirm, modify, or reverse the decision of the parole authority on the basis of the same factors which the parole authority is required to consider. The Governor shall report to the Legislature each parole decision affirmed, modified, or reversed, stating the pertinent facts and reasons for the action. [*As amended November 8, 1988.*]

[*Lieutenant Governor—Qualifications—Casting Vote*]

SEC. 9. The Lieutenant Governor shall have the same qualifications as the Governor. The Lieutenant Governor is President of the Senate but has only a casting vote. [*As amended November 5, 1974.*]

[*Succession*]

SEC. 10. The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor.

The Lieutenant Governor shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of the Governor's functions.

The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute. [*As amended November 5, 1974.*]

[*Other State Officers—Election—Number of Terms*]

SEC. 11. The Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor. No Lieutenant Governor, Attorney

General, Controller, Secretary of State, or Treasurer may serve in the same office for more than 2 terms. [*As amended November 6, 1990. Initiative measure.*]

SEC. 12. [*Repealed June 5, 1990.*]

[*Attorney General—Chief Law Officer*]

SEC. 13. Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to the Attorney General may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, the Attorney General shall assist any district attorney in the discharge of the duties of that office. [*As amended November 5, 1974.*]

[*State Officers—Conflict of Interest—Prohibited Compensation—Earned Income*]

SEC. 14. (a) To eliminate any appearance of a conflict with the proper discharge of his or her duties and responsibilities, no state officer may knowingly receive any salary, wages, commissions, or other similar earned income from a lobbyist or lobbying firm, as defined by the Political Reform Act of 1974, or from a person who, during the previous 12 months, has been under a contract with the state agency under the jurisdiction of the state officer. The Legislature shall enact laws that define earned income. However, earned income does not include any community property interest in the income of a spouse. Any state officer who knowingly receives any salary, wages, commissions, or other similar earned income from a lobbyist employer, as defined by the Political Reform Act of 1974, may not, for a period of one year following its receipt, vote upon or make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the agency for which the state officer serves, other than an action or decision involving a bill described in subdivision (c) of Section 12 of Article IV, which he or she knows, or has reason to know, would have a direct and significant financial impact on the lobbyist employer and would not impact the public gen-

erally or a significant segment of the public in a similar manner. As used in this subdivision, “public generally” includes an industry, trade, or profession.

*[State Officers—Honoraria]*

(b) No state officer may accept any honorarium. The Legislature shall enact laws that implement this subdivision.

*[State Officers—Gifts—Conflict of Interest]*

(c) The Legislature shall enact laws that ban or strictly limit the acceptance of a gift by a state officer from any source if the acceptance of the gift might create a conflict of interest.

*[State Officers—Prohibited Compensation or Activity]*

(d) No state officer may knowingly accept any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any state government board or agency. If a state officer knowingly accepts any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any local government board or agency, the state officer may not, for a period of one year following the acceptance of the compensation, make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the state agency for which the state officer serves, other than an action or decision involving a bill described in subdivision (c) of Section 12 of Article IV, which he or she knows, or has reason to know, would have a direct and significant financial impact on that person and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, “public generally” includes an industry, trade, or profession. However, a state officer may engage in activities involving a board or agency which are strictly on his or her own behalf, appear in the capacity of an attorney before any court or the Workers’ Compensation Appeals Board, or act as an advocate without compensation or make an inquiry for information on behalf of a person before a board or agency. This subdivision does not prohibit any action of a partnership or firm of which the state officer is a member if the state officer does not share directly or indirectly in the fee, less any expenses attributable to that fee, resulting from that action.

*[State Officers—Lobbying]*

(e) The Legislature shall enact laws that prohibit a state officer, or a secretary of an agency or director of a department appointed by the Governor, who has not resigned or retired from state service prior to January 7, 1991, from lobbying, for compensation, as governed by the Political Reform Act of 1974, before the executive branch of state government for 12 months after leaving office.

*[State Officer—Definition]*

(f) “State officer,” as used in this section, means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, and member of the State Board of Equalization. *[New section adopted June 5, 1990. Subdivision (b) operative December 3, 1990.]*

SEC. 15. *[Repealed November 8, 1966.]*

SEC. 16. *[Repealed November 8, 1966.]*

SEC. 17. *[Repealed November 8, 1966.]*

SEC. 18. *[Repealed November 8, 1966.]*

SEC. 20. *[Repealed November 8, 1966.]*

SEC. 21. *[Repealed November 8, 1966.]*

SEC. 22. *[Repealed November 8, 1966.]*

ARTICLE VI. *[Repealed November 8, 1966. See Article VI, below.]*

## ARTICLE VI\*

## JUDICIAL

*[Judicial Power Vested in Courts]*

SEC. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, and municipal courts, all of which are courts of record. *[As amended June 2, 1998.]*

SEC. 1a. *[Repealed November 8, 1966.]*

SEC. 1b. *[Repealed November 8, 1966.]*

SEC. 1c. *[Repealed November 8, 1966.]*

*[Supreme Court—Composition]*

SEC. 2. The Supreme Court consists of the Chief Justice of California and 6 associate justices. The Chief Justice may convene the court at any time. Concurrence of 4 judges present at the argument is necessary for a judgment.

An acting Chief Justice shall perform all functions of the Chief Justice when the Chief Justice is absent or unable to act. The Chief Justice or, if the Chief Justice fails to do so, the court shall select an associate justice as acting Chief Justice. *[As amended November 5, 1974.]*

*[Judicial Districts—Courts of Appeal]*

SEC. 3. The Legislature shall divide the State into districts each containing a court of appeal with one or more divisions. Each division con-

\* New Article VI adopted November 8, 1966.

sists of a presiding justice and 2 or more associate justices. It has the power of a court of appeal and shall conduct itself as a 3-judge court. Concurrence of 2 judges present at the argument is necessary for a judgment.

An acting presiding justice shall perform all functions of the presiding justice when the presiding justice is absent or unable to act. The presiding justice or, if the presiding justice fails to do so, the Chief Justice shall select an associate justice of that division as acting presiding justice. [*As amended November 5, 1974.*]

[*Superior Courts*]

SEC. 4. In each county there is a superior court of one or more judges. The Legislature shall prescribe the number of judges and provide for the officers and employees of each superior court. If the governing body of each affected county concurs, the Legislature may provide that one or more judges serve more than one superior court.

In each superior court there is an appellate division. The Chief Justice shall assign judges to the appellate division for specified terms pursuant to rules, not inconsistent with statute, adopted by the Judicial Council to promote the independence of the appellate division. [*As amended June 2, 1998.*]

SEC. 4a. [*Repealed November 8, 1966.*]

SEC. 4b. [*Repealed November 8, 1966.*]

SEC. 4c. [*Repealed November 8, 1966.*]

SEC. 4d. [*Repealed November 8, 1966.*]

SEC. 4e. [*Repealed November 8, 1966.*]

SEC. 4½. [*Repealed November 8, 1966.*]

SEC. 4¾. [*Repealed November 8, 1966.*]

[*Municipal, Superior, and Justice Courts*]

SEC. 5. (a) Each county shall be divided into municipal court districts as provided by statute, but a city may not be divided into more than one district. Each municipal court shall have one or more judges. Each municipal court district shall have no fewer than 40,000 residents; provided that each county shall have at least one municipal court district. The number of residents shall be determined as provided by statute.

(b) On the operative date of this subdivision, all existing justice courts shall become municipal courts, and the number, qualifications, and compensation of judges, officers, attachés, and employees shall continue until changed by the Legislature. Each judge of a part-time municipal court is deemed to have agreed to serve full time and shall be available for assignment by the Chief Justice for the balance of time necessary to comprise a full-time workload.



(c) The Legislature shall provide for the organization and prescribe the jurisdiction of municipal courts. It shall prescribe for each municipal court the number, qualifications, and compensation of judges, officers, and employees.

(d) Notwithstanding subdivision (a), any city in San Diego County may be divided into more than one municipal court district if the Legislature determines that unusual geographic conditions warrant such division.

(e) Notwithstanding subdivision (a), the municipal and superior courts shall be unified upon a majority vote of superior court judges and a majority vote of municipal court judges within the county. In those counties, there shall be only a superior court. [*As amended June 2, 1998.*]

SEC. 5.5. [*Repealed June 8, 1976.*]

[*Judicial Council—Membership and Powers*]

SEC. 6. The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 5 judges of municipal courts, 2 nonvoting court administrators, and such other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice for a 3-year term pursuant to procedures established by the council; 4 members of the State Bar appointed by its governing body for 3-year terms; and one member of each house of the Legislature appointed as provided by the house. Vacancies in the memberships on the Judicial Council otherwise designated for municipal court judges shall be filled by judges of the superior court in the case of appointments made when fewer than 10 counties have municipal courts.

Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute.

The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned. [*As amended June 2, 1998.*]

SEC. 7. [*Repealed November 8, 1966. See Section 7, below.*]

[*Commission on Judicial Appointments—Membership*]

SEC. 7. The Commission on Judicial Appointments consists of the Chief Justice, the Attorney General, and the presiding justice of the court of appeal of the affected district or, if there are 2 or more presiding justices, the one who has presided longest or, when a nomination or appointment to the Supreme Court is to be considered, the presiding justice who has presided longest on any court of appeal. [*New section adopted November 8, 1966.*]

[*Commission on Judicial Performance—Membership*]

SEC. 8. (a) The Commission on Judicial Performance consists of one judge of a court of appeal, one judge of a superior court, and one judge of a municipal court, each appointed by the Supreme Court; 2 members of the State Bar of California who have practiced law in this State for 10 years, each appointed by the Governor; and 6 citizens who are not judges, retired judges, or members of the State Bar of California, 2 of whom shall be appointed by the Governor, 2 by the Senate Committee on Rules, and 2 by the Speaker of the Assembly. Except as provided in subdivisions (b) and (c), all terms are for 4 years. No member shall serve more than 2 4-year terms, or for more than a total of 10 years if appointed to fill a vacancy. A vacancy in the membership on the Commission on Judicial Performance otherwise designated for a municipal court judge shall be filled by a judge of the superior court in the case of an appointment made when fewer than 10 counties have municipal courts.

(b) Commission membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term. A member whose term has expired may continue to serve until the vacancy has been filled by the appointing power. Appointing powers may appoint members who are already serving on the commission prior to March 1, 1995, to a single 2-year term, but may not appoint them to an additional term thereafter.

(c) To create staggered terms among the members of the Commission on Judicial Performance, the following members shall be appointed, as follows:

(1) Two members appointed by the Supreme Court to a term commencing March 1, 1995, shall each serve a term of 2 years and may be reappointed to one full term.

(2) One attorney appointed by the Governor to a term commencing March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

(3) One citizen member appointed by the Governor to a term commencing March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

(4) One member appointed by the Senate Committee on Rules to a term commencing March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

(5) One member appointed by the Speaker of the Assembly to a term commencing March 1, 1995, shall serve a term of 2 years and may be reappointed to one full term.

(6) All other members shall be appointed to full 4-year terms commencing March 1, 1995. [*As amended June 2, 1998.*]

SEC. 9. [*Repealed November 8, 1966. See Section 9, below.*]

[*State Bar*]

SEC. 9. The State Bar of California is a public corporation. Every person admitted and licensed to practice law in this State is and shall be a member of the State Bar except while holding office as a judge of a court of record. [*New section adopted November 8, 1966.*]

SEC. 10. [*Repealed November 8, 1966. See Section 10, below.*]

[*Jurisdiction—Original*]

SEC. 10. The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. The appellate division of the superior court has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition directed to the superior court in causes subject to its appellate jurisdiction.

Superior courts have original jurisdiction in all other causes except those given by statute to other trial courts.

The court may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause. [*As amended June 2, 1998.*]

SEC. 10a. [*Repealed November 8, 1966.*]

SEC. 10b. [*Repealed November 8, 1966.*]

[*Jurisdiction—Appellate*]

SEC. 11. (a) The Supreme Court has appellate jurisdiction when judgment of death has been pronounced. With that exception courts of appeal have appellate jurisdiction when superior courts have original juris-

diction in causes of a type within the appellate jurisdiction of the courts of appeal on June 30, 1995, and in other causes prescribed by statute. When appellate jurisdiction in civil causes is determined by the amount in controversy, the Legislature may change the appellate jurisdiction of the courts of appeal by changing the jurisdictional amount in controversy.

(b) Except as provided in subdivision (a), the appellate division of the superior court has appellate jurisdiction in causes prescribed by statute.

(c) The Legislature may permit courts exercising appellate jurisdiction to take evidence and make findings of fact when jury trial is waived or not a matter of right. [*As amended June 2, 1998.*]

[*Transfer of Causes—Jurisdiction—Review of Decisions*]

SEC. 12. (a) The Supreme Court may, before decision, transfer to itself a cause in a court of appeal. It may, before decision, transfer a cause from itself to a court of appeal or from one court of appeal or division to another. The court to which a cause is transferred has jurisdiction.

(b) The Supreme Court may review the decision of a court of appeal in any cause.

(c) The Judicial Council shall provide, by rules of court, for the time and procedure for transfer and for review, including, among other things, provisions for the time and procedure for transfer with instructions, for review of all or part of a decision, and for remand as improvidently granted.

(d) This section shall not apply to an appeal involving a judgment of death. [*As amended November 6, 1984. Operative May 6, 1985.*]

[*Judgment—When Set Aside*]

SEC. 13. No judgment shall be set aside, or new trial granted, in any cause, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice. [*New section adopted November 8, 1966.*]

SEC. 14. [*Repealed November 8, 1966. See Section 14, below.*]

[*Supreme Court and Appellate Court—Published Opinions*]

SEC. 14. The Legislature shall provide for the prompt publication of such opinions of the Supreme Court and courts of appeal as the Supreme Court deems appropriate, and those opinions shall be available for publication by any person.

Decisions of the Supreme Court and courts of appeal that determine causes shall be in writing with reasons stated. [*New section adopted November 8, 1966.*]

*[Judges—Eligibility]*

SEC. 15. A person is ineligible to be a judge of a court of record unless for 5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts, the person has been a member of the State Bar or served as a judge of a court of record in this State. A judge eligible for municipal court service may be assigned by the Chief Justice to serve on any court. *[As amended November 8, 1994. Operative January 1, 1995.]*

SEC. 15.5. *[Repealed January 1, 1995.]*

*[Judges—Elections—Terms—Vacancies]*

SEC. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their election, except that a judge elected to an unexpired term serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

(b) (1) In counties in which there is no municipal court, judges of superior courts shall be elected in their counties at general elections except as otherwise necessary to meet the requirements of federal law. In the latter case the Legislature, by two-thirds vote of the membership of each house thereof, with the advice of judges within the affected court, may provide for their election by the system prescribed in subdivision (d), or by any other arrangement. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

(2) In counties in which there is one or more municipal court districts, judges of superior and municipal courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

(c) Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the second January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d) Within 30 days before August 16 preceding the expiration of the judge's term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed to the office presently held by the judge. If the declaration is not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether the candidate shall be elected. The candidate shall be

elected upon receiving a majority of the votes on the question. A candidate not elected may not be appointed to that court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which the appointee had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts. [*As amended June 2, 1998.*]

[*Judges—Restrictions, Other Employment, and Benefits*]

SEC. 17. A judge of a court of record may not practice law and during the term for which the judge was selected is ineligible for public employment or public office other than judicial employment or judicial office, except a judge of a court of record may accept a part-time teaching position that is outside the normal hours of his or her judicial position and that does not interfere with the regular performance of his or her judicial duties while holding office. A judge of a trial court of record may, however, become eligible for election to other public office by taking a leave of absence without pay prior to filing a declaration of candidacy. Acceptance of the public office is a resignation from the office of judge.

A judicial officer may not receive fines or fees for personal use.

A judicial officer may not earn retirement service credit from a public teaching position while holding judicial office. [*As amended November 8, 1988.*]

[*Judges—Discipline*]

SEC. 18. (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging the judge in the United States with a crime punishable as a felony under California or federal law, or (2) a petition to the Supreme Court to review a determination by the Commission on Judicial Performance to remove or retire a judge.

(b) The Commission on Judicial Performance may disqualify a judge from acting as a judge, without loss of salary, upon notice of formal proceedings by the commission charging the judge with judicial misconduct or disability.

(c) The Commission on Judicial Performance shall suspend a judge from office without salary when in the United States the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under California or federal law or of any other crime that involves moral

turpitude under that law. If the conviction is reversed, suspension terminates, and the judge shall be paid the salary for the judicial office held by the judge for the period of suspension. If the judge is suspended and the conviction becomes final, the Commission on Judicial Performance shall remove the judge from office.

(d) Except as provided in subdivision (f), the Commission on Judicial Performance may (1) retire a judge for disability that seriously interferes with the performance of the judge's duties and is or is likely to become permanent, or (2) censure a judge or former judge or remove a judge for action occurring not more than 6 years prior to the commencement of the judge's current term or of the former judge's last term that constitutes willful misconduct in office, persistent failure or inability to perform the judge's duties, habitual intemperance in the use of intoxicants or drugs, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or (3) publicly or privately admonish a judge or former judge found to have engaged in an improper action or dereliction of duty. The commission may also bar a former judge who has been censured from receiving an assignment, appointment, or reference of work from any California state court. Upon petition by the judge or former judge, the Supreme Court may, in its discretion, grant review of a determination by the commission to retire, remove, censure, admonish, or disqualify pursuant to subdivision (b) a judge or former judge. When the Supreme Court reviews a determination of the commission, it may make an independent review of the record. If the Supreme Court has not acted within 120 days after granting the petition, the decision of the commission shall be final.

(e) A judge retired by the commission shall be considered to have retired voluntarily. A judge removed by the commission is ineligible for judicial office, including receiving an assignment, appointment, or reference of work from any California state court, and pending further order of the court is suspended from practicing law in this State. The State Bar may institute appropriate attorney disciplinary proceedings against any judge who retires or resigns from office with judicial disciplinary charges pending.

(f) A determination by the Commission on Judicial Performance to admonish or censure a judge or former judge of the Supreme Court or remove or retire a judge of the Supreme Court shall be reviewed by a tribunal of 7 court of appeal judges selected by lot.

(g) No court, except the Supreme Court, shall have jurisdiction in a civil action or other legal proceeding of any sort brought against the commission by a judge. Any request for injunctive relief or other provisional remedy shall be granted or denied within 90 days of the filing of the request for relief. A failure to comply with the time requirements of this section does not affect the validity of commission proceedings.

(h) Members of the commission, the commission staff, and the examiners and investigators employed by the commission shall be absolutely immune from suit for all conduct at any time in the course of their official duties. No civil action may be maintained against a person, or adverse employment action taken against a person, by any employer, public or private, based on statements presented by the person to the commission.

(i) The Commission on Judicial Performance shall make rules implementing this section, including, but not limited to, the following:

(1) The commission shall make rules for the investigation of judges. The commission may provide for the confidentiality of complaints to and investigations by the commission.

(2) The commission shall make rules for formal proceedings against judges when there is cause to believe there is a disability or wrongdoing within the meaning of subdivision (d).

(j) When the commission institutes formal proceedings, the notice of charges, the answer, and all subsequent papers and proceedings shall be open to the public for all formal proceedings instituted after February 28, 1995.

(k) The commission may make explanatory statements.

(l) The budget of the commission shall be separate from the budget of any other state agency or court.

(m) The Supreme Court shall make rules for the conduct of judges, both on and off the bench, and for judicial candidates in the conduct of their campaigns. These rules shall be referred to as the Code of Judicial Ethics. [*As amended November 8, 1994. Operative March 1, 1995.*]

[*Subordinate Judicial Officers—Discipline*]

SEC. 18.1. The Commission on Judicial Performance shall exercise discretionary jurisdiction with regard to the oversight and discipline of subordinate judicial officers, according to the same standards, and subject to review upon petition to the Supreme Court, as specified in Section 18.

No person who has been found unfit to serve as a subordinate judicial officer after a hearing before the Commission on Judicial Performance shall have the requisite status to serve as a subordinate judicial officer.

This section does not diminish or eliminate the responsibility of a court to exercise initial jurisdiction to discipline or dismiss a subordinate judicial officer as its employee. [*New section adopted June 2, 1998.*]

[*Disciplined Judge Under Consideration for Judicial Appointment*]

SEC. 18.5. (a) Upon request, the Commission on Judicial Performance shall provide to the Governor of any State of the Union the text of any private admonishment, advisory letter, or other disciplinary action together with any information that the Commission on Judicial Performance deems necessary to a full understanding of the commission's action, with



respect to any applicant whom the Governor of any State of the Union indicates is under consideration for any judicial appointment.

(b) Upon request, the Commission on Judicial Performance shall provide the President of the United States the text of any private admonishment, advisory letter, or other disciplinary action together with any information that the Commission on Judicial Performance deems necessary to a full understanding of the commission's action, with respect to any applicant whom the President indicates is under consideration for any federal judicial appointment.

(c) Upon request, the Commission on Judicial Performance shall provide the Commission on Judicial Appointments the text of any private admonishment, advisory letter, or other disciplinary action together with any information that the Commission on Judicial Performance deems necessary to a full understanding of the commission action, with respect to any applicant whom the Commission on Judicial Appointments indicates is under consideration for any judicial appointment.

(d) All information released under this section shall remain confidential and privileged.

(e) Notwithstanding subdivision (d), any information released pursuant to this section shall also be provided to the applicant about whom the information was requested.

(f) "Private admonishment" refers to a disciplinary action against a judge by the Commission on Judicial Performance as authorized by subdivision (c) of Section 18 of Article VI, as amended November 8, 1988. [*New section adopted November 8, 1994. Operative March 1, 1995.*]

[*Judges—Compensation*]

SEC. 19. The Legislature shall prescribe compensation for judges of courts of record.

A judge of a court of record may not receive the salary for the judicial office held by the judge while any cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision. [*As amended November 5, 1974.*]

SEC. 20. [*Repealed November 8, 1966. See Section 20, below.*]

[*Judges—Retirement—Disability*]

SEC. 20. The Legislature shall provide for retirement, with reasonable allowance, of judges of courts of record for age or disability. [*New section adopted November 8, 1966.*]

SEC. 21. [Repealed November 8, 1966. See Section 21, below.]

[Temporary Judges]

SEC. 21. On stipulation of the parties litigant the court may order a cause to be tried by a temporary judge who is a member of the State Bar, sworn and empowered to act until final determination of the cause. [New section adopted November 8, 1966.]

[Appointment of Officers—Subordinate Judicial Duties]

SEC. 22. The Legislature may provide for the appointment by trial courts of record of officers such as commissioners to perform subordinate judicial duties. [New section adopted November 8, 1966.]

SEC. 23. [Repealed November 8, 1966. See Section 23, below.]

[Superior and Municipal Court Consolidation]

SEC. 23. (a) The purpose of the amendments to Sections 1, 4, 5, 6, 8, 10, 11, and 16, of this article, and the amendments to Section 16 of Article I, approved at the June 2, 1998, primary election is to permit the Legislature to provide for the abolition of the municipal courts and unify their operations within the superior courts. Notwithstanding Section 8 of Article IV, the implementation of, and orderly transition under, the provisions of the measure adding this section may include urgency statutes that create or abolish offices or change the salaries, terms, or duties of offices, or grant franchises or special privileges, or create vested rights or interests, where otherwise permitted under this Constitution.

(b) When the superior and municipal courts within a county are unified, the judgeships in each municipal court in that county are abolished and the previously selected municipal court judges shall become judges of the superior court in that county. The term of office of a previously selected municipal court judge is not affected by taking office as a judge of the superior court. The 10-year membership or service requirement of Section 15 does not apply to a previously selected municipal court judge. Pursuant to Section 6, the Judicial Council may prescribe appropriate education and training for judges with regard to trial court unification.

(c) Except as provided by statute to the contrary, in any county in which the superior and municipal courts become unified, the following shall occur automatically in each preexisting superior and municipal court:

- (1) Previously selected officers, employees, and other personnel who serve the court become the officers and employees of the superior court.
- (2) Preexisting court locations are retained as superior court locations.
- (3) Preexisting court records become records of the superior court.
- (4) Pending actions, trials, proceedings, and other business of the court become pending in the superior court under the procedures previously applicable to the matters in the court in which the matters were pending.

(5) Matters of a type previously within the appellate jurisdiction of the superior court remain within the jurisdiction of the appellate division of the superior court.

(6) Matters of a type previously subject to rehearing by a superior court judge remain subject to rehearing by a superior court judge, other than the judge who originally heard the matter.

(7) Penal Code procedures that necessitate superior court review of, or action based on, a ruling or order by a municipal court judge shall be performed by a superior court judge other than the judge who originally made the ruling or order. [*New section adopted June 2, 1998.*]

SEC. 24. [*Repealed November 8, 1966.*]

SEC. 26. [*Repealed November 8, 1966.*]

## ARTICLE VII\*

### PUBLIC OFFICERS AND EMPLOYEES

#### [*Civil Service*]

SECTION 1. (a) The civil service includes every officer and employee of the State except as otherwise provided in this Constitution.

(b) In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination. [*New section adopted June 8, 1976.*]

#### [*Personnel Board—Membership and Compensation*]

SEC. 2. (a) There is a Personnel Board of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 10-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. A member may be removed by concurrent resolution adopted by each house, two-thirds of the membership of each house concurring.

(b) The board annually shall elect one of its members as presiding officer.

(c) The board shall appoint and prescribe compensation for an executive officer who shall be a member of the civil service but not a member of the board. [*New section adopted June 8, 1976.*]

#### [*Personnel Board—Duties*]

SEC. 3. (a) The board shall enforce the civil service statutes and, by majority vote of all its members, shall prescribe probationary periods and classifications, adopt other rules authorized by statute, and review disciplinary actions.

\* New Article VII adopted June 8, 1976.

(b) The executive officer shall administer the civil service statutes under rules of the board. [*New section adopted June 8, 1976.*]

[*Exempt Positions*]

SEC. 4. The following are exempt from civil service:

(a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.

(b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.

(c) Officers elected by the people and a deputy and an employee selected by each elected officer.

(d) Members of boards and commissions.

(e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.

(f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(l) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees. [*New section adopted June 8, 1976.*]

[*Temporary Appointments*]

SEC. 5. A temporary appointment may be made to a position for which there is no employment list. No person may serve in one or more positions under temporary appointment longer than 9 months in 12 consecutive months. [*New section adopted June 8, 1976.*]

[*Veterans' Preferences—Special Rules*]

SEC. 6. (a) The Legislature may provide preferences for veterans and their surviving spouses.

(b) The board by special rule may permit persons in exempt positions, brought under civil service by constitutional provision, to qualify to continue in their positions.

(c) When the State undertakes work previously performed by a county, city, public district of this State or by a federal department or agency, the board by special rule shall provide for persons who previously performed this work to qualify to continue in their positions in the state civil service subject to such minimum standards as may be established by statute. [*New section adopted June 8, 1976.*]

[*Dual Office Holding*]

SEC. 7. A person holding a lucrative office under the United States or other power may not hold a civil office of profit. A local officer or postmaster whose compensation does not exceed 500 dollars per year or an officer in the militia or a member of a reserve component of the armed forces of the United States except where on active federal duty for more than 30 days in any year is not a holder of a lucrative office, nor is the holding of a civil office of profit affected by this military service. [*New section adopted June 8, 1976.*]

[*Disqualification From Holding Office or Serving on Jury—Free Suffrage*]

SEC. 8. (a) Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure personal election or appointment.

(b) Laws shall be made to exclude persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes from office or serving on juries. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice. [*New section adopted June 8, 1976.*]

[*Persons or Organizations Advocating Overthrow of Government*]

SEC. 9. Notwithstanding any other provision of this Constitution, no person or organization which advocates the overthrow of the Government of the United States or the State by force or violence or other unlawful means or who advocates the support of a foreign government against the United States in the event of hostilities shall:

(a) Hold any office or employment under this State, including but not limited to the University of California, or with any county, city or county, city, district, political subdivision, authority, board, bureau, commission or other public agency of this State; or

(b) Receive any exemption from any tax imposed by this State or any county, city or county, city, district, political subdivision, authority, board, bureau, commission or other public agency of this State.

The Legislature shall enact such laws as may be necessary to enforce the provisions of this section. [*New section adopted June 8, 1976.*]

[*Elected Officials—Disqualification for Libelous or Slanderous Campaign Statements*]

SEC. 10. (a) No person who is found liable in a civil action for making libelous or slanderous statements against an opposing candidate during the course of an election campaign for any federal, statewide, Board of Equalization, or legislative office or for any county, city and county, city, district, or any other local elective office shall retain the seat to which he or she is elected, where it is established that the libel or slander was a major contributing cause in the defeat of an opposing candidate.

A libelous or slanderous statement shall be deemed to have been made by a person within the meaning of this section if that person actually made the statement or if the person actually or constructively assented to, authorized, or ratified the statement.

“Federal office,” as used in this section means the office of United States Senator and Member of the House of Representatives; and to the extent that the provisions of this section do not conflict with any provision of federal law, it is intended that candidates seeking the office of United States Senator or Member of the House of Representatives comply with this section.

(b) In order to determine whether libelous or slanderous statements were a major contributing cause in the defeat of an opposing candidate, the trier of fact shall make a separate, distinct finding on that issue. If the trier of fact finds that libel or slander was a major contributing cause in the defeat of an opposing candidate and that the libelous or slanderous statement was made with knowledge that it was false or with reckless disregard of whether it was false or true, the person holding office shall be disqualified from or shall forfeit that office as provided in subdivision (d). The findings required by this section shall be in writing and shall be incorporated as part of the judgment.

(c) In a case where a person is disqualified from holding office or is required to forfeit an office under subdivisions (a) and (b), that disqualification or forfeiture shall create a vacancy in office, which vacancy shall be filled in the manner provided by law for the filling of a vacancy in that particular office.

(d) Once the judgment of liability is entered by the trial court and the time for filing a notice of appeal has expired, or all possibility of direct attack in the courts of this State has been finally exhausted, the person

shall be disqualified from or shall forfeit the office involved in that election and shall have no authority to exercise the powers or perform the duties of the office.

(e) This section shall apply to libelous or slanderous statements made on or after the effective date of this section. [*New section adopted June 5, 1984.*]

[*Legislators' and Judges' Retirement Systems*]

SEC. 11. (a) The Legislators' Retirement System shall not pay any unmodified retirement allowance or its actuarial equivalent to any person who on or after January 1, 1987, entered for the first time any state office for which membership in the Legislators' Retirement System was elective or to any beneficiary or survivor of such a person, which exceeds the higher of (1) the salary receivable by the person currently serving in the office in which the retired person served or (2) the highest salary that was received by the retired person while serving in that office.

(b) The Judges' Retirement System shall not pay any unmodified retirement allowance or its actuarial equivalent to any person who on or after January 1, 1987, entered for the first time any judicial office subject to the Judges' Retirement System or to any beneficiary or survivor of such a person, which exceeds the higher of (1) the salary receivable by the person currently serving in the judicial office in which the retired person served or (2) the highest salary that was received by the retired person while serving in that judicial office.

(c) The Legislature may define the terms used in this section.

(d) If any part of this measure or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which reasonably can be given effect without the invalid provision or application. [*As amended November 6, 1990. Initiative measure.*]

ARTICLE VIII. [*Repealed November 8, 1966.*]

ARTICLE IX

EDUCATION

[*Legislative Policy*]

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

[*Superintendent of Public Instruction—Election—Date of Office—Number of Terms*]

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. The Super-

intendent of Public Instruction shall enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election. No Superintendent of Public Instruction may serve more than 2 terms. [*As amended November 6, 1990. Initiative measure.*]

*[Deputy and Associate Superintendents of Public Instruction]*

SEC. 2.1. The State Board of Education, on nomination of the Superintendent of Public Instruction, shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction who shall be exempt from state civil service and whose terms of office shall be four years.

This section shall not be construed as prohibiting the appointment, in accordance with law, of additional Associate Superintendents of Public Instruction subject to state civil service. [*New section adopted November 5, 1946.*]

*[County Superintendents of Schools]*

SEC. 3. A Superintendent of Schools for each county may be elected by the qualified electors thereof at each gubernatorial election or may be appointed by the county board of education, and the manner of the selection shall be determined by a majority vote of the electors of the county voting on the question; provided, that two or more counties may, by an election conducted pursuant to Section 3.2 of this article, unite for the purpose of electing or appointing one joint superintendent for the counties so uniting. [*As amended November 2, 1976.*]

*[County Superintendents of Schools—Qualifications and Salaries]*

SEC. 3.1. (a) Notwithstanding any provision of this Constitution to the contrary, the Legislature shall prescribe the qualifications required of county superintendents of schools, and for these purposes shall classify the several counties in the State.

(b) Notwithstanding any provision of this Constitution to the contrary, the county board of education or joint county board of education, as the case may be, shall fix the salary of the county superintendent of schools or the joint county superintendent of schools, respectively. [*As amended November 2, 1976.*]

*[Joint County Board of Education—Joint County Superintendent of Schools]*

SEC. 3.2. Notwithstanding any provision of this Constitution to the contrary, any two or more chartered counties, or nonchartered counties, or any combination thereof, may, by a majority vote of the electors of each such county voting on the proposition at an election called for that purpose in each such county, establish one joint board of education and one joint county superintendent of schools for the counties so uniting. A joint county board of education and a joint county superintendent of schools



shall be governed by the general statutes and shall not be governed by the provisions of any county charter. [*New section adopted November 2, 1976.*]

[*County Boards of Education—Qualifications and Terms of Office*]

SEC. 3.3. Except as provided in Section 3.2 of this article, it shall be competent to provide in any charter framed for a county under any provision of this Constitution, or by the amendment of any such charter, for the election of the members of the county board of education of such county and for their qualifications and terms of office. [*As amended November 2, 1976.*]

SEC. 4. [*Repealed November 3, 1964.*]

[*Common School System*]

SEC. 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

[*Public Schools—Salaries*]

SEC. 6. Each person, other than a substitute employee, employed by a school district as a teacher or in any other position requiring certification qualifications shall be paid a salary which shall be at the rate of an annual salary of not less than twenty-four hundred dollars (\$2,400) for a person serving full time, as defined by law.

[*Public School System*]

The Public School System shall include all kindergarten schools, elementary schools, secondary schools, technical schools, and state colleges, established in accordance with law and, in addition, the school districts and the other agencies authorized to maintain them. No school or college or any other part of the Public School System shall be, directly or indirectly, transferred from the Public School System or placed under the jurisdiction of any authority other than one included within the Public School System.

[*Support of Public School System—State Aid*]

The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred eighty dollars (\$180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year.

The entire State School Fund shall be apportioned in each fiscal year in such manner as the Legislature may provide, through the school districts

and other agencies maintaining such schools, for the support of, and aid to, kindergarten schools, elementary schools, secondary schools, and technical schools except that there shall be apportioned to each school district in each fiscal year not less than one hundred twenty dollars (\$120) per pupil in average daily attendance in the district during the next preceding fiscal year and except that the amount apportioned to each school district in each fiscal year shall be not less than twenty-four hundred dollars (\$2,400).

Solely with respect to any retirement system provided for in the charter of any county or city and county pursuant to the provisions of which the contributions of, and benefits to, certificated employees of a school district who are members of such system are based upon the proportion of the salaries of such certificated employees contributed by said county or city and county, all amounts apportioned to said county or city and county, or to school districts therein, pursuant to the provisions of this section shall be considered as though derived from county or city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of this section. [*As amended November 5, 1974.*]

[*School Districts—Bonds*]

SEC. 6½. Nothing in this Constitution contained shall forbid the formation of districts for school purposes situate in more than one county or the issuance of bonds by such districts under such general laws as have been or may hereafter be prescribed by the Legislature; and the officers mentioned in such laws shall be authorized to levy and assess such taxes and perform all such other acts as may be prescribed therein for the purpose of paying such bonds and carrying out the other powers conferred upon such districts; *provided*, that all such bonds shall be issued subject to the limitations prescribed in section eighteen† of article eleven hereof. [*New section adopted November 7, 1922.*]

[*Boards of Education*]

SEC. 7. The Legislature shall provide for the appointment or election of the State Board of Education and a board of education in each county or for the election of a joint county board of education for two or more counties. [*As amended November 2, 1976.*]

[*Free Textbooks*]

SEC. 7.5. The State Board of Education shall adopt textbooks for use in grades one through eight throughout the State, to be furnished without cost as provided by statute. [*New section adopted June 2, 1970.*]

† Former Section 18 of Article XI added to Article XIII as Section 40, June 2, 1970 and repealed November 5, 1974.

[*Sectarian Schools—Public Money—Doctrines*]

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

[*University of California*]

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure the security of its funds and compliance with the terms of the endowments of the university and such competitive bidding procedures as may be made applicable to the university by statute for the letting of construction contracts, sales of real property, and purchasing of materials, goods, and services. Said corporation shall be in form a board composed of seven *ex officio* members, which shall be: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and the vice president of the alumni association of the university and the acting president of the university, and 18 appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the members appointed prior to November 5, 1974, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceding paragraph.

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term for which such vacancy exists.

(c) The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the State, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.

(e) In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.

(f) The Regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct; provided, however, that sales of university real property shall be subject to such competitive bidding procedures as may be provided by statute. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise. The Regents shall receive all funds derived from the sale of lands pursuant to the act of Congress of July 2, 1862, and any subsequent acts amendatory thereof. The university shall be entirely independent of all political or sec-

tarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage, or sex.

(g) Meetings of the Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute. [*As amended November 2, 1976.*]

SEC. 10. [*Repealed November 5, 1974.*]

SEC. 11. [*Repealed November 5, 1974.*]

SEC. 12. [*Repealed November 5, 1974.*]

SEC. 13. [*Repealed November 5, 1974.*]

[*School District Incorporation and Organization—Governing Board Powers*]

SEC. 14. The Legislature shall have power, by general law, to provide for the incorporation and organization of school districts, high school districts, and community college districts, of every kind and class, and may classify such districts.

The Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established. [*As amended November 7, 1972. Operative July 1, 1973.*]

SEC. 15. [*Repealed November 5, 1974.*]

[*Boards of Education—City Charter Provisions*]

SEC. 16. (a) It shall be competent, in all charters framed under the authority given by Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

[*Charter Amendments—Approval by Voters*]

(b) Notwithstanding Section 3 of Article XI, when the boundaries of a school district or community college district extend beyond the limits of a city whose charter provides for any or all of the foregoing with respect to the members of its board of education, no charter amendment effecting a change in the manner in which, the times at which, or the terms for which the members of the board of education shall be elected or appointed, for their qualifications, compensation, or removal, or for the number which shall constitute such board, shall be adopted unless it is submitted to and approved by a majority of all the qualified electors of the school district or community college district voting on the question. Any such amendment,

and any portion of a proposed charter or a revised charter which would establish or change any of the foregoing provisions respecting a board of education, shall be submitted to the electors of the school district or community college district as one or more separate questions. The failure of any such separate question to be approved shall have the result of continuing in effect the applicable existing law with respect to that board of education. [*As amended June 6, 1978.*]

## ARTICLE X\*

### WATER

[*State's Right of Eminent Domain*]

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State. [*New section adopted June 8, 1976.*]

[*Conservation and Beneficial Use of Water—Riparian Rights*]

SEC. 2. It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this section, for the purposes for which such lands are, or may be made adaptable, in view of such reasonable and beneficial uses; provided, however, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which the owner's land is riparian under reasonable methods of diversion and use, or as depriving any appropriator of water to which the appropriator is lawfully entitled. This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained. [*New section adopted June 8, 1976.*]

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\* New Article X adopted June 8, 1976.

[*Tidelands*]

SEC. 3. All tidelands within two miles of any incorporated city, city and county, or town in this State, and fronting on the water of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations; provided, however, that any such tidelands, reserved to the State solely for street purposes, which the Legislature finds and declares are not used for navigation purposes and are not necessary for such purposes may be sold to any town, city, county, city and county, municipal corporations, private persons, partnerships or corporations subject to such conditions as the Legislature determines are necessary to be imposed in connection with any such sales in order to protect the public interest. [*New section adopted June 8, 1976.*]

[*Access to Navigable Waters*]

SEC. 4. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof. [*New section adopted June 8, 1976.*]

[*State Control of Water Use*]

SEC. 5. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law. [*New section adopted June 8, 1976.*]

[*Compensation for Water Use*]

SEC. 6. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law. [*New section adopted June 8, 1976.*]

[*Acquisition of Real Property—Conformance to California Water Laws*]

SEC. 7. Whenever any agency of government, local, state, or federal, hereafter acquires any interest in real property in this State, the acceptance of the interest shall constitute an agreement by the agency to conform to the laws of California as to the acquisition, control, use, and distribution of water with respect to the land so acquired. [*New section adopted June 8, 1976.*]

## ARTICLE X A\*

## WATER RESOURCES DEVELOPMENT

*[Article X A has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982]*

*[Water Rights, Water Quality, and Fish and Wildlife Resources Guaranteed and Protected]*

SECTION 1. The people of the State hereby provide the following guarantees and protections in this article for water rights, water quality, and fish and wildlife resources. *[New section adopted November 4, 1980. Section has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982.]*

*[Statutes for Protection of Fish and Wildlife Resources, Delta, Etc.]*

SEC. 2. No statute amending or repealing, or adding to, the provisions of the statute enacted by Senate Bill No. 200 † of the 1979–80 Regular Session of the Legislature which specify (1) the manner in which the State will protect fish and wildlife resources in the Sacramento-San Joaquin Delta, Suisun Marsh, and San Francisco Bay system westerly of the delta; (2) the manner in which the State will protect existing water rights in the Sacramento-San Joaquin Delta; and (3) the manner in which the State will operate the State Water Resources Development System to comply with water quality standards and water quality control plans, shall become effective unless approved by the electors in the same manner as statutes amending initiative statutes are approved; except that the Legislature may, by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, amend or repeal, or add to, these provisions if the statute does not in any manner reduce the protection of the delta or fish and wildlife. *[New section adopted November 4, 1980. Section has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982.]*

*[Appropriations of Water—Components of California Wild and Scenic Rivers System]*

SEC. 3. No water shall be available for appropriation by storage in, or by direct diversion from, any of the components of the California Wild and Scenic Rivers System, as such system exists on January 1, 1981, where such appropriation is for export of water into another major hydrologic basin of the State, as defined in the Department of Water Resources Bulletin

\* New Article X A adopted November 4, 1980.

† Chapter 632, Statutes of 1980.



160-74, unless such export is expressly authorized prior to such appropriation by: (a) an initiative statute approved by the electors, or (b) the Legislature, by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring. [*New section adopted November 4, 1980. Section has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982.*]

[*Statutes Amending, Repealing, or Adding to Delta Protection Act*]

SEC. 4. No statute amending or repealing, or adding to, the provisions of Part 4.5 (commencing with Section 12200) of Division 6 of the Water Code (the Delta Protection Act) shall become effective unless approved by the electors in the same manner as statutes amending initiative statutes are approved; except that the Legislature may, by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, amend or repeal, or add to, these provisions if the statute does not in any manner reduce the protection of the delta or fish and wildlife. [*New section adopted November 4, 1980. Section has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982.*]

[*Eminent Domain Proceedings to Acquire Water Rights or Contract Rights for Water or Water Quality Maintenance in Delta Prohibited*]

SEC. 5. No public agency may utilize eminent domain proceedings to acquire water rights, which are held for uses within the Sacramento-San Joaquin Delta as defined in Section 12220 of the Water Code, or any contract rights for water or water quality maintenance in the Delta for the purpose of exporting such water from the Delta. This provision shall not be construed to prohibit the utilization of eminent domain proceedings for the purpose of acquiring land or any other rights necessary for the construction of water facilities, including, but not limited to, facilities authorized in Chapter 8 (commencing with Section 12930) of Part 6 of Division 6 of the Water Code. [*New section adopted November 4, 1980. Section has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982.*]

[*Actions and Proceedings*]

SEC. 6. (a) The venue of any of the following actions or proceedings brought in a superior court shall be Sacramento County:

(1) An action or proceeding to attack, review, set aside, void, or annul any provision of the statute enacted by Senate Bill No. 200 † of the 1979–80 Regular Session of the Legislature.

† Chapter 632, Statutes of 1980.

(2) An action or proceeding to attack, review, set aside, void, or annul the determination made by the Director of Water Resources and the Director of Fish and Game pursuant to subdivision (a) of Section 11255 of the Water Code.

(3) An action or proceeding which would have the effect of attacking, reviewing, preventing, or substantially delaying the construction, operation, or maintenance of the peripheral canal unit described in subdivision (a) of Section 11255 of the Water Code.

(4) An action or proceeding to require the State Water Resources Development System to comply with subdivision (b) of Section 11460 of the Water Code.

(5) An action or proceeding to require the Department of Water Resources or its successor agency to comply with the permanent agreement specified in subdivision (a) of Section 11256 of the Water Code.

(6) An action or proceeding to require the Department of Water Resources or its successor agency to comply with the provisions of the contracts entered into pursuant to Section 11456 of the Water Code.

(b) An action or proceeding described in paragraph (1) of subdivision (a) shall be commenced within one year after the effective date of the statute enacted by Senate Bill No. 200 † of the 1979–80 Regular Session of the Legislature. Any other action or proceeding described in subdivision (a) shall be commenced within one year after the cause of action arises unless a shorter period is otherwise provided by statute.

(c) The superior court or a court of appeals shall give preference to the actions or proceedings described in this section over all civil actions or proceedings pending in the court. The superior court shall commence hearing any such action or proceeding within six months after the commencement of the action or proceeding, provided that any such hearing may be delayed by joint stipulation of the parties or at the discretion of the court for good cause shown. The provisions of this section shall supersede any provisions of law requiring courts to give preference to other civil actions or proceedings. The provisions of this subdivision may be enforced by mandamus.

(d) The Supreme Court shall, upon the request of any party, transfer to itself, before a decision in the court of appeal, any appeal or petition for extraordinary relief from an action or proceeding described in this section, unless the Supreme Court determines that the action or proceeding is unlikely to substantially affect (1) the construction, operation, or maintenance of the peripheral canal unit described in subdivision (a) of Section 11255 of the Water Code, (2) compliance with subdivision (b) of Section 11460 of the Water Code, (3) compliance with the permanent agreement specified in Section 11256 of the Water Code, or (4) compliance with the provisions of the contracts entered into pursuant to Section 11456 of the

† Chapter 632, Statutes of 1980.

Water Code. The request for transfer shall receive preference on the Supreme Court's calendar. If the action or proceeding is transferred to the Supreme Court, the Supreme Court shall commence to hear the matter within six months of the transfer unless the parties by joint stipulation request additional time or the court, for good cause shown, grants additional time.

(e) The remedy prescribed by the court for an action or proceeding described in paragraph (4), (5), or (6) of subdivision (a) shall include, but need not be limited to, compliance with subdivision (b) of Section 11460 of the Water Code, the permanent agreement specified in Section 11256 of the Water Code, or the provisions of the contracts entered into pursuant to Section 11456 of the Water Code.

(f) The Board of Supervisors of the County of Sacramento may apply to the State Board of Control for actual costs imposed by the requirements of this section upon the county, and the State Board of Control shall pay such actual costs.

(g) Notwithstanding the provisions of this section, nothing in this Article shall be construed as prohibiting the Supreme Court from exercising the transfer authority contained in Article VI, Section 12 of the Constitution. [*New section adopted November 4, 1980. Section has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982.*]

[*State Agencies' Exercise of Authorized Powers*]

SEC. 7. State agencies shall exercise their authorized powers in a manner consistent with the protections provided by this article. [*New section adopted November 4, 1980. Section has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982.*]

[*Force or Effect of Article*]

SEC. 8. This article shall have no force or effect unless Senate Bill No. 200 † of the 1979–80 Regular Session of the Legislature is enacted and takes effect. [*New section adopted November 4, 1980. Section has no force or effect because Senate Bill No. 200 of the 1979–80 Regular Session of the Legislature was defeated by referendum vote June 8, 1982.*]

† Chapter 632, Statutes of 1980.

## ARTICLE X B\*

## MARINE RESOURCES PROTECTION ACT OF 1990

## [Title]

SECTION 1. This article shall be known and may be cited as the Marine Resources Protection Act of 1990. [*New section adopted November 6, 1990. Initiative measure.*]

## [Definitions]

SEC. 2. (a) “District” means a fish and game district as defined in the Fish and Game Code by statute on January 1, 1990.

(b) Except as specifically provided in this article, all references to Fish and Game Code sections, articles, chapters, parts, and divisions are defined as those statutes in effect on January 1, 1990.

(c) “Ocean waters” means the waters of the Pacific Ocean regulated by the State.

(d) “Zone” means the Marine Resources Protection zone established pursuant to this article. The zone consists of the following:

(1) In waters less than 70 fathoms or within one mile, whichever is less, around the Channel Islands consisting of the Islands of San Miguel, Santa Rosa, Santa Cruz, Anacapa, San Nicolaus, Santa Barbara, Santa Catalina, and San Clemente.

(2) The area within three nautical miles offshore of the mainland coast, and the area within three nautical miles off any manmade breakwater, between a line extending due west from Point Arguello and a line extending due west from the Mexican border.

(3) In waters less than 35 fathoms between a line running 180 degrees true from Point Fermin and a line running 270 degrees true from the south jetty of Newport Harbor. [*New section adopted November 6, 1990. Initiative measure.*]

## [Gill and Trammel Nets—Usage]

SEC. 3. (a) From January 1, 1991, to December 31, 1993, inclusive, gill nets or trammel nets may only be used in the zone pursuant to a non-transferable permit issued by the Department of Fish and Game pursuant to Section 5.

(b) On and after January 1, 1994, gill nets and trammel nets shall not be used in the zone. [*New section adopted November 6, 1990. Initiative measure.*]

## [Gill and Trammel Nets—Usage]

SEC. 4. (a) Notwithstanding any other provision of law, gill nets and trammel nets may not be used to take any species of rockfish.

\* New Article X B adopted November 6, 1990. Initiative measure.

(b) In ocean waters north of Point Arguello on and after the effective date of this article, the use of gill nets and trammel nets shall be regulated by the provisions of Article 4 (commencing with Section 8660), Article 5 (commencing with Section 8680) and Article 6 (commencing with Section 8720) of Chapter 3 of Part 3 of Division 6 of the Fish and Game Code, or any regulation or order issued pursuant to these articles, in effect on January 1, 1990, except that as to Sections 8680, 8681, 8681.7, and 8682, and subdivisions (a) through (f), inclusive of Section 8681.5 of the Fish and Game Code, or any regulation or order issued pursuant to these sections, the provisions in effect on January 1, 1989, shall control where not in conflict with other provisions of this article, and shall be applicable to all ocean waters. Notwithstanding the provisions of this section, the Legislature shall not be precluded from imposing more restrictions on the use and/or possession of gill nets or trammel nets. The Director of the Department of Fish and Game shall not authorize the use of gill nets or trammel nets in any area where the use is not permitted even if the director makes specified findings. *[New section adopted November 6, 1990. Initiative measure.]*

*[Gill and Trammel Nets—Usage]*

SEC. 5. The Department of Fish and Game shall issue a permit to use a gill net or trammel net in the zone for the period specified in subdivision (a) of Section 3 to any applicant who meets both of the following requirements:

(a) Has a commercial fishing license issued pursuant to Sections 7850–7852.3 of the Fish and Game Code.

(b) Has a permit issued pursuant to Section 8681 of the Fish and Game Code and is presently the owner or operator of a vessel equipped with a gill net or trammel net. *[New section adopted November 6, 1990. Initiative measure.]*

*[Permit Fees]*

SEC. 6. The Department of Fish and Game shall charge the following fees for permits issued pursuant to Section 5 pursuant to the following schedule:

Calendar Year	Fee
1991	\$250
1992	500
1993	1,000

*[New section adopted November 6, 1990. Initiative measure.]*

*[Permitholder’s Compensation for Discontinuing Fishing with Gill and Trammel Nets]*

SEC. 7. (a) Within 90 days after the effective date of this section, every person who intends to seek the compensation provided in subdivision

(b) shall notify the Department of Fish and Game, on forms provided by the department, of that intent. Any person who does not submit the form within that 90-day period shall not be compensated pursuant to subdivision (b). The department shall publish a list of all persons submitting the form within 120 days after the effective date of this section.

(b) After July 1, 1993, and before January 1, 1994, any person who holds a permit issued pursuant to Section 5 and operates in the zone may surrender that permit to the department and agree to permanently discontinue fishing with gill or trammel nets in the zone, for which he or she shall receive, beginning on July 1, 1993, a one time compensation which shall be based upon the average annual ex vessel value of the fish other than any species of rockfish landed by a fisherman, which were taken pursuant to a valid general gill net or trammel net permit issued pursuant to Sections 8681 and 8682 of the Fish and Game Code within the zone during the years 1983 to 1987, inclusive. The department shall verify those landings by reviewing logs and landing receipts submitted to it. Any person who is denied compensation by the department as a result of the department's failure to verify landings may appeal that decision to the Fish and Game Commission.

(c) The State Board of Control shall, prior to the disbursement of any funds, verify the eligibility of each person seeking compensation and the amount of the compensation to be provided in order to ensure compliance with this section.

(d) Unless the Legislature enacts any required enabling legislation to implement this section on or before July 1, 1993, no compensation shall be paid under this article. [*New section adopted November 6, 1990. Initiative measure.*]

[*Marine Resources Protection Account—Fees—Interest*]

SEC. 8. (a) There is hereby created the Marine Resources Protection Account in the Fish and Game Preservation Fund. On and after January 1, 1991, the Department of Fish and Game shall collect any and all fees required by this article. All fees received by the department pursuant to this article shall be deposited in the account and shall be expended or encumbered to compensate persons who surrender permits pursuant to Section 7 or to provide for administration of this article. All funds received by the department during any fiscal year pursuant to this article which are not expended during that fiscal year to compensate persons as set forth in Section 7 or to provide for administration of this article shall be carried over into the following fiscal year and shall be used only for those purposes. All interest accrued from the department's retention of fees received pursuant to this article shall be credited to the account. The accrued interest may only be expended for the purposes authorized by this article. The account shall continue in existence, and the requirement to pay fees under this ar-

ticle shall remain in effect, until the compensation provided in Section 7 has been fully funded or until January 1, 1995, whichever occurs first.

(b) An amount, not to exceed 15 percent of the total annual revenues deposited in the account excluding any interest accrued or any funds carried over from a prior fiscal year may be expended for the administration of this article.

(c) In addition to a valid California sportfishing license issued pursuant to Sections 7149, 7149.1 or 7149.2 of the Fish and Game Code and any applicable sport license stamp issued pursuant to the Fish and Game Code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for sport purposes shall have permanently affixed to that person's sportfishing license a marine resources protection stamp which may be obtained from the department upon payment of a fee of three dollars (\$3). This subdivision does not apply to any one-day fishing license.

(d) In addition to a valid California commercial passenger fishing boat license required by Section 7920 of the Fish and Game Code, the owner of any boat or vessel who, for profit, permits any person to fish from the boat or vessel in ocean waters south of a line extending due west from Point Arguello, shall obtain and permanently affix to the license a commercial marine resources protection stamp which may be obtained from the department upon payment of a fee of three dollars (\$3).

(e) The department may accept contributions or donations from any person who wishes to donate money to be used for the compensation of commercial gill net and trammel net fishermen who surrender permits under this article.

(f) This section shall become inoperative on January 1, 1995. [*New section adopted November 6, 1990. Inoperative January 1, 1995. Initiative measure.*]

[*Marine Resources Protection Account—Grants*]

SEC. 9. Any funds remaining in the Marine Resources Protection Account in the Fish and Game Preservation Fund on or after January 1, 1995, shall, with the approval of the Fish and Game Commission, be used to provide grants to colleges, universities and other bonafide scientific research groups to fund marine resource related scientific research within the ecological reserves established by Section 14 of this act. [*New section adopted November 6, 1990. Initiative measure.*]

[*Report to Legislature*]

SEC. 10. On or before December 31 of each year, the Director of Fish and Game shall prepare and submit a report to the Legislature regarding the implementation of this article including an accounting of all funds. [*New section adopted November 6, 1990. Initiative measure.*]

[Violations]

SEC. 11. It is unlawful for any person to take, possess, receive, transport, purchase, sell, barter, or process any fish obtained in violation of this article. [*New section adopted November 6, 1990. Initiative measure.*]

[Commercial Fishing Daily Landings Monitoring and Evaluating Program]

SEC. 12. To increase the State's scientific and biological information on the ocean fisheries of this State, the Department of Fish and Game shall establish a program whereby it can monitor and evaluate the daily landings of fish by commercial fishermen who are permitted under this article to take these fish. The cost of implementing this monitoring program shall be borne by the commercial fishing industry. [*New section adopted November 6, 1990. Initiative measure.*]

[Penalties for Violations—Probation—Fine]

SEC. 13. (a) The penalty for a first violation of the provisions of Sections 3 and 4 of this article is a fine of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) and a mandatory suspension of any license, permit or stamp to take, receive, transport, purchase, sell, barter or process fish for commercial purposes for six months. The penalty for a second or subsequent violation of the provisions of Sections 3 and 4 of this article is a fine of not less than two thousand five hundred dollars (\$2,500) and not more than ten thousand dollars (\$10,000) and a mandatory suspension of any license, permit or stamp to take, receive, transport, purchase, sell, barter, or process fish for commercial purposes for one year.

(b) Notwithstanding any other provisions of law, a violation of Section 8 of this article shall be deemed a violation of the provisions of Section 7145 of the Fish and Game Code and the penalty for such violation shall be consistent with the provisions of Section 12002.2 of said code.

(c) If a person convicted of a violation of Section 3, 4, or 8 of this article is granted probation, the court shall impose as a term or condition of probation, in addition to any other term or condition of probation, that the person pay at least the minimum fine prescribed in this section. [*New section adopted November 6, 1990. Initiative measure.*]

[New Ecological Reserves]

SEC. 14. Prior to January 1, 1994, the Fish and Game Commission shall establish four new ecological reserves in ocean waters along the mainland coast. Each ecological reserve shall have a surface area of at least two square miles. The commission shall restrict the use of these ecological reserves to scientific research relating to the management and enhancement of marine resources. [*New section adopted November 6, 1990. Initiative measure.*]



[*Article not Preempting or Superseding Other Protective Closures*]

SEC. 15. This article does not preempt or supersede any other closures to protect any other wildlife, including sea otters, whales, and shorebirds. [*New section adopted November 6, 1990. Initiative measure.*]

[*Severability*]

SEC. 16. If any provision of this article or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable. [*New section adopted November 6, 1990. Initiative measure.*]

ARTICLE XI. [*Repealed June 2, 1970. See Article XI, below.*]

## ARTICLE XI\*

### LOCAL GOVERNMENT

[*Counties—Formation, Boundaries, County Seat, Officers, and Governing Body*]

SEC. 1. (a) The State is divided into counties which are legal subdivisions of the State. The Legislature shall prescribe uniform procedure for county formation, consolidation, and boundary change. Formation or consolidation requires approval by a majority of electors voting on the question in each affected county. A boundary change requires approval by the governing body of each affected county. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

(b) The Legislature shall provide for county powers, an elected county sheriff, an elected district attorney, an elected assessor, and an elected governing body in each county. Except as provided in subdivision (b) of Section 4 of this article, each governing body shall prescribe by ordinance the compensation of its members, but the ordinance prescribing such compensation shall be subject to referendum. The Legislature or the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees. [*As amended June 7, 1988.*]

\* New Article XI adopted June 2, 1970.

SEC. 2. [*Repealed June 2, 1970. See Section 2, below.*]

[*Cities—Formation, Powers*]

SEC. 2. (a) The Legislature shall prescribe uniform procedure for city formation and provide for city powers.

(b) Except with approval by a majority of its electors voting on the question, a city may not be annexed to or consolidated into another. [*New section adopted June 2, 1970.*]

[*County or City—Charters*]

SEC. 3. (a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail. [*As amended November 5, 1974.*]

[*County Charters—Provisions*]

SEC. 4. County charters shall provide for:

(a) A governing body of 5 or more members, elected (1) by district or, (2) at large, or (3) at large, with a requirement that they reside in a district. Charter counties are subject to statutes that relate to apportioning population of governing body districts.

(b) The compensation, terms, and removal of members of the governing body. If a county charter provides for the Legislature to prescribe the salary of the governing body, such compensation shall be prescribed by the governing body by ordinance.

(c) An elected sheriff, an elected district attorney, an elected assessor, other officers, their election or appointment, compensation, terms and removal.

(d) The performance of functions required by statute.

(e) The powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein.

(f) The fixing and regulation by governing bodies, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés, and other persons to be employed, and for the prescribing and regulating by such bodies of the powers, duties, qualifications, and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal.

(g) Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature as herein provided, the general laws adopted by the Legislature in pursuance of Section 1(b) of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided.

(h) Charter counties shall have all the powers that are provided by this Constitution or by statute for counties. [*As amended June 7, 1988.*]

SEC. 5. [*Repealed June 2, 1970. See Section 5, below.*]

[*City Charters—Provisions*]

SEC. 5. (a) It shall be competent in any city charter to provide that the city governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith.

(b) It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) the constitution, regulation, and government of the city police force (2) subgovernment in all or part of a city (3) conduct of city elections and (4) plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. [*New section adopted June 2, 1970.*]

SEC. 5.1. [*Repealed June 2, 1970.*]

SEC. 6. [Repealed June 2, 1970. See Section 6, below.]

[Charter City and County]

SEC. 6. (a) A county and all cities within it may consolidate as a charter city and county as provided by statute.

(b) A charter city and county is a charter city and a charter county. Its charter city powers supersede conflicting charter county powers. [New section adopted June 2, 1970.]

SEC. 7. [Repealed June 2, 1970. See Section 7, below.]

[Local Ordinances and Regulations]

SEC. 7. A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. [New section adopted June 2, 1970.]

SEC. 7½. [Repealed June 2, 1970.]

SEC. 7½b. [Repealed June 2, 1970.]

[Ballot Measures—Application]

SEC. 7.5. (a) A city or county measure proposed by the legislative body of a city, charter city, county, or charter county and submitted to the voters for approval may not do either of the following:

(1) Include or exclude any part of the city, charter city, county, or charter county from the application or effect of its provisions based upon approval or disapproval of the city or county measure, or based upon the casting of a specified percentage of votes in favor of the measure, by the electors of the city, charter city, county, charter county, or any part thereof.

(2) Contain alternative or cumulative provisions wherein one or more of those provisions would become law depending upon the casting of a specified percentage of votes for or against the measure.

(b) “City or county measure,” as used in this section, means an advisory question, proposed charter or charter amendment, ordinance, proposition for the issuance of bonds, or other question or proposition submitted to the voters of a city, or to the voters of a county at an election held throughout an entire single county. [New section adopted June 2, 1998.]

SEC. 8. [Repealed June 2, 1970. See Section 8, below.]

[Counties—Performance of Municipal Functions]

SEC. 8. (a) The Legislature may provide that counties perform municipal functions at the request of cities within them.

(b) If provided by their respective charters, a county may agree with a city within it to assume and discharge specified municipal functions. [New section adopted June 2, 1970.]

SEC. 8½. [Repealed June 2, 1970.]

*[Local Utilities]*

SEC. 9. (a) A municipal corporation may establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication. It may furnish those services outside its boundaries, except within another municipal corporation which furnishes the same service and does not consent.

(b) Persons or corporations may establish and operate works for supplying those services upon conditions and under regulations that the city may prescribe under its organic law. *[New section adopted June 2, 1970.]*

*[Local Government—Extra Compensation; City, County or District Employees—Residency]*

SEC. 10. (a) A local government body may not grant extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or pay a claim under an agreement made without authority of law.

(b) A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location. *[As amended June 8, 1976.]*

SEC. 10.5. *[Repealed June 8, 1976.]*

*[Private Control of County or Municipal Functions—Deposit and Investment of Public Moneys]*

SEC. 11. (a) The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise, or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions.

(b) The Legislature may, however, provide for the deposit of public moneys in any bank in this State or in any savings and loan association in this State or any credit union in this State or in any federally insured industrial loan company in this State and for payment of interest, principal, and redemption premiums of public bonds and other evidence of public indebtedness by banks within or without this State. It may also provide for investment of public moneys in securities and the registration of bonds and other evidences of indebtedness by private persons or bodies, within or without this State, acting as trustees or fiscal agents. *[As amended November 8, 1988.]*

SEC. 12. [As amended June 27, 1933, added to Article XIII as Section 37, June 2, 1970. See Section 12, below.]

[*Claims Against Counties or Cities, Etc.*]

SEC. 12. The Legislature may prescribe procedure for presentation, consideration, and enforcement of claims against counties, cities, their officers, agents, or employees. [New section adopted June 2, 1970.]

SEC. 13. [Repealed June 2, 1970. See Section 13, below.]

[*Distribution of Powers—Construction of Article*]

SEC. 13. The provisions of Sections 1(b) (except for the second sentence), 3(a), 4, and 5 of this Article relating to matters affecting the distribution of powers between the Legislature and cities and counties, including matters affecting supersession, shall be construed as a restatement of all related provisions of the Constitution in effect immediately prior to the effective date of this amendment, and as making no substantive change.

The terms general law, general laws, and laws, as used in this Article, shall be construed as a continuation and restatement of those terms as used in the Constitution in effect immediately prior to the effective date of this amendment, and not as effecting a change in meaning. [New section adopted June 2, 1970.]

SEC. 13½. [As amended November 3, 1914, added to Article XIII as Section 37.5, June 2, 1970.]

[*Local Government—Taxation*]

SEC. 14. A local government formed after the effective date of this section, the boundaries of which include all or part of two or more counties, shall not levy a property tax unless such tax has been approved by a majority vote of the qualified voters of that local government voting on the issue of the tax. [New section adopted November 2, 1976.]

[*Vehicle License Fee Allocations*]

SEC. 15. (a) All revenues from taxes imposed pursuant to the Vehicle License Fee Law, or its successor, other than fees on trailer coaches and mobilehomes, over and above the costs of collection and any refunds authorized by law, shall be allocated to counties and cities according to statute.

(b) This section shall apply to those taxes imposed pursuant to that law on and after July 1 following the approval of this section by the voters. [New section adopted June 3, 1986.]

SEC. 16. [Added to Article XIII as Section 38, June 2, 1970.]

SEC. 16½. [As amended November 8, 1932, added to Article XIII as Section 39, June 2, 1970.]

SEC. 17. [Repealed June 2, 1970.]

SEC. 18. [As amended November 8, 1949, added to Article XIII as Section 40, June 2, 1970.]

SEC. 18¼. [Repealed June 2, 1970.]

SEC. 19. [Repealed June 2, 1970.]

SEC. 20. [Repealed June 2, 1970.]

ARTICLE XII. [Repealed November 5, 1974. See Article XII, below.]

## ARTICLE XII\*

### PUBLIC UTILITIES

#### [Public Utilities Commission—Composition]

SECTION 1. The Public Utilities Commission consists of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for staggered 6-year terms. A vacancy is filled for the remainder of the term. The Legislature may remove a member for incompetence, neglect of duty, or corruption, two thirds of the membership of each house concurring. [New section adopted November 5, 1974.]

#### [Public Utilities Commission—Powers and Duties]

SEC. 2. Subject to statute and due process, the commission may establish its own procedures. Any commissioner as designated by the commission may hold a hearing or investigation or issue an order subject to commission approval. [New section adopted November 5, 1974.]

#### [Public Utilities—Legislative Control]

SEC. 3. Private corporations and persons that own, operate, control, or manage a line, plant, or system for the transportation of people or property, the transmission of telephone and telegraph messages, or the production, generation, transmission, or furnishing of heat, light, water, power, storage, or wharfage directly or indirectly to or for the public, and common carriers, are public utilities subject to control by the Legislature. The Legislature may prescribe that additional classes of private corporations or other persons are public utilities. [New section adopted November 5, 1974.]

#### [Rates—Discrimination in Transportation Charges, Etc.]

SEC. 4. The commission may fix rates and establish rules for the transportation of passengers and property by transportation companies, prohibit discrimination, and award reparation for the exaction of unrea-

\* New Article XII adopted November 5, 1974.

sonable, excessive, or discriminatory charges. A transportation company may not raise a rate or incidental charge except after a showing to and a decision by the commission that the increase is justified, and this decision shall not be subject to judicial review except as to whether confiscation of property will result. [*New section adopted November 5, 1974.*]

[*Public Utilities Commission—Compensation in Eminent Domain Proceedings*]

SEC. 5. The Legislature has plenary power, unlimited by the other provisions of this constitution but consistent with this article, to confer additional authority and jurisdiction upon the commission, to establish the manner and scope of review of commission action in a court of record, and to enable it to fix just compensation for utility property taken by eminent domain. [*New section adopted November 5, 1974.*]

[*Public Utilities Commission—Powers and Duties*]

SEC. 6. The commission may fix rates, establish rules, examine records, issue subpoenas, administer oaths, take testimony, punish for contempt, and prescribe a uniform system of accounts for all public utilities subject to its jurisdiction. [*New section adopted November 5, 1974.*]

[*Free Passes, Public Officials—Conflict of Interest, Public Utilities Commissioner*]

SEC. 7. A transportation company may not grant free passes or discounts to anyone holding an office in this State; and the acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office. A Public Utilities Commissioner may not hold an official relation to nor have a financial interest in a person or corporation subject to regulation by the commission. [*New section adopted November 5, 1974.*]

[*Public Utilities—Regulation*]

SEC. 8. A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission. This section does not affect power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city's electors, or the right of any city to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law. [*New section adopted November 5, 1974.*]

[*Restatement*]

SEC. 9. The provisions of this article restate all related provisions of the Constitution in effect immediately prior to the effective date of this amendment and make no substantive change. [*New section adopted November 5, 1974.*]



- SEC. 10. [Repealed November 5, 1974.]
- SEC. 17. [Repealed November 5, 1974.]
- SEC. 18. [Repealed November 5, 1974.]
- SEC. 19. [Repealed November 5, 1974.]
- SEC. 20. [Repealed November 5, 1974.]
- SEC. 21. [Repealed November 5, 1974.]
- SEC. 22. [Repealed November 5, 1974.]
- SEC. 23. [Repealed November 5, 1974.]
- SEC. 23a. [Repealed November 5, 1974.]

ARTICLE XIII. [Repealed November 5, 1974. See Article XIII, below.]

ARTICLE XIII\*

TAXATION

SECTION 1. [Repealed November 5, 1974. See Section 1, below.]

[Uniformity Clause]

SEC. 1. Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value. [New section adopted November 5, 1974.]

- SEC. 1a. [Repealed November 5, 1974.]
- SEC. 1b. [Repealed November 5, 1974.]
- SEC. 1c. [Repealed November 5, 1974.]
- SEC. 1d. [Repealed November 5, 1974.]
- SEC. 1¼. [Repealed November 5, 1974.]
- SEC. 1¼a. [Repealed November 5, 1974.]
- SEC. 1¼b. [Repealed November 5, 1974.]
- SEC. 1½. [Repealed November 5, 1974.]
- SEC. 1½a. [Repealed November 5, 1974.]
- SEC. 1.60. [Repealed November 5, 1974.]

\* New Article XIII adopted November 5, 1974.

- SEC. 1.61. [Repealed November 5, 1974.]
- SEC. 1.62. [Repealed November 5, 1974.]
- SEC. 1.63. [Repealed November 5, 1974.]
- SEC. 1.64. [Repealed November 5, 1974.]
- SEC. 1.65. [Repealed November 5, 1974.]
- SEC. 1.66. [Repealed November 5, 1974.]
- SEC. 1.67. [Repealed November 5, 1974.]
- SEC. 1.68. [Repealed November 5, 1974.]
- SEC. 1.69. [Repealed November 5, 1974.]
- SEC. 1¾. [Repealed November 5, 1974.]
- SEC. 2. [Repealed November 5, 1974. See Section 2, below.]

[*Personal Property Classification*]

SEC. 2. The Legislature may provide for property taxation of all forms of tangible personal property, shares of capital stock, evidences of indebtedness, and any legal or equitable interest therein not exempt under any other provision of this article. The Legislature, two-thirds of the membership of each house concurring, may classify such personal property for differential taxation or for exemption. The tax on any interest in notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, or mortgages shall not exceed four-tenths of one percent of full value, and the tax per dollar of full value shall not be higher on personal property than on real property in the same taxing jurisdiction. [*New section adopted November 5, 1974.*]

- SEC. 2.5. [Repealed November 5, 1974.]
- SEC. 2.6. [Repealed November 5, 1974.]
- SEC. 2.8. [Repealed November 5, 1974.]

[*Property Tax Exemptions*]

SEC. 3. The following are exempt from property taxation:

[*State Owned Property*]

- (a) Property owned by the State.

[*Local Government Property*]

(b) Property owned by a local government, except as otherwise provided in Section 11(a).

[*Government Bonds*]

- (c) Bonds issued by the State or a local government in the State.

[*Public Property*]

(d) Property used for libraries and museums that are free and open to the public and property used exclusively for public schools, community colleges, state colleges, and state universities.

[*Educational Property*]

(e) Buildings, land, equipment, and securities used exclusively for educational purposes by a nonprofit institution of higher education.

[*Church Property*]

(f) Buildings, land on which they are situated, and equipment used exclusively for religious worship.

[*Cemetery Property*]

(g) Property used or held exclusively for the permanent deposit of human dead or for the care and maintenance of the property or the dead, except when used or held for profit. This property is also exempt from special assessment.

[*Growing Crops*]

(h) Growing crops.

[*Fruit and Nut Trees*]

(i) Fruit and nut trees until 4 years after the season in which they were planted in orchard form and grape vines until 3 years after the season in which they were planted in vineyard form.

[*Timber Exemption*]

(j) Immature forest trees planted on lands not previously bearing merchantable timber or planted or of natural growth on lands from which the merchantable original growth timber stand to the extent of 70 percent of all trees over 16 inches in diameter has been removed. Forest trees or timber shall be considered mature at such time after 40 years from the time of planting or removal of the original timber when so declared by a majority vote of a board consisting of a representative from the State Board of Forestry, a representative from the State Board of Equalization, and the assessor of the county in which the trees are located.

The Legislature may supersede the foregoing provisions with an alternative system or systems of taxing or exempting forest trees or timber, including a taxation system not based on property valuation. Any alternative system or systems shall provide for exemption of unharvested immature trees, shall encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with

provisions for taxation of timberland based on the restrictions. Nothing in this paragraph shall be construed to exclude timberland from the provisions of Section 8 of this article.

*[Homeowners' Exemption]*

(k) \$7,000 of the full value of a dwelling, as defined by the Legislature, when occupied by an owner as his principal residence, unless the dwelling is receiving another real property exemption. The Legislature may increase this exemption and may deny it if the owner received state or local aid to pay taxes either in whole or in part, and either directly or indirectly, on the dwelling.

No increase in this exemption above the amount of \$7,000 shall be effective for any fiscal year unless the Legislature increases the rate of state taxes in an amount sufficient to provide the subventions required by Section 25.

If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners, as calculated by the Legislature.

*[Vessels]*

(l) Vessels of more than 50 tons burden in this State and engaged in the transportation of freight or passengers.

*[Household Furnishings—Personal Effects]*

(m) Household furnishings and personal effects not held or used in connection with a trade, profession, or business.

*[Debt Secured by Land]*

(n) Any debt secured by land.

*[Veterans' Exemptions]*

(o) Property in the amount of \$1,000 of a claimant who—

(1) is serving in or has served in and has been discharged under honorable conditions from service in the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or Revenue Marine (Revenue Cutter) Service; and—

(2) served either

(i) in time of war, or

(ii) in time of peace in a campaign or expedition for which a medal has been issued by Congress, or

(iii) in time of peace and because of a service-connected disability was released from active duty; and—

(3) resides in the State on the current lien date.

An unmarried person who owns property valued at \$5,000 or more, or a married person, who, together with the spouse, owns property valued at \$10,000 or more, is ineligible for this exemption.

If the claimant is married and does not own property eligible for the full amount of the exemption, property of the spouse shall be eligible for the unused balance of the exemption.

[*Veterans' Exemptions*]

(p) Property in the amount of \$1,000 of a claimant who—

- (1) is the unmarried spouse of a deceased veteran who met the service requirement stated in paragraphs (1) and (2) of subsection 3(o), and
- (2) does not own property in excess of \$10,000, and
- (3) is a resident of the State on the current lien date.

[*Veterans' Exemptions*]

(q) Property in the amount of \$1,000 of a claimant who—

- (1) is the parent of a deceased veteran who met the service requirement stated in paragraphs (1) and (2) of subsection 3(o), and
- (2) receives a pension because of the veteran's service, and
- (3) is a resident of the State on the current lien date.

Either parent of a deceased veteran may claim this exemption.

An unmarried person who owns property valued at \$5,000 or more, or a married person, who, together with the spouse, owns property valued at \$10,000 or more, is ineligible for this exemption.

[*Veterans' Exemptions*]

(r) No individual residing in the State on the effective date of this amendment who would have been eligible for the exemption provided by the previous section 1¼ of this article had it not been repealed shall lose eligibility for the exemption as a result of this amendment. [*As amended November 8, 1988.*]

[*Veterans' Exemptions—Change in Assessment Ratio—Adjustment*]

SEC. 3.5. In any year in which the assessment ratio is changed, the Legislature shall adjust the valuation of assessable property described in subdivisions (o), (p) and (q) of Section 3 of this article to maintain the same proportionate values of such property. [*New section adopted November 6, 1979.*]

[*Property Tax Exemption*]

SEC. 4. The Legislature may exempt from property taxation in whole or in part:

[*Home of Veteran or Surviving Spouse*]

(a) The home of a person or a person's spouse, including an unmarried surviving spouse, if the person, because of injury incurred in military service, is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled, or if the person has, as a result of a service-connected injury or disease, died while on active duty in military service, unless the home is receiving another real property exemption.

[*Religious, Hospital and Charitable Property*]

(b) Property used exclusively for religious, hospital, or charitable purposes and owned or held in trust by corporations or other entities (1) that are organized and operating for those purposes, (2) that are nonprofit, and (3) no part of whose net earnings inures to the benefit of any private shareholder or individual.

[*Specific College Exemptions*]

(c) Property owned by the California School of Mechanical Arts, California Academy of Sciences, or Cogswell Polytechnical College, or held in trust for the Huntington Library and Art Gallery, or their successors.

[*Church Parking Lots*]

(d) Real property not used for commercial purposes that is reasonably and necessarily required for parking vehicles of persons worshipping on land exempt by Section 3(f). [*As amended November 3, 1992.*]

[*Exemption of Buildings Under Construction*]

SEC. 5. Exemptions granted or authorized by Sections 3(e), 3(f), and 4(b) apply to buildings under construction, land required for their convenient use, and equipment in them if the intended use would qualify the property for exemption. [*New section adopted November 5, 1974.*]

SEC. 6. [*Repealed November 5, 1974. See Section 6, below.*]

[*Exemption Waivers*]

SEC. 6. The failure in any year to claim, in a manner required by the laws in effect at the time the claim is required to be made, an exemption or classification which reduces a property tax shall be deemed a waiver of the exemption or classification for that year. [*New section adopted November 5, 1974.*]

SEC. 7. [*Repealed November 5, 1974. See Section 7, below.*]

[*Real Property Taxes—Exemption by County Boards of Supervisors*]

SEC. 7. The Legislature, two-thirds of the membership of each house concurring, may authorize county boards of supervisors to exempt real property having a full value so low that, if not exempt, the total taxes and applicable subventions on the property would amount to less than the cost of assessing and collecting them. [*New section adopted November 5, 1974.*]

[*Open Space Land and Historical Property—Exemption*]

SEC. 8. To promote the conservation, preservation and continued existence of open space lands, the Legislature may define open space land and shall provide that when this land is enforceably restricted, in a manner specified by the Legislature, to recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses. [*As amended June 8, 1976.*]

[*Postponement of Property Taxes*]

SEC. 8.5. The Legislature may provide by law for the manner in which a person of low or moderate income who is 62 years of age or older may postpone ad valorem property taxes on the dwelling owned and occupied by him or her as his or her principal place of residence. The Legislature may also provide by law for the manner in which a disabled person may postpone payment of ad valorem property taxes on the dwelling owned and occupied by him or her as his or her principal place of residence. The Legislature shall have plenary power to define all terms in this section.

The Legislature shall provide by law for subventions to counties, cities and counties, cities and districts in an amount equal to the amount of revenue lost by each by reason of the postponement of taxes and for the reimbursement to the State of subventions from the payment of postponed taxes. Provision shall be made for the inclusion of reimbursement for the payment of interest on, and any costs to the State incurred in connection with, the subventions. [*As amended November 6, 1984.*]

SEC. 9. *[Repealed November 5, 1974. See Section 9, below.]*

*[Valuation of Certain Homes]*

SEC. 9. The Legislature may provide for the assessment for taxation only on the basis of use of a single-family dwelling, as defined by the Legislature, and so much of the land as is required for its convenient use and occupation, when the dwelling is occupied by an owner and located on land zoned exclusively for single-family dwellings or for agricultural purposes. *[New section adopted November 5, 1974.]*

SEC. 9a. *[Repealed November 5, 1974.]*

SEC. 9.5. *[Repealed November 5, 1974.]*

SEC. 10. *[Repealed November 5, 1974. See Section 10, below.]*

*[Golf Course Values]*

SEC. 10. Real property in a parcel of 10 or more acres which, on the lien date and for 2 or more years immediately preceding, has been used exclusively for nonprofit golf course purposes shall be assessed for taxation on the basis of such use, plus any value attributable to mines, quarries, hydrocarbon substances, or other minerals in the property or the right to extract hydrocarbons or other minerals from the property. *[New section adopted November 5, 1974.]*

SEC. 10½. *[Repealed November 5, 1974.]*

SEC. 11. *[Repealed November 5, 1974. See Section 11, below.]*

*[Taxation of Local Government Real Property]*

SEC. 11. (a) Lands owned by a local government that are outside its boundaries, including rights to use or divert water from surface or underground sources and any other interests in lands, are taxable if (1) they are located in Inyo or Mono County and (a) they were assessed for taxation to the local government in Inyo County as of the 1966 lien date, or in Mono County as of the 1967 lien date, whether or not the assessment was valid when made, or (b) they were acquired by the local government subsequent to that lien date and were assessed to a prior owner as of that lien date and each lien date thereafter, or (2) they are located outside Inyo or Mono County and were taxable when acquired by the local government. Improvements owned by a local government that are outside its boundaries are taxable if they were taxable when acquired or were constructed by the local government to replace improvements which were taxable when acquired.

(b) Taxable land belonging to a local government and located in Inyo County shall be assessed in any year subsequent to 1968 at the place where it was assessed as of the 1966 lien date and in an amount derived by multiplying its 1966 assessed value by the ratio of the statewide per capita assessed value of land as of the last lien date prior to the current lien date to



\$766, using civilian population only. Taxable land belonging to a local government and located in Mono County shall be assessed in any year subsequent to 1968 at the place where it was assessed as of the 1967 lien date and in an amount determined by the preceding formula except that the 1967 lien date, the 1967 assessed value, and the figure \$856 shall be used in the formula. Taxable land belonging to a local government and located outside of Inyo and Mono counties shall be assessed at the place where located and in an amount that does not exceed the lower of (1) its fair market value times the prevailing percentage of fair market value at which other lands are assessed and (2) a figure derived in the manner specified in this Section for land located in Mono County.

If land acquired by a local government after the lien date of the base year specified in this Section was assessed in the base year as part of a larger parcel, the assessed value of the part in the base year shall be that fraction of the assessed value of the larger parcel that the area of the part is of the area of the larger parcel.

If a local government divests itself of ownership of land without water rights and this land was assessed in Inyo County as of the 1966 lien date or in Mono County as of the 1967 lien date, the divestment shall not diminish the quantity of water rights assessable and taxable at the place where assessed as of that lien date.

(c) In the event the Legislature changes the prevailing percentage of fair market value at which land is assessed for taxation, there shall be used in the computations required by Section 11(b) of this Article, for the first year for which the new percentage is applicable, in lieu of the statewide per capita assessed value of land as of the last lien date prior to the current lien date, the statewide per capita assessed value of land on the prior lien date times the ratio of the new prevailing percentage of fair market value to the previous prevailing percentage.

(d) If, after March 1954, a taxable improvement is replaced while owned by and in possession of a local government, the replacement improvement shall be assessed, as long as it is owned by a local government, as other improvements are except that the assessed value shall not exceed the product of (1) the percentage at which privately owned improvements are assessed times (2) the highest full value ever used for taxation of the improvement that has been replaced. For purposes of this calculation, the full value for any year prior to 1967 shall be conclusively presumed to be 4 times the assessed value in that year.

(e) No tax, charge, assessment, or levy of any character, other than those taxes authorized by Sections 11(a) to 11(d), inclusive, of this Article, shall be imposed upon one local government by another local government that is based or calculated upon the consumption or use of water outside the boundaries of the government imposing it.

(f) Any taxable interest of any character, other than a lease for agricultural purposes and an interest of a local government, in any land owned by a local government that is subject to taxation pursuant to Section 11(a) of this Article shall be taxed in the same manner as other taxable interests. The aggregate value of all the interests subject to taxation pursuant to Section 11(a), however, shall not exceed the value of all interests in the land less the taxable value of the interest of any local government ascertained as provided in Sections 11(a) to 11(e), inclusive, of this Article.

(g) Any assessment made pursuant to Sections 11(a) to 11(d), inclusive, of this Article shall be subject to review, equalization, and adjustment by the State Board of Equalization, but an adjustment shall conform to the provisions of these Sections. [*New section adopted November 5, 1974.*]

[*Unsecured Property Tax Rate*]

SEC. 12. (a) Except as provided in subdivision (b), taxes on personal property, possessory interests in land, and taxable improvements located on land exempt from taxation which are not a lien upon land sufficient in value to secure their payment shall be levied at the rates for the preceding tax year upon property of the same kind where the taxes were a lien upon land sufficient in value to secure their payment.

(b) In any year in which the assessment ratio is changed, the Legislature shall adjust the rate described in subdivision (a) to maintain equality between property on the secured and unsecured rolls. [*As amended November 2, 1976.*]

SEC. 12<sup>3</sup>/<sub>4</sub>. [*Repealed November 5, 1974.*]

SEC. 13. [*Repealed November 5, 1974. See Section 13, below.*]

[*Separate Land and Improvements Assessment*]

SEC. 13. Land and improvements shall be separately assessed. [*New section adopted November 5, 1974.*]

SEC. 14. [*Repealed November 5, 1974. See Section 14, below.*]

[*Tax Situs*]

SEC. 14. All property taxed by local government shall be assessed in the county, city, and district in which it is situated. [*New section adopted November 5, 1974.*]

SEC. 14<sup>5</sup>/<sub>5</sub>. [*Repealed November 5, 1974.*]

SEC. 15. [*Repealed November 5, 1974. See Section 15, below.*]

[*Disaster Relief*]

SEC. 15. The Legislature may authorize local government to provide for the assessment or reassessment of taxable property physically damaged or destroyed after the lien date to which the assessment or reassessment relates. [*New section adopted November 5, 1974.*]

SEC. 16. [Repealed November 5, 1974. See Section 16, below.]

[County Board of Equalization—Assessment Appeals Board]

SEC. 16. The county board of supervisors, or one or more assessment appeals boards created by the county board of supervisors, shall constitute the county board of equalization for a county. Two or more county boards of supervisors may jointly create one or more assessment appeals boards which shall constitute the county board of equalization for each of the participating counties.

Except as provided in subdivision (g) of Section 11, the county board of equalization, under such rules of notice as the county board may prescribe, shall equalize the values of all property on the local assessment roll by adjusting individual assessments.

County boards of supervisors shall fix the compensation for members of assessment appeals boards, furnish clerical and other assistance for those boards, adopt rules of notice and procedures for those boards as may be required to facilitate their work and to insure uniformity in the processing and decision of equalization petitions, and may provide for their discontinuance.

The Legislature shall provide for: (a) the number and qualifications of members of assessment appeals boards, the manner of selecting, appointing, and removing them, and the terms for which they serve, and (b) the procedure by which two or more county boards of supervisors may jointly create one or more assessment appeals boards. [New section adopted November 5, 1974.]

[Board of Equalization]

SEC. 17. The Board of Equalization consists of 5 voting members: the Controller and 4 members elected for 4-year terms at gubernatorial elections. The State shall be divided into four Board of Equalization districts with the voters of each district electing one member. No member may serve more than 2 terms. [As amended November 6, 1990. Initiative measure.]

SEC. 18. [Repealed November 5, 1974. See Section 18, below.]

[Intercounty Equalization]

SEC. 18. The Board shall measure county assessment levels annually and shall bring those levels into conformity by adjusting entire secured local assessment rolls. In the event a property tax is levied by the State, however, the effects of unequalized local assessment levels, to the extent any remain after such adjustments, shall be corrected for purposes of distributing this tax by equalizing the assessment levels of locally and state-

assessed properties and varying the rate of the state tax inversely with the counties' respective assessment levels. [*New section adopted November 5, 1974.*]

SEC. 19. [*Repealed November 5, 1974. See Section 19, below.*]

[*State Assessment*]

SEC. 19. The Board shall annually assess (1) pipelines, flumes, canals, ditches, and aqueducts lying within 2 or more counties and (2) property, except franchises, owned or used by regulated railway, telegraph, or telephone companies, car companies operating on railways in the State, and companies transmitting or selling gas or electricity. This property shall be subject to taxation to the same extent and in the same manner as other property.

No other tax or license charge may be imposed on these companies which differs from that imposed on mercantile, manufacturing, and other business corporations. This restriction does not release a utility company from payments agreed on or required by law for a special privilege or franchise granted by a government body.

The Legislature may authorize Board assessment of property owned or used by other public utilities.

The Board may delegate to a local assessor the duty to assess a property used but not owned by a state assessee on which the taxes are to be paid by a local assessee. [*New section adopted November 5, 1974.*]

SEC. 20. [*Repealed November 5, 1974. See Section 20, below.*]

[*Maximum Tax Rates—Bonding Limits*]

SEC. 20. The Legislature may provide maximum property tax rates and bonding limits for local governments. [*New section adopted November 5, 1974.*]

SEC. 21. [*Repealed November 5, 1974. See Section 21, below.*]

[*School District Tax*]

SEC. 21. Within such limits as may be provided under Section 20 of this Article, the Legislature shall provide for an annual levy by county governing bodies of school district taxes sufficient to produce annual revenues for each district that the district's board determines are required for its schools and district functions. [*New section adopted November 5, 1974.*]

SEC. 21.5. [*Repealed November 5, 1974.*]

SEC. 22. *[Repealed November 5, 1974. See Section 22, below.]*

*[State Property Tax Limitations]*

SEC. 22. Not more than 25 percent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof. *[New section adopted November 5, 1974.]*

SEC. 23. *[Repealed November 5, 1974. See Section 23, below.]*

*[State Boundary Change]*

SEC. 23. If state boundaries change, the Legislature shall determine how property affected shall be taxed. *[New section adopted November 5, 1974.]*

SEC. 24. *[Repealed November 5, 1974. See Section 24, below.]*

*[State Taxes for Local Purposes]*

SEC. 24. The Legislature may not impose taxes for local purposes but may authorize local governments to impose them.

*[State Funds for Local Purposes]*

Money appropriated from state funds to a local government for its local purposes may be used as provided by law.

*[Subventions]*

Money subvented to a local government under Section 25 may be used for state or local purposes. *[New section adopted November 5, 1974.]*

SEC. 25. *[Repealed November 5, 1974. See Section 25, below.]*

*[Homeowners' Exemption, Reimbursement of Local Government]*

SEC. 25. The Legislature shall provide, in the same fiscal year, reimbursements to each local government for revenue lost because of Section 3(k). *[New section adopted November 5, 1974.]*

SEC. 25.5. *[Repealed November 5, 1974.]*

*[Income Tax]*

SEC. 26. (a) Taxes on or measured by income may be imposed on persons, corporations, or other entities as prescribed by law.

(b) Interest on bonds issued by the State or a local government in the State is exempt from taxes on income.

(c) Income of a nonprofit educational institution of collegiate grade within the State of California is exempt from taxes on or measured by income if both of the following conditions are met:

(1) The income is not unrelated business income as defined by the Legislature.

(2) The income is used exclusively for educational purposes.

(d) A nonprofit organization that is exempted from taxation by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, is exempt from any business license tax or fee measured by income or gross receipts that is levied by a county or city, whether charter or general law, a city and county, a school district, a special district, or any other local agency. [*As amended June 7, 1994.*]

[*Bank and Corporation Taxes*]

SEC. 27. The Legislature, a majority of the membership of each house concurring, may tax corporations, including state and national banks, and their franchises by any method not prohibited by this Constitution or the Constitution or laws of the United States. Unless otherwise provided by the Legislature, the tax on state and national banks shall be according to or measured by their net income and shall be in lieu of all other taxes and license fees upon banks or their shares, except taxes upon real property and vehicle registration and license fees. [*As amended June 8, 1976.*]

[*Taxation of Insurance Companies*]

SEC. 28. (a) "Insurer," as used in this section, includes insurance companies or associations and reciprocal or interinsurance exchanges together with their corporate or other attorneys in fact considered as a single unit, and the State Compensation Insurance Fund. As used in this paragraph, "companies" includes persons, partnerships, joint stock associations, companies and corporations.

(b) An annual tax is hereby imposed on each insurer doing business in this State on the base, at the rates, and subject to the deductions from the tax hereinafter specified.

(c) In the case of an insurer not transacting title insurance in this State, the "basis of the annual tax" is, in respect to each year, the amount of gross premiums, less return premiums, received in such year by such insurer upon its business done in this State, other than premiums received for reinsurance and for ocean marine insurance.

In the case of an insurer transacting title insurance in this State, the "basis of the annual tax" is, in respect to each year, all income upon business done in this State, except:

- (1) Interest and dividends.
- (2) Rents from real property.
- (3) Profits from the sale or other disposition of investments.
- (4) Income from investments.

"Investments" as used in this subdivision includes property acquired by such insurer in the settlement or adjustment of claims against it but ex-

cludes investments in title plants and title records. Income derived directly or indirectly from the use of title plants and title records is included in the basis of the annual tax.

In the case of an insurer transacting title insurance in this State which has a trust department and does a trust business under the banking laws of this State, there shall be excluded from the basis of the annual tax imposed by this section, the income of, and from the assets of, such trust department and such trust business, if such income is taxed by this State or included in the measure of any tax imposed by this State.

(d) The rate of the tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent.

(f) The tax imposed on insurers by this section is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

(1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this State which has a trust department or does a trust business under the banking laws of this State is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this State.

(3) When by or pursuant to the laws of any other state or foreign country any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be imposed upon California insurers, or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this State; so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements or other material obligations, prohibitions, or restrictions, of whatever kind shall be imposed upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in California. Any tax, license or other fee or other obligation imposed by any city, county, or other political subdivision or agency of such other state or country on California insurers or their agents or representatives shall be deemed to be imposed by such state or country within the meaning of this paragraph (3) of subdivision (f).

The provisions of this paragraph (3) of subdivision (f) shall not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property nor as to special purpose obligations or assessments heretofore imposed by another state or foreign country in connection with particular

kinds of insurance, other than property insurance; except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration in determining the propriety and extent of retaliatory action under this paragraph (3) of subdivision (f).

For the purposes of this paragraph (3) of subdivision (f) the domicile of an alien insurer, other than insurers formed under the laws of Canada, shall be that state in which is located its principal place of business in the United States.

In the case of an insurer formed under the laws of Canada or a province thereof, its domicile shall be deemed to be that province in which its head office is situated.

The provisions of this paragraph (3) of subdivision (f) shall also be applicable to reciprocals or interinsurance exchanges and fraternal benefit societies.

(4) The tax on ocean marine insurance.

(5) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the State upon vehicles, motor vehicles or the operation thereof.

(6) That each corporate or other attorney in fact of a reciprocal or interinsurance exchange shall be subject to all taxes imposed upon corporations or others doing business in the State, other than taxes on income derived from its principal business as attorney in fact.

A corporate or other attorney in fact of each exchange shall annually compute the amount of tax that would be payable by it under prevailing law except for the provisions of this section, and any management fee due from each exchange to its corporate or other attorney in fact shall be reduced pro tanto by a sum equivalent to the amount so computed.

(g) Every insurer transacting the business of ocean marine insurance in this State shall annually pay to the State a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this State bear to the gross premiums of the insurer from such insurance written within the United States, at the rate of 5 per centum, which tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," and shall provide for the assessment, levy, collection and enforcement of the ocean marine tax.

(h) The taxes provided for by this section shall be assessed by the State Board of Equalization.



(i) The Legislature, a majority of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurers.

(j) This section is not intended to and does not change the law as it has previously existed with respect to the meaning of the words “gross premiums, less return premiums, received” as used in this article. [*As amended June 8, 1976.*]

[*Local Government Tax Sharing*]

SEC. 29. (a) The Legislature may authorize counties, cities and counties, and cities to enter into contracts to apportion between them the revenue derived from any sales or use tax imposed by them that is collected for them by the State. Before the contract becomes operative, it shall be authorized by a majority of those voting on the question in each jurisdiction at a general or direct primary election.

(b) Notwithstanding subdivision (a), on and after the operative date of this subdivision, counties, cities and counties, and cities may enter into contracts to apportion between them the revenue derived from any sales or use tax imposed by them pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or any successor provisions, that is collected for them by the State, if the ordinance or resolution proposing each contract is approved by a two-thirds vote of the governing body of each jurisdiction that is a party to the contract. [*As amended November 3, 1998.*]

[*Tax Liens—Presumption of Payment of Taxes*]

SEC. 30. Every tax shall be conclusively presumed to have been paid after 30 years from the time it became a lien unless the property subject to the lien has been sold in the manner provided by the Legislature for the payment of the tax. [*New section adopted November 5, 1974.*]

[*Power to Tax*]

SEC. 31. The power to tax may not be surrendered or suspended by grant or contract. [*New section adopted November 5, 1974.*]

[*Proceedings Relating to Collection*]

SEC. 32. No legal or equitable process shall issue in any proceeding in any court against this State or any officer thereof to prevent or enjoin the collection of any tax. After payment of a tax claimed to be illegal, an action may be maintained to recover the tax paid, with interest, in such manner as may be provided by the Legislature. [*New section adopted November 5, 1974.*]

[*Legislature to Enact Laws*]

SEC. 33. The Legislature shall pass all laws necessary to carry out the provisions of this article. [*New section adopted November 5, 1974.*]

[*Food Products—Taxation*]

SEC. 34. Neither the State of California nor any of its political subdivisions shall levy or collect a sales or use tax on the sale of, or the storage, use or other consumption in this State of food products for human consumption except as provided by statute as of the effective date of this section. [*New section adopted November 3, 1992. Operative January 1, 1993. Initiative measure.*]

[*Local Public Safety Services*]

SEC. 35. (a) The people of the State of California find and declare all of the following:

(1) Public safety services are critically important to the security and well-being of the State's citizens and to the growth and revitalization of the State's economic base.

(2) The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services.

(3) In order to assist local government in maintaining a sufficient level of public safety services, the proceeds of the tax enacted pursuant to this section shall be designated exclusively for public safety.

(b) In addition to any sales and use taxes imposed by the Legislature, the following sales and use taxes are hereby imposed:

(1) For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers at the rate of ½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this State on and after January 1, 1994.

(2) An excise tax is hereby imposed on the storage, use, or other consumption in this State of tangible personal property purchased from any retailer on and after January 1, 1994, for storage, use, or other consumption in this State at the rate of ½ percent of the sales price of the property.

(c) The Sales and Use Tax Law, including any amendments made thereto on or after the effective date of this section, shall be applicable to the taxes imposed by subdivision (b).

(d) (1) All revenues, less refunds, derived from the taxes imposed pursuant to subdivision (b) shall be transferred to the Local Public Safety Fund for allocation by the Legislature, as prescribed by statute, to counties in which either of the following occurs:

(A) The board of supervisors, by a majority vote of its membership, requests an allocation from the Local Public Safety Fund in a manner prescribed by statute.

(B) A majority of the county's voters voting thereon approve the addition of this section.

(2) Moneys in the Local Public Safety Fund shall be allocated for use exclusively for public safety services of local agencies.

(e) Revenues derived from the taxes imposed pursuant to subdivision (b) shall not be considered proceeds of taxes for purposes of Article XIII B or State General Fund proceeds of taxes within the meaning of Article XVI.

(f) Except for the provisions of Section 34, this section shall supersede any other provisions of this Constitution that are in conflict with the provisions of this section, including, but not limited to, Section 9 of Article II. [*New section adopted November 2, 1993.*]

SEC. 37. [*Repealed November 5, 1974.*]

SEC. 37.5. [*Repealed November 5, 1974.*]

SEC. 38. [*Repealed November 5, 1974.*]

SEC. 39. [*Repealed November 5, 1974.*]

SEC. 40. [*Repealed November 5, 1974.*]

SEC. 41. [*Repealed November 5, 1974.*]

SEC. 42. [*Repealed November 5, 1974.*]

SEC. 44. [*Repealed November 5, 1974.*]

## ARTICLE XIII A\*

### TAX LIMITATION

#### [*Maximum Ad Valorem Tax on Real Property—Apportionment of Tax Revenues*]

SECTION 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

#### [*Exceptions to Limitation*]

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any of the following:

(1) Indebtedness approved by the voters prior to July 1, 1978.

(2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of

\* New Article XIII A adopted June 6, 1978. Operative for tax year beginning July 1, 1979. Initiative measure.

the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(e) Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a 55 percent vote ad valorem tax pursuant to subdivision (b). [*As amended November 7, 2000. Initiative measure.*]

[*Valuation of Real Property—Appraised Value After 1975 Assessment—Replacement Dwelling*]

SEC. 2. (a) The “full cash value” means the county assessor’s valuation of real property as shown on the 1975–76 tax bill under “full cash value” or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. All real property not already assessed up to the 1975–76 full cash value may be reassessed to reflect that valuation. For purposes of this section, “newly constructed” does not include real property that is reconstructed after a disaster, as declared by the Governor, where the fair market value of the real property, as reconstructed, is comparable to its fair market value prior to the disaster. Also, the term “newly constructed” does not include the portion of reconstruction or improvement to a structure, constructed of unreinforced masonry bearing wall construction, necessary to comply with any local ordinance relating to seismic safety during the first 15 years following that reconstruction or improvement.

However, the Legislature may provide that, under appropriate circumstances and pursuant to definitions and procedures established by the Leg-

islature, any person over the age of 55 years who resides in property that is eligible for the homeowner's exemption under subdivision (k) of Section 3 of Article XIII and any implementing legislation may transfer the base year value of the property entitled to exemption, with the adjustments authorized by subdivision (b), to any replacement dwelling of equal or lesser value located within the same county and purchased or newly constructed by that person as his or her principal residence within two years of the sale of the original property. For purposes of this section, "any person over the age of 55 years" includes a married couple one member of which is over the age of 55 years. For purposes of this section, "replacement dwelling" means a building, structure, or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. For purposes of this section, a two-dwelling unit shall be considered as two separate single-family dwellings. This paragraph shall apply to any replacement dwelling that was purchased or newly constructed on or after November 5, 1986.

In addition, the Legislature may authorize each county board of supervisors, after consultation with the local affected agencies within the county's boundaries, to adopt an ordinance making the provisions of this subdivision relating to transfer of base year value also applicable to situations in which the replacement dwellings are located in that county and the original properties are located in another county within this State. For purposes of this paragraph, "local affected agency" means any city, special district, school district, or community college district that receives an annual property tax revenue allocation. This paragraph shall apply to any replacement dwelling that was purchased or newly constructed on or after the date the county adopted the provisions of this subdivision relating to transfer of base year value, but shall not apply to any replacement dwelling that was purchased or newly constructed before November 9, 1988.

The Legislature may extend the provisions of this subdivision relating to the transfer of base year values from original properties to replacement dwellings of homeowners over the age of 55 years to severely disabled homeowners, but only with respect to those replacement dwellings purchased or newly constructed on or after the effective date of this paragraph.

*[Full Cash Value Reflecting Inflationary Rate]*

(b) The full cash value base may reflect from year to year the inflationary rate not to exceed 2 percent for any given year or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction, or may be reduced to reflect substantial damage, destruction, or other factors causing a decline in value.

[*“Newly Constructed”*]

(c) For purposes of subdivision (a), the Legislature may provide that the term “newly constructed” does not include any of the following:

(1) The construction or addition of any active solar energy system.

(2) The construction or installation of any fire sprinkler system, other fire extinguishing system, fire detection system, or fire-related egress improvement, as defined by the Legislature, that is constructed or installed after the effective date of this paragraph.

(3) The construction, installation, or modification on or after the effective date of this paragraph of any portion or structural component of a single- or multiple-family dwelling that is eligible for the homeowner’s exemption if the construction, installation, or modification is for the purpose of making the dwelling more accessible to a severely disabled person.

(4) The construction or installation of seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies, that are constructed or installed in existing buildings after the effective date of this paragraph. The Legislature shall define eligible improvements. This exclusion does not apply to seismic safety reconstruction or improvements that qualify for exclusion pursuant to the last sentence of the first paragraph of subdivision (a).

(5) The construction, installation, removal, or modification on or after the effective date of this paragraph of any portion or structural component of an existing building or structure if the construction, installation, removal, or modification is for the purpose of making the building more accessible to, or more usable by, a disabled person.

[*“Change in Ownership”*]

(d) For purposes of this section, the term “change in ownership” does not include the acquisition of real property as a replacement for comparable property if the person acquiring the real property has been displaced from the property replaced by eminent domain proceedings, by acquisition by a public entity, or governmental action that has resulted in a judgment of inverse condemnation. The real property acquired shall be deemed comparable to the property replaced if it is similar in size, utility, and function, or if it conforms to state regulations defined by the Legislature governing the relocation of persons displaced by governmental actions. The provisions of this subdivision shall be applied to any property acquired after March 1, 1975, but shall affect only those assessments of that property that occur after the provisions of this subdivision take effect.

[*Disasters—Replacement Property*]

(e) (1) Notwithstanding any other provision of this section, the Legislature shall provide that the base year value of property that is substantially

damaged or destroyed by a disaster, as declared by the Governor, may be transferred to comparable property within the same county that is acquired or newly constructed as a replacement for the substantially damaged or destroyed property.

(2) Except as provided in paragraph (3), this subdivision shall apply to any comparable replacement property acquired or newly constructed on or after July 1, 1985, and to the determination of base year values for the 1985–86 fiscal year and fiscal years thereafter.

(3) In addition to the transfer of base year value of property within the same county that is permitted by paragraph (1), the Legislature may authorize each county board of supervisors to adopt, after consultation with affected local agencies within the county, an ordinance allowing the transfer of the base year value of property that is located within another county in the State and is substantially damaged or destroyed by a disaster, as declared by the Governor, to comparable replacement property of equal or lesser value that is located within the adopting county and is acquired or newly constructed within three years of the substantial damage or destruction of the original property as a replacement for that property. The scope and amount of the benefit provided to a property owner by the transfer of base year value of property pursuant to this paragraph shall not exceed the scope and amount of the benefit provided to a property owner by the transfer of base year value of property pursuant to subdivision (a). For purposes of this paragraph, “affected local agency” means any city, special district, school district, or community college district that receives an annual allocation of ad valorem property tax revenues. This paragraph shall apply to any comparable replacement property that is acquired or newly constructed as a replacement for property substantially damaged or destroyed by a disaster, as declared by the Governor, occurring on or after October 20, 1991, and to the determination of base year values for the 1991–92 fiscal year and fiscal years thereafter.

(f) For the purposes of subdivision (e):

(1) Property is substantially damaged or destroyed if it sustains physical damage amounting to more than 50 percent of its value immediately before the disaster. Damage includes a diminution in the value of property as a result of restricted access caused by the disaster.

(2) Replacement property is comparable to the property substantially damaged or destroyed if it is similar in size, utility, and function to the property that it replaces, and if the fair market value of the acquired property is comparable to the fair market value of the replaced property prior to the disaster.

[*Real Property Transfers between Spouses*]

(g) For purposes of subdivision (a), the terms “purchased” and “change in ownership” do not include the purchase or transfer of real property between spouses since March 1, 1975, including, but not limited to, all of the following:

(1) Transfers to a trustee for the beneficial use of a spouse, or the surviving spouse of a deceased transferor, or by a trustee of such a trust to the spouse of the trustor.

(2) Transfers to a spouse that take effect upon the death of a spouse.

(3) Transfers to a spouse or former spouse in connection with a property settlement agreement or decree of dissolution of a marriage or legal separation.

(4) The creation, transfer, or termination, solely between spouses, of any coowner’s interest.

(5) The distribution of a legal entity’s property to a spouse or former spouse in exchange for the interest of the spouse in the legal entity in connection with a property settlement agreement or a decree of dissolution of a marriage or legal separation.

[*Real Property Transfers between Family Members*]

(h) (1) For purposes of subdivision (a), the terms “purchased” and “change in ownership” do not include the purchase or transfer of the principal residence of the transferor in the case of a purchase or transfer between parents and their children, as defined by the Legislature, and the purchase or transfer of the first one million dollars (\$1,000,000) of the full cash value of all other real property between parents and their children, as defined by the Legislature. This subdivision shall apply to both voluntary transfers and transfers resulting from a court order or judicial decree.

(2) (A) Subject to subparagraph (B), commencing with purchases or transfers that occur on or after the date upon which the measure adding this paragraph becomes effective, the exclusion established by paragraph (1) also applies to a purchase or transfer of real property between grandparents and their grandchild or grandchildren, as defined by the Legislature, that otherwise qualifies under paragraph (1), if all of the parents of that grandchild or those grandchildren, who qualify as the children of the grandparents, are deceased as of the date of the purchase or transfer.

(B) A purchase or transfer of a principal residence shall not be excluded pursuant to subparagraph (A) if the transferee grandchild or grandchildren also received a principal residence, or interest therein, through another purchase or transfer that was excludable pursuant to paragraph (1). The full cash value of any real property, other than a principal residence, that was transferred to the grandchild or grandchildren pursuant to a purchase or transfer that was excludable pursuant to paragraph (1), and the full cash value of a principal residence that fails to qualify for exclu-



sion as a result of the preceding sentence, shall be included in applying, for purposes of subparagraph (A), the one million dollar (\$1,000,000) full cash value limit specified in paragraph (1).

[*Contaminated Property*]

(i) (1) Notwithstanding any other provision of this section, the Legislature shall provide with respect to a qualified contaminated property, as defined in paragraph (2), that either, but not both, of the following shall apply:

(A) (i) Subject to the limitation of clause (ii), the base year value of the qualified contaminated property, as adjusted as authorized by subdivision (b), may be transferred to a replacement property that is acquired or newly constructed as a replacement for the qualified contaminated property, if the replacement real property has a fair market value that is equal to or less than the fair market value of the qualified contaminated property if that property were not contaminated and, except as otherwise provided by this clause, is located within the same county. The base year value of the qualified contaminated property may be transferred to a replacement real property located within another county if the board of supervisors of that other county has, after consultation with the affected local agencies within that county, adopted a resolution authorizing an intercounty transfer of base year value as so described.

(ii) This subparagraph applies only to replacement property that is acquired or newly constructed within five years after ownership in the qualified contaminated property is sold or otherwise transferred.

(B) In the case in which the remediation of the environmental problems on the qualified contaminated property requires the destruction of, or results in substantial damage to, a structure located on that property, the term “new construction” does not include the repair of a substantially damaged structure, or the construction of a structure replacing a destroyed structure on the qualified contaminated property, performed after the remediation of the environmental problems on that property, provided that the repaired or replacement structure is similar in size, utility, and function to the original structure.

(2) For purposes of this subdivision, “qualified contaminated property” means residential or nonresidential real property that is all of the following:

(A) In the case of residential real property, rendered uninhabitable, and in the case of nonresidential real property, rendered unusable, as the result of either environmental problems, in the nature of and including, but not limited to, the presence of toxic or hazardous materials, or the remediation of those environmental problems, except where the existence of the environmental problems was known to the owner, or to a related individual or entity as described in paragraph (3), at the time the real property was ac-

quired or constructed. For purposes of this subparagraph, residential real property is “uninhabitable” if that property, as a result of health hazards caused by or associated with the environmental problems, is unfit for human habitation, and nonresidential real property is “unusable” if that property, as a result of health hazards caused by or associated with the environmental problems, is unhealthy and unsuitable for occupancy.

(B) Located on a site that has been designated as a toxic or environmental hazard or as an environmental cleanup site by an agency of the State of California or the federal government.

(C) Real property that contains a structure or structures thereon prior to the completion of environmental cleanup activities, and that structure or structures are substantially damaged or destroyed as a result of those environmental cleanup activities.

(D) Stipulated by the lead governmental agency, with respect to the environmental problems or environmental cleanup of the real property, not to have been rendered uninhabitable or unusable, as applicable, as described in subparagraph (A), by any act or omission in which an owner of that real property participated or acquiesced.

(3) It shall be rebuttably presumed that an owner of the real property participated or acquiesced in any act or omission that rendered the real property uninhabitable or unusable, as applicable, if that owner is related to any individual or entity that committed that act or omission in any of the following ways:

(A) Is a spouse, parent, child, grandparent, grandchild, or sibling of that individual.

(B) Is a corporate parent, subsidiary, or affiliate of that entity.

(C) Is an owner of, or has control of, that entity.

(D) Is owned or controlled by that entity.

If this presumption is not overcome, the owner shall not receive the relief provided for in subparagraph (A) or (B) of paragraph (1). The presumption may be overcome by presentation of satisfactory evidence to the assessor, who shall not be bound by the findings of the lead governmental agency in determining whether the presumption has been overcome.

(4) This subdivision applies only to replacement property that is acquired or constructed on or after January 1, 1995, and to property repairs performed on or after that date.

*[Effectiveness of Amendments]*

(j) Unless specifically provided otherwise, amendments to this section adopted prior to November 1, 1988, shall be effective for changes in ownership that occur, and new construction that is completed, after the effective date of the amendment. Unless specifically provided otherwise, amendments to this section adopted after November 1, 1988, shall be ef-

fective for changes in ownership that occur, and new construction that is completed, on or after the effective date of the amendment. [*As amended November 3, 1998.*]

[*Changes in State Taxes—Vote Requirement*]

SEC. 3. From and after the effective date of this article, any changes in state taxes enacted for the purpose of increasing revenues collected pursuant thereto whether by increased rates or changes in methods of computation must be imposed by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed. [*New section adopted June 6, 1978. Initiative measure.*]

[*Imposition of Special Taxes*]

SEC. 4. Cities, Counties and special districts, by a two-thirds vote of the qualified electors of such district, may impose special taxes on such district, except ad valorem taxes on real property or a transaction tax or sales tax on the sale of real property within such City, County or special district. [*New section adopted June 6, 1978. Operative for tax year beginning July 1, 1979. Initiative measure.*]

[*Effective Date of Article*]

SEC. 5. This article shall take effect for the tax year beginning on July 1 following the passage of this Amendment, except Section 3 which shall become effective upon the passage of this article. [*New section adopted June 6, 1978. Operative for tax year beginning July 1, 1979. Initiative measure.*]

[*Severability*]

SEC. 6. If any section, part, clause, or phrase hereof is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected but will remain in full force and effect. [*New section adopted June 6, 1978. Operative for tax year beginning July 1, 1979. Initiative measure.*]

[*California Children and Families First Act of 1998*]

SEC. 7. Section 3 of this article does not apply to the California Children and Families First Act of 1998. [*New section adopted November 3, 1998. Initiative measure.*]

## ARTICLE XIII B\*

## GOVERNMENT SPENDING LIMITATION

*[Total Annual Appropriations]*

SEC. 1. The total annual appropriations subject to limitation of the State and of each local government shall not exceed the appropriations limit of the entity of government for the prior year adjusted for the change in the cost of living and the change in population, except as otherwise provided in this article. *[As amended June 5, 1990. Operative July 1, 1990.]*

*[Appropriations Limit Annual Calculation—Review]*

SEC. 1.5. The annual calculation of the appropriations limit under this article for each entity of local government shall be reviewed as part of an annual financial audit. *[New section adopted June 5, 1990. Operative July 1, 1990.]*

*[Revenues in Excess of Limitation]*

SEC. 2. (a)(1) Fifty percent of all revenues received by the State in a fiscal year and in the fiscal year immediately following it in excess of the amount which may be appropriated by the State in compliance with this article during that fiscal year and the fiscal year immediately following it shall be transferred and allocated, from a fund established for that purpose, pursuant to Section 8.5 of Article XVI.

(2) Fifty percent of all revenues received by the State in a fiscal year and in the fiscal year immediately following it in excess of the amount which may be appropriated by the State in compliance with this article during that fiscal year and the fiscal year immediately following it shall be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years.

(b) All revenues received by an entity of government, other than the State, in a fiscal year and in the fiscal year immediately following it in excess of the amount which may be appropriated by the entity in compliance with this article during that fiscal year and the fiscal year immediately following it shall be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years. *[As amended June 5, 1990. Operative July 1, 1990.]*

*[Appropriations Limit—Adjustments]*

SEC. 3. The appropriations limit for any fiscal year pursuant to Sec. 1 shall be adjusted as follows:

(a) In the event that the financial responsibility of providing services is transferred, in whole or in part, whether by annexation, incorporation or

\* New Article XIII B adopted November 6, 1979. Operative commencing first day of fiscal year following adoption. Initiative measure.

otherwise, from one entity of government to another, then for the year in which such transfer becomes effective the appropriations limit of the transferee entity shall be increased by such reasonable amount as the said entities shall mutually agree and the appropriations limit of the transferor entity shall be decreased by the same amount.

(b) In the event that the financial responsibility of providing services is transferred, in whole or in part, from an entity of government to a private entity, or the financial source for the provision of services is transferred, in whole or in part, from other revenues of an entity of government, to regulatory licenses, user charges or user fees, then for the year of such transfer the appropriations limit of such entity of government shall be decreased accordingly.

(c) (1) In the event an emergency is declared by the legislative body of an entity of government, the appropriations limit of the affected entity of government may be exceeded provided that the appropriations limits in the following three years are reduced accordingly to prevent an aggregate increase in appropriations resulting from the emergency.

(2) In the event an emergency is declared by the Governor, appropriations approved by a two-thirds vote of the legislative body of an affected entity of government to an emergency account for expenditures relating to that emergency shall not constitute appropriations subject to limitation. As used in this paragraph, "emergency" means the existence, as declared by the Governor, of conditions of disaster or extreme peril to the safety of persons and property within the State, or parts thereof, caused by such conditions as attack or probable or imminent attack by an enemy of the United States, fire, flood, drought, storm, civil disorder, earthquake, or volcanic eruption. [*As amended June 5, 1990. Operative July 1, 1990.*]

[*Appropriations Limit—Establishment or Change*]

SEC. 4. The appropriations limit imposed on any new or existing entity of government by this Article may be established or changed by the electors of such entity, subject to and in conformity with constitutional and statutory voting requirements. The duration of any such change shall be as determined by said electors, but shall in no event exceed four years from the most recent vote of said electors creating or continuing such change. [*New section adopted November 6, 1979. Operative commencing first day of fiscal year following adoption. Initiative measure.*]

[*Contingency, Emergency, Unemployment, Etc., Funds—Contributions—Withdrawals—Transfers*]

SEC. 5. Each entity of government may establish such contingency, emergency, unemployment, reserve, retirement, sinking fund, trust, or similar funds as it shall deem reasonable and proper. Contributions to any such fund, to the extent that such contributions are derived from the pro-

ceeds of taxes, shall for purposes of this Article constitute appropriations subject to limitation in the year of contribution. Neither withdrawals from any such fund, nor expenditures of (or authorizations to expend) such withdrawals, nor transfers between or among such funds, shall for purposes of this Article constitute appropriations subject to limitation. [*New section adopted November 6, 1979. Operative commencing first day of fiscal year following adoption. Initiative measure.*]

[*Prudent State Reserve*]

SEC. 5.5. *Prudent State Reserve.* The Legislature shall establish a prudent state reserve fund in such amount as it shall deem reasonable and necessary. Contributions to, and withdrawals from, the fund shall be subject to the provisions of Section 5 of this Article. [*New section adopted November 8, 1988. Initiative measure.*]

[*Mandates of New Programs or Higher Levels of Service—State Subvention—Exceptions*]

SEC. 6. Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse such local government for the costs of such program or increased level of service, except that the Legislature may, but need not, provide such subvention of funds for the following mandates:

- (a) Legislative mandates requested by the local agency affected;
- (b) Legislation defining a new crime or changing an existing definition of a crime; or
- (c) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975. [*New section adopted November 6, 1979. Operative commencing first day of fiscal year following adoption. Initiative measure.*]

[*Bonded Indebtedness*]

SEC. 7. Nothing in this Article shall be construed to impair the ability of the State or of any local government to meet its obligations with respect to existing or future bonded indebtedness. [*New section adopted November 6, 1979. Operative commencing first day of fiscal year following adoption. Initiative measure.*]

*[Definitions]*

SEC. 8. As used in this article and except as otherwise expressly provided herein:

(a) “Appropriations subject to limitation” of the State means any authorization to expend during a fiscal year the proceeds of taxes levied by or for the State, exclusive of state subventions for the use and operation of local government (other than subventions made pursuant to Section 6) and further exclusive of refunds of taxes, benefit payments from retirement, unemployment insurance, and disability insurance funds.

(b) “Appropriations subject to limitation” of an entity of local government means any authorization to expend during a fiscal year the proceeds of taxes levied by or for that entity and the proceeds of state subventions to that entity (other than subventions made pursuant to Section 6) exclusive of refunds of taxes.

(c) “Proceeds of taxes” shall include, but not be restricted to, all tax revenues and the proceeds to an entity of government, from (1) regulatory licenses, user charges, and user fees to the extent that those proceeds exceed the costs reasonably borne by that entity in providing the regulation, product, or service, and (2) the investment of tax revenues. With respect to any local government, “proceeds of taxes” shall include subventions received from the State, other than pursuant to Section 6, and, with respect to the State, proceeds of taxes shall exclude such subventions.

(d) “Local government” means any city, county, city and county, school district, special district, authority, or other political subdivision of or within the State.

(e) (1) “Change in the cost of living” for the State, a school district, or a community college district means the percentage change in California per capita personal income from the preceding year.

(2) “Change in the cost of living” for an entity of local government, other than a school district or a community college district, shall be either (A) the percentage change in California per capita personal income from the preceding year, or (B) the percentage change in the local assessment roll from the preceding year for the jurisdiction due to the addition of local nonresidential new construction. Each entity of local government shall select its change in the cost of living pursuant to this paragraph annually by a recorded vote of the entity’s governing body.

(f) “Change in population” of any entity of government, other than the State, a school district, or a community college district, shall be determined by a method prescribed by the Legislature.

“Change in population” of a school district or a community college district shall be the percentage change in the average daily attendance of the school district or community college district from the preceding fiscal year, as determined by a method prescribed by the Legislature.

“Change in population” of the State shall be determined by adding (1) the percentage change in the State’s population multiplied by the percentage of the State’s budget in the prior fiscal year that is expended for other than educational purposes for kindergarten and grades one to 12, inclusive, and the community colleges, and (2) the percentage change in the total statewide average daily attendance in kindergarten and grades one to 12, inclusive, and the community colleges, multiplied by the percentage of the State’s budget in the prior fiscal year that is expended for educational purposes for kindergarten and grades one to 12, inclusive, and the community colleges.

Any determination of population pursuant to this subdivision, other than that measured by average daily attendance, shall be revised, as necessary, to reflect the periodic census conducted by the United States Department of Commerce, or successor department.

(g) “Debt service” means appropriations required to pay the cost of interest and redemption charges, including the funding of any reserve or sinking fund required in connection therewith, on indebtedness existing or legally authorized as of January 1, 1979, or on bonded indebtedness thereafter approved according to law by a vote of the electors of the issuing entity voting in an election for that purpose.

(h) The “appropriations limit” of each entity of government for each fiscal year is that amount which total annual appropriations subject to limitation may not exceed under Sections 1 and 3. However, the “appropriations limit” of each entity of government for fiscal year 1978–79 is the total of the appropriations subject to limitation of the entity for that fiscal year. For fiscal year 1978–79, state subventions to local governments, exclusive of federal grants, are deemed to have been derived from the proceeds of state taxes.

(i) Except as otherwise provided in Section 5, “appropriations subject to limitation” do not include local agency loan funds or indebtedness funds, investment (or authorizations to invest) funds of the State, or of an entity of local government in accounts at banks or savings and loan associations or in liquid securities. [*As amended June 5, 1990. Operative July 1, 1990.*]

[*Exceptions to Appropriations Subject to Limitation*]

SEC. 9. “Appropriations subject to limitation” for each entity of government do not include:

(a) Appropriations for debt service.

(b) Appropriations required to comply with mandates of the courts or the federal government which, without discretion, require an expenditure for additional services or which unavoidably make the provision of existing services more costly.



(c) Appropriations of any special district which existed on January 1, 1978, and which did not as of the 1977–78 fiscal year levy an ad valorem tax on property in excess of 12½ cents per \$100 of assessed value; or the appropriations of any special district then existing or thereafter created by a vote of the people, which is totally funded by other than the proceeds of taxes.

(d) Appropriations for all qualified capital outlay projects, as defined by the Legislature.

(e) Appropriations of revenue which are derived from any of the following:

(1) That portion of the taxes imposed on motor vehicle fuels for use in motor vehicles upon public streets and highways at a rate of more than nine cents (\$0.09) per gallon.

(2) Sales and use taxes collected on that increment of the tax specified in paragraph (1).

(3) That portion of the weight fee imposed on commercial vehicles which exceeds the weight fee imposed on those vehicles on January 1, 1990. [*As amended June 5, 1990. Operative July 1, 1990.*]

[*Effective Date of Article*]

SEC. 10. This Article shall be effective commencing with the first day of the fiscal year following its adoption. [*New section adopted November 6, 1979. Operative commencing first day of fiscal year following adoption. Initiative measure.*]

[*Appropriations Limit on or after July 1, 1990*]

SEC. 10.5. For fiscal years beginning on or after July 1, 1990, the appropriations limit of each entity of government shall be the appropriations limit for the 1986–87 fiscal year adjusted for the changes made from that fiscal year pursuant to this article, as amended by the measure adding this section, adjusted for the changes required by Section 3. [*New section adopted June 5, 1990. Operative July 1, 1990.*]

[*Category Added or Removed from Appropriations Subject to Limitation—Severability*]

SEC. 11. If any appropriation category shall be added to or removed from appropriations subject to limitation, pursuant to final judgment of any court of competent jurisdiction and any appeal therefrom, the appropriations limit shall be adjusted accordingly. If any section, part, clause or phrase in this Article is for any reason held invalid or unconstitutional, the remaining portions of this Article shall not be affected but shall remain in full force and effect. [*New section adopted November 6, 1979. Operative commencing first day of fiscal year following adoption. Initiative measure.*]

[*Exceptions to Appropriations Subject to Limitation*]

SEC. 12. “Appropriations subject to limitation” of each entity of government shall not include appropriations of revenue from the Cigarette and Tobacco Products Surtax Fund created by the Tobacco Tax and Health Protection Act of 1988. No adjustment in the appropriations limit of any entity of government shall be required pursuant to Section 3 as a result of revenue being deposited in or appropriated from the Cigarette and Tobacco Products Surtax Fund created by the Tobacco Tax and Health Protection Act of 1988. [*New section adopted November 8, 1988. Initiative measure.*]

[*Exceptions to Appropriations Subject to Limitation*]

SEC. 13. “Appropriations subject to limitation” of each entity of government shall not include appropriations of revenue from the California Children and Families First Trust Fund created by the California Children and Families First Act of 1998. No adjustment in the appropriations limit of any entity of government shall be required pursuant to Section 3 as a result of revenue being deposited in or appropriated from the California Children and Families First Trust Fund. The surtax created by the California Children and Families First Act of 1998 shall not be considered General Fund revenues for the purposes of Section 8 of Article XVI. [*New section adopted November 3, 1998. Initiative measure.*]

## ARTICLE XIII C \*

### VOTER APPROVAL FOR LOCAL TAX LEVIES

SECTION 1. Definitions. As used in this article:

(a) “General tax” means any tax imposed for general governmental purposes.

(b) “Local government” means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity.

(c) “Special district” means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

(d) “Special tax” means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund. [*New section adopted November 5, 1996. Initiative measure.*]

\* New Article XIII C adopted November 5, 1996. Initiative measure.

SEC. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).

(d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. [*New section adopted November 5, 1996. Initiative measure.*]

SEC. 3. Initiative Power for Local Taxes, Assessments, Fees and Charges. Notwithstanding any other provision of this Constitution, including, but not limited to, Sections 8 and 9 of Article II, the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any local tax, assessment, fee or charge. The power of initiative to affect local taxes, assessments, fees and charges shall be applicable to all local governments and neither the Legislature nor any local government charter shall impose a signature requirement higher than that applicable to statewide statutory initiatives. [*New section adopted November 5, 1996. Initiative measure.*]

## ARTICLE XIII D\*

## ASSESSMENT AND PROPERTY-RELATED FEE REFORM

SECTION 1. Application. Notwithstanding any other provision of law, the provisions of this article shall apply to all assessments, fees and charges, whether imposed pursuant to state statute or local government charter authority. Nothing in this article or Article XIII C shall be construed to:

(a) Provide any new authority to any agency to impose a tax, assessment, fee, or charge.

(b) Affect existing laws relating to the imposition of fees or charges as a condition of property development.

(c) Affect existing laws relating to the imposition of timber yield taxes. [*New section adopted November 5, 1996. Initiative measure.*]

SEC. 2. Definitions. As used in this article:

(a) "Agency" means any local government as defined in subdivision (b) of Section 1 of Article XIII C.

(b) "Assessment" means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. "Assessment" includes, but is not limited to, "special assessment," "benefit assessment," "maintenance assessment" and "special assessment tax."

(c) "Capital cost" means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by an agency.

(d) "District" means an area determined by an agency to contain all parcels which will receive a special benefit from a proposed public improvement or property-related service.

(e) "Fee" or "charge" means any levy other than an ad valorem tax, a special tax, or an assessment, imposed by an agency upon a parcel or upon a person as an incident of property ownership, including a user fee or charge for a property-related service.

(f) "Maintenance and operation expenses" means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision necessary to properly operate and maintain a permanent public improvement.

(g) "Property ownership" shall be deemed to include tenancies of real property where tenants are directly liable to pay the assessment, fee, or charge in question.

(h) "Property-related service" means a public service having a direct relationship to property ownership.

(i) "Special benefit" means a particular and distinct benefit over and above general benefits conferred on real property located in the district or

\* New Article XIII D adopted November 5, 1996. Initiative measure.

to the public at large. General enhancement of property value does not constitute “special benefit.” [*New section adopted November 5, 1996. Initiative measure.*]

SEC. 3. Property Taxes, Assessments, Fees and Charges Limited. (a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.

(3) Assessments as provided by this article.

(4) Fees or charges for property-related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership. [*New section adopted November 5, 1996. Initiative measure.*]

SEC. 4. Procedures and Requirements for All Assessments. (a) An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property-related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

(b) All assessments shall be supported by a detailed engineer’s report prepared by a registered professional engineer certified by the State of California.

(c) The amount of the proposed assessment for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail of the proposed assessment, the total amount thereof chargeable to the entire district, the amount chargeable to the owner’s particular parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, together with the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous

place thereon, a summary of the procedures applicable to the completion, return, and tabulation of the ballots required pursuant to subdivision (d), including a disclosure statement that the existence of a majority protest, as defined in subdivision (e), will result in the assessment not being imposed.

(d) Each notice mailed to owners of identified parcels within the district pursuant to subdivision (c) shall contain a ballot which includes the agency's address for receipt of the ballot once completed by any owner receiving the notice whereby the owner may indicate his or her name, reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.

(e) The agency shall conduct a public hearing upon the proposed assessment not less than 45 days after mailing the notice of the proposed assessment to record owners of each identified parcel. At the public hearing, the agency shall consider all protests against the proposed assessment and tabulate the ballots. The agency shall not impose an assessment if there is a majority protest. A majority protest exists if, upon the conclusion of the hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

(f) In any legal action contesting the validity of any assessment, the burden shall be on the agency to demonstrate that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.

(g) Because only special benefits are assessable, electors residing within the district who do not own property within the district shall not be deemed under this Constitution to have been deprived of the right to vote for any assessment. If a court determines that the Constitution of the United States or other federal law requires otherwise, the assessment shall not be imposed unless approved by a two-thirds vote of the electorate in the district in addition to being approved by the property owners as required by subdivision (e). [*New section adopted November 5, 1996. Initiative measure.*]

SEC. 5. Effective Date. Pursuant to subdivision (a) of Section 10 of Article II, the provisions of this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:

(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water,

flood control, drainage systems or vector control. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(b) Any assessment imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment is initially imposed. Subsequent increases in such assessments shall be subject to the procedures and approval process set forth in Section 4.

(c) Any assessment the proceeds of which are exclusively used to repay bonded indebtedness of which the failure to pay would violate the Contract Impairment Clause of the Constitution of the United States.

(d) Any assessment which previously received majority voter approval from the voters voting in an election on the issue of the assessment. Subsequent increases in those assessments shall be subject to the procedures and approval process set forth in Section 4. [*New section adopted November 5, 1996. Initiative measure.*]

SEC. 6. Property-Related Fees and Charges. (a) Procedures for New or Increased Fees and Charges. An agency shall follow the procedures pursuant to this section in imposing or increasing any fee or charge as defined pursuant to this article, including, but not limited to, the following:

(1) The parcels upon which a fee or charge is proposed for imposition shall be identified. The amount of the fee or charge proposed to be imposed upon each parcel shall be calculated. The agency shall provide written notice by mail of the proposed fee or charge to the record owner of each identified parcel upon which the fee or charge is proposed for imposition, the amount of the fee or charge proposed to be imposed upon each, the basis upon which the amount of the proposed fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of a public hearing on the proposed fee or charge.

(2) The agency shall conduct a public hearing upon the proposed fee or charge not less than 45 days after mailing the notice of the proposed fee or charge to the record owners of each identified parcel upon which the fee or charge is proposed for imposition. At the public hearing, the agency shall consider all protests against the proposed fee or charge. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge.

(b) Requirements for Existing, New or Increased Fees and Charges. A fee or charge shall not be extended, imposed, or increased by any agency unless it meets all of the following requirements:

(1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property-related service.

(2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.

(3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.

(4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.

(5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse collection services, no property-related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

(d) Beginning July 1, 1997, all fees or charges shall comply with this section. [*New section adopted November 5, 1996. Initiative measure.*]



ARTICLE XIV. [*Repealed June 8, 1976. See Article XIV, below.*]

## ARTICLE XIV\*

## LABOR RELATIONS

SECTION 1. [*Repealed June 8, 1976. See Section 1, below.*][*Minimum Wages and General Welfare of Employees*]

SECTION 1. The Legislature may provide for minimum wages and for the general welfare of employees and for those purposes may confer on a commission legislative, executive, and judicial powers. [*New section adopted June 8, 1976.*]

SEC. 2. [*Repealed June 8, 1976. See Section 2, below.*][*Eight-hour Workday*]

SEC. 2. Worktime of mechanics or workers on public works may not exceed eight hours a day except in wartime or extraordinary emergencies that endanger life or property. The Legislature shall provide for enforcement of this section. [*New section adopted June 8, 1976.*]

SEC. 3. [*Repealed June 8, 1976. See Section 3, below.*][*Mechanics' Liens*]

SEC. 3. Mechanics, persons furnishing materials, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens. [*New section adopted June 8, 1976.*]

SEC. 4. [*Repealed June 8, 1976. See Section 4, below.*][*Workers' Compensation*]

SEC. 4. The Legislature is hereby expressly vested with plenary power, unlimited by any provision of this Constitution, to create, and enforce a complete system of workers' compensation, by appropriate legislation, and in that behalf to create and enforce a liability on the part of any or all persons to compensate any or all of their workers for injury or disability, and their dependents for death incurred or sustained by the said workers in the course of their employment, irrespective of the fault of any party. A complete system of workers' compensation includes adequate provisions for the comfort, health and safety and general welfare of any and all workers and those dependent upon them for support to the extent of relieving from the consequences of any injury or death incurred or sus-

\* New Article XIV adopted June 8, 1976.

tained by workers in the course of their employment, irrespective of the fault of any party; also full provision for securing safety in places of employment; full provision for such medical, surgical, hospital and other remedial treatment as is requisite to cure and relieve from the effects of such injury; full provision for adequate insurance coverage against liability to pay or furnish compensation; full provision for regulating such insurance coverage in all its aspects, including the establishment and management of a state compensation insurance fund; full provision for otherwise securing the payment of compensation; and full provision for vesting power, authority and jurisdiction in an administrative body with all the requisite governmental functions to determine any dispute or matter arising under such legislation, to the end that the administration of such legislation shall accomplish substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character; all of which matters are expressly declared to be the social public policy of this State, binding upon all departments of the state government.

The Legislature is vested with plenary powers, to provide for the settlement of any disputes arising under such legislation by arbitration, or by an industrial accident commission, by the courts, or by either, any, or all of these agencies, either separately or in combination, and may fix and control the method and manner of trial of any such dispute, the rules of evidence and the manner of review of decisions rendered by the tribunal or tribunals designated by it; provided, that all decisions of any such tribunal shall be subject to review by the appellate courts of this State. The Legislature may combine in one statute all the provisions for a complete system of workers' compensation, as herein defined.

The Legislature shall have power to provide for the payment of an award to the State in the case of the death, arising out of and in the course of the employment, of an employee without dependents, and such awards may be used for the payment of extra compensation for subsequent injuries beyond the liability of a single employer for awards to employees of the employer.

Nothing contained herein shall be taken or construed to impair or render ineffectual in any measure the creation and existence of the industrial accident commission of this State or the state compensation insurance fund, the creation and existence of which, with all the functions vested in them, are hereby ratified and confirmed. [*New section adopted June 8, 1976.*]

SEC. 5. [*Repealed November 6, 1990. See Section 5, below.*]

[*Inmate Labor*]

SECTION 5. (a) The Director of Corrections or any county Sheriff or other local government official charged with jail operations, may enter into contracts with public entities, nonprofit or for profit organizations, entities, or businesses for the purpose of conducting programs which use in-

mate labor. Such programs shall be operated and implemented pursuant to statutes enacted by or in accordance with the provisions of the Prison Inmate Labor Initiative of 1990, and by rules and regulations prescribed by the Director of Corrections and, for county jail programs, by local ordinances.

(b) No contract shall be executed with an employer that will initiate employment by inmates in the same job classification as non-inmate employees of the same employer who are on strike, as defined in Section 1132.6 of the Labor Code, as it reads on January 1, 1990, or who are subject to lockout, as defined in Section 1132.8 of the Labor Code, as it reads on January 1, 1990. Total daily hours worked by inmates employed in the same job classification as non-inmate employees of the same employer who are on strike, as defined in Section 1132.6 of the Labor Code, as it reads on January 1, 1990, or who are subject to lockout, as defined in Section 1132.8 of the Labor Code, as it reads on January 1, 1990, shall not exceed, for the duration of the strike, the average daily hours worked for the preceding six months, or if the program has been in operation for less than six months, the average for the period of operation.

(c) Nothing in this section shall be interpreted as creating a right of inmates to work. [*New section adopted November 6, 1990. Initiative measure.*]

ARTICLE XV. [*Repealed June 8, 1976. See Article XV, below.*]

## ARTICLE XV\*

### USURY

[*Rate of Interest*]

SECTION 1. The rate of interest upon the loan or forbearance of any money, goods, or things in action, or on accounts after demand, shall be 7 percent per annum but it shall be competent for the parties to any loan or forbearance of any money, goods or things in action to contract in writing for a rate of interest:

(1) For any loan or forbearance of any money, goods, or things in action, if the money, goods, or things in action are for use primarily for personal, family, or household purposes, at a rate not exceeding 10 percent per annum; provided, however, that any loan or forbearance of any money, goods or things in action the proceeds of which are used primarily for the purchase, construction or improvement of real property shall not be deemed to be a use primarily for personal, family or household purposes;  
or

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\* New Article XV adopted June 8, 1976.

(2) For any loan or forbearance of any money, goods, or things in action for any use other than specified in paragraph (1), at a rate not exceeding the higher of (a) 10 percent per annum or (b) 5 percent per annum plus the rate prevailing on the 25th day of the month preceding the earlier of (i) the date of execution of the contract to make the loan or forbearance, or (ii) the date of making the loan or forbearance established by the Federal Reserve Bank of San Francisco on advances to member banks under Sections 13 and 13a of the Federal Reserve Act as now in effect or hereafter from time to time amended (or if there is no such single determinable rate of advances, the closest counterpart of such rate as shall be designated by the Superintendent of Banks of the State of California unless some other person or agency is delegated such authority by the Legislature).

[Charges]

No person, association, copartnership or corporation shall by charging any fee, bonus, commission, discount or other compensation receive from a borrower more than the interest authorized by this section upon any loan or forbearance of any money, goods or things in action.

[Exemptions]

However, none of the above restrictions shall apply to any obligations of, loans made by, or forbearances of, any building and loan association as defined in and which is operated under that certain act known as the "Building and Loan Association Act," approved May 5, 1931, as amended, or to any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, or any corporation incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended or any duly licensed pawnbroker or personal property broker, or any loans made or arranged by any person licensed as a real estate broker by the State of California and secured in whole or in part by liens on real property, or any bank as defined in and operating under that certain act known as the "Bank Act," approved March 1, 1909, as amended, or any bank created and operating under and pursuant to any laws of this State or of the United States of America or any nonprofit cooperative association organized under Chapter 1 (commencing with Section 54001) of Division 20 of the Food and Agricultural Code in loaning or advancing money in connection with any activity mentioned in said title or any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, live stock, poultry and bee products on a cooperative nonprofit basis

in loaning or advancing money to the members thereof or in connection with any such business or any corporation securing money or credit from any federal intermediate credit bank, organized and existing pursuant to the provisions of an act of Congress entitled "Agricultural Credits Act of 1923," as amended in loaning or advancing credit so secured, or any other class of persons authorized by statute, or to any successor in interest to any loan or forbearance exempted under this article, nor shall any such charge of any said exempted classes of persons be considered in any action or for any purpose as increasing or affecting or as connected with the rate of interest hereinbefore fixed. The Legislature may from time to time prescribe the maximum rate per annum of, or provide for the supervision, or the filing of a schedule of, or in any manner fix, regulate or limit, the fees, bonuses, commissions, discounts or other compensation which all or any of the said exempted classes of persons may charge or receive from a borrower in connection with any loan or forbearance of any money, goods or things in action.

*[Judgments Rendered in Court—Rate of Interest]*

The rate of interest upon a judgment rendered in any court of this State shall be set by the Legislature at not more than 10 percent per annum. Such rate may be variable and based upon interest rates charged by federal agencies or economic indicators, or both.

In the absence of the setting of such rate by the Legislature, the rate of interest on any judgment rendered in any court of the State shall be 7 percent per annum.

*[Scope of Section]*

The provisions of this section shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith. *[As amended November 6, 1979.]*

SEC. 2. *[Repealed June 8, 1976.]*

SEC. 3. *[Repealed June 8, 1976.]*

## ARTICLE XVI

### PUBLIC FINANCE

*[Heading as amended November 5, 1974.]*

*[State Indebtedness—Limitation—Two-thirds Vote to Submit Bond Law—Submission of Law to Electors]*

SECTION 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars (\$300,000), except in case of war to repel invasion or suppress in-

surrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 50 years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but no such law shall take effect unless it has been passed by a two-thirds vote of all the members elected to each house of the Legislature and until, at a general election or at a direct primary, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created. Full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted, and the only requirement for publication of such law shall be that it be set out at length in ballot pamphlets which the Secretary of State shall cause to be printed. The Legislature may, at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

Notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with the State Allocation Board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending or coming before such board for the allocation and apportionment of funds to school districts for school construction purposes or purposes related thereto.

Notwithstanding any other provision of this constitution, or of any bond act to the contrary, if any general obligation bonds of the State heretofore or hereafter authorized by vote of the people have been offered for sale and not sold, the Legislature may raise the maximum rate of interest payable on all general obligation bonds authorized but not sold, whether or not such bonds have been offered for sale, by a statute passed by a two-thirds vote of all members elected to each house thereof.

The provisions of Senate Bill No. 763<sup>†</sup> of the 1969 Regular Session, which authorize an increase of the state general obligation bond maximum interest rate from 5 percent to an amount not in excess of 7 percent and

<sup>†</sup> Chapter 740.

eliminate the maximum rate of interest payable on notes given in anticipation of the sale of such bonds, are hereby ratified. [*As amended June 2, 1970.*]

[*General Obligation Bond Proceeds Fund*]

SEC. 1.5. The Legislature may create and establish a “General Obligation Bond Proceeds Fund” in the State Treasury, and may provide for the proceeds of the sale of general obligation bonds of the State heretofore or hereafter issued, including any sums paid as accrued interest thereon, under any or all acts authorizing the issuance of such bonds, to be paid into or transferred to, as the case may be, the “General Obligation Bond Proceeds Fund.” Accounts shall be maintained in the “General Obligation Bond Proceeds Fund” of all moneys deposited in the State Treasury to the credit of that fund and the proceeds of each bond issue shall be maintained as a separate and distinct account and shall be paid out only in accordance with the law authorizing the issuance of the particular bonds from which the proceeds were derived. The Legislature may abolish, subject to the conditions of this section, any fund in the State Treasury heretofore or hereafter created by any act for the purpose of having deposited therein the proceeds from the issuance of bonds if such proceeds are transferred to or paid into the “General Obligation Bond Proceeds Fund” pursuant to the authority granted in this section; provided, however, that nothing in this section shall prevent the Legislature from re-establishing any bond proceeds fund so abolished and transferring back to its credit all proceeds in the “General Obligation Bond Proceeds Fund” which constitute the proceeds of the particular bond fund being re-established. [*New section adopted November 6, 1962.*]

SEC. 2. [*Repealed November 6, 1962. See Section 2, below.*]

[*Bond Issues—Submission by Constitutional Amendment Prohibited—  
Repeal of Certain Constitutional Provisions*]

SEC. 2. (a) No amendment to this Constitution which provides for the preparation, issuance and sale of bonds of the State of California shall hereafter be submitted to the electors, nor shall any such amendment to the Constitution hereafter submitted to or approved by the electors become effective for any purpose.

Each measure providing for the preparation, issuance and sale of bonds of the State of California shall hereafter be submitted to the electors in the form of a bond act or statute.

(b) The provisions of this Constitution enumerated in subdivision (c) of this section are repealed and such provisions are continued as statutes which have been approved, adopted, legalized, ratified, validated, and made fully and completely effective, by means of the adoption by the electorate of a ratifying constitutional amendment, except that the Legislature,

in addition to whatever powers it possessed under such provisions, may amend or repeal such provisions when the bonds issued thereunder have been fully retired and when no rights thereunder will be damaged.

(c) The enumerated provisions of this Constitution are: Article XVI, Sections 2, 3, 4, 4½, 5, 6, 8, 8½, 15, 16, 16.5, 17, 18, 19, 19.5, 20 and 21. [*New section adopted November 6, 1962.*]

[*Appropriations*]

SEC. 3. No money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the State, except that notwithstanding anything contained in this or any other section of the Constitution:

[*Federal Funds*]

(1) Whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities.

[*Institution for Support of Orphans or Aged Indigents*]

(2) The Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions.

[*Needy Blind*]

(3) The Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, and no person concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him, and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person, and such aid when granted shall not be construed as income to any person other than the blind



recipient of such aid, and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated.

*[Physically Handicapped Persons]*

(4) The Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State.

*[Management of Institutions]*

(5) The State shall have at any time the right to inquire into the management of such institutions.

*[Orphans, Aged Indigents, Needy Blind—County Support]*

(6) Whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control.

*[Receipts and Expenditures of Public Moneys]*

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature. *[New section adopted November 5, 1974.]*

*[Loan Guarantees re Nonprofit Corporations and Public Agencies]*

SEC. 4. The Legislature shall have the power to insure or guarantee loans made by private or public lenders to nonprofit corporations and public agencies, the proceeds of which are to be used for the construction, expansion, enlargement, improvement, renovation or repair of any public or nonprofit hospital, hospital facility, or extended care facility, facility for the treatment of mental illness, or all of them, including any outpatient fa-

cility and any other facility useful and convenient in the operation of the hospital and any original equipment for any such hospital or facility, or both.

No provision of this Constitution, including but not limited to, Section 1 of Article XVI and Section 14 of Article XI, shall be construed as a limitation upon the authority granted to the Legislature by this section. [*New section adopted November 5, 1974.*]

SEC. 4½. [*Repealed November 6, 1962.*]

[*Religious Institutions—Grants Prohibited*]

SEC. 5. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI. [*New section adopted November 5, 1974.*]

[*Gifts or Loans of Public Moneys or Pledging of Credit Prohibited—Stock of Corporations*]

SEC. 6. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system

situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

*[Insurance Pooling Arrangements]*

Provided, further, that this section shall not prohibit any county, city and county, city, township, or other political corporation or subdivision of the State from joining with other such agencies in providing for the payment of workers' compensation, unemployment compensation, tort liability, or public liability losses incurred by such agencies, by entry into an insurance pooling arrangement under a joint exercise of powers agreement, or by membership in such publicly-owned nonprofit corporation or other public agency as may be authorized by the Legislature; and

*[Aid to Veterans]*

Provided, further, that nothing contained in this Constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation; and

*[Disaster Assistance]*

Provided, further, that nothing contained in this Constitution shall prohibit the State, or any county, city and county, city, township, or other political corporation or subdivision of the State from providing aid or assistance to persons, if found to be in the public interest, for the purpose of clearing debris, natural materials, and wreckage from privately owned lands and waters deposited thereon or therein during a period of a major disaster or emergency, in either case declared by the President. In such case, the public entity shall be indemnified by the recipient from the award of any claim against the public entity arising from the rendering of such aid or assistance. Such aid or assistance must be eligible for federal reimbursement for the cost thereof.

*[Temporary Transfers of Funds to Political Subdivisions]*

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and the duty to make such temporary transfers

from the funds in custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and are paid out solely through the treasurer's office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the anticipated revenues accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the revenues accruing to such political subdivision before any other obligation of such political subdivision is met from such revenue. [*As amended November 2, 1982.*]

[*Controller's Warrants*]

SEC. 7. Money may be drawn from the Treasury only through an appropriation made by law and upon a Controller's duly drawn warrant. [*New section adopted November 5, 1974.*]

[*School Funding Priority*]

SEC. 8. (a) From all state revenues there shall first be set apart the moneys to be applied by the State for support of the public school system and public institutions of higher education.

(b) Commencing with the 1990–91 fiscal year, the moneys to be applied by the State for the support of school districts and community college districts shall be not less than the greater of the following amounts:

(1) The amount which, as a percentage of General Fund revenues which may be appropriated pursuant to Article XIII B, equals the percentage of General Fund revenues appropriated for school districts and community college districts, respectively, in fiscal year 1986–87.

(2) The amount required to ensure that the total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes shall not be less than the total amount from these sources in the prior fiscal year, excluding any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for changes in enrollment and adjusted for the change in the cost of living pursuant to paragraph (1) of subdivision (e) of Section 8 of Article XIII B. This paragraph shall be operative only in a fiscal year in which the percentage growth in California per capita personal income is less than or equal to the percentage growth in per capita General Fund revenues plus one half of one percent.

(3) (A) The amount required to ensure that the total allocations to school districts and community college districts from General Fund pro-

ceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes shall equal the total amount from these sources in the prior fiscal year, excluding any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for changes in enrollment and adjusted for the change in per capita General Fund revenues.

(B) In addition, an amount equal to one-half of one percent times the prior year total allocations to school districts and community colleges from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes, excluding any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for changes in enrollment.

(C) This paragraph (3) shall be operative only in a fiscal year in which the percentage growth in California per capita personal income in a fiscal year is greater than the percentage growth in per capital General Fund revenues plus one half of one percent.

(c) In any fiscal year, if the amount computed pursuant to paragraph (1) of subdivision (b) exceeds the amount computed pursuant to paragraph (2) of subdivision (b) by a difference that exceeds one and one-half percent of General Fund revenues, the amount in excess of one and one-half percent of General Fund revenues shall not be considered allocations to school districts and community colleges for purposes of computing the amount of state aid pursuant to paragraph (2) or 3 of subdivision (b) in the subsequent fiscal year.

(d) In any fiscal year in which school districts and community college districts are allocated funding pursuant to paragraph (3) of subdivision (b) or pursuant to subdivision (h), they shall be entitled to a maintenance factor, equal to the difference between (1) the amount of General Fund moneys which would have been appropriated pursuant to paragraph (2) of subdivision (b) if that paragraph had been operative or the amount of General Fund moneys which would have been appropriated pursuant to subdivision (b) had subdivision (b) not been suspended, and (2) the amount of General Fund moneys actually appropriated to school districts and community college districts in that fiscal year.

(e) The maintenance factor for school districts and community college districts determined pursuant to subdivision (d) shall be adjusted annually for changes in enrollment, and adjusted for the change in the cost of living pursuant to paragraph (1) of subdivision (e) of Section 8 of Article XIII B, until it has been allocated in full. The maintenance factor shall be allocated in a manner determined by the Legislature in each fiscal year in which the percentage growth in per capita General Fund revenues exceeds the percentage growth in California per capita personal income. The maintenance factor shall be reduced each year by the amount allocated by the Legislature in that fiscal year. The minimum maintenance factor amount to be allocated in a fiscal year shall be equal to the product of General Fund rev-

enues from proceeds of taxes and one-half of the difference between the percentage growth in per capita General Fund revenues from proceeds of taxes and in California per capita personal income, not to exceed the total dollar amount of the maintenance factor.

(f) For purposes of this section, “changes in enrollment” shall be measured by the percentage change in average daily attendance. However, in any fiscal year, there shall be no adjustment for decreases in enrollment between the prior fiscal year and the current fiscal year unless there have been decreases in enrollment between the second prior fiscal year and the prior fiscal year and between the third prior fiscal year and the second prior fiscal year.

(h) Subparagraph (B) of paragraph (3) of subdivision (b) may be suspended for one year only when made part of or included within any bill enacted pursuant to Section 12 of Article IV. All other provisions of subdivision (b) may be suspended for one year by the enactment of an urgency statute pursuant to Section 8 of Article IV, provided that the urgency statute may not be made part of or included within any bill enacted pursuant to Section 12 of Article IV. [*As amended June 5, 1990. Operative July 1, 1990.*]

SEC. 8½. [*Repealed November 6, 1962.*]

[*Allocations to State School Fund*]

SECTION 8.5. (a) In addition to the amount required to be applied for the support of school districts and community college districts pursuant to Section 8, the Controller shall during each fiscal year transfer and allocate all revenues available pursuant to paragraph 1 of subdivision (a) of Section 2 of Article XIII B to that portion of the State School Fund restricted for elementary and high school purposes, and to that portion of the State School Fund restricted for community college purposes, respectively, in proportion to the enrollment in school districts and community college districts respectively.

(1) With respect to funds allocated to that portion of the State School Fund restricted for elementary and high school purposes, no transfer or allocation of funds pursuant to this section shall be required at any time that the Director of Finance and the Superintendent of Public Instruction mutually determine that current annual expenditures per student equal or exceed the average annual expenditure per student of the 10 states with the highest annual expenditures per student for elementary and high schools, and that average class size equals or is less than the average class size of the 10 states with the lowest class size for elementary and high schools.

(2) With respect to funds allocated to that portion of the State School Fund restricted for community college purposes, no transfer or allocation of funds pursuant to this section shall be required at any time that the Director of Finance and the Chancellor of the California Community Col-

leges mutually determine that current annual expenditures per student for community colleges in this State equal or exceed the average annual expenditure per student of the 10 states with the highest annual expenditure per student for community colleges.

(b) Notwithstanding the provisions of Article XIII B, funds allocated pursuant to this section shall not constitute appropriations subject to limitation.

(c) From any funds transferred to the State School Fund pursuant to subdivision (a), the Controller shall each year allocate to each school district and community college district an equal amount per enrollment in school districts from the amount in that portion of the State School Fund restricted for elementary and high school purposes and an equal amount per enrollment in community college districts from that portion of the State School Fund restricted for community college purposes.

(d) All revenues allocated pursuant to subdivision (a) shall be expended solely for the purposes of instructional improvement and accountability as required by law.

(e) Any school district maintaining an elementary or secondary school shall develop and cause to be prepared an annual audit accounting for such funds and shall adopt a School Accountability Report Card for each school. [*As amended June 5, 1990. Operative July 1, 1990.*]

[*Fish and Game*]

SEC. 9. Money collected under any state law relating to the protection or propagation of fish and game shall be used for activities relating thereto. [*New section adopted November 5, 1974.*]

[*Aged Aid—Federal-State Co-operation*]

SEC. 10. Whenever the United States government or any officer or agency thereof shall provide pensions or other aid for the aged, co-operation by the State therewith and therein is hereby authorized in such manner and to such extent as may be provided by law.

The money expended by any county, city and county, municipality, district or other political subdivision of this State made available under the provisions of this section shall not be considered as a part of the base for determining the maximum expenditure for any given year permissible under Section 20<sup>†</sup> of Article XI of this Constitution independent of the vote of the electors or authorization by the State Board of Equalization. [*As amended November 6, 1962.*]

[*Relief Administration*]

SEC. 11. The Legislature has plenary power to provide for the administration of any constitutional provisions or laws heretofore or hereafter

<sup>†</sup> Section 20, Article XI, repealed June 2, 1970.

enacted concerning the administration of relief, and to that end may modify, transfer, or enlarge the powers vested in any state agency or officer concerned with the administration of relief or laws appertaining thereto. The Legislature, or the people by initiative, shall have power to amend, alter, or repeal any law relating to the relief of hardship and destitution, whether such hardship and destitution results from unemployment or from other causes, or to provide for the administration of the relief of hardship and destitution, whether resulting from unemployment or from other causes, either directly by the State or through the counties of the State, and to grant such aid to the counties therefor, or make such provision for reimbursement of the counties by the State, as the Legislature deems proper. [*As amended November 6, 1962.*]

SEC. 12. [*Repealed November 6, 1962.*]

[*Legislative Power to Release Encumbrances Taken as Security for Aid to Aged*]

SEC. 13. Notwithstanding any other provision of this Constitution, the Legislature shall have power to release, rescind, cancel, or otherwise nullify in whole or in part any encumbrance on property, personal obligation, or other form of security heretofore or hereafter exacted or imposed by the Legislature to secure the repayment to, or reimbursement of, the State, and the counties or other agencies of the state government, of aid lawfully granted to and received by aged persons. [*As amended November 6, 1962.*]

[*Bonds—Environmental Pollution Control Facilities*]

SEC. 14. The Legislature may provide for the issuance of revenue bonds to finance the acquisition, construction, and installation of environmental pollution control facilities, including the acquisition of all technological facilities necessary or convenient for pollution control, and for the lease or sale of such facilities to persons, associations, or corporations, other than municipal corporations; provided, that such revenue bonds shall not be secured by the taxing power of the State; and provided, further, that the Legislature may, by resolution adopted by either house, prohibit or limit any proposed issuance of such revenue bonds. No provision of this Constitution, including, but not limited to, Section 25 of Article XIII and Sections 1 and 2 of Article XVI, shall be construed as a limitation upon the authority granted to the Legislature pursuant to this section. Nothing herein contained shall authorize any public agency to operate any industrial or commercial enterprise. [*New section adopted November 7, 1972.*]

[*Energy Alternative Sources Facilities—Acquisition, Construction, Etc.—Revenue Bond Issuance*]

SEC. 14.5. The Legislature may provide for the issuance of revenue bonds to finance the acquisition, construction, and installation of facilities utilizing cogeneration technology, solar power, biomass, or any other al-



ternative source the Legislature may deem appropriate, including the acquisition of all technological facilities necessary or convenient for the use of alternative sources, and for the lease or sale of such facilities to persons, associations, or corporations, other than municipal corporations; provided, that such revenue bonds shall not be secured by the taxing power of the State; and provided, further, that the Legislature may, by resolution adopted by both houses, prohibit or limit any proposed issuance of such revenue bonds. No provision of this Constitution, including, but not limited to, Sections 1, 2, and 6, of this article, shall be construed as a limitation upon the authority granted to the Legislature pursuant to this section. Nothing contained herein shall authorize any public agency to operate any industrial or commercial enterprise. [*New section adopted June 3, 1980.*]

[*Parking Meter Revenues*]

SEC. 15. A public body authorized to issue securities to provide public parking facilities and any other public body whose territorial area includes such facilities are authorized to make revenues from street parking meters available as additional security. [*New section adopted November 5, 1974.*]

[*Taxation of Redevelopment Projects*]

SEC. 16. All property in a redevelopment project established under the Community Redevelopment Law as now existing or hereafter amended, except publicly owned property not subject to taxation by reason of that ownership, shall be taxed in proportion to its value as provided in Section 1 of this article, and those taxes (the word "taxes" as used herein includes, but is not limited to, all levies on an ad valorem basis upon land or real property) shall be levied and collected as other taxes are levied and collected by the respective taxing agencies.

The Legislature may provide that any redevelopment plan may contain a provision that the taxes, if any, so levied upon the taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of that property by the taxing agency, last equalized prior to the effective date of the ordinance, shall be allocated to, and when collected shall be paid into, the funds of the respective taxing agencies as taxes by or for those taxing agencies on all other property are paid (for the

purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of the ordinance but to which that territory has been annexed or otherwise included after the ordinance's effective date, the assessment roll of the county last equalized on the effective date of that ordinance shall be used in determining the assessed valuation of the taxable property in the project on that effective date); and

(b) Except as provided in subdivision (c), that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in the project as shown by the last equalized assessment roll referred to in subdivision (a), all of the taxes levied and collected upon the taxable property in the redevelopment project shall be paid into the funds of the respective taxing agencies. When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, then all moneys thereafter received from taxes upon the taxable property in the redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes identified in subdivision (b) which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that taxing agency. This paragraph shall only apply to taxes levied to repay bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989.

The Legislature may also provide that in any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes identified in subdivision (b), exclusive of that portion identified in subdivision (c), may be irrevocably pledged for the payment of the principal of and interest on those loans, advances, or indebtedness.

It is intended by this section to empower any redevelopment agency, city, county, or city and county under any law authorized by this section to exercise the provisions hereof separately or in combination with powers granted by the same or any other law relative to redevelopment agencies. This section shall not affect any other law or laws relating to the same or

a similar subject but is intended to authorize an alternative method of procedure governing the subject to which it refers.

The Legislature shall enact those laws as may be necessary to enforce the provisions of this section. [*As amended November 8, 1988.*]

SEC. 16.5. [*Repealed November 6, 1962.*]

[*State's Credit—Investment of Public Pension or Retirement Funds*]

SEC. 17. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the State and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when the stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and the holding of the stock shall entitle the holder thereof to all of the rights, powers and privileges, and shall subject the holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which the stock is so held.

Notwithstanding any other provisions of law or this Constitution to the contrary, the retirement board of a public pension or retirement system shall have plenary authority and fiduciary responsibility for investment of moneys and administration of the system, subject to all of the following:

(a) The retirement board of a public pension or retirement system shall have the sole and exclusive fiduciary responsibility over the assets of the public pension or retirement system. The retirement board shall also have sole and exclusive responsibility to administer the system in a manner that will assure prompt delivery of benefits and related services to the participants and their beneficiaries. The assets of a public pension or retirement system are trust funds and shall be held for the exclusive purposes of providing benefits to participants in the pension or retirement system and their beneficiaries and defraying reasonable expenses of administering the system.

(b) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system solely in the interest of, and for the exclusive purposes of providing benefits to, participants and their beneficiaries, minimizing employer contributions thereto, and defraying reasonable expenses of administering the system. A retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty.

(c) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system with the care, skill, prudence, and diligence under the circumstances then pre-

vailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

(d) The members of the retirement board of a public pension or retirement system shall diversify the investments of the system so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly not prudent to do so.

(e) The retirement board of a public pension or retirement system, consistent with the exclusive fiduciary responsibilities vested in it, shall have the sole and exclusive power to provide for actuarial services in order to assure the competency of the assets of the public pension or retirement system.

(f) With regard to the retirement board of a public pension or retirement system which includes in its composition elected employee members, the number, terms, and method of selection or removal of members of the retirement board which were required by law or otherwise in effect on July 1, 1991, shall not be changed, amended, or modified by the Legislature unless the change, amendment, or modification enacted by the Legislature is ratified by a majority vote of the electors of the jurisdiction in which the participants of the system are or were, prior to retirement, employed.

(g) The Legislature may by statute continue to prohibit certain investments by a retirement board where it is in the public interest to do so, and provided that the prohibition satisfies the standards of fiduciary care and loyalty required of a retirement board pursuant to this section.

(h) As used in this section, the term "retirement board" shall mean the board of administration, board of trustees, board of directors, or other governing body or board of a public employees' pension or retirement system; provided, however, that the term "retirement board" shall not be interpreted to mean or include a governing body or board created after July 1, 1991 which does not administer pension or retirement benefits, or the elected legislative body of a jurisdiction which employs participants in a public employees' pension or retirement system. [*As amended November 3, 1992. Initiative measure.*]

[*Municipal Debt Exceeding Income*]

SEC. 18. (a) No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the voters of the public entity voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the

manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the voters of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and provide for a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the indebtedness.

(b) Notwithstanding subdivision (a), on or after the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, shall be adopted upon the approval of 55 percent of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

(c) When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority or 55 percent of the voters, as the case may be, voting on any one of those propositions, vote in favor thereof, the proposition shall be deemed adopted. [*As amended November 7, 2000. Initiative measure.*]

[*Public Improvement Proceedings by Chartered City or County*]

SEC. 19. All proceedings undertaken by any chartered city, or by any chartered county or by any chartered city and county for the construction of any public improvement, or the acquisition of any property for public use, or both, where the cost thereof is to be paid in whole or in part by special assessment or other special assessment taxes upon property, whether the special assessment will be specific or a special assessment tax upon property wholly or partially according to the assessed value of such property, shall be undertaken only in accordance with the provisions of law governing: (a) limitations of costs of such proceedings or assessments for such proceedings, or both, in relation to the value of any property assessed therefor; (b) determination of a basis for the valuation of any such property; (c) payment of the cost in excess of such limitations; (d) avoidance of such limitations; (e) postponement or abandonment, or both, of such proceedings in whole or in part upon majority protest, and particularly in accordance with such provisions as contained in Sections 10, 11 and 13a

of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 or any amendments, codification, reenactment or restatement thereof.

Notwithstanding any provisions for debt limitation or majority protest as in this section provided, if, after the giving of such reasonable notice by publication and posting and the holding of such public hearing as the legislative body of any such chartered county, chartered city or chartered city and county shall have prescribed, such legislative body by no less than a four-fifths vote of all members thereof, finds and determines that the public convenience and necessity require such improvements or acquisitions, such debt limitation and majority protest provisions shall not apply.

Nothing contained in this section shall require the legislative body of any such city, county, or city and county to prepare or to cause to be prepared, hear, notice for hearing or report the hearing of any report as to any such proposed construction or acquisition or both. [*New section adopted November 5, 1974.*]

SEC. 19.5. [*Repealed November 6, 1962.*]

SEC. 20. [*Repealed November 6, 1962.*]

SEC. 21. [*Repealed November 6, 1962.*]

ARTICLE XVII. [*Repealed June 8, 1976.*]

ARTICLE XVIII. [*Repealed November 3, 1970.*  
*See Article XVIII, below.*]

ARTICLE XVIII\*

AMENDING AND REVISING THE CONSTITUTION

SECTION 1. [*Repealed November 3, 1970. See Section 1, below.*]

[*By Legislature*]

SEC. 1. The Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may propose an amendment or revision of the Constitution and in the same manner may amend or withdraw its proposal. Each amendment shall be so prepared and submitted that it can be voted on separately. [*New section adopted November 3, 1970.*]

SEC. 2. [*Repealed November 3, 1970. See Section 2, below.*]

[*Constitutional Convention*]

SEC. 2. The Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may submit at a gen-

\* New Article XVIII adopted November 3, 1970.

eral election the question whether to call a convention to revise the Constitution. If the majority vote yes on that question, within 6 months the Legislature shall provide for the convention. Delegates to a constitutional convention shall be voters elected from districts as nearly equal in population as may be practicable. [*New section adopted November 3, 1970.*]

[*Initiatives*]

SEC. 3. The electors may amend the Constitution by initiative. [*New section adopted November 3, 1970.*]

[*Effective Date—Conflict*]

SEC. 4. A proposed amendment or revision shall be submitted to the electors and if approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail. [*New section adopted November 3, 1970.*]

## ARTICLE XIX\*

### MOTOR VEHICLE REVENUES

SECTION 1. [*Repealed June 4, 1974. See Section 1, below.*]

[*Use of Fuel Taxes*]

SECTION 1. Revenues from taxes imposed by the State on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services. [*New section adopted June 4, 1974.*]

\* Former Article XXVI, as renumbered June 8, 1976.

SEC. 2. *[Repealed June 4, 1974. See Section 2, below.]*

*[Use of Motor Vehicle Fees and Taxes]*

SEC. 2. Revenues from fees and taxes imposed by the State upon vehicles or their use or operation, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways of this State, including the enforcement of traffic and vehicle laws by state agencies and the mitigation of the environmental effects of motor vehicle operation due to air and sound emissions.

(b) The purposes specified in Section 1 of this article. *[New section adopted June 4, 1974.]*

SEC. 3. *[Repealed June 4, 1974. See Section 3, below.]*

*[Appropriations by the Legislature—Regulation of Expenditures, Etc.]*

SEC. 3. The Legislature shall provide for the allocation of the revenues to be used for the purposes specified in Section 1 of this article in a manner which ensures the continuance of existing statutory allocation formulas for cities, counties, and areas of the State, until it determines that another basis for an equitable, geographical, and jurisdictional distribution exists; provided that, until such determination is made, any use of such revenues for purposes specified in subdivision (b) of Section 1 of this article by or in a city, county, or area of the State shall be included within the existing statutory allocations to, or for expenditure in, that city, county, or area. Any future statutory revisions shall provide for the allocation of these revenues, together with other similar revenues, in a manner which gives equal consideration to the transportation needs of all areas of the State and all segments of the population consistent with the orderly achievement of the adopted local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan. *[New section adopted June 4, 1974.]*

SEC. 4. *[Repealed June 4, 1974. See Section 4, below.]*

*[Authorization and Approval for Expenditures]*

SEC. 4. Revenues allocated pursuant to Section 3 may not be expended for the purposes specified in subdivision (b) of Section 1, except for research and planning, until such use is approved by a majority of the votes cast on the proposition authorizing such use of such revenues in an election held throughout the county or counties, or a specified area of a county or counties, within which the revenues are to be expended. The Legislature may authorize the revenues approved for allocation or expenditure under this section to be pledged or used for the payment of principal



and interest on voter-approved bonds issued for the purposes specified in subdivision (b) of Section 1. [*New section adopted June 4, 1974.*]

[*Expenditures for Payment of Bonds*]

SEC. 5. The Legislature may authorize up to 25 percent of the revenues available for expenditure by any city or county, or by the State, for the purposes specified in subdivision (a) of Section 1 of this article to be pledged or used for the payment of principal and interest on voter-approved bonds issued for such purposes. [*New section adopted June 4, 1974.*]

SEC. 6. [*Repealed November 3, 1998. See Section 6, below.*]

[*Loans to State General Fund*]

SEC. 6. The tax revenues designated under this article may be loaned to the General Fund only if one of the following conditions is imposed:

(a) That any amount loaned is to be repaid in full to the fund from which it was borrowed during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.

(b) That any amount loaned is to be repaid in full to the fund from which it was borrowed within three fiscal years from the date on which the loan was made and one of the following has occurred:

(1) The Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund.

(2) The aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, adjusted for the change in the cost of living and the change in population, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV in the current fiscal year.

(c) Nothing in this section prohibits the Legislature from authorizing, by statute, loans to local transportation agencies, cities, counties, or cities and counties, from funds that are subject to this article, for the purposes authorized under this article. Any loan authorized as described by this subdivision shall be repaid, with interest at the rate paid on money in the Pooled Money Investment Account, or any successor to that account, during the period of time that the money is loaned, to the fund from which it was borrowed, not later than four years after the date on which the loan was made. [*New section adopted November 3, 1998.*]

*[Scope of Article]*

SEC. 7. This article shall not affect or apply to fees or taxes imposed pursuant to the Sales and Use Tax Law or the Vehicle License Fee Law, and all amendments and additions now or hereafter made to such statutes. *[New section adopted June 4, 1974.]*

*[Use of Excess Lands for Parks and Recreation]*

SEC. 8. Notwithstanding Sections 1 and 2 of this article, any real property acquired by the expenditure of the designated tax revenues by an entity other than the State for the purposes authorized in those sections, but no longer required for such purposes, may be used for local public park and recreational purposes. *[New section adopted June 8, 1976.]*

*[Transfer of Surplus State Property Located in Coastal Zone]*

SEC. 9. Notwithstanding any other provision of this Constitution, the Legislature, by statute, with respect to surplus state property acquired by the expenditure of tax revenues designated in Sections 1 and 2 and located in the coastal zone, may authorize the transfer of such property, for a consideration at least equal to the acquisition cost paid by the state to acquire the property, to the Department of Parks and Recreation for state park purposes, or to the Department of Fish and Game for the protection and preservation of fish and wildlife habitat, or to the Wildlife Conservation Board for purposes of the Wildlife Conservation Law of 1947, or to the State Coastal Conservancy for the preservation of agricultural lands.

As used in this section, "coastal zone" means "coastal zone" as defined by Section 30103 of the Public Resources Code as such zone is described on January 1, 1977. *[New section adopted November 7, 1978.]*

## ARTICLE XIX A \*

LOANS FROM THE PUBLIC TRANSPORTATION ACCOUNT OR  
LOCAL TRANSPORTATION FUNDS*[Loans to State General Fund]*

SECTION 1. The funds in the Public Transportation Account in the State Transportation Fund, or any successor to that account, may be loaned to the General Fund only if one of the following conditions is imposed:

(a) That any amount loaned is to be repaid in full to the account during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.

(b) That any amount loaned is to be repaid in full to the account within three fiscal years from the date on which the loan was made and one of the following has occurred:

\* New Article XIX A adopted November 3, 1998.

(1) The Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund.

(2) The aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV in the current fiscal year. [*New section adopted November 3, 1998.*]

[*“Local Transportation Fund”*]

SEC. 2. (a) As used in this section, a “local transportation fund” is a fund created under Section 29530 of the Government Code, or any successor to that statute.

(b) All local transportation funds are hereby designated trust funds.

(c) A local transportation fund that has been created pursuant to law may not be abolished.

(d) Money in a local transportation fund shall be allocated only for the purposes authorized under Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code and Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code, as those provisions existed on October 1, 1997. Neither the county nor the Legislature may authorize the expenditure of money in a local transportation fund for purposes other than those specified in this subdivision. [*New section adopted November 3, 1998.*]

## ARTICLE XX

### MISCELLANEOUS SUBJECTS

[*Sacramento County Consolidation With City or Cities*]

SEC. 1. Notwithstanding the provisions of Section 6 of Article XI, the County of Sacramento and all or any of the cities within the County of Sacramento may be consolidated as a charter city and county as provided by statute, with the approval of a majority of the electors of the county voting on the question of such consolidation and upon such other vote as the Legislature may prescribe in such statute. The charter City and County of Sacramento shall be a charter city and a charter county. Its charter city powers supersede conflicting charter county powers. [*New section adopted June 4, 1974.*]

[*Protection of Homesteads*]

SEC. 1.5. The Legislature shall protect, by law, from forced sale a certain portion of the homestead and other property of all heads of families. [*New section adopted June 8, 1976.*]

[*Leland Stanford Junior University—Henry E. Huntington Library and Art Gallery*]

SEC. 2. Except for tax exemptions provided in Article XIII, the rights, powers, privileges, and confirmations conferred by Sections 10† and 15† of Article IX in effect on January 1, 1973, relating to Stanford University and the Huntington Library and Art Gallery, are continued in effect. [*Former Section 6, as renumbered June 8, 1976.*]

[*Oath of Office*]

SEC. 3. Members of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

“And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows:

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(If no affiliations, write in the words “No Exceptions”)

and that during such time as I hold the office of \_\_\_\_\_

(name of office)

I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means.”

And no other oath, declaration, or test, shall be required as a qualification for any public office or employment.

“Public officer and employee” includes every officer and employee of the State, including the University of California, every county, city, city

† Sections 10 and 15 of Article IX repealed November 5, 1974.

and county, district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing. [*As amended November 4, 1952.*]

SEC. 3.5. [*Repealed November 3, 1970.*]

[*Franchises*]

SEC. 4. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges. [*Former Section 7, as renumbered June 8, 1976.*]

SEC. 5. [*Repealed June 8, 1976. See Section 5, below.*]

[*Laws Concerning Corporations*]

SEC. 5. All laws now in force in this State concerning corporations and all laws that may be hereafter passed pursuant to this section may be altered from time to time or repealed. [*Former Section 24, as renumbered June 8, 1976.*]

SEC. 6. [*Renumbered Section 2 June 8, 1976. See Section 6, below.*]

[*Reduction in Legislator's Term of Office—Retirement Benefits, Etc.*]

SEC. 6. Any legislator whose term of office is reduced by operation of the amendment to subdivision (a) of Section 2 of Article IV adopted by the people in 1972 shall, notwithstanding any other provision of this Constitution, be entitled to retirement benefits and compensation as if the term of office had not been so reduced. [*Former Section 25, as renumbered June 8, 1976.*]

[*Constitutional Officers—Number of Terms*]

SEC. 7. The limitations on the number of terms prescribed by Section 2 of Article IV, Sections 2 and 11 of Article V, Section 2 of Article IX, and Section 17 of Article XIII apply only to terms to which persons are elected or appointed on or after November 6, 1990, except that an incumbent Senator whose office is not on the ballot for the general election on that date may serve only one additional term. Those limitations shall not apply to any unexpired term to which a person is elected or appointed if the remainder of the term is less than half of the full term. [*New section adopted November 6, 1990. Initiative measure.*]

SEC. 8. [*Renumbered Section 21 of Article I and amended November 5, 1974.*]

SEC. 9. [*Repealed November 3, 1970.*]

SEC. 10. [*Repealed June 8, 1976.*]

SEC. 11. [*Repealed June 8, 1976.*]

SEC. 12. [*Repealed November 3, 1970.*]

SEC. 13. [*Repealed November 3, 1970.*]

SEC. 14. [*Repealed November 3, 1970.*]

SEC. 15. [*Repealed June 8, 1976.*]

SEC. 16. [*Repealed November 7, 1972.*]

SEC. 17. [*Repealed June 8, 1976.*]

SEC. 17½. [*Repealed June 8, 1976.*]

SEC. 18. [*Renumbered Section 8 of Article I and amended November 5, 1974.*]

SEC. 19. [*Repealed June 8, 1976.*]

SEC. 20. [*Repealed June 8, 1976.*]

SEC. 21. [*Repealed June 8, 1976.*]

[*Liquor Control*]

SEC. 22. The State of California, subject to the internal revenue laws of the United States, shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of alcoholic beverages within the State, and subject to the laws of the United States regulating commerce between foreign nations and among the states shall have the exclusive right and power to regulate the importation into and exportation from the State, of alcoholic beverages. In the exercise of these rights and powers, the Legislature shall not constitute the State or any agency thereof a manufacturer or seller of alcoholic beverages.

[*Licensed Premises—Types of Licenses*]

All alcoholic beverages may be bought, sold, served, consumed and otherwise disposed of in premises which shall be licensed as provided by the Legislature. In providing for the licensing of premises, the Legislature may provide for the issuance of, among other licenses, licenses for the following types of premises where the alcoholic beverages specified in the licenses may be sold and served for consumption upon the premises:

(a) For bona fide public eating places, as defined by the Legislature.

(b) For public premises in which food shall not be sold or served as in a bona fide public eating place, but upon which premises the Legislature may permit the sale or service of food products incidental to the sale and service of alcoholic beverages. No person under the age of 21 years shall be permitted to enter and remain in any such premises without lawful business therein.

(c) For public premises for the sale and service of beers alone.

(d) Under such conditions as the Legislature may impose, for railroad dining or club cars, passenger ships, common carriers by air, and bona fide clubs after such clubs have been lawfully operated for not less than one year.

*[Service or Sale to Minors]*

The sale, furnishing, giving, or causing to be sold, furnished, or giving away of any alcoholic beverage to any person under the age of 21 years is hereby prohibited, and no person shall sell, furnish, give, or cause to be sold, furnished, or given away any alcoholic beverage to any person under the age of 21 years, and no person under the age of 21 years shall purchase any alcoholic beverage.

*[Director of Alcoholic Beverage Control]*

The Director of Alcoholic Beverage Control shall be the head of the Department of Alcoholic Beverage Control, shall be appointed by the Governor subject to confirmation by a majority vote of all of the members elected to the Senate, and shall serve at the pleasure of the Governor. The director may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove the director from office for dereliction of duty or corruption or incompetency. The director may appoint three persons who shall be exempt from civil service, in addition to the person he is authorized to appoint by Section 4 of Article XXIV.

*[Department of Alcoholic Beverage Control—Powers—Duties]*

The Department of Alcoholic Beverage Control shall have the exclusive power, except as herein provided and in accordance with laws enacted by the Legislature, to license the manufacture, importation and sale of alcoholic beverages in this State, and to collect license fees or occupation taxes on account thereof. The department shall have the power, in its discretion, to deny, suspend or revoke any specific alcoholic beverages license if it shall determine for good cause that the granting or continuance of such license would be contrary to public welfare or morals, or that a person seeking or holding a license has violated any law prohibiting conduct involving moral turpitude. It shall be unlawful for any person other than a licensee of said department to manufacture, import or sell alcoholic beverages in this State.

*[Alcoholic Beverage Control Appeals Board]*

The Alcoholic Beverage Control Appeals Board shall consist of three members appointed by the Governor, subject to confirmation by a majority vote of all of the members elected to the Senate. Each member, at the time of his initial appointment, shall be a resident of a different county from the one in which either of the other members resides. The members

of the board may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove any member from office for dereliction of duty or corruption or incompetency.

*[Appeals—Reviews—Reversals]*

When any person aggrieved thereby appeals from a decision of the department ordering any penalty assessment, issuing, denying, transferring, suspending or revoking any license for the manufacture, importation, or sale of alcoholic beverages, the board shall review the decision subject to such limitations as may be imposed by the Legislature. In such cases, the board shall not receive evidence in addition to that considered by the department. Review by the board of a decision of the department shall be limited to the questions whether the department has proceeded without or in excess of its jurisdiction, whether the department has proceeded in the manner required by law, whether the decision is supported by the findings, and whether the findings are supported by substantial evidence in the light of the whole record. In appeals where the board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department it may enter an order remanding the matter to the department for reconsideration in the light of such evidence. In all other appeals the board shall enter an order either affirming or reversing the decision of the department. When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the department. Orders of the board shall be subject to judicial review upon petition of the director or any party aggrieved by such order.

*[Removal of Director or Board Members]*

A concurrent resolution for the removal of either the director or any member of the board may be introduced in the Legislature only if five Members of the Senate, or 10 Members of the Assembly, join as authors.

*[Licenses—Regulation—Fees]*

Until the Legislature shall otherwise provide, the privilege of keeping, buying, selling, serving, and otherwise disposing of alcoholic beverages in bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and in bona fide clubs after such clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and



regulated under the applicable provisions of the Alcoholic Beverage Control Act, insofar as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of alcoholic beverages, shall be the amounts prescribed as of the operative date hereof, subject to the power of the Legislature to change such fees.

The State Board of Equalization shall assess and collect such excise taxes as are or may be imposed by the Legislature on account of the manufacture, importation and sale of alcoholic beverages in this State.

The Legislature may authorize, subject to reasonable restrictions, the sale in retail stores of alcoholic beverages contained in the original packages, where such alcoholic beverages are not to be consumed on the premises where sold; and may provide for the issuance of all types of licenses necessary to carry on the activities referred to in the first paragraph of this section, including, but not limited to, licenses necessary for the manufacture, production, processing, importation, exportation, transportation, wholesaling, distribution, and sale of any and all kinds of alcoholic beverages.

The Legislature shall provide for apportioning the amounts collected for license fees or occupation taxes under the provisions hereof between the State and the cities, counties and cities and counties of the State, in such manner as the Legislature may deem proper.

All constitutional provisions and laws inconsistent with the provisions hereof are hereby repealed.

The provisions of this section shall be self-executing, but nothing herein shall prohibit the Legislature from enacting laws implementing and not inconsistent with such provisions.

This amendment shall become operative on January 1, 1957. [*As amended November 6, 1956. Operative January 1, 1957.*]

[*State Colleges—Speaker, Member of Governing Body*]

SEC. 23. Notwithstanding any other provision of this Constitution, the Speaker of the Assembly shall be an ex officio member, having equal rights and duties with the nonlegislative members, of any state agency created by the Legislature in the field of public higher education which is charged with the management, administration, and control of the State College System of California. [*New section adopted November 3, 1970.*]

SEC. 24. [*Renumbered Section 5 June 8, 1976.*]

SEC. 25. [*Renumbered Section 6 June 8, 1976.*]

## ARTICLE XXI\*

REAPPORTIONMENT OF SENATE, ASSEMBLY, CONGRESSIONAL, AND  
BOARD OF EQUALIZATION DISTRICTS*[Reapportionment Following National Census]*

SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts in conformance with the following standards:

*[Standards]*

(a) Each member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single-member district.

(b) The population of all districts of a particular type shall be reasonably equal.

(c) Every district shall be contiguous.

(d) Districts of each type shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

(e) The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible without violating the requirements of any other subdivision of this section.

*[New section adopted June 3, 1980.]*

## ARTICLE XXII\*\*

## ARCHITECTURAL AND ENGINEERING SERVICES

*[Authority of Government to Contract for Architectural and Engineering Services]*

SECTION 1. The State of California and all other governmental entities, including, but not limited to, cities, counties, cities and counties, school districts and other special districts, local and regional agencies and joint power agencies, shall be allowed to contract with qualified private entities for architectural and engineering services for all public works of improvement. The choice and authority to contract shall extend to all phases of project development including permitting and environmental studies, rights-of-way services, design phase services and construction phase services. The choice and authority shall exist without regard to funding sources whether federal, state, regional, local or private, whether or not the project is programmed by a state, regional or local governmental entity,

\* New Article XXI adopted June 3, 1980.

\*\* New Article XXII adopted November 7, 2000. Initiative measure.

and whether or not the completed project is a part of any state owned or state operated system or facility. [*New section adopted November 7, 2000. Initiative measure.*]

[*Construction of Article VII*]

SECTION 2. Nothing contained in Article VII of this Constitution shall be construed to limit, restrict or prohibit the State or any other governmental entities, including, but not limited to, cities, counties, cities and counties, school districts and other special districts, local with regional agencies and joint power agencies, from contracting and private entities for the performance of architectural and engineering services. [*New section adopted November 7, 2000. Initiative measure.*]

ARTICLE XXIII. [*Repealed June 8, 1976.*]

ARTICLE XXIV. [*Repealed June 8, 1976.*]

ARTICLE XXV. [*Repealed November 8, 1949. Initiative measure.*]

ARTICLE XXVI. [*Renumbered Article XIX June 8, 1976.*]

ARTICLE XXVII. [*Repealed November 3, 1970.*]

ARTICLE XXVIII. [*Repealed November 5, 1974.*]

ARTICLE XXXIV\*

PUBLIC HOUSING PROJECT LAW

[*Approval of Low Rent Housing Projects by Electors*]

SECTION 1. No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any state public body until, a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the same, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election.

[*“Low Rent Housing Project”*]

For the purposes of this article the term “low rent housing project” shall mean any development composed of urban or rural dwellings, apartments or other living accommodations for persons of low income, financed in

\* New article adopted November 7, 1950. Initiative measure.

whole or in part by the Federal Government or a state public body or to which the Federal Government or a state public body extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise. For the purposes of this Article only there shall be excluded from the term "low rent housing project" any such project where there shall be in existence on the effective date hereof, a contract for financial assistance between any state public body and the Federal Government in respect to such project.

[*"Persons of Low Income"*]

For the purposes of this Article only "persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the state public body developing, constructing, or acquiring the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

[*"State Public Body"*]

For the purposes of this Article the term "state public body" shall mean this State, or any city, city and county, county, district, authority, agency, or any other subdivision or public body of this State.

[*"Federal Government"*]

For the purposes of this Article the term "Federal Government" shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America. [*New section adopted November 7, 1950. Initiative measure.*]

[*Self-executing Provisions*]

SECTION 2. The provisions of this Article shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation. [*New section adopted November 7, 1950. Initiative measure.*]

[*Constitutionality of Article*]

SECTION 3. If any portion, section or clause of this Article, or the application thereof to any person or circumstance, shall for any reason be declared unconstitutional or held invalid, the remainder of this Article, or the application of such portion, section or clause to other persons or circumstances, shall not be affected thereby. [*New section adopted November 7, 1950. Initiative measure.*]

[*Scope of Article*]

SECTION 4. The provisions of this Article shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith. [*New section adopted November 7, 1950. Initiative measure.*]



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**LIST OF OFFICERS**  
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Cruz Bustamante .....	Lieutenant Governor .....	Fresno
Bill Jones .....	Secretary of State .....	Fresno
Kathleen Connell .....	Controller .....	Los Angeles
Philip Angelides .....	Treasurer .....	Sacramento
Bill Lockyer .....	Attorney General .....	Hayward
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Bono, Mary .....	R	44	Riverside .....	155 S. Palm Canyon Dr., #B23 Palm Springs 92262
Calvert, Ken .....	R	43	Riverside .....	3400 Central Ave., #200 Riverside 92506
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Condit, Gary A. ....	D	18	Fresno, Madera, Merced, San Joaquin, Stanislaus .....	920 16th St., Suite C Modesto 95354
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Dooley, Calvin M. ....	D	20	Fresno, Kern, Kings, Tulare...	530 Kings County Dr., #102 Hanford 93230
Doolittle, John T. ....	R	4	Alpine, Amador, Calaveras, El Dorado, Mono, Placer, Sacramento, Tuolumne .....	2130 Professional Dr., #190 Roseville 95661
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Eshoo, Anna G. ....	D	14	San Mateo, Santa Clara.....	698 Emerson St. Palo Alto 94301
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McKeon, Howard P. "Buck" .....	R	25	Los Angeles.....	23929 West Valencia Blvd., #410 Santa Clarita 91355
Millender-McDonald, Juanita .....	D	37	Los Angeles.....	970 W. 190th St., #900 Torrance 90502
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Napolitano, Grace F. ....	D	34	Los Angeles.....	1712 W. Beverly Blvd., #201 Montebello 90640
Ose, Doug .....	R	3	Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama, Yolo .....	722B Main Street Woodland 95695
Pelosi, Nancy .....	D	8	San Francisco.....	450 Golden Gate Ave., 14th Floor San Francisco 94102
Pombo, Richard W. ....	R	11	Sacramento, San Joaquin .....	2495 W. March Lane, #104 Stockton 95207
Radanovich, George P.	R	19	Fresno, Madera, Mariposa, Tulare .....	2377 W. Shaw, #105 Fresno 93711
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Roybal-Allard, Lucille .	D	33	Los Angeles.....	255 E. Temple St., #1860 Los Angeles 90012
Royce, Edward R. ....	R	39	Los Angeles, Orange .....	305 N. Harbor Blvd., #300 Fullerton 92832
Sanchez, Loretta .....	D	46	Orange.....	12397 Lewis St. Garden Grove 92640
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Waxman, Henry A. ....	D	29	Los Angeles.....	8436 W. 3rd St., #600 Los Angeles 90048
Woolsey, Lynn .....	D	6	Marin, Sonoma.....	1101 College Avenue, #200 Santa Rosa 95404
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Johnson, Ross .....	Full-time Legislator.....	R	35	Orange.....	18552 MacArthur Blvd., Suite 395, Irvine 92612. Ph: (949) 833-0180
Karnette, Betty .....	Businesswoman/ Teacher.....	D	27	Los Angeles.....	3711 Long Beach Blvd., Suite 801, Long Beach 90807. Ph: (562) 997-0794
Knight, Wm. "Pete"	Full-time Legislator.....	R	17	Inyo, Kern, Los Angeles, San Bernardino.....	1008 W. Avenue M-14, Suite G, Palmdale 93551. Ph: (661) 274-0188; 25709 Rye Canyon Road, Suite 105, Santa Clarita 91355. Ph: (661) 294-8184; 15278 Main Street, Suite D, Hesperia 92345. Ph: (760) 244-2402

**MEMBERS OF THE SENATE—Continued**

Name	Occupation	Party	Dist.	Counties	District Address
Kuehl, Sheila James	Attorney .....	D	23	Los Angeles.....	10951 West Pico Blvd., #202, Los Angeles 90064. Ph: (310) 441-9084
Machado, Mike .....	Farmer.....	D	5	Sacramento, San Joaquin .....	1020 N Street, Suite 502, Sacramento 95814. Ph: (916) 323-4306
Margett, Bob .....	Retired Contractor.....	R	29	Los Angeles.....	500 N. First Ave., Suite 3 Arcadia 91006. Ph: (626) 446-3134
McClintock, Tom ....	Taxpayer Advocate .....	R	19	Los Angeles, Ventura .....	223 E. Thousand Oaks Blvd., Suite 326, Thousand Oaks 91360. Ph: (805) 494-8808
McPherson, Bruce ..	Businessman ....	R	15	Monterey, San Benito, Santa Clara, Santa Cruz .	701 Ocean St., Room 318A, Santa Cruz 95060. Ph: (831) 425-0401; 7 John Street, Suite A, Salinas 93901. Ph: (831) 753-6386
Monteith, Dick .....	Agriculture/ Businessman...	R	12	Fresno, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne .....	1620 N. Carpenter Road, Suite A-4, Modesto 95351. Ph: (209) 577-6592; 777 W. 22nd St., Suite B, Merced 95340. Ph: (209) 722-4988; 1901 Howard Road, Suite B, Madera 93637. Ph: (559) 674-2898
Morrow, Bill .....	Small Business Attorney.....	R	38	Orange, San Diego..	27126A Paseo Espada, Suite 1621, San Juan Capistrano 92675
Murray, Kevin .....	Attorney/ Businessman...	D	26	Los Angeles.....	600 Corporate Pt., Suite 1020, Culver City 90230. Ph: (310) 641-4391
O'Connell, Jack .....	Teacher.....	D	18	San Luis Obispo, Santa Barbara, Ventura .....	228 W. Carrillo, Suite F, Santa Barbara 93101. Ph: (805) 966-2296; 89 S. Calif., Suite E, Ventura 93001. Ph: (805) 641-1500; 1260 Chorro St., Suite A, San Luis Obispo 93401. Ph: (805) 547-1800
Oller, Thomas "Rico" .....	Business Owner/ Entrepreneur...	R	1	Alpine, Amador, Butte, Calaveras, El Dorado, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sierra, Yuba .....	1200 Melody Lane, Suite 110, Roseville 95678. Ph: (916) 969-8232
Ortiz, Deborah V. ....	Full-time Legislator.....	D	6	Sacramento.....	1020 N St., Suite 576, Sacramento 95814. Ph: (916) 324-4937
Peace, Steve .....	Financial Officer	D	40	San Diego.....	7877 Parkway Dr., Suite 1B, La Mesa 91942. Ph: (619) 463-0243
Perata, Don .....	Teacher .....	D	9	Alameda, Contra Costa.....	1515 Clay St., Suite 2202 Oakland 94612. Ph: (510) 286-1333
Polanco, Richard.....	Full-time Legislator.....	D	22	Los Angeles.....	300 S. Spring St., Suite 8710, Los Angeles 90013. Ph: (213) 620-2529
Poochigian, Charles .....	Attorney .....	R	14	Fresno, Kern, Tulare	4974 E. Clinton Way, Suite 100, Fresno 93727. Ph: (559) 253-7122; 841 Mohawk Street, Suite 190, Bakersfield 93309. Ph: (661) 324-6188

**MEMBERS OF THE SENATE – Continued**

Name	Occupation	Party	Dist.	Counties	District Address
Romero, Gloria .....	University Professor.....	D	24	Los Angeles.....	4401 Santa Anita Avenue, 2nd Floor, El Monte 91731. Ph: (626) 448-1271
Scott, Jack .....	Educator .....	D	21	Los Angeles.....	215 N. Marengo Avenue, Suite 185, Pasadena 91101. Ph: (626) 683-0282
Sher, Byron .....	Law Professor ...	D	11	San Mateo, Santa Clara .....	100 Paseo de San Antonio, Suite 206, San Jose 95113. Ph: (408) 277-9460
Soto, Nell .....	Full-time Legislator.....	D	32	San Bernardino, Los Angeles.....	822 N. Euclid Avenue, Suite A, Ontario 91762. Ph: (909) 984-7741
Speier, Jackie .....	Full-time Legislator.....	D	8	San Francisco, San Mateo .....	400 South El Camino Real, Suite 630, San Mateo 94402. Ph: (650) 340-8840; Hiram W. Johnson State Office Building, 455 Golden Gate Avenue, Room 14200, San Francisco 94102. Ph: (415) 557-7857
Torlakson, Tom .....	Educator/ Legislator.....	D	7	Alameda, Contra Costa	1948 Mt. Diablo Boulevard, Walnut Creek 94596. Ph: (925) 280-0276
Vasconcellos, John ..	Attorney .....	D	13	Santa Clara.....	100 Paseo de San Antonio, Suite 209, San Jose 95113. Ph: (408) 286-8318
Vincent, Edward .....	Full-time Legislator.....	D	25	Los Angeles.....	1 Manchester Boulevard, Box 600, Inglewood 90301. Ph: (310) 412-0393

**OFFICERS AND ATTACHÉS OF THE SENATE**

Title	Name	Capitol Office
President of Senate.....	Cruz Bustamante.....	1114 State Capitol
President pro Tempore .....	John Burton.....	205 State Capitol
Secretary of Senate .....	Gregory Schmidt.....	3044 State Capitol
Sergeant at Arms .....	Tony Beard.....	3030 State Capitol
Chaplain .....	Rev. Deacon Walter J. Little.....	3044 State Capitol
Chief Assistant Secretary .....	John W. Rovane.....	3044 State Capitol
Minute Clerk .....	Walter J. Little.....	3044 State Capitol
History Clerk.....	David H. Kneale.....	3044 State Capitol
Assistant Secretary.....	Stephen W. Hummelt .....	3044 State Capitol
File Clerk .....	Marlissa Hernandez .....	3044 State Capitol
Engrossing and Enrolling Clerk.....	Marie Harlan .....	B30 State Capitol

## MEMBERS OF THE ASSEMBLY

Name	Occupation	Party	Dist.	Capitol Office	Counties	District Office Mailing Address
Aanestad, Sam ....	Oral Surgeon .....	R	3	4144	Butte, Lassen, Modoc, Nevada, Plumas, Sierra, Yuba .....	350 Crown Pt. Circ., Suite 150, Grass Valley 95945
Alquist, Elaine ...	Businesswoman/ Educator .....	D	22	3120	Santa Clara .....	275 Saratoga Avenue, Suite 205, Santa Clara 95050
Aroner, Dion .....	State Social Services Specialist .....	D	14	2163	Alameda, Contra Costa .....	918 Parker Street, Suite A-13, Berkeley 94710
Ashburn, Roy .....	Legislator .....	R	32	4167	Kern, Tulare .....	1200 Truxtun Avenue, #120, Bakersfield 93301
Bates, Patricia .....	Full-time Legislator .....	R	73	6031	Orange, San Diego ..	30012 Ivy Glenn Dr., #120, Laguna Nigel 92677
Bogh, Russ .....	Businessman .....	R	65	5126	Riverside, San Bernardino .....	34932 Yucaipa Blvd., Yucaipa 93299
Briggs, Mike .....	Full-time Legislator .....	R	29	2130	Fresno, Tulare .....	83 E. Shaw Ave., Suite 202, Fresno 93710
Calderon, Tom ....	Full-time Legislator .....	D	58	2013	Los Angeles .....	280 N. Montebello Blvd., Suite 102, Montebello 90640
Campbell, Bill ....	Businessman/ Legislator .....	R	71	3104	Orange .....	1940 N. Tustin Street, Suite 102, Orange 92865
Campbell, John ...	Entrepreneur/ Automobile Dealer/CPA .....	R	70	2174	Orange .....	18952 MacArthur Blvd., Suite 220, Irvine 92612
Canciamilla, Joe .	County Supervisor	D	11	6011	Contra Costa .....	815 Estudillo St., Martinez 94553
Cardenas, Tony ...	Businessman/ Engineer .....	D	39	2196	Los Angeles .....	11541 Laurel Canyon Blvd., Suite C, Mission Hills 91345
Cardoza, Dennis .	Businessman .....	D	26	3160	Merced, San Joaquin, Stanislaus	1175 Geer St., Suite A, Turlock 95380
Cedillo, Gil .....	Community Organization Director .....	D	46	5016	Los Angeles .....	617 S. Olive St., Suite 710, Los Angeles 90014
Chan, Wilma .....	County Supervisor	D	16	4098	Alameda .....	1515 Clay Street, Suite 2204, Oakland 94612
Chavez, Edward ..	Mayor .....	D	57	4130	Los Angeles .....	13181 Crossroads Parkway North, Suite 260, City of Industry 91746
Cogdill, Dave .....	Small Business Owner .....	R	25	4208	Fresno, Madera, Mariposa, Stanislaus, Tuolumne .....	1912 Standiford Avenue, Suite 4, Modesto 95330
Cohn, Rebecca ....	Management Consultant .....	D	24	2137	Santa Clara	901 Campisi Way, Suite 300, Campbell 95008
Corbett, Ellen .....	Attorney .....	D	18	4126	Alameda .....	317 Juana Ave., San Leandro 94577
Correa, Lou .....	Businessman/ Teacher .....	D	69	6025	Orange .....	2323 N. Broadway, Suite 225, Santa Ana 92706
Cox, Dave .....	Businessman .....	R	5	3141	Sacramento .....	4811 Chippendale Drive, Suite 501, Sacramento 95841
Daucher, Lynn ....	City Council/ School Board/ Teacher .....	R	72	2111	Orange .....	305 North Harbor Blvd., Suite 303, Fullerton 92832
Diaz, Manny .....	City Councilman .	D	23	2170	Santa Clara .....	100 Paseo de San Antonio, Suite 300, San Jose 95113

**MEMBERS OF THE ASSEMBLY—Continued**

Name	Occupation	Party	Dist.	Capitol Office	Counties	District Office Mailing Address
Dickerson, Richard .....	Full-time Legislator.....	R	2	5160	Butte, Colusa, Glenn, Shasta, Siskiyou, Sutter, Tehama, Trinity, Yolo .....	100 E. Cypress Ave., Suite 100, Redding 96002
Dutra, John .....	Businessman/Real Estate/Finance ..	D	20	3091	Alameda, Santa Clara .....	39510 Paseo Padre Parkway, Suite 360, Fremont 94538
Firebaugh, Marco .....	Municipal Law Advocate .....	D	50	2003	Los Angeles.....	7501 Atlantic Blvd., Suite D, Cudahy 90201
Florez, Dean .....	Investment Banker .....	D	30	2141	Fresno, Kern, Kings, Madera .....	1800 30th St., Suite 330, Bakersfield 93301
Frommer, Dario ..	Teacher/Attorney.	D	43	2160	Los Angeles.....	111 East Broadway, Suite 205, Glendale 91205
Goldberg, Jackie .	Teacher .....	D	45	5155	Los Angeles.....	106 North Avenue 56, Los Angeles 90042
Harman, Tom .....	Attorney .....	R	67	5158	Orange.....	16052 Beach Blvd., Suite 160, Huntington Beach 92647
Havice, Sally .....	Legislator .....	D	56	5150	Los Angeles.....	16600 Civic Center Drive, 2nd Floor, Bellflower 90706
Hertzberg, Robert M. ....	Attorney/Small Businessman.....	D	40	219	Los Angeles.....	6150 Van Nuys Blvd., Suite 305, Van Nuys 91401
Hollingsworth, Dennis .....	Farmers' Representative ..	R	66	3098	Riverside, San Diego .....	27555 Ynez Road, Suite 205, Temecula 92591
Horton, Jerome ...	Auditor/Tax Accountant .....	D	51	2179	Los Angeles.....	One Manchester Blvd., Suite 601, PO Box 6500, Inglewood 90306
Jackson, Hannah-Beth ...	Attorney .....	D	35	4140	Santa Barbara, Ventura .....	101 W. Anapamu St., Suite A, Santa Barbara 93101
Keeley, Fred .....	Legislator .....	D	27	3152	Monterey, Santa Cruz.....	701 Ocean Street, Suite 318-B, Santa Cruz 95060
Kehoe, Christine .	City Councilwoman	D	76	2158	San Diego.....	1010 University Ave., Suite 318-B, San Diego 92103
Kelley, David G. .	Citrus Rancher ....	R	80	4162	Imperial, Riverside..	1430 Broadway, Suite 3, El Centro 92243; 73-710 Fred Waring Drive, Suite 108, Palm Desert 92660
Koretz, Paul .....	City Councilman .	D	42	2176	Los Angeles.....	8490 Sunset Blvd., Suite 542, West Hollywood 90069
La Suer, Jay .....	City Councilman/ Law Enforcement	R	77	2016	San Diego.....	5360 Jackson Drive, Suite 120, La Mesa 91942
Leach, Lynne C. .	Small Business Owner.....	R	15	3132	Alameda, Contra Costa.....	800 South Broadway, Suite 304, Walnut Creek 94596
Leonard, Bill .....	Legislator/ Businessman.....	R	63	4117	San Bernardino.....	10535 Foothill Boulevard, Suite 276, Rancho Cucamonga 91730
Leslie, Tim .....	Small Businessman.....	R	4	4164	Alpine, Amador, Calaveras, El Dorado, Mono, Placer.....	3300 Douglas Blvd., Suite 430, Roseville 95661
Liu, Carol .....	Educator/City Councilwoman .	D	44	4139	Los Angeles.....	215 N. Marengo, Suite 115, Pasadena 91101

## MEMBERS OF THE ASSEMBLY—Continued

Name	Occupation	Party	Dist.	Capitol Office	Counties	District Office Mailing Address
Longville, John ...	Full-time Legislator.....	D	62	3123	San Bernardino.....	201 North E Street, Suite 205, San Bernardino 92401
Lowenthal, Alan .....	University Professor.....	D	54	4146	Los Angeles.....	115 Pine Ave., Suite 430, Long Beach 90802
Maddox, Ken .....	Full-time Legislator.....	R	68	4153	Orange.....	12865 Main Street, Suite 100, Garden Grove 92840
Maldonado, Abel .....	Farmer/Business Owner.....	R	33	4015	San Luis Obispo, Santa Barbara .....	1302 Marsh Street, San Luis Obispo 93401
Matthews, Barbara .....	Government Relations Manager .....	D	17	5135	San Joaquin .....	31 East Channel Street, Suite 306, Stockton 95202
McLeod, Gloria Negrete .....	Community College Board Trustee.....	D	61	5175	Los Angeles, San Bernardino.....	4959 Palo Verde Street, Suite 108C, Montclair 91763
Migden, Carole ...	Full-time Legislator.....	D	13	2114	San Francisco.....	455 Golden Gate Ave., Suite 14300, San Francisco 94102
Mountjoy, Dennis	General Contractor.....	R	59	2002	Los Angeles.....	500 North First Avenue, Suite 3, Arcadia 91006
Nakano, George ..	Educator .....	D	53	2148	Los Angeles.....	1217 El Prado Avenue, Torrance 90501
Nation, Joe .....	College Professor/ Businessman....	D	6	3126	Marin, Sonoma.....	3501 Civic Center Drive, Room 412, San Rafael 94903; 50 D Street, Suite 315, Santa Rosa 95404
Oropeza, Jenny ...	City Councilwoman .	D	55	2196	Los Angeles.....	One Civic Plaza, Suite 320, Carson 90745
Pacheco, Robert ..	Attorney/ Manufacturer ...	R	60	4177	Los Angeles.....	17870 Castleton St., Suite 205, City of Industry 91748
Pacheco, Rod .....	Sr. Deputy District Attorney.....	R	64	4116	Riverside .....	1223 University Avenue, Suite 230, Riverside 92507
Papan, Louis J. ....	Entrepreneur/ Legislator.....	D	19	3173	San Mateo .....	660 El Camino Real, Suite 214, Millbrae 94030
Pavley, Fran .....	Teacher/Mayor ...	D	41	5144	Los Angeles.....	6355 Topanga Canyon Blvd., Suite 205, Woodland Hills 91367
Pescetti, Anthony .....	Business Owner ..	R	10	4158	Sacramento, San Joaquin .....	9845 Horn Road, Suite 150, Sacramento 95827
Reyes, Sarah .....	College Administrator ...	D	31	4112	Fresno, Tulare .....	2550 Mariposa Mall, Suite 5006, Fresno 93721
Richman, Keith ...	Physician of Internal Medicine	R	38	5128	Los Angeles, Ventura .....	10727 White Oak Avenue, Suite 124, Granada Hills 91344
Runner, George ...	Businessman/ Educator/ Legislator.....	R	36	6027	Los Angeles.....	709 W. Lancaster Boulevard, Lancaster 93534
Salinas, Simón ....	Teacher/Professor	D	28	2175	Monterey, San Benito, Santa Clara, Santa Cruz .	100 Alisal, Salinas 93901
Shelley, Kevin .....	Legislator .....	D	12	319	San Francisco, San Mateo .....	455 Golden Gate Ave., Suite 14600, San Francisco 94102
Simitian, Joe .....	Attorney/Land Use Planner .....	D	21	5119	San Mateo, Santa Clara.....	408 Florence Street, Palo Alto 94301
Steinberg, Darrell .....	Attorney/ Legislator.....	D	9	5136	Sacramento.....	915 L St., Suite 110, Sacramento 95814

**MEMBERS OF THE ASSEMBLY – Continued**

Name	Occupation	Party	Dist.	Capitol Office	Counties	District Office Mailing Address
Strickland, Tony ..	Full-time Legislator.....	R	37	4009	Ventura .....	221 E. Daily Dr., Suite 7, Camarillo 93010
Strom-Martin, Virginia .....	Legislator .....	D	1	3146	Del Norte, Humboldt, Lake, Mendocino, Sonoma.....	510 O Street, Suite G, Eureka 95501; 50 D Street, Suite 450, Santa Rosa 95404; 104 West Church Street, Ukiah 95482
Thomson, Helen .	Legislator/Nurse..	D	8	6005	Sacramento, Solano, Yolo .....	555 Mason Street, Suite 275, Vacaville 95688
Vargas, Juan .....	City Councilman .	D	79	2188	San Diego .....	678 Third Avenue, Suite 105, Chula Vista 91910
Washington, Carl	Legislator .....	D	52	2136	Los Angeles.....	145 E. Compton Boulevard, Compton 90220
Wayne, Howard ..	Prosecutor .....	D	78	4005	San Diego .....	1350 Front Street, Suite 6013, San Diego 92101
Wesson, Herb .....	County Supervisor Deputy Chief....	D	47	3013	Los Angeles.....	5100 W. Goldleaf Circle, Suite 203, Los Angeles 90056
Wiggins, Patricia .....	Computer System Analyst .....	D	7	4016	Napa, Solano, Sonoma.....	50 D Street, Suite 301, Santa Rosa 95404
Wright, Roderick	Legislator .....	D	48	6012	Los Angeles.....	700 State Drive, Suite 103, Los Angeles 90037
Wyland, Mark .....	Businessman .....	R	74	3147	San Diego.....	221 E. Main Street, Suite 205, Vista 92084
Wyman, Phil .....	Rancher/Attorney	R	34	4102	Inyo, Kern, San Bernardino.....	104 S. Robinson St., Tehachapi 93561
Zettel, Charlene ..	Full-time Legislator.....	R	75	5164	San Diego.....	15708 Pomerado Rd., Suite 110, Poway 92064
Vacant .....	.....	D	49	2117	Los Angeles.....	1255 Corporate Center Dr., #409, Monterey Park 91754

**OFFICERS OF THE ASSEMBLY**

Name	Title	Mailing Address
Hertzberg, Robert .....	Speaker.....	6150 Van Nuys Blvd., Suite 305, Van Nuys 91401
Keeley, Fred .....	Speaker pro Tempore .....	701 Ocean Street, Suite 318B, Santa Cruz 95060
Shelley, Kevin .....	Majority Floor Leader....	711 Van Ness Avenue, Suite 310, San Francisco 94102
Campbell, Bill .....	Minority Floor Leader....	1940 N. Tustin St., Suite 102, Orange 92665
Wilson, E. Dotson .....	Chief Clerk.....	State Capitol, Room 3196, Sacramento 95814
Pane, Ronald .....	Sergeant-at-Arms .....	State Capitol, Room 3171, Sacramento 95814



# STATE JUDICIAL DEPARTMENT

## SUPREME COURT JUSTICES AND OFFICERS

### Terms of Court

Sessions of Court are held at San Francisco, Los Angeles and Sacramento

#### JUSTICES

Hon. Ronald M. George.....	Chief Justice
Hon. Stanley Mosk.....	Associate Justice
Hon. Kathryn M. Werdegar.....	Associate Justice
Hon. Joyce L. Kennard.....	Associate Justice
Hon. Ming W. Chin.....	Associate Justice
Hon. Marvin R. Baxter.....	Associate Justice
Hon. Janice R. Brown.....	Associate Justice
Frederick K. Ohlrich.....	Clerk/Administrator

## COURTS OF APPEAL

### FIRST APPELLATE DISTRICT

#### DIVISION ONE

Hon. Gary E. Strankman.....	Admin. Presiding Justice
Hon. Douglas E. Swager.....	Associate Justice
Hon. James J. Marciano.....	Associate Justice
Hon. William D. Stein.....	Associate Justice

#### DIVISION TWO

Hon. J. Anthony Kline.....	Presiding Justice
Hon. James R. Lambden.....	Associate Justice
Hon. Paul R. Haerle.....	Associate Justice
Hon. Ignazio J. Ruvoilo.....	Associate Justice

#### DIVISION THREE

Hon. William R. McGuiness.....	Presiding Justice
Hon. Joanne C. Parrilli.....	Associate Justice
Hon. Herbert "Wes" Walker.....	Associate Justice
Hon. Carol A. Corrigan.....	Associate Justice

#### DIVISION FOUR

Vacant.....	Admin. Presiding Justice
Hon. Laurence D. Kay.....	Associate Justice
Hon. Timothy A. Reardon.....	Associate Justice
Hon. Patricia K. Sepulveda.....	Associate Justice

#### DIVISION FIVE

Hon. Barbara J.R. Jones.....	Presiding Justice
Hon. Lawrence T. Stevens.....	Associate Justice
Hon. Mark B. Simons.....	Associate Justice
Diana Herbert.....	Clerk/Administrator

350 McAllister Street, San Francisco 94102

### SECOND APPELLATE DISTRICT

#### DIVISION ONE

Hon. Vaino Spencer.....	Presiding Justice
Hon. Miriam Vogel.....	Associate Justice
Hon. Robert M. Mallano.....	Associate Justice
Hon. Reuben A. Ortega.....	Associate Justice

300 So. Spring St., 2nd Floor, Los Angeles 90013

#### DIVISION TWO

Hon. Roger Boren.....	Presiding Justice
Hon. Michael G. Nott.....	Associate Justice
Hon. Candace D. Cooper.....	Associate Justice
Hon. Kathryn Doi Todd.....	Associate Justice

300 So. Spring St., 2nd Floor, Los Angeles 90013

DIVISION THREE

Hon. Joan Dempsey Klein .....	Presiding Justice
Hon. Richard D. Aldrich .....	Associate Justice
Hon. H. Walter Croskey .....	Associate Justice
Hon. Patti S. Kitching .....	Associate Justice

300 So. Spring St., 2nd Floor, Los Angeles 90013

DIVISION FOUR

Hon. Charles S. Vogel .....	Presiding Justice
Hon. Norman L. Epstein .....	Associate Justice
Hon. J. Gary Hastings .....	Associate Justice
Hon. Daniel A. Curry .....	Associate Justice

300 So. Spring St., 2nd Floor, Los Angeles 90013

DIVISION FIVE

Hon. Paul Turner .....	Presiding Justice
Hon. Orville A. Armstrong .....	Associate Justice
Hon. Margaret M. Grignon .....	Associate Justice
Hon. Ramona Godoy Perez .....	Associate Justice

300 So. Spring St., 2nd Floor, Los Angeles 90013

DIVISION SIX

Hon. Arthur Gilbert .....	Presiding Justice
Hon. Steven Z. Perren .....	Associate Justice
Hon. Kenneth R. Yegan .....	Associate Justice
Hon. Paul H. Coffee .....	Associate Justice

200 East Santa Clara St., Ventura 93001

DIVISION SEVEN

Hon. Mildred L. Lillie .....	Presiding Justice
Hon. Earl Johnson, Jr. ....	Associate Justice
Hon. Fred Woods .....	Associate Justice
Vacant .....	Associate Justice
Joseph Lane .....	Clerk

300 So. Spring St., 2nd Floor, Los Angeles 90013

**THIRD APPELLATE DISTRICT**

Hon. Arthur G. Scotland .....	Presiding Justice
Hon. Coleman A. Blease .....	Associate Justice
Hon. Consuelo M. Callahan .....	Associate Justice
Hon. Richard M. Sims III .....	Associate Justice
Hon. Rodney Davis .....	Associate Justice
Hon. George W. Nicholson .....	Associate Justice
Hon. Vance W. Raye .....	Associate Justice
Hon. Fred K. Morrison .....	Associate Justice
Hon. Daniel M. Kolkey .....	Associate Justice
Robert L. Liston .....	Clerk

914 Capitol Mall, Sacramento 95814

**FOURTH APPELLATE DISTRICT**

DIVISION ONE

Hon. Daniel J. Kremer .....	Presiding Justice
Hon. Judith L. Haller .....	Associate Justice
Hon. Don R. Work .....	Associate Justice
Hon. Alex C. McDonald .....	Associate Justice
Hon. Patricia D. Benke .....	Associate Justice
Hon. Richard D. Huffman .....	Associate Justice
Hon. James A. McIntyre .....	Associate Justice
Hon. Gilbert Nares .....	Associate Justice
Hon. Terry B. O'Rourke .....	Associate Justice
Stephen M. Kelly .....	Clerk

750 B St., Suite 300, San Diego 92101

DIVISION TWO

Hon. Manuel A. Ramirez .....	Presiding Justice
Hon. Barton C. Gaut .....	Senior Justice
Hon. Thomas E. Hollenhorst.....	Associate Justice
Hon. Betty Ann Richli.....	Associate Justice
Hon. Art W. McKinster .....	Associate Justice
Hon. James Ward .....	Associate Justice
Henry Espinoza .....	Assistant Clerk Administrator

3389 12th St., Riverside 92501

DIVISION THREE

Hon. David G. Sills .....	Presiding Justice
Hon. Thomas F. Crosby, Jr. ....	Associate Justice
Hon. Kathleen E. O’Leary .....	Associate Justice
Hon. Eileen Moore .....	Associate Justice
Hon. William F. Rylaarsdam .....	Associate Justice
Hon. William W. Bedsworth .....	Associate Justice
Joyce A. Nohavec .....	Assistant Clerk Administrator

925 No. Spurgeon St., Santa Ana 92701

**FIFTH APPELLATE DISTRICT**

Hon. James A. Ardaiz.....	Presiding Justice
Hon. Herbert Levy .....	Justice
Hon. Dennis A. Cornell.....	Justice
Hon. Nikolas J. Dibiaso .....	Justice
Hon. Steven M. Vartabedian .....	Justice
Hon. James F. Thaxter.....	Justice
Hon. Thomas A. Harris .....	Justice
Hon. Timothy S. Buckley.....	Justice
Hon. Rebecca A. Wiseman.....	Justice
Eve Sproule .....	Administrator-Clerk

2525 Capitol Street, Fresno 93721

**SIXTH APPELLATE DISTRICT**

Hon. Christopher C. Cottle .....	Presiding Justice
Hon. Patricia Bamattre-Manoukian .....	Associate Justice
Hon. Franklin D. Elia.....	Associate Justice
Hon. Eugene M. Premo.....	Associate Justice
Hon. William M. Wunderlich.....	Associate Justice
Hon. Nathan D. Mihara.....	Associate Justice
Michael J. Yerly.....	Clerk

333 West Santa Clara Street, Suite 1060, San Jose 95113

**PUBLIC UTILITIES COMMISSION**

Loretta Lynch .....	President
Richard A. Bilas .....	Commissioner
Carl Wood .....	Commissioner
Henry M. Duque .....	Commissioner
Geoffrey Brown .....	Commissioner
Wesley M. Franklin .....	Executive Director

**WORKERS’ COMPENSATION APPEALS BOARD**

Merle Rabine.....	Chairperson
Frank Brass .....	Member
James Cuneo .....	Member
Colleen Casey .....	Member
William O’Brien .....	Member
Janis J. Murray .....	Member



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**TABLE OF LAWS ENACTED**

**TABLE OF RESOLUTIONS AND  
PROPOSED CONSTITUTIONAL  
AMENDMENTS ADOPTED  
BY THE LEGISLATURE**

**2001**

2001-02 REGULAR SESSION  
2001-02 FIRST EXTRAORDINARY SESSION  
2001-02 SECOND EXTRAORDINARY SESSION

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## TABLE OF LAWS ENACTED

2001

2001-02 Regular Session

Ch. No.	A.B. No.	S.B. No.	Author	Ch. No.	A.B. No.	S.B. No.	Author
1	—	67	Burton				Washington) (Coauthors: Senators Johannessen and Kuehl)
2	—	14	Peace	37	213	—	Nation
3	8	—	Cedillo	38	277	—	Kelley
4	10	—	Corbett	39	1323	—	Negrete McLeod
5	—	22	Chesbro and McClintock (Coauthors: Senators Ackerman, Alpert, Costa, Dunn, Haynes, Johannessen, Johnson, Knight, Machado, Margett, McPherson, Monteith, Morrow, Oller, and Scott) (Coauthors: Assembly Members Aanestad, Ashburn, Bates, Bill Campbell, John Campbell, Canciamilla, Cogdill, Daucher, Dickerson, Florez, Harman, Hollingsworth, Kehoe, Leach, Leslie, Maddox, Matthews, Robert Pacheco, Pescetti, Richman, Runner, Strickland, and Wyman)	40	1455	—	Aanestad
				41	1579	—	Kehoe
				42	1704	—	Committee on Judiciary (Steinberg (Chair), Corbett, Dutra, Jackson, Longville, Shelley, and Wayne)
				43	—	544	Committee on Local Government (Senators Torlakson (Chair), Ackerman, Machado, Margett, Perata, and Soto)
				44	—	562	Morrow
6	—	45	Johannessen and Knight	45	—	671	Poochigian
7	—	23	Costa (Principal coauthor: Senator Burton)	46	—	817	Johnson
8	—	176	Ortiz (Principal coauthor: Assembly Member Rod Pacheco) (Coauthors: Assembly Members Alquist and Robert Pacheco)	47	—	989	Committee on Appropriations (Senators Alpert (Chair), Bowen, Burton, Escutia, Karnette, Murray, and Perata)
				48	—	1151	Margett
				49	—	669	Poochigian
				50	—	324	Ackerman
9	—	53	Torlakson	51	1178	—	Calderon (Coauthor: Assembly Member Steinberg)
10	—	161	Committee on Local Government (Senators Torlakson (Chair), Ackerman, Machado, Margett, Perata, and Soto)	52	1103	—	Papan
				53	1437	—	Leslie (Coauthor: Senator Chesbro)
11	—	55	Kuehl	54	—	190	Perata
12	124	—	Cedillo	55	—	303	Torlakson
13	209	—	Dickerson	56	457	—	Canciamilla
14	563	—	Maldonado	57	609	—	Kelley
15	—	707	Committee on Local Government (Senators Torlakson (Chair), Ackerman, Machado, Margett, Perata, and Soto)	58	—	400	Ackerman
				59	—	561	Morrow
				60	—	941	Costa
16	115	—	Cardoza (Principal coauthor: Senator Burton)	61	—	1225	Committee on Banking, Commerce and International Trade (Senators Machado (Chair), Costa, Johnson, Karnette, Monteith, Polanco, and Scott)
17	308	—	Leslie	62	77	—	Havice
18	314	—	Chan	63	88	—	Alquist (Principal coauthors: Assembly Members Cohn, Diaz, and Salinas)
19	959	—	Kelley	64	379	—	Papan
20	—	245	O'Connell	65	413	—	Harman
21	—	54	Polanco (Coauthor: Senator Soto)	66	—	381	Chesbro
22	—	1022	Soto and Burton	67	—	795	Torlakson
23	66	—	Wesson	68	—	926	Battin
24	—	352	Kuehl	69	222	—	Wiggins
25	—	1023	Committee on Public Employment and Retirement (Senators Soto, Karnette, and Ortiz)	70	229	—	Wesson
				71	—	129	Burton
26	—	329	Morrow	72	—	668	Poochigian
27	672	—	Strom-Martin	73	176	—	Nation
28	730	—	Diaz (Coauthor: Senator Vasconcellos)	74	260	—	Frommer
29	1152	—	Vargas	75	682	—	Calderon
30	111	—	Havice	76	—	99	Morrow
31	1214	—	Chavez	77	—	165	O'Connell (Coauthors: Senators Alpert, Karnette, and Scott) (Coauthors: Assembly Members Pavley, Steinberg, and Strom-Martin)
32	1682	—	Committee on Public Employees, Retirement and Social Security (Havice (Chair), Canciamilla (Vice Chair), Briggs, Chan, Firebaugh, Pescetti, and Strom-Martin)	78	—	288	Speier
				79	—	386	Johnson
33	—	304	Karnette	80	—	1131	Machado
34	147	—	Longville	81	431	—	Committee on Budget (Cardenas (Chair), Aroner, Cardoza, Cedillo, Dutra, Firebaugh, Horton, Keeley, Nakano,
35	158	—	Robert Pacheco				
36	205	—	Koretz and Cardenas (Coauthors: Assembly Members Aroner, Correa, Negrete McLeod, Richman, and				

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			Oropeza, Pavley, Simitian, Steinberg, Vargas, and Wright)				Papan, Reyes, and Wesson) (Coauthor: Assembly Member Corbett)
82	477	—	Cohn (Coauthors: Assembly Members Alquist, Chu, Diaz, Horton, Kehoe, Koretz, Leach, Pavley, Pescetti, Steinberg, Strom-Martin, and Zettel) (Coauthors: Senators Machado and Scott)	110	362	—	Corbett
83	1202	—	Harman (Coauthor: Assembly Member Nation)	111	429	—	Aroner and Chan (Coauthors: Assembly Members Alquist, Cedillo, Chu, Diaz, Goldberg, Keeley, Koretz, Lowenthal, Migden, Shelley, Strom-Martin, Washington, and Wiggins) (Coauthors: Senators Alarcon, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Perata, Romero, and Scott)
84	—	42	Speier	112	435	—	Committee on Budget (Cardenas (Chair), Aroner, Cardoza, Cedillo, Dutra, Firebaugh, Horton, Keeley, Nakano, Oropeza, Pavley, Simitian, Steinberg, Vargas, and Wright) (Coauthor: Senator Ortiz)
85	—	932	McPherson (Principal coauthor: Assembly Member Keeley)	113	438	—	Committee on Budget
86	594	—	Harman	114	445	—	Cardenas (Coauthors: Assembly Members Calderon, Chu, Keeley, Koretz, Longville, Washington, and Wiggins)
87	764	—	Goldberg	115	—	153	Knight
88	1021	—	Goldberg (Coauthor: Assembly Member Cedillo)	116	—	166	Poochigian (Principal coauthor: Assembly Member Leach) (Coauthors: Senators Battin, Haynes, Knight, Machado, Margett, McPherson, Monteith, and Oller) (Coauthors: Assembly Members Aanestad, Ashburn, Bates, Campbell, Cox, Dickerson, Leslie, Maddox, Negrete McLeod, Robert Pacheco, Rod Pacheco, and Strickland)
89	—	58	Alpert (Coauthor: Assembly Member Harman)	117	—	429	Soto (Coauthors: Assembly Members Cohn, Lowenthal, and Salinas)
90	—	425	Torlakson	118	—	742	Escutia (Coauthors: Senators Alarcon, Chesbro, Figueroa, Kuehl, and Ortiz) (Coauthors: Assembly Members Aroner, Longville, Migden, Shelley, Washington, and Wiggins)
91	—	428	Oller (Principal coauthor: Assembly Member Leslie)	119	—	890	McPherson
92	—	1081	Johannessen	120	—	1132	Karnette
93	—	1100	Johannessen (Principal coauthor: Assembly Member Papan)	121	—	1183	Committee on Revenue and Taxation (Senators Scott (Chair), Alpert, Bowen, and Burton)
94	—	1173	Johannessen	122	—	1188	Committee on Health and Human Services (Senators Ortiz (Chair), Chesbro, Escutia, Figueroa, Kuehl, Morrow, Polanco, Vasconcellos, and Vincent)
95	—	81	Speier	123	212	—	Correa (Principal coauthors: Senators Dunn and Polanco) (Coauthors: Assembly Members Alquist, Aroner, Calderon, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cohn, Corbett, Diaz, Dutra, Firebaugh, Florez, Goldberg, Havice, Hertzberg, Horton, Keeley, Kehoe, Koretz, Liu, Lowenthal, Matthews, Migden, Nakano, Nation, Negrete McLeod, Oropeza, Papan, Pavley, Reyes, Salinas, Shelley, Simitian, Steinberg, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, and Wright) (Coauthors: Senators Alarcon, Alpert, Escutia, Karnette, Ortiz, Scott, Soto, and Vincent)
96	—	1218	Romero				
97	—	28	Brulte				
98	27	—	Negrete McLeod				
99	133	—	Alquist				
100	614	—	Thomson and Bill Campbell (Principal coauthor: Assembly Member Negrete McLeod) (Principal coauthor: Senator McPherson) (Coauthors: Assembly Members Alquist, Ashburn, Briggs, John Campbell, Cardoza, Cohn, Corbett, Cox, Dickerson, Hertzberg, Hollingsworth, Kehoe, Leonard, Maddox, Matthews, Nation, Salinas, Shelley, Strom-Martin, and Wayne)				
101	735	—	Chan (Coauthor: Senator Ackerman)				
102	1180	—	Calderon				
103	1394	—	Wiggins (Coauthors: Assembly Members Aroner, Ashburn, Bates, Canciamilla, Cardoza, Cogdill, Corbett, Correa, Florez, Frommer, Jackson, Kelley, Leslie, Maldonado, Migden, Nation, Robert Pacheco, Papan, Pavley, Pescetti, Salinas, Strom-Martin, Thomson, Wright, and Zettel) (Coauthors: Senators Alpert, Chesbro, Costa, Johannessen, Machado, McPherson, Monteith, and Perata)				
104	—	903	Committee on Elections and Reapportionment				
105	—	904	Committee on Elections and Reapportionment				
106	—	739	Peace				
107	38	—	Strom-Martin (Coauthor: Assembly Member Nation)				
108	145	—	Robert Pacheco				
109	219	—	Committee on Utilities and Commerce (Wright (Chair), Pescetti (Vice Chair), Canciamilla, Diaz, Jackson, Kelley,				



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124	296	—	Corbett				Strom-Martin, Thomson, Vargas, Washington, Wayne, Wiggins, Wyland and Zettel) (Coauthors: Senators Alpert, Battin, Chesbro, Costa, Figueroa, Haynes, Karnette, Machado, Margett, McPherson, O'Connell, Oller, Scott, Sher, Speier, Torlakson, and Vincent)
125	427	—	Hertzberg, Migden, Cardenas, Aroner, Cardoza, Keeley, Liu, Shelley, Simitian, and Steinberg (Coauthors: Assembly Members Alquist, Calderon, Canciamilla, Cedillo, Chan, Chu, Cohn, Corbett, Diaz, Dutra, Goldberg, Horton, Kehoe, Koretz, Longville, Lowenthal, Nakano, Negrete McLeod, Oropeza, Reyes, Salinas, Thomson, Vargas, Washington, Wesson, and Wiggins) (Coauthors: Senators Alpert, Chesbro, McPherson, Ortiz, Perata, Romero, and Scott)	156	426	—	Cardoza, Matthews, Briggs, and Dickerson (Coauthors: Assembly Members Cardenas, Cedillo, Dutra, Florez, Keeley, Kelley, Negrete McLeod, Pescetti, Reyes, Salinas, Strom-Martin, Thomson, and Wiggins) (Coauthors: Senators Costa, Johannessen, Machado, McPherson, and Monteith)
126	—	9	Soto				
127	—	46	Polanco (Principal coauthor: Assembly Member Firebaugh)	157	423	—	Hertzberg, Jackson, and Maldonado (Principal coauthors: Senators Burton and Romero) (Coauthors: Assembly Members Alquist, Cardenas, Calderon, Diaz, Florez, Goldberg, Havice, Kehoe, Koretz, Migden, Negrete McLeod, Shelley, Steinberg, Strom-Martin, Thomson, and Vargas) (Coauthors: Senators Dunn, Ortiz, and Scott)
128	—	274	Karnette				
129	—	479	Burton				
130	—	578	Figueroa				
131	—	778	Burton (Principal coauthor: Assembly Member Washington)				
132	—	1129	O'Connell (Principal coauthor: Assembly Member Kehoe) (Coauthor: Senator McPherson)	158	—	12	Chesbro (Coauthor: Assembly Member Wiggins)
133	102	—	Rod Pacheco	159	—	662	Committee on Judiciary (Senators Escutia (Chair), Kuehl, O'Connell, Peace, and Sher)
134	1069	—	Koretz				
135	96	—	Aroner (Coauthor: Senator Perata)	160	29	—	Papan
136	434	—	Keeley (Coauthor: Senator McPherson)	161	136	—	Corbett (Principal coauthor: Assembly Member Runner)
137	—	270	Speier	162	311	—	Bill Campbell
138	—	294	Scott (Coauthors: Assembly Members Alquist, Aroner, Calderon, Cedillo, Chu, Cohn, Corbett, Dutra, Jackson, Keeley, Koretz, Liu, Longville, Migden, Nakano, Shelley, Steinberg, and Washington)	163	771	—	Runner
139	—	338	Vincent	164	816	—	Thomson
140	—	448	Perata	165	1491	—	Vargas
141	—	563	Morrow	166	1530	—	Longville
142	—	716	Machado	167	1583	—	Negrete McLeod
143	—	720	Margett	168	1665	—	Ashburn
144	—	838	Scott	169	1689	—	Committee on Jobs, Economic Development, and the Economy (Reyes (Chair), Cogdill (Vice Chair), Ashburn, Cardoza, Chan, Cohn, Correa, Diaz, Florez, Keeley, Leach, Liu, Oropeza, and Wyman)
145	—	942	Costa				
146	—	1049	Speier	170	—	449	Sher
147	—	1125	Burton	171	430	—	Cardenas (Coauthors: Assembly Members Alquist, Aroner, Canciamilla, Cedillo, Chan, Chu, Corbett, Diaz, Firebaugh, Goldberg, Havice, Hertzberg, Keeley, Kehoe, Koretz, Liu, Longville, Lowenthal, Migden, Oropeza, Pavley, Reyes, Salinas, Shelley, Steinberg, Strom-Martin, Thomson, Vargas, Washington, Wesson, and Wiggins) (Coauthors: Senators Alarcon, Chesbro, Costa, Escutia, Figueroa, Kuehl, Machado, Ortiz, Perata, Romero, Scott, and Speier)
148	—	1208	Romero (Coauthor: Assembly Member Pescetti)				
149	179	—	Shelley				
150	188	—	Vargas (Principal coauthor: Assembly Member Koretz) (Coauthors: Assembly Members Chan and Washington)				
151	210	—	Corbett, Jackson, Nation, Steinberg, and Washington	172	—	37	Speier (Principal coauthors: Assembly Members Jackson and Wayne) (Coauthor: Senator Perata) (Coauthors: Assembly Members Alquist, Aroner, Bates, Cedillo, Cohn, Goldberg, Koretz, Runner, Shelley, Strickland,
152	391	—	Kehoe				
153	732	—	Wayne				
154	1465	—	Nation				
155	441	—	Simitian (Coauthors: Assembly Members Alquist, Ashburn, Bates, Bogh, Briggs, Bill Campbell, John Campbell, Canciamilla, Cedillo, Chan, Cohn, Corbett, Correa, Cox, Daucher, Dickerson, Dutra, Frommer, Goldberg, Keeley, Leach, Lowenthal, Maddox, Nakano, Nation, Robert Pacheco, Rod Pacheco, Papan, Pescetti, Reyes, Runner, Shelley, Strickland,				

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			Liu, Maldonado, Migden, Pavley, Thomson, and Zettel)				Shelley, Strom-Martin, Thomson, Washington, Wayne, and Wiggins)
173	—	50	Machado	204	187	—	Liu (Coauthors: Assembly Members Aroner, Bill Campbell, Cedillo, Chan, Chu, Firebaugh, Frommer, Koretz, Nakano, Washington, and Wesson) (Coauthors: Senators Kuehl, Morrow, Romero, and Scott)
174	—	63	Scott				
175	—	106	Sher (Coauthor: Assembly Member Harman)	205	443	—	Aanestad (Coauthors: Senators Costa, Johannessen, McPherson, Monteith, and Oller)
176	—	210	Committee on Local Government (Senators Torlakson (Chair), Ackerman, Machado, Margett, Perata, and Soto)	206	113	—	Pavley (Coauthors: Assembly Members Aroner, John Campbell, Correa, Hertzberg, Horton, Liu, Robert Pacheco, and Strom-Martin) (Coauthors: Senators Bowen, Costa, Kuehl, Murray, and Speier)
177	—	637	McPherson	207	395	—	Briggs
178	—	916	Ackerman	208	532	—	Cogdill (Principal coauthor: Assembly Member Strom-Martin) (Coauthors: Assembly Members Aanestad, Briggs, Cardoza, Dickerson, Hollingsworth, Robert Pacheco, Pescetti, Wyman, and Zettel) (Coauthors: Senators Chesbro, Costa, and Oller)
179	11	—	Dickerson (Coauthors: Assembly Members Cogdill, Florez, Hollingsworth, Maldonado, Matthews, and Reyes) (Coauthors: Senators Costa, Monteith, and Oller)	209	810	—	John Campbell
180	202	—	Corbett	210	929	—	Frommer
181	263	—	Correa	211	942	—	Cedillo
182	274	—	Committee on Agriculture (Matthews (Chair), Maldonado (Vice Chair), Aanestad, Canciamilla, Cardoza, Florez, Harman, Hollingsworth, Kelley, Leslie, Reyes, Salinas, Thomson, and Wiggins)	212	952	—	Kelley
183	737	—	Oropeza, Chavez, Correa, and Dutra	213	970	—	Dutra
184	740	—	Aanestad	214	973	—	Chan
185	824	—	Cohn	215	992	—	Papan
186	837	—	Briggs (Coauthors: Assembly Members Bill Campbell, Dickerson, and Reyes)	216	1009	—	Wyland (Coauthor: Senator McPherson)
187	844	—	Chan	217	1066	—	Dutra (Coauthors: Assembly Members Alquist, Cohn, Diaz, and Salinas) (Coauthors: Senators Figueroa, McPherson, and Sher)
188	950	—	Wright	218	1161	—	Papan (Coauthors: Assembly Members Cardenas, Nation, Robert Pacheco, and Washington)
189	968	—	Chan	219	1719	—	Committee on Higher Education (Alquist (Chair), Richman (Vice Chair), Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, Strickland, and Wyman)
190	1024	—	Nakano	220	—	164	Johannessen
191	1116	—	Committee on Revenue and Taxation (Corbett (Chair), Harman (Vice Chair), Alquist, Aroner, Cedillo, Koretz, Matthews, and Wyland)	221	—	612	Soto
192	1463	—	Longville	222	—	738	Peace
193	1533	—	Migden	223	—	779	Karnette
194	1558	—	Leach	224	—	1192	Figueroa, Battin, and Margett (Coauthors: Assembly Members Aroner, Ashburn, Bates, Cox, Dickerson, Havice, Leach, and Vargas)
195	1657	—	Hertzberg	225	553	—	Runner
196	1690	—	Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Ashburn, Chan, Diaz, Dutra, and Mountjoy)	226	678	—	Papan
197	440	—	Cardoza, Matthews, Briggs, and Dickerson (Coauthors: Assembly Members Cardenas, Cedillo, Dutra, Florez, Keeley, Kelley, Negrete McLeod, Pescetti, Reyes, Salinas, Strom-Martin, Thomson, and Wiggins) (Coauthors: Senators Costa, Figueroa, Johannessen, Machado, McPherson, and Monteith)	227	723	—	Vargas
198	471	—	Hertzberg, Wesson, Aroner, and Briggs (Coauthors: Senators Burton and Vincent)	228	832	—	Corbett
199	603	—	Dutra	229	1194	—	Correa
200	1003	—	Frommer	230	1278	—	Wayne
201	527	—	Kehoe	231	1304	—	Rod Pacheco
202	1044	—	Migden	232	1517	—	Canciamilla and Thomson
203	—	982	O'Connell, McPherson, and Sher (Coauthors: Assembly Members Aroner, Calderon, Cedillo, Chan, Cohn, Dutra, Goldberg, Havice, Keeley, Kehoe, Jackson, Longville, Lowenthal, Maldonado, Migden, Nakano, Reyes,	233	—	85	Murray
				234	—	1224	Committee on Agriculture and Water Resources (Senators Costa (Chair), Alpert, Kuehl, Machado, Monteith, and Torlakson)

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235	78	—	Alquist (Principal coauthors: Assembly Members Cohn and Jackson) (Principal coauthor: Senator Kuehl) (Coauthors: Assembly Members Aroner, Chavez, Chu, Cox, Diaz, Florez, Harman, Havice, and Strom-Martin) (Coauthors: Senators Figueroa, Karnette, and Margett)	264	1048	—	Frommer
236	488	—	Kehoe and Koretz	265	1060	—	Negrete McLeod
237	369	—	Dutra	266	1370	—	Wiggins (Principal coauthor: Senator Poochigian)
238	645	—	Horton	267	1442	—	Pescetti
239	1071	—	Canciamilla	268	1499	—	Negrete McLeod
240	1179	—	Calderon (Coauthor: Assembly Member Steinberg)	269	—	57	Scott
241	—	34	Burton and Johnson (Coauthor: Senator Karnette)	270	—	128	Burton
242	68	—	Migden (Coauthors: Assembly Members Aroner, Bates, and Matthews) (Coauthor: Senator Machado)	271	—	148	Oller
243	192	—	Canciamilla	272	—	162	Committee on Local Government (Senators Torlakson (Chair), Ackerman, Machado, Margett, Perata, and Soto)
244	326	—	Dutra	273	—	163	Committee on Local Government (Senators Torlakson (Chair), Ackerman, Machado, Margett, Perata, and Soto)
245	405	—	Salinas (Coauthor: Senator McPherson)	274	—	215	Burton
246	480	—	Robert Pacheco, Pescetti, and Koretz (Coauthors: Assembly Members Bates, Chavez, Diaz, Havice, Leach, Negrete McLeod, Salinas, Steinberg, and Wesson) (Coauthor: Senator Oller)	275	—	313	Alpert and Peace (Coauthors: Senators Battin and Morrow) (Coauthors: Assembly Members Bates, Kehoe, Kelley, Vargas, Wyland, and Zettel)
247	656	—	Chan (Coauthors: Assembly Members Aroner and Dutra) (Coauthors: Senators Figueroa and Perata)	276	—	344	Ortiz
248	659	—	Correa	277	—	454	Committee on Insurance (Senators Speier (Chair), Escutia, Figueroa, Johnson, Oller, Scott, and Soto)
249	668	—	Chan	278	—	477	Costa
250	722	—	Corbett (Coauthors: Assembly Members Aroner, Firebaugh, Florez, Liu, Pavley, and Strom-Martin) (Coauthor: Senator Kuehl)	279	—	624	Soto
251	1123	—	Committee on Revenue and Taxation (Corbett (Chair), Harman (Vice Chair), Alquist, Aroner, Cedillo, Koretz, Matthews, and Wyland)	280	—	655	Machado (Coauthor: Assembly Member Steinberg)
252	1177	—	Calderon	281	—	781	Knight
253	1193	—	Steinberg (Coauthors: Assembly Members Calderon, Diaz, Dutra, Firebaugh, Frommer, Kehoe, Koretz, Maddox, Pavley, Richman, Strom-Martin, and Vargas) (Coauthors: Senators Bowen, Kuehl, Machado, Romero, and Sher)	282	—	923	McPherson
254	1217	—	Briggs	283	—	933	Margett and Knight (Coauthors: Senators Chesbro, Dunn, Johannessen, and Soto) (Coauthors: Assembly Members Cox, Dickerson, Kelley, Maddox, Robert Pacheco, Pescetti, Strickland, and Wyman)
255	1537	—	Horton	284	—	1065	Perata
256	1608	—	Committee on Agriculture (Matthews (Chair), Maldonado (Vice Chair), Aanestad, Canciamilla, Cardoza, Florez, Reyes, Salinas, Strickland, Thomson, and Wiggins)	285	—	1187	Costa
257	1709	—	Migden	286	—	78	Kuehl
258	1738	—	Committee on Budget (Cardenas (Chair), Aroner, Cardoza, Cedillo, Dutra, Firebaugh, Horton, Keeley, Nakano, Oropeza, Papan, Pavley, Steinberg, Vargas, and Wright)	287	—	281	O'Connell
259	132	—	Horton	288	—	282	Dunn
260	449	—	Firebaugh	289	—	298	Figueroa and Escutia
261	587	—	Firebaugh and Wesson	290	—	813	Dunn (Coauthor: Senator Alarcon)
262	826	—	Cohn	291	—	866	Costa
263	863	—	Thomson	292	—	1186	Chesbro
				293	—	1221	Romero (Coauthors: Senators Johannessen, Karnette, Margett, Scott, and Speier) (Coauthors: Assembly Members Aroner, Cohn, Liu, Richman, Strom-Martin, and Washington)
				294	521	—	Koretz (Coauthors: Assembly Members Cedillo and Steinberg) (Coauthor: Senator Kuehl)
				295	800	—	Wesson (Principal coauthor: Assembly Member Chan) (Coauthors: Assembly Members Cedillo, Chavez, Diaz, Firebaugh, Frommer, Goldberg, Koretz, Liu, Longville, Lowenthal, Oropeza, Reyes, Romero, Salinas, Steinberg, and Thomson) (Coauthor: Senator Escutia)
				296	1183	—	Calderon
				297	—	521	Alpert
				298	—	871	Burton
				299	120	—	Havice
				300	—	237	Vincent (Coauthors: Assembly Members Oropeza and Strom-Martin)

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301	—	333	Escutia (Coauthor: Senator Polanco)	339	1347	—	Pescetti (Principal coauthor: Senator Machado) (Coauthors: Assembly Members Alquist, Chan, Matthews, and Robert Pacheco) (Coauthor: Senator Romero)
302	—	364	Alpert	340	1550	—	Wiggins
303	—	1178	Burton	341	—	86	Oller (Coauthors: Assembly Members Leslie and Nation)
304	—	1194	Romero (Coauthors: Assembly Members Alquist and Correa)	342	—	299	Scott
305	408	—	Correa	343	—	394	Sher (Principal coauthor: Assembly Member John Campbell) (Coauthor: Assembly Member Alquist)
306	446	—	Committee on Business and Professions (Correa (Chair), Cedillo, Chavez, Koretz, Matthews, Nation, Shelley, and Wesson)	344	—	675	Poochigian
307	452	—	Correa	345	—	912	Chesbro (Coauthor: Assembly Member Strom-Martin)
308	564	—	Lowenthal	346	—	551	Machado (Principal coauthors: Assembly Members Cox, Dickerson, Leonard, La Suer, Leach, Steinberg, and Strickland) (Principal coauthors: Senators Alpert, McPherson, Polanco, and Vasconcellos)
309	761	—	Maddox	347	—	311	Chesbro
310	809	—	Salinas	348	632	—	Cedillo
311	1083	—	Bates	349	—	802	Committee on Elections and Reapportionment
312	1088	—	Jackson (Coauthors: Assembly Members Alquist, Aroner, Chu, Diaz, Kehoe, Koretz, Liu, Pavley, and Strom-Martin) (Coauthors: Senators Bowen, Kuehl, and Romero)	350	161	—	Maddox (Coauthors: Assembly Members Koretz and Strom-Martin) (Coauthor: Senator Karnette)
313	1144	—	Bates	351	479	—	Shelley (Coauthors: Assembly Members Alquist, Aroner, Chu, and Koretz)
314	416	—	Strom-Martin	352	536	—	Bates
315	946	—	Kelley	353	538	—	Cardoza
316	1187	—	Simitian	354	655	—	Wright
317	1201	—	Pavley	355	1014	—	Papan
318	—	209	Sher (Principal coauthor: Assembly Member Lowenthal)	356	1318	—	Correa
319	—	271	O'Connell	357	1560	—	Nation
320	—	672	Machado	358	—	111	Alpert
321	289	—	Oropeza	359	—	140	Bowen (Coauthor: Assembly Member Shelley)
322	734	—	Chan	360	—	197	Chesbro
323	1142	—	Runner	361	—	341	Perata
324	1263	—	Migden	362	—	475	Escutia (Coauthors: Assembly Members Jackson and Steinberg)
325	1311	—	Goldberg	363	606	—	Negrete McLeod (Principal coauthor: Senator Machado)
326	1643	—	Negrete McLeod	364	649	—	Negrete McLeod (Coauthors: Senators Dunn and Soto)
327	—	87	Soto	365	906	—	Salinas
328	—	455	Committee on Insurance (Senators Speier (Chair), Escutia, Figueroa, Johnson, Oller, Scott, and Soto)	366	933	—	Migden
329	—	751	Speier (Coauthor: Assembly Member Liu)	367	328	—	Salinas (Principal coauthor: Assembly Member Thomson) (Principal coauthor: Senator Chesbro) (Coauthors: Assembly Members Aanestad, Aroner, and Steinberg) (Coauthor: Senator McPherson)
330	184	—	Liu (Coauthors: Assembly Members Aanestad, Chavez, Hollingsworth, and Wyman (Coauthors: Senators Costa, Kuehl, and Speier))	368	533	—	Cedillo
331	197	—	Correa	369	708	—	Bill Campbell
332	378	—	Calderon (Coauthor: Assembly Member Maddox)	370	1046	—	Migden
333	437	—	Committee on Budget (Cardenas (Chair), Aroner, Cardoza, Cedillo, Dutra, Firebaugh, Horton, Keeley, Nakano, Oropeza, Pavley, Simitian, Steinberg, Vargas, and Wright)	371	1426	—	Wright
334	701	—	Dickerson (Coauthors: Assembly Members Ashburn, Bogh, Cogdill, Cox, Hollingsworth, La Suer, Leach, Maddox, Robert Pacheco, Runner, and Strickland) (Coauthors: Senators Monteith and Oller)	372	1452	—	Cox (Coauthor: Senator Torlakson)
335	854	—	Briggs	373	1552	—	Committee on Agriculture (Matthews (Chair), Canciamilla, Cardoza, Florez, Reyes, Salinas, Thomson, and Wiggins)
336	931	—	Frommer (Coauthor: Senator Scott)	374	—	212	Oller (Coauthors: Senators Escutia, Johannessen, Kuehl, Ortiz, Romero, and Vincent) (Coauthors: Assembly
337	1031	—	Canciamilla				
338	1334	—	Harman (Coauthors: Assembly Members Bates and Strom-Martin) (Coauthors: Senators Alpert, Johnson, and Torlakson)				

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Ch. No.	A.B. No.	S.B. No.	Author	Ch. No.	A.B. No.	S.B. No.	Author
			Members Leslie, Robert Pacheco, and Pescetti)				Lowenthal, Negrete McLeod, Oropeza, and Wyman)
375	—	322	Ortiz	404	—	346	Perata
376	—	757	Ortiz (Principal coauthor: Assembly Member Wesson) (Coauthor: Assembly Member Koretz)	405	—	1105	Margett
				406	—	1127	Karnette
377	—	769	Figueroa	407	—	1181	Committee on Revenue and Taxation (Senators Scott (Chair), Alpert, Bowen, and Burton)
378	—	819	Johnson				
379	—	1177	Polanco (Principal coauthors: Assembly Members Cedillo and Goldberg)	408	—	1198	Romero
				409	—	40	Alarcon (Coauthor: Assembly Member Shelley)
380	—	1219	Romero (Coauthor: Senator Kuehl) (Coauthors: Assembly Members Alquist, Aroner, Diaz, Pavley, Strom-Martin, and Washington)	410	110	—	Zettel (Coauthor: Assembly Member Jackson)
				411	146	—	Wayne
381	169	—	Wiggins (Coauthor: Assembly Member Cogdill)	412	185	—	Wright
				413	220	—	Strom-Martin (Principal coauthor: Senator Chesbro) (Coauthor: Assembly Member Dickerson)
382	174	—	Oropeza				
383	180	—	Cedillo	414	472	—	Cedillo (Coauthors: Assembly Members Cogdill, Cohn, Dutra, Kehoe, Lowenthal, and Salinas)
384	236	—	Kelley				
385	319	—	Salinas	415	584	—	Cox
386	458	—	Rod Pacheco and Bogh	416	647	—	Horton
387	706	—	Firebaugh	417	873	—	Harman
388	720	—	Committee on Local Government (Wiggins (Chair), Canciamilla, Cogdill, Correa, Daucher, Diaz, Harman, La McLeod, Pavley, and Salinas)	418	967	—	Chan (Principal coauthor: Senator Perata)
				419	1019	—	Corbett
389	795	—	Dutra	420	1253	—	Matthews and Thomson
390	864	—	Thomson	421	1402	—	Simitian (Coauthor: Senator Alpert)
391	898	—	Leach	422	1478	—	Salinas
392	1230	—	Papan	423	1628	—	Committee on Agriculture (Matthews (Chair), Canciamilla, Cardoza, Florez, Reyes, Salinas, Thomson, and Wiggins)
393	1249	—	Daucher (Principal coauthor: Senator Ackerman)				
394	1302	—	Committee on Education (Strom-Martin (Chair), Leach (Vice Chair), Alquist, Calderon, Correa, Goldberg, Pavley, Reyes, Salinas, Vargas, and Zettel)	424	—	88	Costa
				425	—	263	Johnson
395	1359	—	Lowenthal and Kehoe	426	—	312	Alpert
396	1367	—	Wiggins	427	—	1007	Machado
397	1548	—	Committee on Agriculture (Matthews (Chair), Maldonado (Vice Chair), Canciamilla, Cardoza, Florez, Hollingsworth, Kelley, Reyes, Salinas, Thomson, and Wiggins)	428	237	—	Papan
				429	309	—	Longville
398	1671	—	Committee on Water, Parks and Wildlife (Florez (Chair), Aroner, Calderon, Dickerson, Frommer, Goldberg, Kehoe, Kelley, Pavley, Thomson, and Wayne)	430	743	—	Robert Pacheco
				431	815	—	Havice (Coauthors: Assembly Members Firebaugh, Lowenthal, and Oropeza) (Coauthor: Senator Karnette)
399	1720	—	Committee on Higher Education (Alquist (Chair), Havice, Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, and Wyman)	432	1006	—	Jackson
				433	1099	—	Havice
400	1737	—	Committee on Budget (Cardenas (Chair), Aroner, Cardoza, Cedillo, Dutra, Firebaugh, Florez, Horton, Nakano, Oropeza, Papan, Pavley, Steinberg, Vargas, and Wright)	434	—	325	O'Connell
				435	—	349	Committee on Business and Professions (Senators Figueroa (Chair), Johannessen, Machado, Morrow, Murray, O'Connell, and Polanco)
401	—	214	Alpert (Coauthors: Senators Karnette and Vincent)	436	—	542	Ortiz
402	—	323	O'Connell (Principal coauthor: Assembly Member Jackson) (Coauthor: Assembly Member Strickland)	437	—	920	Dunn
				438	—	958	Ackerman (Coauthor: Assembly Member Hertzberg)
403	—	327	Scott (Principal coauthor: Assembly Member Liu) (Coauthors: Assembly Members Alquist, Chu, Cogdill, Cohen, Correa, Diaz, Havice, Jackson,	439	—	185	Bowen (Coauthors: Senators Figueroa and Speier) (Coauthors: Assembly Members Alquist, Aroner, Liu, Romero, and Strom-Martin)
				440	—	201	Speier
				441	—	481	Speier
				442	—	594	Chesbro
				443	—	664	Poochigian (Coauthors: Senators Monteith and Polanco) (Coauthor: Assembly Member Zettel)
				444	—	683	Ortiz
				445	—	884	Escutia

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Ch. No.	A.B. No.	S.B. No.	Author	Ch. No.	A.B. No.	S.B. No.	Author
446	—	908	Chesbro and Karnette (Principal coauthor: Assembly Member Pavley)				Polanco, and Scott) (Coauthors: Assembly Members Aaenestad, Alquist, Calderon, Canciamilla, Cardoza, Cedillo, Chavez, Chu, Cogdill, Cohn, Corbett, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Goldberg, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Koretz, Leonard, Liu, Longville, Maddox, Matthews, Migden, Nakano, Negrete McLeod, Robert Pacheco, Rod Pacheco, Pavley, Pescetti, Reyes, Runner, Salinas, Shelley, Steinberg, Strickland, Strom-Martin, Vargas, Washington, Wayne, Wesson, and Wiggins)
447	—	1055	Morrow	476	—	768	McPherson
448	—	1136	Polanco	477	—	824	Poochigian
449	—	1154	Sher	478	245	—	Wyland
450	—	1158	Knight (Coauthor: Senator Alpert) (Coauthor: Assembly Member Strom-Martin)	479	340	—	Wright
451	—	1180	Committee on Public Employment and Retirement (Senators Soto (Chair), Karnette, and Ortiz)	480	360	—	Wesson
452	—	1190	Committee on Health and Human Services (Senators Ortiz (Chair), Chesbro, Escutia, Figueroa, Haynes, Kuehl, Polanco, Vasconcellos, and Vincent)	481	398	—	Salinas
453	297	—	Kehoe and Zettel (Coauthors: Assembly Members Aroner, Bogh, Chan, Chu, Corbett, Goldberg, La McLeod, Pavley, Strom-Martin, Thomson, Vargas, Wayne, and Wyland) (Coauthors: Senators Alpert, Battin, and Scott)	482	453	—	Correa
454	334	—	Steinberg (Principal coauthor: Assembly Member Cox) (Coauthors: Assembly Members Aroner, Chan, Keeley, Koretz, Liu, and Strom-Martin) (Coauthors: Senators Chesbro, Kuehl, Machado, Scott, and Soto)	483	469	—	Cohn (Coauthors: Assembly Members Alquist, Aroner, Chan, Robert Pacheco, Steinberg, and Washington) (Coauthors: Senators Karnette, Kuehl, Murray, Romero, and Scott)
455	402	—	Papan (Principal coauthor: Senator Monteith) (Coauthor: Assembly Members Alquist, Aroner, Corbett, Harman, Koretz, and Simitian)	484	653	—	Horton
456	451	—	Firebaugh (Coauthor: Assembly Member Negrete McLeod)	485	1004	—	Bates (Coauthors: Assembly Members Ashburn, Bogh, Cogdill, Cox, Hollingsworth, Leach, Robert Pacheco, Pescetti, and Runner) (Coauthors: Senators Battin, Margett, and Polanco)
457	509	—	Leach	486	1029	—	Oropeza and Reyes (Coauthor: Assembly Member Hertzberg)
458	559	—	Wiggins	487	1112	—	Goldberg
459	652	—	Horton (Coauthor: Assembly Member Alquist)	488	1298	—	Wesson and Oropeza (Principal coauthor: Senator Perata)
460	871	—	Cox	489	1389	—	Shelley
461	1259	—	Wiggins	490	1541	—	Dickerson (Coauthor: Assembly Members Cox and Robert Pacheco) (Coauthor: Senator Monteith)
462	1376	—	Wyman and Koretz (Coauthor: Assembly Member Cardenas)	491	1567	—	Runner
463	1449	—	Keeley	492	—	72	Kuehl
464	1589	—	Simitian	493	—	125	Alpert, Figueroa, Kuehl, and Romero (Coauthors: Assembly Members Aroner, Bates, Negrete McLeod, and Pavley)
465	1258	—	Wiggins (Coauthor: Assembly Member Shelley)	494	—	135	Figueroa (Coauthor: Assembly Member Vargas)
466	—	189	Bowen	495	—	136	Figueroa (Coauthors: Senators Johannessen and Polanco) (Coauthors: Assembly Members Aaenestad, Correa, and Thomson)
467	—	297	Speier (Coauthor: Senator Polanco)	496	—	667	Peace (Coauthors: Assembly Members Aroner, Bates, Migden, and Zettel)
468	—	314	Alpert (Coauthor: Senator Polanco)	497	—	964	Costa
469	—	315	Alpert (Coauthor: Assembly Member Wayne)	498	285	—	Wayne
470	—	432	Monteith	499	459	—	Nation (Coauthor: Senator O'Connell)
471	—	459	McPherson (Coauthor: Assembly Member Salinas)	500	560	—	Jackson
472	—	465	McPherson	501	586	—	Nation
473	—	485	Committee on Public Safety (Senators McPherson (Chair), Burton, Margett, Polanco, Sher, and Vasconcellos)	502	639	—	Nakano (Coauthors: Assembly Members Bill Campbell, Chan, Chu, Harman, Kehoe, Koretz, Liu, Maddox, Robert Pacheco, Pavley, and Strom-Martin) (Coauthor: Senator McPherson)
474	—	685	Costa (Principal coauthors: Assembly Members Florez and Reyes)				
475	—	736	Poochigian and Burton (Principal coauthor: Assembly Member Cardenas) (Coauthors: Senators Alarcon, Battin, Chesbro, Costa, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Machado, Margett, McPherson, Monteith, Oller, Ortiz,				

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503	955	—	Florez (Coauthor: Assembly Member Negrete McLeod)				Assembly Members Aanestad, Correa, and Thomson)
504	1280	—	Reyes	533	—	198	Chesbro
505	1297	—	Papan	534	—	244	Speier
506	1424	—	Thomson (Coauthors: Assembly Members Aroner and Koretz) (Coauthor: Senator Kuehl)	535	—	409	Vincent
507	1428	—	Aanestad (Principal coauthor: Senator Chesbro)	536	—	505	Perata
508	1471	—	Diaz	537	—	516	Johnson (Coauthor: Assembly Member John Campbell)
509	1586	—	Negrete McLeod	538	—	702	Escutia (Coauthors: Senators Romero and Vasconcellos) (Coauthors: Assembly Members Diaz, Firebaugh, Jackson, Koretz, Strom-Martin, and Washington)
510	1612	—	Matthews (Coauthor: Senator Costa)	539	—	734	Karnette
511	1637	—	Dickerson and Aanestad (Coauthor: Senator Johannessen)	540	—	901	Costa (Coauthor: Assembly Member Reyes)
512	1705	—	Committee on Transportation (Dutra (Chair), Rod Pacheco (Vice Chair), Firebaugh, Florez, Hollingsworth, La Suer, Leach, Liu, Longville, Mountjoy, Nakano, Oropeza, Simitian, Strom-Martin, and Vargas)	541	—	1058	Escutia (Coauthors: Senators Alarcon and Chesbro) (Coauthor: Assembly Member Firebaugh)
513	62	—	Migden and Wiggins (Coauthors: Assembly Members Alquist, Chan, Jackson, Keeley, Maldonado, Nation, Richman, Salinas, Vargas, Washington, and Wayne) (Coauthors: Senators Chesbro, Kuehl, Ortiz, and Torlakson)	542	—	1112	Polanco (Principal coauthor: Senator Escutia) (Coauthors: Assembly Members Shelley and Steinberg)
514	87	—	Jackson and Thomson (Principal coauthor: Senator Poochigian) (Coauthors: Assembly Members Alquist, Aroner, Chu, Koretz, Liu, Negrete McLeod, Strom-Martin, Washington, and Wiggins) (Coauthors: Senators Margett, Monteith, Polanco, and Vasconcellos)	543	—	1185	Committee on Revenue and Taxation (Senators Scott (Chair), Alpert, Bowen, and Burton)
515	211	—	Chavez (Coauthors: Assembly Members Alquist, Bogh, Cox, Kelley, Maddox, Robert Pacheco, Pescetti, Reyes, Wyland, and Wyman) (Coauthors: Senators Johannessen and Soto)	544	4	—	Bates and Cardoza (Coauthor: Assembly Members Chavez and Maldonado) (Coauthor: Senator Margett)
516	322	—	Bill Campbell	545	6	—	Cardenas (Coauthors: Assembly Members Alquist, Chavez, Correa, Diaz, Goldberg, Havice, Keeley, Kehoe, Koretz, Lowenthal, Rod Pacheco, Pavley, Salinas, Vargas, Washington, and Wiggins) (Coauthors: Senators Kuehl and Perata)
517	380	—	Wright	546	99	—	Zettel
518	487	—	Aroner (Coauthor: Assembly Member Runner)	547	119	—	Chavez (Coauthors: Assembly Members Diaz, Simitian, and Wyman) (Coauthor: Senator Machado)
519	493	—	Migden (Coauthor: Assembly Member Papan)	548	254	—	Frommer
520	548	—	Runner and Strom-Martin (Coauthors: Assembly Members Bates, Chavez, Diaz, Koretz, Richman, and Wyman) (Coauthor: Senator Chesbro)	549	—	468	Sher
521	589	—	Wesson	550	284	—	Jackson
522	599	—	Liu (Coauthors: Assembly Members Calderon, Chavez, Robert Pacheco, and Strom-Martin) (Coauthors: Senators Kuehl and Romero)	551	303	—	Dickerson
523	780	—	Thomson (Coauthor: Senator Alpert)	552	409	—	Correa (Coauthor: Assembly Member Negrete McLeod)
524	945	—	Wright	553	760	—	Shelley (Coauthor: Assembly Member Strickland) (Coauthors: Senators Bowen, Kuehl, and O'Connell)
525	951	—	Florez (Coauthor: Assembly Member Shelley)	554	783	—	Kelley
526	963	—	Cardoza	555	807	—	Salinas (Principal coauthor: Assembly Member Cogdill) (Coauthors: Assembly Members Alquist, Calderon, Chu, Diaz, Firebaugh, Florez, Keeley, Koretz, Pavley, Steinberg, and Strom-Martin) (Coauthors: Senators Chesbro, Costa, McPherson, Romero, and Scott)
527	1023	—	Canciamilla	556	821	—	Simitian
528	1049	—	Robert Pacheco	557	842	—	Diaz (Coauthors: Assembly Members Bates, Havice, Oropeza, Robert Pacheco, Rod Pacheco, Strom-Martin, Vargas, Washington, and Wiggins) (Coauthors: Senators Alpert, Chesbro, Karnette, and Ortiz)
529	1490	—	Thomson	558	876	—	Wyland
530	1495	—	Cox	559	1012	—	Corbett
531	1503	—	Nation	560	1090	—	Hertzberg
532	—	134	Figueroa (Coauthors: Senators Johannessen and Polanco) (Coauthors:				

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561	1189	—	Aanestad	590	331	—	Goldberg
562	1207	—	Longville	591	699	—	Canciamilla
563	1286	—	Rod Pacheco and Bogh	592	984	—	Papan (Coauthor: Assembly Member Alquist)
564	1287	—	Cardenas, Alquist, and Liu	593	1160	—	Florez (Coauthor: Senator Romero)
565	1307	—	Goldberg	594	1467	—	Kehoe
566	1312	—	Nakano (Coauthors: Assembly Members Chan, Chu, and Liu) (Coauthor: Senator Machado)	595	1596	—	Shelley
567	1429	—	Committee on Governmental Organization (Wesson (Chair), Strickland (Vice Chair), Briggs, Calderon, Canciamilla, Cardoza, Chavez, Horton, Longville, Maldonado, Nation, Reyes, Wiggins, and Wright)	596	1618	—	Matthews (Coauthor: Assembly Member Cardoza) (Coauthor: Senator Costa)
568	1570	—	Pavley (Coauthor: Assembly Member Liu)	597	1706	—	Committee on Transportation (Dutra (Chair), Firebaugh, Florez, Havice, Kehoe, Liu, Longville, Nakano, Oropeza, Simitian, Strom-Martin, and Vargas)
569	1611	—	Keeley	598	1725	—	Reyes
570	1717	—	Zettel and Runner (Principal coauthor: Senator Escutia) (Coauthors: Assembly Members Bates, Harman, and Vargas)	599	—	4	Johannessen
571	1721	—	Committee on Higher Education (Alquist (Chair), Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, and Wyman)	600	—	10	Soto (Coauthors: Assembly Members Chan, Correa, Diaz, Florez, Havice, Koretz, Nation, Robert Pacheco, Salinas, Strom-Martin, Washington, and Wiggins)
572	—	66	Kuehl (Principal coauthor: Senator Alpert) (Principal coauthor: Assembly Member Cohn) (Coauthors: Senators Bowen, Machado, Romero, Scott, and Speier) (Coauthors: Assembly Members Aroner, Diaz, Jackson, Keeley, Koretz, Liu, Richman, Strom-Martin, and Zettel)	601	—	62	Morrow (Coauthors: Assembly Members Dutra and Leslie)
573	—	178	Costa	602	—	351	Ortiz (Principal coauthor: Assembly Member Frommer) (Coauthors: Senators Escutia and Scott)
574	—	273	Karnette (Principal coauthor: Assembly Member Strickland) (Coauthors: Senators Alpert, McPherson, Morrow, and Soto) (Coauthors: Assembly Members Bates, Strom-Martin, and Zettel)	603	—	353	Alpert (Principal coauthor: Assembly Member Bates) (Coauthors: Senators Battin and Peace) (Coauthors: Assembly Members Kehoe, Wayne, Wyland, and Zettel)
575	—	310	Perata (Coauthor: Senator Johannessen) (Coauthors: Assembly Members Cedillo, Havice, Koretz, Leach, Robert Pacheco, and Strom-Martin)	604	—	463	Perata (Coauthors: Assembly Members Alquist, Frommer, Goldberg, and Koretz)
576	—	321	Alarcon	605	—	470	Sher
577	—	442	Vasconcellos (Coauthors: Assembly Members Cohn, Correa, and Diaz)	606	—	609	Costa
578	—	471	Sher	607	—	722	Figueroa
579	—	502	Ortiz (Coauthor: Assembly Member Cohn)	608	—	784	Torlakson
580	—	517	Torlakson	609	—	882	O'Connell
581	—	568	Morrow	610	—	951	Committee on Governmental Organization (Senators Vincent (Chair), Chesbro, Dunn, Johannessen, Johnson, Karnette, Machado, Morrow, Perata, and Soto)
582	—	647	Costa and Monteith (Principal coauthors: Assembly Members Briggs and Reyes)	611	—	1031	Brulte (Coauthor: Senator Alpert)
583	—	658	Escutia	612	—	1054	Knight
584	—	732	Ortiz (Coauthors: Assembly Members Cohn, Lowenthal, Pavley, and Salinas)	613	—	1184	Committee on Revenue and Taxation (Senators Scott (Chair), Alpert, Bowen, and Burton)
585	—	837	Scott	614	—	16	Figueroa
586	—	955	Alpert	615	—	26	Figueroa
587	46	—	Washington (Coauthor: Senator Knight)	616	—	852	Figueroa
588	242	—	Thomson (Coauthors: Assembly Members Alquist, Jackson, and Wayne) (Coauthor: Senator Oller)	617	1616	—	Wright (Coauthor: Assembly Member Goldberg) (Coauthor: Senator Ortiz)
589	262	—	Correa (Coauthors: Assembly Members Bogh, Briggs, Calderon, Chavez, Diaz, Dutra, Frommer, Harman, Havice, Horton, Keeley, Kehoe, Maddox, Matthews, Richman, Steinberg, and Vargas)	618	44	—	Wiggins (Principal coauthor: Senator Chesbro)
				619	61	—	Florez
				620	139	—	Florez and Aroner
				621	201	—	Wright
				622	207	—	Matthews
				623	238	—	Rod Pacheco, Bogh, and Zettel (Principal coauthors: Senators Chesbro and Poochigian)
				624	268	—	Wayne
				625	447	—	Firebaugh
				626	661	—	Correa
				627	671	—	Strom-Martin



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628	1444	—	Maddox	653	1695	—	Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra)
629	1539	—	Pavley (Coauthors: Assembly Members Cedillo, Goldberg, Robert Pacheco, and Pescetti)	654	1723	—	Committee on Utilities and Commerce (Wright (Chair), Pescetti (Vice Chair), John Campbell, Canciamilla, Cardenas, Diaz, Jackson, Maddox, Nation, Papan, Reyes, and Wesson)
630	—	80	Speier	655	—	231	Ortiz (Coauthor: Assembly Member Goldberg)
631	—	340	Speier	656	—	633	Sher (Coauthors: Assembly Members Chu, Cohn, Jackson, and Lowenthal)
632	—	350	Alpert (Principal coauthor: Senator Morrow)	657	—	1035	Perata
633	—	389	Alpert (Coauthor: Senator Chesbro) (Coauthors: Assembly Members Harman, Jackson, and Strom-Martin)	658	67	—	Firebaugh (Principal coauthor: Assembly Member Ashburn) (Coauthor: Assembly Member Shelley) (Coauthors: Senators Karnette, Monteith, Murray, and Soto)
634	—	446	Vasconcellos (Principal coauthor: Senator Kuehl) (Coauthor: Senator Romero) (Coauthors: Assembly Members Alquist, Aroner, Goldberg, Keeley, Koretz, Migden, and Robert Pacheco)	659	368	—	Cedillo (Principal coauthor: Assembly Member Koretz) (Coauthor: Assembly Member Goldberg)
635	—	456	Speier (Coauthor: Assembly Member Alquist)	660	392	—	Maddox
636	—	539	Committee on Local Government (Senators Torlakson (Chair), Ackerman, Machado, Margett, Perata, and Soto)	661	491	—	Frommer (Coauthors: Senators Alarcon and Perata)
637	—	699	Battin	662	544	—	Maldonado
638	—	896	Poochigian	663	711	—	Committee on Environmental Safety and Toxic Materials (Jackson (Chair), Cohn, Longville, Lowenthal, Strom-Martin, and Washington)
639	—	909	Chesbro	664	729	—	Kehoe (Coauthor: Senator Alpert)
640	—	1174	Polanco	665	793	—	Cox
641	—	1226	Committee on Health and Human Services (Senators Ortiz (Chair), Chesbro, Escutia, Figueroa, Kuehl, Polanco, Romero, and Vasconcellos)	666	941	—	Florez
642	—	221	Kuehl (Coauthors: Senators Machado and Perata) (Coauthors: Assembly Members Chan, Goldberg, Pavley, Strom-Martin, and Thomson)	667	948	—	Kelley
643	—	610	Costa (Coauthor: Assembly Member Dickerson)	668	—	73	Dunn (Principal coauthors: Senators Scott and Torlakson) (Principal coauthors: Assembly Members Diaz, Keeley, Lowenthal, and Migden) (Coauthor: Assembly Member Chan)
644	901	—	Daucher (Coauthors: Assembly Members Calderon, Robert Pacheco, and Pavley) (Coauthor: Senator Bowen)	669	—	366	Haynes
645	494	—	Cardoza	670	—	445	Burton
646	79	—	Havice (Coauthors: Assembly Members Robert Pacheco, Strom-Martin, and Negrete McLeod)	671	—	520	Chesbro (Coauthors: Assembly Members Lowenthal, Nation, Salinas, and Wiggins)
647	401	—	Cardenas	672	—	809	Ortiz
648	495	—	Diaz and Cohn (Coauthors: Assembly Members Alquist, Calderon, Canciamilla, Cardenas, Cedillo, Chan, Chavez, Correa, Firebaugh, Florez, Frommer, Goldberg, Havice, Horton, Koretz, Liu, Longville, Lowenthal, Nakano, Negrete McLeod, Oropeza, Papan, Reyes, Salinas, Shelley, Simitian, Steinberg, Vargas, Wayne, Wesson, and Wiggins) (Coauthors: Senators Figueroa, Kuehl, Ortiz, Polanco, Romero, Soto, and Vasconcellos)	673	—	1122	Poochigian
649	574	—	Salinas and Ashburn (Coauthor: Assembly Member Florez) (Coauthors: Senators Costa and McPherson)	674	—	1193	Polanco (Coauthor: Assembly Member Firebaugh)
650	866	—	Diaz	675	333	—	Wright
651	891	—	Goldberg	676	370	—	Wright
652	1692	—	Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra)	677	590	—	Vargas (Principal coauthor: Senator Margett)
				678	636	—	Steinberg
				679	685	—	Wayne (Principal coauthor: Senator Burton) (Coauthors: Assembly Members Alquist, Aroner, Bates, Chan, Cohn, Daucher, Goldberg, Havice, Jackson, Kehoe, Leach, Liu, Matthews, Migden, Nation, Negrete McLeod, Pavley, Reyes, Strom-Martin, Thomson, Wiggins, and Zettel) (Coauthors: Senators Alpert, Escutia, Figueroa, Karnette, Kuehl, Ortiz, Soto, and Speier)
				680	828	—	Cohn
				681	829	—	Cohn

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Ch. No.	A.B. No.	S.B. No.	Author	Ch. No.	A.B. No.	S.B. No.	Author
682	830	—	Cohn				Corbett, Dutra, Harman, Jackson, Longville, Robert Pacheco, Shelley, and Steinberg) (Coauthors: Senators Karnette and Kuehl)
683	899	—	Liu (Coauthors: Assembly Members Aroner, Bates, Calderon, Chavez, Firebaugh, Goldberg, Koretz, Steinberg, Strom-Martin, Washington, and Wiggins) (Coauthors: Senators Kuehl, Romero, and Scott)	699	232	—	John Campbell
				700	358	—	Kelley
				701	436	—	Chan
684	1075	—	Shelley (Principal coauthors: Assembly Members Florez and Horton) (Coauthors: Assembly Members Alquist, Aroner, Calderon, Cardenas, Chan, Chavez, Cohn, Corbett, Diaz, Frommer, Goldberg, Havice, Keeley, Kehoe, Koretz, Liu, Longville, Lowenthal, Nakano, Nation, Salinas, Strom-Martin, Vargas, Washington, and Wiggins) (Principal coauthor: Senator Ortiz) (Coauthors: Senators Alarcon, Burton, Chesbro, Dunn, Karnette, Kuehl, Perata, Romero, Soto, and Torlakson)	702	539	—	Maddox
				703	583	—	Jackson
				704	585	—	Nation (Coauthor: Assembly Member John Campbell)
				705	620	—	Wayne and Simitian (Principal coauthors: Assembly Members Cohn and Alquist) (Coauthors: Assembly Members Chan, Diaz, Nakano, and Reyes) (Coauthor: Senator McPherson)
685	1212	—	Shelley	706	646	—	Horton
686	1261	—	Migden and Cardenas (Coauthor: Assembly Member Strom-Martin)	707	664	—	Dutra (Principal coauthor: Senator Figueroa)
687	1409	—	Chan	708	677	—	Steinberg (Principal coauthor: Senator Burton)
688	—	104	Scott (Coauthors: Assembly Members Bates, Dutra, Jackson, Longville, Robert Pacheco, and Steinberg)	709	717	—	Wiggins (Principal coauthor: Assembly Member Liu) (Coauthors: Assembly Members Alquist, Bogh, Cedillo, Chan, Chavez, Cogdill, Cohn, Correa, Diaz, Havice, Horton, Lowenthal, Negrete McLeod, Oropeza, Pavley, Reyes, Shelley, Strom-Martin, Vargas, Washington, Wyland, and Wyman) (Coauthors: Senators McPherson and Perata)
689	—	370	Ortiz (Principal coauthor: Senator Vasconcellos) (Coauthor: Senator Perata)	710	770	—	Nakano (Coauthor: Assembly Member Cedillo)
690	—	511	Alpert (Principal coauthor: Assembly Member Aroner) (Coauthors: Senators Chesbro, Figueroa, McPherson, and Soto) (Coauthors: Assembly Members Alquist, Cohn, Diaz, Steinberg, and Strom-Martin)	711	865	—	Hertzberg
				712	1017	—	Jackson
691	—	587	Soto (Coauthors: Senators Kuehl and Vincent) (Coauthors: Assembly Members Cedillo, Koretz, and Negrete McLeod)	713	1129	—	Liu (Coauthors: Assembly Members Koretz, Strom-Martin, and Washington) (Coauthors: Senators Kuehl and Margett)
692	—	639	Ortiz	714	1241	—	Robert Pacheco (Coauthors: Assembly Members Bates, Chavez, Dickerson, Harman, Leach, and Pavley) (Coauthor: Senator Soto)
693	—	696	Speier (Principal coauthor: Assembly Member Negrete McLeod) (Coauthors: Senators Figueroa, McPherson, and Scott) (Coauthors: Assembly Members Alquist, Chan, Koretz, and Richman)	715	1277	—	Cardenas
694	—	841	Alpert (Coauthor: Senator Ortiz)	716	1609	—	Calderon
695	—	771	Figueroa and Assembly Member John Campbell (Principal coauthor: Senator Burton) (Coauthor: Senator Karnette) (Coauthors: Assembly Members Alquist, Aroner, Correa, Daucher, Harman, Havice, Keeley, Richman, Shelley, Strickland, and Strom-Martin)	717	1718	—	Committee on Higher Education (Alquist (Chair), Havice, Jackson, Liu, Lowenthal, Matthews, Negrete McLeod, Robert Pacheco, and Wyman)
				718	—	133	Figueroa (Coauthors: Senators Johannessen and Polanco) (Coauthors: Assembly Members Aanestad, Correa, and Thomson)
				719	—	158	Haynes
696	870	—	Wesson (Coauthors: Assembly Members Calderon, Maddox, Nation, Pescetti, and Reyes)	720	—	168	Bowen (Principal coauthor: Assembly Member Alquist) (Coauthors: Senators Kuehl, Romero, and Soto) (Coauthors: Assembly Members Aroner, Jackson, Keeley, Koretz, and Longville)
697	75	—	Steinberg, Nakano, and Rod Pacheco (Principal coauthor: Assembly Member Washington) (Coauthors: Assembly Members Alquist, Calderon, Liu, and Zettel)	721	—	223	Burton (Coauthor: Assembly Member Daucher)
				722	—	233	Alpert
				723	—	348	Kuehl
698	160	—	Bates, Alquist, Bill Campbell, Cohn, Diaz, Florez, Pescetti, and Richman (Coauthors: Assembly Members	724	—	374	O'Connell (Principal coauthor: Assembly Member Pavley)
				725	—	575	O'Connell

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726	—	593	Alarcon (Principal coauthor: Assembly Member Hertzberg) (Coauthors: Senators Kuehl and McClintock) (Coauthors: Assembly Members Cardenas, Koretz, Pavley, and Richman)	750	1107	—	coauthors: Senators Escutia and McPherson) Leach
727	—	708	Speier	751	1205	—	Ashburn
728	—	724	Committee on Business and Professions (Senators Figueroa (Chair), Machado, Morrow, Murray, O'Connell, and Polanco)	752	1382	—	Liu and Runner (Coauthors: Assembly Members Diaz, Havice, Nakano, Negrete McLeod, Pavley, Shelley, and Wyman) (Coauthors: Senators O'Connell and Scott)
729	—	985	Kuehl	753	1673	—	Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aroner, Calderon, Goldberg, Kehoe, Kelley, Pavley, Thomson, and Wayne)
730	—	1080	Bowen	754	1697	—	Committee on Judiciary (Steinberg (Chair), Corbett, Dutra, Jackson, Longville, Shelley, and Wayne)
731	—	1090	Bowen	755	—	943	Committee on Judiciary (Senators Escutia (Chair), Kuehl, O'Connell, Peace, and Sher)
732	489	—	Migden (Principal coauthor: Senator Machado) (Coauthor: Senator Murray)	756	92	—	Chavez (Coauthor: Assembly Member Robert Pacheco) (Coauthor: Senator Margett)
733	344	—	Migden (Principal coauthor: Senator Machado) (Coauthor: Senator Murray)	757	635	—	Bates and Runner
734	804	—	Committee on Education (Strom-Martin (Chair), Alquist, Calderon, Correa, Goldberg, Liu, Pavley, Salinas, Vargas, Wyland, and Zettel)	758	1070	—	Pavley (Coauthor: Senator Kuehl)
735	819	—	Jackson and Shelley	759	1220	—	Pavley
736	306	—	Frommer (Principal coauthor: Senator Polanco) (Coauthors: Assembly Members Diaz, Firebaugh, Florez, Havice, Jackson, Koretz, Leach, Lowenthal, Robert Pacheco, Salinas, Steinberg, Washington, and Wesson) (Coauthors: Senators Alpert, Burton, Figueroa, Kuehl, Perata, and Romero)	760	1324	—	Negrete McLeod
737	466	—	Strom-Martin and Shelley (Coauthor: Assembly Member Alquist)	761	—	124	Johnson (Coauthor: Assembly Member John Campbell)
738	637	—	Lowenthal	762	1553	—	Keeley (Coauthor: Senator Machado)
739	1707	—	Committee on Transportation (Dutra (Chair), Firebaugh, Florez, Havice, Kehoe, Liu, Longville, Nakano, Oropeza, Simitian, Strom-Martin, and Vargas)	763	1390	—	Firebaugh
740	—	108	Speier (Principal coauthor: Assembly Member Romero) (Coauthors: Senators Alpert, Costa, Figueroa, Kuehl, Ortiz, and Scott) (Coauthors: Assembly Members Alquist, Kehoe, Koretz, Longville, Matthews, Richman, Shelley, Strickland, and Strom-Martin)	764	—	32	Escutia (Coauthors: Senators Alarcon, Polanco, and Vasconcellos) (Coauthors: Assembly Members Alquist, Cedillo, Firebaugh, Koretz, Longville, Richman, Romero, and Washington)
741	—	211	Torlakson (Coauthor: Senator Machado)	765	—	828	Alarcon
742	—	613	Alarcon	766	—	47	Bowen
743	—	891	Escutia (Principal coauthor: Assembly Member Cedillo)	767	—	195	Chesbro
744	—	1182	Committee on Revenue and Taxation (Senators Scott (Chair), Alpert, Bowen, and Burton)	768	—	480	Johannessen (Coauthors: Senators Monteith, Oller, and Soto) (Coauthors: Assembly Members Cardenas, Chavez, Cogdill, Cox, Diaz, Dickerson, Kelley, Maddox, Robert Pacheco, Pavley, Pescetti, Strickland, and Wyman)
745	—	1191	Speier	769	—	527	Sher
746	31	—	Reyes (Coauthors: Assembly Members Briggs, Cardoza, and Cogdill) (Coauthors: Senators Costa, Machado, and Soto)	770	1	—	Aanestad
747	705	—	Steinberg (Coauthors: Senators Kuehl, Romero, and Vincent)	771	1233	—	Pescetti
748	715	—	Wayne	772	1457	—	Keeley (Principal coauthor: Senator McPherson)
749	961	—	Steinberg, Senators Vasconcellos and Ortiz, and Assembly Member Diaz (Principal coauthors: Assembly Members Firebaugh, Goldberg, Strom-Martin, and Wesson) (Principal	773	1574	—	Lowenthal
				774	1724	—	Pavley
				775	215	—	Cohn and Rod Pacheco (Coauthors: Assembly Members Alquist, Chavez, Havice, Koretz, Leach, Maldonado, Pavley, Pescetti, Salinas, and Wyman) (Coauthors: Senators Karnette, McPherson, Murray, Ortiz, and Romero)
				776	286	—	Cedillo
				777	351	—	La Suer (Coauthors: Senators Margett, Soto, and Torlakson)
				778	399	—	Havice
				779	464	—	Frommer
				780	492	—	Oropeza (Coauthors: Assembly Members Aroner, Calderon, Cardenas, Chan, Chavez, Diaz, Firebaugh, Frommer,

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			Goldberg, Negrete McLeod, Pavley, Salinas, Steinberg, Washington, and Wesson) (Coauthors: Senators Karnette and Murray)	811	173	—	Chavez (Coauthors: Assembly Members Dickerson, Hollingsworth, Robert Pacheco, Washington, and Wyman)
781	510	—	Matthews	812	223	—	Frommer
782	616	—	Calderon	813	276	—	Migden and Koretz
783	856	—	Wesson	814	540	—	Firebaugh and Maldonado (Principal coauthor: Assembly Member Alquist) (Coauthors: Assembly Members Aroner, Calderon, Cedillo, Chan, Chavez, Chu, Diaz, Frommer, Keeley, Koretz, Oropeza, Reyes, Steinberg, Strom-Martin, Vargas, and Wiggins) (Coauthors: Senators Chesbro, Escutia, Kuehl, McPherson, Perata, Romero Vasconcellos, and Vincent)
784	867	—	Cardoza				
785	895	—	Wiggins				
786	1038	—	Hertzberg (Coauthors: Assembly Members Aroner, Cardenas, Chavez, Diaz, Firebaugh, Havice, La Suer, Robert Pacheco, Richman, and Wyman)	815	608	—	Dickerson (Principal coauthor: Assembly Member Cogdill) (Coauthors: Assembly Members Leslie and Strom-Martin)
787	1082	—	Nation	816	731	—	Wayne
788	1184	—	Oropeza	817	938	—	Cohn
789	1262	—	Migden (Coauthor: Assembly Member Alquist)	818	978	—	Steinberg (Coauthors: Assembly Members Aroner, Calderon, Chan, Corbett, Correa, Frommer, Hertzberg, Hollingsworth, Kelley, Koretz, Leonard, Nation, Robert Pacheco, Pavley, Strickland, Strom-Martin, Vargas, Washington, Wesson, and Zettel) (Coauthors: Senators Alpert, Battin, Brulte, Burton, Chesbro, Figueroa, Karnette, Kuehl, McClintock, Soto, and Vincent)
790	1281	—	Cedillo	819	1011	—	Pavley (Coauthor: Senator Kuehl)
791	1374	—	Wiggins	820	1015	—	Wright (Coauthors: Assembly Members Alquist, Aroner, Calderon, Canciamilla, Cardenas, Cedillo, Chavez, Correa, Diaz, Dutra, Firebaugh, Florez, Frommer, Goldberg, Horton, Kehoe, Koretz, Liu, Longville, Lowenthal, Maddox, Matthews, Nation, Oropeza, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Shelley, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Wayne, Wesson, and Wiggins) (Coauthors: Senators Burton, Escutia, Kuehl, Polanco, and Soto)
792	1681	—	Canciamilla				
793	1683	—	Committee on Public Employees, Retirement and Social Security (Havice (Chair), Canciamilla (Vice Chair), Briggs, Chan, Firebaugh, Pescetti, and Strom-Martin)				
794	—	6	O'Connell (Coauthor: Senator Costa) (Coauthors: Assembly Members Chan and Thomson)				
795	—	20	Alarcon (Coauthors: Senators Burton, Kuehl, Murray, and Romero) (Coauthors: Assembly Members Aroner, Calderon, Cardenas, Cedillo, Chan, Chavez, Chu, Diaz, Frommer, Goldberg, Hertzberg, Horton, Keeley, Kehoe, Koretz, Migden, Oropeza, Salinas, Shelley, Steinberg, Washington, Wayne, Wesson, Wiggins, and Wright)				
796	—	90	Dunn (Principal coauthors: Assembly Members Correa and Frommer)				
797	—	181	Dunn				
798	—	202	Soto				
799	—	235	Vasconcellos				
800	—	334	Ortiz				
801	—	379	Alarcon (Principal Coauthor: Assembly Member Cedillo)				
802	—	499	Soto	821	1025	—	Frommer
803	—	501	Committee on Public Employment and Retirement (Senators Soto (Chair), Karnette, and Ortiz)	822	1432	—	Corbett
804	—	588	Burton	823	1534	—	Longville
805	—	614	Burton	824	1700	—	Steinberg and Frommer (Coauthor: Senator Monteith)
806	—	730	O'Connell and Battin	825	—	290	Committee on Transportation (Senators Murray (Chair), Costa, Figueroa, Karnette, Perata, Scott, Soto, and Torlakson)
807	—	1207	Romero	826	1472	—	Longville
808	—	1212	Romero (Coauthors: Assembly Members Chavez, Shelley, and Strom Martin)	827	—	293	Torlakson and Figueroa
809	84	—	Hertzberg (Coauthors: Assembly Members Anestad, Aroner, Chan, Diaz, Firebaugh, Havice, Hollingsworth, Horton, Keeley, Koretz, La Suer, Oropeza, Pavley, Richman, and Washington) (Coauthor: Senator Scott)	828	—	870	Costa
				829	—	883	Escutia
				830	—	940	Committee on Judiciary (Senators Escutia (Chair), Kuehl, O'Connell, Peace, and Sher)
810	152	—	Calderon (Coauthors: Assembly Members Chavez, Daucher, and Robert Pacheco) (Coauthor: Senator Margett)	831	1696	—	Committee on Human Services (Aroner (Chair), Goldberg (Vice Chair), Chan, Diaz, and Dutra)

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832	—	974	Torlakson (Coauthor: Assembly Member Wiggins)	857	—	776	Torlakson (Principal coauthor: Senator Karnette)
833	196	—	Correa and Matthews	858	—	799	Karnette (Coauthor: Senator Polanco)
834	—	424	Burton	859	—	826	Margett
835	—	1222	Romero (Principal coauthor: Senator Torlakson) (Coauthors: Assembly Members La Suer and Washington)	860	—	1059	Perata and Ortiz (Coauthors: Assembly Members Aroner and Steinberg)
836	43	—	Wesson, Alquist, Aroner, Cedillo, Corbett, Goldberg, Koretz, Papan, Shelley, and Thomson (Coauthors: Assembly Members Cardenas, Chavez, Diaz, Firebaugh, Havice, Negrete McLeod, and Pavley) (Coauthors: Senators Kuehl and Romero)	861	414	—	Dutra
837	70	—	Wright, Aanestad, Aroner, Bill Campbell, Cardoza, Chavez, Dickerson, Harman, Horton, Kehoe, Koretz, Maddox, Nation, Oropeza, Robert Pacheco, Rod Pacheco, Pavley, Pescetti, Reyes, Richman, Strom-Martin, Vargas, Washington, and Wyland (Coauthors: Senators Alpert, Machado, and Margett)	862	621	—	Corbett
838	98	—	Zettel	863	910	—	Wayne
839	128	—	Goldberg and Shelley	864	965	—	Mountjoy (Coauthors: Assembly Members Bill Campbell, Cogdill, Dutra, Havice, Hollingsworth, Koretz, La Suer, Leach, Longville, Robert Pacheco, Pescetti, Runner, and Vargas) (Coauthors: Senators Alarcon, Monteith, and Romero)
840	135	—	Havice (Coauthors: Assembly Members Alquist, Aroner, Cedillo, Corbett, Correa, Dickerson, Florez, Koretz, Leach, Lowenthal, Maddox, Nation, Robert Pacheco, Papan, Pescetti, Richman, Strom-Martin, Wayne, and Wiggins) (Coauthors: Senators Alpert, Burton, Costa, Karnette, McPherson, Murray, Romero, Soto, and Torlakson)	865	972	—	Calderon
841	258	—	La Suer (Coauthors: Assembly Members Bates, Bill Campbell, Cohn, Daucher, Hollingsworth, Leach, Maldonado, Mountjoy, Pescetti, Richman, Strickland, Wyman, and Zettel) (Coauthor: Senator Margett)	866	1329	—	Lowenthal
842	313	—	Goldberg	867	1532	—	Pavley
843	349	—	La Suer	868	1621	—	Cardenas
844	365	—	Nation (Coauthor: Senator O'Connell)	869	1664	—	Pavley
845	530	—	Reyes	870	—	41	Alpert and Brulte (Coauthors: Senators Alarcon, Battin, Chesbro, Johannessen, and O'Connell) (Coauthors: Assembly Members Alquist, Calderon, Chan, Reyes, Salinas, Strom-Martin, and Washington)
846	663	—	Vargas (Coauthors: Assembly Members Calderon, Chavez, Frommer, Kehoe, La Suer, Strom-Martin, Washington, Wayne, and Zettel) (Coauthors: Senators Alpert and Burton)	871	—	100	Johannessen (Coauthors: Senators Haynes, Knight, McClintock, Monteith, and Oller) (Coauthors: Assembly Members Briggs, Leach, Robert Pacheco, Runner, Strom-Martin, and Wyman)
847	674	—	Dutra	872	—	431	Monteith
848	762	—	Papan (Coauthor: Senator Speier)	873	—	497	Sher
849	1078	—	Jackson (Principal coauthors: Senators Karnette, Kuehl, Speier, and Torlakson) (Coauthor: Assembly Member Alquist) (Coauthor: Senator Alarcon)	874	—	528	Sher
850	1245	—	Alquist (Coauthor: Assembly Member Shelley)	875	1602	—	Keeley (Principal coauthor: Assembly Member Hertzberg) (Principal coauthors: Senators Chesbro and Burton) (Coauthors: Assembly Members Chan, Chu, Firebaugh, Frommer, Havice, Jackson, Kelley, Koretz, Liu, Pavley, Wayne, and Wesson) (Coauthors: Senators Alarcon, Alpert, McPherson, Murray, Ortiz, and Vasconcellos)
851	1337	—	Cohn	876	1481	—	Frommer (Principal coauthors: Assembly Members Firebaugh and Pavley) (Coauthors: Assembly Members Aroner, Calderon, Cedillo, Chavez, Diaz, Koretz, Liu, Lowenthal, Nakano, Vargas, and Wayne) (Coauthor: Senators Polanco, Scott, and Torlakson)
852	1549	—	Wiggins	877	—	359	Murray (Principal coauthor: Assembly Member Cardenas) (Coauthors: Assembly Members Aroner, Dickerson, Kelley, and Goldberg)
853	1614	—	Washington and Runner	878	—	766	Burton
854	—	205	McPherson	879	—	307	Vasconcellos (Coauthors: Senators Bowen, Machado, Ortiz, Romero, Scott, and Torlakson) (Coauthors: Assembly Members Alquist, Aroner, Calderon, Cedillo, Chan, Chu, Diaz, Florez, Goldberg, Kehoe, Liu, Shelley, and Strom-Martin)
855	—	255	Speier (Coauthor: Senator Romero) (Coauthors: Assembly Members Dickerson, Dutra, Firebaugh, Florez, Havice, Horton, Pavley, and Shelley)				
856	—	486	Speier				

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880	913	—	Steinberg				Goldberg, Jackson, Keeley, Kehoe, Koretz, Longville, Lowenthal, Nation, Oropeza, Shelley, Simitian, Steinberg, Strom-Martin, Vargas, Wesson, and Wiggins) (Coauthor: Senators Burton, Escutia, Murray, Perata, Romero, Speier, and Vasconcellos)
881	935	—	Hertzberg				
882	1084	—	Wesson (Coauthor: Senator Chesbro)				
883	—	413	Speier (Coauthors: Assembly Members Alquist, Chu, Koretz, Pavley, and Strom-Martin)				
884	341	—	Strom-Martin				
885	343	—	Bates (Coauthors: Assembly Members Harman and Pavley)	894	59	—	Cedillo (Coauthors: Assembly Members Frommer, Negrete McLeod, Salinas, and Wayne)
886	1018	—	Liu (Coauthors: Assembly Members Aroner, Koretz, Wiggins, and Wyland) (Coauthor: Senators Escutia and McPherson)	895	1118	—	Corbett (Coauthors: Assembly Members Alquist, Cedillo, Chavez, Strom-Martin, and Washington) (Coauthors: Senators Alarcon, Figueroa, and Margett)
887	1295	—	Thomson and Reyes	896	—	388	Alpert
888	—	354	Escutia	897	—	493	Sher (Coauthors: Assembly Members Alquist, Chan, and Koretz)
889	—	225	Kuehl (Coauthor: Senator Romero) (Coauthors: Assembly Members Aroner, Goldberg, Keeley, Koretz, Steinberg, Strom-Martin, and Thomson)	898	—	680	Figueroa
890	—	257	Kuehl (Coauthor: Senator Romero) (Coauthors: Assembly Members Alquist, Aroner, Calderon, Chan, Chu, Cohn, Correa, Firebaugh, Kehoe, Koretz, Liu, Pavley, Steinberg, Strom-Martin, and Vargas)	899	—	780	Ortiz, Chesbro, Karnette, Kuehl, Murray, and Speier (Principal coauthor: Assembly Member Jackson) (Coauthors: Assembly Members Alquist, Aroner, Chavez, Koretz, Nation, Richman, Shelley, and Steinberg)
891	—	735	Introduced by Senate Committee on Budget and Fiscal Review (Principal coauthors: Senators Ortiz and Scott) (Principal coauthors: Assembly Members Alquist, Horton, Leach, and Robert Pacheco) (Coauthors: Senators Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Johannessen, Karnette, Kuehl, Machado, Margett, McPherson, Montthier, Morrow, Murray, O'Connell, Oller, Perata, Polanco, Poochigian, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent) (Coauthors: Assembly Members Aanestad, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	900	—	1169	Alpert (Coauthors: Assembly Members Cohn, Koretz, Richman, Shelley, and Thomson)
				901	2	—	Alquist
				902	56	—	Shelley and Hertzberg (Coauthors: Assembly Members Cardenas and Robert Pacheco)
				903	140	—	Strom-Martin (Coauthor: Assembly Member Florez)
				904	280	—	Robert Pacheco
				905	549	—	Longville (Coauthor: Senator Brulte)
				906	673	—	Migden, Nakano, and Rod Pacheco, and Senator McPherson (Principal coauthors: Assembly Members Hertzberg and Washington) (Principal coauthor: Senator Alpert) (Coauthors: Assembly Members Alquist, Aroner, Bates, Calderon, John Campbell, Cardoza, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Frommer, Harman, Havice, Hollingsworth, Jackson, Keeley, Kelley, Koretz, La Suer, Liu, Longville, Lowenthal, Matthews, Negrete McLeod, Mountjoy, Robert Pacheco, Pavley, Pescetti, Reyes, Richman, Runner, Steinberg, Strom-Martin, Thomson, Vargas, Wayne, Wiggins, Wyland, Wyman, and Zettel) (Coauthors: Senators Ackerman, Costa, Dunn, Figueroa, Karnette, Kuehl, Machado, Margett, Murray, Scott, Soto, and Speier)
				907	1171	—	Dutra
				908	1335	—	Cohn
				909	1475	—	Liu
892	—	740	O'Connell (Coauthors: Assembly Members Alquist, Correa, Keeley, Longville, Washington, and Wiggins)	910	—	504	Scott (Principal coauthor: Senator Kuehl) (Coauthor: Assembly Member Shelley)
893	25	—	Migden and Hertzberg and Senator Kuehl (Coauthors: Assembly Members Aroner, Calderon, Chan, Firebaugh,	911	—	759	Murray (Principal coauthor: Assembly Member Dutra)

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912	—	1170	Sher (Coauthors: Assembly Members Havice, Kehoe, Nakano, Longville, Simitian, Strom-Martin, and Vargas)	930	153	—	Nakano and Koretz
913	—	19	Escutia (Principal coauthor: Senator Alpert) (Coauthors: Senators Bowen, Kuehl, Ortiz, Romero, Speier, Torlakson, and Vasconcellos) (Coauthors: Assembly Members Alquist, Aroner, Calderon, Cedillo, Chavez, Diaz, Firebaugh, Keeley, Koretz, Steinberg, Strom-Martin, and Washington)	931	624	—	Oropeza (Coauthors: Assembly Members Aroner, Diaz, Havice, and Robert Pacheco) (Coauthor: Senator Karmette)
914	—	786	Scott (Principal coauthor: Assembly Member Migden) (Coauthor: Senator Escutia) (Coauthors: Assembly Members Alquist, Chu, Havice, Koretz, Lowenthal, and Washington)	932	936	—	Vargas (Coauthor: Senator Alpert)
915	63	—	Cedillo	933	1093	—	Briggs
916	302	—	Migden	934	1460	—	Nation (Coauthor: Assembly Member Briggs)
917	696	—	Longville	935	—	95	Vincent
918	719	—	Wiggins	936	—	590	Perata
919	733	—	Longville	937	—	626	Perata and Peace
920	1115	—	Committee on Revenue and Taxation (Corbett (Chair), Harman (Vice Chair), Alquist, Aroner, Cedillo, Koretz, Matthews, and Wyland)	938	—	975	Alarcon
921	1325	—	Negrete McLeod	939	—	1098	Alarcon
922	1520	—	Shelley (Coauthor: Assembly Member Strom-Martin) (Coauthor: Senators Romero and Soto)	940	35	—	Shelley and Jackson (Principal coauthor: Assembly Member Koretz) (Coauthors: Assembly Members Alquist, Aroner, Cedillo, Chan, Firebaugh, Frommer, Goldberg, Horton, Keeley, Kehoe, Longville, Lowenthal, Steinberg, Vargas, and Washington) (Coauthors: Senators Karmette, Kuehl, Murray, Perata, Polanco, Romero, Scott, and Torlakson)
923	1711	—	Committee on Elections, Reapportionment and Constitutional Amendments (Longville (Chair), Cardenas, Cardoza, Firebaugh, Horton, Kehoe, Nakano, Oropeza, Shelley, and Vargas)	941	54	—	Wesson
924	1712	—	Committee on Elections, Reapportionment and Constitutional Amendments (Longville (Chair), Cardenas, Cardoza, Firebaugh, Horton, Kehoe, Nakano, Oropeza, Shelley, and Vargas)	942	—	52	Scott and Perata (Principal coauthor: Assembly Member Jackson) (Coauthors: Senators Karmette, Kuehl, Murray, Polanco, Romero, and Torlakson) (Coauthors: Assembly Members Alquist, Aroner, Cedillo, Chan, Firebaugh, Frommer, Goldberg, Horton, Keeley, Kehoe, Koretz, Longville, Lowenthal, Shelley, Steinberg, Vargas, and Washington)
925	—	7	Peace and Perata	943	—	83	Burton
926	—	373	Torlakson (Coauthor: Senator Chesbro) (Principal coauthors: Assembly Members Hertzberg and Strom-Martin) (Coauthor: Assembly Member Alquist)	944	—	950	Brulte (Principal coauthor: Senator Scott) (Coauthor: Senator Peace)
927	—	412	Vasconcellos	945	—	952	Committee on Governmental Organization (Senators Perata (Chair), Chesbro, Dunn, Johannessen, Johnson, Karmette, Machado, Morrow, O'Connell, Soto, and Vincent)
928	—	919	Polanco	946	93	—	Wayne (Coauthors: Assembly Members Kehoe and Vargas) (Principal coauthor: Senator Peace) (Coauthor: Senator Alpert)
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1	ACR 11	Washington (Principal coauthors: Assembly Members Horton, Wesson, and Wright) (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Wayne, Wiggins, Wyland, Wyman, and Zettel) (Coauthors: Senators Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Monteith, Morrow, Murray, O'Connell, Oller, Ortiz, Peace, Perata, Polanco, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent)	4	ACR 15	Wright (Principal coauthors: Assembly Members Wesson, Washington, Horton, Hertzberg, and Longville) (Principal coauthors: Senators Murray, Vincent, and Burton) (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Havice, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Salinas, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Wayne, Wiggins, Wyman, and Zettel)
2	ACR 13	Washington, Cardoza, and Hertzberg (Coauthors: Assembly Members Aanestad, Alquist, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Wayne, Wesson, Wright, Wyland, Wyman, and Zettel) (Coauthor: Senator Burton)	5	SCR 11	Morrow, Ackerman, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Dunn, Escutia, Figueroa, Johannessen, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Monteith, O'Connell, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, and Vincent (Principal coauthor: Assembly Member Strom-Martin) (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maldonado,
3	ACR 14	Migden and Daucher (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Bates, Briggs, Calderon, John Campbell, Canciamilla, Cardenas,			



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6	ACR 17	Nakano (Principal coauthor: Senator Machado) (Coauthors: Assembly Members Chan, Liu, Maldonado, Shelley, Aanestad, Alquist, Aroner, Ashburn, Bates, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Longville, Lowenthal, Matthews, Migden, Mountjoy, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Salinas, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Wayne, Wesson, Wiggins, Wyland, and Zettel)	10	ACR 33	Hertzberg (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Bill Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Harman, Havice, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wright, Wyland, Wyman, and Zettel) (Coauthors: Senators Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Monteith, Morrow, Murray, O'Connell, Oller, Ortiz, Peace, Perata, Polanco, Poochigian, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos)
7	SCR 2	Alpert (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	11	ACR 16	Strom-Martin (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, John Campbell, Canciamilla, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Nakano, Nation, Negrete McLeod, Oropeza, Papan, Pavley, Pescetti, Reyes, Richman, Salinas, Shelley, Simitian, Steinberg, Strickland, Thomson, Vargas, Wayne, Wesson, Wright, Wyland, Wyman, and Zettel)
8	SCR 7	Johannessen	12	SCR 3	Burton
9	ACR 24	Strom-Martin (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Briggs, Calderon, Bill Campbell, Canciamilla, Cardenas, Cardoza, Chan, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete	13	SCR 4	Burton
			14	SCR 8	Murray (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dutra, Firebaugh, Florez,

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15	SCR	5			Torlakson	
16	SCR	6	19	SJR	10	Poochigian, Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Monteith, Morrow, O'Connell, Oller, Peace, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)
17	SCR	16	20	ACR	19	Wayne (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Briggs, Calderon, Bill Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wesson, Wiggins, Wyland, Wyman, and Zettel)
		Chesbro, Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte, Burton, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Monteith, Morrow, O'Connell, Oller, Ortiz, Perata, Polanco, Poochigian, Scott, Soto, Speier, Torlakson, and Vincent (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	21	SCR	20	Alpert, Ackerman, Alarcon, Battin, Bowen, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Monteith, Morrow, O'Connell, Oller, Peace, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, Bill Campbell,

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22	ACR 8	Havice			
23	ACR 34	Corbett (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Richman, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	27	ACR 12	Cardoza (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Romero, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel) (Coauthors: Senators Costa and Vasconcellos)
24	ACR 39	Mountjoy (Coauthors: Assembly Members Aanestad, Ashburn, Bates, Briggs, Bill Campbell, John Campbell, Cogdill, Cox, Daucher, Harman, Hollingsworth, La Suer, Leach, Leonard, Leslie, Maddox, Maldonado, Robert Pacheco, Pescetti, Richman, Runner, Strickland, Wyland, Wyman, and Zettel) (Coauthor: Senator Oller)	28	ACR 41	Strom-Martin (Coauthors: Assembly Members Alquist, Aroner, Calderon, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cohn, Corbett, Correa, Daucher, Diaz, Firebaugh, Goldberg, Harman, Havice, Hertzberg, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Nakano, Nation, Negrete McLeod, Oropeza, Pavley, Reyes, Salinas, Shelley, Simitian, Steinberg, Thomson, Vargas, Washington, Wayne, Wesson, and Wiggins)
25	ACR 31	Strom-Martin (Principal coauthor: Assembly Member Wesson) (Coauthors: Assembly Members Alquist, Aroner, Bates, Calderon, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Jackson, Keeley, Kehoe, Kelley, Koretz, Leach, Longville, Lowenthal, Liu, Maldonado, Matthews, Migden, Negrete McLeod, Nakano, Nation, Oropeza, Papan, Pavley, Pescetti, Reyes, Richman, Salinas, Shelley, Simitian, Steinberg, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, and Zettel)	29	SCR 9	Morrow
			30	SCR 27	Speier

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31	SJR 5	Poochigian and Speier (Principal coauthor: Senator Scott) (Principal coauthors: Assembly Members Alquist, Frommer, Liu, Papan, and Simitian)			McLeod, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel)
32	ACR 7	Havice			
33	ACR 9	Havice			
34	ACR 36	Cox			
35	ACR 45	Hertzberg			
36	ACR 57	Koretz and Hertzberg (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hollingsworth, Horton, Jackson, Keeley, Kehoe, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	40	SCR 24	Speier (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wyland, Wyman, and Zettel)
37	ACR 35	Thomson and Pavley (Coauthors: Assembly Members Aanestad, Chan, Chavez, Harman, Havice, Robert Pacheco, Runner, Alquist, Aroner, Ashburn, Bates, Bogh, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardoza, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Frommer, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Rod Pacheco, Papan, Pescetti, Reyes, Richman, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel)	41	ACR 21	Firebaugh and Hertzberg (Principal coauthor: Assembly Member Cardenas) (Principal coauthor: Senator Kuehl) (Coauthors: Assembly Members Alquist, Aroner, Cedillo, Chan, Chavez, Corbett, Diaz, Goldberg, Horton, Kehoe, Koretz, Longville, Lowenthal, Oropeza, Romero, Shelley, Steinberg, Strom-Martin, Vargas, Washington, Wesson, Wright, Calderon, Cardoza, Cohn, Correa, Dutra, Florez, Frommer, Havice, Jackson, Keeley, Liu, Matthews, Migden, Nation, Negrete McLeod, Reyes, Salinas, Simitian, Thomson, and Wiggins) (Coauthors: Senators Alarcon, Escutia, Murray, Sher, Speier, and Vincent)
38	ACR 52	Correa	42	ACR 64	Zettel (Coauthors: Assembly Members Ashburn, Bates, Briggs, Bill Campbell, Mountjoy, Robert Pacheco, Richman, Runner, Washington, Wyland, Wyman, Aanestad, Alquist, Aroner, Bogh, John Campbell, Canciamilla, Cardenas, Cardoza, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Dickerson, Dutra, Firebaugh, Florez, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, La Suer, Leach, Leonard, Leslie, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Nation, Oropeza, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Salinas, Shelley, Simitian, Steinberg, Strom-Martin, Thomson, Vargas, Wayne, Wesson, and Wright)
39	ACR 60	Daucher (Coauthors: Assembly Members Aanestad, Alquist, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardoza, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Diaz, Dickerson, Dutra, Firebaugh, Frommer, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete			

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43	ACR 69	(Coauthors: Senators Ackerman and Poochigian) Strom-Martin (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	46	ACR 56	Steinberg, Strickland, Strom-Martin, Thomson, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)
44	SCR 31	Burton (Coauthors: Assembly Members Aanestad, Alquist, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	47	ACR 27	Dickerson
45	ACR 67	Nakano (Coauthors: Assembly Members Alquist, Cohn, Horton, Longville, Salinas, Aanestad, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	48	ACR 51	Negrete McLeod
			49	SCR 19	Johannessen (Principal coauthor: Assembly Member Lowenthal) (Coauthors: Senators Battin, Haynes, Karnette, Machado, Oller, Ortiz, and Scott) (Coauthors: Assembly Members Aanestad, Aroner, Bates, Bill Campbell, Cogdill, Firebaugh, Leach, Robert Pacheco, and Strom-Martin)
			50	ACR 44	Havice
			51	SCR 26	Polanco
			52	SCR 28	Alarcon
			53	ACR 26	Dickerson
			54	ACR 46	Florez
			55	ACR 58	Nakano, Chan, and Liu (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Bates, Bogh, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyman, and Zettel)

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56	ACR 63	Pavley and Florez (Coauthors: Assembly Members Aanestad, Alquist, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dutra, Firebaugh, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel) (Coauthors: Senators Kuehl and Machado)			Koretz, Liu, Lowenthal, Matthews, Migden, Nakano, Nation, Negrete McLeod, Oropeza, Papan, Pavley, Pescetti, Reyes, Salinas, Shelley, Simitian, Steinberg, Strom-Martin, Thomson, Vargas, Wayne, Wesson, Wiggins, and Wright)
	57	ACR 6	65	SCR 22	Battin (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bogh, Calderon, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chavez, Cogdill, Cohn, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Frommer, Goldberg, Harman, Havice, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel)
	58	ACR 25			Leonard (Coauthors: Assembly Members Aanestad, Alquist, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)
	59	ACR 28			Strom-Martin (Coauthors: Assembly Members Alquist, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Firebaugh, Florez, Frommer, Goldberg, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wyland, and Wyman)
	60	ACR 47			Moutjoy and La Suer (Coauthors: Assembly Members Aanestad, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Dickerson, Hollingsworth, Kelley, Leach, Leonard, Leslie, Maddox, Maldonado, Robert Pacheco, Rod Pacheco, Richman, Runner, Strickland, Wyland, Wyman, Zettel, Alquist, Aroner, Briggs, Calderon, Bill Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Firebaugh, Florez, Frommer, Harman, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe,
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	62	ACR 43			
	63	ACR 70			
	64	ACR 78			
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68	ACR 53	Leach	73	ACR 68	John Campbell
69	ACR 85	Reyes (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Chu, Cogdill, Cohn, Correa, Cox, Daucher, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Richman, Runner, Salinas, Shelley, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wiggins, Wright, Wyland, Wyman, and Zettel)	74	ACR 71	Aroner
		Maddox (Principal coauthor: Senator Dunn) (Coauthors: Assembly Members Aanestad, Alquist, Ashburn, Bates, Bogh, Briggs, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Dickerson, Dutra, Firebaugh, Florez, Harman, Havice, Hollingsworth, Horton, Jackson, Keeley, Kelley, La Suer, Leach, Leonard, Leslie, Maldonado, Matthews, Mountjoy, Nakano, Nation, Negrete McLeod, Robert Pacheco, Rod Pacheco, Papan, Pescetti, Reyes, Richman, Runner, Salinas, Simitian, Steinberg, Washington, Wayne, Wesson, Wyland, Wyman, and Zettel) (Coauthors: Senators Costa, Haynes, Johnson, Margett, and Morrow)	75	ACR 76	Corbett (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bogh, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chavez, Chu, Cogdill, Cohn, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, and Zettel)
70	ACR 23		76	AJR 4	Leslie and Aanestad (Principal coauthor: Senator Oller) (Coauthors: Assembly Members Ashburn, Briggs, Cox, Dickerson, Robert Pacheco, Alquist, Bates, Bogh, Bill Campbell, John Campbell, Canciamilla, Cardoza, Cedillo, Chavez, Cogdill, Cohn, Correa, Daucher, Dutra, Harman, Havice, Hollingsworth, Keeley, Kelley, La Suer, Leach, Leonard, Maddox, Maldonado, Matthews, Mountjoy, Oropeza, Rod Pacheco, Papan, Reyes, Richman, Steinberg, Wayne, Wyland, Wyman, and Zettel) (Coauthors: Senators Johannessen and Monteith)
71	SCR 25	Soto	77	AJR 16	Robert Pacheco
72	ACR 22	Frommer (Principal coauthor: Senator Poochigian) (Coauthors: Assembly Members Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardoza, Chan, Chavez, Chu, Cogdill, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley,	78	SCR 13	Morrow
			79	SCR 14	Oller
			80	SCR 18	Chesbro
			81	SCR 36	Burton (Principal coauthors: Senators Escutia and Ortiz) (Principal coauthors: Assembly Members Hertzberg and Steinberg) (Coauthors: Assembly Members Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Goldberg, Harman, Havice, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley,

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82	AJR 1	Havice (Coauthors: Assembly Members Alquist, Aroner, Calderon, Cardenas, Chan, Chavez, Cohn, Corbett, Correa, Diaz, Dutra, Firebaugh, Florez, Goldberg, Hertzberg, Horton, Jackson, Keeley, Kehoe, Koretz, Liu, Longville, Lowenthal, Maldonado, Migden, Negrete McLeod, Oropeza, Rod Pacheco, Papan, Pescetti, Reyes, Salinas, Shelley, Simitian, Steinberg, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, and Wiggins)	91	ACR 89	Ashburn (Coauthors: Assembly Members Briggs, Cogdill, Reyes, Wyman, Aanestad, Alquist, Aroner, Bates, Bogh, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cedillo, Chan, Chavez, Chu, Cohn, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, La Suer, Leach, Leonard, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Rod Pacheco, Pavley, Pescetti, Richman, Salinas, Shelley, Simitian, Steinberg, Strickland, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, and Zettel) (Coauthors: Senators Costa, Monteith, and Poochigian)		
83	SCR 10	Polanco	92	SCR 12	Chesbro and Soto		
84	SCR 17	Costa	93	SJR 2	Polanco (Coauthors: Assembly Members Alquist, Aroner, Bates, Calderon, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Koretz, Leach, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel)		
85	SCR 21	Battin			94	SJR 4	Soto
86	SJR 1	Murray (Coauthors: Assembly Members Aroner, Calderon, Canciamilla, Cardenas, Cedillo, Chan, Chavez, Chu, Cohn, Corbett, Cox, Diaz, Dutra, Firebaugh, Florez, Frommer, Goldberg, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Koretz, La McLeod, Oropeza, Pavley, Reyes, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Vargas, Washington, Wesson, Wiggins, Wright, and Zettel)			95	SCR 23	Polanco
		Dutra and Longville (Principal coauthors: Senators Murray and Karnette) (Coauthors: Senators Alarcon, Alpert, Costa, Figueroa, and Machado)			96	SCR 30	Soto
87	ACA 4				97	SJR 12	Polanco
88	AJR 13	Runner (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Negrete McLeod, Oropeza, Robert Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Salinas, Shelley, Simitian, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel)			98	AJR 9	Runner, Nakano, Liu, and Wyman (Coauthor: Senator Knight) (Coauthors: Assembly Members Aanestad, Alquist, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox,
89	ACR 10	Havice					
90	ACR 86	Nation (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman,					



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		Daucher, Diaz, Dickerson, Dutra, Firebaugh, Frommer, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard Leslie, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Negrete McLeod, Oropeza, Robert Pacheco, Pescetti, Reyes, Richman, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wyland, and Zettel)	112	SJR	3	McPherson, Monteith, Morrow, Murray, O'Connell, Oller, Peace, Perata, Polanco, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vincent) (Coauthor: Assembly Member Keeley)	
99	ACR	20	Pavley (Principal coauthor: Senator Kuehl)			Karnette, Alpert, Bowen, Chesbro, Costa, Dunn, Figueroa, Kuehl, Murray, Ortiz, Polanco, Romero, Scott, Sher, and Speier (Coauthors: Assembly Members Alquist, Aroner, Cardenas, Chan, Corbett, Diaz, Firebaugh, Jackson, Keeley, Kehoe, Koretz, Longville, Lowenthal, Matthews, Migden, Nation, Oropeza, Pavley, Richman, Steinberg, Strom-Martin, Wayne, Wiggins, Calderon, Canciamilla, Cedillo, Chavez, Chu, Cohn, Correa, Frommer, Goldberg, Havice, Hertzberg, Liu, Nakano, Negrete McLeod, Papan, Reyes, Salinas, Shelley, Simitian, Thomson, Vargas, Wesson, and Wright)	
100	ACR	29	Bates (Coauthors: Assembly Members Bill Campbell, John Campbell, Harman, and Maddox) (Coauthor: Senator Morrow)	113	SJR	8	Speier
101	ACR	59	Aanestad	114	ACA	9	Longville
102	SCR	32	Machado	115	AJR	15	Firebaugh and Vargas (Coauthors: Assembly Members Alquist, Aroner, Ashburn, Bates, Bogh, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, Leach, Leonard, Liu, Longville, Lowenthal, Maldonado, Matthews, Migden, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Pavley, Pescetti, Reyes, Richman, Runner, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Washington, Wayne, Wesson, Wiggins, Wright, Wyman, and Zettel)
103	SCR	33	Machado (Principal coauthor: Assembly Member Correa)				
104	SCR	35	Perata (Principal coauthors: Assembly Members Aroner and Chan)				
105	SJR	11	Machado (Principal coauthor: Assembly Member Chavez)				
106	SJR	18	Alarcon				
107	SJR	19	Ackerman (Principal coauthor: Assembly Member Daucher)				
108	AJR	12	Firebaugh and Aanestad (Principal coauthor: Senator Polanco)				
109	SCR	34	Margett (Coauthors: Senators Bowen, Costa, Haynes, and Polanco) (Coauthors: Assembly Members Alquist, Bill Campbell, Cox, Leach, Leonard, and Robert Pacheco)				
110	SCR	38	Johannessen (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Harman, Havice, Hertzberg, Hollingsworth, Horton, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leslie, Liu, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Robert Pacheco, Rod Pacheco, Pavley, Pescetti, Reyes, Richman, Runner, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Washington, Wayne, Wesson, Wiggins, Wyman, and Zettel)				
111	SCR	40	Torlakson, Ortiz, and Vasconcellos (Coauthors: Senators Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock,				
							Chavez (Principal coauthor: Assembly Member Ashburn) (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Frommer, Goldberg, Harman, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne,

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		Wesson, Wiggins, Wyland, Wyman, and Zettel)			Shelley, Simitian, Washington, Wayne, Wiggins, Wright, and Zettel)
117	AJR 18	Aroner (Coauthors: Assembly Members Chavez, Dutra, Firebaugh, Keeley, Koretz, Liu, Robert Pacheco, Salinas, Steinberg, Strom-Martin, and Thomson) (Coauthors: Senators Bowen, Costa, Kuehl, Perata, and Scott)	122	ACR 77	Cohn
			123	ACR 80	Havice (Coauthors: Assembly Members Alquist, Bates, Chavez, Firebaugh, Florez, Leach, Pavley, Thomson, and Zettel) (Coauthors: Senators Romero and Scott)
118	AJR 20	La Suer (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	124	ACR 87	Chavez (Coauthors: Assembly Members Wyland, Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, La Suer, Leach, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Negrete McLeod, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wyman, and Zettel)
119	AJR 21	Runner (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	125	ACR 88	Chavez (Coauthors: Assembly Members Wyland, Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, La Suer, Leach, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyman, and Zettel)
120	ACR 32	Dutra (Coauthor: Senator Karmette)	126	ACR 92	Firebaugh
121	ACR 73	Strom-Martin and Alquist (Coauthors: Assembly Members Calderon, Cardoza, Chan, Cohn, Corbett, Dutra, Firebaugh, Goldberg, Havice, Horton, Jackson, Kehoe, Koretz, Liu, Longville, Lowenthal, Matthews, Negrete McLeod, Pavley, Reyes, Salinas, Steinberg, Thomson, Vargas, Wesson, Aroner, Canciamilla, Cardenas, Chavez, Chu, Correa, Diaz, Florez, Frommer, Harman, Hertzberg, Keeley, Migden, Nakano, Nation, Oropeza, Papan,	127	ACR 93	Zettel (Coauthors: Assembly Members Bates and Thomson)
			128	ACR 95	Wiggins
			129	ACR 96	Havice (Coauthors: Assembly Members Ashburn, Bates, Briggs, Chavez, Daucher, Dutra, Firebaugh, Florez, Keeley, Kelley, Leach, Leonard, Mountjoy, Papan, Runner, Aanestad, Alquist, Aroner, Bogh, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Diaz, Dickerson, Frommer, Goldberg,

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130	ACR 97	Mountjoy and Wyman (Coauthors: Assembly Members Aanestad, Aroner, Ashburn, Bates, Bogh, Calderon, Bill Campbell, John Campbell, Canciamilla, Cogdill, Cox, Daucher, Dickerson, Harman, Hollingsworth, Kehoe, Kelley, La Suer, Leach, Leslie, Maddox, Maldonado, Robert Pacheco, Rod Pacheco, Papan, Pescetti, Richman, Runner, Salinas, Strickland, Vargas, Wiggins, Wyland, Zettel, Alquist, Briggs, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cohn, Corbett, Correa, Diaz, Dutra, Firebaugh, Florez, Frommer, Goldberg, Havice, Hertzberg, Horton, Keeley, Koretz, Leonard, Longville, Lowenthal, Matthews, Migden, Nakano, Nation, Negrete McLeod, Pavley, Reyes, Shelley, Simitian, Steinberg, Thomson, Washington, Wayne, Wesson, and Wright)	133	ACR 103	Nakano, Cox, Nation, and Wright
		Thomson (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pescetti, Reyes, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)	134	ACR 104	Strom-Martin (Coauthors: Assembly Members Pavley, Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pescetti, Reyes, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)
131	ACR 99		135	ACR 107	Hertzberg
		Cogdill (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Chan, Chavez, Chu, Cohn, Corbett, Correa, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Vargas, Washington, Wayne, Wesson, Wiggins, Wyland, Wyman, and Zettel)	136	ACR 108	Pavley (Principal coauthor: Assembly Member Chavez)
132	ACR 100		137	ACR 109	Pavley
			138	ACR 110	Wayne
			139	ACR 112	Bogh
			140	SCR 15	Soto
			141	SCR 37	Polanco
			142	SCR 39	Soto
			143	SCR 41	Soto
			144	SCR 42	Poochigian (Principal coauthor: Senator Speier) (Principal coauthor: Assembly Member Simitian) (Coauthors: Senators Ackerman, Alarcon, Alpert, Battin, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Kuehl,

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145	SCR 44	Machado, Margett, McClintock, McPherson, Monteith, Morrow, Murray, O'Connell, Oller, Peace, Perata, Polanco, Romero, Scott, Soto, Torlakson, and Vincent)	152	ACR 113	Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)
146	SJR 20	Costa (Coauthors: Assembly Members Dickerson and Florez)			Bogh, Rod Pacheco, and Negrete McLeod (Principal coauthors: Senators Battin and Soto) (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Oropeza, Robert Pacheco, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)
147	SJR 21	Polanco	153	ACR 115	John Campbell
148	SJR 26	Morrow, Ackerman, Alarcon, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Haynes, Johannessen, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Monteith, Murray, O'Connell, Oller, Ortiz, Peace, Perata, Polanco, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.	154	ACR 116	Bill Campbell (Coauthors: Assembly Members Aanestad, Alquist, Ashburn, Bates, Bogh, Briggs, Calderon, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Dickerson, Dutra, Firebaugh, Florez, Frommer, Harman, Havice, Hertzberg, Hollingsworth, Horton, Keeley, Kehoe, Kelley, La Suer, Leach, Leonard, Leslie, Longville, Lowenthal, Maddox, Maldonado, Matthews, Mountjoy, Nakano, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Wayne, Wesson, Wright, Wyland, and Wyman) (Coauthors: Senators Chesbro, Kuehl, and Torlakson)
149	ACR 5	Nation (Coauthors: Assembly Members Calderon, Chan, Salinas, Vargas, Wiggins, Aanestad, Alquist, Aroner, Ashburn, Bates, Briggs, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Wayne, Wesson, Wright, Wyland, and Wyman)	155	ACR 117	Hertzberg (Coauthors: Assembly Members Kehoe, Lowenthal, Migden, Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Cedillo, Cohn, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Thomson, Vargas, Washington, Wayne,
150	ACR 98	Runner			
151	ACR 105	Strom-Martin (Coauthors: Assembly Members Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hertzberg, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Koretz, La Suer, Leach, Leonard, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Thomson, Vargas, Washington, Wayne,			

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156	ACR 118	Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel) (Coauthors: Senators Karnette and Peace) Cardoza and Leonard (Coauthors: Assembly Members Cox Hertzberg, Aanestad, Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardenas, Cedillo, Chan, Chavez, Chu, Cogdill, Cohn, Corbett, Correa, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Florez, Frommer, Goldberg, Harman, Havice, Hollingsworth, Horton, Jackson, Keeley, Kehoe, Kelley, Koretz, La Suer, Leach, Leslie, Liu, Longville, Lowenthal, Maddox, Maldonado, Matthews, Migden, Mountjoy, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Reyes, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas,	157	AJR 29	Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel) Florez, Frommer, and Maldonado (Principal coauthors: Assembly Members Cardenas and Horton) (Coauthors: Assembly Members Alquist, Aroner, Ashburn, Bates, Bogh, Briggs, Calderon, Bill Campbell, John Campbell, Canciamilla, Cardoza, Cedillo, Chan, Chavez, Chu, Cogdill, Corbett, Correa, Cox, Daucher, Diaz, Dickerson, Dutra, Firebaugh, Harman, Havice, Hertzberg, Hollingsworth, Jackson, Keeley, Kehoe, Kelley, Koretz, Leach, Leonard, Leslie, Liu, Lowenthal, Maddox, Matthews, Migden, Nakano, Nation, Negrete McLeod, Oropeza, Robert Pacheco, Rod Pacheco, Papan, Pavley, Pescetti, Richman, Runner, Salinas, Shelley, Simitian, Steinberg, Strickland, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright, Wyland, Wyman, and Zettel)

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1	5	—	Keeley (Principal coauthor: Senator Bowen)				Assembly Members Liu and Negrete McLeod
2	6	—	Dutra and Pescetti (Principal coauthor: Senator Bowen)	9	—	31	Burton
3	—	7	Burton	10	—	6	Burton and Bowen (Principal coauthors: Assembly Members Hertzberg, Florez, Goldberg, Keeley, Shelley, and Wright) (Coauthors: Senators Alpert, Escutia, Karnette, Kuehl, Murray, Polanco, Scott, and Vincent) (Coauthors: Assembly Members Alquist, Aroner, Cedillo, Chan, Cohn, Corbett, Firebaugh, Frommer, Jackson, Koretz, Papan, Romero, Steinberg, Strom-Martin, Thomson, Washington, and Wiggins)
4	1	—	Keeley and Migden (Principal coauthor: Assembly Member Hertzberg)				
5	—	43	Alpert, Battin, Morrow, and Peace (Coauthors: Assembly Members Bates, Kehoe, La Suer, Vargas, Wayne, Wyland, and Zettel)				
6	43	—	Correa				
7	—	5	Sher, Alarcon, and Burton (Principal coauthors: Senators Chesbro, Machado, and Perata) (Principal coauthor: Assembly Member Shelley) (Coauthors: Senators Figueroa, Karnette, Murray, Polanco, Scott, Soto, and Torlakson) (Coauthors: Assembly Members Aroner, Cohn, Keeley, Negrete McLeod, Pavley, Strom-Martin, and Thomson)	11	3	—	Wright and Shelley (Coauthors: Senators Alarcon and Romero)
				12	—	28	Sher (Principal coauthors: Senators Battin, Brulte, and Morrow) (Principal coauthors: Assembly Members Calderon and Rod Pacheco) (Coauthor: Assembly Member Wright)
8	29	—	Kehoe, Cedillo, Correa, Frommer, Goldberg, Jackson, Keeley, Lowenthal, Nation, Oropeza, Pescetti, Reyes, Shelley, Simitian, Steinberg, and Strom-Martin (Principal coauthor: Assembly Member Pavley) (Coauthors:	13	31	—	Wright (Principal coauthor: Assembly Member Longville) (Coauthors: Assembly Members Briggs, Calderon, Cohn, Daucher, Dickerson, Kelley, Leonard, Runner, and Wyman) (Coauthor: Senator Machado)

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2	—	68	Battin (Coauthors: Senators Brulte, Haynes, Johannessen, Margett, Ortiz, and Poochigian) (Coauthors: Assembly Members Ashburn, Bogh, Cogdill, Cox, Leach, Leslie, Rod Pacheco, and Wyman)	11	—	2	Alarcon, Chesbro, Escutia, Sher, Soto, and Vincent (Coauthors: Assembly Members Diaz, Firebaugh, Koretz, and Oropeza)
3	4	—	Cardoza (Coauthors: Assembly Members Cohn, Frommer, Reyes, and Salinas) (Coauthor: Senator Romero)	12	—	17	Brulte and Peace (Coauthors: Senators Battin, Johannessen, Knight, Margett, Monteith, Morrow, Murray, Oller, Poochigian, and Speier) (Coauthors: Assembly Members Ashburn, Bates, Bill Campbell, Cogdill, Daucher, Kelley, La Suer, Leach, Leslie, Maldonado, Robert Pacheco, Pescetti, Runner, and Wyman)
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8	86	—	Florez	15	26	—	Calderon
9	61	—	Kehoe	16	28	—	Migden, Oropeza, and Diaz (Coauthor: Assembly Member Cohn)
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				18	57	—	Wiggins, Alquist, and Thomson



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1	SJR 1	Karnette (Coauthors: Senators Alarcon, Battin, Johannessen, Kuehl, Romero, and Vasconcellos) (Coauthors:			Assembly Members Havice, Longville, and Runner)



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**STATUTES OF CALIFORNIA**

2001–02

REGULAR SESSION

2001 CHAPTERS

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## CHAPTER 1

An act to make an appropriation in augmentation of Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2000, relating to state employees, to take effect immediately as an appropriation for the usual and current expenses of the state.

[Approved by Governor February 14, 2001. Filed with  
Secretary of State February 14, 2001.]

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

SECTION 1. (a) The sum of ten million three hundred twenty-two thousand dollars (\$10,322,000) is hereby appropriated for expenditure in the 2000–01 fiscal year in augmentation and for the purposes of state employee compensation as provided in Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000) in accordance with the following schedule:

(1) Five million one hundred sixty-one thousand dollars (\$5,161,000) from the General Fund to be allocated by the Director of Finance, pursuant to an executive order issued by the Governor, to the state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations or allocations, in accordance with approved agreement or for the employees excluded from collective bargaining, to offset a portion of the state employees' health benefit premium increase during the period of January 1 to June 30, 2001, inclusive.

(2) Three million three hundred three thousand dollars (\$3,303,000) from unallocated special funds designated for employee benefits, to be allocated by the Director of Finance, pursuant to an executive order issued by the Governor, to the state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations or allocations, in accordance with approved agreement or for employees excluded from collective bargaining, each special fund to be charged an amount proportionate to its share of employee benefit costs, to offset a portion of the state employees' health benefit premium increase during the period of January 1 to June 30, 2001, inclusive.

(3) One million eight hundred fifty-eight thousand dollars (\$1,858,000) from other unallocated nongovernmental cost funds to be allocated by the Director of Finance, pursuant to an executive order issued by the Governor, to the state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their

respective appropriations or allocations, in accordance with approved agreement or for employees excluded from collective bargaining, each fund to be charged an amount proportionate to its share of employee benefit costs, to offset a portion of the state employees' health benefit premium increase during the period of January 1 to June 30, 2001, inclusive.

(b) "Approved agreement," for the purposes of this section, means an agreement entered into by the state with each of the following state bargaining units:

(1) State Bargaining Unit 2—California State Attorneys and Administrative Law Judges (California Attorneys, Administrative Law Judges, and Hearing Officers in State Employment—CASE).

(2) State Bargaining Unit 5—Highway Patrol (California Association of Highway Patrolmen—CAHP).

(3) State Bargaining Unit 6—Corrections (California Correctional Peace Officers Association—CCPOA).

(4) State Bargaining Unit 7—Protective Services and Public Safety (California Union of Safety Employees—CAUSE).

(5) State Bargaining Unit 8—Firefighters (California Department of Forestry Employees Association—CDFE).

(6) State Bargaining Unit 9—Professional Engineers (Professional Engineers in California Government—PECG).

(7) State Bargaining Unit 10—Professional Scientists (California Association of Professional Scientists—CAPS).

(8) State Bargaining Unit 12—Crafts and Maintenance (International Union of Operating Engineers—IUOE).

(9) State Bargaining Unit 13—Stationary Engineers (International Union of Operating Engineers—IUOE).

(10) State Bargaining Unit 16—Physicians, Dentists, and Podiatrists (Union of American Physicians and Dentists—UAPD).

(11) State Bargaining Unit 18—Psychiatric Technicians (California Association of Psychiatric Technicians—CAPT).

(12) State Bargaining Unit 19—Health and Social Services/Professionals (American Federation of State, County, and Municipal (AFSCME)).

SEC. 2. This act makes an appropriation for the usual and current expenses of the state within the meaning of Article IV of the California Constitution and shall go into immediate effect.

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## CHAPTER 2

An act to make an appropriation in augmentation of Items 9840-001-0001, 9840-001-0494, and 9840-001-0988 of Section 2.00 of the Budget Act of 1999, and of Item 9100-101-0001 of Section 2.00 of the Budget Act of 2000, relating to fiscal affairs, to take effect immediately as an appropriation for the usual current expenses of the state.

[Approved by Governor March 1, 2001. Filed with  
Secretary of State March 1, 2001.]

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

SECTION 1. (a) The sum of seven hundred thirty-nine million one hundred eighty-six thousand dollars (\$739,186,000) is hereby appropriated for expenditure for the 1999–2000 fiscal year in augmentation and for the purposes of Contingencies or Emergencies as provided in Items 9840-001-0001, 9840-001-0494, and 9840-001-0988 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999), in accordance with the following schedule:

(1) Six hundred sixty-six million seven hundred twenty-seven thousand dollars (\$666,727,000) from the General Fund to the reserve for Contingencies or Emergencies in Item 9840-001-0001.

(2) Forty-two million five hundred twelve thousand dollars (\$42,512,000) from unallocated special funds to the reserve for Contingencies or Emergencies in Item 9840-001-0494.

(3) Twenty-nine million nine hundred forty-seven thousand dollars (\$29,947,000) from unallocated nongovernmental cost funds to the reserve for Contingencies or Emergencies in Item 9840-001-0988.

(b) The Director of Finance may withhold authorization for the expenditure of funds provided in this section until such time as, and to the extent that, preliminary estimates of potential deficiencies are verified.

SEC. 2. Notwithstanding Provisions 1 and 2 of Item 5240-001-0001 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999), the Director of Finance may authorize the use of population-related savings for other necessary expenditures of the Department of Corrections.

SEC. 3. (a) The sum of forty million dollars (\$40,000,000) is hereby appropriated in augmentation of Item 9100-101-0001 of Section 2.00 of Chapter 52 of the Statutes of 2000 and Section 1 of Chapter 615 of the Statutes of 2000 in accordance with the following schedule:

(1) The sum of ten million dollars (\$10,000,000) shall be used in augmentation of Schedule (a) of Item 9100-101-0001 (10-Senior Citizens' Property Tax Assistance).

(2) The sum of thirty million dollars (\$30,000,000) shall be used in augmentation of Schedule (c) of Item 9100-101-0001 (30-Senior Citizen Renters' Tax Assistance).

(b) The appropriation and respective allocations made by this Section are in augmentation of the appropriation made in Item 9100-101-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52, Statutes of 2000) and are subject to the provisions of that act, as appropriate, including the provisions of that act that apply to that appropriation.

SEC. 4. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

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## CHAPTER 3

An act to amend Section 50898.2 of the Health and Safety Code, relating to housing and community development, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 29, 2001. Filed with  
Secretary of State March 29, 2001.]

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

SECTION 1. Section 50898.2 of the Health and Safety Code is amended to read:

50898.2. (a) Funds awarded pursuant to Item 2240-107-0001 of Section 2.00 of the Budget Act of 2000 for the purposes of the Downtown Rebound Program established pursuant to this chapter shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.

(b) The department may use up to 5 percent of the amounts appropriated for this program for administration.

(c) With respect to the appropriation in Item 2240-107-0001 of Section 2.00 of the Budget Act of 2000 for the Downtown Rebound Program established pursuant to this chapter, the following provisions shall apply:

(1) Seventy-six percent of that appropriation shall be used by the department for the purpose of making loans to project sponsors for the adaptive reuse of vacant or underused commercial or industrial structures into residential rental housing units for initial rental to households having an income not exceeding 150 percent of the area median income. Each project shall be located within an elementary



school attendance boundary where 50 percent or more of the students are eligible for free meals under the federal school lunch program, as determined by the local school district at the time of application to the Downtown Rebound Program. Each project shall also be subject to the following restrictions:

(A) Loans for units not subject to subparagraph (D) shall be at 5 percent simple interest. Loans for units subject to subparagraph (D) shall be at 3 percent simple interest. All principal and interest shall be due and payable in 20 years.

(B) Assistance for units not subject to subparagraph (D) shall not exceed thirty-five thousand dollars (\$35,000) per unit. Assistance for units subject to subparagraph (D) shall not exceed fifty-five thousand dollars (\$55,000) per unit.

(C) The amount of the loan, in combination with all debt recorded in a senior position to the loan, shall not exceed 90 percent of the appraised after-rehabilitation value of the security for the loan.

(D) Twenty percent of the units in the project shall be reserved for households having an income equal to 50 percent or less of the area median income, or 40 percent of the units shall be reserved for households having an income equal to 60 percent or less of the area median income. The department shall ensure the continued affordability of all units designated by the sponsor to fulfill these requirements for a period of 20 years. However, notwithstanding subparagraph (A), if assistance is provided for these units through any program funded through Chapter 6.7 (commencing with Section 50675) of Part 2, the units shall be subject to the use restrictions, limitations, and provisions contained in that chapter. These units shall be reasonably distributed within each building contained in the project, with no less than 10 percent of the units in each building fulfilling the requirements of this subdivision.

(E) The sponsor shall agree to the payment of prevailing wage rates with respect to construction assisted through the program. In implementing this subparagraph, it is the intent of the Legislature that this requirement apply to construction work that is dependent on the commitment of program funds in order for construction to proceed. Notwithstanding any other provision of law, the department's enforcement responsibilities shall be limited to the imposition of this requirement through the lending documents. The department shall require, as a condition of loan closing, a signed certificate that prevailing wages have been, or will be, paid in conformance with the requirements of Chapter 1 (commencing with Section 1720) of Part 7 of the Labor Code and that labor records shall be made available to any enforcement agency upon request.

(2) Two million four hundred thousand dollars (\$2,400,000) of that appropriation shall be used by the department for planning grants as specified in subdivision (b) of Section 50898.1.

(3) The balance of that appropriation shall be available for uses authorized by subdivision (a) of Section 50898.1.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that assistance provided for the conversion of commercial or industrial structures to residential rental housing units is distributed in an appropriate manner as intended by Chapters 83 and 957 of the Statutes of 2000, it is necessary that this act take effect immediately.

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## CHAPTER 4

An act to amend Sections 19147 and 24872 of, and to add Section 24872.6 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor March 29, 2001. Filed with  
Secretary of State March 29, 2001.]

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

SECTION 1. Section 19147 of the Revenue and Taxation Code is amended to read:

19147. (a) Notwithstanding Sections 19142 to 19145, inclusive, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax paid on or before the last date prescribed for the payment of the installment equals or exceeds the amount which would have been required to be paid on or before that date if the estimated tax were whichever of the following is the lesser:

(1) (A) The tax shown on the return of the taxpayer for the preceding taxable year if a return showing a liability for tax was filed by the taxpayer for the preceding year and that preceding year was a year of 12 months. The tax shown on the return, in the case of the tax imposed by Article 3 (commencing with Section 23181) of Chapter 2 of Part 11, means the amount of tax shown on the return for the taxable year as prescribed in Section 19021.

(B) In the case of a large corporation, subparagraph (A) shall not apply, except as provided in clauses (i) and (ii).

(i) Subparagraph (A) shall apply for purposes of determining the amount of the first required installment for any taxable year.

(ii) Any reduction in the first required installment by reason of clause (i) shall be recaptured by increasing the amount of the next required installment by the amount of that reduction.

(2) (A) An amount equal to the applicable percentage specified in Section 19144 of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) For the first three months of the taxable year, in the case of the installment required to be paid in the fourth month.

(ii) For the first three months of the taxable year, in the case of the installment required to be paid in the sixth month.

(iii) For the first six months of the taxable year, in the case of the installment required to be paid in the ninth month.

(iv) For the first nine months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

(B) (i) If the taxpayer makes an election under this clause, each of the following shall apply:

(I) Clause (i) of subparagraph (A) shall be applied by substituting "two months" for "three months."

(II) Clause (ii) of subparagraph (A) shall be applied by substituting "four months" for "three months."

(III) Clause (iii) of subparagraph (A) shall be applied by substituting "seven months" for "six months."

(IV) Clause (iv) of subparagraph (A) shall be applied by substituting "ten months" for "nine months."

(ii) If the taxpayer makes an election under this clause, each of the following shall apply:

(I) Clause (ii) of subparagraph (A) shall be applied by substituting "five months" for "three months."

(II) Clause (iii) of subparagraph (A) shall be applied by substituting "eight months" for "six months."

(III) Clause (iv) of subparagraph (A) shall be applied by substituting "eleven months" for "nine months."

(iii) An election under clause (i) or (ii) shall apply to the taxable year for which the election is made and shall be effective only if the election is made on or before the date required for the payment of the first required installment for that taxable year.

(iv) This subparagraph shall apply to taxable years beginning on or after January 1, 1997.

(C) For purposes of this paragraph, the taxable income shall be placed on an annualized basis in the following manner:

(i) Multiply by 12 the taxable income referred to in subparagraph (A).

(ii) Divide the resulting amount by the number of months in the taxable year referred to in subparagraph (A).

“Taxable income” as used in this paragraph means “net income” includable in the measure of tax or “alternative minimum taxable income” (as defined by Section 23455).

(D) In the case of any corporation which is subject to the tax imposed under Section 23731, any reference to taxable income shall be treated as including a reference to unrelated business taxable income and, except in the case of an election under subparagraph (B), each of the following shall apply:

(i) Clause (i) of subparagraph (A) shall be applied by substituting “two months” for “three months.”

(ii) Clause (ii) of subparagraph (A) shall be applied by substituting “four months” for “three months.”

(iii) Clause (iii) of subparagraph (A) shall be applied by substituting “seven months” for “six months.”

(iv) Clause (iv) of subparagraph (A) shall be applied by substituting “ten months” for “nine months.”

(3) The applicable percentage specified in Section 19144 or more of the tax for the taxable year was paid by withholding of tax pursuant to Section 18662.

(4) The applicable percentage specified in Section 19144 or more of the net income for the taxable year consists of items from which an amount was withheld pursuant to Section 18662, the amount of the first installment under Section 19025 equals at least the minimum franchise tax specified in Section 23153, and the amount of any installment under Section 19025 includes an amount equal to the applicable tax under Section 23800.5.

(b) (1) For purposes of this section, “large corporation” means any corporation if that corporation (or any predecessor corporation) had taxable income (computed without regard to net operating loss deductions) of one million dollars (\$1,000,000) or more for any taxable year during the testing period.

(2) For purposes of this subdivision, “testing period” means the three taxable years immediately preceding the taxable year involved.

(c) (1) Any dividend received from a closely held real estate investment trust by any person that owns (after application of Sections 856(d)(5) and 856(l)(3)(B) of the Internal Revenue Code) 10 percent or more (by vote or value) of the stock or beneficial interests in the trust shall be taken into account in computing annualized income installments under paragraph (2) of subdivision (a) in a manner similar to the manner under which partnership income inclusions are taken into account.

(2) For purposes of paragraph (1), the term “closely held real estate investment trust” means a real estate investment trust with respect to

which five or fewer persons own (after application of Sections 856(d)(5) and 856(l)(3)(B) of the Internal Revenue Code) 50 percent or more (by vote or value) of the stock or beneficial interests in the trust.

(3) The amendments made to this section by the act adding this subdivision shall apply to estimated tax payments due on or after January 1, 2001.

SEC. 2. Section 24872 of the Revenue and Taxation Code is amended to read:

24872. (a) A real estate investment trust shall be deemed to have satisfied the distribution requirements of Section 857(a)(1) of the Internal Revenue Code for purposes of this part if it satisfies the distribution requirements of Section 857(a)(1) of the Internal Revenue Code for federal purposes.

(b) (1) Section 857(b)(1) of the Internal Revenue Code, relating to imposition of tax on real estate investment trusts, shall not apply.

(2) Every real estate investment trust shall be subject to the taxes imposed under Chapter 2 (commencing with Section 23101) and Chapter 3 (commencing with Section 23501), except that its "net income" shall be equal to its "real estate investment trust income," as defined in subdivision (c).

(c) "Real estate investment trust income" means real estate investment company taxable income, as defined in Section 857(b)(2) of the Internal Revenue Code, modified as follows:

(1) In lieu of Section 857(b)(2)(A) of the Internal Revenue Code, relating to special deductions for corporations, no deduction shall be allowed under Section 24402.

(2) Section 857(b)(2)(D) of the Internal Revenue Code, relating to an exclusion for an amount equal to the net income from foreclosure property, shall not apply.

(3) Section 857(b)(2)(E) of the Internal Revenue Code, relating to a deduction for an amount equal to the tax imposed in the case of failure to meet certain requirements for the taxable year, shall not apply.

(4) Section 857(b)(2)(F) of the Internal Revenue Code, relating to an exclusion for an amount equal to any net income derived from prohibited transactions, shall not apply.

(d) Section 857(b)(3) of the Internal Revenue Code, relating to an alternative tax in case of capital gains, shall not apply.

(e) Section 857(b)(4)(A) of the Internal Revenue Code, relating to the imposition of tax on income from foreclosure property, shall not apply.

(f) Section 857(b)(5) of the Internal Revenue Code, relating to the imposition of tax in case of failure to meet certain requirements, shall not apply.

(g) Section 857(b)(6)(A) of the Internal Revenue Code, relating to the imposition of tax on income from prohibited transactions, shall not apply.

(h) (1) Sections 541 through 547 of Public Law 106-170 shall apply unless otherwise provided.

(2) Section 857(b)(7) of the Internal Revenue Code, as added by Section 545 of Public Law 106-170, relating to income from redetermined rents, redetermined deductions, and excess interest, shall not apply.

(i) Section 857(c) of the Internal Revenue Code, relating to restrictions applicable to dividends received from real estate investment trusts, is modified to refer to Sections 24402, 24406, 24410, and 25106, in lieu of Section 243 of the Internal Revenue Code.

(j) The amendments to this section by Chapter 878 of the Statutes of 1993 are clarifications of legislative intent and shall apply to taxable years beginning on or after January 1, 1987.

SEC. 3. Section 24872.6 is added to the Revenue and Taxation Code, to read:

24872.6. (a) A corporation, trust, or association that is a real estate investment trust for any taxable year for federal purposes under Part II (commencing with Section 856) of Subchapter M of Chapter 1 of Subtitle A of the Internal Revenue Code (as applicable for federal purposes for the taxable year) shall be a real estate investment trust for purposes of this part for the same taxable year.

(b) A corporation, trust, or association that is not a real estate investment trust for any taxable year for federal purposes under Part II (commencing with Section 856) of Subchapter M of Chapter 1 of Subtitle A of the Internal Revenue Code (as applicable for federal purposes for the taxable year) shall not be a real estate investment trust for purposes of this part for the same taxable year.

(c) (1) An election to be a real estate investment trust for federal purposes under Section 856(c)(1) of the Internal Revenue Code (as applicable for federal purposes for the taxable year) shall be treated, for purposes of Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), and this part, as an election to be a real estate investment trust for state purposes for the same taxable year and a separate election under paragraph (3) of subdivision (e) of Section 23051.5 shall not be allowed.

(2) The termination or revocation of an election described in paragraph (1) for federal purposes under Section 856(g) of the Internal Revenue Code (as applicable for federal purposes for the taxable year) shall be treated, for purposes of Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), and this part, as a termination or revocation, as the case may be, of an election described

in paragraph (1) for state purposes and a separate termination or revocation of an election described in paragraph (1) under paragraph (3) of subdivision (e) of Section 23051.5 shall not be allowed.

(3) This subdivision shall apply to any election to be a real estate investment trust that is effective for federal purposes for taxable years beginning on or after January 1, 2001.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

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## CHAPTER 5

An act to amend Sections 10754 and 10903 of, and to repeal Section 10754.2 of, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

[Approved by Governor April 19, 2001. Filed with  
Secretary of State April 19, 2001.]

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

SECTION 1. Section 10754 of the Revenue and Taxation Code is amended to read:

10754. (a) Notwithstanding any other provision of law, the total amount of the vehicle license fee otherwise required with respect to a vehicle shall be offset in accordance with those provisions set forth below that are operative pursuant to subdivision (b):

(1) (A) For any initial or original registration of any vehicle, never before registered in this state, for which the final due date for the license fee is on or after January 1 of any calendar year for which this paragraph is operative, and for any renewal of registration with an expiration date on or after January 1 of any calendar year for which this paragraph is operative, the department shall offset the total amount of fees otherwise due at the time of registration of that vehicle by an amount equal to 25 percent of the amount computed pursuant to Section 10752 or 10752.1, or Section 18115 of the Health and Safety Code.

(B) Upon proper payment of license fees to the Department of Motor Vehicles, the amount of the offset for each vehicle shall be transferred into the Motor Vehicle License Fee Account in the Transportation Tax Fund, and into the Local Revenue Fund, pursuant to Section 11000 or Section 11000.1, as applicable.

(C) During any period in which insufficient moneys are available to be transferred from the General Fund to fully fund the offsets required by subparagraph (A), within 90 days of a reduction of funding, the

department shall reduce the amount of each offset computed pursuant to that subparagraph by multiplying that amount by the ratio of the amount of moneys actually available to be transferred from the General Fund to pay for those offsets to the amount of moneys that is necessary to fully fund those offsets.

(2) (A) For any initial or original registration of any vehicle, never before registered in this state, for which the final due date for the license fee is on or after January 1 of any calendar year for which this paragraph is operative, and for any renewal of registration with an expiration date on or after January 1 of any calendar year for which this paragraph is operative, the department shall offset the total amount of fees otherwise due at the time of registration of that vehicle by an amount equal to 35 percent of the amount computed pursuant to Section 10752 or 10752.1, or Section 18115 of the Health and Safety Code.

(B) Upon proper payment of license fees to the Department of Motor Vehicles, the amount of the offset for each vehicle shall be transferred into the Motor Vehicle License Fee Account in the Transportation Tax Fund, and into the Local Revenue Fund, pursuant to Section 11000 or Section 11000.1, as applicable.

(C) During any period in which insufficient moneys are available to be transferred from the General Fund to fully fund the offsets required by subparagraph (A), within 90 days of a reduction of funding, the department shall reduce the amount of each offset computed pursuant to that subparagraph by multiplying that amount by the ratio of the amount of moneys actually available to be transferred from the General Fund to pay for those offsets to the amount of moneys that is necessary to fully fund those offsets.

(3) (A) For any initial or original registration of any vehicle, never before registered in this state, for which the final due date for the license fee is on or after January 1 of any calendar year for which this paragraph is operative, and for any renewal of registration with an expiration date on or after January 1 of any calendar year for which this paragraph is operative, the department shall offset the total amount of fees otherwise due at the time of registration of that vehicle by an amount equal to 67<sup>1</sup>/<sub>2</sub> percent of the amount computed pursuant to Section 10752 or 10752.1, or Section 18115 of the Health and Safety Code.

(B) Upon proper payment of license fees to the Department of Motor Vehicles, the amount of the offset for each vehicle shall be transferred into the Motor Vehicle License Fee Account in the Transportation Tax Fund, and into the Local Revenue Fund, pursuant to Section 11000 or Section 11000.1, as applicable.

(C) During any period in which insufficient moneys are available to be transferred from the General Fund to fully fund the offsets required by subparagraph (A), within 90 days of a reduction in funding, the



department shall reduce the amount of each offset computed pursuant to that subparagraph by multiplying that amount by the ratio of the amount of moneys actually available to be transferred from the General Fund to pay for those offsets to the amount of moneys that is necessary to fully fund those offsets.

(b) The offset provisions set forth in subdivision (a) shall be operative as provided by the following:

(1) Paragraph (1) of subdivision (a) shall be operative for vehicle license fees with a final due date in the calendar year beginning on January 1, 1999.

(2) Paragraph (2) of subdivision (a) shall be operative for vehicle license fees with a final due date on or after January 1, 2000, and before July 1, 2001.

(3) Paragraph (3) of subdivision (a) shall be operative for vehicle license fees with a final due date on or after July 1, 2001.

(c) (1) For purposes of this section, “department” means the Department of Motor Vehicles with respect to a vehicle license fee offset for a vehicle subject to registration under the Vehicle Code, and the Department of Housing and Community Development with respect to a vehicle license fee offset for a manufactured home, mobilehome, or commercial coach described in Section 18115 of the Health and Safety Code.

(2) For purposes of this section, the “final due date” for a license fee is the last date upon which that fee may be paid without being delinquent.

SEC. 2. Section 10754.2 of the Revenue and Taxation Code, as added by Section 12 of Chapter 91 of the Statutes of 2000, is repealed.

SEC. 3. Section 10754.2 of the Revenue and Taxation Code, as amended by Section 2 of Chapter 107 of the Statutes of 2000, is repealed.

SEC. 4. Section 10903 of the Revenue and Taxation Code is amended to read:

10903. (a) Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund the sum of two billion fifty-two million dollars (\$2,052,000,000) for transfer by the Controller, upon notification by the Director of Finance during the 2000–01 fiscal year, to the Special Reserve Fund for Vehicle License Fee Tax Relief, which is hereby created as a special fund. The amounts appropriated by this subdivision for transfer to the Special Reserve Fund for Vehicle License Fee Tax Relief shall be expended as follows:

(1) Eight hundred and eighty-seven million dollars (\$887,000,000) for the payment of additional vehicle license fee offsets for the 2000–01 fiscal year.

(2) One billion one hundred sixty-five million dollars (\$1,165,000,000) for the payment of additional vehicle license fee

offsets for the funding of those transfers required by subdivision (a) of Section 11000 for the 2001–02 fiscal year.

(b) The Department of Motor Vehicles shall provide both of the following notices to the Controller in connection with each monthly report pursuant to Section 10754.2 of additional vehicle license fee offsets calculated by that department pursuant to that section:

(1) A notice for each month of the total dollar amount of the additional vehicle license fee offsets calculated by the department during that month pursuant to Section 10754.2.

(2) A notice of the total dollar amount of the additional vehicle license fee offsets calculated by the department pursuant to Section 10754.2 for the calendar year to the date of each monthly report provided pursuant to Section 10754.2.

SEC. 5. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, this act shall become operative on July 1, 2001, except that the additional vehicle license fee offset established by Section 10754.2 of the Revenue and Taxation Code, as amended by Section 2 of Chapter 107 of the Statutes of 2000, shall continue to be operative on or after July 1, 2001, with respect to those vehicle license fees with a final due date before July 1, 2001.

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## CHAPTER 6

An act relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 2001. Filed with  
Secretary of State May 3, 2001.]

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

SECTION 1. It is the intent of the Legislature that the Veterans' Home of California, Barstow, continue in operation despite an unanticipated reduction in funding from the federal Department of Veterans Affairs and reimbursements from the Medi-Cal program. It is also the intent of the Legislature that funding continue for the remainder of the 2000–01 fiscal year to ensure that the appropriate level of care is provided to residents of the Veterans' Home of California, Barstow.

SEC. 2. Notwithstanding Provision 1 of Item 8955-001-0001 of the Budget Act of 2000, any funds appropriated in Item 8965-001-0001 of Chapter 52 of the Statutes of 2000 that are not utilized to support

positions shall be available for the remainder of the 2000–01 fiscal year for the operation of the Veterans' Home of California, Barstow.

SEC. 3. The sum of one million seven hundred seventy-eight thousand dollars (\$1,778,000) is hereby appropriated from the General Fund to the Department of Veterans Affairs to be allocated according to the following schedule:

(a) The sum of six hundred twenty-one thousand dollars (\$621,000) shall be allocated for the purpose of funding unanticipated expenditures for private sector administrative and medical expertise for the skilled nursing facility at the Veterans' Home of California, Barstow.

(b) The sum of one million one hundred fifty-seven thousand dollars (\$1,157,000) shall be allocated for the purpose of funding critical operating expenditures, other than personal services, at the Veterans' Home of California, Barstow, for the remainder of the current fiscal year.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to continue providing care for residents of the Veterans' Home of California, Barstow, during the 2000–01 fiscal year, it is necessary that this act take effect immediately.

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## CHAPTER 7

An act to add Section 138.9 to the Water Code, relating to water.

[Approved by Governor May 4, 2001. Filed with  
Secretary of State May 4, 2001.]

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

SECTION 1. Section 138.9 is added to the Water Code, to read:

138.9. (a) Subject to subdivisions (b) and (c), commencing on January 1, 2003, and annually thereafter, the department shall prepare and submit to the Legislature a report that includes a description of the progress achieved by the department with regard to meeting the goals of the Bay-Delta Program and the implementation schedule established in the CALFED Bay-Delta Program, Programmatic Record of Decision dated August 2000, and the Framework Agreement dated June 9, 2000.

(b) Upon the creation, by statute, of an entity to assume the responsibilities previously undertaken by federal and state officials in connection with the CALFED Bay-Delta Program, that entity shall carry out the duties described in subdivision (a) in the place of the department.

(c) If, at any time on or after January 1, 2003, the department is not required to implement the CALFED Bay-Delta Program, Programmatic Record of Decision dated August 2000, the department need not prepare the report described in subdivision (a).

SEC. 2. The Legislature certifies that the programs and projects described in the CALFED Record of Decision, to be funded as provided in Provision 8 of Item 3860-001-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000), are consistent with the final programmatic EIS/EIR dated July 2000 and certified by the state lead agency as required by Division 13 (commencing with Section 21000) of the Public Resources Code, and that funds appropriated by that item are eligible for expenditure by the appropriate agency.

SEC. 3. The Legislature certifies that the programs and projects described in the CALFED Record of Decision to implement CALFED local assistance to the Delta Export Area, to be funded as provided in Provision 2 of Item 3860-101-0001 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000), are consistent with the final programmatic EIS/EIR certified by the state lead agency as required by Division 13 (commencing with Section 21000) of the Public Resources Code, and that funds appropriated by that item are eligible for expenditure by the appropriate agency.

SEC. 4. The funds described in Sections 2 and 3 shall be allocated by the Department of Water Resources in the following amounts for the following purposes:

PROJECT OR PURPOSE	Amount (\$MIL)
Local assistance programs	
Water conservation programs . . . . .	15.0
Groundwater monitoring and management . . . . .	5.0
Watershed/ecosystem restoration programs . . . . .	20.0
Water quality programs . . . . .	13.5
Delta and systemwide programs	
Conveyance program (Fish screen test facility at Tracy) . . . . .	3.0
Environmental Water Account (The funds described in Section 2 are included in this project) . . . . .	59.0
Support for future decisionmaking	
Science program . . . . .	13.0
Program management, environmental compliance, public involvement . . . . .	6.0

Water transfers program .....	0.5
TOTAL	135.0

SEC. 5. Nothing in this act may be construed as a certification of any of the following:

(a) The CALFED Bay-Delta Program, final programmatic environmental impact statement/environmental impact report, dated July 2000.

(b) The CALFED Bay-Delta Program, programmatic record of decision, dated August 2000.

(c) The Framework Agreement, dated June 9, 2000.

SEC. 5. Nothing in this act affects the rights of litigants, or the merits of any pending lawsuit, relating to the CALFED Bay-Delta Program.

CHAPTER 8

An act to amend Sections 69434, 69435.3, 69436, and 69437.6 of the Education Code, relating to student financial aid, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 2001. Filed with Secretary of State May 4, 2001.]

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

SECTION 1. Section 69434 of the Education Code is amended to read:

69434. (a) Commencing with the 2001–02 academic year, and each academic year thereafter, a Cal Grant A award shall be used only for tuition or student fees, or both, in a for-credit instructional program with a length of not less than two academic years. Each student who meets the Cal Grant A qualifications as set forth in this article shall be guaranteed an award. The amount of any individual award is dependent on the cost of tuition or fees, or both, at the qualifying institution at which the student is enrolled. For each applicant, the award amount shall not exceed the amount of the calculated financial need.

(b) Pursuant to Section 66021.2, any California resident is entitled to a Cal Grant A award, and the commission shall allocate that award, if all of the following criteria are met:

(1) The student has submitted, pursuant to Section 69432.9, a complete financial aid application, submitted or postmarked no later than March 2 of the academic year of high school graduation or its equivalent for the award year immediately following the academic year of high school graduation or its equivalent, or no later than March 2 of the academic year following high school graduation or its equivalent for the second award year following the year of high school graduation or its equivalent.

(2) The student demonstrates financial need pursuant to Section 69433.

(3) The student attains a high school grade point average of at least 3.0 on a four-point scale.

(4) The student's household has an income and asset level that does not exceed the level for Cal Grant A recipients set forth in Section 69432.7.

(5) The student is pursuing an undergraduate academic program of not less than two academic years that is offered by a qualifying institution.

(6) The student is enrolled at least part time.

(7) The student meets the general Cal Grant eligibility requirements set forth in Article 1 (commencing with Section 69430).

(8) The student graduated from high school or its equivalent during or after the 2000–01 academic year.

(c) A student who meets the Cal Grant A Entitlement Program criteria specified in this article shall receive a Cal Grant A award for tuition or fees, or both, pursuant to Section 66021.2.

SEC. 2. Section 69435.3 of the Education Code is amended to read:

69435.3. (a) Any California resident is entitled to receive a Cal Grant B award, and the commission shall allocate that award pursuant to Section 66021.2, if all of the following criteria are met:

(1) The student has submitted, pursuant to Section 69432.9, a complete financial aid application, submitted or postmarked no later than March 2 of the academic year of high school graduation or its equivalent for the award year immediately following the academic year of high school graduation or its equivalent, or no later than March 2 of the academic year following high school graduation or its equivalent for the second award year following the year of high school graduation or its equivalent.

(2) The student demonstrates financial need pursuant to Section 69433.

(3) The student attains a high school grade point average of at least 2.0 on a four-point scale.

(4) The student's household has an income and asset level that does not exceed the level for Cal Grant B recipients as set forth in Section 69432.7.

(5) The student is pursuing an undergraduate academic program of not less than one academic year that is offered by a qualifying institution.

(6) The student is enrolled at least part-time.

(7) The student meets the general Cal Grant eligibility requirements set forth in Article 1 (commencing with Section 69430).

(8) The student graduated from high school or its equivalent during or after the 2000–01 academic year.

(b) A student who meets the Cal Grant B Entitlement Program criteria specified in this article shall receive a Cal Grant B award for access costs and tuition and fees pursuant to Section 66021.2.

SEC. 3. Section 69436 of the Education Code is amended to read:

69436. (a) Commencing with the 2001–02 academic year, and each academic year thereafter, a student who was not awarded a Cal Grant A or B award pursuant to Article 2 (commencing with Section 69434) or Article 3 (commencing with Section 69435) at the time of his or her high school graduation but, at the time of transfer from a California community college to a qualifying baccalaureate program, meets all of the criteria set forth in subdivision (b), shall be entitled to a Cal Grant A or B award.

(b) Any California resident transferring from a California community college to a qualifying institution that offers a baccalaureate degree is entitled to receive, and the commission shall award, a Cal Grant A or B award depending on the eligibility determined pursuant to subdivision (c), if all of the following criteria are met:

(1) A complete official financial aid application has been submitted or postmarked pursuant to Section 69432.9, no later than the March 2 of the year immediately preceding the award year.

(2) The student demonstrates financial need pursuant to Section 69433.

(3) The student has earned a community college grade point average of at least 2.4 on a 4.0 scale and is eligible to transfer to a qualifying institution that offers a baccalaureate degree.

(4) The student's household has an income and asset level not exceeding the limits set forth in Section 69432.7.

(5) The student is pursuing a baccalaureate degree that is offered by a qualifying institution.

(6) He or she is enrolled at least part-time.

(7) The student meets the general Cal Grant eligibility requirements set forth in Article 1 (commencing with Section 69430).

(8) The student does not meet the federal definition of an independent student, as set forth in subsection (d) of Section 1087vv of Title 20 of the United States Code, with the exception of:

(A) A student who is an orphan or a ward of the court and who will not be 24 years old or older by December 31 of the award year.

(B) A student who is a veteran of the United States Armed Forces and who will not be 24 years old or older by December 31 of the award year.

(C) A student who is a married person and who will not be 24 years old or older by December 31 of the award year.

(D) A student who will not be 24 years old or older by December 31 of the award year and who has dependents other than a spouse.

(E) A student who will not be 24 years old or older by December 31 of the award year and for whom a financial aid administrator makes documented determination of independence by reason of other unusual circumstances.

(9) The student graduated from a California high school or its equivalent during or after the 2000–01 academic year.

(c) The amount and type of the award pursuant to this article shall be determined as follows:

(1) For applicants with income and assets at or under the Cal Grant A limits, the award amount shall be the amount established pursuant to Article 2 (commencing with Section 69434).

(2) For applicants with income and assets at or under the Cal Grant B limits, the award amount shall be the amount established pursuant to Article 3 (commencing with Section 69435).

SEC. 4. Section 69437.6 of the Education Code is amended to read:

69437.6. (a) An applicant competing for an award under this article shall meet all the requirements of Article 1 (commencing with Section 69430).

(b) To compete for a competitive Cal Grant A award, an applicant shall, at a minimum, meet all of the requirements of Article 2 (commencing with Section 69434), with the exception of paragraphs (1) and (8) of subdivision (b) of Section 69434. However, in lieu of meeting the grade point average requirement set forth in paragraph (3) of subdivision (b) of Section 69434, an applicant may submit a community college or college grade point average of at least 2.4 on a 4.0 scale.

(c) To compete for a competitive Cal Grant B award, an applicant shall, at a minimum, meet all of the requirements of Article 3 (commencing with Section 69435), with the exception of paragraphs (1) and (8) of subdivision (a) of Section 69435.3. However, in lieu of meeting the grade point average requirements of paragraph (3) of subdivision (a) of Section 69435.3, a student may reestablish his or her grade point average by completing at least 16 cumulative units of credit for academic coursework at an accredited California community college,



as defined by the commission, by regulation, with at least a 2.0 community college grade point average.

(d) To compete for a competitive California Community College Transfer Cal Grant Award, an applicant shall, at a minimum, meet the requirements of Article 4 (commencing with Section 69436), with the exception of paragraphs (8) and (9) of subdivision (b) of Section 69436.

(e) All other competitors shall, at a minimum, comply with all of the requirements of subdivision (b) of Section 69432.9.

(f) An individual selected for a Cal Grant A award who enrolls in a California community college may elect to have the award held in reserve for him or her for a period not to exceed two academic years, except that the commission may extend the period in which his or her award may be held in reserve for up to three academic years if, in the commission's judgment, the rate of academic progress has been as rapid as could be expected for the personal and financial conditions that the student has encountered. The commission shall, in this case, hold the award in reserve for the additional year. Upon receipt of a request to transfer the award to a tuition or fee charging qualifying institution, the individual shall be eligible to receive the Cal Grant A award previously held in reserve if, at the time of the request, he or she meets all of the requirements of this article. Upon receipt of the request, the commission shall reassess the financial need of the award recipient. The commission may prescribe the forms and procedures to be utilized for the purposes of this section. A recipient's years of eligibility for payment of benefits shall be based upon his or her grade level at the time the award is transferred to the tuition or fee charging qualifying institution. Any award so held in reserve shall only be counted once toward the 22,500 awards authorized by this article.

SEC. 5. The sum of three million three hundred forty-two thousand dollars (\$3,342,000) is hereby appropriated from the General Fund to the Student Aid Commission for expenditure in the 2000–01 fiscal year, for costs related to implementing information technology changes needed to process additional workload associated with the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program established pursuant to Chapter 1.7 (commencing with Section 69430) of Part 42 of the Education Code. These changes are those identified in the feasibility study report approved by the Department of Finance and the Department of Information Technology during the 2000–01 fiscal year.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the important changes made by this act to take effect in time for the beginning of the 2001–02 academic year, it is necessary that this act take effect immediately.

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## CHAPTER 9

An act to repeal Section 34009 of the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 2001. Filed with  
Secretary of State May 4, 2001.]

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

SECTION 1. Section 34009 of the Health and Safety Code is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Floods, fires, hurricanes, earthquakes, storms, tidal waves, and other catastrophes are disasters that can harm the public health, safety, and welfare. After disasters, the extraordinary powers of community redevelopment agencies have been and can be useful in the reconstruction of buildings and in stimulating local economic activity. The statute that provided communities with alternative procedures and requirements for redevelopment after disasters expired on January 1, 2001. In order to restore those procedures and requirements at the earliest possible time, it is necessary for this act to take effect immediately.

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## CHAPTER 10

An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 2001. Filed with  
Secretary of State May 4, 2001.]

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

SECTION 1. This act shall be known and may be cited as the First Validating Act of 2001.

SEC. 2. As used in this act:

(a) "Public body" means the state and all departments, agencies, boards, commissions, and authorities of the state. "Public body" also means all counties, cities and counties, cities, districts, authorities, agencies, boards, commissions, and other entities, whether created by a general statute or a special act, including, but not limited to, the following:

Agencies, boards, commissions, or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

Air pollution control districts of any kind.

Air quality management districts.

Airport districts.

Assessment districts, benefit assessment districts, and special assessment districts of any public body.

Bridge and highway districts.

California water districts.

Citrus pest control districts.

City maintenance districts.

Community college districts.

Community development commissions.

Community facilities districts.

Community redevelopment agencies.

Community rehabilitation districts.

Community services districts.

Conservancy districts.

Cotton pest abatement districts.

County boards of education.

County drainage districts.

County flood control and water districts.

County free library systems.

County maintenance districts.

County sanitation districts.

County service areas.

County transportation commissions.

County water agencies.

County water authorities.

County water districts.

County waterworks districts.

Department of Water Resources and other agencies acting pursuant to Part 3 (commencing with Section 11100) of Division 6 of the Water Code.

Distribution districts of any public body.  
Drainage districts.  
Fire protection districts.  
Flood control and water conservation districts.  
Flood control districts.  
Garbage and refuse disposal districts.  
Garbage disposal districts.  
Geologic hazard abatement districts.  
Harbor districts.  
Harbor improvement districts.  
Harbor, recreation, and conservation districts.  
Health care authorities.  
Highway districts.  
Highway interchange districts.  
Highway lighting districts.  
Housing authorities.  
Improvement districts or improvement areas of any public body.  
Industrial development authorities.  
Infrastructure financing districts.  
Integrated financing districts.  
Irrigation districts.  
Joint highway districts.  
Levee districts.  
Library districts.  
Library districts in unincorporated towns and villages.  
Local agency formation commissions.  
Local health care districts.  
Local health districts.  
Local hospital districts.  
Local transportation authorities or commissions.  
Maintenance districts.  
Memorial districts.  
Metropolitan transportation commissions.  
Metropolitan water districts.  
Mosquito abatement or vector control districts.  
Municipal improvement districts.  
Municipal utility districts.  
Municipal water districts.  
Nonprofit corporations.  
Nonprofit public benefit corporations.  
Open-space maintenance districts.

Parking authorities.  
Parking districts.  
Permanent road divisions.  
Pest abatement districts.  
Police protection districts.  
Port districts.  
Project areas of community redevelopment agencies.  
Protection districts.  
Public cemetery districts.  
Public utility districts.  
Rapid transit districts.  
Reclamation districts.  
Recreation and park districts.  
Regional justice facility financing agencies.  
Regional park and open-space districts.  
Regional planning districts.  
Regional transportation commissions.  
Resort improvement districts.  
Resource conservation districts.  
River port districts.  
Road maintenance districts.  
Sanitary districts.  
School districts of any kind or class.  
School facilities improvement districts.  
Separation of grade districts.  
Service authorities for freeway emergencies.  
Sewer districts.  
Sewer maintenance districts.  
Small craft harbor districts.  
Special municipal tax districts.  
Stone and pome fruit pest control districts.  
Storm drain maintenance districts.  
Storm drainage districts.  
Storm drainage maintenance districts.  
Storm water districts.  
Toll tunnel authorities.  
Traffic authorities.  
Transit development boards.  
Transit districts.  
Unified and union school districts' public libraries.  
Vehicle parking districts.  
Water agencies.  
Water authorities.  
Water conservation districts.

Water districts.

Water replenishment districts.

Water storage districts.

Wine grape pest and disease control districts.

Zones, improvement zones, or service zones of any public body.

(b) "Bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, all leases, installment purchase agreements, or similar agreements wherein the obligor is one or more public bodies, all instruments evidencing the borrowing of money in anticipation of taxes, revenues, or other income of that body, all instruments payable from revenues or special funds of those public bodies, all certificates of participation evidencing interests in the leases, installment purchase agreements, or similar agreements, and all instruments funding, refunding, replacing, or amending any thereof or any indebtedness.

(c) "Hereafter" means any time subsequent to the effective date of this act.

(d) "Heretofore" means any time prior to the effective date of this act.

(e) "Now" means the effective date of this act.

SEC. 3. All public bodies heretofore organized or existing under, or under color of, any law, are hereby declared to have been legally organized and to be legally functioning as those public bodies. Every public body, heretofore described, shall have all the rights, powers, and privileges, and be subject to all the duties and obligations, of those public bodies regularly formed pursuant to law.

SEC. 4. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 5. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into those public bodies or for the annexation of those public bodies to any other public body or for the detachment, withdrawal, or exclusion of territory from any public body or for the consolidation, merger, or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any public body and of any person, public officer, board, or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of territory or the consolidation, merger, or dissolution of those public bodies.

SEC. 6. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for, or in connection with, the authorization, issuance, sale, execution, delivery,

or exchange of bonds of any public body for any public purpose are hereby authorized, confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of public bodies and of any person, public officer, board, or agency heretofore done or taken upon the question of the authorization, issuance, sale, execution, delivery, or exchange of bonds.

All bonds of, or relating to, any public body heretofore issued shall be, in the form and manner issued and delivered, the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued by ordinance, resolution, order, or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. All bonds of, or relating to, any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with that authorization shall be the legal, valid, and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, those bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with that authorization, shall be the legal, valid, and binding obligations of the public body.

SEC. 7. (a) This act shall operate to supply legislative authorization as may be necessary to authorize, confirm, and validate any acts and proceedings heretofore taken pursuant to authority the Legislature could have supplied or provided for in the law under which those acts or proceedings were taken.

(b) This act shall be limited to the validation of acts and proceedings to the extent that the same can be effectuated under the state and federal Constitutions.

(c) This act shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter being legally contested or inquired into in any legal proceeding now pending and undetermined or that is pending and undetermined during the period of 30 days from and after the effective date of this act.

(d) This act shall not operate to authorize, confirm, validate, or legalize any act, proceeding, or other matter that has heretofore been determined in any legal proceeding to be illegal, void, or ineffective.

(e) This act shall not operate to authorize, confirm, validate, or legalize a contract between any public body and the United States.

SEC. 8. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization, or incorporation of any public body, or for any annexation thereto, detachment or exclusion therefrom, or other change of boundaries thereof, or for the consolidation, merger, or dissolution of any public bodies, or for, or in connection with, the authorization, issuance, sale, execution, delivery, or exchange of bonds thereof upon any ground involving any alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches shall be commenced within six months of the effective date of this act; otherwise each and all of those matters shall be held to be valid and in every respect legal and incontestable. This act shall not extend the period allowed for legal action beyond the period that it would be barred by any presently existing valid statute of limitations.

SEC. 9. Nothing contained in this act shall be construed to render the creation of any public body, or any change in the boundaries of any public body, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, is filed within the time and substantially in the manner required by those sections.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to validate the organization, boundaries, acts, proceedings, and bonds of public bodies as soon as possible, it is necessary that this act take immediate effect.

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## CHAPTER 11

An act relating to coastal programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 17, 2001. Filed with  
Secretary of State May 18, 2001.]



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

SECTION 1. The sum of one hundred thousand dollars (\$100,000) is hereby reappropriated from Schedule (a) of Item 3720-101-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000) to the California Coastal Commission, to be used for the purpose of implementing Section 30166.5 of the Public Resources Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

(a) The Legislature, during the 1999–2000 Regular Session, enacted Chapter 952 of the Statutes of 2000, requiring the California Coastal Commission to prepare and adopt a local coastal program for the City of Malibu because the city has not completed a local coastal program, as required by law, that is certifiable pursuant to the California Coastal Act.

(b) The commission does not currently have the staff resources or the funding necessary to complete the work mandated by Chapter 952 within the time limits specified by law.

(c) The commission must receive funding and begin work on the local coastal program immediately because of state-mandated deadlines for its creation and adoption. The commission must present for public review a draft version of the land use plan portion of the local coastal program by May 1, 2001, and Chapter 952 requires that it complete an initial draft of the land use portion of the local coastal program by January 15, 2002, and the entire local coastal program by September 15, 2002. If the commission does not receive supplementary state funding before January 1, 2002, it will not be able to secure the additional staff necessary to complete the mandate of Chapter 952 in a timely fashion.

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## CHAPTER 12

An act to amend Section 114145 of the Health and Safety Code, relating to environmental health, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 2001. Filed with  
Secretary of State May 25, 2001.]

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

SECTION 1. Section 114145 of the Health and Safety Code is amended to read:

114145. (a) Each food establishment, except produce stands and swap meet prepackaged food stands, shall be fully enclosed in a building consisting of floors, walls, and an overhead structure that meet the minimum standards prescribed by this chapter. Food establishments that are not fully enclosed on all sides and that are in operation on January 1, 1985, shall not be required to meet the requirement for a fully enclosed structure pursuant to this section.

(b) This section shall not be construed to require the enclosure of any of the following:

(1) Dining areas.

(2) Open-air barbecue facilities.

(3) Outdoor wood-burning ovens that meet all of the food preparation and safety requirements applicable to open-air barbecue facilities.

(4) Outdoor beverage bars contiguous with a fully enclosed food establishment under the constant and complete control of the operator of the food establishment, provided that the following requirements are met:

(A) The food establishment is a bona fide public eating place, as defined by Sections 23038, 23038.1, and 23038.2 of the Business and Professions Code.

(B) The operator of the food establishment is a licensee, as defined by Section 23009 of the Business and Professions Code, performing under authority of a license issued pursuant to the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000), Business and Professions Code) for the outdoor beverage bar.

(C) The outdoor beverage bar is, at all times, operated pursuant to the requirements of this chapter, including, without limitation, Sections 114010 and 114080, and any conditions imposed by the local health agency to ensure compliance with the requirements of this chapter.

(5) Outdoor displays that meet all of the following requirements:

(A) Only prepackaged nonpotentially hazardous food, uncut produce, or both is displayed or sold in the outdoor displays.

(B) Outdoor displays are contiguous with a fully enclosed food establishment that is in compliance with subdivision (a).

(C) Outdoor displays have overhead protection that extends over all food items.

(D) Food items from the outdoor display are stored inside a fully enclosed food establishment that is in compliance with subdivision (a) at all times other than during business hours. Any food items to be stored

pursuant to this subdivision shall be stored in accordance with subdivision (a) of Section 114080.

(E) Outdoor displays comply with Section 114010 and have been approved by the enforcement agency.

(F) Outdoor displays are under the constant and complete control of the operator of the permitted food establishment.

(6) The Mercado La Paloma, located at 3655 South Grand Avenue in Los Angeles, operated by Esperanza Community Housing Corporation, which is a public market open only on one side, and which meets the following criteria:

(A) All facilities inside the Mercado La Paloma have overhead protection that extends over all food items.

(B) All facilities inside the Mercado La Paloma are enclosed on at least two sides.

(C) All facilities inside the Mercado La Paloma are under the constant and complete control of the operator.

(D) During periods of inoperation, food, utensils, and related items shall be stored so as to be adequately protected at all times from contamination, exposure to the elements, ingress of vermin, and temperature abuse.

(E) During all hours of operation, air curtains shall be in operation over all unclosed door openings to the outside to exclude flying pests.

(c) This section shall not be construed to require the enclosure during operating hours of customer self-service nonpotentially hazardous bulk beverage dispensing operations that meet the following requirements:

(1) The dispensing operations are installed contiguous with a fully enclosed food establishment that is in compliance with subdivision (a) and operated by the food establishment.

(2) The beverages are dispensed from enclosed equipment that precludes exposure of the beverages until they are dispensed at the nozzles.

(3) Ice is dispensed only from an icemaker-dispenser. Ice is not scooped or manually loaded into an ice dispenser out-of-doors.

(4) Single-service utensils are protected from contamination and are individually wrapped or dispensed from approved sanitary dispensers.

(5) The dispensing operations have overhead protection that fully extends over all equipment associated with the facility.

(6) During nonoperating hours, the dispensing operations are fully enclosed so as to be protected from contamination by vermin and exposure to the elements.

(7) The owner or operator of the food establishment demonstrates to the enforcement agency that acceptable methods are in place to properly clean and sanitize the beverage dispensing equipment.

(8) Beverage dispensing operations are in compliance with Section 114010 and have been approved by the enforcement agency.

(9) Beverage dispensing operations are under the constant and complete control of the permit holder of the food establishments who is operating the dispensing facility.

(d) This section shall not be construed to allow outdoor displays in violation of local ordinances.

SEC. 2. The Legislature finds and declares that due to unique circumstances relating to the structure and operation of the Mercado La Paloma in Los Angeles, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the Mercado La Paloma in Los Angeles may provide necessary services at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 13

An act to amend Section 24011 of the Government Code, relating to county government.

[Approved by Governor June 5, 2001. Filed with  
Secretary of State June 5, 2001.]

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

SECTION 1. Section 24011 of the Government Code is amended to read:

24011. Notwithstanding the provisions of Section 24009:

(a) The Boards of Supervisors of Glenn County, Madera County, Mendocino County, Solano County, Trinity County, Tuolumne County, and Lake County may, by ordinance, provide that the public administrator shall be appointed by the board.

(b) The Boards of Supervisors of Madera County, Mendocino County, Trinity County, Tuolumne County, and Lake County may appoint the same person to the offices of public administrator, veteran service officer, and public guardian. The Board of Supervisors of Glenn County and Solano County may, by ordinance, appoint the same person to the offices of public administrator and public guardian.

(c) The Boards of Supervisors of Glenn County, Madera County, Mendocino County, Trinity County, Tuolumne County, and Lake County may separate the consolidated offices of district attorney and public administrator at any time in order to make the appointments permitted by this section. Upon approval by the board of supervisors, the officer elected to these offices at any time may resign, or decline to qualify for, the office of public administrator without resigning from, or declining to qualify for, the office of district attorney.

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## CHAPTER 14

An act to amend Section 21453 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 5, 2001. Filed with  
Secretary of State June 5, 2001.]

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

SECTION 1. Section 21453 of the Vehicle Code is amended to read:  
21453. (a) A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).

(b) Except when a sign is in place prohibiting a turn, a driver, after stopping as required by subdivision (a), facing a steady circular red signal, may turn right, or turn left from a one-way street onto a one-way street. A driver making that turn shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to any vehicle that has approached or is approaching so closely as to constitute an immediate hazard to the driver, and shall continue to yield the right-of-way to that vehicle until the driver can proceed with reasonable safety.

(c) A driver facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain stopped until an indication permitting movement is shown.

(d) Unless otherwise directed by a pedestrian control signal as provided in Section 21456, a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.

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## CHAPTER 15

An act to add Section 56131.7 to the Government Code, to add Article 53.5 (commencing with Section 20815) to Chapter 1 of Part 3 of the Public Contract Code, and to repeal and add Chapter 4 (commencing with Section 5780) to Division 5 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor June 5, 2001. Filed with  
Secretary of State June 5, 2001.]

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

SECTION 1. Section 56131.7 is added to the Government Code, to read:

56131.7. Upon the filing of an application for the formation of, consolidation of, or dissolution of a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code, or of an application for a reorganization that includes any of those changes of organization, or the initiation by the commission of any of those changes or organization or any reorganization that includes any of those changes of organization, the executive officer shall notify the Director of the State Department of Parks and Recreation. The director shall have 60 days from the date of receipt of notification by the executive officer to comment on the proposal. The commission shall consider all comments received from the director in making its decision.

SEC. 2. Article 53.5 (commencing with Section 20815) is added to Chapter 1 of Part 3 of the Public Contract Code, to read:

### Article 53.5. Recreation and Park Districts

20815. The provisions of this article shall apply to contracts by recreation and park districts as provided in the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

20815.1. (a) All contracts for new construction estimated to cost in excess of twenty-five thousand dollars (\$25,000) shall be let to the lowest responsible bidder after competitive bidding.

(b) All contracts for alterations, maintenance, or repairs estimated to cost in excess of twenty-five thousand dollars (\$25,000) shall be let to the lowest responsible bidder after competitive bidding.

(c) All contracts for materials and supplies not related to new construction, alterations, maintenance, or repairs estimated to cost in excess of twenty-five thousand dollars (\$25,000) shall be let to the lowest responsible bidder after competitive bidding.

(d) A district may purchase in the open market without calling for bids, materials and supplies estimated to cost less than twenty-five thousand dollars (\$25,000) for use in the work either under contract or by force account.

20815.3. (a) A district shall publish notice inviting bids for any contract for which competitive bidding is required at least one time in a newspaper of general circulation in the district at least one week before the time specified for receiving bids. The notice shall distinctly state the work to be done.

(b) In its discretion, the board of directors may do any of the following:

(1) Reject all bids and readvertise.

(2) By a four-fifths vote, elect to purchase the materials or supplies in the open market.

(3) By a four-fifths vote, elect to construct the building, structure, or improvement by force account.

(c) In the case of an emergency, the board of directors may act pursuant to Chapter 2.5 (commencing with Section 22050).

(d) The board of directors may, subject to the provisions of Chapter 7 (commencing with Section 3247) of Title 15 of Part 4 of Division 3 of the Civil Code, require the posting of those bonds it deems as a condition to the filing of a bid or the letting of a contract.

(e) The district shall keep cost records of the work pursuant to Chapter 1 (commencing with Section 4000) of Division 5 of Title 1 of the Government Code.

20815.5. Notwithstanding Sections 20815.1 and 20815.3, a district may use the provisions of the Uniform Public Construction Cost Accounting Act, Chapter 2 (commencing with Section 22000).

SEC. 3. Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code is repealed.

SEC. 4. Chapter 4 (commencing with Section 5780) is added to Division 5 of the Public Resources Code, to read:

## CHAPTER 4. RECREATION AND PARK DISTRICTS

## Article 1. General Provisions

5780. (a) This chapter shall be known and may be cited as the Recreation and Park District Law.

(b) The Legislature finds and declares that recreation, park, and open-space facilities and services are important to improving and protecting the quality of life for all Californians. The Legislature further finds and declares that the provision of recreation, park, and open-space facilities and services are essential services which are important to the public peace, health, and welfare of California residents. Among the ways in which local communities have provided these facilities and services has been the creation and operation of recreation and park districts. For at least seven decades, state laws have authorized recreation and park districts to provide recreation programs, local parks, and open spaces. Local officials have used this statutory authority to serve the diversity of California's communities and residents. In enacting this chapter, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special districts that provides community recreation, park, and open-space facilities and recreation services within specified boundaries and under local control. It is also the intent of the Legislature that recreation and park districts cooperate with other public agencies and private organizations to deliver those facilities and services. Further, the Legislature encourages local communities and local officials to adapt the powers and procedures provided by this chapter to meet the diversity of their own local circumstances and responsibilities.

5780.1. As used in this chapter:

(a) "Board of directors" means the board of directors of a district.

(b) "City" means any city whether general law or charter, including a city and county, and including any city the name of which includes the word "town."

(c) "Community recreation" means recreation facilities and services engaged in under the control of a district.

(d) "District" means a recreation and park district created pursuant to this chapter or any of its statutory predecessors.

(e) "Local agency" means a city, county, city and county, special district, school district, community college district, community redevelopment agency, joint powers agency, or any other political subdivision of the state.

(f) "Principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized



assessment roll of the county or counties, of all taxable property within a district.

(g) "Recreation" means any voluntary activity which contributes to the education, entertainment, or cultural, mental, moral, or physical development of the individual, group, or community that attends, observes, or participates. "Recreation" includes, but is not limited to, any activity in the fields of art, athletics, drama, habitat conservation, handicrafts, literature, music, nature study, open-space conservation, science, sports, and any formal or informal play that includes these activities.

(h) "Recreation facility" means an area, place, structure, or other facility under the jurisdiction of a public agency that is used either permanently or temporarily for community recreation, even though it may be used for other purposes. "Recreation facility" includes, but is not limited to, an arts and crafts room, auditorium, beach, camp, community center, golf course, gymnasium, lake, meeting place, open space, park, parkway, playground, playing court, playing field, recreational reservoir, river, and swimming pool. A recreation facility may be owned or operated jointly by a district and other public agencies.

(i) "Voter" means a voter as defined by Section 359 of the Elections Code.

(j) "Zone" means a zone formed pursuant to Article 12 (commencing with Section 5791).

5780.3. (a) This chapter provides the authority for the organization and powers of recreation and park districts. This chapter succeeds the former Chapter 4 (commencing with Section 5780) as added by Chapter 2165 of the Statutes of 1957, as subsequently amended, and any of its statutory predecessors.

(b) Any recreation and park district organized or reorganized pursuant to the former Chapter 4 or any of its statutory predecessors which was in existence on January 1, 2002, shall remain in existence as if it had been organized pursuant to this part. Any zone of a recreation and park district formed pursuant to the former Article 10 (commencing with Section 5788) of the former Chapter 4 or any of its statutory predecessors which was in existence on January 1, 2002, shall remain in existence as if it had been formed pursuant to this chapter.

(c) Any general obligation bond, special tax, benefit assessment, fee, election, ordinance, resolution, regulation, rule, or any other action of a district taken pursuant to the former Chapter 4 or any of its statutory predecessors which was taken before January 1, 2002, shall not be voided solely because of any error, omission, informality, misnomer, or failure to comply strictly with this chapter.

5780.5. This chapter is necessary for the public health, safety, and welfare, and shall be liberally construed to effectuate its purposes.

5780.7. If any provision of this chapter or the application of any provision of this chapter in any circumstance or to any person, city, county, special district, school district, the state, or any agency or subdivision of the state is held invalid, that invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application of the invalid provision, and to this end the provisions of this chapter are severable.

5780.9. Any action to determine the validity of the organization of or of any action of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

## Article 2. Area and Boundaries

5781. Except as provided in this section, territory, whether incorporated or unincorporated, whether contiguous or noncontiguous, may be included in a district. Territory that is already within a recreation and park district organized pursuant to this chapter shall not be included within another recreation and park district.

5781.1. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code, shall govern any change of organization or reorganization of a district.

## Article 3. Formation

5782. A new district may be formed pursuant to this article.

5782.1. (a) A proposal to form a new district may be made by petition. The petition shall do all of the things required by Section 56700 of the Government Code. In addition, the petition shall do all of the following:

(1) Set forth the methods by which the district will be financed, including, but not limited to, special taxes, benefit assessments, and fees.

(2) Propose a name for the district.

(3) Specify the method of selecting the initial board of directors, as provided in Article 4 (commencing with Section 5783).

(4) Specify whether the district will have the power of eminent domain.

(b) The petitions, the proponents, and the procedures for certifying the sufficiency of the petitions shall comply with Chapter 2 (commencing with Section 56700) of Part 3 of Division 3 of Title 5 of the Government Code. In the case of any conflict between that chapter and this article, the provisions of this article shall prevail.

(c) The petition shall be signed by not less than 25 percent of the registered voters residing in the area to be included in the district, as determined by the local agency formation commission.

5782.3. (a) Before circulating any petition, the proponents shall publish a notice of intention that shall include a written statement not to exceed 500 words in length, setting forth the reasons for forming the district and the methods by which the district will be financed. The notice shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the territory proposed to be included in the district. If the territory proposed to be included in the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.

(b) The notice shall be signed by a representative of the proponent, and shall be in substantially the following form:

“Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition proposing to form the \_\_\_\_\_ (name of the district). The reasons for forming the proposed district are: \_\_\_\_\_. The method(s) by which the proposed district will be financed are \_\_\_\_\_.”

(c) Within five days after the date of publication, the proponent shall file with the executive officer of the local agency formation commission of the principal county a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of the publication.

(d) After the filing required pursuant to subdivision (c), the petition may be circulated for signatures.

5782.5. (a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city that contains the territory proposed to be included in the district. Except for the provisions regarding the signers, signatures, and the proponents, a resolution of application shall contain all of the matters specified for a petition in Section 5782.1.

(b) Before adopting a resolution of application, the legislative body shall hold a public hearing on the resolution. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the county or city. At least 20 days before the hearing, the legislative body shall give mailed notice of its hearing to the executive officer of the local agency formation commission of the principal county. The notice shall generally describe

the proposed formation of the district and the territory proposed to be included in the district.

(c) At the hearing, the legislative body shall give any person an opportunity to present his or her views on the resolution.

(d) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

5782.7. (a) Once the proponents have filed a sufficient petition or a legislative body has filed a resolution of application, the local agency formation commission shall proceed pursuant to Part 3 (commencing with Section 56650) and, notwithstanding Section 57007 of the Government Code, pursuant to Part 4 (commencing with Section 57000) of Division 3 of Title 5 of the Government Code.

(b) Notwithstanding any other provision of law, a local agency formation commission shall not approve a proposal that includes the formation of a district unless the commission determines that the proposed district will have sufficient revenues to carry out its purposes.

(c) Notwithstanding subdivision (b), a local agency formation commission may approve a proposal that includes the formation of a district where the commission has determined that the proposed district will not have sufficient revenue provided that the commission conditions its approval on the concurrent approval of special taxes or benefit assessments that will generate those sufficient revenues. The commission shall provide that if the voters or property owners do not approve the special taxes or benefit assessments, the proposed district shall not be formed.

#### Article 4. Selection of the Initial Board of Directors

5783. The initial board of directors of a district formed on or after January 1, 2002, shall be determined pursuant to this article.

5783.1. In the case of a district that contains only unincorporated territory in a single county, the board of directors may be elected or may be appointed by the county board of supervisors which may appoint itself as the district board.

5783.3. In the case of a district that contains only unincorporated territory in more than one county, the board of directors may be elected or may be appointed by the boards of supervisors of the counties in which the district is located. If the board of directors is appointed by the county boards of supervisors, the boards of supervisors shall appoint directors according to the proportionate share of population of that portion of each county within the district, provided that each board of supervisors shall appoint at least one director.

5783.5. In the case of a district that contains unincorporated territory and the territory of one or more cities:

(a) The board of directors may be elected or appointed by the county board of supervisors and the city councils in which the district is located. If the board of directors is to be appointed, the board of supervisors and the city council or councils shall appoint directors according to the proportionate share of population of that portion of the county and each city within the district, provided that the board of supervisors and each city council shall appoint at least one director. The board of supervisors or city council may appoint one or more of its members to the district board.

(b) Notwithstanding subdivision (a), the county board of supervisors may appoint itself as the board of directors, if the city council of each of the cities consents by resolution.

5783.7. In the case of a district that includes only incorporated territory within a single city, the board of directors may be elected or appointed by the city council which may appoint itself as the board of directors.

5783.9. In the case of a district that includes only incorporated territory in more than one city, the board of directors may be elected or appointed by the city councils in which the district is located. If the board of directors is appointed, the city councils shall appoint directors according to the proportionate share of population of that portion of each city within the district, provided that each city council shall appoint at least one director. The city council may appoint one or more of its own members to the district board.

5783.11. (a) In the case of a district where the initial board of directors is to be elected, the elections and the terms of office shall be determined pursuant to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code.

(b) In the case of a district where the initial board of directors is to be elected, the directors may be elected (1) at large, (2) by divisions, or (3) from divisions.

5783.13. In the case of a district where the initial board of directors is to be appointed, the county board of supervisors or the city council that appoints the board of directors shall specify either of the following:

(a) The persons appointed to the board of directors shall serve fixed terms. The directors appointed to the initial board of directors shall classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years.

(b) The persons appointed to the board of directors shall serve at the pleasure of the county board of supervisors or the city council which made the appointments.

#### Article 5. Boards of Directors and Officers

5784. (a) A legislative body known as the board of directors shall govern every district. The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the faithful implementation of those policies which is the responsibility of the employees of the district.

(b) Except as provided in this article, the board of directors consists of five members.

(c) No person shall be a candidate for or be appointed to the board of directors unless he or she is a voter of the district or the proposed district.

(d) Service on a municipal advisory council established pursuant to Section 31010 of the Government Code shall not be considered an incompatible office with service as an elected member of a board of directors.

5784.1. Notwithstanding any other provision of law:

(a) The board of directors of the North Bakersfield Recreation and Park District shall be composed of seven members.

(b) If on December 31, 2001, a member of the board of directors was elected or appointed as a voter of this state and is an owner of real property within the district, pursuant to the former Section 5783.3, that person may continue to serve on that board of directors for the remainder of the term for which he or she was elected or appointed, and that person may be elected or appointed to that board of directors in the future after that term ends, provided that the person continues to be a voter of this state and an owner of real property within the district.

(c) If on December 31, 2001, for the Southgate Recreation and Park District which elects its board of directors by divisions pursuant to the former Section 5784.20, a member of the board of directors was elected as a voter of this state and is an owner of real property within the district and the division by which the member was elected, that person may continue to serve on that board of directors for the remainder of the term for which he or she was elected, and that person may be elected to that board of directors by the voters of that division in the future after that term ends, provided that the person continues to be a voter of this state and an owner of real property within that division.

5784.3. (a) The term of office of each member of a board of directors who has been elected or appointed to a fixed term is four years. Directors shall take office at noon on the first Friday in December following their election or their appointment to a fixed term.

(b) Notwithstanding subdivision (a), in the case of a district formed on or after January 1, 2002, the directors shall serve the terms determined pursuant to Section 5783.11.

(c) Any vacancy in the office of a member appointed to a board of directors shall be filled pursuant to Section 1779 of the Government Code.

(d) Any vacancy in the office of a member elected to a board of directors shall be filled pursuant to Section 1780 of the Government Code.

5784.5. If a county board of supervisors or a city council has appointed itself as the board of directors, the board of supervisors or city council may delegate any or all of its powers to a recreation and park commission composed of five commissioners. In the case of a district governed by a board of supervisors, the commissioners may be council members of cities that are located in the district. The board of supervisors or city council shall determine whether the commissioners shall serve at its pleasure or for staggered terms of four years, subject to removal for cause. A commissioner shall be a voter of the district.

5784.7. (a) Within 45 days after their first election and after each general district election or unopposed election, or at the beginning of each new term for members of an appointed board, the board of directors shall meet and elect its officers.

(b) The officers of a board of directors are a chair and vice chair. A board of directors may create additional officers and elect members to those positions, provided that no member of a board of directors shall hold more than one office.

(c) The board of directors may appoint one of its members as secretary. The board of directors may also employ a clerk to perform the duties of the secretary. If the board of directors does not appoint a secretary, the clerk shall perform the duties of the secretary.

(d) In the case of a district that includes only incorporated territory within a single city, the city treasurer shall act as the district treasurer and shall receive no compensation for the receipt and disbursement of money of the district. In all other cases, the county treasurer of the principal county shall act as the district treasurer and shall receive no compensation for the receipt and disbursement of money of the district.

5784.9. (a) Notwithstanding Section 5784.7, a district may establish an alternative depository pursuant to this section.

(b) The board of directors may adopt a resolution to designate a bank or a savings and loan association as the depository of any or all of its funds. The board of directors and the board of supervisors of the principal county shall determine a mutually acceptable date for the transfer of the district's funds to that depository, not to exceed 15 months from the date on which the board of directors adopted its resolution.

(c) If the board of directors does not designate that depository for all of its funds, the board of directors shall designate what funds are to be deposited in that depository. The county treasurer shall be the depository for all funds not so designated.

(d) The charges of any depository designated pursuant to this section shall be a proper expense of the district.

(e) The board of directors shall appoint a person who shall be known as the finance officer, who shall serve at the pleasure of the board of directors. The finance officer may be a member of the board of directors, the general manager, or the office of finance officer may be consolidated with the office of secretary. The board of directors shall fix the amount of the finance officer's compensation. The board of directors shall fix the amount of and approve the finance officer's bond.

(f) Bond principal and interest and salaries shall be paid when due. Except as provided in subdivision (g), the board of directors shall approve all other claims and demands in an open meeting by a majority of the members of the board of directors.

(g) Warrants drawn in payment of claims and demands approved by the finance officer as conforming to an approved budget need not be approved by the board of directors prior to payment. These claims and demands shall be presented to the board of directors for ratification and approval in the audited comprehensive annual financial report.

(h) The finance officer shall draw the warrants. The warrants shall be signed by either the chair of the board of directors or another member of the board, and by either the secretary or the general manager. The board of directors, by ordinance or resolution, may prescribe an alternative method of drawing and signing warrants, provided that the method adheres to generally accepted accounting principles.

(i) The finance officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district.

(j) The finance officer shall make annual or more frequent written reports to the board of directors, as the board shall determine, regarding the receipts and disbursements and balances in the accounts that are controlled by the finance officer. The finance officer shall sign the reports and file them with the secretary.

(k) A bank or savings and loan association may act as a depository, paying agent, or fiscal agent for the holding or handling of the district's funds, notwithstanding the fact that a member of the board of directors whose funds are on deposit in that bank or savings and loan association is an officer, employee, or stockholder of that bank or savings and loan association, or of a holding company that owns any of the stock of that bank or savings and loan company.



5784.11. A board of directors shall meet at least once every three months. Meetings of the board of directors are subject to the provisions of the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

5784.13. (a) A majority of the board of directors shall constitute a quorum for the transaction of business.

(b) The board of directors shall act only by ordinance, resolution, or motion.

(c) Except as otherwise specifically provided to the contrary in this chapter, a recorded majority vote of the total membership of the board of directors is required on each action.

(d) The board of directors shall keep a record of all its acts, including financial transactions.

(e) The board of directors shall adopt rules for its proceedings.

5784.15. (a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for attending each meeting of the board. The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation received for attending meetings of the board.

(b) The maximum compensation in any calendar month shall be five hundred dollars (\$500).

(c) In addition, members of the board of directors may receive their actual and necessary traveling and incidental expenses incurred while on official business.

(d) A member of the board of directors may waive the compensation.

(e) For the purposes of this section, a meeting of the board of directors includes, but is not limited to, regular meetings, special meetings, closed sessions, emergency meetings, board field trips, district public hearings, or meetings of a committee of the board.

## Article 6. Reorganizing the Board of Directors

5785. (a) In the case of a district with an elected board of directors, the directors may be elected:

- (1) At large.
- (2) By divisions.
- (3) From divisions.

(b) As used in this article:

(1) "By divisions" means the election of each member of the board of directors by voters of the division alone.

(2) "From divisions" means the election of members of the board of directors who are residents of the division from which they are elected by the voters of the entire district.

(c) A board of directors may be elected by any one of the methods described in subdivision (a) if a majority of the voters voting upon the question are in favor of the question at a general district or special election.

(d) The board of directors may adopt a resolution placing the question on the ballot. Alternatively, upon receipt of a petition signed by at least 25 percent of the registered voters of the district, the board of directors shall adopt a resolution placing the question on the ballot.

(e) If the question is submitted to the voters at a general district election, the notice required by Section 12115 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(f) If the majority of voters voting upon the question approves the election of directors either by divisions or from divisions, the board of directors shall promptly adopt a resolution dividing the district into five divisions. The resolution shall assign a number to each division. Using the last decennial census as a basis, the divisions shall be as nearly equal in population as possible. In establishing the boundaries of the divisions, the district board may give consideration to the following factors:

- (1) Topography.
- (2) Geography.
- (3) Cohesiveness, contiguity, integrity, and compactness of territory.
- (4) Community of interests of the divisions.

(g) If the majority of voters voting upon the question approves of the election of directors either by divisions or from divisions, the members of the board of directors shall be elected by divisions or from divisions. Each member elected by division or from division shall be a resident of the election division by which or from which he or she is elected. At the district general election following the approval by the voters of the election of directors either by divisions or from divisions, the board of directors shall assign vacancies on the board of directors created by the expiration of terms to the respective divisions and the vacancies shall be filled either by or from those divisions.

(h) If the majority of voters voting on the question approves of the election of directors at large, the board of directors shall promptly adopt a resolution dissolving the divisions that had existed.

5785.1. (a) In the case of a board of directors elected by divisions or from divisions, the board of directors shall adjust the boundaries of the divisions before November 1 of the year following the year in which each decennial census is taken. If, at any time between each decennial

census, a change of organization or reorganization alters the population of the district, the board of directors shall reexamine the boundaries of its divisions. If the board of directors finds that the population of any division has varied so that the divisions no longer meet the criteria specified in subdivision (f) of Section 5785, the board of directors shall adjust the boundaries of the divisions so that the divisions shall be as nearly equal in population as possible. The board of directors shall make this change within 60 days of the effective date of the change of organization or reorganization.

(b) In the case of a board of directors that has been appointed by more than one county board of supervisors or city council, the board of directors shall adjust the proportionate distribution of the appointments before November 1 of the year following the year in which each decennial census is taken. If at any time between each decennial census, a change of organization or reorganization alters the population of the district, the board of directors shall reexamine the proportionate distribution of appointments. If the board of directors finds that the population of the district has varied so that the distribution of appointments is no longer proportionate, the board of directors shall adjust the proportionate distribution of appointments accordingly. The board of directors shall make this change within 60 days of the effective date of the change of organization or reorganization. The county board of supervisors or city council shall appoint members to the board of directors as vacancies occur.

5785.3. (a) If a majority of the voters voting on the question at a general district or special district election are in favor, a district that has an appointed board of directors shall have an elected board of directors, or a district that has an elected board of directors shall have an appointed board of directors.

(b) The board of directors may adopt a resolution placing the question on the ballot. Alternatively, upon receipt of a petition signed by at least 25 percent of the registered voters of the district, the board of directors shall adopt a resolution placing the question on the ballot.

(c) If the question is submitted to the voters at a general district election, the notice required by Section 12115 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(d) If a majority of voters voting upon the question approves of changing from an appointed board of directors to an elected board of directors, the members of the board of directors shall be elected at the next general district election. If a majority of voters voting upon the question approves of changing from an elected board of directors to an

appointed board of directors, members shall be appointed to the board of directors as vacancies occur.

5785.5. (a) Before circulating any petition pursuant to Section 5785 or Section 5785.3, the proponents shall publish a notice of intention that shall include a written statement not to exceed 500 words in length, setting forth the reasons for the proposal. The notice shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the district. If the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each county.

(b) The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

“Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition affecting the Board of Directors of the \_\_\_\_\_ (name of the district). The petition proposes that \_\_\_\_\_ (description of the proposal).”

(c) Within five days after the date of publication, the proponents shall file with the secretary of the board of directors a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication.

(d) After the filing required pursuant to subdivision (c), the petition may be circulated for signatures.

(e) Sections 100 and 104 of the Elections Code shall govern the signing of the petition and the format of the petition.

(f) A petition may consist of a single instrument or separate counterparts. The proponents shall file the petition, together with all counterparts, with the secretary of the board of directors. The secretary shall not accept a petition for filing unless the signatures have been secured within six months of the date on which the first signature was obtained and the proponents submitted the petition to the secretary for filing within 60 days after the last signature was obtained.

(g) Within 30 days after the date of filing a petition, the secretary of the board of directors shall cause the petition to be examined by the county elections official, in accordance with Sections 9113 to 9115, inclusive, of the Elections Code, and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.

(h) If the certificate of the secretary shows the petition to be insufficient, the secretary shall immediately give notice by certified mail of the insufficiency to the proponents. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of

the notice of insufficiency, the proponents may file with the secretary a supplemental petition bearing additional signatures.

(i) Within 10 days after the date of filing a supplemental petition, the secretary shall examine the supplemental petition and certify the results in writing of his or her examination.

(j) The secretary shall sign and date a certificate of sufficiency. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the secretary's examination. The secretary shall mail a copy of the certificate of sufficiency to the proponents.

(k) Once the proponents have filed a sufficient petition, the board of directors shall take the actions required pursuant to Section 5785 or 5785.3.

#### Article 7. Powers and Duties

5786. A district may:

(a) Organize, promote, conduct, and advertise programs of community recreation, including, but not limited to, parks and open space, parking, transportation, and other related services that improve the community's quality of life.

(b) Establish systems of recreation and recreation facilities, including, but not limited to, parks and open space.

(c) Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, both inside and beyond the district's boundaries.

5786.1. A district shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including, but not limited to, the following powers:

(a) To sue and be sued.

(b) To acquire any real or personal property within or outside the district, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the district.

(c) To acquire any real or personal property by eminent domain within the boundaries of the district, pursuant to Section 5786.5.

(d) To appoint necessary employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties.

(e) To engage counsel and other professional services.

(f) To enter into and perform all necessary contracts pursuant to Article 53.5 (commencing with Section 20815) of Chapter 1 of Part 3 of the Public Contract Code.

(g) To borrow money, give security therefor, and purchase on contract, as provided in this chapter.

(h) To adopt a seal and alter it at pleasure.

(i) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code.

(j) To adopt and enforce rules and regulations for the administration, operation, use, and maintenance of the recreation facilities, programs, and services listed in Section 5786.

(k) To enter joint powers agreements pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

(l) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1 of the Government Code.

(m) To perform any acts necessary to carry out the provisions of this chapter.

5786.3. When acquiring, improving, or using any real property, a district shall comply with Article 5 (commencing with Section 53090) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, and Article 7 (commencing with Section 65400) of Chapter 1 of Division 1 of Title 7 of the Government Code.

5786.5. (a) If a district was formed without the power of eminent domain, the district shall not exercise eminent domain to acquire any real or personal property, except as provided by subdivision (d).

(b) If a district was formed with the power to acquire any real or personal property by eminent domain within the boundaries of the district, the district shall comply with the requirements of the Eminent Domain Law, Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure.

(c) In addition to the requirements imposed by subdivision (b), before a district may exercise the power of eminent domain, it shall first obtain the approval of the city council if the property is located in incorporated territory or the county board of supervisors if the property is located in unincorporated territory. The district shall notify the property owner of the district's request to the city council or county board of supervisors. The district shall mail the notice to the property owner at least 20 days before the date on which the city council or county board of supervisors will act on the district's request.

(d) (1) If a district was formed with the power to acquire real or personal property by the power of eminent domain, it shall not exercise that power if a majority of the voters voting upon the question are in favor of the question at a general district or special election. If a district was formed without the power to acquire real or personal property by the power of eminent domain, it may exercise that power if a majority of the

voters voting upon the question are in favor of the question at a general district or special election.

(2) The board of directors may adopt a resolution placing the question on the ballot. Alternatively, upon receipt of a petition signed by at least 25 percent of the registered voters of the district, the board of directors shall adopt a resolution placing the question on the ballot.

(3) If the question is submitted to the voters at a general district election, the notice required by Section 12115 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(4) Before circulating any petition pursuant to this subdivision, the proponents shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for the proposal. The notice shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the district. If the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each county.

(5) The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

“Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition affecting power of eminent domain of the \_\_\_\_\_ (name of the district). The petition proposes that \_\_\_\_\_ (description of the proposal).”

(6) Within five days after the date of publication, the proponents shall file with the secretary of the board of directors a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication. After the filing, the petition may be circulated for signatures.

(7) Sections 100 and 104 of the Elections Code shall govern the signing of the petition and the format of the petition. A petition may consist of a single instrument or separate counterparts. The proponents shall file the petition, together with all counterparts, with the secretary of the board of directors. The secretary shall not accept a petition for filing unless the signatures have been secured within six months of the date on which the first signature was obtained and the proponents submitted the petition to the secretary for filing within 60 days after the last signature was obtained.

(8) Within 30 days after the date of filing a petition, the secretary of the board of directors shall cause the petition to be examined by the

county elections official, in accordance with Sections 9113 to 9115, inclusive, of the Elections Code, and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.

(9) If the certificate of the secretary shows the petition to be insufficient, the secretary shall immediately give notice by certified mail of the insufficiency to the proponents. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the notice of insufficiency, the proponents may file with the secretary a supplemental petition bearing additional signatures.

(10) Within 10 days after the date of filing a supplemental petition, the secretary shall examine the supplemental petition and certify the results in writing of his or her examination.

(11) The secretary shall sign and date a certificate of sufficiency. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the secretary's examination. The secretary shall mail a copy of the certificate of sufficiency to the proponents.

(12) Once the proponents have filed a sufficient petition, the board of directors shall adopt the resolution required by paragraph (2).

5786.7. Notwithstanding any other provision of law:

(a) If a majority of the voters voting on the question at a general district or special district election are in favor, the Parker Dam Recreation and Park District may do all of the following:

(1) Purchase or lease electric power from any public agency or private entity for use within the district's boundaries.

(2) Acquire water and water rights and do any act necessary to furnish sufficient water for beneficial use within the district's boundaries.

(3) Sell, dispose of, and distribute water and electric power for use within the district's boundaries.

(b) Provided that the authority to exercise these powers is approved by the local agency formation commission and conforms to Article XIII C of the California Constitution, the Camp Meeker Recreation and Park District may exercise the powers of a county water district pursuant to:

(1) Article 1 (commencing with Section 31000) to Article 9 (commencing with Section 31100), inclusive, of Part 5 of Division 12 of the Water Code.

(2) Part 6 (commencing with Section 31300) of Division 12 of the Water Code.

(3) Part 7 (commencing with Section 31650) of Division 12 of the Water Code.

(c) The Lucerne Recreation and Park District may exercise any of the powers, functions, and duties of a fire protection district pursuant to the



Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

5786.9. (a) A district shall have perpetual succession.

(b) A board of directors may, by a four-fifths vote of its total membership, adopt a resolution to change the name of the district. The resolution shall comply with the requirements of Chapter 23 (commencing with Section 7530) of Division 7 of Title 1 of the Government Code. The board of directors shall not change the name of the district to the name of any living individual. Within 10 days of its adoption, the board of directors shall file a copy of its resolution with the Secretary of State, the county clerk, the board of supervisors, and the local agency formation commission of each county in which the district is located.

(c) Unless another provision of law requires a longer retention period, a district may destroy or otherwise dispose of any paper or electronic document filed with or submitted to the district after one year, unless the board of directors determines that there is a need for its retention. In determining whether there is a need for retaining a document, the board of directors shall consider future public need, the effect on statutes of limitation, and historical significance.

5786.11. (a) A district may cooperate with any city, county, special district, school district, state agency, or federal agency to carry out the purposes and intent of this chapter. To that end, a district may enter into agreements with those other public agencies to do any and all things necessary or convenient in carrying out the purposes and intent of this chapter.

(b) A district may jointly acquire, construct, improve, maintain, and operate recreation facilities and programs of community recreation with any other public agency. Nothing in this chapter shall be construed to prohibit any joint or cooperative action with other public agencies.

5786.13. A district may contract with other public agencies to provide recreation facilities and programs of community recreation within the district's boundaries. A district may contract with other public agencies to provide recreation facilities and programs of community recreation within the boundaries of other public agencies.

5786.15. (a) Each district shall adopt policies and procedures, including bidding regulations, governing the purchase of supplies and equipment. Each district shall adopt these policies and procedures by rule or regulation pursuant to Article 7 (commencing with Section 54201) of Chapter 5 of Division 2 of Title 5 of the Government Code.

(b) A district may request the Department of General Services to make purchases of materials, equipment, or supplies on its behalf pursuant to Section 10324 of the Public Contract Code.

(c) A district may request the purchasing agent of the principal county to make purchases of materials, equipment, or supplies on its behalf, pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3 of the Government Code.

(d) A district may request the purchasing agent of the principal county to contract with persons to provide recreation facilities and programs of community recreation, pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3 of the Government Code. The district shall be responsible for and maintain control over those recreational facilities and programs of community recreation.

(e) A district may lease or rent private vehicles or equipment owned by district employees.

5786.17. (a) Violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.

(b) Any citation issued by a district for violation of a rule, regulation, or ordinance adopted by a board of directors may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.

(c) To protect property and to preserve the peace at recreation facilities and other property owned or managed by a district, the board of directors may confer on designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a recreation facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

5786.19. (a) The Meyers-Milias-Brown Act, Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code applies to all districts.

(b) A board of directors may adopt an ordinance establishing an employee relations system which may include, but is not limited to, a civil service system or a merit system.

(c) With the prior permission of the board of supervisors of the principal county, or in the case of a district which contains no unincorporated territory with the prior permission of the city council, a board of directors may adopt an ordinance that makes the employees of the district subject to the employee relations system of the principal county or that city. The board of directors may adopt an ordinance that withdraws the employees of the district from the employee relations system of the principal county or that city. A district in which the employees of the district are subject to the employee relations system of the principal county or that city shall receive employee relations services at cost from the county or city.

5786.21. If a county board of supervisors has appointed itself as the board of directors and the county has by ordinance provided a civil service system:

(a) A county employee holding a classified civil service position for which eligibility has been established by a competitive examination and certification, and which is similar in grade or class to a district position, shall, at the district's request, be certified by the county civil service commission as being eligible to transfer to and hold that position in the district with the same status and without further examination.

(b) A district employee holding a classified civil service position for which eligibility has been established by a competitive examination and certification, and that is similar in grade or class to a county position, shall, at the county's request, be certified by the county civil service commission as being eligible to transfer to and hold that position in the county with the same status and without further examination.

(c) Any person entitled to participate in promotional examinations for classified civil service positions in either the county or the district shall be entitled to participate in promotional examinations for classified civil service positions for both the county and the district, pursuant to the civil service commission's rules, and to be certified for those positions by the county civil service commission or board of supervisors, and to be appointed to those positions.

5786.23. (a) This section shall apply only to a district where all of the following apply:

(1) The county board of supervisors has appointed itself as the board of directors.

(2) The county has by ordinance provided a civil service system.

(3) The county operates under a freeholders' charter that requires that in the fixing of salaries or wages for county employees subject to the county's civil service system, the board of supervisors shall provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons under similar employment, if the prevailing salary or wage can be ascertained.

(b) In fixing the salary or wage for district employees subject to the county's civil service system, the board of directors shall provide a salary or wage equal to the salary or wage paid to county employees for the same quality of service.

5786.25. A board of directors may require any employee or officer to be bonded. The district shall pay the cost of the bonds.

5786.27. A board of directors may provide for any programs for the benefit of its employees and members of the board of directors pursuant to Chapter 2 (commencing with Section 53200) of Part 1 of Division 2 of Title 5 of the Government Code.

5786.29. A district may authorize the members of its board of directors and its employees to attend professional or vocational meetings and pay their actual and necessary traveling and incidental expenses while on official business.

5786.31. Whenever the boundaries of a district or a zone change, or whenever the board of directors levies a special tax, benefit assessment, or a tax to pay for general obligation bonds, the district shall comply with Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

#### Article 8. Elections

5787. Except as otherwise provided in this chapter, districts are subject to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code.

5787.1. A board of directors may require that the election of members to the board of directors shall be held on the same day as the statewide general election pursuant to Section 10404 of the Elections Code.

5787.3. If the proposition on the question of formation fails, the county or counties shall pay the expenses of the election. If the proposition on the question of formation passes, the expense shall be a charge against the district and repaid to the county or counties from the first moneys collected by the district. The expense of all other elections shall be a charge against the district.

#### Article 9. Finance

5788. On or before July 1 of each year, the board of directors shall adopt a preliminary budget that shall conform to the accounting and budgeting procedures for special districts contained in Subchapter 3 (commencing with Section 1031.1) of, and Article 1 (commencing with Section 1121) of Subchapter 4 of Division 2 of Title 2 of the California Code of Regulations. The board of directors may divide the preliminary budget into categories, including, but not limited to:

- (a) Maintenance and operation.
- (b) Employee compensation.
- (c) Capital outlay.
- (d) Interest and redemption for indebtedness.
- (e) Restricted reserve for capital outlay.
- (f) Restricted reserve for contingencies.
- (g) Unallocated general reserve.

5788.1. (a) On or before July 1 of each year, the board of directors shall publish a notice stating all of the following:

(1) That it has adopted a preliminary budget that is available for inspection at a time and place within the district specified in the notice.

(2) The date, time, and place when the board of directors will meet to adopt the final budget and that any person may appear and be heard regarding any item in the budget or regarding the addition of other items.

(b) The board of directors shall publish the notice at least two weeks before the hearing in at least one newspaper of general circulation in the district pursuant to Section 6061 of the Government Code.

5788.3. At the time and place specified for the meeting, any person may appear and be heard regarding any item in the budget or regarding the addition of other items. The hearing on the budget may be continued from time to time.

5788.5. On or before August 30 of each year, after making any changes in the preliminary budget, the board of directors shall adopt a final budget. The board of directors shall forward a copy of the final budget to the auditor of each county in which the district is located.

5788.7. At any regular meeting or properly noticed special meeting after the adoption of its final budget, the board of directors may adopt a resolution amending the budget and ordering the transfer of funds between categories, other than transfers from the restricted reserve for capital outlay and the restricted reserve for contingencies.

5788.9. (a) In its annual budget, the board of directors may establish a restricted reserve for capital outlay and a restricted reserve for contingencies. When the board of directors establishes a restricted reserve, it shall declare the exclusive purposes for which the funds in the reserve may be spent. The funds in the restricted reserve shall be spent only for the exclusive purposes for which the board of directors established the restricted reserve. The reserves shall be maintained according to generally accepted accounting principles.

(b) Any time after the establishment of a restricted reserve, the board of directors may transfer any funds to that restricted reserve.

(c) If the board of directors finds that the funds in a restricted reserve are no longer required for the purpose for which the restricted reserve was established, the board of directors may, by a four-fifths vote of the total membership of the board of directors, discontinue the restricted reserve or transfer any funds that are no longer required from the restricted reserve to the district's general fund.

5788.11. On or before July 1 of each year, the board of directors shall adopt a resolution establishing its appropriations limit and make other necessary determinations for the following fiscal year pursuant to Article XIII B of the California Constitution and Division 9 (commencing with Section 7900) of Title 1 of the Government Code.

5788.13. The auditor of each county in which a district is located shall allocate to the district its share of property tax revenue pursuant to

Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

5788.15. On or before July 1 of any year, the city council of a city which is located wholly or partially within a district may adopt a resolution ordering the transfer of funds from the city to the district in an amount equal to the entire or partial amount of property tax revenue that would have been allocated to the district from the territory that is located both in the city and the district. The city shall file certified copies of its resolution with the district and the county auditor. Pursuant to Section 96.8 of the Revenue and Taxation Code, the county auditor shall compute and implement an effective tax rate reduction. A city's decision to pay funds to a district in lieu of property tax revenues is effective only for the fiscal year for which it is made.

5788.17. (a) A district may accept any revenue, money, grants, goods, or services from any federal, state, regional, or local agency or from any person for any lawful purpose of the district.

(b) In addition to any other existing authority, a district may borrow money and incur indebtedness pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840), Article 7.6 (commencing with Section 53850), and Article 7.7 (commencing with Section 53859) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

5788.19. A local agency may loan any of its available funds to a district.

5788.21. (a) A district may acquire any necessary real property by borrowing money or purchasing on contract pursuant to this section. That indebtedness shall be in addition to any bonded indebtedness authorized by the voters.

(b) The amount of indebtedness shall not exceed an amount equal to two times the actual income from property tax revenues received pursuant to Section 5788.13 for the fiscal year preceding the year in which the indebtedness is incurred. Any indebtedness shall be repaid within 10 years from the date on which it is incurred. An indebtedness shall bear interest at a rate which shall not exceed the rate permitted under Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

(c) Each indebtedness shall be authorized by a resolution adopted by a four-fifths vote of the total membership of the board of directors and shall be evidenced by a promissory note or contract signed by the chair and the secretary or the clerk of the board of directors.

5788.23. (a) All claims for money or damages against a district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

(b) All claims against a district shall be audited, allowed, and paid by the board of directors by warrants drawn on the treasurer.

(c) As an alternative to subdivision (b), the board of directors may instruct the county auditor to audit, allow, and draw his or her warrant on the county treasurer for all legal claims presented to him or her and authorized by the board of directors.

(d) The treasurer shall pay the warrants in the order in which they are presented.

(e) If a warrant is presented for payment and the treasurer cannot pay it for want of funds in the account on which it is drawn, the treasurer shall endorse the warrant, "NOT PAID BECAUSE OF INSUFFICIENT FUNDS" and sign his or her name and the date and time the warrant was presented. From that time until it is paid, the warrant bears interest at the maximum rate permitted pursuant to Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

5788.25. (a) The board of directors shall provide for regular audits of the district's accounts and records pursuant to Section 26909 of the Government Code.

(b) The board of directors shall provide for the annual financial reports to the Controller pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

#### Article 10. Alternative Revenues

5789. Whenever a board of directors determines that the amount of revenue available to the district or any of its zones is inadequate to meet the costs of providing facilities, programs, and services pursuant to Section 5786, the board of directors may raise revenues pursuant to this article or any other provision of law.

5789.1. A district may levy special taxes pursuant to:

(a) Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

(b) The Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code.

5789.3. A district may levy special benefit assessments consistent with the requirements of Article XIII D of the California Constitution to finance capital improvements, including, but not limited to, special benefit assessments levied pursuant to:

(a) The Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code.

(b) The Improvement Bond Act of 1915, Division 15 (commencing with Section 8500) of the Streets and Highways Code.

(c) The Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code.

(d) The Landscaping and Lighting Assessment Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code.

(e) Any other statutory authorization enacted in the future.

5789.5. (a) A board of directors may charge a fee to cover the cost of any service which the district provides or the cost of enforcing any regulation for which the fee is charged. No fee shall exceed the costs reasonably borne by the district in providing the service or enforcing the regulation for which the fee is charged.

(b) Before imposing or increasing any fee for property-related services, a board of directors shall follow the procedures in Section 6 of Article XIII D of the California Constitution.

(c) A board of directors may charge residents or taxpayers of the district a fee authorized by this section which is less than the fee which it charges to nonresidents or nontaxpayers of the district.

(d) A board of directors may authorize district employees to waive the payment, in whole or in part, of a fee authorized by this section when the board of directors determines that payment would not be in the public interest. Before authorizing any waiver, a board of directors shall adopt a resolution which specifies the policies and procedures governing waivers.

#### Article 11. General Obligation Bonds

5790. (a) Whenever a board of directors determines that it is necessary to incur a general obligation bonded indebtedness for the acquisition or improvement of real property or for funding or refunding of any outstanding indebtedness, the board of directors shall adopt a resolution making determinations and calling an election on a proposition to incur indebtedness.

(b) The amount of the bonds to be issued shall not exceed the amount specified in the resolution calling the election.

(c) A district shall not incur bonded indebtedness that exceeds 10 percent of the assessed value of all taxable property in the district at the time the bonds are issued.

5790.1. The resolution shall state:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses for the authorization, issuance, and sale of bonds.



- (b) The amount of the debt to be incurred.
- (c) The maximum term of the bonds, not to exceed 30 years.
- (d) The maximum rate of interest to be paid, not to exceed the maximum rate permitted pursuant to Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.
- (e) The measure to be submitted to the voters.
- (f) The date the election will be held.
- (g) Any other matters that are required pursuant to Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

(h) Any other matters that are required pursuant to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code.

5790.3. (a) The election shall be conducted pursuant to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code.

(b) If two-thirds of the voters voting on the proposition favor incurring the indebtedness and issuing the bonds, the board of directors may incur the indebtedness and issue the bonds.

5790.5. (a) The board of directors may provide for the issuance of bonds in any amounts, in any series, and on any terms, provided that they do not exceed the limits approved by the voters.

(b) The board of directors shall adopt a resolution prescribing the form and denomination of the bonds. The resolution shall specify the dates on which all or any part of the principal shall become due and payable. The payment of the first installment or principal may be deferred for a maximum period not to exceed five years from the date on which the board of directors issues the first bonds or first bonds in each series.

(c) The bonds shall be dated, numbered consecutively, and signed by the chair of the board of directors and the treasurer. Signatures may be facsimiles and may be mechanically reproduced by any means, provided that one of the signatures shall be signed by hand. If the chair of the board of directors or the treasurer whose signature appears on a bond ceases to hold that office before the delivery of the bonds to the purchaser, the signature is nevertheless valid for all purposes connected with that bond.

(d) The board of directors may provide for the call and redemption of bonds before their maturity at times and prices and upon any other terms as it specifies.

5790.7. (a) Before selling the bonds, the board of directors shall give notice inviting sealed bids. At a minimum, the board of directors shall publish notice at least once in a newspaper of general circulation in the district at least 10 days before the deadline for receiving the bids.

(b) The board of directors shall award the sale of the bonds to the highest responsible bidder.

(c) If the board of directors does not receive any bids or if it determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board of directors may reject all bids, if any, and either readvertise or sell the bonds at private sale.

5790.9. Any general obligation bonds issued by a district shall have the same force, value, and use as bonds issued by a city and the bonds and interest on the bonds are exempt from all taxation within the State of California.

5790.11. (a) All premiums and accrued interest received from the sale of the bonds shall be deposited with the treasurer in a special bond service fund to be used for the payment of the principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be placed to the credit of the proper improvement fund and applied exclusively to the purposes stated in the proposition approved by the voters.

(b) When the purpose has been accomplished, any moneys remaining in the improvement fund shall be transferred to the special bond fund. When the purpose has been accomplished and all principal and interest on the bonds have been paid, any balance of money then remaining shall be transferred to the district's general fund.

5790.13. For any bond approved by the voters on or after January 1, 2001, the treasurer shall file the annual report required pursuant to Article 1.5 (commencing with Section 53410) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

5790.15. (a) After incurring a general obligation indebtedness, and annually thereafter until the indebtedness is paid or until there is a sum in the district treasury in a special bond service fund set apart for that purpose that is sufficient to meet all payments of principal and interest on that indebtedness as it becomes due, the board of directors shall adopt a resolution directing the county tax collector to levy a tax on behalf of the district.

(b) The tax shall be in addition to all other taxes levied by and for the district and shall be collected in the same manner and at the same time as county taxes. A county may recover its costs as provided in Section 29142 of the Government Code.

(c) The rate of the tax shall be fixed to result in proceeds that are sufficient to pay any principal and interest that will become due before the next proceeds of a tax to be levied will be available.

5790.17. If a district dissolves after incurring a general obligation indebtedness, the property in the territory that constituted the district at the time of its dissolution shall continue to be subject to tax sufficient to pay any principal, interest, and any other amounts owing on account

of that obligation, as they become due. Any order of dissolution pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Part 1 (commencing with Section 56000) of Division 3 of Title 5 of the Government Code shall impose that obligation.

#### Article 12. Zones

5791. (a) Whenever a board of directors determines that it is in the public interest to provide different services, to provide different levels of service, or to raise additional revenues within specific areas of the district, it may form one or more zones pursuant to this article.

(b) The board of directors shall initiate proceedings for the formation of a new zone by adopting a resolution that does all of the following:

(1) States that the proposal is made pursuant to this article.

(2) Sets forth a description of the boundaries of the territory to be included in the zone.

(3) States the different services, different levels of service, or additional revenues that the zone will provide.

(4) Sets forth the methods by which those services or levels of service will be financed.

(5) States the reasons for forming the zone.

(6) Proposes a name or number for the zone.

(c) A proposal to form a new zone may also be initiated by a petition signed by not less than 10 percent of the registered voters residing within the proposed zone. The petition shall contain all of the matters required by subdivision (b).

(d) Upon the adoption of a resolution or the receipt of a valid petition, the board of directors shall fix the date, time, and place for the public hearing on the formation of the zone. The board of directors shall publish notice of the hearing, including the information required by subdivision (b), pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation in the district. The board of directors shall mail the notice at least 20 days before the date of the hearing to all owners of property within the proposed zone. The board of directors shall post the notice in at least three public places within the territory of the proposed zone.

5791.1. (a) At the hearing, the board of directors shall hear and consider any protests to the formation of the zone. If, at the conclusion of the hearing, the board of directors determines either (1) that more than 50 percent of the total number of voters residing within the proposed zone have filed written objections to the formation or (2) that property owners who own more than 50 percent of the assessed value of all taxable property in the district have filed written objections to the formation, then the board of directors shall terminate the proceedings. If the board

of directors determines that the written objections have been filed by 50 percent or less of those voters or property owners, then the board of directors may proceed to form the zone.

(b) If the resolution or petition proposes that the zone use special taxes, benefit assessments, fees, or general obligation bonds to finance its purposes, the board of directors shall proceed according to law. If the voters or property owners do not approve those funding methods, the zone shall not be formed.

5791.3. A board of directors may change the boundaries of a zone or dissolve a zone by following the procedures in Sections 5791 and 5791.1.

5791.5. A local agency formation commission shall have no power or duty to review and approve or disapprove a proposal to form a zone, a proposal to change the boundaries of a zone, or a proposal to dissolve a zone.

5791.7. (a) As determined by the board of directors, a zone may provide any service at any level within its boundaries that the district may provide.

(b) As determined by the board of directors and pursuant to the requirements of this chapter, a zone may exercise any fiscal powers within its boundaries that the district may exercise.

(c) Any special taxes, benefit assessments, fees, or general obligation bonds that are intended solely for the support of services within a zone shall be levied, assessed, and charged within the boundaries of the zone.

(d) A zone shall not incur a bonded indebtedness that exceeds the limit specified in subdivision (c) of Section 5790. Any bonded indebtedness of the entire district shall be included in computing that limit.

SEC. 5. This act is based on the recommendations of the Working Group on Revising the Recreation and Park District Law convened by the Senate Committee on Local Government.

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## CHAPTER 16

An act relating to the Historic State Capitol, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 2001. Filed with  
Secretary of State June 15, 2001.]

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

SECTION 1. (a) The sum of sixteen million five hundred thirty-two thousand dollars (\$16,532,000) is hereby appropriated to the Department of General Services from the General Fund for the purpose, in accordance with subdivision (b), of repairing the damage to the Historic State Capitol that occurred on January 16, 2001.

(b) The funds appropriated by this section may not be expended until the Department of General Services submits plans for repairing and restoring the Historic State Capitol and its historic artifacts and architectural features to the Joint Committee on Rules, and the Joint Committee on Rules, in consultation with the Historic State Capitol Commission, approves those plans. The repairs and other restoration work shall be performed in compliance with those plans.

(c) Any amount collected by the State of California from a party that is liable for the damage caused to the Historic State Capitol on January 16, 2001, shall be credited to the General Fund.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to repair the damage to the Historic State Capitol that occurred on January 16, 2001, it is necessary that this act go into immediate effect.

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## CHAPTER 17

An act to amend Section 18986.62 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 2001. Filed with  
Secretary of State June 15, 2001.]

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

SECTION 1. Section 18986.62 of the Welfare and Institutions Code is amended to read:

18986.62. This chapter shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of

Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent the termination of the Placer County integrated health and human services pilot program on July 1, 2001, it is necessary that this act take effect immediately.

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## CHAPTER 18

An act to repeal and add Section 25372 of the Government Code, relating to surplus property.

[Approved by Governor June 15, 2001. Filed with  
Secretary of State June 15, 2001.]

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

SECTION 1. Section 25372 of the Government Code is repealed.

SEC. 2. Section 25372 is added to the Government Code, to read:

25372. (a) Except as restricted by any conditions by which the county acquired the property, the board of supervisors may donate or lease any real or personal property that the board declares to be surplus to any public agency or nonprofit corporation listed in subdivision (b). The board may impose on the donation or lease any terms and conditions that it determines to be appropriate.

(b) This section applies to the following:

(1) A nonprofit corporation organized for the care, teaching, or training of children or developmentally disabled children.

(2) A nonprofit corporation organized for the care, teaching, or training of Native Americans.

(3) A school district or community college district.

(4) A county children and families commission established pursuant to the California Children and Families Act of 1998 (Division 108 (commencing with Section 130100) of the Health and Safety Code).

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## CHAPTER 19

An act to add Section 6530 to the Government Code, relating to joint powers agreements.

[Approved by Governor June 15, 2001. Filed with  
Secretary of State June 15, 2001.]

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Torres Martinez Desert Cahuilla Indians are a tribal entity recognized by the Bureau of Indian Affairs of the United States Department of the Interior.

(b) The tribe, along with current members of the Salton Sea Authority, owns land lying under and adjacent to the Salton Sea within the boundaries of the Salton Sea Authority.

(c) The tribe has undertaken, and intends to continue to undertake, environmental restoration projects in and adjacent to the Salton Sea within the boundaries of the Salton Sea Authority.

(d) Participation of the tribe in the Salton Sea Authority will facilitate coordination of environmental restoration activities related to the Salton Sea.

(e) Enactment of this act will enable the tribe to participate as a member of the Salton Sea Authority.

SEC. 2. Section 6530 is added to the Government Code, to read:

6530. (a) Notwithstanding any other provision of law, the Torres Martinez Desert Cahuilla Indians are authorized to enter into a joint powers agreement to participate in the Salton Sea Authority.

(b) On and after January 1, 2002, the Salton Sea Authority shall not have the power to authorize or issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584)) unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members.

SEC. 3. The Legislature finds and declares that, due to the unique circumstances applicable to the Salton Sea Authority, a statute of general applicability cannot be made applicable within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution.

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## CHAPTER 20

An act to amend Sections 60604, 60640, 60641, and 60643 of the Education Code, relating to pupil testing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 2001. Filed with  
Secretary of State June 15, 2001.]

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

SECTION 1. Section 60604 of the Education Code is amended to read:

60604. (a) The Superintendent of Public Instruction shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment program consistent with the testing requirements of this article in accordance with the objectives set forth in Section 60602. That program shall include all of the following:

(1) A plan for producing valid, reliable, and comparable individual pupil scores in grades 2 to 11, inclusive, and a comprehensive analysis of these scores based on the results of the achievement test designated by the State Board of Education that assesses a broad range of basic academic skills pursuant to the Standardized Testing and Reporting (STAR) Program established by Article 4 (commencing with Section 60640).

(2) A method of working with publishers to ensure valid, reliable, and comparable individual, grade-level, school-level, district-level, county-level, and statewide scores in grades 2 to 11, inclusive, that is based on the achievement test designated pursuant to subdivision (b) of Section 60605.

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of testing in a manner that reflects the degree to which pupils are achieving the academically rigorous content and performance standards adopted by the State Board of Education.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the State Board of Education.

(6) The active, ongoing involvement of parents, classroom teachers, administrators, other educators, governing board members of school districts, and the public in all phases of the design and implementation of the statewide pupil assessment program.

(7) The development of a contract or contracts with a publisher or publishers, after the approval of statewide academically rigorous content standards by the State Board of Education, for the development of performance standards and assessments of applied academic skills designed to test pupils' knowledge of academic skills and abilities to



apply that knowledge and those skills in order to solve problems and communicate.

(b) The superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan, and timetable for implementing the program described in subdivision (a). The annual update shall be submitted on or before March 1 of each year to the chairperson of the fiscal subcommittee considering budget appropriations in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The Superintendent of Public Instruction shall provide each school district with guidelines for professional development that are designed to assist classroom teachers to use the results of the assessments administered pursuant to this chapter to modify instruction for the purpose of improving pupil learning. These guidelines shall be developed in consultation with classroom teachers and approved by the State Board of Education before dissemination.

(d) The Superintendent of Public Instruction and the State Board of Education shall consider comments and recommendations from school districts and the public in the development, adoption, and approval of assessment instruments.

(e) The results of the achievement test administered pursuant to Article 4 (commencing with Section 60640) shall be returned to the school district within the period of time specified by the State Board of Education.

SEC. 2. Section 60640 of the Education Code is amended to read:

60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) Commencing in the 1997–98 fiscal year and each fiscal year thereafter, and from the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 2 to 11, inclusive, the achievement test designated by the State Board of Education pursuant to Section 60642 and the standards-based achievement test provided for in Section 60642.5. The State Board of Education shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the State Board of Education in subdivision (b).

(d) The governing board of the school district may administer achievement tests in kindergarten and grade 1 or 12, or both, as it deems appropriate.

(e) Individuals with exceptional needs who have an explicit provision in their individualized education program that exempts them from the testing requirement of subdivision (b) shall be so exempt.

(f) At the school district's option, pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable. Notwithstanding any other provision of law, the State Board of Education shall designate for use, as part of this program, a single primary language test in each language for which such a test is available for grades 2 to 11, inclusive, no later than November 14, 1998, pursuant to the process used for designation of the assessment chosen in the 1997-98 fiscal year, as specified in Sections 60642 and 60643, as applicable.

(g) Pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, shall be required to take a test in their primary language if such a test is available, if fewer than 12 months have elapsed after their initial enrollment in any public school in the state.

(h) (1) The Superintendent of Public Instruction shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (f), and (g).

(2) The State Board of Education shall annually establish the amount of funding to be apportioned to school districts for each test administered and shall annually establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the Budget Act and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b), (f), and (g).

(3) An adjustment to the amount of funding to be apportioned per test may not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(i) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (h), and the payments made to the publishers under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the State Department of Education and the contractor, shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the applicable fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for that fiscal year.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test pursuant to subdivision (e) of Section 60640.

(4) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

SEC. 3. Section 60641 of the Education Code is amended to read:

60641. (a) The State Department of Education shall ensure that school districts comply with each of the following requirements:

(1) The achievement test designated pursuant to Section 60642 and the standards-based achievement test provided for in Section 60642.5 are scheduled to be administered to all pupils during the period prescribed in subdivision (b) of Section 60640.

(2) The individual results of each pupil test administered pursuant to Section 60640 shall be reported, in writing, to the pupil's parent or guardian. The written report shall include a clear explanation of the purpose of the test, the pupil's score, and its intended use by the school district. Nothing in this subdivision shall be construed to require teachers to prepare individualized explanations of each pupil's test score.

(3) The individual results of each pupil test administered pursuant to Section 60640 shall also be reported to the pupil's school and teachers. The school district shall include the pupil's test results in his or her pupil records. However, except as provided in this section, individual pupil test results may only be released with the permission of the pupil's parent or guardian.

(4) The districtwide, school-level, and grade-level results of the STAR Program in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting. These results shall be reported at the same meeting at which the results of the assessments of applied academic skills are reported pursuant to Section 60609, when those assessments are implemented.

(b) The publisher designated pursuant to Section 60642 and the publisher of the standards-based achievement tests provided for in Section 60642.5 shall make the individual pupil, grade, school, school district, and state results available to the State Department of Education pursuant to paragraph (9) of subdivision (a) of Section 60643 by August 8 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25. The State Department of Education shall make the grade, school, school district, and state results available on the Internet by August 15 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25.

(c) The department shall take all reasonable steps to ensure that the results of the test for all pupils who take the test by June 25 are made available on the Internet by August 15, as set forth in subdivision (b).

SEC. 4. Section 60643 of the Education Code is amended to read:

60643. (a) To be eligible for consideration under Section 60642 or 60642.5 by the State Board of Education, test publishers shall agree in writing each year to meet the following requirements, if selected:

(1) Enter into an agreement, pursuant to subdivision (e), with the State Department of Education by November 15, for the 1999–2000 school year, or by October 15, for any school year thereafter.

(2) With respect to selection under Section 60642.5, align the standards-based achievement test provided for in Section 60642.5 to the academically rigorous content and performance standards adopted by the State Board of Education.

(3) Comply with subdivisions (c) and (d) of Section 60645.

(4) Provide valid and reliable individual pupil scores only in the content areas specified in subdivision (c) of Section 60642 to parents or guardians, teachers, and school administrators.

(5) Provide valid and reliable aggregate scores only in the content areas specified in subdivision (c) of Section 60642 to school districts and county boards of education in all of the following forms and formats:

- (A) Grade level.
  - (B) School level.
  - (C) District level.
  - (D) Countywide.
  - (E) Statewide.
  - (F) Comparison of statewide scores relative to other states.
- (6) Provide disaggregated scores, based on limited-English-proficient status and nonlimited-English-proficient status. For purposes of this section, pupils with “nonlimited-English-proficient status” shall include the total of those pupils who are English-only pupils, fluent-English-proficient pupils, and redesignated fluent-English-proficient pupils. These scores shall be provided to school districts and county boards of education in the same form and formats listed in paragraph (5).
- (7) Provide disaggregated scores by pupil gender and provide disaggregated scores based on whether pupils are economically disadvantaged or not. These disaggregated scores shall be in the same form and formats as listed in paragraph (5). In any one year, the disaggregation shall entail information already being collected by school districts, county offices of education, or charter schools.
- (8) Provide disaggregated scores for pupils who have individualized education programs and have enrolled in special education, to the extent required by federal law. These scores shall be provided in the same forms and formats listed in paragraph (5). This section may not be construed to exclude the scores of special education pupils from any state or federal accountability system.
- (9) Provide information listed in paragraphs (5), (6), (7), and (8) to the State Board of Education and the State Department of Education in the medium requested by each entity, respectively.
- (b) It is the intent of the Legislature that the publisher work with the Superintendent of Public Instruction and the State Board of Education in developing a methodology to disaggregate statewide scores as required in paragraphs (6) and (7) of subdivision (a), and in determining which variable indicated on the STAR testing document shall serve as a proxy for “economically disadvantaged” status pursuant to paragraph (7).
- (c) Access to any information about individual pupils or their families shall be granted to the publisher only for purposes of correctly associating test results with the pupils who produced those results or for reporting and disaggregating test results as required by this section. School districts are prohibited from excluding a pupil from the test if a parent or parents decline to disclose income. Nothing in this chapter shall be construed to abridge or deny rights to confidentiality contained in the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.

Sec. 1232g) or other applicable provisions of state and federal law that protect the confidentiality of information collected by educational institutions.

(d) Notwithstanding any other provision of law, the publisher of the achievement test designated pursuant to Section 60642 and the publisher of the standards-based achievement test provided for in Section 60642.5 shall comply with all of the conditions and requirements enumerated in subdivision (a) to the satisfaction of the State Board of Education.

(e) (1) Commencing January 1, 2000, a publisher may not provide a test described in Section 60642 or 60642.5 or in subdivision (f) of Section 60640 for use in California public schools unless the publisher enters into a written contract with the State Department of Education as set forth in this subdivision.

(2) The State Department of Education shall develop, and the State Board of Education shall approve, a contract to be entered into with a publisher pursuant to paragraph (1). The department may develop the contract through negotiations with the publisher.

(3) For purposes of the contract authorized pursuant to this subdivision, the State Department of Education is exempt from the requirements of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code and from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(4) The contract shall include provisions for progress payments to the publisher for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in each contract shall be withheld pending final completion of all component tasks by that publisher. The total amount withheld pending final completion shall not exceed 10 percent of the total contract price.

(5) The contract shall require liquidated damages to be paid by the publisher in the amount of up to 10 percent of the total cost of any component task that the publisher through its own fault or that of its subcontractors fails to substantially perform by the date specified in the agreement.

(6) The contract shall establish the process and criteria by which the successful completion of each component task shall be recommended by the State Department of Education and approved by the State Board of Education.

(7) The publishers shall submit, as part of the contract negotiation process, a proposed budget and invoice schedule, that includes a detailed listing of the costs for each component task and the expected date of the invoice for each completed component task.

(8) The costs associated with item development shall be provided as a separate amount and shall not be amortized across the number of tests to be administered.

(9) The contract shall specify the following component tasks that are separate and distinct:

(A) Development of new tests or test items as required by paragraph (2) of subdivision (a).

(B) Test materials production or publication.

(C) Delivery of test materials to school districts.

(D) Test processing, scoring, and analyses.

(E) Reporting of test results to the school districts, including, but not limited to, all reports specified in this section.

(F) Reporting of test results to the State Department of Education, including, but not limited to, the electronic files required pursuant to this section.

(G) All other analyses or reports required by the Superintendent of Public Instruction to meet the requirements of state and federal law and set forth in the agreement.

(10) The contract shall specify the specific reports and data files that are to be provided to school districts by the publisher and the number of copies of each report or file to be provided.

(11) The contract shall specify the means by which the delivery date for materials to each school district shall be verified by the publisher and the school district.

(12) School districts may negotiate a separate agreement with the publisher for any additional materials or services not within the contract specified in this subdivision, including, but not limited to, the administration of the tests to pupils in grade levels other than grades 2 to 11, inclusive. Any separate agreement is not within the scope of the contract specified in this subdivision.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to help ensure that the achievement tests administered under the STAR Program and the results of those tests are based on accurate data and provided on a reasonable timetable, thereby increasing the accuracy of the results which may affect the types of funding received by schools and the level of education received by pupils, it is necessary this act take effect immediately.

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## CHAPTER 21

An act to amend Sections 11126, 20443, 20445, 20618, 20678, 20687, 20688, 21061, 21073.1, 21073.7, 21290, 21298, 21353, 21355, 21357, 21362, 21362.2, 21363, 21363.1, 21364, 21369.1, 21423, 21465, 21572, 21573, 21574, 21574.5, and 21574.7 of, and to repeal Sections 21362.1, 21363.5, 21363.7, 21389, 21400, 21402, 21403, and 21465.5 of, the Government Code, relating to public employees' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 2001. Filed with  
Secretary of State June 25, 2001.]

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

SECTION 1. Section 11126 of the Government Code is amended to read:

11126. (a) (1) Nothing in this article shall be construed to prevent a state body from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing.

(2) As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of his or her right to have a public hearing, rather than a closed session, and that notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void.

(3) The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body.

(4) Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session.

(b) For the purposes of this section, "employee" shall not include any person who is elected to, or appointed to a public office by, any state body. However, officers of the California State University who receive compensation for their services, other than per diem and ordinary and necessary expenses, shall, when engaged in that capacity, be considered employees. Furthermore, for purposes of this section, the term employee shall include a person exempt from civil service pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution.



(c) Nothing in this article shall be construed to do any of the following:

(1) Prevent state bodies that administer the licensing of persons engaging in businesses or professions from holding closed sessions to prepare, approve, grade, or administer examinations.

(2) Prevent an advisory body of a state body that administers the licensing of persons engaged in businesses or professions from conducting a closed session to discuss matters that the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

(3) Prohibit a state body from holding a closed session to deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 or similar provisions of law.

(4) Grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

(5) Prevent any closed session to consider the conferring of honorary degrees, or gifts, donations, and bequests that the donor or proposed donor has requested in writing to be kept confidential.

(6) Prevent the Alcoholic Beverage Control Appeals Board from holding a closed session for the purpose of holding a deliberative conference as provided in Section 11125.

(7) (A) Prevent a state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(B) However, prior to the closed session, the state body shall hold an open and public session in which it identifies the real property or real properties that the negotiations may concern and the person or persons with whom its negotiator may negotiate.

(C) For purposes of this paragraph, the negotiator may be a member of the state body.

(D) For purposes of this paragraph, “lease” includes renewal or renegotiation of a lease.

(E) Nothing in this paragraph shall preclude a state body from holding a closed session for discussions regarding eminent domain proceedings pursuant to subdivision (e).

(8) Prevent the California Postsecondary Education Commission from holding closed sessions to consider matters pertaining to the appointment or termination of the Director of the California Postsecondary Education Commission.

(9) Prevent the Council for Private Postsecondary and Vocational Education from holding closed sessions to consider matters pertaining to the appointment or termination of the Executive Director of the Council for Private Postsecondary and Vocational Education.

(10) Prevent the Franchise Tax Board from holding closed sessions for the purpose of discussion of confidential tax returns or information the public disclosure of which is prohibited by law, or from considering matters pertaining to the appointment or removal of the Executive Officer of the Franchise Tax Board.

(11) Require the Franchise Tax Board to notice or disclose any confidential tax information considered in closed sessions, or documents executed in connection therewith, the public disclosure of which is prohibited pursuant to Article 2 (commencing with Section 19542) of Chapter 7 of Part 10.2 of the Revenue and Taxation Code.

(12) Prevent the Board of Corrections from holding closed sessions when considering reports of crime conditions under Section 6027 of the Penal Code.

(13) Prevent the State Air Resources Board from holding closed sessions when considering the proprietary specifications and performance data of manufacturers.

(14) Prevent the State Board of Education or the Superintendent of Public Instruction, or any committee advising the board or the superintendent, from holding closed sessions on those portions of its review of assessment instruments pursuant to Chapter 5 (commencing with Section 60600) of, or pursuant to Chapter 8 (commencing with Section 60850) of, Part 33 of the Education Code during which actual test content is reviewed and discussed. The purpose of this provision is to maintain the confidentiality of the assessments under review.

(15) Prevent the California Integrated Waste Management Board or its auxiliary committees from holding closed sessions for the purpose of discussing confidential tax returns, discussing trade secrets or confidential or proprietary information in its possession, or discussing other data, the public disclosure of which is prohibited by law.

(16) Prevent a state body that invests retirement, pension, or endowment funds from holding closed sessions when considering

investment decisions. For purposes of consideration of shareholder voting on corporate stocks held by the state body, closed sessions for the purposes of voting may be held only with respect to election of corporate directors, election of independent auditors, and other financial issues that could have a material effect on the net income of the corporation. For the purpose of real property investment decisions that may be considered in a closed session pursuant to this paragraph, a state body shall also be exempt from the provisions of paragraph (7) relating to the identification of real properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525, or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state conciliator who has intervened in the proceedings.

(d) (1) Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

(2) Nothing in this article shall be construed to prevent the Public Utilities Commission from holding closed sessions to deliberate on the institution of proceedings, or disciplinary actions against any person or entity under the jurisdiction of the commission.

(e) (1) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.

(2) For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:

(A) An adjudicatory proceeding before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the state body is a party, has been initiated formally.

(B) (i) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and

circumstances, there is a significant exposure to litigation against the state body.

(ii) Based on existing facts and circumstances, the state body is meeting only to decide whether a closed session is authorized pursuant to clause (i).

(C) (i) Based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

(ii) The legal counsel of the state body shall prepare and submit to it a memorandum stating the specific reasons and legal authority for the closed session. If the closed session is pursuant to paragraph (1), the memorandum shall include the title of the litigation. If the closed session is pursuant to subparagraph (A) or (B), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the state body prior to the closed session, if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Section 6254.25.

(iii) For purposes of this subdivision, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(iv) Disclosure of a memorandum required under this subdivision shall not be deemed as a waiver of the lawyer-client privilege, as provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(f) In addition to subdivisions (a), (b), and (c), nothing in this article shall be construed to do any of the following:

(1) Prevent a state body operating under a joint powers agreement for insurance pooling from holding a closed session to discuss a claim for the payment of tort liability or public liability losses incurred by the state body or any member agency under the joint powers agreement.

(2) Prevent the examining committee established by the State Board of Forestry and Fire Protection, pursuant to Section 763 of the Public Resources Code, from conducting a closed session to consider disciplinary action against an individual professional forester prior to the filing of an accusation against the forester pursuant to Section 11503.

(3) Prevent an administrative committee established by the California Board of Accountancy pursuant to Section 5020 of the Business and Professions Code from conducting a closed session to consider disciplinary action against an individual accountant prior to the filing of an accusation against the accountant pursuant to Section 11503. Nothing in this article shall be construed to prevent an examining committee established by the California Board of Accountancy pursuant to Section 5023 of the Business and Professions Code from conducting

a closed hearing to interview an individual applicant or accountant regarding the applicant's qualifications.

(4) Prevent a state body, as defined in Section 11121.2, from conducting a closed session to consider any matter that properly could be considered in closed session by the state body whose authority it exercises.

(5) Prevent a state body, as defined in Section 11121.7, from conducting a closed session to consider any matter that properly could be considered in a closed session by the body defined as a state body pursuant to Section 11121 or 11121.2.

(6) Prevent a state body, as defined in Section 11121.8, from conducting a closed session to consider any matter that properly could be considered in a closed session by the state body it advises.

(7) Prevent the State Board of Equalization from holding closed sessions for either of the following:

(A) When considering matters pertaining to the appointment or removal of the Executive Secretary of the State Board of Equalization.

(B) For the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law.

(8) Require the State Board of Equalization to disclose any action taken in closed session or documents executed in connection with that action, the public disclosure of which is prohibited by law pursuant to Sections 15619 and 15641 of this code and Sections 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651, 45982, 46751, 50159, 55381, and 60609 of the Revenue and Taxation Code.

(9) Prevent the California Earthquake Prediction Evaluation Council, or other body appointed to advise the Director of the Office of Emergency Services or the Governor concerning matters relating to volcanic or earthquake predictions, from holding closed sessions when considering the evaluation of possible predictions.

(g) This article shall not prevent either of the following:

(1) The Teachers' Retirement Board or the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters pertaining to the recruitment, appointment, employment, or removal of the chief executive officer or when considering matters pertaining to the recruitment or removal of the Chief Investment Officer of the State Teachers' Retirement System or the Public Employees' Retirement System.

(2) The Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

SEC. 2. Section 20443 of the Government Code is amended to read: 20443. A member who is employed in a position that is reclassified from local miscellaneous to local safety and is made subject to a safety

service retirement benefit, other than that provided in Section 21362, 21362.2, or 21363.1, may make an irrevocable election in writing to remain subject to the miscellaneous service retirement benefit by filing a notice of that election with the board within 90 days after notification by the board.

SEC. 3. Section 20445 of the Government Code is amended to read: 20445. A member employed with a school district or community college district, as defined in subdivision (i) of Section 20057, who is in a position that qualifies as a school safety member and made subject to a safety service retirement benefit other than that provided in Section 21362, 21362.2, or 21363.1 may make an irrevocable election in writing to remain subject to the miscellaneous service retirement benefit by filing a notice of that election with the board within 90 days after notification by the board.

SEC. 4. Section 20618 of the Government Code is amended to read: 20618. (a) The assets and liabilities arising out of contracts with school employers, as defined in Section 20063, shall be merged, excluding that portion of a contract that provides benefits pursuant to Section 21623.6, that portion of a contract with respect to local police officers, as defined in Section 20430, and those contracts with school districts or community college districts, as defined in subdivision (i) of Section 20057, that employ school safety members, as defined in Section 20444. Employer accumulated contributions credited to those entities on June 30, 1982, and all the contributions paid by a school employer after June 30, 1982, shall be held exclusively for the benefit of school members, retired school members, and their beneficiaries.

(b) Effective December 31, 1999, any service previously credited as local miscellaneous service with the Los Angeles Unified School District or the Los Angeles Community College District shall be considered service credit with a school employer. A person who is a member under a contract between the board and school districts or community college districts prior to July 1, 1983, shall not be denied any right extended to him or her by reason of that membership.

SEC. 5. Section 20678 of the Government Code is amended to read: 20678. (a) For each local safety member subject to Section 21362, 21362.2, or 21363.1 by reason of the amendment of his or her employer's contract, or on the later date of entrance into this system, the normal rate of contribution shall be 9 percent of the compensation paid to those members. For those members whose service is included in the federal system, the normal rate of contribution shall be 9 percent of the compensation in excess of one hundred thirty-three dollars and thirty-three cents (\$133.33) per month paid to those members.

(b) The normal rate of contribution for local safety members subject to Section 21363 shall be 8 percent of the compensation paid to those

members. For those members whose service is included in the federal system, the normal rate of contribution shall be 8 percent of the compensation in excess of two hundred thirty-eight dollars (\$238.00) per month paid to those members.

(c) Notwithstanding subdivision (b), the normal rate of contribution for local safety members of the City of Sacramento subject to Section 21363 shall be 9 percent of the compensation paid to those members.

(d) No adjustment shall be included in rates adopted under this section as the result of amendments hereto, changing the time at which members may retire or the benefits members will receive, because of time during which members have contributed at different rates prior to the adoption.

(e) The amendments to this section enacted during the first year of the 2001–02 Regular Session shall be operative retroactively to January 1, 2000.

SEC. 6. Section 20687 of the Government Code is amended to read:

20687. (a) The normal rate of contribution for state peace officer/firefighter members subject to Section 21363 or 21363.1 shall be 8 percent of the compensation in excess of two hundred thirty-eight dollars (\$238) per month paid to those members.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, those provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 7. Section 20688 of the Government Code is amended to read:

20688. The normal rate of contribution otherwise established under this article for a local safety member whose retirement allowance is determined under Section 21362, 21362.2, 21363.1, or 21366, and reduced under Section 21367 because his or her service is included in the federal system, shall be reduced by one-third as applied to compensation not exceeding four hundred dollars (\$400) for services rendered in any month after the date of execution of the modification of the federal-state agreement, including services in the federal system, or the effective date of the contract or contract amendment pursuant to which a contracting agency and its employees become subject to this section, whichever is later, and prior to the date upon which services of persons in his or her employment cease to be covered under the federal system.

SEC. 8. Section 21061 of the Government Code is amended to read:

21061. (a) A local safety member, other than one subject to Section 21362 or 21362.2, shall be retired for service upon the member's written

application to the board if the member has attained the age of 55 years, and is credited with five years of state service.

(b) Subdivision (a) does not apply to the employees of any contracting agency having a contract with the board made prior to September 5, 1945, which contract specifies an age greater than the age of 55 years as the minimum age for voluntary retirement for service for local safety members, until the agency elects to make subdivision (a) applicable to its employees, by amendment to its contract made in the manner prescribed for the approval of contracts, except that an election among the employees is not required.

Until the contracting agency elects to make subdivision (a) applicable to its employees, a local safety member employed by the contracting agency shall be retired for service upon the member's written application to the board if the member has attained the minimum age for voluntary retirement specified in the contract between his or her employer and the board, and is credited with five years of state service.

SEC. 9. Section 21073.1 of the Government Code is amended to read:

21073.1. (a) Effective January 1, 2000, a member who elects to receive service credit under Section 21354.1, as authorized by Section 21073.7, for time during which the member received service credit subject to Section 21076 or 21077, shall deposit an amount equal to any accumulated contributions the member withdrew pursuant to Section 20737, plus the interest that would have been credited to the member's account had the contributions not been withdrawn, and any contributions the member would have made, plus an amount equal to the interest that would have been credited to those contributions, had the member not been subject to Section 21076 or 21077. This deposit shall be made in a lump sum or by installments, with interest through the completion of payments, over that period and subject to minimum payment amounts as may be prescribed by regulations of the board. Alternatively, this deposit requirement may be satisfied by an actuarial equivalent reduction in the member's retirement allowance.

(b) The board, in addition to its general rulemaking authority under Section 20121, may adopt regulations that implement this section. Those regulations shall be exempt from review by the Office of Administrative Law. However, the board shall transmit those regulations to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations.

(c) The amendments to this section enacted during the first year of the 1999-2000 Regular Session are subject to the limitations set forth in Section 21251.13.

SEC. 10. Section 21073.7 of the Government Code is amended to read:



21073.7. (a) A member subject to the Second Tier benefits provided in Section 21076 or 21077 who is employed by the state on or after January 1, 2000, may make an irrevocable election, to be filed with the board, to be subject to the First Tier benefits provided in Section 21354.1 and to make the contributions specified in Section 20677. An election to be subject to Section 21354.1 may be made at any time prior to retirement and shall be signed by the member's spouse. An election shall be effective the first day of the month following the date the election is received by the system and shall be applicable to state service rendered on and after that date. However an election made by a member who retires prior to or on the first day of the month following the system's receipt of the election shall be effective one day prior to the effective date of the member's retirement.

(b) A member who is employed by the state on or after January 1, 2000, with past service credited under the Second Tier may make an irrevocable election, at any time prior to retirement, to have his or her past Second Tier service credited under Section 21354.1 by making contributions specified in Section 21073.1. This subdivision shall not apply to a Second Tier member eligible to make the election provided in subdivision (a) until after the effective date of that election.

(c) A member subject to modified First Tier benefits pursuant to Section 21353.5 shall become subject to Section 21353 or 21354.1, as applicable, and make contributions as specified in Section 20677. The member's past service and contributions credited as modified First Tier under Section 21353.5 shall be converted to First Tier service and contributions and shall be subject to Section 21353 or 21354.1, as applicable. Contributions previously credited as modified First Tier and withdrawn by the member may be redeposited under the conditions specified in Section 20750, with the service credit and contributions subject to Section 21353 or 21354.1, as applicable.

(d) Operation and application of this section is subject to the limitations set forth in Section 21251.13.

SEC. 11. Section 21290 of the Government Code is amended to read:

21290. (a) Upon the legal separation or dissolution of marriage of a member, the court shall include in the judgment or a court order the date on which the parties separated.

(b) If the community property is divided in accordance with paragraph (3) of subdivision (a) of Section 2610 of the Family Code, the court shall order that the accumulated contributions and service credit attributable to periods of service during the marriage be divided into two separate and distinct accounts in the name of the member and the nonmember, respectively. Any service credit or accumulated

contributions that are not explicitly awarded by the judgment or court order shall be deemed the exclusive property of the member.

(c) The court shall address the rights of the nonmember to the following:

(1) The right to a retirement allowance, and the consequent right to elect an optional settlement and designate a beneficiary.

(2) The right to a refund of accumulated contributions.

(3) The right to redeposit accumulated contributions that are eligible for redeposit by the member under Sections 20750 and 20752.

(4) The right to purchase service credit that is eligible for purchase by the member under Article 4 (commencing with Section 20990) and Article 5 (commencing with Section 21020) of Chapter 11.

(5) The right to designate a beneficiary to receive his or her accumulated contributions payable where death occurs prior to retirement.

(6) The right to designate a beneficiary for any unpaid allowance payable at the time of the nonmember's death.

(7) The right to elect coverage in the Second Tier for that member service that is subject to the Second Tier, provided that the election is made within one year of the establishment of the nonmember account or prior to the nonmember's retirement, whichever occurs first. Immediately upon establishment of a nonmember account, the board shall provide, by certified mail, the necessary form and information so that the election may be made.

(d) In the capacity of nonmember, he or she shall not be entitled to any disability or industrial disability retirement allowance, any basic death benefit, any special death benefit, any monthly allowance for survivors of a member or retired person, any insurance benefit, or retired member lump-sum death benefit. No survivor continuance allowance shall be payable to a survivor of a nonmember.

(e) (1) A nonmember whose account is credited with service subject to the Second Tier benefits provided in Section 21076 or 21077 may make an irrevocable election, to be filed with the board, to have his or her Second Tier service credited under Section 21354.1, if the following conditions are met:

(A) The member is employed by the state on or after January 1, 2000.

(B) If eligible, the member has made the election provided in subdivision (a) of Section 21073.7 at the time of the nonmember's election.

(2) An election under this subdivision shall be effective the first of the month following the date the election is received by the system. An election under this subdivision may be made at any time prior to the retirement of the nonmember or prior to payment of a refund of the accumulated contributions in the separate account of the nonmember. A

nonmember who makes the election under this subdivision shall make the contributions specified in Section 21073.1.

(3) The term “member” as used in this subdivision means the person from whose account the Second Tier service that is credited to the separate account of the nonmember was derived.

SEC. 12. Section 21298 of the Government Code is amended to read:

21298. (a) A nonmember entitled to receive a retirement allowance shall receive a retirement allowance based on the service retirement formula applicable to the service credited to the nonmember.

(b) The retirement allowance shall consist of a pension and an annuity, the latter of which shall be derived from the nonmember’s accumulated contributions. The nonmember’s retirement allowance, based upon the service credited by the employer and the nonmember’s effective date of retirement, shall be subject to all cost-of-living increases, ad hoc increases, and increases provided by Section 21337.

(c) If, prior to the nonmember’s retirement, there is any increase in the service retirement formula that applies to service credited to the nonmember, that increase shall apply to the applicable service credited to the nonmember, provided that the same increase also applies to the applicable service credited to the member from whose account the nonmember’s service was derived.

SEC. 13. Section 21353 of the Government Code is amended to read:

21353. (a) The combined current and prior service pensions for a local miscellaneous member, a school member, a state miscellaneous or state industrial member, or a university member is a pension derived from the contributions of the employer sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of retirement, to equal the fraction of one-fiftieth of the member’s final compensation set forth opposite the member’s age at retirement, taken to the preceding completed quarter year, in the following table, multiplied by the number of years of current and prior service except service in a category of membership other than that of state or state industrial member, local miscellaneous member, school member, or a university member, or service covered under this First Tier retirement formula, with which the member is entitled to be credited at retirement:

Age of Retirement	Fraction
50 .....	.546
50 <sup>1</sup> / <sub>4</sub> .....	.554
50 <sup>1</sup> / <sub>2</sub> .....	.562

50 <sup>3</sup> / <sub>4</sub> .....	.570
51 .....	.578
51 <sup>1</sup> / <sub>4</sub> .....	.586
51 <sup>1</sup> / <sub>2</sub> .....	.595
51 <sup>3</sup> / <sub>4</sub> .....	.603
52 .....	.612
52 <sup>1</sup> / <sub>4</sub> .....	.621
52 <sup>1</sup> / <sub>2</sub> .....	.630
52 <sup>3</sup> / <sub>4</sub> .....	.639
53 .....	.648
53 <sup>1</sup> / <sub>4</sub> .....	.658
53 <sup>1</sup> / <sub>2</sub> .....	.668
53 <sup>3</sup> / <sub>4</sub> .....	.678
54 .....	.688
54 <sup>1</sup> / <sub>4</sub> .....	.698
54 <sup>1</sup> / <sub>2</sub> .....	.709
54 <sup>3</sup> / <sub>4</sub> .....	.719
55 .....	.730
55 <sup>1</sup> / <sub>4</sub> .....	.741
55 <sup>1</sup> / <sub>2</sub> .....	.753
55 <sup>3</sup> / <sub>4</sub> .....	.764
56 .....	.776
56 <sup>1</sup> / <sub>4</sub> .....	.788
56 <sup>1</sup> / <sub>2</sub> .....	.800
56 <sup>3</sup> / <sub>4</sub> .....	.813
57 .....	.825
57 <sup>1</sup> / <sub>4</sub> .....	.839
57 <sup>1</sup> / <sub>2</sub> .....	.852
57 <sup>3</sup> / <sub>4</sub> .....	.865
58 .....	.879
58 <sup>1</sup> / <sub>4</sub> .....	.893
58 <sup>1</sup> / <sub>2</sub> .....	.908
58 <sup>3</sup> / <sub>4</sub> .....	.923
59 .....	.937
59 <sup>1</sup> / <sub>4</sub> .....	.953
59 <sup>1</sup> / <sub>2</sub> .....	.969
59 <sup>3</sup> / <sub>4</sub> .....	.985
60 .....	1.000

60 <sup>1</sup> / <sub>4</sub> .....	1.017
60 <sup>1</sup> / <sub>2</sub> .....	1.034
60 <sup>3</sup> / <sub>4</sub> .....	1.050
61 .....	1.067
61 <sup>1</sup> / <sub>4</sub> .....	1.084
61 <sup>1</sup> / <sub>2</sub> .....	1.101
61 <sup>3</sup> / <sub>4</sub> .....	1.119
62 .....	1.136
62 <sup>1</sup> / <sub>4</sub> .....	1.154
62 <sup>1</sup> / <sub>2</sub> .....	1.173
62 <sup>3</sup> / <sub>4</sub> .....	1.191
63 and over .....	1.209

(b) The fractions specified in the above table shall be reduced by one-third as applied to that part of final compensation that does not exceed four hundred dollars (\$400) per month for all service of a member any of whose service has been included in the federal system. This reduction shall not apply to a member employed by a contracting agency that enters into a contract after July 1, 1971, and elects not to be subject to this paragraph or with respect to service rendered after the termination of coverage under the federal system with respect to the coverage group to which the member belongs.

(c) The improved retirement allowance provided by this section is granted subject to future reduction prior to a member's retirement, by offset of federal system benefits or otherwise, as the Legislature may from time to time deem appropriate because of changes in the federal system benefits.

(d) With the exception of state miscellaneous members for service rendered for the California State University or the legislative or judicial branch of government, this section shall apply to state miscellaneous and state industrial members who are not employed by the state on or after January 1, 2000.

SEC. 14. Section 21355 of the Government Code is amended to read:

21355. Notwithstanding Sections 21353, 21354, and 21354.1, if the modification to the federal-state agreement occurred on or after July 1, 1971, whenever the fraction of final compensation is reduced pursuant to Section 21353, 21354, or 21354.1 because service of a member has been included in the federal system, the reduction shall apply only as to service after the effective date of the member's coverage under the federal system. This section shall apply to those members whose effective date of retirement is on or after July 1, 1971.

SEC. 15. Section 21357 of the Government Code is amended to read:

21357. (a) For a member reinstated from service retirement or partial service retirement, the current service pension, or current and prior service pensions, as the case may be, upon his or her service retirement subsequent to the reinstatement, shall be the sum of (1) a current service pension calculated on the basis of service rendered after reinstatement in accordance with the formula applicable to him or her in that service and membership, plus, (2) if the subsequent retirement occurs before he or she renders, after his or her reinstatement, at least one year of state service credited under this system, or if the subsequent service or disability retirement occurs after his or her reinstatement from service or disability retirement pursuant to an election under Section 21465, his or her current service pension, or current and prior service pensions, as the case may be, as it was prior to his or her reinstatement, adjusted for any service on which the pension was based that was included in coverage of the federal system during reinstatement according to the formula applicable to the service in employment for which he or she was retired, and further adjusted according to any change after reinstatement in the provisions governing the calculation of his or her pension that would have applied to him or her had he or she continued in retirement but been subject to the formula applied in the first adjustment; or, for state miscellaneous and state industrial service subject to Section 21076, in lieu of (2), plus (3) a current service pension, or current and prior service pensions, as the case may be, as it would have been prior to his or her reinstatement under the formula applicable to Section 21076, adjusted for any service on which the pension was based that was included in coverage of the federal system during reinstatement according to the formula applicable to the service in employment for which he or she was retired, and further adjusted according to any change after reinstatement in the provisions governing the calculations of his or her pension that would have applied to him or her had he or she continued in retirement and been subject to the formula applicable to Section 21076, or if he or she has rendered one year or more of state service after reinstatement, in lieu of (2) or (3), plus (4), a current service pension based on current service rendered prior to reinstatement, calculated on the basis of the formula currently applicable to the employment in which the service was rendered but on the basis of an age taken to the preceding completed quarter year but not less than the minimum retirement age applicable to him or her at his or her last retirement and determined by deducting from his or her age at his or her subsequent retirement, the aggregate time during which he or she was under retirement. For a member reinstated from nonindustrial disability retirement, the current service pension upon his or her service retirement after attaining an age

one year less than the minimum age at which he or she could have retired without an actuarial discount because of age in the employment from which he or she was last retired, or upon his or her disability retirement after attaining the minimum age, and subsequent to reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service credited under this system shall not be taken at less than one year less than the minimum age if the subsequent retirement is for service, or the minimum age if the retirement is for disability.

(b) The current service pension otherwise payable under this section to a member whose allowance prior to reinstatement was paid pursuant to his or her election under Section 21461 shall be reduced by the actuarial equivalent, on the date of retirement subsequent to reinstatement, of the amount (converted as below), if any, by which:

(1) The total amount paid in the period during which a temporary annuity was included in the payments, reduced by the total amount that would have been payable during that period had the election not been made, exceeds

(2) The excess of the total amount that would have been payable, had the election not been made, during the time subsequent to that period and prior to reinstatement, over the total amount actually paid during that time.

The amount determined by the above formula shall be converted to an amount equaling the actuarial equivalent on the date of reinstatement and this latter amount shall be the basis of the actuarial equivalent on the date of retirement subsequent to reinstatement.

Actuarial equivalents required by this section shall be based on the interest rate and mortality tables in use by this system on the date of retirement subsequent to reinstatement.

(c) Notwithstanding this section, or any other provision of this part, the current service pension payable to any member subject to this section who rendered one year or more of state service credited under this system after reinstatement on retirement for service subsequent to reinstatement from service retirement for any credited service for which a current service pension was paid prior to reinstatement shall not be less than the current service pension that would be payable on the date of the subsequent retirement had the member not been reinstated. For state miscellaneous and state industrial service subject to Section 21076, the current service pension payable for any credited service for which a current service pension was paid prior to reinstatement shall not be less than the current service pension that would have been payable on the date of the subsequent retirement had the member's retirement been subject to the formula under Section 21076 and had not been reinstated, adjusted, however, by any reduction under this section because of an

election under Section 21461 and, for any service so credited that was included in coverage of the federal system during reinstatement, according to the formula applicable to the service in employment from which he or she was retired.

SEC. 16. Section 21362 of the Government Code is amended to read:

21362. (a) The current service pension for patrol members and the combined current and prior service pensions for local safety members with respect to local safety service rendered to a contracting agency that is subject to this section is a pension derived from the contributions of the employer sufficient when added to the service retirement annuity that is derived from the accumulated normal contributions of the patrol member or local safety member at the date of his or her retirement to equal the fraction of one-fiftieth of his or her final compensation set forth opposite his or her age at retirement taken to the preceding completed quarter year, in the following table, multiplied by the number of years of patrol service and local safety service subject to this section with which he or she is credited at retirement:

Age at retirement	Fraction
50	1.0000
50 <sup>1</sup> / <sub>4</sub>	1.0175
50 <sup>1</sup> / <sub>2</sub>	1.0350
50 <sup>3</sup> / <sub>4</sub>	1.0525
51	1.0700
51 <sup>1</sup> / <sub>4</sub>	1.0875
51 <sup>1</sup> / <sub>2</sub>	1.1050
51 <sup>3</sup> / <sub>4</sub>	1.1225
52	1.1400
52 <sup>1</sup> / <sub>4</sub>	1.1575
52 <sup>1</sup> / <sub>2</sub>	1.1750
52 <sup>3</sup> / <sub>4</sub>	1.1925
53	1.2100
53 <sup>1</sup> / <sub>4</sub>	1.2275
53 <sup>1</sup> / <sub>2</sub>	1.2450
53 <sup>3</sup> / <sub>4</sub>	1.2625
54	1.2800
54 <sup>1</sup> / <sub>4</sub>	1.2975
54 <sup>1</sup> / <sub>2</sub>	1.3150



54 <sup>3</sup> / <sub>4</sub> .....	1.3325
55 and over .....	1.3500

(b) (1) Except as otherwise provided in this subdivision, the current service pension and the combined current and prior service pensions under this section for all service to all employers shall not exceed an amount that, when added to the service retirement annuity related to that service, equals 75 percent of final compensation.

(2) For state members, with respect to service for all state employers under this section, the benefit shall not exceed:

(A) Eighty percent of final compensation for state members who retire on or after January 1, 1995, and prior to January 1, 1999.

(B) Eighty-five percent of final compensation for state members who retire on or after January 1, 1999, and prior to January 1, 2000.

(C) Ninety percent of final compensation for state members who retire on or after January 1, 2000.

(3) For local safety members who retire on or after January 1, 2000, the benefit shall not exceed 85 percent of final compensation.

(4) If the pension relates to service to more than one employer and would otherwise exceed that maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to that employer bears to the total allowance computed as though there were no limit, so that the total of the pensions shall equal the maximum. Where a state or local member retiring on or after January 1, 1995, has service under this section with both state and local agency employers, the higher maximum shall apply and the additional benefit shall be funded by increasing the member's pension payable with respect to the employer for whom the member performed the service subject to the higher maximum.

(c) This section shall not apply to any contracting agency, unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the date this section is operative, by express provision in the contract making the contracting agency subject to the provisions of this section.

(d) This section shall supersede Section 21363, 21366, 21368, 21369, or 21370, whichever is then applicable, with respect to patrol and local safety members who retire after the date this section becomes applicable to their respective employers.

(e) This section shall not apply to state safety or state peace officer/firefighter members.

(f) With respect to patrol members, this section shall only apply to patrol members who are not employed by the state on or after January 1, 2000.

(g) The Legislature reserves, with respect to any member subject to this section, the right to provide for the adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier ages of service retirement made possible by the benefits under this section.

SEC. 17. Section 21362.1 of the Government Code is repealed.

SEC. 18. Section 21362.2 of the Government Code is amended to read:

21362.2. (a) Upon attaining the age of 50 years or more, the combined current and prior service pension for state patrol members and for local safety members with respect to local safety service rendered to a contracting agency that is subject to the provisions of this section is a pension derived from the contributions of the employer sufficient when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his or her retirement to equal 3 percent of his or her final compensation at retirement, multiplied by the number of years of patrol service or local safety service subject to this section with which he or she is credited at retirement.

(b) In no event shall the current service pension and the combined current and prior service pensions under this section for all service to all employers exceed an amount that, when added to the service retirement annuity related to that service, equals 85 percent of final compensation. For state patrol members with respect to service for all state employers under this section, the benefit shall not exceed 90 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed that maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to that employer bears to the total allowance computed as though there were no limit, so that the total of the pensions shall equal the maximum. Where a state or local member has service under this section with both state and local agency employers, the higher maximum shall apply and the additional benefit shall be funded by increasing the member's pension payable with respect to the employer for whom the member performed the service subject to the higher maximum.

(c) For patrol members employed by the state on or after January 1, 2000, this section shall supersede Section 21362.

(d) This section shall not apply to state safety or state peace officer/firefighter members.

(e) This section shall not apply to any contracting agency nor its employees unless and until the agency elects to be subject to the

provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the date this section becomes operative, by express provision in the contract making the contracting agency subject to this section. The operative date of this section for a local safety member shall be the effective date of the amendment to his or her employer's contract electing to be subject to this section.

(f) This section shall supersede Section 21362, 21363, 21363.1, 21366, 21368, 21369, or 21370, whichever is then applicable, with respect to local safety members who retire after the date this section becomes applicable to their respective employers.

(g) The Legislature reserves, with respect to any member subject to this section, the right to provide for the adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier ages of service retirement made possible by the benefits under this section.

(h) Operation and application of this section is subject to the limitations set forth in Section 21251.13.

SEC. 19. Section 21363 of the Government Code is amended to read:

21363. (a) The combined current and prior service pensions for state peace officer/firefighter members subject to this section with respect to state peace officer/firefighter service and the combined current and prior service pensions for local safety members with respect to local safety service rendered to a contracting agency that is subject to this section is a pension derived from the contributions of the employer sufficient when added to the service retirement annuity that is derived from the accumulated normal contributions of the state peace officer/firefighter or local safety member at the date of his or her retirement to equal the fraction of one-fiftieth of his or her final compensation set forth opposite his or her age at retirement taken to the preceding completed quarter year, in the following table, multiplied by the number of years of state peace officer/firefighter service or local safety service subject to this section with which he or she is credited at retirement.

Age at Retirement	Fraction
50 .....	1.0000
50 1/4 .....	1.0125
50 1/2 .....	1.0250

50 <sup>3</sup> / <sub>4</sub> .....	1.0375
51 .....	1.0500
51 <sup>1</sup> / <sub>4</sub> .....	1.0625
51 <sup>1</sup> / <sub>2</sub> .....	1.0750
51 <sup>3</sup> / <sub>4</sub> .....	1.0875
52 .....	1.1000
52 <sup>1</sup> / <sub>4</sub> .....	1.1125
52 <sup>1</sup> / <sub>2</sub> .....	1.1250
52 <sup>3</sup> / <sub>4</sub> .....	1.1375
53 .....	1.1500
53 <sup>1</sup> / <sub>4</sub> .....	1.1625
53 <sup>1</sup> / <sub>2</sub> .....	1.1750
53 <sup>3</sup> / <sub>4</sub> .....	1.1875
54 .....	1.2000
54 <sup>1</sup> / <sub>4</sub> .....	1.2125
54 <sup>1</sup> / <sub>2</sub> .....	1.2250
54 <sup>3</sup> / <sub>4</sub> .....	1.2375
55 and over .....	1.2500

(b) (1) In no event shall the current service pension and the combined current and prior service pensions under this section for all service to all employers exceed an amount that, when added to the service retirement annuity related to that service, equals 75 percent of final compensation.

(2) For state members, with respect to service for all state employers under this section, the benefit shall not exceed:

(A) Eighty percent of final compensation for state members who retire on or after January 1, 1995.

(B) Eighty-five percent of final compensation for state peace officer/firefighter members in State Bargaining Units 6 and 8 who retire on or after January 1, 1999, and prior to January 1, 2000.

(C) Ninety percent of final compensation for state peace officer/firefighter members who retire on or after January 1, 2000.

(3) For local safety members who retire on or after January 1, 2000, the benefit shall not exceed 85 percent of final compensation. If the pension relates to service to more than one employer, or this section and Section 21369, and would otherwise exceed that maximum, the pension payable with respect to each section or employer shall be reduced in the same proportion as the allowance bears to the total allowance computed as though there were no limit, so that the total of the pensions shall equal the maximum. Where a state or local member retiring on or after January 1, 1995, has service under this section with both state and local agency

employers, the higher maximum shall apply and the additional benefit, if any, shall be funded by increasing the member's pension payable with respect to the employer for whom the member performed the service subject to the higher maximum.

(c) The Legislature reserves, with respect to any member subject to this section, the right to provide for the adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section.

(d) This section may be applied to related supervisory classes or confidential positions for the respective bargaining units specified in this section.

(e) (1) This section shall be operative with respect to state peace officer/firefighter members in Corrections Bargaining Unit No. 6, Protective Services and Public Safety Bargaining Unit No. 7, or Firefighters Bargaining Unit No. 8, in accordance with a memorandum of understanding reached between the state and the exclusive bargaining agent in the respective unit pursuant to Chapter 10.3 (commencing with Section 3512) of Division 4 of Title 1.

(2) This section also shall be operative with respect to the state peace officer/firefighter members employed by a California State University police department who are in Public Safety Unit No. 8 in accordance with a memorandum of understanding reached between the Trustees of the California State University and the recognized employee organization pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1.

(3) This section shall also be operative with respect to a "state peace officer/firefighter member" defined in subdivision (a) of Section 20396 if authorized by, and in accordance with, a memorandum of understanding reached between the Trustees of the California State University and the recognized employee organization pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1.

(4) Nothing in this section or in any other provision of law affected by Chapter 1320 of the Statutes of 1984 or Chapter 234 of the Statutes of 1986 shall be construed as authorizing any future negotiation with respect to whether or not any bargaining unit specified in this section whose memorandum of understanding was previously approved by the Legislature pursuant to law and this section, shall continue to remain within the state peace officer/firefighter membership category.

(5) The operative date of this section with respect to members in each of the bargaining units specified in this section shall be as provided for in the memorandum of understanding.

(6) With the exception of state peace officer/firefighter members for service rendered for the California State University or the legislative or judicial branch of government, this section shall apply to state peace officer/firefighter members who are not employed by the state on or after January 1, 2000.

(f) This section shall be known as, and may be cited as the State Peace Officers' and Fire Fighters' Retirement Act.

(g) The Legislature reserves the right to subsequently modify or amend this part in order to completely effectuate the intent and purposes of this section and the right to not provide any new comparable advantages if disadvantages to employees result from any modification or amendment.

(h) This section shall not apply to a contracting agency nor its employees until, first, it is agreed to in a written memorandum of understanding entered into by an employer and representatives of employees and, second, the contracting agency elects to be subject to it by amendment to its contract made in the manner prescribed for approval of contracts or in the case of a new contract, by express provision of the contract. The operative date of this section with respect to a local safety member shall be the effective date of the amendment to his or her employer's contract electing to be subject to this section. However, this section shall not apply to any local safety member in the employ of an employer not subject to this section on January 1, 2000.

SEC. 20. Section 21363.1 of the Government Code is amended to read:

21363.1. (a) The combined current and prior service pensions for state peace officer/firefighter members subject to this section with respect to state peace officer/firefighter service, and for local safety members with respect to local safety service rendered to a contracting agency that is subject to this section, is a pension derived from the contributions of the employer sufficient when added to the service retirement annuity that is derived from the accumulated normal contributions of the state peace officer/firefighter member or local safety member at the date of his or her retirement to equal the fraction of 3 percent of his or her final compensation set forth opposite his or her age at retirement taken to the preceding completed quarter year, in the following table, multiplied by the number of years of state peace officer/firefighter service or local safety service subject to this section with which he or she is credited at retirement:

Age at Retirement	Fraction
50 .....	.800
50 1/4 .....	.810

50 1/2 .....	.820
50 3/4 .....	.830
51 .....	.840
51 1/4 .....	.850
51 1/2 .....	.860
51 3/4 .....	.870
52 .....	.880
52 1/4 .....	.890
52 1/2 .....	.900
52 3/4 .....	.910
53 .....	.920
53 1/4 .....	.930
53 1/2 .....	.940
53 3/4 .....	.950
54 .....	.960
54 1/4 .....	.970
54 1/2 .....	.980
54 3/4 .....	.990
55 and over .....	1.000

(b) In no event shall the current service pension and the combined current and prior service pensions under this section for all service to all employers exceed an amount that, when added to the service retirement annuity related to that service, equals 85 percent of final compensation. For state peace officer/firefighter members with respect to service for all state employers under this section, the benefit shall not exceed 90 percent of final compensation. If the pension relates to service to more than one employer and would otherwise exceed that maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to that employer bears to the total allowance computed as though there were no limit, so that the total of the pensions shall equal the maximum. Where a state or local member has service under this section with both state and local agency employers, the higher maximum shall apply and the additional benefit shall be funded by increasing the member's pension payable with respect to the employer for whom the member performed the service subject to the higher maximum.

(c) This section shall supersede Section 21363 for state peace officer/firefighter members with respect to service rendered for the California State University or the legislative or judicial branch of government.

(d) This section shall also supersede Section 21363 for state peace officer/firefighter members, for service not subject to subdivision (c), who are employed by the state on or after January 1, 2000.

(e) This section shall not apply to any contracting agency nor its employees unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the date this section becomes operative, by express provision in the contract making the contracting agency subject to this section. The operative date of this section for a local safety member shall be the effective date of the amendment to his or her employer's contract electing to be subject to this section.

(f) This section shall supersede Section 21363, 21366, 21368, 21369, or 21370, whichever is then applicable, with respect to local safety members who retire after the date this section becomes applicable to their respective employers.

(g) The Legislature reserves, with respect to any member subject to this section, the right to provide for the adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section.

(h) The Legislature reserves the right to subsequently modify or amend this part in order to completely effectuate the intent and purposes of this section and the right to not provide any new comparable advantages if disadvantages to employees result from any modification or amendment.

(i) Operation and application of this section are subject to the limitations set forth in Section 21251.13.

SEC. 21. Section 21363.5 of the Government Code is repealed.

SEC. 22. Section 21363.7 of the Government Code is repealed.

SEC. 23. Section 21364 of the Government Code is amended to read:

21364. A contracting agency may elect to be subject to Section 21362, 21362.2, or 21363.1 with respect to only those local safety members who are local police officers, those who are local firefighters, and those who are local safety members as defined in Section 20421 as local safety members.

SEC. 24. Section 21369.1 of the Government Code is amended to read:

21369.1. (a) The combined current and prior service pensions for state safety members subject to this section with respect to state safety service that is subject to this section is a pension derived from the



contributions of the employer sufficient when added to the service retirement annuity that is derived from the accumulated normal contributions of the state safety member at the date of his or her retirement to equal the fraction of one-fiftieth of his or her final compensation set forth opposite his or her age at retirement taken to the preceding completed quarter year, in the following table, multiplied by the number of years of state safety service subject to this section with which he or she is credited at retirement.

Age at Retirement	Fraction
50 .....	0.8500
50 1/4 .....	0.8625
50 1/2 .....	0.8750
50 3/4 .....	0.8875
51 .....	0.9000
51 1/4 .....	0.9125
51 1/2 .....	0.9250
51 3/4 .....	0.9375
52 .....	0.9500
52 1/4 .....	0.9625
52 1/2 .....	0.9750
52 3/4 .....	0.9875
53 .....	1.0000
53 1/4 .....	1.0320
53 1/2 .....	1.0630
53 3/4 .....	1.0940
54 .....	1.1250
54 1/4 .....	1.1570
54 1/2 .....	1.1880
54 3/4 .....	1.2190
55 and over .....	1.2500

(b) For state safety members with respect to service for all state employers under this section, the benefit shall not exceed 80 percent of final compensation. If the pension relates to service to more than one employer, and would otherwise exceed that maximum, the pension payable with respect to each employer shall be reduced in the same proportion as the allowance based on service to that employer bears to the total allowance computed as though there were no limit, so that the total of the pensions shall equal the maximum.

(c) This section shall supersede Section 21369 for state safety members with respect to service rendered for the California State University.

(d) This section shall also supersede Section 21369 for state safety members, for service not subject to subdivision (c), who are employed by the state on or after January 1, 2000.

(e) The Legislature reserves, with respect to any member subject to this section, the right to provide for the adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier age of service retirement made possible by the benefits under this section.

(f) The Legislature reserves the right to subsequently modify or amend this part in order to completely effectuate the intent and purposes of this section and the right to not provide any new comparable advantages if disadvantages to employees result from any modification or amendment.

(g) Operation and application of this section are subject to the limitations set forth in Section 21251.13.

SEC. 25. Section 21389 of the Government Code is repealed.

SEC. 26. Section 21400 of the Government Code is repealed.

SEC. 27. Section 21402 of the Government Code is repealed.

SEC. 28. Section 21403 of the Government Code is repealed.

SEC. 29. Section 21423 of the Government Code is amended to read:

21423. The disability retirement pension, other than an industrial disability retirement pension, for a member, other than a member who is subject to Section 21424 or 21427, shall be such an amount as with that portion of his or her annuity provided by his or her accumulated normal contributions, will make his or her disability retirement allowance equal to one of the following:

(a) Ninety percent of one-fiftieth of his or her final compensation multiplied by the number of years of service credited to him or her.

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-third of his or her final compensation, 90 percent of one-fiftieth of his final compensation multiplied by the number of years of service that would be creditable to him or her if his or her service were to continue until attainment by him or her of the age of 60 years, but in that case the retirement allowance shall not exceed one-third of final compensation.

This subdivision is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service.

(c) If qualified for service retirement, the member shall receive his or her service retirement allowance if that allowance is greater than the disability retirement allowance provided by this section.

SEC. 30. Section 21465 of the Government Code is amended to read:

21465. (a) Optional settlement 5 consists of a partial distribution of the actuarial present value of the portion, as specified in this section, of the member's unmodified monthly allowance, as prescribed in Section 21362, 21362.2, 21363, or 21363.1, or Section 21423 when a service retirement allowance is payable. The actuarial present value shall be based upon the investment return and postretirement mortality assumptions adopted by the board for that purpose. The member may elect to receive the actuarial present value of no less than 20 percent and no more than 50 percent of his or her unmodified allowance. The member may elect to receive the remaining portion of the unmodified allowance, not distributed as a lump sum, under one of the settlements specified in this article for the remainder of his or her lifetime and thereafter to his or her designated beneficiary, unless this amount is solely limited to the survivor continuance portion. Under no circumstances shall the portion of the unmodified allowance equivalent to the survivor continuance pursuant to Section 21624 be distributed as a lump sum. Under no circumstances shall the benefits provided under this section exceed the benefits that would have otherwise been provided under any other section in this article.

(b) This section shall only apply to the following members who retire on or after January 1, 1999:

(1) State peace officer/firefighter members in State Bargaining Unit 6.

(2) State peace officer/firefighter members in State Bargaining Unit 8 and state patrol members in State Bargaining Unit 5, provided that a memorandum of understanding has been agreed upon by the state and the recognized employee organization to become subject to this section.

(3) This section shall also apply to state peace officer/firefighter members and state patrol members in related supervisory and confidential positions, provided the Department of Personnel Administration has approved their inclusion.

SEC. 31. Section 21465.5 of the Government Code is repealed.

SEC. 32. Section 21572 of the Government Code is amended to read:

21572. (a) In lieu of benefits provided in Section 21571, if the death benefit provided by Section 21532 is payable on account of a state member's death that occurs under circumstances other than those described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 21530, or if an allowance under Section 21546 is payable, the

payment pursuant to subdivision (b) shall be made in the following order of priority:

(1) The surviving wife or surviving husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 22 years of age, or are incapacitated because of a disability that began before and has continued without interruption after attainment of that age.

(2) The guardian of surviving unmarried children, including stepchildren, of the member who are under 22 years of age or are so incapacitated.

(3) The surviving wife or surviving husband of the member, who does not qualify under paragraph (1).

(4) Each surviving parent of the member.

(b) Regardless of the benefit provided by Section 21532 and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21546, the following applicable 1959 survivor allowance, under the conditions stated and from contributions of the state, shall be paid:

(1) A surviving spouse who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, shall be paid four hundred fifty dollars (\$450) per month if there is one child or five hundred thirty-eight dollars (\$538) per month if there are two or more children. If there also are children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, that is in excess of two hundred twenty-five dollars (\$225) per month, shall be divided equally among all those children and payments made to the spouse and other children, as the case may be.

(2) If there is no surviving spouse, or if the surviving spouse dies, and if there are unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, or if there are children not in the care of the spouse, the children shall be paid an allowance as follows:

(A) If there is only one child, the child shall be paid two hundred twenty-five dollars (\$225) per month.

(B) If there are two children, the children shall be paid four hundred fifty dollars (\$450) per month divided equally between them.

(C) If there are three or more children, the children shall be paid five hundred thirty-eight dollars (\$538) per month divided equally among them.

(3) A surviving spouse who has attained or attains the age of 62 years and, with respect to that surviving spouse, who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, shall be paid two hundred twenty-five dollars (\$225) per month. No allowance shall be paid under this paragraph while the surviving spouse is receiving an allowance under paragraph (1) or while an allowance is being paid under subparagraph (C) of paragraph (2). The allowance paid under this paragraph shall be eighty-eight dollars (\$88) per month while an allowance is being paid under subparagraph (B) of paragraph (2).

(4) If there is no surviving spouse or surviving child who qualifies for a 1959 survivor allowance, or if the surviving spouse dies and there is no surviving child, or if the surviving spouse dies and the children die or marry or, if not incapacitated, reach 22 years of age, each of the member's dependent parents who has attained or attains the age of 62 years, and who received at least one-half of his or her support from the member at the time of the member's death, shall be paid two hundred twenty-five dollars (\$225) per month.

(c) "Stepchildren," for purposes of this section, shall include only stepchildren of the member living with him or her in a regular parent-child relationship at the time of his or her death.

(d) This section shall apply to beneficiaries receiving 1959 survivor allowances on July 1, 1975, as well as to beneficiaries with respect to the death of a state member occurring on or after July 1, 1975.

(e) This section shall apply, with respect to benefits payable on and after July 1, 1981, to all members employed by a school employer, and school safety members employed with a school district or community college district as defined in subdivision (i) of Section 20057, except that it shall not apply, without contract amendment, with respect to safety members who became members after July 1, 1981. All assets and liabilities of all school employers, and their employees, on account of benefits provided under this article shall be pooled into a single account, and a single employer rate shall be established to provide benefits under this section on account of all miscellaneous members employed by a school employer and all safety members who are members on July 1, 1981.

(f) This section shall not apply to any member in the employ of an employer not subject to this section on January 1, 1994.

(g) On and after January 1, 2000, and until January 1, 2010, all state members covered by this section shall be covered by the benefit provided under Section 21574.7. On and after January 1, 2010, all state members not covered by Section 21573 or 21574.7 shall be covered by this section.

SEC. 33. Section 21573 of the Government Code is amended to read:

21573. (a) In lieu of benefits provided in Section 21571 or Section 21572, if the death benefit provided by Section 21532 is payable on account of a state member's death that occurs under circumstances other than those described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 21530, or if an allowance under Section 21546 is payable, the payment pursuant to subdivision (b) shall be made in the following order of priority:

(1) The surviving wife or surviving husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 22 years of age, or are incapacitated because of a disability that began before and has continued without interruption after attainment of that age.

(2) The guardian of surviving unmarried children, including stepchildren, of the member who are under 22 years of age or are so incapacitated.

(3) The surviving wife or surviving husband of the member, who does not qualify under paragraph (1).

(4) Each surviving parent of the member.

(b) Regardless of the benefit provided by Section 21532 and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21546, the following applicable 1959 survivor allowance, under the conditions stated and from contributions of the state, shall be paid:

(1) A surviving spouse who was either continuously married to the member for at least one year prior to death, or who was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, shall be paid seven hundred dollars (\$700) per month if there is one child, or eight hundred forty dollars (\$840) per month if there are two or more children. If there also are children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, that is in excess of three hundred fifty dollars (\$350) per month, shall be divided equally among all those children and payments made to the spouse and other children, as the case may be.

(2) If there is no surviving spouse, or if the surviving spouse dies, and if there are unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, or if there are children not in the care of the spouse, the children shall be paid an allowance as follows:

(A) If there is only one child, the child shall be paid three hundred fifty dollars (\$350) per month.

(B) If there are two children, the children shall be paid seven hundred dollars (\$700) per month divided equally between them.

(C) If there are three or more children, the children shall be paid eight hundred forty dollars (\$840) per month divided equally among them.

(3) A surviving spouse who has attained or attains the age of 62 years, and, with respect to that surviving spouse, who was either continuously married to the member for at least one year prior to death, or who was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, shall be paid three hundred fifty dollars (\$350) per month. No allowance shall be paid under this paragraph while the surviving spouse is receiving an allowance under paragraph (1) or while an allowance is being paid under subparagraph (C) of paragraph (2). The allowance paid under this paragraph shall be one hundred forty dollars (\$140) per month while an allowance is being paid under subparagraph (B) of paragraph (2).

(4) If there is no surviving spouse or surviving child who qualifies for the 1959 survivor allowance, or if the surviving spouse dies and there is no surviving child, or if the surviving spouse dies and the children die or marry or, if not incapacitated, reach 22 years of age, each of the member's dependent parents who has attained or attains the age of 62 years, and who received at least one-half of his or her support from the member at the time of the member's death, shall be paid three hundred fifty dollars (\$350) per month.

(c) "Stepchildren," for purposes of this section, shall include only stepchildren of the member living with the member in a regular parent-child relationship at the time of the death of the member.

(d) This section shall apply to beneficiaries of state members whose death occurred before January 1, 1985. Where a surviving spouse attained the age of 62 years prior to January 1, 1987, entitlement shall exist retroactive to January 1, 1985, or to his or her 62nd birthday, whichever is later. All assets and liabilities of all state agencies and their employees on account of benefits provided to beneficiaries specified in this subdivision shall be pooled into a single account. The board shall transfer from the reserve for 1959 survivor contributions retained in the retirement fund an amount sufficient to pay the cost of the increased benefits provided by this subdivision for beneficiaries of members who died on or before December 31, 1984.

(e) This section shall not apply to beneficiaries with respect to the death of a state member, except as provided in subdivision (i), occurring on or after January 1, 1985, unless provided for in a memorandum of understanding reached pursuant to Section 3517.5, or authorized by the Director of Personnel Administration for classifications of state

employees that are excluded from, or not subject to, collective bargaining. The memorandum of understanding adopting this section shall be controlling without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, those provisions shall not become effective unless approved by the Legislature as provided by law.

(f) This section shall apply, with respect to benefits payable on and after January 1, 1985, to school members and to school safety members, as defined in Section 20444. All assets and liabilities of all school employers, and their employees, on account of benefits provided under this article shall be pooled into a single account, and a single employer rate shall be established to provide benefits under this section on account of school members employed by a school employer.

(g) This section shall apply to members of a contracting agency that, in its original contract or by amending its contract, first elects effective on or after January 1, 1985, and prior to July 1, 2001, to make this article applicable to local members employed by the agency. On or after January 1, 1985, and prior to July 1, 2001, contracting agencies already subject to Section 21571 or Section 21572 may elect by contract amendment to be subject to this section. All assets and liabilities of all contracting agencies subject to this section, and their employees, on account of benefits provided under this article shall be pooled into a single account, and a single employer rate shall be established to provide benefits under this section on account of members employed by a contracting agency that is subject to this section. Any public agency first contracting with the board on or after January 1, 1994, and prior to July 1, 2001, or any contracting agency amending its contract to remove exclusions of member classifications on or after January 1, 1994, and prior to July 1, 2001, that has not, pursuant to Section 418 of Title 42 of the United States Code, entered into an agreement with the federal government for the coverage of its employees under the federal system, shall be subject to this section.

(h) The rate of contribution of an employer subject to this section shall be figured using the term insurance valuation method. If a contracting agency that is subject to this section has a surplus in its 1959 survivor benefit account as of the date the contracting agency becomes subject to this section, the surplus shall be applied to reduce its rate of contribution. If a contracting agency that is subject to this section has a deficit in its 1959 survivor benefit account as of the date the contracting agency becomes subject to this section, its rate of contribution shall be increased until the deficit is paid.

(i) This section shall not apply to beneficiaries with respect to the death of a state member employed by the California State University occurring on or after January 1, 1988, unless provided for in a



memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, or authorized by the Trustees of the California State University for employees excluded from collective bargaining. The memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

(j) This section shall apply to local members employed by a contracting agency that has included this benefit in its contract with the board on or before June 30, 2001.

(k) This section shall not apply to any contracting agency that first contracts with the board on or after July 1, 2001.

(l) On and after January 1, 2000, and until January 1, 2010, all eligible state and school members covered by this section shall be covered by the benefit provided under Section 21574.7. On and after January 1, 2010, all eligible state and school members not covered by Section 21572 or 21574.7 shall be covered by this section.

SEC. 34. Section 21574 of the Government Code is amended to read:

21574. (a) In lieu of benefits provided in Section 21571, 21572, or 21573, if the death benefit provided by Section 21532 is payable on account of a local member's death that occurs under circumstances other than those described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 21530, or if an allowance under Section 21546 is payable, the payment pursuant to subdivision (b) shall be made in the following order of priority:

(1) The surviving spouse of the member, who has the care of unmarried children, including stepchildren, of the member who are under 22 years of age, or are incapacitated because of disability that began before and has continued without interruption after the attainment of that age.

(2) The guardian of surviving unmarried children, including stepchildren, of the member who are 22 years of age or are so incapacitated.

(3) The surviving spouse of the member, who does not qualify under paragraph (1).

(4) Each surviving parent of the member.

(b) Regardless of the benefit provided by Section 21532 and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21546, the following applicable 1959 survivor allowance, under the conditions stated and from contributions of the contracting agency, shall be paid:

(1) A surviving spouse who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, shall be paid one thousand nine hundred dollars (\$1,900) per month if there is one child or two thousand two hundred eighty dollars (\$2,280) per month if there are two or more children. If there also are children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, that is in excess of nine hundred fifty dollars (\$950) per month, shall be divided equally among all those children and payments made to the spouse and other children, as the case may be.

(2) If there is no surviving spouse, or if the surviving spouse dies, and if there are unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, or if there are children not in the care of the spouse, the children shall be paid an allowance as follows:

(A) If there is only one child, the child shall be paid nine hundred fifty dollars (\$950) per month.

(B) If there are two children, the children shall be paid one thousand nine hundred dollars (\$1,900) per month divided equally between them.

(C) If there are three or more children, the children shall be paid two thousand two hundred eighty dollars (\$2,280) per month divided equally among them.

(3) A surviving spouse who has attained or attains the age of 60 years, and who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, shall be paid nine hundred fifty dollars (\$950) per month. No allowance shall be paid under paragraph (1), or while an allowance is being paid under subparagraph (C) of paragraph (2). The allowance paid under this paragraph shall be three hundred eighty dollars (\$380) per month while an allowance is being paid under subparagraph (B) of paragraph (2).

(4) If there is no surviving spouse or surviving child who qualifies for the 1959 survivor allowance, or if the surviving spouse dies and there is no surviving child, or if the surviving spouse dies and the children die or marry or, if not incapacitated, reach 22 years of age, each of the member's dependent parents who has attained or attains the age of 60 years, and who received at least one-half of his or her support from the member at the time of the member's death, shall be paid nine hundred fifty dollars (\$950) per month.

(c) "Stepchildren," for purposes of this section, shall include only stepchildren of the member living with the member in a regular parent-child relationship at the time of the death of the member.

(d) This section shall only apply to members of a contracting agency that, by amending its contract, first elects effective on or after January 1, 1994, to make this section applicable to local members employed by the agency. On and after January 1, 1994, contracting agencies already subject to Section 21571, 21572, or 21573 may elect by contract amendment to be subject to this section. A public agency first contracting with the board or amending its contract to remove exclusions of member classifications on or after July 1, 2001, shall include this section or Section 21574.5 in its contract. All assets and liabilities of all contracting agencies subject to this section, and their employees, on account of benefits provided under this article shall be pooled into a single account, and a single employer rate shall be established to provide benefits under this section on account of members employed by a contracting agency that is subject to this section.

(e) The rate of contribution of an employer subject to this section shall be calculated using the term insurance valuation method. If a contracting agency that is subject to this section has a surplus in its 1959 survivor benefit account as of the date the contracting agency becomes subject to this section, the surplus shall be applied to reduce its rate of contribution. If a contracting agency that is subject to this section has a deficit in its 1959 survivor benefit account as of the date the contracting agency becomes subject to this section, its rate of contribution shall be increased until the deficit is paid.

(f) This section or Section 21574.5 shall apply to public agencies, employing eligible school safety members as defined in Section 20444, that first contract with the board on or after July 1, 2001.

(g) At the time the single benefit level provided under Section 21574.5 exceeds the single benefit level provided under this section, no new contracts or amendments to contracts shall provide for the benefits under this section.

SEC. 35. Section 21574.5 of the Government Code is amended to read:

21574.5. (a) In lieu of benefits provided in Section 21571, 21572, 21573, or 21574, if the death benefit provided by Section 21532 is payable on account of a local member's death that occurs under circumstances other than those described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 21530, or if an allowance under Section 21546 is payable, the payment pursuant to subdivision (b) shall be made in the following order of priority:

(1) The surviving spouse of the member, who has the care of unmarried children, including stepchildren, of the member who are

under 22 years of age, or are incapacitated because of disability that began before and has continued without interruption after the attainment of that age.

(2) The guardian of surviving unmarried children, including stepchildren, of the member who are 22 years of age or are so incapacitated.

(3) The surviving spouse of the member, who does not qualify under paragraph (1).

(4) Each surviving parent of the member.

(b) Regardless of the benefit provided by Section 21532 and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21546, the following applicable 1959 survivor allowance, under the conditions stated and from contributions of the contracting agency, shall be paid:

(1) A surviving spouse who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, shall be paid one thousand dollars (\$1,000) per month if there is one child or one thousand five hundred dollars (\$1,500) per month if there are two or more children. If there also are children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, that is in excess of five hundred dollars (\$500) per month, shall be divided equally among all those children and payments made to the spouse and other children, as the case may be.

(2) If there is no surviving spouse, or if the surviving spouse dies, and if there are unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, or if there are children not in the care of the spouse, the children shall be paid an allowance as follows:

(A) If there is only one child, the child shall be paid five hundred dollars (\$500) per month.

(B) If there are two children, the children shall be paid one thousand dollars (\$1,000) per month divided equally between them.

(C) If there are three or more children, the children shall be paid one thousand five hundred dollars (\$1,500) per month divided equally among them.

(3) A surviving spouse who has attained or attains the age of 60 years, and who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, shall be paid five hundred dollars (\$500) per month. No allowance shall be paid under

paragraph (1), or while an allowance is being paid under subparagraph (C) of paragraph (2). The allowance paid under this paragraph shall be five hundred dollars (\$500) per month while an allowance is being paid under subparagraph (B) of paragraph (2).

(4) If there is no surviving spouse or surviving child who qualifies for the 1959 survivor allowance, or if the surviving spouse dies and there is no surviving child, or if the surviving spouse dies and the children die or marry or, if not incapacitated, reach 22 years of age, each of the member's dependent parents who has attained or attains the age of 60 years, and who received at least one-half of his or her support from the member at the time of the member's death, shall be paid five hundred dollars (\$500) per month.

(c) "Stepchildren," for purposes of this section, shall include only stepchildren of the member living with the member in a regular parent-child relationship at the time of the death of the member.

(d) This section shall only apply to members of a contracting agency that, by amending its contract, first elects on or after January 1, 2000, to make this section applicable to local members employed by the agency. On and after January 1, 2000, contracting agencies already subject to Section 21571, 21572, or 21573 may elect by contract amendment to be subject to this section. A public agency that first contracts with the board or amends its contract to remove exclusions of member classifications on or after July 1, 2001, shall include this section or Section 21574 in its contract. All assets and liabilities of all contracting agencies subject to this section, and their employees, on account of benefits provided under this article shall be pooled into a single account, and a single employer rate shall be established to provide benefits under this section on account of members employed by a contracting agency that is subject to this section.

(e) This section or Section 21574 shall apply to public agencies that employ eligible school safety members, as defined in Section 20444, and that first contract with the board on or after July 1, 2001.

(f) The rate of contribution of an employer subject to this section shall be calculated using a method determined by the board.

(g) In each subsequent year following the enactment of this section, the benefits prescribed by this section shall be indexed at a rate of 2 percent per year for both beneficiaries already receiving the benefit and for potential beneficiaries of members who die in the future.

SEC. 36. Section 21574.7 of the Government Code is amended to read:

21574.7. (a) In lieu of benefits provided in Section 21571, 21572, or 21573, if the death benefit provided by Section 21532 is payable on account of a state member's death that occurs under circumstances other than those described in subparagraph (F) of paragraph (1) of subdivision

(a) of Section 21530, or if an allowance under Section 21546 is payable, the payment pursuant to subdivision (b) shall be made in the following order of priority:

(1) The surviving spouse of the member, who has the care of unmarried children, including stepchildren, of the member who are under 22 years of age, or are incapacitated because of a disability that began before and has continued without interruption after the attainment of that age.

(2) The guardian of surviving unmarried children, including stepchildren, of the member who are 22 years of age or are so incapacitated.

(3) The surviving spouse of the member, who does not qualify under paragraph (1).

(4) Each surviving parent of the member.

(b) Regardless of the benefit provided by Section 21532 and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21546, the following applicable 1959 survivor allowance, under the conditions stated and from contributions of the employer, shall be paid:

(1) A surviving spouse who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, shall be paid one thousand five hundred dollars (\$1,500) per month if there is one child or one thousand eight hundred dollars (\$1,800) per month if there are two or more children. If there also are children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, that is in excess of seven hundred fifty dollars (\$750) per month, shall be divided equally among all those children and payments made to the spouse and other children, as the case may be.

(2) If there is no surviving spouse, or if the surviving spouse dies, and if there are unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, or if there are children not in the care of the spouse, the children shall be paid an allowance as follows:

(A) If there is only one child, the child shall be paid seven hundred fifty dollars (\$750) per month.

(B) If there are two children, the children shall be paid one thousand five hundred dollars (\$1,500) per month divided equally between them.

(C) If there are three or more children, the children shall be paid one thousand eight hundred dollars (\$1,800) per month divided equally among them.

(3) A surviving spouse who has attained or attains the age of 60 years, and who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness that resulted in death, shall be paid seven hundred fifty dollars (\$750) per month. No allowance shall be paid under this paragraph while the surviving spouse is receiving an allowance under paragraph (1) or while an allowance is being paid under subparagraph (C) of paragraph (2). The allowance paid under this paragraph shall be three hundred dollars (\$300) per month while an allowance is being paid under subparagraph (B) of paragraph (2).

(4) If there is no surviving spouse or surviving child who qualifies for the 1959 survivor allowance, or if the surviving spouse dies and there is no surviving child, or if the surviving spouse dies and the children die or marry or, if not incapacitated, reach 22 years of age, each of the member's dependent parents who has attained or attains the age of 60 years, and who received at least one-half of his or her support from the member at the time of the member's death, shall be paid seven hundred fifty dollars (\$750) per month.

(c) "Stepchildren," for purposes of this section, shall include only stepchildren of the member living with the member in a regular parent-child relationship at the time of the death of the member.

(d) This section shall only apply to state and school members effective on or after January 1, 2000.

(e) All assets and liabilities of state employers subject to this section, and their employees, on account of benefits provided under this article shall be pooled into a single account, and a single employer rate shall be established to provide benefits under this section on account of state members employed by the state.

(f) All assets and liabilities of school employers, as defined in Section 20063, that are subject to this section, and their employees, on account of benefits provided under this article shall be pooled into a single account, and a single employer rate shall be established to provide benefits under this section.

(g) The rate of contribution of an employer subject to this section shall be calculated using a method determined by the board. Surplus assets shall be applied to reduce the rate of contribution. If a deficit exists, the rate of contribution shall be increased until the deficit is paid.

(h) On and after January 1, 2000, and until January 1, 2010, all state employees and school members shall be covered by this section.

(i) This section shall be repealed on January 1, 2010, unless a later enacted statute, that becomes effective on or before January 1, 2010, deletes or extends that date.

SEC. 37. The provisions of this act, other than the provisions of Section 1, shall be operative retroactively to January 1, 2000.

SEC. 38. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the benefits enacted by Chapter 555 of the Statutes of 1999 are implemented as intended and to facilitate appropriate clarification for the proper administration of those benefits, it is necessary for this act to take effect immediately.

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## CHAPTER 22

An act to make an appropriation in augmentation of Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2000, relating to state employees, to take effect immediately as an appropriation for the usual and current expenses of the state.

[Approved by Governor June 25, 2001. Filed with  
Secretary of State June 25, 2001.]

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

SECTION 1. The sum of six million, seven hundred fifty-five thousand dollars (\$6,755,000) is hereby appropriated for expenditure in the 2000–01 fiscal year in augmentation and for the purposes of state employee compensation as provided in Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000) in accordance with the following schedule:

(a) Three million, three hundred seventy-eight thousand dollars (\$3,378,000) from the General Fund to be allocated by executive order by the Director of Finance to the state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations or allocations, in accordance with approved agreements with State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21, to offset a portion of the state employees' health benefit premium increase during the period of January 1 to June 30, 2001, inclusive.



(b) Two million, one hundred sixty-one thousand dollars (\$2,161,000) from unallocated special funds designated for employee benefits, to be allocated by executive order by the Director of Finance to the state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations or allocations, in accordance with approved agreements with State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21, each special fund to be charged an amount proportionate to its share of employee benefit costs, to offset a portion of the state employees' health benefit premium increase during the period of January 1 to June 30, 2001, inclusive.

(c) One million, two hundred sixteen thousand dollars (\$1,216,000) from other unallocated nongovernmental cost funds to be allocated by executive order by the Director of Finance to the state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations or allocations, in accordance with approved agreements with State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, and 21, each fund to be charged an amount proportionate to its share of employee benefit costs, to offset a portion of the state employees' health benefit premium increase during the period of January 1 to June 30, 2001, inclusive.

SEC. 2. This act makes an appropriation for the usual and current expenses of the state within the meaning of Article IV of the California Constitution and shall go into immediate effect.

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## CHAPTER 23

An act relating to the California Gambling Control Commission, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 2001. Filed with  
Secretary of State June 27, 2001.]

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

SECTION 1. Notwithstanding subdivision (b) of Section 19940 of the Business and Professions Code, the sum of two hundred nineteen thousand dollars (\$219,000) is hereby appropriated from the Gambling Control Fund for expenditure in the 2000–01 fiscal year in augmentation and for the purpose of the support of the California Gambling Control Commission as provided in Item 0855-001-0567 of the Budget Act of 2000. Neither the Division of Gambling Control nor the Gambling Control Commission shall duplicate the functions of the other.

SEC. 2. The sum of one million one hundred thirty-one thousand dollars (\$1,131,000) is hereby appropriated from the Indian Gaming Special Distribution Fund for expenditure in the 2000–01 fiscal year for the purpose of the support of the California Gambling Control Commission. In addition, the Controller is hereby authorized to transfer the sum of one million one hundred thirty-one thousand dollars (\$1,131,000) from the General Fund as a loan to the Indian Gaming Special Distribution Fund. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of the transfer. Principal and interest on the loan shall be repaid in full no later than June 30, 2003.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide the California Gambling Control Commission with sufficient resources to perform its mandated duties, it is necessary that this act take effect immediately.

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## CHAPTER 24

An act to amend Sections 6068, 6092, 6140, and 6140.55 of, and to repeal Sections 6032, 6033, 6140.8, 6140.10, and 6140.15 of, the Business and Professions Code, and to repeal Chapter 868 of the Statutes of 1994, relating to attorneys.

[Approved by Governor June 27, 2001. Filed with  
Secretary of State June 27, 2001.]

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

SECTION 1. The Legislature hereby finds and declares that the provision imposing the duty on an attorney to abstain from having an offensive personality, which is codified in subdivision (f) of Section 6068 of the Business and Professions Code, has been held to be unconstitutionally void for vagueness by the United States Court of Appeals, Ninth Circuit (U.S.A. v. Wunsch (9th Cir. 1996) 84 F.3d 1110).

SEC. 2. Section 6032 of the Business and Professions Code is repealed.

SEC. 3. Section 6033 of the Business and Professions Code is repealed.

SEC. 4. Section 6068 of the Business and Professions Code is amended to read:

6068. It is the duty of an attorney to do all of the following:

(a) To support the Constitution and laws of the United States and of this state.

(b) To maintain the respect due to the courts of justice and judicial officers.

(c) To counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.

(d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.

(e) To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.

(f) To advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged.

(g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.

(h) Never to reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed.

(i) To cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against himself or herself. However, this subdivision shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require an attorney to cooperate with a request that requires him or her to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice. Any exercise by an attorney of any constitutional or statutory privilege shall not be used against the attorney in a regulatory or disciplinary proceeding against him or her.

(j) To comply with the requirements of Section 6002.1.

(k) To comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney.

(l) To keep all agreements made in lieu of disciplinary prosecution with the agency charged with attorney discipline.

(m) To respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.

(n) To provide copies to the client of certain documents under time limits and as prescribed in a rule of professional conduct which the board shall adopt.

(o) To report to the agency charged with attorney discipline, in writing, within 30 days of the time the attorney has knowledge of any of the following:

(1) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.

(2) The entry of judgment against the attorney in any civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.

(3) The imposition of any judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).

(4) The bringing of an indictment or information charging a felony against the attorney.

(5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of any felony, or any misdemeanor committed in the course of the practice of law, or in any manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or any misdemeanor of that type.

(6) The imposition of discipline against the attorney by any professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.

(7) Reversal of judgment in a proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful misrepresentation by an attorney.

(8) As used in this subdivision, "against the attorney" includes claims and proceedings against any firm of attorneys for the practice of law in which the attorney was a partner at the time of the conduct complained of and any law corporation in which the attorney was a shareholder at the time of the conduct complained of unless the matter has to the attorney's knowledge already been reported by the law firm or corporation.

(9) The State Bar may develop a prescribed form for the making of reports required by this section, usage of which it may require by rule or regulation.

(10) This subdivision is only intended to provide that the failure to report as required herein may serve as a basis of discipline.

SEC. 5. Section 6092 of the Business and Professions Code is amended to read:

6092. The disciplinary agency may engage the services of consultants and an unpaid volunteer peer review committee and undertake any other steps that may be appropriate for devising methods for determining and improving attorney competence.

SEC. 6. Section 6140 of the Business and Professions Code is amended to read:

6140. (a) The board shall fix the annual membership fee for active members at a sum not exceeding three hundred ten dollars (\$310).

(b) The annual membership fee for active members is payable on or before the first day of February of each year. If the board finds it appropriate and feasible, it may provide by rule for payment of fees on an installment basis with interest, by credit card, or other means, and may charge members choosing any alternative method of payment an additional fee to defray costs incurred by that election.

(c) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends that date.

SEC. 7. Section 6140.55 of the Business and Professions Code is amended to read:

6140.55. The board may increase the annual membership fees fixed by it pursuant to Section 6140 by an additional amount per active member not to exceed thirty-five dollars (\$35) in any year, the additional amount to be applied only for the purposes of the Client Security Fund and the costs of its administration, including, but not limited to, the costs of processing, determining, defending, or insuring claims against the fund.

SEC. 8. Section 6140.8 of the Business and Professions Code is repealed.

SEC. 9. Section 6140.10 of the Business and Professions Code is repealed.

SEC. 10. Section 6140.15 of the Business and Professions Code is repealed.

SEC. 11. Chapter 868 of the Statutes of 1994 is repealed.

SEC. 12. This act shall become operative only if Senate Bill 479 of the 2001–2002 Regular Session is enacted and becomes operative on or before January 1, 2002.

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## CHAPTER 25

An act to make an appropriation in augmentation of Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2000, relating to state employees, to take effect immediately as an appropriation for the usual and current expenses of the state.

[Approved by Governor June 28, 2001. Filed with  
Secretary of State June 29, 2001.]

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

SECTION 1. The sum of fifteen million six hundred seventy-four thousand dollars (\$15,674,000) is hereby appropriated for expenditure in the 2000–01 fiscal year in augmentation of, and for the purpose of state employee compensation as provided in, Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2000 (Chapter 52 of the Statutes of 2000), in accordance with the following schedule:

(a) Nine million nine hundred sixty-six thousand dollars (\$9,966,000) from the General Fund in augmentation of Item 9800-001-0001.

(b) Three million seven hundred twenty thousand dollars (\$3,720,000) from unallocated special funds in augmentation of Item 9800-001-0494.

(c) One million nine hundred eighty-eight thousand dollars (\$1,988,000) from other unallocated nongovernmental cost funds in augmentation of Item 9800-001-0988.

SEC. 2. This act makes an appropriation for the usual and current expenses of the state within the meaning of Article IV of the California Constitution and shall take effect immediately.

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CHAPTER 26

An act to amend Section 10153.2 of the Business and Professions Code, relating to real estate brokers.

[Approved by Governor June 30, 2001. Filed with  
Secretary of State July 2, 2001.]

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

SECTION 1. Section 10153.2 of the Business and Professions Code is amended to read:

10153.2. (a) An applicant to take the examination for an original real estate broker license shall also submit evidence, satisfactory to the commissioner, of successful completion, at an accredited institution, of:

(1) A three-semester unit course, or the quarter equivalent thereof, in each of the following:

- (A) Real estate practice.
- (B) Legal aspects of real estate.
- (C) Real estate appraisal.
- (D) Real estate financing.
- (E) Real estate economics or accounting.

(2) A three-semester unit course, or the quarter equivalent thereof, in three of the following:

- (A) Advanced legal aspects of real estate.
- (B) Advanced real estate finance.
- (C) Advanced real estate appraisal.
- (D) Business law.
- (E) Escrows.
- (F) Real estate principles.
- (G) Property management.
- (H) Real estate office administration.
- (I) Mortgage loan brokering and lending.
- (J) Computer applications in real estate.

(b) The commissioner shall waive the requirements of this section for an applicant who is a member of the State Bar of California and shall waive the requirements for which an applicant has successfully completed an equivalent course of study as determined under Section 10153.5.

(c) The commissioner shall extend credit under this section for any course completed to satisfy requirements of Section 10153.3 or 10153.4.

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## CHAPTER 27

An act to amend Section 19601.2 of the Business and Professions Code, relating to horse racing.

[Approved by Governor June 30, 2001. Filed with  
Secretary of State July 2, 2001.]

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

SECTION 1. Section 19601.2 of the Business and Professions Code is amended to read:

19601.2. (a) During calendar periods when the San Mateo County Fair, or other fair or thoroughbred association, and the Humboldt County Fair simultaneously conduct race meetings, the San Mateo County Fair, or other fair or thoroughbred association, shall be the association authorized to distribute the signal and accept wagers on out-of-zone, out-of-state, and out-of-country races if it complies with the conditions specified in subdivision (a) of Section 19601. The amounts deducted from these wagers shall be distributed as provided in Section 19601, and license fees on races conducted by the Humboldt County Fair and on out-of-zone, out-of-state, or out-of-country races shall be as specified in subdivision (h) of Section 19601. Additionally, from, and to the extent of, license fees generated from the total handle of the San Mateo County Fair, or other fair or thoroughbred association, during the overlap, the San Mateo County Fair, or other fair or thoroughbred association, shall distribute to the Humboldt County Fair, not less than seven days after the close of the racing meeting, an amount equal to 0.75 percent of the out-of-zone, out-of-state, and out-of-country handle. From the amount remaining, if any, 50 percent shall be retained by the San Mateo County Fair to be distributed equally as commissions and purses, and 50 percent shall be paid to the state as a license fee.

(b) During calendar periods when the Fresno District Fair and any thoroughbred association in the northern zone both conduct race meetings, the thoroughbred association shall be the association authorized to distribute the signal and accept wagers on out-of-zone, out-of-state, and out-of-country races, if it complies with the conditions specified in subdivision (a) of Section 19601. The amounts deducted from these wagers shall be distributed as provided in Section 19601, and license fees on races conducted by the Fresno District Fair and on out-of-zone, out-of-state, or out-of-country races shall be as specified in subdivision (h) of Section 19601. Additionally, from, and to the extent of, license fees generated from the total handle of the thoroughbred association during the overlap, the thoroughbred association shall distribute to the Fresno District Fair, not less than seven days after the close of the racing meeting, an amount equal to 0.75 percent of the out-of-zone, out-of-state, and out-of-country handle. From the amount remaining, if any, 50 percent shall be retained by the thoroughbred association to be distributed equally as commissions and purses, and 50 percent shall be paid to the state as a license fee.

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CHAPTER 28

An act relating to parks and recreation.

[Approved by Governor June 30, 2001. Filed with Secretary of State July 2, 2001.]

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

SECTION 1. Notwithstanding any other provision of law, the City of San Jose may convert to a different use up to 3.82 acres of parkland on Senter Road (APN 477-20-060) at Coyote Creek Park, which was partially acquired with state grant funds awarded under the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 (Chapter 1.67 (commencing with Section 5096.71) of Division 5 of the Public Resources Code), for approximately 13 acres of land (APN 477-20-026) consisting of land along the east side of Coyote Creek in the City of San Jose, within the County of Santa Clara, if both of the following conditions are met:

(a) The exchange of land is carried out in accordance with the requirements of the Public Park Preservation Act (Chapter 2.5 (commencing with Section 5400) of Division 5 of the Public Resources Code).

(b) The City of San Jose submits to the Department of Parks and Recreation a copy of the recorded deed and title policy for the replacement land.

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CHAPTER 29

An act to amend Section 1031 of the Government Code, relating to peace officers.

[Approved by Governor June 30, 2001. Filed with Secretary of State July 2, 2001.]

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

SECTION 1. Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

(a) Be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship, except as provided in Section 2267 of the Vehicle Code.

- (b) Be at least 18 years of age.
  - (c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record.
  - (d) Be of good moral character, as determined by a thorough background investigation.
  - (e) Be a high school graduate, pass the General Education Development Test indicating high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year or four-year degree from an accredited college or university. The high school shall be either a United States public school meeting the high school standards set by the state in which it is located, an accredited United States Department of Defense high school, or an accredited nonpublic high school. Any accreditation required by this paragraph shall be from an accrediting association recognized by the Secretary of the United States Department of Education. This subdivision shall not apply to any public officer or employee who was employed, prior to the effective date of the amendment of this section made at the 1971 Regular Session of the Legislature, in any position declared by law prior to the effective date of that amendment to be peace officer positions.
  - (f) Be found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer. Physical condition shall be evaluated by a licensed physician and surgeon. Emotional and mental condition shall be evaluated by a licensed physician and surgeon or by a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.
- This section shall not be construed to preclude the adoption of additional or higher standards, including age.

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## CHAPTER 30

An act to add Sections 31693 and 31694.5 to the Government Code, relating to county employees.

[Approved by Governor July 2, 2001. Filed with  
Secretary of State July 3, 2001.]

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

SECTION 1. Section 31693 is added to the Government Code, to read:

31693. In any county, district, or county retirement system providing benefits under this article, the county, district, or county retirement system shall provide any organization that is recognized by the retirement system of the county or district as representing the retired employees of that county or district reasonable advance notice of any proposed changes in employee health care benefits affecting those retired employees and the organization shall have a reasonable opportunity to comment prior to any formal action by the county, district, or county retirement system on the proposed changes. As used in this section, "proposed changes" means significant changes affecting health care benefits, including, but not limited to, changes in health care carriers, plan design, and premiums.

SEC. 2. Section 31694.5 is added to the Government Code, to read:

31694.5. (a) In any county, district, or county retirement system providing benefits under this article, the county, district, or county retirement system shall provide any organization that is recognized by the retirement system of the county or district as representing the retired employees of that county or district reasonable advance notice of any proposed changes in employee health care benefits affecting those retired employees and the organization shall have a reasonable opportunity to comment prior to any formal action by the county, district, or county retirement system on the proposed changes. As used in this section, "proposed changes" means significant changes affecting health care benefits, including, but not limited to, changes in health care carriers, plan design, and premiums.

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## CHAPTER 31

An act to add Sections 31491.1 and 31491.2 to the Government Code, relating to county employees' retirement.

[Approved by Governor July 2, 2001. Filed with  
Secretary of State July 3, 2001.]

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

SECTION 1. Section 31491.1 is added to the Government Code, to read:

31491.1. (a) Notwithstanding Section 31491, any retired member receiving a retirement pension may present evidence in the form required by the board of the retired member's actual primary insurance amount. For the purposes of this section, the actual primary insurance amount shall be the amount being paid under the federal system. Following

receipt of that evidence, the board shall adjust the retired member's pension to equal the amount of the pension to which he or she would have been entitled on that date had the estimated primary insurance amount equaled the actual insurance amount.

(b) The adjustment calculated in subdivision (a) shall be applied to the retired member's pension beginning in the month upon which the retired member presents evidence required by the board.

(c) This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make this section applicable.

SEC. 2. Section 31491.2 is added to the Government Code, to read:

31491.2. (a) Notwithstanding Section 31491, any retired member receiving a retirement pension may present evidence in the form required by the board of the retired member's federal estimated primary insurance amount provided that the retired member is not receiving a federal primary insurance amount. For the purposes of this section, the federal estimated primary insurance amount shall be the amount payable under the federal system as of the retired member's normal federal retirement age. Should the federal estimated primary insurance amount equal zero, the retired member shall not have his or her pension benefit reduced for an estimated primary insurance amount as required in subdivision (e) of Section 31491.

(b) Following receipt of that evidence, the board shall adjust the retired member's pension to equal the amount of the pension to which he or she would have been entitled on that date had the estimated primary insurance amount calculated in Section 31491 equaled zero.

(c) The adjustment calculated in subdivision (a) shall be applied to the retired member's pension beginning in the month upon which the retired member presents evidence required by the board.

(d) Notwithstanding subdivision (a), upon attaining federal retirement age, the retired member shall submit such evidence as required by the board of the retired members' federal estimated or actual primary insurance amount. Following receipt of that evidence, the board shall adjust the retired member's pension in accordance with subdivision (j) of Section 31491.

(e) This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make this section applicable.

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CHAPTER 32

An act to amend Section 31664 of the Government Code, relating to county employees' retirement.

[Approved by Governor July 2, 2001. Filed with Secretary of State July 3, 2001.]

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

SECTION 1. Section 31664 of the Government Code is amended to read:

31664. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for safety members purchased by the contributions of the county or district sufficient when added to the service retirement annuity to equal the fraction of one-fiftieth of the member's final compensation set forth opposite his or her age at retirement taken to the preceding completed quarter year in the following table, multiplied by the number of years of current service or years of current and prior service with which the member is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the limitation of the safety member's final compensation as set forth in Section 31676.1 as it now reads or may hereafter be amended to read:

Age at retirement	Fraction
41 .....	.6258
41 <sup>1</sup> / <sub>4</sub> .....	.6350
41 <sup>1</sup> / <sub>2</sub> .....	.6442
41 <sup>3</sup> / <sub>4</sub> .....	.6533
42 .....	.6625
42 <sup>1</sup> / <sub>4</sub> .....	.6720
42 <sup>1</sup> / <sub>2</sub> .....	.6814
42 <sup>3</sup> / <sub>4</sub> .....	.6909
43 .....	.7004
43 <sup>1</sup> / <sub>4</sub> .....	.7102
43 <sup>1</sup> / <sub>2</sub> .....	.7200
43 <sup>3</sup> / <sub>4</sub> .....	.7299
44 .....	.7397
44 <sup>1</sup> / <sub>4</sub> .....	.7499
44 <sup>1</sup> / <sub>2</sub> .....	.7601

44 <sup>3</sup> / <sub>4</sub> .....	.7703
45 .....	.7805
45 <sup>1</sup> / <sub>4</sub> .....	.7910
45 <sup>1</sup> / <sub>2</sub> .....	.8016
45 <sup>3</sup> / <sub>4</sub> .....	.8121
46 .....	.8226
46 <sup>1</sup> / <sub>4</sub> .....	.8339
46 <sup>1</sup> / <sub>2</sub> .....	.8452
46 <sup>3</sup> / <sub>4</sub> .....	.8566
47 .....	.8678
47 <sup>1</sup> / <sub>4</sub> .....	.8780
47 <sup>1</sup> / <sub>2</sub> .....	.8882
47 <sup>3</sup> / <sub>4</sub> .....	.8983
48 .....	.9085
48 <sup>1</sup> / <sub>4</sub> .....	.9194
48 <sup>1</sup> / <sub>2</sub> .....	.9304
48 <sup>3</sup> / <sub>4</sub> .....	.9413
49 .....	.9522
49 <sup>1</sup> / <sub>4</sub> .....	.9641
49 <sup>1</sup> / <sub>2</sub> .....	.9761
49 <sup>3</sup> / <sub>4</sub> .....	.9880
50 .....	1.0000
50 <sup>1</sup> / <sub>4</sub> .....	1.0130
50 <sup>1</sup> / <sub>2</sub> .....	1.0259
50 <sup>3</sup> / <sub>4</sub> .....	1.0387
51 .....	1.0516
51 <sup>1</sup> / <sub>4</sub> .....	1.0656
51 <sup>1</sup> / <sub>2</sub> .....	1.0796
51 <sup>3</sup> / <sub>4</sub> .....	1.0937
52 .....	1.1078
52 <sup>1</sup> / <sub>4</sub> .....	1.1231
52 <sup>1</sup> / <sub>2</sub> .....	1.1384
52 <sup>3</sup> / <sub>4</sub> .....	1.1538
53 .....	1.1692
53 <sup>1</sup> / <sub>4</sub> .....	1.1859
53 <sup>1</sup> / <sub>2</sub> .....	1.2028
53 <sup>3</sup> / <sub>4</sub> .....	1.2195
54 .....	1.2366

54 <sup>1</sup> / <sub>4</sub> .....	1.2547
54 <sup>1</sup> / <sub>2</sub> .....	1.2730
54 <sup>3</sup> / <sub>4</sub> .....	1.2915
55 and over .....	1.3099

The fraction herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by that board.

Contributions shall not be made by safety members having credit for 30 years of continuous service.

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CHAPTER 33

An act to add Section 31663.1 to the Government Code, relating to county sheriffs' retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 3, 2001. Filed with Secretary of State July 3, 2001.]

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

SECTION 1. Section 31663.1 is added to the Government Code, to read:

31663.1. (a) Sections 31662.6 and 31663 shall not apply to an assistant sheriff or a chief in a sheriff's office who is a safety member and whose primary duties are administrative.

(b) This section applies only to a county of the first class, as defined by Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28022, as amended by Chapter 43 of the Statutes of 1961.

(c) This section shall not be operative in any county until the board of supervisors shall, by resolution adopted by a majority vote, make this section applicable in the county.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to enable the County of Los Angeles to retain experienced personnel in specified positions within the sheriff's department, it is necessary that this act take effect immediately.

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## CHAPTER 34

An act to add Section 15164.1 to the Government Code, relating to law enforcement.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 15164.1 is added to the Government Code, to read:

15164.1. (a) The person designated as a county's "control agent" as defined by the policies, practices, and procedures adopted pursuant to Section 15160, or the chief officer of any other agency that has been granted direct access to the California Law Enforcement Telecommunications System under the provisions of this chapter, shall have sole and exclusive authority to ensure that the county's or other agency's equipment connecting to the California Law Enforcement Telecommunications System complies with all security requirements that are conditions of access to the California Law Enforcement Telecommunications System under the provisions of this chapter, or the policies, practices, and procedures adopted pursuant to Section 15160, and that the equipment complies with the county control agent's security policy. This authority shall include, but not be limited to, locating, managing, maintaining, and providing security for all of the county's or other agency's equipment that connects to, and exchanges data, video, or voice information with, the California Law Enforcement Telecommunications System under the provisions of this chapter, including, but not limited to, telecommunications transmission circuits, networking devices, computers, data bases, and servers.

(b) A control agent or chief officer may not exercise the authority granted in subdivision (a) in a manner that conflicts with any other provision of this chapter, or with the policies, practices, and procedures adopted pursuant to Section 15160.

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CHAPTER 35

An act to amend Sections 6406, 22354, and 22456 of the Business and Professions Code, relating to vocational registration.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]



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

SECTION 1. Section 6406 of the Business and Professions Code, as amended by Section 12.5 of Chapter 1079 of the Statutes of 1998, is amended to read:

6406. (a) If granted, a certificate of registration shall be effective for a period of two years or until the date the bond expires, whichever occurs first. Thereafter, a registrant shall file a new certificate of registration or a renewal of the certificate of registration and pay the fee required by Section 6404. A certificate of registration may be renewed up to 60 days prior to its expiration date and the effective date of the renewal shall be the date the current registration expires. The renewal shall be effective for a period of two years from the effective date or until the expiration date of the bond, whichever occurs first.

(b) Except as provided in subdivisions (d) to (f), inclusive, an applicant shall be denied registration or renewal of registration if the applicant has been any of the following:

(1) Convicted of a felony, or of a misdemeanor under Section 6126 or 6127.

(2) Held liable in a civil action by final judgment or entry of a stipulated judgment, if the action alleged fraud, or the use of an untrue or misleading representation, or the use of an unfair, unlawful, or deceptive business practice.

(3) Convicted of a misdemeanor violation of this chapter.

(4) Had a civil judgment entered against him or her in an action arising out of the applicant's negligent, reckless, or willful failure to properly perform his or her obligation as a legal document assistant or unlawful detainer assistant.

(5) Had his or her registration revoked pursuant to Section 6413.

(c) If the county clerk finds that the applicant has failed to demonstrate having met the requisite requirements of Section 6402 or 6402.1, or that any of the paragraphs of subdivision (b) apply, the county clerk, within three business days of submission of the application and fee, shall return the application and fee to the applicant with a notice to the applicant indicating the reason for the denial and the method of appeal.

(d) The denial of an application may be appealed by the applicant by submitting, to the director, the following:

(1) The completed application and notice from the county clerk specifying the reasons for the denial of the application.

(2) A copy of any final judgment or order that resulted from any conviction or civil judgment listed on the application.

(3) Any relevant information the applicant wishes to include for the record.

(e) The director shall order the applicant's certificate of registration to be granted if the director determines that the issuance of a certificate of registration is not likely to expose consumers to a significant risk of harm based on a review of the application and any other information relating to the applicant's unlawful act or unfair practice described in paragraphs (1) to (5), inclusive, of subdivision (b). The director shall order the applicant's certificate of registration to be denied if the director determines that issuance of a certificate of registration is likely to expose consumers to a significant risk of harm based on a review of the application and any other information relating to the applicant's unlawful act or unfair practice described in paragraphs (1) to (5), inclusive, of subdivision (b). The director shall send to the applicant and the county clerk a written decision listing the reasons registration shall be granted or denied within 30 days of the submission of the matter.

(f) If the director orders that the certificate of registration be granted, the applicant may resubmit the application, with the appropriate application fee and the written decision of the director. The county clerk shall grant the certificate of registration to the applicant within three business days of being supplied this information.

(g) This section shall remain in effect only until January 1, 2003, or the date the director suspends the requirements of this chapter applicable to legal document assistants pursuant to Section 6416, whichever first occurs and as of that date is repealed, unless a later enacted statute, that is enacted before that date, deletes or extends that date.

SEC. 2. Section 6406 of the Business and Professions Code, as added by Section 12.6 of Chapter 1079 of the Statutes of 1998, is amended to read:

6406. (a) A certificate of registration shall be effective for a period of two years or until the date the bond expires, whichever occurs first. Thereafter, a registrant shall file a new certificate of registration or a renewal of the certificate of registration and pay the fee required by Section 6404. A certificate of registration may be renewed up to 60 days prior to its expiration date and the effective date of the renewal shall be the date the current registration expires. The renewal shall be effective for a period of two years from the effective date or until the expiration date of the bond, whichever occurs first.

(b) This section shall become operative January 1, 2003, or the date the director suspends the requirements of this chapter applicable to legal document assistants pursuant to Section 6416, whichever first occurs.

SEC. 3. Section 22354 of the Business and Professions Code is amended to read:

22354. A certificate of registration shall be effective for a period of two years or until the date the bond expires, whichever occurs first. Thereafter, a registrant shall file a new certificate of registration or a

renewal of the certificate of registration and pay the fee required by Section 22352. A certificate of registration may be renewed up to 60 days prior to its expiration date and the effective date of the renewal shall be the date the current registration expires. The renewal shall be effective for a period of two years from the effective date or until the expiration date of the bond, whichever occurs first.

SEC. 4. Section 22456 of the Business and Professions Code is amended to read:

22456. A certificate of registration shall be effective for a period of two years or until the date the bond expires, whichever occurs first. Thereafter, a registrant shall file a new certificate of registration or a renewal of the certificate of registration and pay the fee required by Section 22453. A certificate of registration may be renewed up to 60 days prior to its expiration date and the effective date of the renewal shall be the date the current registration expires. The renewal shall be effective for a period of two years from the effective date or until the expiration date of the bond, whichever occurs first.

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## CHAPTER 36

An act to add Chapter 4 (commencing with Section 16300) to Part 1 of Division 7 of the Business and Professions Code, relating to business licensing.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Chapter 4 (commencing with Section 16300) is added to Part 1 of Division 7 of the Business and Professions Code, to read:

### CHAPTER 4. EMPLOYMENT ACTIVITIES

16300. (a) Notwithstanding any other provision of this part, Chapter 1.5 (commencing with Section 7284) of Part 1.7 of Division 2 of the Revenue and Taxation Code, or Chapter 3 (commencing with Section 37100) of Part 2 of Division 3 of Title 4 of the Government Code, no city, including a charter city, city and county, or county may require an employee to obtain a business license or home business occupation permit for, or impose a business tax or registration fee based on income earned for services performed for an employer by the employee in an employment relationship as determined by reference to

the common law factors reflected in rulings or guidelines used by either the Internal Revenue Service or the Franchise Tax Board. When there is a dispute between a city, city and county, or county and a taxpayer, the manner in which a taxpayer reports or reported income to the Franchise Tax Board or the Internal Revenue Service shall create a presumption regarding whether the taxpayer performed services for an employer as an employee, or operated a business entity. For purposes of this section, "income" includes income paid currently or deferred and income that is fixed or contingent.

(b) Nothing in this section shall be interpreted to limit the authority of a city, city and county, or county to adopt and enforce zoning, health and safety ordinances, or regulations that define and limit activities that are permissible within its jurisdiction for the purposes of health, safety, welfare, and the provisions of applicable noise ordinances.

SEC. 2. This act shall only become operative if this act and Assembly Bill 63 of the 2001–02 Regular Session are both enacted and become effective on or before January 1, 2002.

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## CHAPTER 37

An act to amend Section 5328 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 4 (commencing with Section 4000), Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7100), to either voluntary or involuntary recipients of services shall be confidential. Information and records obtained in the course of providing similar services to either voluntary or involuntary recipients prior to 1969 shall also be confidential. Information and records shall be disclosed only in any of the following cases:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of

conservatorship proceedings. The consent of the patient, or his or her guardian or conservator shall be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical or psychological responsibility for the patient's care.

(b) When the patient, with the approval of the physician, licensed psychologist, social worker with a master's degree in social work, or licensed marriage and family therapist, who is in charge of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, nurse, attorney, or other professional person to reveal information that has been given to him or her in confidence by members of a patient's family. Nothing in this subdivision shall be construed to authorize a licensed marriage and family therapist to provide services or to be in charge of a patient's care beyond his or her lawful scope of practice.

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(d) If the recipient of services is a minor, ward, or conservatee, and his or her parent, guardian, guardian ad litem, or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, nurse, attorney, or other professional person to reveal information that has been given to him or her in confidence by members of a patient's family.

(e) For research, provided that the Director of Mental Health or the Director of Developmental Services designates by regulation, rules for the conduct of research and requires the research to be first reviewed by the appropriate institutional review board or boards. The rules shall include, but need not be limited to, the requirement that all researchers shall sign an oath of confidentiality as follows:

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Date

As a condition of doing research concerning persons who have received services from \_\_\_\_ (fill in the facility, agency or person), I, \_\_\_\_, agree to obtain the prior informed consent of such persons who have received services to the maximum degree possible as determined by the appropriate institutional review board or boards for protection of human subjects reviewing my research, and I further agree not to divulge

any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that the unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

(h) To the Committee on Senate Rules or the Committee on Assembly Rules for the purposes of legislative investigation authorized by the committee.

(i) If the recipient of services who applies for life or disability insurance designates in writing the insurer to which records or information may be disclosed.

(j) To the attorney for the patient in any and all proceedings upon presentation of a release of information signed by the patient, except that when the patient is unable to sign the release, the staff of the facility, upon satisfying itself of the identity of the attorney, and of the fact that the attorney does represent the interests of the patient, may release all information and records relating to the patient except that nothing in this article shall be construed to compel a physician, licensed psychologist, social worker with a master's degree in social work, licensed marriage and family therapist, nurse, attorney, or other professional person to reveal information that has been given to him or her in confidence by members of a patient's family.

(k) Upon written agreement by a person previously confined in or otherwise treated by a facility, the professional person in charge of the facility or his or her designee may release any information, except information that has been given in confidence by members of the person's family, requested by a probation officer charged with the evaluation of the person after his or her conviction of a crime if the professional person in charge of the facility determines that the information is relevant to the evaluation. The agreement shall only be operative until sentence is passed on the crime of which the person was convicted. The confidential information released pursuant to this subdivision shall be transmitted to the court separately from the probation report and shall not be placed in the probation report. The confidential information shall remain confidential except for purposes of sentencing. After sentencing, the confidential information shall be sealed.

(l) Between persons who are trained and qualified to serve on “multidisciplinary personnel” teams pursuant to subdivision (d) of Section 18951. The information and records sought to be disclosed shall be relevant to the prevention, identification, management, or treatment of an abused child and his or her parents pursuant to Chapter 11 (commencing with Section 18950) of Part 6 of Division 9.

(m) To county patients’ rights advocates who have been given knowing voluntary authorization by a client or a guardian ad litem. The client or guardian ad litem, whoever entered into the agreement, may revoke the authorization at any time, either in writing or by oral declaration to an approved advocate.

(n) To a committee established in compliance with Sections 4070 and 5624.

(o) In providing information as described in Section 7325.5. Nothing in this subdivision shall permit the release of any information other than that described in Section 7325.5.

(p) To the county mental health director or the director’s designee, or to a law enforcement officer, or to the person designated by a law enforcement agency, pursuant to Sections 5152.1 and 5250.1.

(q) If the patient gives his or her consent, information specifically pertaining to the existence of genetically handicapping conditions, as defined in Section 341.5 of the Health and Safety Code, may be released to qualified professional persons for purposes of genetic counseling for blood relatives upon request of the blood relative. For purposes of this subdivision, “qualified professional persons” means those persons with the qualifications necessary to carry out the genetic counseling duties under this subdivision as determined by the genetic disease unit established in the State Department of Health Services under Section 309 of the Health and Safety Code. If the patient does not respond or cannot respond to a request for permission to release information pursuant to this subdivision after reasonable attempts have been made over a two-week period to get a response, the information may be released upon request of the blood relative.

(r) When the patient, in the opinion of his or her psychotherapist, presents a serious danger of violence to a reasonably foreseeable victim or victims, then any of the information or records specified in this section may be released to that person or persons and to law enforcement agencies as the psychotherapist determines is needed for the protection of that person or persons. For purposes of this subdivision, “psychotherapist” means anyone so defined within Section 1010 of the Evidence Code.

(s) To persons serving on an interagency case management council established in compliance with Section 5606.6 to the extent necessary to perform its duties. This council shall attempt to obtain the consent of

the client. If this consent is not given by the client, the council shall justify in the client's chart why these records are necessary for the work of the council.

(t) (1) To the designated officer of an emergency response employee, and from that designated officer to an emergency response employee regarding possible exposure to HIV or AIDS, but only to the extent necessary to comply with provisions of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101-381; 42 U.S.C. Sec. 201).

(2) For purposes of this subdivision, "designated officer" and "emergency response employee" have the same meaning as these terms are used in the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101-381; 42 U.S.C. Sec. 201).

(3) The designated officer shall be subject to the confidentiality requirements specified in Section 120980, and may be personally liable for unauthorized release of any identifying information about the HIV results. Further, the designated officer shall inform the exposed emergency response employee that the employee is also subject to the confidentiality requirements specified in Section 120980, and may be personally liable for unauthorized release of any identifying information about the HIV test results.

(u) (1) To a law enforcement officer who personally lodges with a facility, as defined in paragraph (2), a warrant of arrest or an abstract of such a warrant showing that the person sought is wanted for a serious felony, as defined in Section 1192.7 of the Penal Code, or a violent felony, as defined in Section 667.5 of the Penal Code. The information sought and released shall be limited to whether or not the person named in the arrest warrant is presently confined in the facility. This paragraph shall be implemented with minimum disruption to health facility operations and patients, in accordance with Section 5212. If the law enforcement officer is informed that the person named in the warrant is confined in the facility, the officer may not enter the facility to arrest the person without obtaining a valid search warrant or the permission of staff of the facility.

(2) For purposes of paragraph (1), a facility means all of the following:

(A) A state hospital, as defined in Section 4001.

(B) A general acute care hospital, as defined in subdivision (a) of Section 1250 of the Health and Safety Code, solely with regard to information pertaining to a mentally disordered person subject to this section.

(C) An acute psychiatric hospital, as defined in subdivision (b) of Section 1250 of the Health and Safety Code.



(D) A psychiatric health facility, as described in Section 1250.2 of the Health and Safety Code.

(E) A mental health rehabilitation center, as described in Section 5675.

(F) A skilled nursing facility with a special treatment program for chronically mentally disordered patients, as described in Sections 51335 and 72445 to 72475, inclusive, of Title 22 of the California Code of Regulations.

The amendment of subdivision (d) enacted at the 1970 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

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## CHAPTER 38

An act to amend Section 6512.2 of the Government Code, relating to joint powers agencies.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. The Legislature finds and declares that the purpose of this act is to clarify that joint powers authorities formed for the purpose of pooling the claims and losses of two or more local public agencies are designed to implement the disbursement or subvention of public funds from one or more of the public entities to others, as described in Section 895 of the Government Code.

SEC. 2. Section 6512.2 of the Government Code is amended to read: 6512.2. If the purpose set forth in the agreement is to pool the self-insurance claims of two or more local public entities, the agreement may provide that termination by any party to the agreement shall not be construed as a completion of the purpose of the agreement and shall not require the repayment or return to the parties of all or any part of any contributions, payments, or advances made by the parties until the agreement is rescinded or terminated as to all parties. If the purpose set forth in the agreement is to pool the self-insurance claims of two or more local public entities, it shall not be considered an agreement for the purposes of Section 895.2, provided that the agency responsible for carrying out the agreement is a member of the pool and the pool purchases insurance or reinsurance to cover the activities of that agency in carrying out the purposes of the agreement. The agreement may provide that after the completion of its purpose, any surplus money

remaining in the pool shall be returned in proportion to the contributions made and the claims or losses paid.

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## CHAPTER 39

An act to amend Sections 357, 359, 360, 423, 506, 508, 509, 510, and 531 of, and to repeal Section 507 of, the Family Code, and to amend Section 360 of the Penal Code, relating to marriage.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 357 of the Family Code is amended to read:

357. (a) The county clerk shall number each marriage license issued and shall transmit at periodic intervals to the county recorder a list or copies of the licenses issued.

(b) Not later than 60 days after the date of issuance, the county recorder shall notify licenseholders whose certificate of registry has not been returned of that fact and that the marriage license will automatically expire on the date shown on its face.

(c) The county recorder shall notify the licenseholders of the obligation of the person solemnizing their marriage to return the certificate of registry and endorsed license to the recorder's office within 10 days after the ceremony.

SEC. 2. Section 359 of the Family Code is amended to read:

359. (a) Applicants for a marriage license shall obtain from the county clerk issuing the license, a certificate of registry of marriage.

(b) The contents of the certificate of registry are provided in Part 1 (commencing with Section 102100) of Division 102 of the Health and Safety Code.

(c) The certificate of registry shall be filled out by the applicants, in the presence of the county clerk issuing the marriage license, and shall be presented to the person solemnizing the marriage.

(d) The person solemnizing the marriage shall complete the certificate of registry and shall cause to be entered on the certificate of registry the signature and address of one witness to the marriage ceremony.

(e) The certificate of registry shall be returned by the person solemnizing the marriage to the county recorder of the county in which the license was issued within 10 days after the ceremony.

(f) As used in this division, “returned” means presented to the appropriate person in person, or postmarked, before the expiration of the specified time period.

SEC. 3. Section 360 of the Family Code is amended to read:

360. (a) If a certificate of registry of marriage is lost or destroyed after the marriage ceremony but before it is returned to the county recorder, the person solemnizing the marriage, in order to comply with Section 359, shall obtain a duplicate certificate of registry by filing an affidavit setting forth the facts with the county clerk of the county in which the license was issued.

(b) The duplicate certificate of registry may not be issued later than one year after issuance of the original license and shall be returned by the person solemnizing the marriage to the county recorder within 10 days after issuance.

(c) The fee for issuing the duplicate marriage license and certificate of registry is five dollars (\$5).

SEC. 4. Section 423 of the Family Code is amended to read:

423. The person solemnizing the marriage shall return the marriage license, endorsed as required in Section 422, to the county recorder of the county in which the license was issued within 10 days after the ceremony.

SEC. 5. Section 506 of the Family Code is amended to read:

506. (a) The confidential marriage license shall be presented to the person solemnizing the marriage.

(b) Upon performance of the ceremony, the confidential marriage certificate shall be filled out by the parties to the marriage and authenticated by the person solemnizing the marriage.

(c) The certificate shall be returned by the person solemnizing the marriage to the office of the county clerk in the county in which the license was issued within 10 days after the ceremony.

SEC. 6. Section 507 of the Family Code is repealed.

SEC. 7. Section 508 of the Family Code is amended to read:

508. Upon issuance of a confidential marriage certificate, parties shall be provided with an application to obtain a certified copy of the confidential marriage certificate from the county clerk.

SEC. 8. Section 509 of the Family Code is amended to read:

509. (a) A party to a confidential marriage may obtain a certified copy of the confidential marriage certificate from the county clerk of the county in which the certificate is filed in any of the following ways:

(1) By submitting the application for a certified copy of the confidential marriage certificate provided to the parties pursuant to Section 508.

(2) By personally appearing before a notary public or at the county clerk’s office in the party’s county of residence, producing proper

identification, obtaining a certificate attesting to the party's identity from the notary public or county clerk, and transmitting that certificate, together with a request for the certified copy of the confidential marriage certificate, to the county clerk of the county with which the certificate is filed.

(3) By personally appearing at the county clerk's office where the certificate is filed and producing proper identification.

(b) Copies of a confidential marriage certificate may be issued to the parties to the marriage upon the payment of a fee equivalent to that charged for copies of a certificate of marriage.

SEC. 9. Section 510 of the Family Code is amended to read:

510. (a) If a confidential marriage certificate is lost, damaged, or destroyed after the performance of the marriage and before it is returned, the county clerk may issue a replacement upon the payment of a fee of five dollars (\$5).

(b) The duplicate license may not be issued later than one year after issuance of the original license and shall be returned by the person solemnizing the marriage to the county clerk within 10 days after issuance.

SEC. 10. Section 531 of the Family Code is amended to read:

531. (a) An application for approval to authorize confidential marriages pursuant to this part shall be submitted to the county clerk in the county in which the notary public who is applying for the approval resides. The county clerk shall exercise reasonable discretion as to whether to approve applications.

(b) The application shall include all of the following:

(1) The full name of the applicant.

(2) The date of birth of the applicant.

(3) The applicant's current residential address and telephone number.

(4) The address and telephone number of the place where the applicant will issue authorizations for the performance of a marriage.

(5) The full name of the applicant's employer if the applicant is employed by another person.

(6) Whether or not the applicant has engaged in any of the acts specified in Section 8214.1 of the Government Code.

(c) The application shall be accompanied by the fee provided for in Section 536.

SEC. 11. Section 360 of the Penal Code is amended to read:

360. Every person authorized to solemnize any marriage, who solemnizes a marriage without first being presented with the marriage license, as required by Section 421 of the Family Code; or who solemnizes a marriage pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code without the authorization required by that part; or who willfully makes a false return of any marriage or

pretended marriage to the recorder or clerk and every person who willfully makes a false record of any marriage return, is guilty of a misdemeanor.

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CHAPTER 40

An act to amend Section 35021 of the Education Code, relating to school volunteers.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 35021 of the Education Code is amended to read:

35021. (a) Notwithstanding any other law, any person, except a person required to register as a sex offender pursuant to Section 290 of the Penal Code, may be permitted by the governing board of any school district to perform the duties specified in Section 44814 or 44815, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform noninstructional work which serves to assist the certificated personnel in performance of teaching and administrative responsibilities. With respect to this noninstructional work, the nonteaching volunteer aide shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 3364.5 of the Labor Code.

(b) No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position. A district shall not refuse to employ a person in a vacant classified position and use volunteer aides in lieu of filling the classified position.

(c) It is the intent of the Legislature to permit school districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements.

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## CHAPTER 41

An act to amend Section 31000.6 of the Government Code, relating to counties.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 31000.6 of the Government Code is amended to read:

31000.6. (a) Upon request of the assessor or the sheriff of the county, the board of supervisors shall contract with and employ legal counsel to assist the assessor or the sheriff in the performance of his or her duties in any case where the county counsel or the district attorney would have a conflict of interest in representing the assessor or the sheriff.

(b) In the event that the board of supervisors does not concur with the assessor or the sheriff that a conflict of interest exists, the assessor or the sheriff, after giving notice to the county counsel or the district attorney, may initiate an ex parte proceeding before the presiding judge of the superior court. The county counsel or district attorney may file an affidavit in the proceeding in opposition to, or in support of, the assessor's or the sheriff's position.

(c) The presiding superior court judge that determines in any ex parte proceeding that a conflict actually exists, must, if requested by one of the parties, also rule whether representation by the county counsel or district attorney through the creation of an "ethical wall" is appropriate. The factors to be considered in this determination of whether an "ethical wall" should be created are: (1) equal representation, (2) level of support, (3) access to resources, (4) zealous representation, or (5) any other consideration that relates to proper representation.

(d) If a court determines that the action brought by the assessor or sheriff is frivolous and in bad faith, the assessor's office or sheriff's office shall pay their own legal costs and all costs incurred in the action by the opposing party. As used in this section, "bad faith" and "frivolous" have the meaning given in Section 128.5 of the Code of Civil Procedure.

(e) If the presiding judge determines that a conflict of interest does exist, and that representation by the county counsel or district attorney through the creation of an ethical wall is inappropriate, the board of supervisors shall immediately employ legal counsel to assist the assessor or the sheriff.

(f) As used in this section, “conflict of interest” means a conflict of interest as defined in Rule 3-310 of the Rules of Professional Conduct of the State Bar of California, as construed for public attorneys.

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## CHAPTER 42

An act to amend Section 703.140 of the Code of Civil Procedure, relating to bankruptcy.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 703.140 of the Code of Civil Procedure is amended to read:

703.140. (a) In a case under Title 11 of the United States Code, all of the exemptions provided by this chapter, including the homestead exemption, other than the provisions of subdivision (b) are applicable regardless of whether there is a money judgment against the debtor or whether a money judgment is being enforced by execution sale or any other procedure, but the exemptions provided by subdivision (b) may be elected in lieu of all other exemptions provided by this chapter, as follows:

(1) If a husband and wife are joined in the petition, they jointly may elect to utilize the applicable exemption provisions of this chapter other than the provisions of subdivision (b), or to utilize the applicable exemptions set forth in subdivision (b), but not both.

(2) If the petition is filed individually, and not jointly, for a husband or a wife, the exemptions provided by this chapter other than the provisions of subdivision (b) are applicable, except that, if both the husband and the wife effectively waive in writing the right to claim, during the period the case commenced by filing the petition is pending, the exemptions provided by the applicable exemption provisions of this chapter, other than subdivision (b), in any case commenced by filing a petition for either of them under Title 11 of the United States Code, then they may elect to instead utilize the applicable exemptions set forth in subdivision (b).

(3) If the petition is filed for an unmarried person, that person may elect to utilize the applicable exemption provisions of this chapter other than subdivision (b), or to utilize the applicable exemptions set forth in subdivision (b), but not both.

(b) The following exemptions may be elected as provided in subdivision (a):

(1) The debtor's aggregate interest, not to exceed seventeen thousand four hundred twenty-five dollars (\$17,425) in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor.

(2) The debtor's interest, not to exceed two thousand seven hundred seventy-five dollars (\$2,775) in value, in one motor vehicle.

(3) The debtor's interest, not to exceed four hundred fifty dollars (\$450) in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(4) The debtor's aggregate interest, not to exceed one thousand one hundred fifty dollars (\$1,150) in value, in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(5) The debtor's aggregate interest, not to exceed in value nine hundred twenty-five dollars (\$925) plus any unused amount of the exemption provided under paragraph (1), in any property.

(6) The debtor's aggregate interest, not to exceed one thousand seven hundred fifty dollars (\$1,750) in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

(7) Any unmatured life insurance contract owned by the debtor, other than a credit life insurance contract.

(8) The debtor's aggregate interest, not to exceed in value nine thousand three hundred dollars (\$9,300), in any accrued dividend or interest under, or loan value of, any unmatured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent.

(9) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(10) The debtor's right to receive any of the following:

(A) A social security benefit, unemployment compensation, or a local public assistance benefit.

(B) A veterans' benefit.

(C) A disability, illness, or unemployment benefit.

(D) Alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.



(E) A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless all of the following apply:

(i) That plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose.

(ii) The payment is on account of age or length of service.

(iii) That plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, or 408A of the Internal Revenue Code of 1986.

(11) The debtor's right to receive, or property that is traceable to, any of the following:

(A) An award under a crime victim's reparation law.

(B) A payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(C) A payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of that individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(D) A payment, not to exceed seventeen thousand four hundred twenty-five dollars (\$17,425), on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent.

(E) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(c) Each dollar amount in effect under this section shall be increased in accordance with the periodic adjustments of similar exemptions provided under federal bankruptcy laws.

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## CHAPTER 43

An act to amend Section 53227.2 of the Government Code, relating to public officers.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 53227.2 of the Government Code is amended to read:

53227.2. For purposes of this article, the following definitions apply:

(a) "Local agency" means a city, city and county, county, district, municipal or public corporation, political subdivision, or other public agency of the state.

(b) "Legislative body" means the board of supervisors of a county or a city and county, the city council of a city, or the governing body of a district, municipal or public corporation, political subdivision, or other public agency of the state.

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#### CHAPTER 44

An act to amend Sections 86, 472b, 564, 638, 912, and 1206 of, and to add Section 89 to, the Code of Civil Procedure, to amend Section 11937 of the Food and Agricultural Code, to amend Section 946.6 of the Government Code, and to amend Sections 16370, 16373, 16376, and 16379 of the Vehicle Code, relating to civil procedure.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 86 of the Code of Civil Procedure is amended to read:

86. (a) The following civil cases and proceedings are limited civil cases:

(1) Cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to twenty-five thousand dollars (\$25,000) or less. This paragraph does not apply to cases that involve the legality of any tax, impost, assessment, toll, or municipal fine, except actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

(2) Actions for dissolution of partnership where the total assets of the partnership do not exceed twenty-five thousand dollars (\$25,000); actions of interpleader where the amount of money or the value of the property involved does not exceed twenty-five thousand dollars (\$25,000).

(3) Actions to cancel or rescind a contract when the relief is sought in connection with an action to recover money not exceeding twenty-five thousand dollars (\$25,000) or property of a value not exceeding twenty-five thousand dollars (\$25,000), paid or delivered under, or in consideration of, the contract; actions to revise a contract where the relief is sought in an action upon the contract if the action otherwise is a limited civil case.

(4) Proceedings in forcible entry or forcible or unlawful detainer where the whole amount of damages claimed is twenty-five thousand dollars (\$25,000) or less.

(5) Actions to enforce and foreclose liens on personal property where the amount of the liens is twenty-five thousand dollars (\$25,000) or less.

(6) Actions to enforce and foreclose, or petitions to release, liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2 (commencing with Section 3109) of Title 15 of Part 4 of Division 3 of the Civil Code, or to enforce and foreclose an assessment lien on a common interest development as defined in Section 1351 of the Civil Code, where the amount of the liens is twenty-five thousand dollars (\$25,000) or less. However, where an action to enforce the lien affects property that is also affected by a similar pending action that is not a limited civil case, or where the total amount of the liens sought to be foreclosed against the same property aggregates an amount in excess of twenty-five thousand dollars (\$25,000), the action is not a limited civil case.

(7) Actions for declaratory relief when brought pursuant to either of the following:

(A) By way of cross-complaint as to a right of indemnity with respect to the relief demanded in the complaint or a cross-complaint in an action or proceeding that is otherwise a limited civil case.

(B) To conduct a trial after a nonbinding fee arbitration between an attorney and client, pursuant to Article 13 (commencing with Section 6200) of Chapter 4 of Division 3 of the Business and Professions Code, where the amount in controversy is twenty-five thousand dollars (\$25,000) or less.

(8) Actions to issue temporary restraining orders and preliminary injunctions, and to take accounts, where necessary to preserve the property or rights of any party to a limited civil case; to make any order or perform any act, pursuant to Title 9 (commencing with Section 680.010) of Part 2 (enforcement of judgments) in a limited civil case; to appoint a receiver pursuant to Section 564 in a limited civil case; to determine title to personal property seized in a limited civil case.

(9) Actions under Article 3 (commencing with Section 708.210) of Chapter 6 of Division 2 of Title 9 of Part 2 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment

debtor where the interest claimed adversely is of a value not exceeding twenty-five thousand dollars (\$25,000) or the debt denied does not exceed twenty-five thousand dollars (\$25,000).

(10) Arbitration-related petitions filed pursuant to either of the following:

(A) Article 2 (commencing with Section 1292) of Chapter 5 of Title 9 of Part 3, except for uninsured motorist arbitration proceedings in accordance with Section 11580.2 of the Insurance Code, if the petition is filed before the arbitration award becomes final and the matter to be resolved by arbitration is a limited civil case under paragraphs (1) to (9), inclusive, of subdivision (a) or if the petition is filed after the arbitration award becomes final and the amount of the award and all other rulings, pronouncements, and decisions made in the award are within paragraphs (1) to (9), inclusive, of subdivision (a).

(B) To confirm, correct, or vacate a fee arbitration award between an attorney and client that is binding or has become binding, pursuant to Article 13 (commencing with Section 6200) of Chapter 4 of Division 3 of the Business and Professions Code, where the arbitration award is twenty-five thousand dollars (\$25,000) or less.

(b) The following cases in equity are limited civil cases:

(1) Cases to try title to personal property when the amount involved is not more than twenty-five thousand dollars (\$25,000).

(2) Cases when equity is pleaded as a defensive matter in any case that is otherwise a limited civil case.

(3) Cases to vacate a judgment or order of the court obtained in a limited civil case through extrinsic fraud, mistake, inadvertence, or excusable neglect.

SEC. 2. Section 89 is added to the Code of Civil Procedure, to read:

89. (a) The existence of a statute relating to the authority of the court in a limited civil case does not, by itself, imply that the same authority does or does not exist in an unlimited civil case.

(b) The existence of a statute relating to the authority of the court in an unlimited civil case does not, by itself, imply that the same authority does or does not exist in a limited civil case.

SEC. 3. Section 472b of the Code of Civil Procedure is amended to read:

472b. When a demurrer to any pleading is sustained or overruled, and time to amend or answer is given, the time so given runs from the service of notice of the decision or order, unless the notice is waived in open court, and the waiver entered in the minutes. When an order sustaining a demurrer without leave to amend is reversed or otherwise remanded by any order issued by a reviewing court, any amended complaint shall be filed within 30 days after the clerk of the reviewing court mails notice of the issuance of the remittitur.

SEC. 4. Section 564 of the Code of Civil Procedure is amended to read:

564. (a) A receiver may be appointed, in the manner provided in this chapter, by the court in which an action or proceeding is pending in any case in which the court is empowered by law to appoint a receiver.

(b) A receiver may be appointed by the court in which an action or proceeding is pending, or by a judge thereof, in the following cases:

(1) In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to the creditor's claim, or between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff, or of any party whose right to or interest in the property or fund, or the proceeds thereof, is probable, and where it is shown that the property or fund is in danger of being lost, removed, or materially injured.

(2) In an action by a secured lender for the foreclosure of a deed of trust or mortgage and sale of property upon which there is a lien under a deed of trust or mortgage, where it appears that the property is in danger of being lost, removed, or materially injured, or that the condition of the deed of trust or mortgage has not been performed, and that the property is probably insufficient to discharge the deed of trust or mortgage debt.

(3) After judgment, to carry the judgment into effect.

(4) After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or pursuant to Title 9 (commencing with Section 680.010) (enforcement of judgments), or after sale of real property pursuant to a decree of foreclosure, during the redemption period, to collect, expend, and disburse rents as directed by the court or otherwise provided by law.

(5) Where a corporation has been dissolved, as provided in Section 565.

(6) Where a corporation is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.

(7) In an action of unlawful detainer.

(8) At the request of the Public Utilities Commission pursuant to Sections 855 and 5259.5 of the Public Utilities Code.

(9) In all other cases where necessary to preserve the property or rights of any party.

(10) At the request of the Office of Statewide Health Planning and Development, or the Attorney General, pursuant to Section 129173 of the Health and Safety Code.

(11) In an action by a secured lender for specific performance of an assignment of rents provision in a deed of trust, mortgage, or separate assignment document. The appointment may be continued after entry of a judgment for specific performance if appropriate to protect, operate, or maintain real property encumbered by a deed of trust or mortgage or

to collect rents therefrom while a pending nonjudicial foreclosure under power of sale in a deed of trust or mortgage is being completed.

(12) In a case brought by an assignee under an assignment of leases, rents, issues, or profits pursuant to subdivision (g) of Section 2938 of the Civil Code.

(c) A receiver may be appointed, in the manner provided in this chapter, including, but not limited to, Section 566, by the superior court in an action brought by a secured lender to enforce the rights provided in Section 2929.5 of the Civil Code, to enable the secured lender to enter and inspect the real property security for the purpose of determining the existence, location, nature, and magnitude of any past or present release or threatened release of any hazardous substance into, onto, beneath, or from the real property security. The secured lender shall not abuse the right of entry and inspection or use it to harass the borrower or tenant of the property. Except in case of an emergency, when the borrower or tenant of the property has abandoned the premises, or if it is impracticable to do so, the secured lender shall give the borrower or tenant of the property reasonable notice of the secured lender's intent to enter and shall enter only during the borrower's or tenant's normal business hours. Twenty-four hours' notice shall be presumed to be reasonable notice in the absence of evidence to the contrary.

(d) Any action by a secured lender to appoint a receiver pursuant to this section shall not constitute an action within the meaning of subdivision (a) of Section 726.

(e) For purposes of this section:

(1) "Borrower" means the trustor under a deed of trust, or a mortgagor under a mortgage, where the deed of trust or mortgage encumbers real property security and secures the performance of the trustor or mortgagor under a loan, extension of credit, guaranty, or other obligation. The term includes any successor in interest of the trustor or mortgagor to the real property security before the deed of trust or mortgage has been discharged, reconveyed, or foreclosed upon.

(2) "Hazardous substance" means (A) any "hazardous substance" as defined in subdivision (f) of Section 25281 of the Health and Safety Code as effective on January 1, 1991, or as subsequently amended, (B) any "waste" as defined in subdivision (d) of Section 13050 of the Water Code as effective on January 1, 1991, or as subsequently amended, or (C) petroleum, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel, or any mixture thereof.

(3) "Real property security" means any real property and improvements, other than a separate interest and any related interest in the common area of a residential common interest development, as the terms "separate interest," "common area," and "common interest

development” are defined in Section 1351 of the Civil Code, or real property consisting of one acre or less that contains 1 to 15 dwelling units.

(4) “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including continuing migration, of hazardous substances into, onto, or through soil, surface water, or groundwater.

(5) “Secured lender” means the beneficiary under a deed of trust against the real property security, or the mortgagee under a mortgage against the real property security, and any successor in interest of the beneficiary or mortgagee to the deed of trust or mortgage.

SEC. 5. Section 638 of the Code of Civil Procedure is amended to read:

638. A referee may be appointed upon the agreement of the parties filed with the clerk, or judge, or entered in the minutes, or upon the motion of a party to a written contract or lease that provides that any controversy arising therefrom shall be heard by a referee if the court finds a reference agreement exists between the parties:

(a) To hear and determine any or all of the issues in an action or proceeding, whether of fact or of law, and to report a statement of decision.

(b) To ascertain a fact necessary to enable the court to determine an action or proceeding.

(c) In any matter in which a referee is appointed pursuant to this section, a copy of the order shall be forwarded to the office of the presiding judge. The Judicial Council shall, by rule, collect information on the use of these referees. The Judicial Council shall also collect information on fees paid by the parties for the use of referees to the extent that information regarding those fees is reported to the court. The Judicial Council shall report thereon to the Legislature by January 1, 2003. This subdivision shall become inoperative on January 1, 2004.

SEC. 6. Section 912 of the Code of Civil Procedure is amended to read:

912. Upon final determination of an appeal by the reviewing court, the clerk of the court shall remit to the trial court a certified copy of the judgment or order of the reviewing court and of its opinion, if any. The clerk of the trial court shall file the certified copy of the judgment and opinion of the reviewing court, shall attach the same to the judgment roll if the appeal was from a judgment, and shall enter a note of the judgment of the reviewing court stating whether the judgment or order appealed from has been affirmed, reversed or modified, in the margin of the original entry of the judgment or order, and also in the register of actions.

SEC. 7. Section 1206 of the Code of Civil Procedure is amended to read:

1206. (a) Upon the levy under a writ of attachment or execution not founded upon a claim for labor, any miner, mechanic, salesman, servant, clerk, laborer or other person who has performed work or rendered personal services for the defendant within 90 days prior to the levy may file a verified statement of the claim therefor with the officer executing the writ, file a copy thereof with the court that issued the writ, and give copies thereof, containing his or her address, to the plaintiff and the defendant, or any attorney, clerk or agent representing them, or mail copies to them by registered mail at their last known address, return of which by the post office undelivered shall be deemed a sufficient service if no better address is available, and that claim, not exceeding nine hundred dollars (\$900), unless disputed, must be paid by the officer, immediately upon the expiration of the time for dispute of the claim as prescribed in Section 1207, from the proceeds of the levy remaining in the officer's hands at the time of the filing of the statement or collectible by the officer on the basis of the writ.

(b) The court issuing the writ must make a notation in the register of actions of every preferred labor claim of which it receives a copy and must endorse on any writ of execution or abstract of judgment issued subsequently in the case that it is issued subject to the rights of a preferred labor claimant or claimants and giving the names and amounts of all preferred labor claims of which it has notice. In levying under any writ of execution the officer making the levy shall include in the amount due under the execution any and all preferred labor claims that have been filed in the action and of which the officer has notice, except any claims that may have been finally disallowed by the court under the procedure provided for herein and of which disallowance the officer has actual notice. The amount due on preferred labor claims that have not been finally disallowed by the court shall be considered a part of the sum due under any writ of attachment or execution in augmentation of the amount thereof and it shall be the duty of any person, firm, association or corporation on whom a writ of attachment or execution is levied to immediately pay to the levying officer the amount of the preferred labor claims, out of any money belonging to the defendant in the action, before paying the principal sum called for in the writ.

(c) If any claim is disputed within the time, and in the manner prescribed in Section 1207, and a copy of the dispute is mailed by registered mail to the claimant or the claimant's attorney at the address given in the statement of claim and the registry receipt is attached to the original of the dispute when it is filed with the levying officer, or is handed to the claimant or the claimant's attorney, the claimant, or the claimant's assignee, must within 10 days after the copy is deposited in



the mail or is handed to the claimant or the claimant's attorney petition the court having jurisdiction of the action on which the writ is based, for a hearing before it to determine the claim for priority, or the claim to priority is barred. If more than one attachment or execution is involved, the petition shall be filed in the court having jurisdiction over the senior attachment or execution. The hearing shall be held within 20 days from the filing of the petition unless the court continues it for good cause. Ten days' notice of the hearing shall be given by the petitioner to the plaintiff and the defendant, and to all parties claiming an interest in the property, or their attorneys. The notice may be informal and need specify merely the name of the court, names of the principal parties to the senior attachment or execution and name of the wage claimant or claimants on whose behalf it is filed but shall specify that the hearing is for the purpose of determining the claim for priority. The plaintiff or the defendant, or any other party claiming an interest may contest the amount or validity of the claim in spite of any confession of judgment or failure to appear or to contest the claim on the part of any other person.

(d) There shall be no cost for filing or hearing the petition and the hearing on the petition shall be informal but all parties testifying must be sworn. Any claimant may appear on the claimant's own behalf at the hearing and may call and examine witnesses to substantiate his or her claim. An appeal may be taken from a judgment in a proceeding under this section in the manner provided for appeals from judgments of the court where the proceeding is had, in an action of the same jurisdictional classification.

(e) The officer shall retain in possession until the determination of the claim for priority so much of the proceeds of the writ as may be necessary to satisfy the claim, and if the claim for priority is allowed, the officer shall pay the amount due, including the claimant's cost of suit, from such proceeds, immediately after the order allowing the claim becomes final.

SEC. 8. Section 11937 of the Food and Agricultural Code is amended to read:

11937. Upon the expiration of 30 days after any judgment becomes final, which is not stayed or satisfied in any action which results in a judgment for damages, the clerk of a court shall forward to the director a certified copy of the judgment or a certified copy of the register of actions, and a certificate of facts relative to the judgment, on a form which is provided by the director.

SEC. 9. Section 946.6 of the Government Code is amended to read:

946.6. (a) Where an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action

to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. Where an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

(1) That application was made to the board under Section 911.4 and was denied or deemed denied.

(2) The reason for failure to present the claim within the time limit specified in Section 911.2.

(3) The information required by Section 910.

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the petitioner from Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:

(1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from Section 945.4.

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time.

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the Attorney General, if the respondent is the state. However, if the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation, service of the petition and notice of the hearing shall be made on the Attorney General or the Director of Transportation. Service on the Attorney General may be accomplished at any of the Attorney General's offices in Los Angeles, Sacramento, San Diego, or San Francisco. Service on the Director of

Transportation may be accomplished only at the Department of Transportation's headquarters office in Sacramento.

(e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.

(f) If the court makes an order relieving the petitioner from Section 945.4, suit on the cause of action to which the claim relates shall be filed with the court within 30 days thereafter.

SEC. 10. Section 16370 of the Vehicle Code is amended to read:

16370. The department shall suspend the privilege of any person to operate a motor vehicle upon receiving a certified copy of a judgment, or a certified copy of the register of actions (or a comparable court record of another jurisdiction) in an action resulting in a judgment for damages, and a certificate of facts relative to the judgment, on a form provided by the department, indicating that the person has failed for a period of 30 days to satisfy a judgment rendered against him or her.

SEC. 11. Section 16373 of the Vehicle Code is amended to read:

16373. (a) The clerk of a court shall, subject to subdivision (b), issue upon the request of a judgment creditor a certified copy of any judgment or a certified copy of the register of actions in an action resulting in a judgment for damages, and a certificate of facts relative to the judgment on a form provided by the department.

(b) The judgment creditor may pay the required fees and request the documents specified in subdivision (a) upon the expiration of 30 days after the judgment has become final, if the judgment has not been stayed or satisfied within the amounts specified in this chapter as shown by the records of the court. The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out this section.

SEC. 12. Section 16376 of the Vehicle Code is amended to read:

16376. (a) If the person against whom judgment is rendered is a nonresident and the person fails within the prescribed time to satisfy the judgment in full or to the extent specified in this chapter, all privileges of operating a motor vehicle in this state given to the person under this code shall be suspended while the judgment remains in effect and unsatisfied and until the nonresident gives proof of his or her financial responsibility in the manner and to the extent provided in Chapter 3 (commencing with Section 16430) for accidents occurring after the date of the giving of proof.

(b) The department shall forward a certified copy of the judgment of a court of record to the appropriate officer in charge of the licensing of drivers in the state of which the person is a resident.

SEC. 13. Section 16379 of the Vehicle Code is amended to read:

16379. (a) The department shall not suspend a license and shall restore any suspended license following nonpayment of a final judgment when the judgment debtor gives proof of financial responsibility for future damages and when the trial court in which the judgment was rendered orders the payment of the judgment in installments and while the payment of any installment payment is not in default.

(b) Whenever the trial court orders the payment of a judgment in installments as provided in this section, upon payment of the required fees by the judgment creditor, it shall forward a certified copy of the order to the department, together with a certified copy of the judgment or a certified copy of the register of actions in an action resulting in a judgment for damages and a certificate of facts relative to the judgment on a form provided by the department.

(c) The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out the provisions of this section.

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## CHAPTER 45

An act to add Section 54957.10 to the Government Code, relating to public meetings.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 54957.10 is added to the Government Code, to read:

54957.10. Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

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## CHAPTER 46

An act to amend Sections 6060, 6060.3, and 6062 of the Business and Professions Code, relating to attorneys.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 6060 of the Business and Professions Code is amended to read:

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who has not been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency or in a foreign country shall:

(a) Be of the age of at least 18 years.  
(b) Be of good moral character.  
(c) Before beginning the study of law, have done either of the following:

(1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the examining committee.

(2) Have attained in apparent intellectual ability the equivalent of at least two years of college work by taking any examinations in such subject matters and achieving the scores thereon as are prescribed by the examining committee.

(d) Have registered with the examining committee as a law student within 90 days after beginning the study of law. The examining committee, upon good cause being shown, may permit a later registration.

(e) Have done any of the following:

(1) Had conferred upon him or her a juris doctor (J.D.) degree or a bachelor of laws (LL.B.) degree by a law school accredited by the examining committee or approved by the American Bar Association.

(2) Studied law diligently and in good faith for at least four years in any of the following manners:

(A) In a law school that is authorized or approved to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year.

A person who has received his or her legal education in a foreign state or country wherein the common law of England does not constitute the basis of jurisprudence shall demonstrate to the satisfaction of the examining committee that his or her education, experience, and qualifications qualify him or her to take the examination.

(B) In a law office in this state and under the personal supervision of a member of the State Bar of California who is, and for at least five years last past continuously has been, engaged in the active practice of law. It

is the duty of the supervising attorney to render any periodic reports to the examining committee as the committee may require.

(C) In the chambers and under the personal supervision of a judge of a court of record of this state. It is the duty of the supervising judge to render any periodic reports to the examining committee as the committee may require.

(D) By instruction in law from a correspondence law school authorized or approved to confer professional degrees by this state, which requires 864 hours of preparation and study per year for four years.

(E) By any combination of the methods referred to in this paragraph (2) of this subdivision.

(f) Have passed any examination in professional responsibility or legal ethics as the examining committee may prescribe.

(g) Have passed the general bar examination given by the examining committee.

(h) (1) Have passed a law students' examination administered by the examining committee after completion of his or her first year of law study. Those who pass the examination within its first three administrations upon becoming eligible to take the examination shall receive credit for all law studies completed to the time the examination is passed. Those who do not pass the examination within its first three administrations upon becoming eligible to take the examination, but who subsequently pass the examination, shall receive credit for one year of legal study only.

(2) This requirement does not apply to a student who has satisfactorily completed his or her first year of law study at a law school accredited by the examining committee and who has completed at least two years of college work prior to matriculating in the accredited law school, nor shall this requirement apply to an applicant who has passed the bar examination of a sister state or of a country in which the common law of England constitutes the basis of jurisprudence.

The law students' examination shall be administered twice a year at reasonable intervals.

SEC. 2. Section 6060.3 of the Business and Professions Code is amended to read:

6060.3. (a) An application to take the California bar examination administered in February must be filed with the examining committee not later than the first business day of the preceding November, and an application to take the California bar examination administered in July must be filed with the examining committee not later than the first business day of the preceding April. However, an applicant who was unsuccessful on the examination last administered shall be allowed 10 business days from the date of the general announcement of results of

that examination in which to timely file an application to take the next scheduled examination.

(b) The examining committee may accept applications to take the California bar examination filed after the timely deadlines specified in subdivision (a) from applicants if the application is accompanied by the timely application fee and the late filing fee fixed by the board as follows:

(1) An application to take the California bar examination filed between the first and last business days in November for the February examination or between the first and last business days of April for the July examination shall be accepted if it is accompanied by the timely filing fee and a late fee not to exceed fifty dollars (\$50).

(2) An application to take the California bar examination filed between the last business day of November and January 15 for the February examination or between the last business day of April and June 15 for the July examination shall be accepted if it is accompanied by the timely filing fee and a late fee not to exceed two hundred fifty dollars (\$250).

(3) An application to take the California bar examination filed after January 15 for the February examination and after June 15 for the July examination shall not be accepted.

(c) Application fees for the California bar examination, including fees for late filing, shall be refunded if the applicant does not take the California bar examination because of the death of an immediate family member or the serious illness or disabling injury of the applicant or a member of his or her immediate family. A deduction may be made from the refund for administrative costs. The board shall adopt regulations for the administration of this subdivision. This subdivision shall not be construed to prohibit the refund of fees in instances other than those specified.

SEC. 3. Section 6062 of the Business and Professions Code is amended to read:

6062. (a) To be certified to the Supreme Court for admission, and a license to practice law, a person who has been admitted to practice law in a sister state, United States jurisdiction, possession, territory, or dependency of the United States may hereafter acquire shall:

(1) Be of the age of at least 18 years.

(2) Be of good moral character.

(3) Have passed the general bar examination given by the examining committee. However, if that person has been an active member in good standing of the bar of the admitting sister state or United States jurisdiction, possession, or territory for at least four years immediately preceding the first day of the examination applied for, he or she may elect to take the Attorneys' Examination rather than the general bar

examination. Attorneys admitted less than four years and attorneys admitted four years or more in another jurisdiction but who have not been active members in good standing of their admitting jurisdiction for at least four years immediately preceding the first day of the examination applied for must take the general bar examination administered to general applicants not admitted as attorneys in other jurisdictions.

(4) Have passed an examination in professional responsibility or legal ethics as the examining committee may prescribe.

(b) To be certified to the Supreme Court for admission, and a license to practice law, a person who has been admitted to practice law in a jurisdiction other than in a sister state, United States jurisdiction, possession, or territory shall:

(1) Be of the age of at least 18 years.

(2) Be of good moral character.

(3) Have passed the general bar examination given by the examining committee.

(4) Have passed an examination in professional responsibility or legal ethics as the examining committee may prescribe.

(c) The amendments to this section made at the 1997–98 Regular Session of the Legislature shall be applicable on and after January 1, 1997, and do not constitute a change in, but are declaratory of, existing law.

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## CHAPTER 47

An act relating to the payment of claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. (a) The sum of eight hundred fifty-nine thousand two hundred five dollars and thirty-five cents (\$859,205.35) is hereby appropriated from the various funds, as specified in subdivision (b), to the Executive Officer of the California Victim Compensation and Government Claims Board to pay claims accepted by the board in accordance with the schedule set forth in subdivision (b). Those payments shall be made from the funds and accounts identified in that schedule. In the case of Budget Act item schedules identified in the



schedule set forth in subdivision (b), those payments shall be made from the funds appropriated in the item schedule.

(b) Pursuant to subdivision (a), claims accepted by the California Victim Compensation and Government Claims Board shall be paid in accordance with the following schedule:

Total for Fund: Bank and Corporation	
Tax Fund (0084) . . . . .	\$3,101.10
Total for Fund: California Beverage Container	
Recycling Fund (0133) . . . . .	\$4,921.00
Total for Fund: Central Valley Water Project	
Construction Fund (0506) . . . . .	\$25,442.67
Total for Fund: Consumer Affairs Fund,	
Professions and Vocations Fund (0702) . . . . .	\$44.39
Total for Fund: Employment Development	
Contingent Fund (0185) . . . . .	\$1,191.39
Total for Fund: Federal Trust Fund (0890) . . . . .	\$145.86
Total for Fund: General Fund (0001) . . . . .	\$49,192.61
Total for Fund: Item 0820-001-0001(1),	
Budget Act of 2000 . . . . .	\$1,250.00
Total for Fund: Item 0820-001-0001(1),	
Budget Act of 2001 . . . . .	\$345.90
Total for Fund: Item 0820-001-0001(7),	
Budget Act of 2001 . . . . .	\$2,089.63
Total for Fund: Item 0845-001-0217(a),	
Budget Act of 1999 . . . . .	\$135.00
Total for Fund: Item 0845-001-0217(c),	
Budget Act of 1999 . . . . .	\$3,292.86
Total for Fund: Item 0860-001-0001(1),	
Budget Act of 2001 . . . . .	\$847.00
Total for Fund: Item 0950-001-0001(a),	
Budget Act of 1999 . . . . .	\$62.00
Total for Fund: Item 1100-001-0001(1),	
Budget Act of 2001 . . . . .	\$732.00
Total for Fund: Item 1730-001-0001(8),	
Budget Act of 2001 . . . . .	\$2,320.00
Total for Fund: Item 2660-001-0042(2),	
Budget Act of 2001 . . . . .	\$49,223.82
Total for Fund: Item 2660-001-0042(10),	
Budget Act of 2001 . . . . .	\$278.00

Total for Fund: Item 2660-001-0042(b), Budget Act of 1999 .....	\$1,000.00
Total for Fund: Item 2660-001-0042(2), Budget Act of 2001 .....	\$1,230.66
Total for Fund: Item 2720-001-0044(1), Budget Act of 2001 .....	\$3,405.70
Total for Fund: Item 2720-001-0044(a), Budget Act of 2000 .....	\$3,380.35
Total for Fund: Item 2740-001-0044(1), Budget Act of 2001 .....	\$127.00
Total for Fund: Item 2920-001-0001(b), Budget Act of 1998 .....	\$1,442.55
Total for Fund: Item 3360-001-0465(c), Budget Act of 2000 .....	\$139.00
Total for Fund: Item 3480-001-0133, Budget Act of 2001 .....	\$15,673.41
Total for Fund: Item 3540-001-0001(1), Budget Act of 2001 .....	\$2,184.36
Total for Fund: Item 3600-001-0200, Budget Act of 2001 .....	\$86.06
Total for Fund: Item 3600-001-0320, Budget Act of 2001 .....	\$556.00
Total for Fund: Item 3720-001-0001(1), Budget Act of 2001 .....	\$1,469.31
Total for Fund: Item 3790-001-0392(1), Budget Act of 2001 .....	\$840.40
Total for Fund: Item 4200-103-0001(a), Budget Act of 1999 .....	\$49,978.00
Total for Fund: Item 4260-001-0001(2), Budget Act of 2001 .....	\$2,617.01
Total for Fund: Item 4260-001-0001(3), Budget Act of 2001 .....	\$7,395.00
Total for Fund: Item 4260-111-0001(9), Budget Act of 2000 .....	\$13,104.70
Total for Fund: Item 4300-001-0001(1), Budget Act of 2001 .....	\$139.00
Total for Fund: Item 4300-003-0001(a), Budget Act of 2000 .....	\$616.00
Total for Fund: Item 4300-003-0001(1), Budget Act of 2001 .....	\$4,495.48

Total for Fund: Item 4300-101-0001(b), Budget Act of 2000 .....	\$34,058.36
Total for Fund: Item 4300-101-0001(2), Budget Act of 2001 .....	\$70.48
Total for Fund: Item 4440-011-0001(2), Budget Act of 2001 .....	\$2,060.00
Total for Fund: Item 4440-011-0001, Budget Act of 1999 .....	\$25.00
Total for Fund: Item 5100-001-0185, Budget Act of 2001 .....	\$3,149.47
Total for Fund: Item 5100-001-0870(a), Budget Act of 2000 .....	\$1,337.28
Total for Fund: Item 5100-001-0870(3), Budget Act of 2001 .....	\$973.00
Total for Fund: Item 5100-001-0870(a), Budget Act of 1999 .....	\$15,320.26
Total for Fund: Item 5100-001-0870(a), Budget Act of 2000 .....	\$139.00
Total for Fund: Item 5100-001-0870(1), Budget Act of 2001 .....	\$199.39
Total for Fund: Item 5160-001-0001(1), Budget Act of 2001 .....	\$5,430.78
Total for Fund: Item 5180-001-0001(3), Budget Act of 2001 .....	\$105.27
Total for Fund: Item 5180-001-0890, Budget Act of 2001 .....	\$874.69
Total for Fund: Item 5240-001-0001(a), Budget Act of 1999 .....	\$11,912.03
Total for Fund: Item 5240-001-0001(a), Budget Act of 2000 .....	\$547.20
Total for Fund: Item 5240-001-0001(1), Budget Act of 2001 .....	\$74,807.61
Total for Fund: Item 5240-001-0001(2), Budget Act of 2001 .....	\$23,138.66
Total for Fund: Item 5240-001-0001(c), Budget Act of 1999 .....	\$413.96
Total for Fund: Item 5240-001-0001(c), Budget Act of 2000 .....	\$4,582.29
Total for Fund: Item 5240-001-0001(3), Budget Act of 2001 .....	\$15,977.81

Total for Fund: Item 5460-001-0001(2), Budget Act of 2001 .....	\$227.06
Total for Fund: Item 8350-001-0001(3), Budget Act of 2001 .....	\$635.00
Total for Fund: Item 8350-001-0001(3), Budget Act of 1998 .....	\$1,353.38
Total for Fund: Item 8350-001-0001(7), Budget Act of 1998 .....	\$31,181.41
Total for Fund: Item 8350-001-0001(3), Budget Act of 2000 .....	\$31.74
Total for Fund: Item 8350-001-0890(6), Budget Act of 1998 .....	\$802.50
Total for Fund: Item 8380-001-0001(d), Budget Act of 2000 .....	\$149.50
Total for Fund: Item 8940-001-0890(a), Budget Act of 1999 .....	\$2,164.08
Total for Fund: Item 8965-001-0001(a), Budget Act of 2000 .....	\$4,573.56
Total for Fund: Item 8965-001-0001(1), Budget Act of 2001 .....	\$215,051.67
Total for Fund: Item 8965-001-0001(a), Budget Act of 2000 .....	\$566.16
Total for Fund: Item 8965-001-0001(a), Budget Act of 2000 .....	\$4,684.92
Total for Fund: Item 8965-001-0001(1), Budget Act of 2001 .....	\$15.21
Total for Fund: Judges' Retirement Fund (0830) . . . .	\$7,806.63
Total for Fund: Motor Vehicle Account, State Transportation Fund (0044) .....	\$85.00
Total for Fund: Public Employees' Health Care Fund (0822) .....	\$944.03
Total for Fund: California Residential Earthquake Recovery Fund (0285) .....	\$79.89
Total for Fund: Special Deposit Fund, Department of Personnel Administration (0942) . .	\$307.76
Total for Fund: Special Deposit Fund, State Department of Social Services (0942) . . . . .	\$730.00
Total for Fund: State Lottery Fund (0562) . . . . .	\$174.46
Total for Fund: State Payroll Revolving Fund (0675) .....	\$1,577.03

Total for Fund: Tax Relief and Refund	
Account (0027) . . . . .	\$120,589.80
Total for Fund: Transportation Fund,	
State Highway Account (0042) . . . . .	\$695.00
Total for Fund: Unemployment	
Administration Fund (0870) . . . . .	\$775.96
Total for Fund: Unemployment	
Compensation Disability Fund (0588) . . . . .	\$6,192.72
Total for Fund: Unemployment Fund (0871) . . . . .	\$7,763.00
Total for Fund: Welfare Advance Fund (0696) . . . . .	\$430.12

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to pay claims against the state and end hardship to claimants as quickly as possible, it is necessary for this act to take effect immediately.

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CHAPTER 48

An act to amend Section 917.7 of the Code of Civil Procedure, relating to appeals.

[Approved by Governor July 4, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Section 917.7 of the Code of Civil Procedure is amended to read:

917.7. The perfecting of an appeal shall not stay proceedings as to those provisions of a judgment or order which award, change, or otherwise affect the custody, including the right of visitation, of a minor child in any civil action, in an action filed under the Juvenile Court Law, or in a special proceeding, or the provisions of a judgment or order for the temporary exclusion of a party from a dwelling, as provided in the Family Code. However, the trial court may in its discretion stay execution of these provisions pending review on appeal or for any other period or periods that it may deem appropriate. Further, in the absence of a writ or order of a reviewing court providing otherwise, the provisions of the judgment or order allowing, or eliminating restrictions

against, removal of the minor child from the state are stayed by operation of law for a period of seven calendar days from the entry of the judgment or order by a juvenile court in a dependency hearing, or for a period of 30 calendar days from the entry of judgment or order by any other trial court. The periods during which these provisions allowing, or eliminating restrictions against, removal of the minor child from the state are stayed, are subject to further stays as ordered by the trial court or by the juvenile court pursuant to this section. An order directing the return of a child to a sister state or country, including any order effectuating that return, made in a proceeding brought pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (Part 3 (commencing with Section 3400) of Division 8 of the Family Code), the Parental Kidnapping Prevention Act of 1980 (28 U.S.C. Sec. 1738A), or the Hague Convention on the Civil Aspects of International Child Abduction (implemented pursuant to the International Child Abduction Remedies Act (42 U.S.C. Secs. 11601-11610)) is not a judgment or order which awards, changes, or otherwise affects the custody of a minor child within the meaning of this section, and therefore is not subject to the automatic stay provisions of this section.

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## CHAPTER 49

An act to amend Section 16249 of, to add Part 19 (commencing with Section 850) to Division 2 of, to repeal Sections 2619.5 and 17200.2 of, to repeal Article 6 (commencing with Section 2520) of Chapter 6 of Part 4 of Division 4 of, to repeal Chapter 11 (commencing with Section 9860) of Part 5 of Division 7 of, and to repeal and add Section 17200.1 of, the Probate Code, relating to estates and trusts.

[Approved by Governor July 5, 2001. Filed with  
Secretary of State July 5, 2001.]

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

SECTION 1. Part 19 (commencing with Section 850) is added to Division 2 of the Probate Code, to read:

### PART 19. CONVEYANCE OR TRANSFER OF PROPERTY CLAIMED TO BELONG TO DECEDENT OR OTHER PERSON

850. (a) The following persons may file a petition requesting that the court make an order under this part:

(1) A guardian, conservator, or any claimant, in the following cases:

(A) Where the conservatee is bound by a contract in writing to convey real property or to transfer personal property, executed by the conservatee while competent or executed by the conservatee's predecessor in interest, and the contract is one that can be specifically enforced.

(B) Where the minor has succeeded to the interest of a person bound by a contract in writing to convey real property or to transfer personal property, and the contract is one that can be specifically enforced.

(C) Where the guardian or conservator or the minor or conservatee is in possession of, or holds title to, real or personal property, and the property or some interest therein is claimed to belong to another.

(D) Where the minor or conservatee has a claim to real or personal property title to or possession of which is held by another.

(2) The personal representative or any interested person in any of the following cases:

(A) Where the decedent while living is bound by a contract in writing to convey real property or to transfer personal property and dies before making the conveyance or transfer and the decedent, if living, could have been compelled to make the conveyance or transfer.

(B) Where the decedent while living binds himself or herself or his or her personal representative by a contract in writing to convey real property or to transfer personal property upon or after his or her death and the contract is one which can be specifically enforced.

(C) Where the decedent died in possession of, or holding title to, real or personal property, and the property or some interest therein is claimed to belong to another.

(D) Where the decedent died having a claim to real or personal property, title to or possession of which is held by another.

(3) The trustee or any interested person in any of the following cases:

(A) Where the trustee is in possession of, or holds title to, real or personal property, and the property, or some interest, is claimed to belong to another.

(B) Where the trustee has a claim to real or personal property, title to or possession of which is held by another.

(C) Where the property of the trust is claimed to be subject to a creditor of the settlor of the trust.

(b) The petition shall set forth facts upon which the claim is based.

851. (a) At least 30 days prior to the day of the hearing, the petitioner shall cause notice of the hearing and a copy of the petition to be served in the manner provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure on all of the following persons where applicable:

(1) The personal representative, conservator, guardian, or trustee as appropriate.

(2) Each person claiming an interest in, or having title to or possession of, the property.

(b) Except for those persons given notice pursuant to subdivision (a), notice of the hearing, together with a copy of the petition, shall be given as provided in Section 1220 if the matter concerns a decedent estate, as provided in Section 1460 if the matter concerns a conservatorship or guardianship, or as provided in Section 17203 if the matter concerns a trust to all of the following persons:

(1) Each person listed in Section 1220 along with any heir or devisee whose interest in the property may be affected by the petition if the matter concerns a decedent estate.

(2) Each person listed in Section 1460 if the matter concerns a conservatorship or guardianship.

(3) Each person listed in Section 17203 if the matter concerns a trust.

(c) The court may not shorten the time for giving the notice of hearing under this section.

852. An interested person may request time for filing a response to the petition for discovery proceedings, or for other preparation for the hearing, and the court shall grant a continuance for a reasonable time for any of these purposes.

853. A person having or claiming title to or an interest in the property which is the subject of the petition may, at or prior to the hearing, object to the hearing of the petition if the petition is filed in a court which is not the proper court under any other provision of law for the trial of a civil action seeking the same relief and, if the objection is established, the court shall not grant the petition.

854. If a civil action is pending with respect to the subject matter of a petition filed pursuant to this chapter and jurisdiction has been obtained in the court where the civil action is pending prior to the filing of the petition, upon request of any party to the civil action, the court shall abate the petition until the conclusion of the civil action. This section shall not apply if the court finds that the civil action was filed for the purpose of delay.

855. An action brought under this part may include claims, causes of action, or matters that are normally raised in a civil action to the extent that the matters are related factually to the subject matter of a petition filed under this part.

856. Except as provided in Sections 853 and 854, if the court is satisfied that a conveyance, transfer, or other order should be made, the court shall make an order authorizing and directing the personal representative or other fiduciary, or the person having title to or possession of the property, to execute a conveyance or transfer to the person entitled thereto, or granting other appropriate relief.



857. (a) The order is prima facie evidence of the correctness of the proceedings and of the authority of the personal representative or other fiduciary or other person to make the conveyance or transfer.

(b) After entry of an order that the personal representative, other fiduciary, or other person execute a conveyance or transfer, the person entitled thereunder has the right to the possession of the property, and the right to hold the property, according to the terms of the order as if the property had been conveyed or transferred in accordance with the terms of the order.

858. If a proceeding has been brought under this part by a conservator on behalf of a conservatee, or by a guardian on behalf of a minor, and the conservatee or minor dies during the pendency of the proceeding, the personal representative of the conservatee or minor's estate or other successor in interest may proceed with the matter and the existing proceeding shall not be dismissed on account of the death of the conservatee or minor.

859. If a court finds that a person has in bad faith wrongfully taken, concealed, or disposed of property belonging to the estate of a decedent, conservatee, minor, or trust, the person shall be liable for twice the value of the property recovered by an action under this part. The remedy provided in this section shall be in addition to any other remedies available in law to a trustee, guardian or conservator, or personal representative or other successor in interest of a decedent.

SEC. 2. Article 6 (commencing with Section 2520) of Chapter 6 of Part 4 of Division 4 of the Probate Code is repealed.

SEC. 3. Section 2619.5 of the Probate Code is repealed.

SEC. 4. Chapter 11 (commencing with Section 9860) of Part 5 of Division 7 of the Probate Code is repealed.

SEC. 5. Section 16249 of the Probate Code is amended to read:

16249. The trustee has the power to prosecute or defend actions, claims, or proceedings for the protection of trust property and of the trustee in the performance of the trustee's duties.

SEC. 6. Section 17200.1 of the Probate Code is repealed.

SEC. 7. Section 17200.1 is added to the Probate Code, to read:

17200.1. All proceedings concerning the transfer of property of the trust shall be conducted pursuant to the provisions of Part 19 (commencing with Section 850) of Division 2.

SEC. 8. Section 17200.2 of the Probate Code is repealed.

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## CHAPTER 50

An act to amend Section 1107.5 of the Corporations Code, relating to corporations.

[Approved by Governor July 6, 2001. Filed with  
Secretary of State July 9, 2001.]

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

SECTION 1. Section 1107.5 of the Corporations Code is amended to read:

1107.5. (a) Upon merger pursuant to this chapter, a surviving corporation shall assume the liability of a domestic disappearing corporation (1) to prepare and file, or to cause to be prepared and filed, tax and information returns otherwise required of the domestic disappearing corporation under the Bank and Corporation Tax Law (Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code) and (2) to pay any tax liability determined to be due.

(b) Notwithstanding Sections 1103, 1108, and 1110 of this code and Section 23334 of the Revenue and Taxation Code, if the surviving corporation is a domestic corporation or a foreign corporation qualified to do business in California, the Secretary of State shall file the merger without the certificate of satisfaction of the Franchise Tax Board and shall notify the Franchise Tax Board of the merger.

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CHAPTER 51

An act to amend Sections 785, 786.5, and 10232.2 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 2001. Filed with  
Secretary of State July 9, 2001.]

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

SECTION 1. Section 785 of the Insurance Code is amended to read:

785. (a) All insurers, brokers, agents, and others engaged in the transaction of insurance owe a prospective insured who is 65 years of age or older, a duty of honesty, good faith, and fair dealing. This duty is in addition to any other duty, whether express or implied, that may exist.

(b) Conduct of an insurer, broker, or agent, or other person engaged in the transaction of insurance, during the offer and sale of a policy or

certificate previous to the purchase is relevant to any action alleging a breach of the duty of good faith and fair dealing.

(c) Except where explicitly provided to the contrary, this article shall not apply to any of the following:

(1) Medicare supplement insurance as defined in subdivision (l) of Section 10192.4.

(2) Long-term care insurance as defined in Section 10231.2.

(3) Disability coverage provided through the insured's employer or former employer.

(4) Disability insurance policies or certificates principally designed to provide coverage for accidents or expenses incurred while traveling if the premium for the policy or certificate is ten dollars (\$10) or less.

(5) Blanket disability insurance as defined in Section 10270.3.

(6) Credit disability insurance as defined in Section 779.2.

(7) Accidental death insurance.

(8) Until January 1, 2002, disability policies or certificates that are sold through direct response methods of delivery.

(9) Disability income insurance as defined in subdivision (i) of Section 799.01.

(d) Provided that the requirements of Section 10296 are met, this article shall not apply to transportation ticket policies and baggage insurance policy types allowable for sale by travel agents pursuant to Section 1753.

SEC. 2. Section 786.5 of the Insurance Code is amended to read:

786.5. (a) All brokers, agents, or other entities offering a contract of disability insurance to persons 65 years of age or older in this state shall provide the prospective insured with a full and accurate written comparison with existing health coverage, and shall explain the relationship of the proposed coverage to any existing health benefits provided by Medicare, Medi-Cal, or any other health benefits available to the applicant. The written comparison shall be maintained in accordance with Section 10508.5. Disability insurers marketing through direct response to persons 65 years of age or older shall include in the application form questions to ascertain whether the prospective insured is currently 65 years of age or older, and whether the prospective insured is covered by Medi-Cal or a Medicare supplement policy. These direct response insurers shall provide the required comparison as early in the transaction as possible, but not later than the delivery of the insurance contract.

(b) The commissioner may prescribe a standard comparison form and an informational brochure that shall be distributed to every prospective insured at the time insurance is offered for sale by an agent, broker, or other producer. In the case of a transportation ticket policy, the informational brochures shall be delivered to the prospective insured not

later than delivery of the insurance contract. Disability insurers marketing through direct response to persons 65 years of age or older shall provide the informational brochure as early in the transaction as possible, but not later than the delivery of the insurance contract.

(c) The amendments to this section made by Assembly Bill 1178 of the 2001–02 Regular Session shall become operative January 1, 2002.

SEC. 3. Section 10232.2 of the Insurance Code is amended to read:

10232.2. (a) Every insurer that offers policies or certificates that are intended to be federally qualified long-term care insurance contracts, including riders to life insurance policies providing long-term care coverage, shall fairly and affirmatively concurrently file, offer, and market long-term care insurance policies or certificates not intended to be federally qualified, as described in subdivision (a) of Section 10232.1.

(b) All long-term care insurance contracts, including riders to life insurance contracts providing long-term care coverage, approved after the effective date of this section shall meet all of the requirements of this chapter.

(c) Until October 1, 2001, or 90 days after approval of contracts submitted for approval pursuant to subdivision (b), whichever comes first, insurers may continue to offer and market previously approved long-term care insurance contracts.

(d) Group policies issued prior to January 1, 1997, shall be allowed to remain in force and not be required to meet the requirements of this chapter, as amended during the 1997 portion of the 1997–98 Regular Session, unless those policies cease to be treated as federally qualified long-term care insurance contracts. If a policy or certificate issued on a group policy of that type ceases to be a federally qualified long-term care insurance contract under the grandfather rules issued by the United States Department of the Treasury pursuant to Section 7702B(f) of the Internal Revenue Code, the insurer shall offer the policy and certificate holders the option to convert, on a guaranteed-issue basis, to a policy or certificate that is federally tax qualified if the insurer sells tax-qualified policies.

(e) It is the intent of the Legislature that the commissioner approve by July 1, 2001, all accurate and complete contracts submitted for approval pursuant to subdivision (b). It is the further intent of the Legislature that insurers submit contracts for approval and resolve further outstanding issues pursuant to subdivision (b) in a timely manner in order for the commissioner to approve the contracts by July 1, 2001.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to immediately make available the protections imposed by this act and to speed the process for the approval of long-term insurance policies that protect the health of senior citizens and others, it is necessary that this act take effect immediately.

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## CHAPTER 52

An act to amend Sections 6301 and 6301.5 of the Business and Professions Code, relating to law library boards of trustees.

[Approved by Governor July 11, 2001. Filed with  
Secretary of State July 11, 2001.]

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

SECTION 1. Section 6301 of the Business and Professions Code is amended to read:

6301. (a) Except as otherwise provided by statute, a board of law library trustees is constituted as follows:

(1) In a county where there are no more than three judges of the superior court, each of those judges is ex officio a trustee. The judges may at their option select only one of their number to serve as a trustee, and in that event they shall appoint two additional trustees who are residents of the county or members of the State Bar.

(2) In a county where there are more than three judges of the superior court, the judges of that court shall elect either four or five of their number to serve as trustees.

(3) Any judge of the superior court who is an ex officio or elected member may, at the judge's option, designate a resident of the county or a member of the State Bar to act for the judge as trustee.

(4) The chair of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chair may appoint a member of the State Bar, any other member of the board of supervisors of the county, or a resident of the county to serve as trustee in place of the chair. The appointment of the person selected in place of the chair of the board of supervisors shall expire when a new chair of the board of supervisors is selected, and that appointment shall not be subject to the provisions of Section 6302.

(5) The board of supervisors shall appoint as many additional trustees, who are members of the State Bar, as may be necessary to constitute a board of at least six and not more than seven members.

(b) No more than two law library trustees may be residents of the county who are not judges of the county, members of the State Bar, or members of the board of supervisors of the county.

SEC. 2. Section 6301.5 of the Business and Professions Code is amended to read:

6301.5. In any county where there are no more than three judges of the superior court, the board of supervisors, with the concurrence of the majority of the incumbent judges of the superior court, may reduce the number of law library trustees to not less than three members.

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## CHAPTER 53

An act to add Section 24045.12 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 11, 2001. Filed with  
Secretary of State July 11, 2001.]

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

SECTION 1. Section 24045.12 is added to the Business and Professions Code, to read:

24045.12. (a) The department may issue a special on-sale general license to an establishment licensed to do business as a bed and breakfast inn.

(b) "Bed and breakfast inn," as used in this section, means an establishment of 20 guestrooms or fewer, that provides overnight transient occupancy accommodations, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal, and with respect to which the price of the food is included in the price of the overnight transient occupancy accommodation. For purposes of this section, "bed and breakfast inn" refers to an establishment as to which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section, the existence of some other legal relationship as between some occupants and the owner or operator is immaterial.

(c) An establishment holding a license under this section is authorized to serve any alcoholic beverage, as defined in Section 23004, only to registered guests of the establishment. The alcoholic beverage may not be given away to guests, but the price of the beverage shall be included in the price of the overnight transient occupancy

accommodation. Guests may not be permitted to remove any alcoholic beverage served in the establishment from the grounds.

(d) An establishment holding a license under this section shall purchase all beer, wine, or distilled spirits for sale on the licensed premises from a licensed wholesaler or winegrower.

(e) The applicant for a license shall accompany the application with an original fee of two hundred dollars (\$200) and shall pay an annual renewal fee of fifteen dollars (\$15) for each guestroom in the establishment, not to exceed a total of two hundred dollars (\$200).

(f) A special on-sale general bed and breakfast inn license may be transferred to another person but not to another location.

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## CHAPTER 54

An act to amend Section 5440, and to add Section 5442.10 to, the Business and Professions Code, relating to outdoor advertising, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 2001. Filed with  
Secretary of State July 11, 2001.]

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

SECTION 1. Section 5440 of the Business and Professions Code is amended to read:

5440. Except as provided in Sections 5441, 5442, 5442.7, 5442.8, 5442.9, and 5442.10, no advertising display may be placed or maintained on property adjacent to a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway.

SEC. 2. Section 5442.10 is added to the Business and Professions Code, to read:

5442.10. (a) Notwithstanding any other provision of this chapter, Section 5440 does not apply to any advertising display if all of the following conditions are met:

(1) Not more than five advertising displays, whose placement or maintenance is otherwise prohibited under this chapter, shall be erected and only if approved by the Oakland-Alameda County Coliseum Authority.

(2) All five advertising displays shall meet the 1,200 square foot size restriction set forth in subdivision (a) of Section 5408. However, subject to subdivision (b), three of the advertising displays may be vertically

oriented so long as those displays do not exceed 60 feet in height and 25 feet in length, including border and trim and excluding base or apron supports, and other structural members.

(3) The display area of each advertising display is measured by the smallest square, rectangle, circle, or combination that will encompass the display area. For purposes of this section, embellishments and secondary signs located in the border or trim around a display area advertising the name of the coliseum complex or the identities of athletic teams who are licensees or lessees of all or portions of the Oakland-Alameda County Coliseum Complex shall not cause the border or trim areas to be included in a display face for measurement purposes. In the case of an LED display advertising on-premises activities at the Oakland-Alameda County Coliseum Complex, or off-premises, noncommercial community activities, the LED portion of the display face shall not be included for measurement purposes.

(4) Placement or maintenance of each advertising display does not require the immediate trimming, pruning, topping, or removal of trees located on a state highway right-of-way to provide visibility to the advertising display, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement of the display.

(5) No advertising display shall advertise products or services that are directed at an adult population, including, but not limited to, alcohol, tobacco, gambling, or sexually explicit material.

(6) Each advertising display shall be located on the Oakland-Alameda County Coliseum Complex property and shall comply with the spacing requirements set forth in subdivision (d) of Section 5408, as implemented by department regulation.

(7) If any advertising display erected pursuant to this section is removed for purposes of a transportation project undertaken by the department, the display owner is entitled to relocate that display within the Oakland-Alameda County Coliseum Complex property, and is not entitled to monetary compensation for the removal or relocation even if relocation is not possible.

(8) The display shall not cause a reduction in federal aid highway funds as provided in Section 131 of Title 23 of the United States Code.

(b) For the specific purpose of this section and in accordance with the Memorandum for Record with the Federal Highway Administration dated January 17, 2001, upon the written request of the Oakland-Alameda County Coliseum Authority on behalf of its licensee or contractor seeking to erect one or more of the three advertising displays allowed by paragraph (2) of subdivision (a) consisting of a size not to exceed 60 feet in height and 25 feet in length, the department shall promptly request Federal Highway Administration approval of that



change in orientation to ensure that the advertising displays will not cause a reduction in federal aid highway funds. Upon receipt of the approval from the Federal Highway Administration, the advertising display or displays may be erected.

(c) For the purposes of this section, the Oakland-Alameda County Coliseum Complex is the real property and improvements located at 7000 Coliseum Way, City of Oakland, and more particularly described in Parcel Map 7000, filed August 1, 1996, Map Book 223, Page 84, Alameda County Records, Assessor's Parcel Nos. 041-3901-008 and 041-3901-009.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances that exist in the City of Oakland. The facts constituting the special circumstances are as follows:

The physical location of property controlled by the Oakland-Alameda County Coliseum Authority in the City of Oakland would benefit the authority if used in the manner allowed by Section 2 of this act with minimal disruption of the purposes served by Section 5440 of the Business and Professions Code and the City of Oakland would benefit from the removal of advertising displays without the payment of compensation.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to exempt a limited number of displays to be located on public property in the City of Oakland from certain restrictions of the Outdoor Advertising Act, at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 55

An act to amend Section 219 of the Code of Civil Procedure, relating to jurors.

[Approved by Governor July 11, 2001. Filed with  
Secretary of State July 11, 2001.]

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

SECTION 1. Section 219 of the Code of Civil Procedure is amended to read:

219. (a) Except as provided in subdivision (b), the jury commissioner shall randomly select jurors for jury panels to be sent to courtrooms for voir dire.

(b) (1) Notwithstanding subdivision (a), no peace officer, as defined in Section 830.1, subdivision (a) of Section 830.2, and subdivision (a) of Section 830.33, of the Penal Code, shall be selected for voir dire in civil or criminal matters.

(2) Notwithstanding subdivision (a), no peace officer, as defined in subdivisions (b) and (c) of Section 830.2 of the Penal Code, shall be selected for voir dire in criminal matters.

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## CHAPTER 56

An act to amend Section 6586.5 of the Government Code, relating to joint powers agencies.

[Approved by Governor July 13, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 6586.5 of the Government Code is amended to read:

6586.5. (a) Notwithstanding Section 6587, an authority, or any entity acting on behalf of or for the benefit of an authority, may not authorize bonds to construct, acquire, or finance a public capital improvement except pursuant to Article 1 (commencing with Section 6500), unless all of the following conditions are satisfied with respect to each capital improvement to be constructed, acquired, or financed:

(1) The authority reasonably expects that the public capital improvement is to be located within the geographic boundaries of one or more local agencies of the authority that is not itself an authority.

(2) A local agency that is not itself an authority, within whose boundaries the public capital improvement is to be located, has approved the financing of the public capital improvement and made a finding of significant public benefit in accordance with the criteria specified in Section 6586 after a public hearing held by that local agency within each county or city and county where the public capital improvement is to be located after notice of the hearing is published once at least five days prior to the hearing in a newspaper of general circulation in each affected county or city and county. If the public capital improvement to be financed will provide infrastructure, services, or a golf course to support, or in conjunction with, any development project, the local agency for

purposes of this subdivision shall be the city, county, or city and county with land use jurisdiction over the development project.

(3) A notice is sent by certified mail at least five business days prior to the hearing held pursuant to paragraph (2) to the Attorney General and to the California Debt and Investment Advisory Commission. This notice shall contain all of the following information:

- (A) The date, time, and exact location of the hearing.
- (B) The name and telephone number of the contact person.
- (C) The name of the joint powers authority.
- (D) The names of all members of the joint powers authority.
- (E) The name, address, and telephone number of the bond counsel.
- (F) The name, address, and telephone number of the underwriter.
- (G) The name, address, and telephone number of the financial adviser, if any.

(H) The name, address, and telephone number of the legal counsel of the authority.

(I) The prospective location of the public capital improvement described by its street address, including city, county, and ZIP Code, or, if none, by a general description designed to inform readers of its specific location, including both the county and the ZIP Code that covers the specific location.

(J) A general functional description of the type and use of the public capital improvement to be financed.

(K) The maximum aggregate face amount of obligations to be issued with respect to the public capital improvement.

(b) Paragraph (3) of subdivision (a) does not apply to bonds:

(1) Issued pursuant to the Community Redevelopment Law, Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code.

(2) To finance transportation facilities and vehicles.

(3) To finance a facility that is located within the boundaries of an authority, provided that the authority that issues those bonds consists of any of the following:

(A) Local agencies with overlapping boundaries.

(B) A county and a local agency or local agencies located entirely within that county.

(C) A city and a local agency or local agencies located entirely within that city.

(4) To finance a facility for which an authority has received an allocation from the California Debt Limit Allocation Committee.

(5) Of an authority that consists of no less than 100 local agencies and the agreement that established that authority requires the governing body of the local agency that is a member of the authority in whose

jurisdiction the facility will be located to approve the facility and the issuance of the bonds.

(c) This section and Section 6586.7 do not apply to bonds issued for any of the following purposes:

(1) To finance the undergrounding of utility and communication lines.

(2) To finance, consistent with the provisions of this chapter, facilities for the generation or transmission of electrical energy for public or private uses and all rights, properties, and improvements necessary therefor, including fuel and water facilities and resources.

(3) To finance facilities for the production, storage, transmission, or treatment of water, recycled water, or wastewater.

(4) To finance public school facilities.

(5) To finance public highways located within the jurisdiction of an authority that is authorized to exercise the powers specified in Chapter 5 (commencing with Section 31100) of Division 17 of the Streets and Highways Code, provided that the authority conducts the noticed public hearing and makes the finding of significant public benefit in accordance with this section.

(d) For purposes of this section, a local agency does not include a private entity.

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## CHAPTER 57

An act to amend Sections 53601, 53601.5, 53601.6, and 53635 of, to repeal Sections 53601.2, 53631.5, and 53635.5 of, and to repeal and add Section 53635.2 of, the Government Code, relating to local agency funds.

[Approved by Governor July 13, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 53601 of the Government Code is amended to read:

53601. This section shall apply to a local agency that is a city, a district, or other local agency that does not pool money in deposits or investments with other local agencies, other than local agencies that have the same governing body. However, Section 53635 shall apply to all local agencies that pool money in deposits or investments with other local agencies that have separate governing bodies. The legislative body of a local agency having money in a sinking fund or money in its treasury

not required for the immediate needs of the local agency may invest any portion of the money that it deems wise or expedient in those investments set forth below. A local agency purchasing or obtaining any securities prescribed in this section, in a negotiable, bearer, registered, or nonregistered format, shall require delivery of the securities to the local agency, including those purchased for the agency by financial advisers, consultants, or managers using the agency's funds, by book entry, physical delivery, or by third-party custodial agreement. The transfer of securities to the counterparty bank's customer book entry account may be used for book entry delivery.

For purposes of this section, "counterparty" means the other party to the transaction. A counterparty bank's trust department or separate safekeeping department may be used for the physical delivery of the security if the security is held in the name of the local agency. Where this section specifies a percentage limitation for a particular category of investment, that percentage is applicable only at the date of purchase. Where this section does not specify a limitation on the term or remaining maturity at the time of the investment, no investment shall be made in any security, other than a security underlying a repurchase or reverse repurchase agreement or securities lending agreement authorized by this section, that at the time of the investment has a term remaining to maturity in excess of five years, unless the legislative body has granted express authority to make that investment either specifically or as a part of an investment program approved by the legislative body no less than three months prior to the investment:

(a) Bonds issued by the local agency, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency or by a department, board, agency, or authority of the local agency.

(b) United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Registered state warrants or treasury notes or bonds of this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state.

(d) Bonds, notes, warrants, or other evidences of indebtedness of any local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

(e) Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued

by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

(f) Bankers acceptances otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchases of bankers acceptances may not exceed 180 days maturity or 40 percent of the agency's money that may be invested pursuant to this section. However, no more than 30 percent of the agency's money may be invested in the bankers acceptances of any one commercial bank pursuant to this section.

This subdivision does not preclude a municipal utility district from investing any money in its treasury in any manner authorized by the Municipal Utility District Act (Division 6 (commencing with Section 11501) of the Public Utilities Code).

(g) Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by Moody's Investors Service, Inc. (Moody's), Standard and Poor's (S&P), or Fitch Financial Services, Inc. (Fitch). The corporation that issues the commercial paper shall be organized and operating within the United States, shall have total assets in excess of five hundred million dollars (\$500,000,000), and shall issue debt, other than commercial paper, if any, that is rated "A" or higher by Moody's, S&P, or Fitch. Eligible commercial paper shall have a maximum maturity of 270 days or less. Local agencies, other than counties or a city and county, may invest no more than 25 percent of their money in eligible commercial paper. Local agencies, other than counties or a city and county, may purchase no more than 10 percent of the outstanding commercial paper of any single corporate issue. Counties or a city and county may invest in commercial paper pursuant to the concentration limits in subdivision (a) of Section 53635.

(h) Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit may not exceed 30 percent of the agency's money which may be invested pursuant to this section. For purposes of this section, negotiable certificates of deposit do not come within Article 2 (commencing with Section 53630), except that the amount so invested shall be subject to the limitations of Section 53638. The legislative body of a local agency and the treasurer or other official of the local agency having legal custody of the money are prohibited from investing local agency funds, or funds in the custody of the local agency, in negotiable certificates of deposit issued by a state or federal credit union if a member of the legislative body of the local agency, or any person with investment decision making authority in the

administrative office manager's office, budget office, auditor-controller's office, or treasurer's office of the local agency also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or the supervisory committee of the state or federal credit union issuing the negotiable certificates of deposit.

(i) (1) Investments in repurchase agreements or reverse repurchase agreements or securities lending agreements of any securities authorized by this section, as long as the agreements are subject to this subdivision, including the delivery requirements specified in this section.

(2) Investments in repurchase agreements may be made, on any investment authorized in this section, when the term of the agreement does not exceed one year. The market value of securities that underlay a repurchase agreement shall be valued at 102 percent or greater of the funds borrowed against those securities and the value shall be adjusted no less than quarterly. Since the market value of the underlying securities is subject to daily market fluctuations, the investments in repurchase agreements shall be in compliance if the value of the underlying securities is brought back up to 102 percent no later than the next business day.

(3) Reverse repurchase agreements or securities lending agreements may be utilized only when all of the following conditions are met:

(A) The security to be sold on reverse repurchase agreement or securities lending agreement has been owned and fully paid for by the local agency for a minimum of 30 days prior to sale.

(B) The total of all reverse repurchase agreements and securities lending agreements on investments owned by the local agency does not exceed 20 percent of the base value of the portfolio.

(C) The agreement does not exceed a term of 92 days, unless the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of a security using a reverse repurchase agreement or securities lending agreement and the final maturity date of the same security.

(D) Funds obtained or funds within the pool of an equivalent amount to that obtained from selling a security to a counterparty by way of a reverse repurchase agreement or securities lending agreement, shall not be used to purchase another security with a maturity longer than 92 days from the initial settlement date of the reverse repurchase agreement or securities lending agreement, unless the reverse repurchase agreement or securities lending agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of a security using a reverse repurchase agreement or securities lending agreement and the final maturity date of the same security.

(4) (A) Investments in reverse repurchase agreements, securities lending agreements, or similar investments in which the local agency sells securities prior to purchase with a simultaneous agreement to repurchase the security, may only be made upon prior approval of the governing body of the local agency and shall only be made with primary dealers of the Federal Reserve Bank of New York or with a nationally or state-chartered bank that has or has had a significant banking relationship with a local agency.

(B) For purposes of this chapter, “significant banking relationship” means any of the following activities of a bank:

(i) Involvement in the creation, sale, purchase, or retirement of a local agency’s bonds, warrants, notes, or other evidence of indebtedness.

(ii) Financing of a local agency’s activities.

(iii) Acceptance of a local agency’s securities or funds as deposits.

(5) (A) “Repurchase agreement” means a purchase of securities by the local agency pursuant to an agreement by which the counterparty seller will repurchase the securities on or before a specified date and for a specified amount and the counterparty will deliver the underlying securities to the local agency by book entry, physical delivery, or by third-party custodial agreement. The transfer of underlying securities to the counterparty bank’s customer book-entry account may be used for book-entry delivery.

(B) “Securities,” for purpose of repurchase under this subdivision, means securities of the same issuer, description, issue date, and maturity.

(C) “Reverse repurchase agreement” means a sale of securities by the local agency pursuant to an agreement by which the local agency will repurchase the securities on or before a specified date and includes other comparable agreements.

(D) “Securities lending agreement” means an agreement under which a local agency agrees to transfer securities to a borrower who, in turn, agrees to provide collateral to the local agency. During the term of the agreement, both the securities and the collateral are held by a third party. At the conclusion of the agreement, the securities are transferred back to the local agency in return for the collateral.

(E) For purposes of this section, the base value of the local agency’s pool portfolio shall be that dollar amount obtained by totaling all cash balances placed in the pool by all pool participants, excluding any amounts obtained through selling securities by way of reverse repurchase agreements, securities lending agreements, or other similar borrowing methods.

(F) For purposes of this section, the spread is the difference between the cost of funds obtained using the reverse repurchase agreement and the earnings obtained on the reinvestment of the funds.



(j) Medium-term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated “A” or better by a nationally recognized rating service. Purchases of medium-term notes shall not include other instruments authorized by this section and may not exceed 30 percent of the agency’s surplus money which may be invested pursuant to this section.

(k) (1) Shares of beneficial interest issued by diversified management companies that invest in the securities and obligations as authorized by subdivisions (a) to (j), inclusive, or subdivisions (m) or (n) and that comply with the investment restrictions of this article and Article 2 (commencing with Section 53630). However, notwithstanding these restrictions, a counterparty to a reverse repurchase agreement or securities lending agreement is not required to be a primary dealer of the Federal Reserve Bank of New York if the company’s board of directors finds that the counterparty presents a minimal risk of default, and the value of the securities underlying a repurchase agreement or securities lending agreement may be 100 percent of the sales price if the securities are marked to market daily.

(2) Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.).

(3) If investment is in shares issued pursuant to paragraph (1), the company shall have met either of the following criteria:

(A) Attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations.

(B) Retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five years’ experience investing in the securities and obligations authorized by subdivisions (a) to (j), inclusive, or subdivisions (m) or (n) and with assets under management in excess of five hundred million dollars (\$500,000,000).

(4) If investment is in shares issued pursuant to paragraph (2), the company shall have met either of the following criteria:

(A) Attained the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations.

(B) Retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less

than five years' experience managing money market mutual funds with assets under management in excess of five hundred million dollars (\$500,000,000).

(5) The purchase price of shares of beneficial interest purchased pursuant to this subdivision shall not include any commission that the companies may charge and shall not exceed 20 percent of the agency's surplus money that may be invested pursuant to this section. However, no more than 10 percent of the agency's surplus funds may be invested in shares of beneficial interest of any one mutual fund pursuant to paragraph (1).

(l) Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance.

(m) Notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Section 53651 as eligible securities for the purpose of securing local agency deposits having a market value at least equal to that required by Section 53652 for the purpose of securing local agency deposits. The securities serving as collateral shall be placed by delivery or book entry into the custody of a trust company or the trust department of a bank which is not affiliated with the issuer of the secured obligation, and the security interest shall be perfected in accordance with the requirements of the Uniform Commercial Code or federal regulations applicable to the types of securities in which the security interest is granted.

(n) Any mortgage passthrough security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable passthrough certificate, or consumer receivable-backed bond of a maximum of five years maturity. Securities eligible for investment under this subdivision shall be issued by an issuer having an "A" or higher rating for the issuer's debt as provided by a nationally recognized rating service and rated in a rating category of "AA" or its equivalent or better by a nationally recognized rating service. Purchase of securities authorized by this subdivision may not exceed 20 percent of the agency's surplus money that may be invested pursuant to this section.

SEC. 2. Section 53601.5 of the Government Code is amended to read:

53601.5. The purchase by a local agency of any investment authorized pursuant to Section 53601 or 53601.1, not purchased directly from the issuer, shall be purchased either from an institution licensed by the state as a broker-dealer, as defined in Section 25004 of the Corporations Code, or from a member of a federally regulated securities exchange, from a national or state-chartered bank, from a savings association or federal association (as defined by Section 5102 of the Financial Code) or from a brokerage firm designated as a primary government dealer by the Federal Reserve bank.

SEC. 3. Section 53601.2 of the Government Code is repealed.

SEC. 4. Section 53601.6 of the Government Code is amended to read:

53601.6. (a) A local agency shall not invest any funds pursuant to this article or pursuant to Article 2 (commencing with Section 53630) in inverse floaters, range notes, or mortgage-derived, interest-only strips.

(b) A local agency shall not invest any funds pursuant to this article or pursuant to Article 2 (commencing with Section 53630) in any security that could result in zero interest accrual if held to maturity. However, a local agency may hold prohibited instruments until their maturity dates. The limitation in this subdivision shall not apply to local agency investments in shares of beneficial interest issued by diversified management companies registered under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.) that are authorized for investment pursuant to subdivision (k) of Section 53601.

SEC. 5. Section 53631.5 of the Government Code is repealed.

SEC. 6. Section 53635 of the Government Code is amended to read:

53635. This section shall apply to a local agency that is a county, a city and a county, or other local agency that pools money in deposits or investments with other local agencies, including local agencies that have the same governing body. However, Section 53601 shall apply to all local agencies that pool money in deposits or investments exclusively with local agencies that have the same governing body.

This section shall be interpreted in a manner that recognizes the distinct characteristics of investment pools and the distinct administrative burdens on managing and investing funds on a pooled basis pursuant to Article 6 (commencing with Section 27130) of Chapter 5 of Division 2 of Title 3.

A local agency that is a county or a city and county may invest in commercial paper pursuant to subdivision (g) of Section 53601, except that the local agency shall be subject to the following concentration limits:

(a) No more than 40 percent of the local agency's money may be invested in eligible commercial paper.

(b) No more than 10 percent of the local agency's money that may be invested pursuant to this section may be invested in the outstanding commercial paper of any single corporate issuer.

(c) No more than 10 percent of the outstanding commercial paper of any single corporate issuer may be purchased by the local agency.

SEC. 7. Section 53635.2 of the Government Code is repealed.

SEC. 8. Section 53635.2 is added to the Government Code, to read: 53635.2. As far as possible, all money belonging to, or in the custody of, a local agency, including money paid to the treasurer or other official to pay the principal, interest, or penalties of bonds, shall be deposited for safekeeping in state or national banks, savings associations, federal associations, credit unions, or federally insured industrial loan companies in this state selected by the treasurer or other official having legal custody of the money; or may be invested in the investments set forth in Section 53601. To be eligible to receive local agency money, a bank, savings association, federal association, or federally insured industrial loan company shall have received an overall rating of not less than "satisfactory" in its most recent evaluation by the appropriate federal financial supervisory agency of its record of meeting the credit needs of California's communities, including low- and moderate-income neighborhoods, pursuant to Section 2906 of Title 12 of the United States Code. Sections 53601.5 and 53601.6 shall apply to all investments that are acquired pursuant to this section.

SEC. 9. Section 53635.5 of the Government Code is repealed.

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## CHAPTER 58

An act to amend Section 25102 of the Corporations Code, relating to securities.

[Approved by Governor July 13, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 25102 of the Corporations Code is amended to read:

25102. The following transactions are exempted from the provisions of Section 25110:

(a) Any offer (but not a sale) not involving any public offering and the execution and delivery of any agreement for the sale of securities pursuant to the offer if (1) the agreement contains substantially the following provision: "The sale of the securities that are the subject of

this agreement has not been qualified with the Commissioner of Corporations of the State of California and the issuance of the securities or the payment or receipt of any part of the consideration therefor prior to the qualification is unlawful, unless the sale of securities is exempt from the qualification by Section 25100, 25102, or 25105 of the California Corporations Code. The rights of all parties to this agreement are expressly conditioned upon the qualification being obtained, unless the sale is so exempt"; and (2) no part of the purchase price is paid or received and none of the securities are issued until the sale of the securities is qualified under this law unless the sale of securities is exempt from the qualification by this section, Section 25100, or 25105.

(b) Any offer (but not a sale) of a security for which a registration statement has been filed under the Securities Act of 1933 but has not yet become effective, or for which an offering statement under Regulation A has been filed but has not yet been qualified, if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under Section 8 of the act and no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law.

(c) Any offer (but not a sale) and the execution and delivery of any agreement for the sale of securities pursuant to the offer as may be permitted by the commissioner upon application. Any negotiating permit under this subdivision shall be conditioned to the effect that none of the securities may be issued and none of the consideration therefor may be received or accepted until the sale of the securities is qualified under this law.

(d) Any transaction or agreement between the issuer and an underwriter or among underwriters if the sale of the securities is qualified, or exempt from qualification, at the time of distribution thereof in this state, if any.

(e) Any offer or sale of any evidence of indebtedness, whether secured or unsecured, and any guarantee thereof, in a transaction not involving any public offering.

(f) Any offer or sale of any security in a transaction (other than an offer or sale to a pension or profit-sharing trust of the issuer) that meets each of the following criteria:

(1) Sales of the security are not made to more than 35 persons, including persons not in this state.

(2) All purchasers either have a preexisting personal or business relationship with the offeror or any of its partners, officers, directors or controlling persons, or managers (as appointed or elected by the members) if the offeror is a limited liability company, or by reason of their business or financial experience or the business or financial experience of their professional advisors who are unaffiliated with and

who are not compensated by the issuer or any affiliate or selling agent of the issuer, directly or indirectly, could be reasonably assumed to have the capacity to protect their own interests in connection with the transaction.

(3) Each purchaser represents that the purchaser is purchasing for the purchaser's own account (or a trust account if the purchaser is a trustee) and not with a view to or for sale in connection with any distribution of the security.

(4) The offer and sale of the security is not accomplished by the publication of any advertisement. The number of purchasers referred to above is exclusive of any described in subdivision (i), any officer, director, or affiliate of the issuer, or manager (as appointed or elected by the members) if the issuer is a limited liability company, and any other purchaser who the commissioner designates by rule. For purposes of this section, a husband and wife (together with any custodian or trustee acting for the account of their minor children) are counted as one person and a partnership, corporation, or other organization that was not specifically formed for the purpose of purchasing the security offered in reliance upon this exemption, is counted as one person. The commissioner may by rule require the issuer to file a notice of transactions under this subdivision. However, the failure to file the notice or the failure to file the notice within the time specified by the rule of the commissioner shall not affect the availability of this exemption. An issuer who fails to file the notice as provided by rule of the commissioner shall, within 15 business days after demand by the commissioner, file the notice and pay to the commissioner a fee equal to the fee payable had the transaction been qualified under Section 25110.

(g) Any offer or sale of conditional sale agreements, equipment trust certificates, or certificates of interest or participation therein or partial assignments thereof, covering the purchase of railroad rolling stock or equipment or the purchase of motor vehicles, aircraft, or parts thereof, in a transaction not involving any public offering.

(h) Any offer or sale of voting common stock by a corporation incorporated in any state if, immediately after the proposed sale and issuance, there will be only one class of stock of the corporation outstanding that is owned beneficially by no more than 35 persons, provided all of the following requirements have been met:

(1) The offer and sale of the stock is not accompanied by the publication of any advertisement, and no selling expenses have been given, paid, or incurred in connection therewith.

(2) The consideration to be received by the issuer for the stock to be issued consists of any of the following:

(A) Only assets (which may include cash) of an existing business enterprise transferred to the issuer upon its initial organization, of which all of the persons who are to receive the stock to be issued pursuant to this exemption were owners during, and the enterprise was operated for, a period of not less than one year immediately preceding the proposed issuance, and the ownership of the enterprise immediately prior to the proposed issuance was in the same proportions as the shares of stock are to be issued.

(B) Only cash or cancellation of indebtedness for money borrowed, or both, upon the initial organization of the issuer, provided all of the stock is issued for the same price per share.

(C) Only cash, provided the sale is approved in writing by each of the existing shareholders and the purchaser or purchasers are existing shareholders.

(D) In a case where after the proposed issuance there will be only one owner of the stock of the issuer, only any legal consideration.

(3) No promotional consideration has been given, paid, or incurred in connection with the issuance. Promotional consideration means any consideration paid directly or indirectly to a person who, acting alone or in conjunction with one or more other persons, takes the initiative in founding and organizing the business or enterprise of an issuer for services rendered in connection with the founding or organizing.

(4) A notice in a form prescribed by rule of the commissioner, signed by an active member of the State Bar of California, is filed with or mailed for filing to the commissioner not later than 10 business days after receipt of consideration for the securities by the issuer. That notice shall contain an opinion of the member of the State Bar of California that the exemption provided by this subdivision is available for the offer and sale of the securities. However, the failure to file the notice as required by this subdivision and the rules of the commissioner shall not affect the availability of this exemption. An issuer who fails to file the notice within the time specified by this subdivision shall, within 15 business days after demand by the commissioner, file the notice and pay to the commissioner a fee equal to the fee payable had the transaction been qualified under Section 25110. The notice, except when filed on behalf of a California corporation, shall be accompanied by an irrevocable consent, in the form that the commissioner by rule prescribes, appointing the commissioner or his or her successor in office to be the issuer's attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against it or its successor that arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the issuer. An issuer on whose behalf a consent has been filed in connection with a previous qualification or exemption from qualification under this law (or

application for a permit under any prior law if the application or notice under this law states that the consent is still effective) need not file another. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless (A) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him or her, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at its last address on file with the commissioner, and (B) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within the further time as the court allows.

(5) Each purchaser represents that the purchaser is purchasing for the purchaser's own account, or a trust account if the purchaser is a trustee, and not with a view to or for sale in connection with any distribution of the stock.

For the purposes of this subdivision, all securities held by a husband and wife, whether or not jointly, shall be considered to be owned by one person, and all securities held by a corporation that has issued stock pursuant to this exemption shall be considered to be held by the shareholders to whom it has issued the stock.

All stock issued by a corporation pursuant to this subdivision as it existed prior to the effective date of the amendments to this section made during the 1996 portion of the 1995–96 Regular Session that required the issuer to have stamped or printed prominently on the face of the stock certificate a legend in a form prescribed by rule of the commissioner restricting transfer of the stock in a manner provided for by that rule shall not be subject to the transfer restriction legend requirement and, by operation of law, the corporation is authorized to remove that transfer restriction legend from the certificates of those shares of stock issued by the corporation pursuant to this subdivision as it existed prior to the effective date of the amendments to this section made during the 1996 portion of the 1995–96 Regular Session.

(i) Any offer or sale (1) to a bank, savings and loan association, trust company, insurance company, investment company registered under the Investment Company Act of 1940, pension or profit-sharing trust (other than a pension or profit-sharing trust of the issuer, a self-employed individual retirement plan, or individual retirement account), or other institutional investor or governmental agency or instrumentality that the commissioner may designate by rule, whether the purchaser is acting for itself or as trustee, or (2) to any corporation with outstanding securities registered under Section 12 of the Securities Exchange Act of 1934 or any wholly owned subsidiary of the corporation that after the offer and sale will own directly or indirectly 100 percent of the outstanding capital stock of the issuer, provided the purchaser represents that it is purchasing



for its own account (or for the trust account) for investment and not with a view to or for sale in connection with any distribution of the security.

(j) Any offer or sale of any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if either of the following apply:

(1) All of the purchasers meet one of the following requirements:

(A) Are and have been during the preceding two years engaged primarily in the business of drilling for, producing, or refining oil or gas (or whose corporate predecessor, in the case of a corporation, has been so engaged).

(B) Are persons described in clause (1) of subdivision (i).

(C) Have been found by the commissioner upon written application to be substantially engaged in the business of drilling for, producing, or refining oil or gas so as not to require the protection provided by this law (which finding shall be effective until rescinded).

(2) The security is concurrently hypothecated to a bank in the ordinary course of business to secure a loan made by the bank, provided that each purchaser represents that it is purchasing for its own account for investment and not with a view to or for sale in connection with any distribution of the security.

(k) Any offer or sale of any security under, or pursuant to, a plan of reorganization under Chapter 11 of the federal bankruptcy law that has been confirmed or is subject to confirmation by the decree or order of a court of competent jurisdiction.

(l) Any offer or sale of an option, warrant, put, call, or straddle, and any guarantee of any of these securities, by a person who is not the issuer of the security subject to the right, if the transaction, had it involved an offer or sale of the security subject to the right by the person, would not have violated Section 25110 or 25130.

(m) Any offer or sale of a stock to a pension, profit-sharing, stock bonus, or employee stock ownership plan, provided that (1) the plan meets the requirements for qualification under Section 401 of the Internal Revenue Code, and (2) the employees are not required or permitted individually to make any contributions to the plan. The exemption provided by this subdivision shall not be affected by whether the stock is contributed to the plan, purchased from the issuer with contributions by the issuer or an affiliate of the issuer, or purchased from the issuer with funds borrowed from the issuer, an affiliate of the issuer, or any other lender.

(n) Any offer or sale of any security in a transaction, other than an offer or sale of a security in a rollup transaction, that meets all of the following criteria:

(1) The issuer is (A) a California corporation or foreign corporation that, at the time of the filing of the notice required under this subdivision,

is subject to Section 2115, or (B) any other form of business entity, including without limitation a partnership or trust organized under the laws of this state. The exemption provided by this subdivision is not available to a “blind pool” issuer, as that term is defined by the commissioner, or to an investment company subject to the Investment Company Act of 1940.

(2) Sales of securities are made only to qualified purchasers or other persons the issuer reasonably believes, after reasonable inquiry, to be qualified purchasers. A corporation, partnership, or other organization specifically formed for the purpose of acquiring the securities offered by the issuer in reliance upon this exemption may be a qualified purchaser if each of the equity owners of the corporation, partnership, or other organization is a qualified purchaser. Qualified purchasers include the following:

(A) A person designated in Section 260.102.13 of Title 10 of the California Code of Regulations.

(B) A person designated in subdivision (i) or any rule of the commissioner adopted thereunder.

(C) A pension or profit-sharing trust of the issuer, a self-employed individual retirement plan, or an individual retirement account, if the investment decisions made on behalf of the trust, plan, or account are made solely by persons who are qualified purchasers.

(D) An organization described in Section 501(c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, each with total assets in excess of five million dollars (\$5,000,000) according to its most recent audited financial statements.

(E) With respect to the offer and sale of one class of voting common stock of an issuer or of preferred stock of an issuer entitling the holder thereof to at least the same voting rights as the issuer’s one class of voting common stock, provided that the issuer has only one-class voting common stock outstanding upon consummation of the offer and sale, a natural person who, either individually or jointly with the person’s spouse, (i) has a minimum net worth of two hundred fifty thousand dollars (\$250,000) and had, during the immediately preceding tax year, gross income in excess of one hundred thousand dollars (\$100,000) and reasonably expects gross income in excess of one hundred thousand dollars (\$100,000) during the current tax year or (ii) has a minimum net worth of five hundred thousand dollars (\$500,000). “Net worth” shall be determined exclusive of home, home furnishings, and automobiles. Other assets included in the computation of net worth may be valued at fair market value.

Each natural person specified above, by reason of his or her business or financial experience, or the business or financial experience of his or her professional adviser, who is unaffiliated with and who is not

compensated, directly or indirectly, by the issuer or any affiliate or selling agent of the issuer, can be reasonably assumed to have the capacity to protect his or her interests in connection with the transaction. The amount of the investment of each natural person shall not exceed 10 percent of the net worth, as determined by this subparagraph, of that natural person.

(F) Any other purchaser designated as qualified by rule of the commissioner.

(3) Each purchaser represents that the purchaser is purchasing for the purchaser's own account (or trust account, if the purchaser is a trustee) and not with a view to or for sale in connection with a distribution of the security.

(4) Each natural person purchaser, including a corporation, partnership, or other organization specifically formed by natural persons for the purpose of acquiring the securities offered by the issuer, receives, at least five business days before securities are sold to, or a commitment to purchase is accepted from, the purchaser, a written offering disclosure statement that shall meet the disclosure requirements of Regulation D (17 C.F.R. 230.501 et seq.), and any other information as may be prescribed by rule of the commissioner, provided that the issuer shall not be obligated pursuant to this paragraph to provide this disclosure statement to a natural person qualified under Section 260.102.13 of Title 10 of the California Code of Regulations. The offer or sale of securities pursuant to a disclosure statement required by this paragraph that is in violation of Section 25401, or that fails to meet the disclosure requirements of Regulation D (17 C.F.R. 230.501 et seq.), shall not render unavailable to the issuer the claim of an exemption from Section 25110 afforded by this subdivision. This paragraph does not impose, directly or indirectly, any additional disclosure obligation with respect to any other exemption from qualification available under any other provision of this section.

(5) (A) A general announcement of proposed offering may be published by written document only, provided that the general announcement of proposed offering sets forth the following required information:

- (i) The name of the issuer of the securities.
- (ii) The full title of the security to be issued.
- (iii) The anticipated suitability standards for prospective purchasers.
- (iv) A statement that (I) no money or other consideration is being solicited or will be accepted, (II) an indication of interest made by a prospective purchaser involves no obligation or commitment of any kind, and, if the issuer is required by paragraph (4) to deliver a disclosure statement to prospective purchasers, (III) no sales will be made or commitment to purchase accepted until five business days after delivery

of a disclosure statement and subscription information to the prospective purchaser in accordance with the requirements of this subdivision.

(v) Any other information required by rule of the commissioner.

(vi) The following legend: "For more complete information about (Name of Issuer) and (Full Title of Security), send for additional information from (Name and Address) by sending this coupon or calling (Telephone Number)."

(B) The general announcement of proposed offering referred to in subparagraph (A) may also set forth the following information:

(i) A brief description of the business of the issuer.

(ii) The geographic location of the issuer and its business.

(iii) The price of the security to be issued, or, if the price is not known, the method of its determination or the probable price range as specified by the issuer, and the aggregate offering price.

(C) The general announcement of proposed offering shall contain only the information that is set forth in this paragraph.

(D) Dissemination of the general announcement of proposed offering to persons who are not qualified purchasers, without more, shall not disqualify the issuer from claiming the exemption under this subdivision.

(6) No telephone solicitation shall be permitted until the issuer has determined that the prospective purchaser to be solicited is a qualified purchaser.

(7) The issuer files a notice of transaction under this subdivision both (A) concurrent with the publication of a general announcement of proposed offering or at the time of the initial offer of the securities, whichever occurs first, accompanied by a filing fee, and (B) within 10 business days following the close or abandonment of the offering, but in no case more than 210 days from the date of filing the first notice. The first notice of transaction under subparagraph (A) shall contain an undertaking, in a form acceptable to the commissioner, to deliver any disclosure statement required by paragraph (4) to be delivered to prospective purchasers, and any supplement thereto, to the commissioner within 10 days of the commissioner's request for the information. The exemption from qualification afforded by this subdivision is unavailable if an issuer fails to file the first notice required under subparagraph (A) or to pay the filing fee. The commissioner has the authority to assess an administrative penalty of up to one thousand dollars (\$1,000) against an issuer that fails to deliver the disclosure statement required to be delivered to the commissioner upon the commissioner's request within the time period set forth above. Neither the filing of the disclosure statement nor the failure by the commissioner to comment thereon precludes the commissioner from taking any action

deemed necessary or appropriate under this division with respect to the offer and sale of the securities.

(o) An offer or sale of any security issued by a corporation or limited liability company pursuant to a purchase plan or agreement, or issued pursuant to an option plan or agreement, where the security at the time of issuance or grant is exempt from registration under the Securities Act of 1933, as amended, pursuant to Rule 701 adopted pursuant to that act (17 C.F.R. 230.701), the provisions of which are hereby incorporated by reference into this section, provided that (1) the terms of any purchase plan or agreement shall comply with Sections 260.140.42, 260.140.45, and 260.140.46 of Title 10 of the California Code of Regulations, (2) the terms of any option plan or agreement shall comply with Sections 260.140.41, 260.140.45, and 260.140.46 of Title 10 of the California Code of Regulations, and (3) the issuer files a notice of transaction in accordance with rules adopted by the commissioner no later than 30 days after the initial issuance of any security under that plan, accompanied by a filing fee as prescribed by subdivision (y) of Section 25608. However, the failure to file the notice of transaction or the failure to file that notice within the time specified in this subdivision shall not affect the availability of this exemption. An issuer that fails to file the notice shall, within 15 business days after demand by the commissioner, file the notice and pay the commissioner a fee equal to the maximum aggregate fee payable had the transaction been qualified under Section 25110.

Offers and sales exempt pursuant to this subdivision shall be deemed to be part of a single, discrete offering and are not subject to integration with any other offering or sale, whether qualified under Chapter 2 (commencing with Section 25110), or otherwise exempt, or not subject to qualification.

(p) An offer or sale of nonredeemable securities to accredited investors (Section 28031) by a person licensed under the Capital Access Company Law (Division 3 (commencing with Section 28000) of Title 4). All nonredeemable securities shall be evidenced by certificates that shall have stamped or printed prominently on their face a legend in a form to be prescribed by rule or order of the commissioner restricting transfer of the securities in the manner as the rule or order provides.

(q) Any offer or sale of any viatical or life settlement contract or fractionalized or pooled interest therein in a transaction that meets all of the following criteria:

(1) Sales of securities described in this subdivision are made only to qualified purchasers or other persons the issuer reasonably believes, after reasonable inquiry, to be qualified purchasers. A corporation, partnership, or other organization specifically formed for the purpose of acquiring the securities offered by the issuer in reliance upon this exemption may be a qualified purchaser only if each of the equity owners

of the corporation, partnership, or other organization is a qualified purchaser. Qualified purchasers include the following:

(A) A person designated in Section 260.102.13 of Title 10 of the California Code of Regulations.

(B) A person designated in subdivision (i) or any rule of the commissioner adopted thereunder.

(C) A pension or profit-sharing trust of the issuer, a self-employed individual retirement plan, or an individual retirement account, if the investment decisions made on behalf of the trust, plan, or account are made solely by persons who are qualified purchasers.

(D) An organization described in Section 501(c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, each with total assets in excess of five million dollars (\$5,000,000) according to its most recent audited financial statements.

(E) A natural person who, either individually or jointly with the person's spouse, (i) has a minimum net worth of one hundred fifty thousand dollars (\$150,000) and had, during the immediately preceding tax year, gross income in excess of one hundred thousand dollars (\$100,000) and reasonably expects gross income in excess of one hundred thousand dollars (\$100,000) during the current tax year or (ii) has a minimum net worth of two hundred fifty thousand dollars (\$250,000). "Net worth" shall be determined exclusive of home, home furnishings, and automobiles. Other assets included in the computation of net worth may be valued at fair market value.

Each natural person specified above, by reason of his or her business or financial experience, or the business or financial experience of his or her professional advisor, who is unaffiliated with and who is not compensated, directly or indirectly, by the issuer or any affiliate or selling agent of the issuer, can be reasonably assumed to have the capacity to protect his or her interests in connection with the transaction.

The amount of the investment of each natural person shall not exceed 10 percent of the net worth, as determined by this subdivision, of that natural person.

(F) Any other purchaser designated as qualified by rule of the commissioner.

(2) Each purchaser represents that the purchaser is purchasing for the purchaser's own account (or trust account, if the purchaser is a trustee) and not with a view to or for sale in connection with a distribution of the security.

(3) Each natural person purchaser, including a corporation, partnership, or other organization specifically formed by natural persons for the purpose of acquiring the securities offered by the issuer, receives, at least five business days before securities described in this subdivision

are sold to, or a commitment to purchase is accepted from, the purchaser, the following information in writing:

(A) The name, principal business and mailing address, and telephone number of the issuer.

(B) The suitability standards for prospective purchasers as set forth in paragraph (1) of this subdivision.

(C) A description of the issuer's type of business organization and the state in which the issuer is organized or incorporated.

(D) A brief description of the business of the issuer.

(E) If the issuer retains ownership or becomes the beneficiary of the insurance policy, an audit report of an independent certified public accountant together with a balance sheet and related statements of income, retained earnings, and cash-flows that reflect the issuer's financial position, the results of the issuer's operations, and the issuer's cash-flows as of a date within 15 months before the date of the initial issuance of the securities described in this subdivision. The financial statements listed in this subparagraph shall be prepared in conformity with generally accepted accounting principles. If the date of the audit report is more than 120 days before the date of the initial issuance of the securities described in this subdivision, the issuer shall provide unaudited interim financial statements.

(F) The names of all directors, officers, partners, members, or trustees of the issuer.

(G) A description of any order, judgment, or decree that is final as to the issuing entity of any state, federal, or foreign country governmental agency or administrator, or of any state, federal or foreign country court of competent jurisdiction (i) revoking, suspending, denying, or censuring for cause any license, permit, or other authority of the issuer or of any director, officer, partner, member, trustee, or person owning or controlling, directly or indirectly, 10 percent or more of the outstanding interest or equity securities of the issuer, to engage in the securities, commodities, franchise, insurance, real estate, or lending business or in the offer or sale of securities, commodities, franchises, insurance, real estate, or loans, (ii) permanently restraining, enjoining, barring, suspending, or censuring any such person from engaging in or continuing any conduct, practice, or employment in connection with the offer or sale of securities, commodities, franchises, insurance, real estate, or loans, (iii) convicting any such person of, or pleading nolo contendere by any such person to, any felony or misdemeanor involving a security, commodity, franchise, insurance, real estate, or loan, or any aspect of the securities, commodities, franchise, insurance, real estate, or lending business, or involving dishonesty, fraud, deceit, embezzlement, fraudulent conversion, or misappropriation of property, or (iv) holding any such person liable in a civil action involving breach

of a fiduciary duty, fraud, deceit, embezzlement, fraudulent conversion, or misappropriation of property. This subparagraph does not apply to any order, judgment, or decree that has been vacated, overturned, or is more than 10 years old.

(H) Notice of the purchaser's right to rescind or cancel the investment and receive a refund pursuant to Section 25508.5.

(I) The name, address, and telephone number of the issuing insurance company, and the name, address, and telephone number of the state or foreign country regulator of the insurance company.

(J) The total face value of the insurance policy and the percentage of the insurance policy the purchaser will own.

(K) The insurance policy number, issue date, and type.

(L) If a group insurance policy, the name, address, and telephone number of the group, and, if applicable, the material terms and conditions of converting the policy to an individual policy, including the amount of increased premiums.

(M) If a term insurance policy, the term and the name, address, and telephone number of the person who will be responsible for renewing the policy if necessary.

(N) That the insurance policy is beyond the state statute for contestability and the reason therefor.

(O) The insurance policy premiums and terms of premium payments.

(P) The amount of the purchaser's moneys that will be set aside to pay premiums.

(Q) The name, address, and telephone number of the person who will be the insurance policy owner and the person who will be responsible for paying premiums.

(R) The date on which the purchaser will be required to pay premiums and the amount of the premium, if known.

(S) A statement to the effect that any projected rate of return to the purchaser from the purchase of a viatical or life settlement contract or a fractionalized or pooled interest therein is based on an estimated life expectancy for the person insured under the life insurance policy; that the return on the purchase may vary substantially from the expected rate of return based upon the actual life expectancy of the insured that may be less than, equal to, or may greatly exceed the estimated life expectancy; and that the rate of return would be higher if the actual life expectancy were less than, and lower if the actual life expectancy were greater than the estimated life expectancy of the insured at the time the viatical or life settlement contract was closed.

(T) A statement that the purchaser should consult with his or her tax advisor regarding the tax consequences of the purchase of the viatical or life settlement contract or fractionalized or pooled interest therein and, if the purchaser is using retirement funds or accounts for that purchase,



whether or not any adverse tax consequences might result from the use of those funds for the purchase of that investment.

(U) Any other information as may be prescribed by rule of the commissioner.

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## CHAPTER 59

An act to amend Sections 11340.85 and 11342.595 of, and to repeal Section 11340.8 of, the Government Code, relating to administrative procedures.

[Approved by Governor July 13, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 11340.8 of the Government Code is repealed.

SEC. 2. Section 11340.85 of the Government Code is amended to read:

11340.85. (a) As used in this section, "electronic communication" includes electronic transmission of written or graphical material by electronic mail, facsimile, or other means, but does not include voice communication.

(b) Notwithstanding any other provision of this chapter that refers to mailing or to oral or written communication:

(1) An agency may permit and encourage use of electronic communication, but may not require use of electronic communication.

(2) An agency may publish or distribute a document required by this chapter or by a regulation implementing this chapter by means of electronic communication, but shall not make that the exclusive means by which the document is published or distributed.

(3) A notice required or authorized by this chapter or by a regulation implementing this chapter may be delivered to a person by means of electronic communication if the person has expressly indicated a willingness to receive the notice by means of electronic communication.

(4) A comment regarding a regulation may be delivered to an agency by means of electronic communication.

(5) A petition regarding a regulation may be delivered to an agency by means of electronic communication if the agency has expressly indicated a willingness to receive a petition by means of electronic communication.

(c) An agency that maintains an Internet Web site or other similar forum for the electronic publication or distribution of written material

shall publish on that Web site or other forum information regarding a proposed regulation or regulatory repeal or amendment, that includes, but is not limited to, the following:

(1) Any public notice required by this chapter or by a regulation implementing this chapter.

(2) The initial statement of reasons prepared pursuant to subdivision (b) of Section 11346.2.

(3) The final statement of reasons prepared pursuant to subdivision (a) of Section 11346.9.

(4) Notice of a decision not to proceed prepared pursuant to Section 11347.

(5) The text of a proposed action or instructions on how to obtain a copy of the text.

(6) A statement of any decision made by the office regarding a proposed action.

(7) The date a rulemaking action is filed with the Secretary of State.

(8) The effective date of a rulemaking action.

(9) A statement to the effect that a business or person submitting a comment regarding a proposed action has the right to request a copy of the final statement of reasons.

(d) Publication under subdivision (c) supplements any other required form of publication or distribution. Failure to comply with this section is not grounds for disapproval of a proposed regulation. Subdivision (c) does not require an agency to establish or maintain a Web site or other forum for the electronic publication or distribution of written material.

(e) Nothing in this section precludes the office from requiring that the material submitted to the office for publication in the California Code of Regulations or the California Regulatory Notice Register be submitted in electronic form.

(f) This section is intended to make the regulatory process more user-friendly and to improve communication between interested parties and the regulatory agencies.

SEC. 3. Section 11342.595 of the Government Code is amended to read:

11342.595. "Proposed action" means the regulatory action, notice of which is submitted to the office for publication in the California Regulatory Notice Register.

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## CHAPTER 60

An act to amend Section 21600 of the Business and Professions Code, relating to junk.

[Approved by Governor July 13, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 21600 of the Business and Professions Code is amended to read:

21600. As used in this article, “junk” means any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, including any and all secondhand and used furniture, pallets, or other personal property, other than livestock, or parts or portions thereof.

As used in this section, “scrap metals and alloys” includes, but is not limited to, materials and equipment commonly used in construction, agricultural operations and electrical power generation, railroad equipment, oil well rigs, nonferrous materials, stainless steel, and nickel which are offered for sale to any junk dealer or recycler, but does not include scrap iron, household generated waste, or aluminum beverage containers, as defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code.

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CHAPTER 61

An act to amend Section 1411 of the Financial Code, relating to banks.

[Approved by Governor July 13, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 1411 of the Financial Code is amended to read:

1411. Subject to any order or regulation of the commissioner, an industrial bank may accept deposits evidenced by a deposit account or by certificates, that are redeemable prior to their stated maturity, but may not accept demand deposits.

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CHAPTER 62

An act to amend Section 868.8 of the Penal Code, relating to criminal proceedings.

[Approved by Governor July 16, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 868.8 of the Penal Code is amended to read:

868.8. Notwithstanding any other provision of law, in any criminal proceeding in which the defendant is charged with a violation of Section 243.4, 261, 273a, 273d, 285, 286, 288, 288a, 288.5, or 289, subdivision (1) of Section 314, Section 647.6, or former Section 647a, or any crime that constitutes domestic violence defined in Section 13700, committed with or upon a person with a disability or a minor under the age of 11, the court shall take special precautions to provide for the comfort and support of the person with a disability or minor and to protect him or her from coercion, intimidation, or undue influence as a witness, including, but not limited to, any of the following:

(a) In the court's discretion, the witness may be allowed reasonable periods of relief from examination and cross-examination during which he or she may retire from the courtroom. The judge may also allow other witnesses in the proceeding to be examined when the person with a disability or child witness retires from the courtroom.

(b) Notwithstanding Section 68110 of the Government Code, in his or her discretion, the judge may remove his or her robe if the judge believes that this formal attire intimidates the person with a disability or the minor.

(c) In the court's discretion the judge, parties, witnesses, support persons, and court personnel may be relocated within the courtroom to facilitate a more comfortable and personal environment for the person with a disability or child witness.

(d) In the court's discretion, the taking of the testimony of the person with a disability or the minor may be limited to normal school hours if there is no good cause to take the testimony of the person with a disability or the minor during other hours.

(e) For the purposes of this section, the term "disability" is defined in subdivision (i) of Section 12926 of the Government Code.

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## CHAPTER 63

An act to add Section 13.2 to the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley Water District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 13.2 is added to the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), to read:

13.2. For the purposes of levying special taxes pursuant to paragraph (2) of Section 13, the district may impose special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code at minimum uniform rates per land use category and size. The district may provide an exemption from these taxes for residential parcels owned and occupied by one or more taxpayers who are at least 65 years of age if the total household income is less than an amount that is approved by the voters of the district.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to enable the Santa Clara Valley Water District to finance projects in an equitable manner as soon as possible, consistent with the will of the electorate, it is necessary that this act take effect immediately.

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## CHAPTER 64

An act to repeal Section 62000.8 of the Education Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 62000.8 of the Education Code is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act implements a federal law or regulation and results only in costs mandated by the federal government, within the meaning of Section 17556 of the Government Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of

Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make state laws relating to pupils with exceptional needs conform to federal law, thereby ensuring that educational agencies that comply with state laws are also in compliance with current federal laws, it is necessary that this act take effect immediately.

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## CHAPTER 65

An act to amend Sections 19605.7 and 19605.71 of, and to add Section 19617.75 to, the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 19605.7 of the Business and Professions Code is amended to read:

19605.7. The total percentage deducted from wagers at satellite wagering facilities in the northern zone shall be the same as the deductions for wagers at the racetrack where the racing meeting is being conducted and shall be distributed as set forth in this section. Amounts deducted under this section shall be distributed as follows:

(a) For thoroughbred meetings, 1.3 percent of the amount handled by the satellite wagering facility on conventional and exotic wagers shall be distributed to the racing association for payment to the state as a license fee, 2 percent shall be distributed to the satellite wagering facility as a commission for the right to do business, as a franchise, and this commission is not for the use of any real property, 2.5 percent or the amount of actual operating expenses, as determined by the board, whichever is less, shall be distributed to an organization described in Section 19608.2, and 0.54 percent shall be deposited with the official registering agency pursuant to subdivision (a) of Section 19617.2 and shall thereafter be distributed in accordance with subdivisions (b), (c) and (d) of Section 19617.2, and 0.033 percent distributed to the Center for Equine Health and 0.067 percent distributed to the California Animal Health and Food Safety Laboratory, School of Veterinary Medicine, University of California at Davis. It is the intent of the Legislature that the 0.033 percent of funds distributed to the Center for Equine Health shall supplement, and not supplant, other funding sources.

(b) For harness, quarter horse, Appaloosa, Arabian, or mixed breed meetings, 0.4 percent of the amount handled by the satellite wagering facility on conventional and exotic wagers shall be distributed to the racing association for payment to the state as a license fee, for fair meetings, 1 percent of the amount handled by the satellite wagering facility on conventional and exotic wagers shall be distributed to the fair association for payment to the state as a license fee, 2 percent shall be distributed to the satellite wagering facility as a commission for the right to do business, as a franchise, and this commission is not for the use of any real property, and 6 percent of the amount handled by the satellite wagering facility or the amount of actual operating expenses, as determined by the board, whichever is less, shall be distributed to an organization described in Section 19608.2. In addition, in the case of quarter horses, 0.4 percent shall be deposited with the official registering agency pursuant to subdivision (b) of Section 19617.7 and shall thereafter be distributed in accordance with subdivisions (c), (d), and (e) of Section 19617.7; in the case of Appaloosas, 0.4 percent shall be deposited with the official registering agency pursuant to subdivision (b) of Section 19617.9 and shall thereafter be distributed in accordance with subdivisions (c), (d), and (e) of Section 19617.9; in the case of Arabians, 0.4 percent shall be held by the association to be deposited with the official registering agency pursuant to Section 19617.8, and shall thereafter be distributed in accordance with Section 19617.8; in the case of standardbreds, 0.4 percent shall be distributed for the California Standardbred Sires Stakes Program pursuant to Section 19619; in the case of thoroughbreds, 0.48 percent shall be deposited with the official registering agency pursuant to subdivision (a) of Section 19617.2 and shall thereafter be distributed in accordance with subdivisions (b), (c), and (d) of Section 19617.2; and 0.033 percent shall be distributed to the Center for Equine Health and 0.067 percent shall be distributed to the California Animal Health and Food Safety Laboratory, School of Veterinary Medicine, University of California at Davis. It is the intent of the Legislature that the 0.033 percent of funds distributed to the Center for Equine Health shall supplement, and not supplant, other funding sources.

(c) In addition to the distributions specified in subdivision (a) and (b), for mixed breed meetings, 1 percent of the total amount handled by each satellite wagering facility shall be distributed to an organization described in Section 19608.2 for promotion of the program at satellite wagering facilities. For harness meetings, 0.5 percent of the total amount handled by each satellite wagering facility shall be distributed to an organization described in Section 19608.2 for the promotion of the program at satellite wagering facilities, and 0.5 percent of the total amount handled by each satellite wagering facility shall be distributed

according to a written agreement for each race meeting between the licensed racing association and the organization representing the horsemen participating in the meeting. For quarter horse meetings 0.5 percent of the total amount handled by satellite wagering facility on races run in California shall be distributed to an organization described in Section 19608.2 for the promotion of the program at satellite wagering facilities, 0.5 percent of the total amount handled by each satellite wagering facility on out-of-state and out-of-country imported races shall be distributed to the official quarter horse registering agency for the purposes of Section 19617.75, and 0.5 percent of the total amount handled by each satellite wagering facility on all races shall be distributed according to a written agreement for each race meeting between the licensed racing association and the organization representing the horseman participating in the meeting.

(d) Additionally, for thoroughbred, harness, quarter horse, mixed breed, and fair meetings, 0.33 percent of the total amount handled by each satellite wagering facility shall be paid to the city or county in which the satellite wagering facility is located pursuant to Section 19610.3 or 19610.4.

(e) Notwithstanding any other provision of law, a racing association is responsible for the payment of the state license fee as required by this section.

SEC. 2. Section 19605.71 of the Business and Professions Code is amended to read:

19605.71. The total percentage deducted from wagers at satellite wagering facilities in the central and southern zone shall be the same as the percentage deducted from wagers at the racetrack where the racing meeting is being conducted and shall be distributed as set forth in this section. Amounts deducted by a satellite wagering facility under this section shall be distributed as follows:

(a) For thoroughbred meetings, 2 percent of the amount handled by the satellite wagering facility on conventional and exotic wagers shall be distributed to the racing association for payment to the state as a license fee, 2 percent shall be distributed to the satellite wagering facility as a commission for the right to do business, as a franchise, and this commission is not for the use of any real property, 2.5 percent or the amount of actual operating expenses, as determined by the board, whichever is less, shall be distributed to an organization described in Section 19608.2, and 0.54 percent shall be deposited with the official registering agency pursuant to subdivision (a) of Section 19617.2 and shall thereafter be distributed in accordance with subdivisions (b), (c), and (d) of Section 19617.2, and 0.033 percent shall be distributed to the Center for Equine Health and 0.067 percent shall be distributed to the California Animal Health and Food Safety Laboratory, School of



Veterinary Medicine, University of California at Davis. It is the intent of the Legislature that the 0.033 percent of funds distributed to the Center for Equine Health shall supplement, and not supplant, other funding sources.

(b) For harness, quarter horse, Appaloosa, Arabian, or mixed breed meetings, 0.4 percent of the amount handled by the satellite wagering facility on conventional and exotic wagers shall be distributed to the racing association for payment to the state as a license fee, for fair meetings, 1 percent of the amount handled by the satellite wagering facility on conventional and exotic wagers shall be distributed to the racing association for payment to the state as a license fee, 2 percent shall be distributed to the satellite wagering facility as a commission for the right to do business, as a franchise, and this commission is not for the use of any real property, and 6 percent of the amount handled by the satellite wagering facility or the amount of actual operating expenses, as determined by the board, whichever is less, distributed to an organization described in Section 19608.2. In addition, in the case of quarter horses, 0.4 percent shall be deposited with the official registering agency pursuant to subdivision (b) of Section 19617.7 and shall thereafter be distributed in accordance with subdivisions (c), (d), and (e) of Section 19617.7; in the case of Appaloosas, 0.4 percent shall be deposited with the official registering agency pursuant to subdivision (b) of Section 19617.9 and shall thereafter be distributed in accordance with subdivisions (c), (d), and (e) of Section 19617.9; in the case of Arabians, 0.4 percent shall be held by the association to be deposited with the official registering agency, pursuant to Section 19617.8, and thereafter shall be distributed in accordance with Section 19617.8; in the case of standardbreds, 0.4 percent shall be distributed for the California Standardbred Sires Stakes Program pursuant to Section 19619; in the case of thoroughbreds, 0.48 percent shall be deposited with the official registering agency pursuant to subdivision (a) of Section 19617.2 and shall thereafter be distributed in accordance with subdivisions (b), (c), and (d) of Section 19617.2; and 0.033 percent shall be distributed to the Center for Equine Health and 0.067 percent shall be distributed to the California Animal Health and Food Safety Laboratory, School of Veterinary Medicine, University of California at Davis. It is the intent of the Legislature that the 0.033 percent of funds distributed to the Center for Equine Health shall supplement, and not supplant, other funding sources.

(c) In addition, for Appaloosa and mixed breed meetings, 1 percent shall be distributed to an organization described in Section 19608.2 for promotion of the program at satellite wagering facilities. Notwithstanding any other provision of law, on wagers made in the Counties of Orange and Los Angeles on thoroughbred races conducted

in the County of Orange or Los Angeles, or both, excluding the 50th District Agricultural Association, the amount deducted for promotion of the satellite wagering program at satellite wagering facilities shall be 0.5 percent. Any of the promotion funds that are not distributed in the year in which they are collected may be distributed in the following year. If promotion funds distributed in any year exceed the amount collected for that year, the funds distributed in the following year shall be reduced by the excess amount. For harness meetings, 0.5 percent of the total amount handled by each satellite wagering facility shall be distributed to an organization described in Section 19608.2 for the promotion of the program at satellite wagering facilities, and 0.5 percent of the total amount handled by each satellite wagering facility shall be distributed according to a written agreement for each race meeting between the licensed racing association and the organization representing the horsemen participating in the meeting. For quarter horse meetings 0.5 percent of the total amount handled by satellite wagering facility on races run in California shall be distributed to an organization described in Section 19608.2 for the promotion of the program at satellite wagering facilities, 0.5 percent of the total amount handled by each satellite wagering facility on out-of-state and out-of-country imported races shall be distributed to the official quarter horse registering agency for the purposes of Section 19617.75, and 0.5 percent of the total amount handled by each satellite wagering facility on all races shall be distributed according to a written agreement for each race meeting between the licensed racing association and the organization representing the horseman participating in the meeting.

(d) Additionally, for thoroughbred, harness, quarter horse, mixed breed, and fair meetings, 0.33 percent of the total amount handled by the satellite wagering facility shall be paid to the city or county in which the satellite wagering facility is located pursuant to Section 19610.3 or 19610.4.

(e) Notwithstanding any other provision of law, a racing association is responsible for the payment of the state license fee as required by this section.

SEC. 3. Section 19617.75 is added to the Business and Professions Code, to read:

19617.75. (a) The Legislature finds and declares that the breeding and ownership of quarter horses for racing is an industry that has proven to be beneficial to the welfare of the state's economic growth. The Legislature further finds and declares that an annual California-bred Quarter Horses Championship races program will further expand and improve the quality of mares bred to California stallions and promote ownership of quality breeding stock in the State of California, which

thereby will establish a foundation for expanded investment in this great industry.

(b) It is the intent of the Legislature that in addition to the awards, premiums, and payments provided for in Section 19617.7, the official registering agency for quarter horses shall establish a separate, segregated account for the deposit of funds distributed to it pursuant to subdivision (c) of Section 19605.7 and subdivision (c) of Section 19605.71. Moneys in this fund shall be used to supplement purses in the annual California-bred Quarter Horse Championship races, to be established pursuant to regulation of the California Horse Racing Board. The distribution of these purse moneys among these races shall be made pursuant to mutual agreement between the quarter horse association and the registering agency. On June 1 of each year, the official registering agency shall provide the board with an annual report accounting for the current and projected balance of this separate fund. Furthermore, it is the intent of the Legislature that the authorization for this fund be retroactive from June 1, 2000, so as to enable the running of the 2001 California-bred Quarter Horse Championship races.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to enable the California Horse Racing Board to authorize and provide for the establishment of the California-bred Quarter Horse Championship races for the 2001 quarter horse meeting, it is necessary that this act take effect immediately.

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## CHAPTER 66

An act to amend Sections 50262, 50264, and 50265 of the Government Code, relating to local human relations commissions.

[Approved by Governor July 16, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 50262 of the Government Code is amended to read:

50262. The governing body of any city or county may, by ordinance, create a commission on human relations. The governing body shall determine the number of members of the commission, the terms of the members, the manner of appointment of the members, the selection of

a chairperson and the compensation, if any, to be paid to them. In selecting the membership of the commission, the governing body shall take into consideration, among other things, people from groups of various race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, or civic interest, and people from other groups subject to prejudice and discrimination. The establishment of a commission at one level of local government shall not preclude establishment of a commission at other levels of local government.

SEC. 2. Section 50264 of the Government Code is amended to read: 50264. It shall be the responsibility of the commission:

(a) To foster mutual respect and understanding among all people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors.

(b) To make any studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes.

(c) To inquire into incidents of tension and conflict among or between people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, and to take action by means of conciliation, conference, and persuasion to alleviate those tensions and conflict.

(d) To conduct and recommend any educational programs as, in the judgment of the commission, will increase good will among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

SEC. 3. Section 50265 of the Government Code is amended to read: 50265. A commission on human relations created under the provisions of Section 50262 shall discharge the following obligations:

(a) To hold conferences, and other public meetings, in the interest of the constructive resolution of tensions, prejudice, and discrimination among or between groups of people, including people subject to prejudice and discrimination due to race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors.

(b) To issue any publications and reports of investigation as in its judgment will tend to effectuate the purposes of this article.

(c) To enlist the cooperation and participation of a variety of people, including people subject to prejudice and discrimination due to race,

religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity.

(d) To encourage and stimulate agencies under the jurisdiction of the local governing body that created the commission to take any action as will fulfill the purposes of this article.

(e) To submit an annual report to the governing body.

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## CHAPTER 67

An act to add Section 31683 to the Government Code, relating to retirement.

[Approved by Governor July 16, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 31683 is added to the Government Code, to read:

31683. (a) The board of supervisors in a county of the ninth class, as defined in Sections 28020 and 28030, may elect to provide an additional benefit to members who retired and to their surviving beneficiaries who are receiving allowances under this system, if the following conditions are satisfied:

(1) A qualified actuary determines the cost of the payments authorized by this section.

(2) The board of retirement fully funds the costs of the payments by this section through a transfer of funds from the reserves as provided in Section 31592.2.

(b) The payments shall be made monthly only to those members and their surviving beneficiaries who are receiving allowances under this system on a date established by the board of retirement.

(c) The first payment shall be effective on the first day of the first full month that occurs after adoption of this section by the board of supervisors.

(d) The amount of each additional monthly benefit to a retired member shall be two hundred dollars (\$200).

(e) Notwithstanding subdivision (d), the monthly payments to beneficiaries of members pursuant to Section 31760.1, 31765.1, 31781.1, or 31785, or to beneficiaries who elect a combined benefit pursuant to Section 31781.3 shall be one hundred twenty dollars (\$120).

(f) Notwithstanding subdivision (d), the monthly payments to beneficiaries of members who elected optional settlement three pursuant to Section 31763 shall be one hundred dollars (\$100).

(g) The payments made pursuant to this section shall be considered a part of the monthly allowance and shall be increased by any subsequent cost-of-living allowance under Article 16.5 (commencing with Section 31870).

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## CHAPTER 68

An act to amend Section 830.1 of the Penal Code, relating to peace officers.

[Approved by Governor July 16, 2001. Filed with  
Secretary of State July 16, 2001.]

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

SECTION 1. Section 830.1 of the Penal Code is amended to read:  
830.1. (a) Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county, any chief of police of a city or chief, director, or chief executive officer of a consolidated municipal public safety agency which performs police functions, any police officer, employed in that capacity and appointed by the chief of police or chief, director, or chief executive of a public safety agency, of a city, any chief of police, or police officer of a district (including police officers of the San Diego Unified Port District Harbor Police) authorized by statute to maintain a police department, any marshal or deputy marshal of a municipal court, any port warden or special officer of the Harbor Department of the City of Los Angeles, or any inspector or investigator employed in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer.

(2) Where the peace officer has the prior consent of the chief of police or chief, director, or chief executive officer of a consolidated municipal public safety agency, or person authorized by him or her to give consent,

if the place is within a city or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.

(3) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

(b) Special agents and Attorney General investigators of the Department of Justice are peace officers, and those assistant chiefs, deputy chiefs, chiefs, deputy directors, and division directors designated as peace officers by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state where a public offense has been committed or where there is probable cause to believe one has been committed.

(c) Any deputy sheriff of a county of the first class, and any deputy sheriff of the Counties of Riverside and San Diego, who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.

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## CHAPTER 69

An act to add Section 12656 to the Government Code, relating to false claims.

[Approved by Governor July 17, 2001. Filed with  
Secretary of State July 17, 2001.]

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

SECTION 1. Section 12656 is added to the Government Code, to read:

12656. (a) If a violation of this article is alleged or the application or construction of this article is in issue in any proceeding in the Supreme Court of California, a state court of appeal, or the appellate division of a superior court, the person or political subdivision that commenced that proceeding shall serve a copy of the notice or petition initiating the

proceeding, and a copy of each paper, including briefs, that the person or political subdivision files in the proceeding within three days of the filing, on the Attorney General, directed to the attention of the False Claims Section in Sacramento, California.

(b) Timely compliance with the three-day time period is a jurisdictional prerequisite to the entry of judgment, order, or decision construing or applying this article by the court in which the proceeding occurs, except that within that three-day period or thereafter, the time for compliance may be extended by the court for good cause.

(c) The court shall extend the time period within which the Attorney General is permitted to respond to an action subject to this section by at least the same period of time granted for good cause pursuant to subdivision (b) to the person or political subdivision that commenced the proceeding.

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## CHAPTER 70

An act to amend Sections 9115 and 9309 of the Elections Code, relating to local initiative petitions.

[Approved by Governor July 17, 2001. Filed with  
Secretary of State July 17, 2001.]

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

SECTION 1. Section 9115 of the Elections Code is amended to read:

9115. (a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9114 shows that more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn so that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify each signature filed.



(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

SEC. 2. Section 9309 of the Elections Code is amended to read:

9309. (a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9308, more than 500 signatures have been signed on the petition, the district elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. A random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the district elections official, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, shall examine and verify each signature filed.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the district elections official may use the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The district elections official shall attach to the petition, a certificate showing the result of this examination, and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the district elections official shall certify the results of the examination to the governing board of the district at the next regular meeting of the board.

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## CHAPTER 71

An act to amend Section 3605 of the Penal Code, relating to death penalty executions.

[Approved by Governor July 17, 2001. Filed with  
Secretary of State July 17, 2001.]

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

SECTION 1. Section 3605 of the Penal Code is amended to read:

3605. (a) The warden of the state prison where the execution is to take place shall be present at the execution and shall, subject to any applicable requirement or definition set forth in subdivision (b), invite the presence of the Attorney General, the members of the immediate family of the victim or victims of the defendant, and at least 12 reputable citizens, to be selected by the warden. The warden shall, at the request of the defendant, permit those ministers of the Gospel, not exceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with those peace officers or any other Department of Corrections employee as he or she may think expedient, to witness the execution. But no other persons than those specified in this section may be present at the execution, nor may any person under 18 years of age be allowed to witness the execution.

(b) (1) For purposes of an invitation required by subdivision (a) to members of the immediate family of the victim or victims of the defendant, the warden of the state prison where the execution is to take place shall make the invitation only if a member of the immediate family of the victim or victims of the defendant so requests in writing. In the event that a written request is made, the warden of the state prison where the execution is to take place shall automatically make the invitation 30 days prior to the date of an imminent execution or as close to this date as practicable.

(2) For purposes of this section, "immediate family" means those persons who are related by blood, adoption, or marriage, within the second degree of consanguinity or affinity.

(c) No physician or any other person invited pursuant to this section, whether or not employed by the Department of Corrections, shall be

compelled to attend the execution, and any physician's attendance shall be voluntary. A physician's or any other person's refusal to attend the execution shall not be used in any disciplinary action or negative job performance citation.

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## CHAPTER 72

An act to amend Sections 11444 and 19324 of the Probate Code, relating to estates and trusts.

[Approved by Governor July 17, 2001. Filed with  
Secretary of State July 17, 2001.]

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

SECTION 1. Section 11444 of the Probate Code is amended to read: 11444. (a) The personal representative and the surviving spouse may provide for allocation by agreement and, on a determination by the court that the agreement substantially protects the rights of interested persons, the allocation provided in the agreement shall be ordered by the court.

(b) In the absence of an agreement, each debt subject to allocation shall first be characterized by the court as separate or community, in accordance with the laws of the state applicable to marital dissolution proceedings. Following that characterization, the debt or debts shall be allocated as follows:

(1) Separate debts of either spouse shall be allocated to that spouse's separate property assets, and community debts shall be allocated to the spouses' community property assets.

(2) If a separate property asset of either spouse is subject to a secured debt that is characterized as that spouse's separate debt, and the net equity in that asset available to satisfy that secured debt is less than that secured debt, the unsatisfied portion of that secured debt shall be treated as an unsecured separate debt of that spouse and allocated to the net value of that spouse's other separate property assets.

(3) If the net value of either spouse's separate property assets is less than that spouse's unsecured separate debt or debts, the unsatisfied portion of the debt or debts shall be allocated to the net value of that spouse's one-half share of the community property assets. If the net value of that spouse's one-half share of the community property assets is less than that spouse's unsatisfied unsecured separate debt or debts, the remaining unsatisfied portion of the debt or debts shall be allocated to

the net value of the other spouse's one-half share of the community property assets.

(4) If a community property asset is subject to a secured debt that is characterized as a community debt, and the net equity in that asset available to satisfy that secured debt is less than that secured debt, the unsatisfied portion of that secured debt shall be treated as an unsecured community debt and allocated to the net value of the other community property assets.

(5) If the net value of the community property assets is less than the unsecured community debt or debts, the unsatisfied portion of the debt or debts shall be allocated equally between the separate property assets of the decedent and the surviving spouse. If the net value of either spouse's separate property assets is less than that spouse's share of the unsatisfied portion of the unsecured community debt or debts, the remaining unsatisfied portion of the debt or debts shall be allocated to the net value of the other spouse's separate property assets.

(c) For purposes of this section:

(1) The net value of either spouse's separate property asset shall refer to its fair market value as of the date of the decedent's death, minus the date-of-death balance of any liens and encumbrances on that asset that have been characterized as that spouse's separate debts.

(2) The net value of a community property asset shall refer to its fair market value as of the date of the decedent's death, minus the date-of-death balance of any liens and encumbrances on that asset that have been characterized as community debts.

(3) In the case of a nonrecourse debt, the amount of that debt shall be limited to the net equity in the collateral, based on the fair market value of the collateral as of the date of the decedent's death, that is available to satisfy that debt. For the purposes of this paragraph, "nonrecourse debt" means a debt for which the debtor's obligation to repay is limited to the collateral securing the debt, and for which a deficiency judgment against the debtor is not permitted by law.

(d) Notwithstanding the foregoing provisions of this section, the court may order a different allocation of debts between the decedent's estate and the surviving spouse if the court finds a different allocation to be equitable under the circumstances.

(e) Nothing contained in this section is intended to impair or affect the rights of third parties. If a personal representative or the surviving spouse incurs any damages or expense, including attorney's fees, on account of the nonpayment of a debt that was allocated to the other party pursuant to subdivision (b), or as the result of a debt being misallocated due to fraud or intentional misrepresentation by the other party, the party incurring damages shall be entitled to recover from the other party for

damages or expense deemed reasonable by the court that made the allocation.

SEC. 2. Section 19324 of the Probate Code is amended to read:

19324. (a) The trustee, the personal representative, if any, of a deceased settlor's probate estate, and the surviving spouse may provide for allocation of debts by agreement so long as the agreement substantially protects the rights of other interested persons. The trustee, the personal representative, or the spouse may request and obtain court approval of the allocation provided in the agreement.

(b) In the absence of an agreement, each debt subject to allocation shall first be characterized by the court as separate or community, in accordance with the laws of the state applicable to marital dissolution proceedings. Following that characterization, the debt or debts shall be allocated as follows:

(1) Separate debts of either spouse shall be allocated to that spouse's separate property assets, and community debts shall be allocated to the spouses' community property assets.

(2) If a separate property asset of either spouse is subject to a secured debt that is characterized as that spouse's separate debt, and the net equity in that asset available to satisfy that secured debt is less than that secured debt, the unsatisfied portion of that secured debt shall be treated as an unsecured separate debt of that spouse and allocated to the net value of that spouse's other separate property assets.

(3) If the net value of either spouse's separate property assets is less than that spouse's unsecured separate debt or debts, the unsatisfied portion of the debt or debts shall be allocated to the net value of that spouse's one-half share of the community property assets. If the net value of that spouse's one-half share of the community property assets is less than that spouse's unsatisfied unsecured separate debt or debts, the remaining unsatisfied portion of the debt or debts shall be allocated to the net value of the other spouse's one-half share of the community property assets.

(4) If a community property asset is subject to a secured debt that is characterized as a community debt, and the net equity in that asset available to satisfy that secured debt is less than that secured debt, the unsatisfied portion of that secured debt shall be treated as an unsecured community debt and allocated to the net value of the other community property assets.

(5) If the net value of the community property assets is less than the unsecured community debt or debts, the unsatisfied portion of the debt or debts shall be allocated equally between the separate property assets of the deceased settlor and the surviving spouse. If the net value of either spouse's separate property assets is less than that spouse's share of the unsatisfied portion of the unsecured community debt or debts, the

remaining unsatisfied portion of the debt or debts shall be allocated to the net value of the other spouse's separate property assets.

(c) For purposes of this section:

(1) The net value of either spouse's separate property asset shall refer to its fair market value as of the date of the deceased settlor's death, minus the date-of-death balance of any liens and encumbrances on that asset that have been characterized as that spouse's separate debts.

(2) The net value of a community property asset shall refer to its fair market value as of the date of the deceased settlor's death, minus the date-of-death balance of any liens and encumbrances on that asset that have been characterized as community debts.

(3) In the case of a nonrecourse debt, the amount of that debt shall be limited to the net equity in the collateral, based on the fair market value of the collateral as of the date of the decedent's death, that is available to satisfy that debt. For the purposes of this paragraph, "nonrecourse debt" means a debt for which the debtor's obligation to repay is limited to the collateral securing the debt, and for which a deficiency judgment against the debtor is not permitted by law.

(d) Notwithstanding the foregoing provisions of this section, the court may order a different allocation of debts between the deceased settlor's probate estate, trust, and the surviving spouse if the court finds a different allocation to be equitable under the circumstances.

(e) Nothing contained in this section is intended to impair or affect the rights of third parties. If a trustee, a personal representative, if any, of a deceased settlor's probate estate, or the surviving spouse incurs any damages or expense, including attorney's fees, on account of the nonpayment of a debt that was allocated to the other party pursuant to subdivision (b), or as the result of a debt being misallocated due to fraud or intentional misrepresentation by the other party, the party incurring damages shall be entitled to recover from the other party for damages or expense deemed reasonable by the court that made the allocation.

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## CHAPTER 73

An act to amend Section 11715 of the Insurance Code, relating to workers' compensation.

[Approved by Governor July 18, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 11715 of the Insurance Code is amended to read:

11715. (a) Any workers' compensation insurer, or insurer that reinsures the injury, disablement, or death portions of policies of workers' compensation insurance under the class of disability insurance, may, in lieu of and for the same purpose as the bond required by Section 11690, and upon payment of the fee prescribed in this article, deposit cash instruments, approved letters of credit, or approved interest-bearing securities or approved stocks readily convertible into cash, investment certificates or share accounts issued by a savings and loan association doing business in this state and insured by the Federal Deposit Insurance Corporation, certificates of deposit or savings deposits in a bank licensed to do business in this state, or approved securities registered with a qualified depository located in a reciprocal state as defined in Section 1104.9. The deposit shall be made from time to time as demanded by the commissioner and may be made with the Treasurer, or a bank or savings and loan association authorized to engage in the trust business pursuant to Division 1 (commencing with Section 99) or Division 2 (commencing with Section 5000) of the Financial Code, or a trust company. A deposit of securities registered with a qualified depository located in a reciprocal state as defined in Section 1104.9 may only be made in a bank or savings and loan association authorized to engage in the trust business pursuant to Division 1 (commencing with Section 99) or Division 2 (commencing with Section 5000) of the Financial Code, or a trust company, licensed to do business and located in this state that is a qualified custodian as defined in paragraph (1) of subdivision (a) of Section 1104.9 and that maintains deposits of at least seven hundred fifty million dollars (\$750,000,000). The deposit shall be made subject to the approval of the commissioner under those rules and regulations that he or she shall promulgate. The deposit shall be maintained at a deposit value of not less than twenty-five thousand dollars (\$25,000), nor less than the reserves required of the insurer to be maintained under any of the provisions of Article 1 (commencing with Section 11550) of Chapter 1 of Part 3 of Division 2, relating to loss reserves on workers' compensation business of the insurer in this state, nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

(b) Any workers' compensation insurer electing to bring itself within the provisions of subdivision (a) by submitting securities, stock, investment certificates, or share deposits registered in a depositor's name, shall execute a trust agreement in a form approved by the commissioner between the insurer, the institution in which the deposit is made or, where applicable, the qualified custodian of the deposit, and

the commissioner, that grants to the commissioner the authority to withdraw the deposit as set forth in Section 11716. The insurer shall also execute and deliver in duplicate to the commissioner a power of attorney in favor of the commissioner for the purposes specified in Section 11690, supported by a resolution of the depositor's board of directors. The power of attorney and director's resolution shall be on forms approved by the commissioner, shall provide that the power of attorney cannot be revoked or withdrawn without the consent of the commissioner, and shall be acknowledged as required by law.

(c) The commissioner shall require payment of one hundred seventy-seven dollars (\$177) in advance as a fee for the initial filing and the first semiannual review of each letter of credit specified in subdivision (a). In addition, each workers' compensation insurer depositing a letter of credit shall pay an annual fee of one hundred eighteen dollars (\$118) in advance on account of the letter until its expiration or revocation. This fee shall be for annual periods commencing each January 1 and shall be due and payable on the following April 1.

(d) The commissioner shall require payment of one hundred eighteen dollars (\$118) in advance as a fee for the initial filing of a trust agreement with a bank, savings and loan association, or trust company on deposits made pursuant to subdivision (a). An additional fee of one hundred eighteen dollars (\$118) shall be payable for each amendment, supplement, or other change to the deposit agreement. In addition, the commissioner shall require the payment of fifty-eight dollars (\$58) in advance for receiving and processing deposit schedules pursuant to this section. An additional fee of twenty-nine dollars (\$29) shall be payable for each withdrawal, substitution, or any other change in the deposit.

(e) Any workers' compensation insurer that elects to deposit cash or cash equivalents pursuant to this section shall be entitled to a prompt refund of those deposits in excess of the amount determined by the commissioner pursuant to subdivision (a). The commissioner shall cause to be refunded any deposits determined by the commissioner to be in excess of the amount required by subdivision (a) within 30 days of that determination. In the alternative, an insurer may use any excess deposit funds to offset a demand by the commissioner to increase its deposit due to the failure of a reinsurer to post a bond or deposit pursuant to Section 11690.

(f) If a reinsurer has not maintained a bond as required by Section 11690, or has not maintained deposits as required by subdivision (a), or a combination thereof, in amounts equal to the amounts of deposit credits claimed by its ceding insurers, the commissioner, after notifying the insurer and its ceding insurers of the deposit shortfall and allowing 45 days from the date of the notice for the deposit shortfall to be



corrected, may disallow all or a portion of the reserve credits claimed by the ceding insurers.

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## CHAPTER 74

An act to amend Section 16760 of the Business and Professions Code, and to amend Sections 11181 and 11187 of the Government Code, relating to state government.

[Approved by Governor July 18, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 16760 of the Business and Professions Code is amended to read:

16760. (a) (1) The Attorney General may bring a civil action in the name of the people of the State of California, as *parens patriae* on behalf of natural persons residing in the state, in the superior court of any county which has jurisdiction of a defendant, to secure monetary relief as provided in this section for injury sustained by those natural persons to their property by reason of any violation of this chapter. The court shall exclude from the amount of monetary relief awarded in the action any amount of monetary relief (A) which duplicates amounts which have been awarded for the same injury, or (B) which is properly allocable to (i) natural persons who have excluded their claims pursuant to paragraph (2) of subdivision (b), and (ii) any business entity.

(2) The court shall award the state as monetary relief three times the total damage sustained as described in paragraph (1), the interest on the total damages pursuant to Section 16761, and the costs of suit, including a reasonable attorney's fee.

(3) The court may, in its discretion, award a reasonable attorney's fee to a prevailing defendant upon a finding that the Attorney General or district attorney has acted in bad faith, vexatiously, wantonly, or for oppressive reasons.

(b) (1) In any action brought under this section, the Attorney General shall, at any time, in any manner, and with any content as the court may direct, cause notice thereof to be given by publication. If the court finds that notice given solely by publication would deny due process of law to any person or persons, the court may direct further notice to the person or persons according to the circumstances of the case.

(2) Any person on whose behalf an action is brought under paragraph (1) of subdivision (a) may elect to exclude from adjudication the portion

of the claim for monetary relief attributable to him or her by filing notice of that election with the court within the time as specified in the notice given pursuant to paragraph (1).

(3) The final judgment in an action under paragraph (1) of subdivision (a) shall be res judicata as to any claim under this section by any person on behalf of whom the action was brought and who fails to give notice within the period specified in the notice given pursuant to paragraph (1).

(c) An action under paragraph (1) of subdivision (a) shall not be dismissed or compromised without the approval of the court, and notice of any proposed dismissal or compromise shall be given in any manner as the court directs.

(d) In any action under this chapter, where there has been a determination that a defendant agreed to fix prices, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the pro rata allocation of illegal overcharges or of excess profits, or by any other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

(e) Monetary relief recovered by the Attorney General under this section shall be distributed as follows:

(1) In any manner as the superior court having jurisdiction over the action in its discretion may authorize to insure, to the extent possible, that each person be afforded a reasonable opportunity to secure his or her appropriate portion of the monetary relief. In exercising its discretion, the court may employ cy pres or fluid recovery mechanisms as a way of providing value to persons injured as a result of a violation of this chapter.

(2) The Attorney General shall retain that portion of the monetary relief awarded by the court as costs of suit and attorney's fee for deposit in the Attorney General Antitrust Account within the General Fund.

(3) To the extent that the monetary relief awarded by the court is not exhausted by distribution under paragraphs (1) and (2), the remaining funds shall be treated under the provisions of Article 3 (commencing with Section 1530) and Article 4 (commencing with Section 1540) of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure as if it were unclaimed property, as defined in Section 1300 of the Code of Civil Procedure.

(f) The powers granted in this section are in addition to and not in derogation of the powers granted to the Attorney General by common law in respect to bringing actions *parents patriae*.

(g) The district attorney of any county may prosecute any action on behalf of the natural persons residing in the county which the Attorney General is authorized to bring pursuant to subdivision (a), whenever it

appears that the activities giving rise to the prosecution or the effects of the activities occur primarily within that county. Prior to bringing the action, a district attorney shall comply with the notice requirements provided in subdivision (g) of Section 16750. In any action brought pursuant to this subdivision, the provisions of subdivisions (a) to (e), inclusive, shall be applicable, except that the portion of monetary relief awarded by the court as attorney's fee and costs shall be retained by the district attorney for deposit in the appropriate account as provided by law.

SEC. 2. Section 11181 of the Government Code is amended to read:

11181. In connection with any investigation or action authorized by this article, the department head may do any of the following:

- (a) Inspect books and records.
- (b) Hear complaints.
- (c) Administer oaths.
- (d) Certify to all official acts.
- (e) Issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony pertinent or material to any inquiry, investigation, hearing, proceeding, or action conducted in any part of the state.
- (f) Promulgate interrogatories pertinent or material to any inquiry, investigation, hearing, proceeding, or action.
- (g) Divulge evidence of unlawful activity discovered from records or testimony not otherwise privileged or confidential, to the Attorney General or to any prosecuting attorney who has a responsibility for investigating the unlawful activity discovered, or to any governmental agency responsible for enforcing laws related to the unlawful activity discovered.

SEC. 3. Section 11187 of the Government Code is amended to read:

11187. If any witness refuses to answer any interrogatory or to attend or testify or produce any papers required by subpoena, the head of the department may petition the superior court in the county in which the hearing is pending for an order compelling the person to answer the interrogatories or to attend and testify or produce the papers required by the subpoena before the officer named in the subpoena.

The petition shall set forth all of the following:

- (a) That due notice of the time and place for answering the interrogatories or testifying or the attendance of the person or the production of the papers was given.
- (b) That the person was subpoenaed in the manner prescribed in this article.
- (c) That the person failed and refused to answer the interrogatories or to attend or testify or produce the papers required by subpoena before the officer in the cause or proceeding named in the subpoena, or has refused

to answer questions propounded to him or her in the course of the investigation or hearing.

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CHAPTER 75

An act to amend Sections 2248 and 2851 of the Health and Safety Code, relating to pest abatement.

[Approved by Governor July 18, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 2248 of the Health and Safety Code is amended to read:

2248. The members of the district board shall serve without compensation, but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. In lieu of expenses, the district board may by resolution provide for the allowance and payment to the members of the board of a sum not exceeding one hundred dollars (\$100) per month per member for expenses incurred in attending business meetings of the board.

SEC. 2. Section 2851 of the Health and Safety Code is amended to read:

2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in performance of their official duties. In lieu of expenses, the district board may, by resolution, provide for the allowance and payment to each member of the board of a sum not exceeding one hundred dollars (\$100) as expenses incurred in attending each business meeting of the board.

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CHAPTER 76

An act to amend Section 12519 of the Government Code, relating to the Attorney General.

[Approved by Governor July 18, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 12519 of the Government Code is amended to read:

12519. The Attorney General shall give his or her opinion in writing to any Member of the Legislature, the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, State Lands Commission, Superintendent of Public Instruction, Insurance Commissioner, any state agency, and any county counsel, district attorney, or sheriff when requested, upon any question of law relating to their respective offices.

The Attorney General shall give his or her opinion in writing to a city prosecuting attorney when requested, upon any question of law relating to criminal matters.

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## CHAPTER 77

An act to amend Section 22508 of the Education Code and to amend Section 20309 of the Government Code, relating to retirement.

[Approved by Governor July 18, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 22508 of the Education Code is amended to read:

22508. (a) A member who becomes employed by the same or a different school district or community college district, or a county superintendent, or who becomes employed by the state in a position described in subdivision (b), to perform service that requires membership in a different public retirement system, and who is not excluded from membership in that public retirement system, may elect to have that service subject to coverage by the Defined Benefit Program of this plan and excluded from coverage by the other public retirement system. The election shall be made in writing on a form prescribed by this system within 60 days from the date of hire in the position requiring membership in the other public retirement system. If that election is made, the service performed for the employer after the date of hire shall be considered creditable service for purposes of this part.

(b) Subdivision (a) shall apply to a member who becomes employed by the state only if the member is also one of the following:

(1) Represented by a state bargaining unit that represents educational consultants, professional educators, or librarians employed by the state.

(2) Excluded from the definition of "state employee" in subdivision (c) of Section 3513 of the Government Code, but performing, supervising, or managing work similar to work performed by employees described in paragraph (1).

(3) In a position not covered by civil service and in the executive branch of government, but performing, supervising, or managing work similar to work performed by employees described in paragraph (1).

(c) (1) A member of the Public Employees' Retirement System described in paragraph (2) who is subsequently employed to perform creditable service subject to coverage by the Defined Benefit Program of this plan may elect to have that subsequent service subject to coverage by the Public Employees' Retirement System and excluded from coverage by the Defined Benefit Program pursuant to Section 20309 of the Government Code. If the election is made, creditable service performed for the employer after the date of hire shall be subject to coverage by the Public Employees' Retirement System.

(2) This subdivision shall apply to a member of the Public Employees' Retirement System who either (A) is employed by a school district, community college district, a county superintendent, or the State Department of Education or (B) has at least five years of credited service under the system.

(d) An election made by a member pursuant to this section shall be irrevocable.

SEC. 2. Section 20309 of the Government Code is amended to read:

20309. (a) A member of the system described in subdivision (b) who subsequently is employed to perform service subject to coverage by the Defined Benefit Program of the State Teachers' Retirement Plan, may elect to retain coverage by this system for that subsequent service. An election to retain coverage under this system shall be submitted in writing by the member to the system on a form prescribed by the system, and a copy of the election shall be submitted to the State Teachers' Retirement System, within 60 days after the member's date of hire to perform service that requires membership in the Defined Benefit Program of the State Teachers' Retirement Plan. A member who elects to retain coverage under this system pursuant to this section shall be deemed to be a school member while employed by a school employer.

(b) This section shall apply to a member of the system who either (1) is employed by a school employer, the Board of Governors of the California Community Colleges, or the State Department of Education or (2) has at least five years of credited service under this system.

(c) Any election made pursuant to this section shall become effective as of the first day of employment in the position that qualified the member to make an election.

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## CHAPTER 78

An act to amend Section 15432 of the Government Code, relating to health.

[Approved by Governor July 18, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 15432 of the Government Code is amended to read:

15432. As used in this part, the following words and terms shall have the following meanings, unless the context clearly indicates or requires another or different meaning or intent:

(a) "Act" means the California Health Facilities Financing Authority Act.

(b) "Authority" means the California Health Facilities Financing Authority created by this part or any board, body, commission, department, or officer succeeding to the principal functions thereof or to which the powers conferred upon the authority by this part shall be given by law.

(c) "Cost," as applied to a project or portion of a project financed under this part, means and includes all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, and interests acquired or used for a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which those buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during, and for a period not to exceed the later of one year or one year following completion of construction, as determined by the authority, the cost of funding or financing noncapital expenses, reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of engineering, reasonable financial and legal services, plans, specifications, studies, surveys, estimates, administrative expenses, and other expenses of funding or financing or necessary or incident to

determining the feasibility of constructing, any project or incident to the construction or acquisition or financing of any project.

(d) "Health facility" means any facility, place, or building which is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, or developmental disability, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer, except in the cases of county outpatient facilities, adult day care facilities, as defined under paragraph (2) of subdivision (a) of Section 1502 of the Health and Safety Code, which provide services to developmentally disabled or mentally impaired persons, community clinics, as defined in paragraph (6), and child day care facilities, as defined in paragraph (10), and includes all of the following types:

(1) A general acute care hospital which is a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services.

(2) An acute psychiatric hospital which is a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care for mentally disordered, incompetent, or other patients referred to in Division 5 (commencing with Section 5000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code, including the following basic services: medical, nursing, rehabilitative, pharmacy, and dietary services.

(3) A skilled nursing facility which is a health facility which provides the following basic services: skilled nursing care and supportive care to patients whose primary need is for availability or skilled nursing care on an extended basis.

(4) An intermediate care facility which is a health facility which provides the following basic services: inpatient care to ambulatory or semiambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability or continuous skilled nursing care.

(5) A special health care facility which is a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical or dental staff which provides inpatient or outpatient, acute or nonacute care, including, but not limited to, medical, nursing, rehabilitation, dental, or maternity.



(6) A community clinic which is a clinic operated by a tax-exempt nonprofit corporation which is supported and maintained in whole or in part by donations, bequests, gifts, grants, government funds or contributions, which may be in the form of money, goods, or services. In a community clinic, any charges to the patient shall be based on the patient's ability to pay, utilizing a sliding fee scale. No corporation other than a nonprofit corporation, exempt from federal income taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954 as amended, or a statutory successor thereof, shall operate a community clinic. However, the licensee of any community clinic so licensed on September 26, 1978, shall not be required to obtain tax-exempt status under either federal or state law. No natural person or persons shall operate a community clinic.

(7) An adult day health center which is a facility, as defined under subdivision (b) of Section 1570.7 of the Health and Safety Code, which provides adult day health care, as defined under subdivision (a) of Section 1570.7 of the Health and Safety Code.

(8) Any other type of facility for the provision of inpatient or outpatient care which is a county health facility, as defined in subdivision (a) of Section 16715 of the Welfare and Institutions Code, (without regard to whether funding is provided for the facility under that section).

(9) A multilevel facility is an institutional arrangement where a residential facility for the elderly is operated as a part of, or in conjunction with, an intermediate care facility, a skilled nursing facility, or a general acute care hospital. "Elderly," for the purposes of this paragraph, means a person 62 years of age or older.

(10) A child day care facility operated in conjunction with a health facility. A child day care facility is a facility, as defined in Section 1596.750 of the Health and Safety Code. For purposes of this paragraph, "child" means a minor from birth to 18 years of age.

(11) An intermediate care facility/developmentally disabled habilitative which is a health facility, as defined under subdivision (e) of Section 1250 of the Health and Safety Code.

(12) An intermediate care facility/developmentally disabled-nursing which is a health facility, as defined under subdivision (h) of Section 1250 of the Health and Safety Code.

(13) A community care facility which is a facility, as defined under subdivision (a) of Section 1502 of the Health and Safety Code, which provides care, habilitation, rehabilitation, or treatment services to developmentally disabled or mentally impaired persons.

(14) A nonprofit community care facility, as defined in subdivision (a) of Section 1502 of the Health and Safety Code, other than a facility which, as defined in that subdivision, is a residential facility for the

elderly, a foster family agency, a foster family home, a full service adoption agency, or a noncustodial adoption agency.

(15) A nonprofit accredited community work-activity program, as specified in subdivision (e) of Section 19352 and Section 19355 of the Welfare and Institutions Code.

(16) A community mental health center, as defined in paragraph (3) of subdivision (b) of Section 5667 of the Welfare and Institutions Code.

“Health facility” includes a clinic which is described in subdivision (l) of Section 1206 of the Health and Safety Code.

“Health facility” includes the following facilities, if operated in conjunction with one or more of the above types of facilities: a laboratory, laundry, nurses or interns residence, housing for staff or employees and their families, patients or relatives of patients, physicians’ facility, administration building, research facility, maintenance, storage, or utility facility and all structures or facilities related to any of the foregoing or required or useful for the operation of a health facility, and the necessary and usual attendant and related facilities and equipment and including parking and supportive service facilities or structures required or useful for the orderly conduct of such health facility.

“Health facility” does not include any institution, place, or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

(e) “Participating health institution” means a city, city and county, county, a district hospital, or a private nonprofit corporation or association authorized by the laws of this state to provide or operate a health facility and which, pursuant to the provisions of this part, undertakes the financing or refinancing of the construction or acquisition of a project or of working capital as provided in this part. “Participating health institution” also includes, for purposes of the California Health Facilities Revenue Bonds (UCSF-Stanford Health Care) 1998 Series A, the Regents of the University of California.

(f) “Project” means construction, expansion, remodeling, renovation, furnishing, or equipping, or funding or financing of a health facility or acquisition of a health facility to be financed or refinanced with funds provided in whole or in part pursuant to this part. “Project” may include any combination of one or more of the foregoing undertaken jointly by any participating health institution with one or more other participating health institutions.

(g) “Revenue bond” means any bond, warrant, note, lease, or installment sale obligation that is evidenced by a certificate of participation or other evidence of indebtedness issued by the authority.

(h) “Working capital” means moneys to be used by, or on behalf of, a participating health institution to pay or prepay maintenance or

operation expenses or any other costs that would be treated as an expense item, under generally accepted accounting principles, in connection with the ownership or operation of a health facility, including, but not limited to, reserves for maintenance or operation expenses, interest for not to exceed one year on any loan for working capital made pursuant to this part, and reserves for debt service with respect to, and any costs necessary or incidental to, that financing.

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## CHAPTER 79

An act to add Section 84612 to the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor July 18, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 84612 is added to the Government Code, to read:

84612. If the Secretary of State rejects a filing made under this chapter, the Secretary of State shall immediately notify the filer, by electronic mail, of the reason or reasons for rejection using plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style. The notice shall be written or displayed so that the meaning will be easily understood by those persons directly affected by it.

SEC. 2. The Legislature finds and declares that the provisions of this act further the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

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## CHAPTER 80

An act to amend Section 1246.5 of the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor July 18, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 1246.5 of the Business and Professions Code is amended to read:

1246.5. Notwithstanding any other provision of law, any person may request, and any licensed clinical laboratory or public health laboratory may perform, the laboratory tests specified in this section. A registered clinical laboratory may perform the laboratory tests specified in this section if the test is subject to a certificate of waiver under CLIA and the laboratory has registered with the department under paragraph (2) of subdivision (a) of Section 1265. The results from any test may be provided directly to the person requesting the test if the test is on or for his or her own body. These test results shall be provided in a manner that presents clear information and that identifies results indicating the need for referral to a physician and surgeon.

The tests that may be conducted pursuant to this section are: pregnancy, glucose level, cholesterol, occult blood, and any other test for which there is a test for a particular analyte approved by the federal Food and Drug Administration for sale to the public without a prescription in the form of an over-the-counter test kit.

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## CHAPTER 81

An act relating to the payment of claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. (a) The sum of one million two hundred thirty-seven thousand one hundred eighty-six dollars and twenty-five cents (\$1,237,186.25) is hereby appropriated from the various funds, as specified in subdivision (b), to the Executive Officer of the California Victim Compensation and Government Claims Board to pay claims accepted by the board in accordance with the schedule set forth in subdivision (b). Those payments shall be made from the funds and accounts identified in that schedule. In the case of Budget Act item schedules identified in the schedule set forth in subdivision (b), those payments shall be made from the funds appropriated in the item schedule.

(b) Pursuant to subdivision (a), claims accepted by the California Victim Compensation and Government Claims Board shall be paid in accordance with the following schedule:

Total for Fund: Bank and Corporation	
Tax Fund (0084) . . . . .	\$1,567.48
Total for Fund: California Beverage Container	
Recycling Fund (0133) . . . . .	\$10,000.00
Total for Fund: California Water Resources	
Development Bond Fund (0502) . . . . .	\$2,112.90
Total for Fund: Employment Development	
Contingent Fund (0185) . . . . .	\$114.03
Total for Fund: Federal Student Loan	
Loan Reserve Fund (0783) . . . . .	\$2,205.93
Total for Fund: Federal Trust Fund (0890) . . . . .	\$34.00
Total for Fund: General Fund (0001) . . . . .	\$229,638.79
Total for Fund: Item 0820-001-0001(7),	
Budget Act of 2001 . . . . .	\$775.00
Total for Fund: Item 0820-001-0001(8),	
Budget Act of 2001 . . . . .	\$286.88
Total for Fund: Item 0820-001-0001(9),	
Budget Act of 2001 . . . . .	\$114.00
Total for Fund: Item 0860-001-0001(2),	
Budget Act of 2001 . . . . .	\$125.00
Total for Fund: Item 1270-001-0380(1),	
Budget Act of 2001 . . . . .	\$135.00
Total for Fund: Item 1510-001-0761(1),	
Budget Act of 2001 . . . . .	\$190.44
Total for Fund: Item 1730-001-0001(8),	
Budget Act of 2001 . . . . .	\$127.00
Total for Fund: Item 1760-001-0666(1),	
Budget Act of 2001 . . . . .	\$1,143.00
Total for Fund: Item 2660-001-0042(2),	
Budget Act of 2001 . . . . .	\$556.00
Total for Fund: Item 2720-001-0044(1),	
Budget Act of 2001 . . . . .	\$224.07
Total for Fund: Item 2740-001-0044(1),	
Budget Act of 2001 . . . . .	\$10,380.76
Total for Fund: Item 2740-001-0044(6),	
Budget Act of 2001 . . . . .	\$8,574.05

Total for Fund: Item 3540-001-0001(1), Budget Act of 2001 .....	\$1,350.96
Total for Fund: Item 3600-001-0200, Budget Act of 2001 .....	\$775.00
Total for Fund: Item 3790-001-0392(1), Budget Act of 2001 .....	\$2,645.86
Total for Fund: Item 3940-001-0001(1), Budget Act of 2001 .....	\$387.00
Total for Fund: Item 4260-001-0001(2), Budget Act of 2001 .....	\$160.00
Total for Fund: Item 4300-003-0001(1), Budget Act of 2001 .....	\$381.00
Total for Fund: Item 4300-101-0001(2), Budget Act of 2001 .....	\$83,056.93
Total for Fund: Item 4440-001-0001(1), Budget Act of 2001 .....	\$1,095.45
Total for Fund: Item 4440-011-0001(2), Budget Act of 2001 .....	\$191.00
Total for Fund: Item 5100-001-0870(1), Budget Act of 2001 .....	\$2,927.22
Total for Fund: Item 5160-001-0001(1), Budget Act of 2001 .....	\$1,820.88
Total for Fund: Item 5180-001-0001(4), Budget Act of 2001 .....	\$278.00
Total for Fund: Item 5240-001-0001(1), Budget Act of 2001 .....	\$89,462.87
Total for Fund: Item 5240-001-0001(a), Budget Act of 2000 .....	\$7,306.26
Total for Fund: Item 5240-001-0001(2), Budget Act of 2001 .....	\$4,441.23
Total for Fund: Item 5240-001-0001(3), Budget Act of 2001 .....	\$241.00
Total for Fund: Item 5460-001-0001(1), Budget Act of 2001 .....	\$1,391.00
Total for Fund: Item 6110-005-0001(1)(b), Budget Act of 2001 .....	\$1,518.00
Total for Fund: Item 6610-001-0001(1), Budget Act of 2001 .....	\$727.00
Total for Fund: Item 8260-101-0001(2), Budget Act of 2001 .....	\$3,798.10

Total for Fund: Item 8350-001-0001(3), Budget Act of 2001 .....	\$690.55
Total for Fund: Item 8350-001-0001(7), Budget Act of 2001 .....	\$4,295.25
Total for Fund: Item 8570-001-0001(4), Budget Act of 2001 .....	\$834.00
Total for Fund: Item 8660-001-0462(1), Budget Act of 2001 .....	\$7,825.00
Total for Fund: Item 8965-001-0001(1), Budget Act of 2001 .....	\$15,219.97
Total for Fund: New Motor Vehicle Board Account (0054) .....	\$2,200.00
Total for Fund: Oil Spill Prevention and Administration Fund (0320) .....	\$80,437.40
Total for Fund: Public Employees' Health Care Fund (0822) .....	\$174.00
Total for Fund: Public Employees' Retirement Fund (0830) .....	\$3,538.87
Total for Fund: California Residential Earthquake Recovery Fund (0285) .....	\$34.14
Total for Fund: Retail Sales Tax Fund (0094) .....	\$75,630.65
Total for Fund: Special Deposit Fund, State Department of Social Services (0942) .....	\$828.00
Total for Fund: State Lottery Fund (0562) .....	\$1,088.65
Total for Fund: State Transportation Fund, Transportation Revolving Account (0084) .....	\$840.00
Total for Fund: State Transportation Fund, State Highway Account (0042) .....	\$1,651.00
Total for Fund: Tax Relief and Refund Account (0027) .....	\$482,099.51
Total for Fund: Unclaimed Property Fund (0970) .....	\$79,938.62
Total for Fund: Unemployment Administration Fund (0870) .....	\$517.16
Total for Fund: Unemployment Compensation Disability Fund (0588) .....	\$2,139.00
Total for Fund: Unemployment Fund (0871) .....	\$3,616.00
Total for Fund: Welfare Advance Fund (0696) .....	\$1,329.39

SEC. 2. Pursuant to Section 13969.3 of the Government Code, the Legislature hereby approves the report submitted by the California

Victim Compensation and Government Claims Board on the following victim compensation claims:

Claim No. 404993 . . . . .	\$4,146.03
Claim No. 435986 . . . . .	\$2,758.00

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to settle claims against the state and end hardship to claimants as quickly as possible, it is necessary that this act take effect immediately.

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CHAPTER 82

An act to amend Section 977 of the Penal Code, relating to criminal procedure.

[Approved by Governor July 19, 2001. Filed with Secretary of State July 19, 2001.]

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

SECTION 1. Section 977 of the Penal Code is amended to read:

977. (a) (1) In all cases in which the accused is charged with a misdemeanor only, he or she may appear by counsel only, except as provided in paragraph (2). If the accused agrees, the initial court appearance, arraignment, and plea may be by video, as provided by subdivision (c).

(2) If the accused is charged with a misdemeanor offense involving domestic violence, as defined in Section 6211 of the Family Code, or a misdemeanor violation of Section 273.6, the accused shall be present for arraignment and sentencing.

(b) (1) In all cases in which a felony is charged, the accused shall be present at the arraignment, at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken before the trier of fact, and at the time of the imposition of sentence. The accused shall be personally present at all other proceedings unless he or she shall, with leave of court, execute in open court, a written waiver of his or her right to be personally present, as provided by paragraph (2). If the accused agrees, the initial court appearance, arraignment, and plea may be by video, as provided by subdivision (c).



(2) The accused may execute a written waiver of his or her right to be personally present, approved by his or her counsel, and the waiver shall be filed with the court. However, the court may specifically direct the defendant to be personally present at any particular proceeding or portion thereof. The waiver shall be substantially in the following form:

“WAIVER OF DEFENDANT’S PERSONAL PRESENCE”

“The undersigned defendant, having been advised of his or her right to be present at all stages of the proceedings, including, but not limited to, presentation of and arguments on questions of fact and law, and to be confronted by and cross-examine all witnesses, hereby waives the right to be present at the hearing of any motion or other proceeding in this cause. The undersigned defendant hereby requests the court to proceed during every absence of the defendant that the court may permit pursuant to this waiver, and hereby agrees that his or her interest is represented at all times by the presence of his or her attorney the same as if the defendant were personally present in court, and further agrees that notice to his or her attorney that his or her presence in court on a particular day at a particular time is required is notice to the defendant of the requirement of his or her appearance at that time and place.”

(c) The court may permit the initial court appearance and arraignment in municipal or superior court of defendants held in any state, county, or local facility within the county on felony or misdemeanor charges, except for those defendants who were indicted by a grand jury, to be conducted by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom. If the defendant is represented by counsel, the attorney shall be present with the defendant at the initial court appearance and arraignment, and may enter a plea during the arraignment. However, if the defendant is represented by counsel at an initial hearing in superior court in a felony case, and if the defendant does not plead guilty or nolo contendere to any charge, the attorney shall be present with the defendant or if the attorney is not present with the defendant, the attorney shall be present in court during the hearing. The defendant shall have the right to make his or her plea while physically present in the courtroom if he or she so requests. If the defendant decides not to exercise the right to be physically present in the courtroom, he or she shall execute a written waiver of that right. A judge may order a defendant’s personal appearance in court for the initial court appearance and arraignment. In a misdemeanor case, a judge may, pursuant to this subdivision, accept a plea of guilty or no contest from a defendant who is not physically in the courtroom. In a felony case, a judge may, pursuant

to this subdivision, accept a plea of guilty or no contest from a defendant who is not physically in the courtroom if the parties stipulate thereto.

(d) Notwithstanding subdivision (c), if the defendant is represented by counsel, the attorney shall be present with the defendant in any county exceeding 4,000,000 persons in population.

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## CHAPTER 83

An act to amend Sections 798.24 and 798.51 of the Civil Code, relating to mobilehomes.

[Approved by Governor July 19, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 798.24 of the Civil Code is amended to read:  
798.24. Each common area facility shall be open or available to residents at all reasonable hours and the hours of the common area facility shall be posted at the facility.

SEC. 2. Section 798.51 of the Civil Code is amended to read:

798.51. No provision contained in any mobilehome park rental agreement, rule, or regulation shall deny or prohibit the right of any homeowner or resident in the park to do any of the following:

(a) Peacefully assemble or meet in the park, at reasonable hours and in a reasonable manner, for any lawful purpose. Meetings may be held in the park community or recreation hall or clubhouse when the facility is not otherwise in use, and, with the consent of the homeowner, in any mobilehome within the park.

(b) Invite public officials, candidates for public office, or representatives of mobilehome owner organizations to meet with homeowners and residents and speak upon matters of public interest, in accordance with Section 798.50.

(c) Canvass and petition homeowners and residents for noncommercial purposes relating to mobilehome living, election to public office, or the initiative, referendum, or recall processes, at reasonable hours and in a reasonable manner, including the distribution or circulation of information.

(d) A homeowner or resident may not be charged a cleaning deposit in order to use the park recreation hall or clubhouse for meetings of resident organizations for any of the purposes stated in Section 798.50 and this section, whether or not guests or visitors from outside the park are invited to attend the meeting, if a homeowner or resident of the park

is hosting the meeting and all homeowners or residents of the park are allowed to attend.

(e) A homeowner or resident may not be required to obtain liability insurance in order to use common area facilities for the purposes specified in this section and Section 798.50. However, if alcoholic beverages are to be served at any meeting or private function, a liability insurance binder may be required by the park ownership or management. The ownership or management of a mobilehome park may prohibit the consumption of alcoholic beverages in the park common area facilities if the terms of the rental agreement or the rules and regulations of the park prohibit it.

(f) A homeowner, organization, or group of homeowners using a recreation hall or clubhouse pursuant to this section shall be required to adhere to any limitations or restrictions regarding vehicle parking or maximum occupancy for the clubhouse or recreation hall.

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## CHAPTER 84

An act to amend Sections 16000, 16002, 27363, and 27365 of, and to repeal and add Section 27360.5 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 2001. Filed with  
Secretary of State July 19, 2001.]

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

SECTION 1. Section 16000 of the Vehicle Code is amended to read:  
16000. (a) The driver of every motor vehicle who is in any manner involved in an accident originating from the operation of a motor vehicle on any street or highway or any reportable off-highway accident defined in Section 16000.1 that has resulted in damage to the property of any one person in excess of five hundred dollars (\$500) or in bodily injury or in the death of any person shall, within 10 days after the accident, report the accident, either personally or through an insurance agent, broker, or legal representative, on a form approved by the department to the office of the department at Sacramento, subject to the provisions of this chapter. The driver shall identify on the form, by name and current residence address, if available, any person involved in the accident complaining of bodily injury.

(b) A report is not required pursuant to subdivision (a) if the motor vehicle involved in the accident was owned or leased by, or under the direction of, the United States, this state, another state, or a local agency.

SEC. 2. Section 16002 of the Vehicle Code is amended to read:

16002. (a) If the driver at the time of the accident was driving a motor vehicle owned, operated, or leased by the employer of the driver and with the permission of the employer, then the driver shall within five days after the accident report the accident to his employer on a form approved by the employer. Within 10 days after receipt of the report the employer shall transmit a report on a form approved by the department to the office of the department at Sacramento, except that an employer need not transmit such report when the vehicle involved in the accident is owned or operated as described in Section 16051 or 16052, or is owned or operated by any person or corporation who has filed with the department a certificate of an insurance carrier or surety company that there is in effect a policy or bond meeting the requirements of Section 16056 and when such policy or bond is in force with respect to the vehicle at the time of the accident.

(b) The driver of a vehicle that is owned or operated by a publicly owned or operated transit system, or that is operated under contract with a publicly owned or operated transit system, and that is used to provide regularly scheduled transportation to the general public or for other official business of the system shall, within 10 days of the occurrence of the accident, report to the transit system any accident of a type otherwise required to be reported pursuant to subdivision (a) of Section 16000. The transit system shall maintain records of any report filed pursuant to this paragraph. Within 10 days after receipt of the report, the transit system shall transmit a report on a form approved by the department to the office of the department in Sacramento, except that a transit system is not required to submit a report when the vehicle involved in the accident is owned or operated as described in subdivision (b) of Section 16000.

SEC. 3. Section 27360.5 of the Vehicle Code, as added by Section 6 of Chapter 675 of the Statutes of 2000, is repealed.

SEC. 2. Section 27360.5 is added to the Vehicle Code, to read:

27360.5. (a) No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, may permit his or her child or ward who is six years of age, but less than 16 years of age, or who is less than six years of age and weighs 60 pounds or more to be transported upon a highway in the motor vehicle without providing and properly securing the child or ward in an appropriate child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards.

(b) No driver may transport on a highway any child who is six years of age, but less than 16 years of age, or who is less than six years of age and weighs 60 pounds or more in a motor vehicle, as defined in Section 27315, without providing and properly securing the child in a child passenger restraint system or safety belt meeting applicable federal motor vehicle safety standards. This subdivision does not apply to a

driver if the parent or legal guardian of the child is also present in the vehicle and is not the driver.

(c) (1) A first offense under this section is punishable by a fine of one hundred dollars (\$100), except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead, refers the defendant to a child restraint education program that includes, but is not limited to, demonstration of the proper installation and use of child passenger restraint systems for children of all ages, and provides economically disadvantaged families with a child passenger restraint low-cost purchase or loaner program. Upon completion of the program, the defendant shall provide proof of participation in the program that includes an inspection of a child passenger restraint system that meets applicable federal safety standards. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803.

The court may, at its discretion, require any defendant described under this section to attend an education program that includes demonstration of proper installation and use of child passenger restraint systems and provides certification to the court that the defendant has presented for inspection a child passenger restraint system that meets applicable federal safety standards.

(2) A second or subsequent offense under this section is punishable by a fine of two hundred fifty dollars (\$250), no part of which may be waived by the court, except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged, and the court, instead, refers the defendant to a community education program that includes, but is not limited to, education on the proper installation and use of child passenger restraint systems for children of all ages, and provides certification to the court of completion of that program. Upon completion of the program, the defendant shall provide proof of participation in the program. If an education program on the proper installation and use of a child passenger restraint system is not available within 50 miles of the residence of the defendant, the requirement to participate in that program shall be waived. If the fine is paid, waived, or reduced, the court shall report the conviction to the department pursuant to Section 1803.

The court may at its discretion, require any defendant described under this section to attend an education program that includes demonstration of proper installation and use of child passenger restraint systems and provides certification to the court that the defendant has presented for

inspection a child passenger restraint system that meets applicable federal safety standards.

(d) Notwithstanding any other provision of law, the fines collected for a violation of this section shall be allocated as follows:

(1) Sixty percent to county or city health departments where the violation occurred, to be used for an education program that includes, but is not limited to, the demonstration of proper installation and use of child passenger restraint systems for children of all ages and provides child restraints for loan or low-cost purchase.

(2) Twenty-five percent to the county or city for the administration of the program.

(3) Fifteen percent to the city, to be deposited in its general fund except that, if the violation occurred in an unincorporated area, this amount shall be allocated to the county for purposes of paragraph (1).

(e) This section shall become operative on January 1, 2002.

SEC. 5. Section 27363 of the Vehicle Code, as added by Section 9 of Chapter 675 of the Statutes of 2000, is amended to read:

27363. (a) The court may exempt from the requirements of this article any class of child by age, weight, or size if it is determined that the use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size. The court may require satisfactory proof of the child's physical unfitness, medical condition, or size and that an appropriate special needs child passenger restraint system is not available.

(b) In case of a life-threatening emergency, or when a child is being transported in an authorized emergency vehicle, if there is no child passenger restraint system available, a child may be transported without the use of that system, but the child shall be secured by a seatbelt.

(c) A child weighing more than 40 pounds may be transported in the backseat of a vehicle while wearing only a lap safety belt when the backseat of the vehicle is not equipped with a combination lap and shoulder safety belt.

(d) This section shall become operative on January 1, 2002.

SEC. 6. Section 27365 of the Vehicle Code, as added by Section 13 of Chapter 675 of the Statutes of 2000, is amended to read:

27365. (a) (1) Every car rental agency in California shall inform each of its customers of Section 27360 by posting, in a place conspicuous to the public in each established place of business of the agency, a notice not smaller than 15 inches by 20 inches which states the following: "CALIFORNIA LAW REQUIRES ALL CHILDREN WHO ARE 5 YEARS OF AGE OR LESS AND WEIGH LESS THAN 60 POUNDS TO BE TRANSPORTED IN A CHILD RESTRAINT SYSTEM. THIS AGENCY IS REQUIRED TO PROVIDE FOR

RENTAL A CHILD RESTRAINT SYSTEM IF YOU DO NOT HAVE A CHILD RESTRAINT SYSTEM YOURSELF.”

(2) The posted notice specified in paragraph (1) is not required if the car rental agency’s place of business is located in a hotel which has a business policy prohibiting the posting of signs or notices in any area of the hotel. In that case, a car rental agency shall furnish a written notice to each customer which contains the same information as required for the posted notice.

(b) Every car rental agency in California shall have available for, and shall, upon request, provide for rental to, adults traveling with children under six years of age, child passenger seat restraint systems that meet applicable federal motor vehicle safety standards on the date of the rental transaction, are in good and safe condition, with no missing original parts, and are not older than five years.

(c) A violation of this section is an infraction punishable by a fine of one hundred dollars (\$100).

(d) This section shall become operative on January 1, 2002.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the orderly administration and enforcement of the child passenger restraint system and seatbelt laws at the earliest possible time, it is necessary that this act take effect immediately.

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CHAPTER 85

An act to amend Section 65588 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 2001. Filed with Secretary of State July 19, 2001.]

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

SECTION 1. Section 65588 of the Government Code is amended to read:

65588. (a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:

(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.

(2) The effectiveness of the housing element in attainment of the community’s housing goals and objectives.

(3) The progress of the city, county, or city and county in implementation of the housing element.

(b) The housing element shall be revised as appropriate, but not less than every five years, to reflect the results of this periodic review.

(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.

(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:

(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.

(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone pursuant to Section 65590.

(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.

(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.

(e) Notwithstanding subdivision (b) or the date of adoption of the housing elements previously in existence, the dates of revisions for the housing element shall be modified as follows:

(1) Local governments within the regional jurisdiction of the Southern California Association of Governments: December 31, 2000, for the third revision, and June 30, 2005, for the fourth revision.

(2) Local governments within the regional jurisdiction of the Association of Bay Area Governments: December 31, 2001, for the third revision, and June 30, 2006, for the fourth revision.

(3) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2007, for the fourth revision.



(4) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2007, for the fourth revision.

(5) Local governments within the regional jurisdiction of the San Diego Association of Governments: December 31, 1999, for the third revision cycle ending June 30, 1999, and June 30, 2004, for the fourth revision.

(6) All other local governments: December 31, 2003, for the third revision, and June 30, 2008, for the fourth revision.

(7) Subsequent revisions shall be completed not less often than at five-year intervals following the fourth revision.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide sufficient time for each local government within the regional jurisdiction of the Association of Monterey Bay Area Governments to complete the modification of its housing element, it is necessary that this act take effect immediately.

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## CHAPTER 86

An act to amend Section 2512 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 20, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 2512 of the Revenue and Taxation Code is amended to read:

2512. (a) If a remittance to cover a payment required by law to be made to a taxing agency prior to a specified date and hour is (a) deposited in the United States mail in a sealed envelope, properly addressed with the required postage prepaid, or (b) deposited for shipment with an independent delivery service that is an Internal Revenue Service designated delivery service or has been approved by the tax collector, in a sealed envelope or package, properly addressed with the required fee prepaid, delivery of which shall not be later than 5 p.m. on the next business day after the effective delinquent date, the remittance shall be deemed received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance, or the

independent delivery service shipment date shown on the packing slip or air bill attached to the outside of the envelope or package containing the remittance, or on the date it was mailed if proof satisfactory to the tax collector establishes that the mailing occurred on an earlier date. The taxing agency is not required to accept a payment actually received in the mail if it is received more than 30 days after the date and time set by law for the payment.

(b) If a remittance to cover a payment, required by law to be made to a taxing agency prior to a specified date and hour, is made by an electronic payment option, such as wire transfer, telephoned credit card, or electronic Internet means, the remittance shall be deemed received on the date the transaction was completed by the taxpayer. Proof of completion of the transaction in the form of a confirmation number or other convincing evidence shall be presented by the taxpayer to the satisfaction of the tax collector. This subdivision does not apply to payments by electronic fund transfer as provided in Sections 2503.1 and 2503.2.

(c) This section does not, for purposes of applying subdivision (a) of Section 3707, apply to a remittance sent by mail, by independent delivery service, or by electronic payment option for the redemption of tax-defaulted property.

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## CHAPTER 87

An act to amend Section 46111 of the Education Code, relating to kindergarten.

[Approved by Governor July 20, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 46111 of the Education Code is amended to read:

46111. (a) (1) No pupil in a kindergarten shall be kept in school in any day more than four hours exclusive of recesses except for pupils in Early Primary Programs, as set forth in Chapter 8 (commencing with Section 8970) of Part 6.

(2) A pupil in a kindergarten in a school operating on a program of multitrack year-round scheduling pursuant to subdivision (a) of Section 37670 may be kept in school on any day for 265 minutes of instruction, exclusive of recesses.

(b) This section shall not apply to the Pasadena Unified School District or counties of the third class as determined pursuant to Section 28024 of the Government Code, as it read on January 1, 1977.

(c) This section shall not apply to the San Bernardino Unified School District with regard to any pupil of that district who is determined by the principal of the school in which that pupil is enrolled, pursuant to testing, teacher recommendation, or both, to be developmentally and academically suited for the longer instructional day.

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## CHAPTER 88

An act to amend Section 36622 of, to add Section 36614.5 to, to add Chapter 3 (commencing with Section 36631), Chapter 4 (commencing with Section 36650), Chapter 5 (commencing with Section 36660), and Chapter 6 (commencing with Section 36670) to Part 7 of Division 18 of, and to repeal Section 36605 and Chapter 3 (commencing with Section 36631), Chapter 4 (commencing with Section 36640), and Chapter 5 (commencing with Section 36650) of Part 7 of Division 18 of, the Streets and Highways Code, relating to benefit assessments.

[Approved by Governor July 20, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 36605 of the Streets and Highways Code is repealed.

SEC. 2. Section 36614.5 is added to the Streets and Highways Code, to read:

36614.5. "Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1

of the Government Code), for all documents relating to activities of the district.

SEC. 3. Section 36622 of the Streets and Highways Code is amended to read:

36622. The management district plan shall contain all of the following:

(a) A map of the district in sufficient detail to locate each parcel of property within the district.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of any benefit zones, proposed for establishment or extension in a manner sufficient to identify the lands included. Under no circumstances shall the boundaries of a proposed district overlap with the boundaries of another existing district created pursuant to this part. Nothing in this part prohibits the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law including, but not limited to, the Parking and Business Improvement Area Law of 1989.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations in each year of operation of the district.

(f) The proposed source or sources of financing including the proposed method and basis of levying the assessment in sufficient detail to allow each property owner to calculate the amount of the assessment to be levied against his or her property.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties to be assessed, including the assessor's parcel numbers, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property, in proportion to the benefit received by the property, to defray the cost thereof, including operation and maintenance. The plan may provide that all or any class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to the assessment.

(l) Any other item or matter required to be incorporated therein by the city council.

SEC. 4. Chapter 3 (commencing with Section 36631) of Part 7 of Division 18 of the Streets and Highways Code is repealed.

SEC. 5. Chapter 3 (commencing with Section 36631) is added to Part 7 of Division 18 of the Streets and Highways Code, to read:

### CHAPTER 3. ASSESSMENTS

36631. The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution establishing the management district plan described in Section 36622. The assessments may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part shall be charged interest and penalties.

36632. (a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. (a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution

determining to make the modifications after holding a public hearing on the proposed modifications. Notice of the public hearing and the proposed modifications shall be published as provided in Section 36623. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 53753 of the Government Code.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100).

SEC. 6. Chapter 4 (commencing with Section 36640) of Part 7 of Division 18 of the Streets and Highways Code is repealed.

SEC. 7. Chapter 4 (commencing with Section 36650) is added to Part 7 of Division 18 of the Streets and Highways Code, to read:

#### CHAPTER 4. GOVERNANCE

36650. (a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones within the district.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments.

36651. The management district plan may, but is not required to, state that an owners' association will provide the improvements or activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

SEC. 8. Chapter 5 (commencing with Section 36650) of Part 7 of Division 18 of the Streets and Highways Code is repealed.

SEC. 9. Chapter 5 (commencing with Section 36660) is added to Part 7 of Division 18 of the Streets and Highways Code, to read:

#### CHAPTER 5. RENEWAL

36660. (a) Any district previously established whose term has expired, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels not included in the prior district, the remaining revenues shall be spent to benefit only the parcels in the prior district. If the renewed district does not include parcels included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels.

(c) Upon renewal, a district shall have a term not to exceed 10 years. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

SEC. 10. Chapter 6 (commencing with Section 36670) is added to Part 7 of Division 18 of the Streets and Highways Code, to read:

#### CHAPTER 6. DISESTABLISHMENT

36670. (a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and

unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners of real property in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel in the district. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. (a) Upon the disestablishment of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, shall be refunded to the owners of the property then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.



SEC. 11. The changes made by this act, insofar as they repeal and reenact prior law, shall be construed as a continuation of the prior law.

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CHAPTER 89

An act to repeal Section 6600 of the Fish and Game Code, relating to ocean fishery research.

[Approved by Governor July 20, 2001. Filed with Secretary of State July 23, 2001.]

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

SECTION 1. Section 6600 of the Fish and Game Code is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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CHAPTER 90

An act to add and repeal Section 26840.9 of the Government Code, to add and repeal Section 103626 of the Health and Safety Code, and to add and repeal Section 18308 of the Welfare and Institutions Code, relating to domestic violence.

[Approved by Governor July 20, 2001. Filed with Secretary of State July 23, 2001.]

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

SECTION 1. (a) This act shall be known and may be cited as the Contra Costa County “Zero Tolerance for Domestic Violence” Act.

(b) The Legislature finds and declares the following:

(1) Domestic violence is a growing crime. In Contra Costa County, domestic violence-related felony filings increased 62 percent between 1998 and 1999.

(2) Domestic violence is ubiquitous. It cuts across all economic and education levels, all age groups, ethnicities, and other social and community characteristics.

(3) Domestic violence is insidious. It is characterized by a predictable, escalating cycle that can result in injury or death of victims, including children.

(4) Domestic violence puts children at risk. Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate significantly higher than the national average in the general population, according to the National Woman Abuse Prevention Project in Washington, D.C.

(5) Domestic violence is learned and generational. Studies show that boys who witness family violence are more likely to batter their female partners as adults than boys raised in nonviolent homes. Girls who witness their mothers' abuse have higher rates of being battered as adults.

(6) Domestic violence is progressive. A recent review of probation felony domestic violence offenders in Contra Costa County showed that 38 percent had domestic violence-related misdemeanor convictions.

(7) Substance abuse is a significant factor contributing to, although not necessarily a cause of, domestic violence. In Contra Costa County, the review of probation felony domestic violence offenders showed that 90 percent had documented histories of substance abuse or were under the influence of drugs or alcohol at the time the felony crime was committed.

(8) Domestic violence is costly, both in human and organizational terms. The results of domestic violence have many "hidden" costs, such as job turnover, loss of productivity, school absenteeism, and low school performance, in addition to the high cost of law enforcement, civil and criminal justice, health services, mental health services, substance abuse treatment, human services, and community-based services.

(9) Contra Costa County has declared a "zero tolerance for domestic violence," recognizing that the domestic violence prevention, intervention, and prosecution system is complex and multifaceted, spanning civil, criminal, health, and social service sectors and that, to be effective, there must be alignment in the objectives, protocols, policies, and activities of each sector.

(10) Contra Costa County has determined that achievement of this alignment requires governmental oversight and coordination of the multiple agencies involved in the domestic violence system. This oversight and coordination is an essential link in a comprehensive effort to eliminate domestic violence.

(11) Contra Costa County is unique in establishing a policy of "zero tolerance" for domestic violence that addresses the full spectrum of

prevention, early intervention, response, and remediation, as well as holding participating agencies accountable through specified performance measures and enhancing the automated systems that collect and report data.

(12) Contra Costa County has also determined that the fees authorized by this legislation shall not exceed the cost of governmental oversight and coordination of the domestic violence system.

(13) Contra Costa County has further determined that the fees authorized by Section 26840.7 of the Government Code are not sufficient or allowable for this purpose, as these funds are to be used only for domestic violence centers offering direct services, and are currently fully utilized for this purpose.

SEC. 2. Section 26840.9 is added to the Government Code, to read:

26840.9. (a) The Contra Costa County Board of Supervisors, upon making findings and declarations for the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Contra Costa County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar. The fees shall be allocated pursuant to Section 18308 of the Welfare and Institutions Code.

(c) In addition to the fee prescribed by Section 26840.1, in Contra Costa County, the person issuing authorization for the performance of a marriage or confidential marriage, or the county clerk upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code, shall collect the fees specified in subdivisions (a) and (b) of this section, at the time of providing the authorization.

(d) The Contra Costa County Board of Supervisors shall submit to the Assembly Judiciary Committee and the Senate Judiciary Committee, no later than July 1, 2006, a report containing the following information:

(1) The annual amounts of funds received and expended from fee increases for the purpose of governmental oversight and coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

(2) Outcomes achieved as a result of the activities associated with the Zero Tolerance for Domestic Violence Act.

(e) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 3. Section 103626 is added to the Health and Safety Code, to read:

103626. (a) The Contra Costa County Board of Supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Contra Costa County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar. The fees shall be disposed of pursuant to the provisions of Section 18308 of the Welfare and Institutions Code.

(c) In addition to the fees prescribed by subdivisions (a) and (b) of this section, any applicant for a certified copy of a birth certificate, a fetal death record, or death record in Contra Costa County shall pay an additional fee to the local registrar, county recorder, or county clerk as established by the Contra Costa County Board of Supervisors.

(d) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 4. Section 18308 is added to the Welfare and Institutions Code, to read:

18308. (a) The Contra Costa County Board of Supervisors shall direct the local registrar, county recorder, and county clerk to deposit fees collected pursuant to Section 26840.9 of the Government Code and Section 103626 of the Health and Safety Code into a special fund. The county may retain up to 4 percent of the fund for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund. Proceeds from the fund shall be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts among the court system, the district attorney's office, the public defender's office, law enforcement, the probation department, mental health, substance abuse, child welfare services, adult protective services, and community-based organizations and other agencies working in Contra Costa County in order to increase the effectiveness of prevention, early intervention and prosecution of domestic and family violence.

(b) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute deletes or extends that date.

SEC. 5. Due to the unique circumstances of the County of Contra Costa with respect to domestic violence, the Legislature hereby finds

and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special legislation contained in Sections 1 to 3, inclusive, of this act is necessarily applicable only in the County of Contra Costa.

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## CHAPTER 91

An act to amend Section 33 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), relating to water.

[Approved by Governor July 20, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 33 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959) is amended to read:

Sec. 33. (a) On and after March 1, 2002, the board of directors of the agency shall consist of five members, who are appointed as follows:

(1) (A) Subject to paragraph (1) of subdivision (e), three directors shall be members of the board of supervisors of the county who are appointed by that board to a term of four years, except that one of the three directors whose terms commence on March 1, 2002, shall be appointed to serve until January 31, 2004, subject to the appointment and qualification of his or her successor.

(B) In making appointments pursuant to this paragraph, the board of supervisors of the county shall consider appointing a member that represents a supervisorial district that includes the largest area in the county not served by a water district.

(2) Subject to paragraph (1) of subdivision (e), one director shall be a member of the Board of the South Lake Tahoe Public Utility District or the Tahoe City Public Utility District who is appointed pursuant to a resolution adopted by a majority vote of the board of directors of each of the districts described in this paragraph to a term of four years. An alternate director who meets the requirements of this paragraph shall also be appointed pursuant to this paragraph to serve if the director who is appointed pursuant to this paragraph is absent or unable to serve for any reason.

(3) (A) One director shall be a member of the Board of the El Dorado Irrigation District, the Grizzly Flats Community Services District, or the Georgetown Divide Public Utility District who is appointed pursuant to a resolution adopted by a majority vote of the board of directors of at least two of the districts described in this paragraph to a term of four

years, except that the director whose term commences on March 1, 2002, shall be appointed to serve until January 31, 2004, subject to the appointment and qualification of his or her successor. An alternate director who meets the requirements of this paragraph shall also be appointed pursuant to this paragraph to serve if the director who is appointed pursuant to this paragraph is absent or unable to serve for any reason.

(B) If a director is selected pursuant to this paragraph who is not a member of the board of the El Dorado Irrigation District, the boards of the districts described in subparagraph (A) shall appoint, by majority vote, a director who is a member of the board of the El Dorado Irrigation District to a term of four years who shall serve upon the conclusion of the term of the director who is selected pursuant to this paragraph who is not a member of the board of the El Dorado Irrigation District.

(b) Not later than January 15 of the year in which the term of office is required to commence, each district from which appointees have been selected pursuant to paragraph (2) or (3) of subdivision (a) shall notify, in writing, the board of the agency regarding those appointments.

(c) (1) If no notification of an appointment is received by the board of the agency pursuant to subdivision (b) with regard to an appointment described in paragraph (2) or (3) of subdivision (a), the board of the agency shall request, in writing, the board of supervisors of the county to appoint that director or alternate director.

(2) A director or alternate director appointed pursuant to this subdivision for the purposes of making an appointment described in paragraph (2) of subdivision (a) shall be a member of the board of the South Lake Tahoe Public Utility District or the Tahoe City Public Utility District.

(3) A director or alternate director appointed pursuant to this subdivision for the purposes of making an appointment described in paragraph (3) of subdivision (a) shall be a member of the board of the El Dorado Irrigation District, the Grizzly Flats Community Services District, or the Georgetown Divide Public Utility District.

(d) Notwithstanding the fixed terms of the directors, each of the five directors shall serve at the pleasure of the appointing authorities. For the purposes of this subdivision, the board of supervisors of the county shall be the appointing authority with regard to any appointment made pursuant to subdivision (c).

(e) (1) The terms of office for the initial board of directors appointed pursuant to this section shall commence on March 1, 2002. Except as otherwise provided in paragraphs (1) and (3) of subdivision (a), the terms of office for the initial board of directors appointed pursuant to this section shall expire on January 31, 2006, subject to the appointment and qualification of the respective successor.

(2) For succeeding directors, other than those appointed to fill vacancies, each term of office shall commence on February 1 of the applicable year and shall expire on January 31, four years thereafter, subject to the appointment and qualification of the respective successor.

(f) If a director who is a member of the board of supervisors of the county or is a member of a board of directors of a special district named in subdivision (a) ceases to be a member during his or her term, his or her position as a director of the agency shall be vacant. Any vacancy in the office of a director shall be filled by the appropriate appointing authorities.

(g) Each director shall serve on the board of the agency without additional compensation, except the member shall be allowed his or her actual, necessary, and reasonable traveling expenses.

(h) The board of directors shall elect a chairperson, who shall preside at all meetings of the board and shall elect a vice chairperson for the purposes of serving in case the chairperson is absent or unable to act.

(i) Any member of the board may administer oaths, when necessary in the performance of his or her official duties.

(j) A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members concur therein.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

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## CHAPTER 92

An act to amend Sections 27150.1, 27150.2, 27150.7, and 27151 of, and to repeal Sections 23130, 23130.5, 27150.3, 27150.4, 27150.6 and 27150.8 of, the Vehicle Code, relating to vehicles.

[Approved by Governor July 20, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 23130 of the Vehicle Code is repealed.

SEC. 2. Section 23130.5 of the Vehicle Code is repealed.

SEC. 3. Section 27150.1 of the Vehicle Code is amended to read:

27150.1. On and after the effective date of regulations and standards adopted by the commissioner pursuant to Section 27150.2, no person engaged in a business which involves the selling of motor vehicle exhaust systems, or parts thereof, including, but not limited to, mufflers, shall offer for sale, sell, or install, a motor vehicle exhaust system, or part thereof, including, but not limited to, a muffler, unless it meets those regulations and standards. Motor vehicle exhaust systems or parts thereof include, but are not limited to, nonoriginal exhaust equipment.

A violation of this section is a misdemeanor.

SEC. 4. Section 27150.2 of the Vehicle Code is amended to read:

27150.2. The commissioner shall adopt regulations setting standards for vehicular exhaust systems consistent with Article 2.5 (commencing with Section 27200). The regulations shall include, but need not be limited to, the following:

(a) Provisions for standards for vehicular exhaust systems, based on manufacturers' data and subject to any inspections and other verification the commissioner may prescribe. The regulations shall include provisions specifying that exhaust systems installed on motor vehicles, other than motorcycles, with a manufacturer's gross vehicle weight rating of less than 6,000 pounds, that emit no more than 95 dbA when tested in accordance with Society of Automotive Engineers Standard J1169 May 1998, comply with Sections 27150 and 27151.

(b) Provisions for the licensing of stations to implement this section and Section 27150.1, and for the denial, revocation, or suspension of any license for failure to comply with this section or any regulation adopted thereunder.

The regulations may provide for the exemption of vehicular exhaust systems where compliance with the regulations would cause an unreasonable hardship without resulting in a sufficient corresponding benefit with respect to noise level control.

SEC. 5. Section 27150.3 of the Vehicle Code is repealed.

SEC. 6. Section 27150.4 of the Vehicle Code is repealed.

SEC. 7. Section 27150.6 of the Vehicle Code is repealed.

SEC. 8. Section 27150.7 of the Vehicle Code is amended to read:

27150.7. A court may dismiss any action in which a person is prosecuted for operating a vehicle in violation of Section 27150 or 27151 if it is found that the vehicle was equipped with an exhaust system in compliance with regulations adopted by the commissioner pursuant to Section 27150.2, and that the defendant had reasonable grounds to believe that the exhaust system was in good working order and had reasonable grounds to believe that the vehicle was not operated in violation of Section 27150 or 27151.

SEC. 9. Section 27150.8 of the Vehicle Code is repealed.

SEC. 10. Section 27151 of the Vehicle Code is amended to read:



27151. (a) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of the vehicle so that the vehicle is not in compliance with the provisions of Section 27150 or exceeds the noise limits established for the type of vehicle in Article 2.5 (commencing with Section 27200). No person shall operate a motor vehicle with an exhaust system so modified.

(b) For the purposes of exhaust systems installed on motor vehicles with a manufacturer's gross vehicle weight rating of less than 6,000 pounds, other than motorcycles, a sound level of 95 dbA or less, when tested in accordance with Society of Automotive Engineers Standard J1169 May 1998, complies with this section. Motor vehicle exhaust systems or parts thereof include, but are not limited to, nonoriginal exhaust equipment.

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## CHAPTER 93

An act to amend Section 11704.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 20, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 11704.5 of the Vehicle Code is amended to read:

11704.5. (a) Except as provided in subdivision (e), every person who applies for a dealer's license pursuant to Section 11701 for the purpose of transacting sales of used vehicles on a retail or wholesale basis only shall be required to take and successfully complete a written examination prepared and administered by the department before a license may be issued. The examination shall include, but need not be limited to, all of the following laws and subjects:

(1) Division 12 (commencing with Section 24000), relating to equipment of vehicles.

(2) Advertising.

(3) Odometers.

(4) Vehicle licensing and registration.

(5) Branch locations.

(6) Offsite sales.

(7) Unlawful dealer activities.

(8) Handling, completion, and disposition of departmental forms.

(b) Prior to the first taking of an examination under subdivision (a), every applicant shall successfully complete a preliminary educational program of not less than four hours. The program shall address, but not be limited to, all of the following topics:

(1) Chapter 2B (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code, relating to motor vehicle sales finance.

(2) Motor vehicle financing.

(3) Truth in lending.

(4) Sales and use taxes.

(5) Division 12 (commencing with Section 24000), relating to equipment of vehicles.

(6) Advertising.

(7) Odometers.

(8) Vehicle licensing and registration.

(9) Branch locations.

(10) Offsite sales.

(11) Unlawful dealer activities.

(12) Air pollution control requirements.

(13) Regulations of the Bureau of Automotive Repair.

(14) Handling, completion, and disposition of departmental forms.

(c) (1) Except as provided in paragraph (2) or (3), every dealer who is required to complete a written examination and an educational program pursuant to subdivisions (a) and (b) and who is thereafter issued a dealer's license shall successfully complete, every two years after issuance of that license, an educational program of not less than four hours that offers instruction in the subjects listed under subdivision (a) and the topics listed under subdivision (b), in order to maintain or renew that license.

(2) A dealer is not required to complete the educational program set forth in paragraph (1) if the educational program is completed by a managerial employee employed by the dealer.

(3) Paragraph (1) does not apply to dealers who sell vehicles on a wholesale basis only and who, in a one-year period, deal with less than 50 vehicles that are subject to registration.

(d) Instruction described in subdivisions (b) and (c) may be provided by generally accredited educational institutions, private vocational schools, and educational programs and seminars offered by professional societies, organizations, trade associations, and other educational and technical programs that meet the requirements of this section or by the department.

(e) This section does not apply to any of the following:

(1) An applicant for a new vehicle dealer's license or any employee of that dealer.

(2) A person who holds a valid license as an automobile dismantler, an employee of that dismantler, or an applicant for an automobile dismantler's license.

(3) An applicant for a motorcycle only dealer's license or any employee of that dealer.

(4) An applicant for a trailer only dealer's license or any employee of that dealer.

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## CHAPTER 94

An act to amend Section 4161 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 20, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 4161 of the Vehicle Code is amended to read:  
4161. (a) Whenever a motor vehicle engine or motor is installed, except temporarily, in a motor vehicle which is identified on the ownership and registration certificates by motor or engine number or by both the motor and frame numbers and subject to registration under this code, the owner of the motor vehicle shall, within 10 days thereafter, give notice to the department upon a form furnished by it containing a description of the motor vehicle engine or motor installed, including any identifying number thereon and the date of the installation. The owner of the motor vehicle shall also submit to the department with the notice the certificate of ownership and registration card covering the motor vehicle in which the motor vehicle engine or motor is installed and evidence of ownership covering the new or used motor vehicle engine or motor installed and such other documents as may be required by the department.

(b) Upon receipt of motor vehicle engine or motor change notification and other required documents, the department shall assign a distinguishing vehicle identification number to motor vehicles, other than motorcycles or motor-driven cycles registered under a motor number or motor and frame numbers. When the distinguishing vehicle identification number is placed on the vehicle as authorized, the vehicle shall thereafter be identified by the distinguishing identification number assigned.

(c) Notwithstanding any other provision of this section or any other provision of law, whenever an application is made to the department to register a replacement engine case for any motorcycle, the department shall request the Department of the California Highway Patrol to inspect the motorcycle to determine its proper identity. If the replacement engine case bears the same identifying numbers as the engine case being replaced, the original engine case shall be destroyed. A determination verifying proof of destruction shall be made by the Department of the California Highway Patrol.

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## CHAPTER 95

An act to amend Section 11580.2 of the Insurance Code, relating to motor vehicle insurance.

[Approved by Governor July 23, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) (1) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, except for policies which provide insurance in the Republic of Mexico issued or delivered in this state by nonadmitted Mexican insurers, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the limits specified in subdivision (m) and in no case less than the financial responsibility requirements specified in Section 16056 of the Vehicle Code insuring the insured, the insured's heirs or legal representative for all sums within the limits which he, she, or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured, prior to or subsequent to the issuance or renewal of a policy, may, by agreement in writing, in the form specified in paragraph (2) or paragraph (3), (1) delete the provision covering damage caused by an uninsured motor vehicle completely, or (2) delete the coverage when a motor vehicle is operated by a natural person or persons designated by name, or (3) agree to

provide the coverage in an amount less than that required by subdivision (m) but not less than the financial responsibility requirements specified in Section 16056 of the Vehicle Code. Any of these agreements by any named insured or agreement for the amount of coverage shall be binding upon every insured to whom the policy or endorsement provisions apply while the policy is in force, and shall continue to be so binding with respect to any continuation or renewal of the policy or with respect to any other policy which extends, changes, supersedes, or replaces the policy issued to the named insured by the same insurer, or with respect to reinstatement of the policy within 30 days of any lapse thereof. A policy shall be excluded from the application of this section if the automobile liability coverage is provided only on an excess or umbrella basis. Nothing in this section shall require that uninsured motorist coverage be offered or provided in any homeowner policy, personal and residents' liability policy, comprehensive personal liability policy, manufacturers' and contractors' policy, premises liability policy, special multiperil policy, or any other policy or endorsement where automobile liability coverage is offered as incidental to some other basic coverage, notwithstanding that the policy may provide automobile or motor vehicle liability coverage on insured premises or the ways immediately adjoining.

(2) The agreement specified in paragraph (1) to delete the provision covering damage caused by an uninsured motor vehicle completely or delete the coverage when a motor vehicle is operated by a natural person or persons designated by name shall be in the following form:

"The California Insurance Code requires an insurer to provide uninsured motorists coverage in each bodily injury liability insurance policy it issues covering liability arising out of the ownership, maintenance, or use of a motor vehicle. Those provisions also permit the insurer and the applicant to delete the coverage completely or to delete the coverage when a motor vehicle is operated by a natural person or persons designated by name. Uninsured motorists coverage insures the insured, his or her heirs, or legal representatives for all sums within the limits established by law, which the person or persons are legally entitled to recover as damages for bodily injury, including any resulting sickness, disease, or death, to the insured from the owner or operator of an uninsured motor vehicle not owned or operated by the insured or a resident of the same household. An uninsured motor vehicle includes an underinsured motor vehicle as defined in subdivision (p) of Section 11580.2 of the Insurance Code."

The agreement may contain additional statements not in derogation of or in conflict with the foregoing. The execution of the agreement shall relieve the insurer of liability under this section while the agreement remains in effect.

(3) The agreement specified in paragraph (1) to provide coverage in an amount less than that required by subdivision (m) shall be in the following form:

“The California Insurance Code requires an insurer to provide uninsured motorists coverage in each bodily injury liability insurance policy it issues covering liability arising out of the ownership, maintenance, or use of a motor vehicle. Those provisions also permit the insurer and the applicant to agree to provide the coverage in an amount less than that required by subdivision (m) of Section 11580.2 of the Insurance Code but not less than the financial responsibility requirements. Uninsured motorists coverage insures the insured, his or her heirs, or legal representatives for all sums within the limits established by law, which the person or persons are legally entitled to recover as damages for bodily injury, including any resulting sickness, disease, or death, to the insured from the owner or operator of an uninsured motor vehicle not owned or operated by the insured or a resident of the same household. An uninsured motor vehicle includes an underinsured motor vehicle as defined in subdivision (p) of Section 11580.2 of the Insurance Code.”

The agreement may contain additional statements not in derogation of or in conflict with this paragraph. However, it shall be presumed that an application for a policy of bodily injury liability insurance containing uninsured motorist coverage in an amount less than that required by subdivision (m), signed by the named insured and approved by the insurer, with a policy effective date after January 1, 1985, shall be a valid agreement as to the amount of uninsured motorist coverage to be provided.

(b) As used in subdivision (a), “bodily injury” includes sickness or disease, including death, resulting therefrom; “named insured” means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in subdivision (a); as used in subdivision (a) if the named insured is an individual “insured” means the named insured and the spouse of the named insured and, while residents of the same household, relatives of either while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he or she is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; as used in subdivision (a), if the named insured is an entity other than an individual, “insured” means any person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he or she is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement

apply. As used in this subdivision, "individual" shall not include persons doing business as corporations, partnerships, or associations. As used in this subdivision, "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute automobile for which liability coverage is provided in the policy or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his or her permission or consent, express or implied, and any other automobile not owned by or furnished for the regular use of the named insured or any resident of the same household, or by a natural person or persons for whom coverage has been deleted in accordance with subdivision (a) while being operated by the named insured or his or her spouse if a resident of the same household, but "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. As used in this section, "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is the applicable insurance or bond but the company writing the insurance or bond denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or an "underinsured motor vehicle" as defined in subdivision (p), or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of the automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his or her behalf has reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or to the local headquarters of the California Highway Patrol, and has filed with the insurer within 30 days thereafter a statement under oath that the insured or his or her legal representative has or the insured's heirs have a cause of action arising out of the accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. As used in this section, "uninsured motor vehicle" shall not include a motor vehicle owned or operated by the named insured or any resident of the same household or self-insured within the meaning of the Financial Responsibility Law of the state in which the motor vehicle is

registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer while located for use as a residence or premises and not as a vehicle, or any equipment or vehicle designed or modified for use primarily off public roads, except while actually upon public roads.

As used in this section, “uninsured motor vehicle” also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer’s solvency protection shall be applicable only to accidents occurring during a policy period in which its insured’s motor vehicle coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one year of the accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of the coverage, the insurer making the payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of the person against the insolvent insurer.

Nothing in this section is intended to exclude from the definition of an uninsured motor vehicle any motorcycle or private passenger-type four-wheel drive motor vehicle if that vehicle was subject to and failed to comply with the Financial Responsibility Law of this state.

(c) The insurance coverage provided for in this section does not apply either as primary or as excess coverage:

- (1) To property damage sustained by the insured.
- (2) To bodily injury of the insured while in or upon or while entering into or alighting from a motor vehicle other than the described motor vehicle if the owner thereof has insurance similar to that provided in this section.
- (3) To bodily injury of the insured with respect to which the insured or his or her representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.
- (4) In any instance where it would inure directly or indirectly to the benefit of any workers’ compensation carrier or to any person qualified as a self-insurer under any workers’ compensation law, or directly to the benefit of the United States, or any state or any political subdivision thereof.
- (5) To establish proof of financial responsibility as provided in subdivisions (a), (b), and (c) of Section 16054 of the Vehicle Code.
- (6) To bodily injury of the insured while occupying a motor vehicle owned by an insured or leased to an insured under a written contract for a period of six months or longer, unless the occupied vehicle is an insured



motor vehicle. "Motor vehicle" as used in this paragraph means any self-propelled vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured, except when the injured insured's vehicle is being operated, or caused to be operated, by a person without the injured insured's consent in connection with criminal activity that has been documented in a police report and that the injured insured is not a party to.

(8) To bodily injury of the insured while occupying a motor vehicle rented or leased to the insured for public or livery purposes.

(d) Subject to paragraph (2) of subdivision (c), the policy or endorsement may provide that if the insured has insurance available to the insured under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and the damages shall be prorated between the applicable coverages as the limits of each coverage bear to the total of the limits.

(e) The policy or endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him or her, the damages which the insured shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under the automobile medical payment insurance.

(f) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his or her insurer, his or her legal representative, or his or her heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. If the insured has or may have rights to benefits, other than nonoccupational disability benefits, under any workers' compensation law, the arbitrator shall not proceed with the arbitration until the insured's physical condition is stationary and ratable. In those cases in which the insured claims a permanent disability, the claims shall, unless good cause be shown, be adjudicated by award or settled by compromise and release before the arbitration may proceed. Any demand or petition for arbitration shall contain a declaration, under penalty of perjury, stating whether (i) the insured has a workers' compensation claim; (ii) the claim has proceeded to findings and award or settlement on all issues reasonably contemplated to be determined in that claim; and (iii) if not, what reasons

amounting to good cause are grounds for the arbitration to proceed immediately. The arbitration shall be deemed to be a proceeding and the hearing before the arbitrator shall be deemed to be the trial of an issue therein for purposes of issuance of a subpoena by an attorney of a party to the arbitration under Section 1985 of the Code of Civil Procedure. Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to these determinations, and all rights, remedies, obligations, liabilities and procedures set forth in Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Whenever in Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the superior court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any proper court to which application is first made by either the insured or the insurer under Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under Article 3 with respect to the same accident, subject, however, to the right of the court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) Paragraph (4) of subdivision (a) of Section 2019 of the Code of Civil Procedure is not applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in paragraph (2) of subdivision (b) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 of the Code of Civil Procedure may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section limits the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(g) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom the claim was paid against any person legally liable for the injury or death to the extent that payment was made. The action may be brought within three years from the date that payment was made hereunder.

(h) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver of rights to which he or she may be entitled under any other insurance coverage applicable; nor shall payment under this section to the insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him or her, his or her executor, administrator, heirs, or legal representative under any workers' compensation law, exclusive of nonoccupational disability benefits.

(2) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part, including any amounts tendered to the insured as advance payment on behalf of the other person by the insurer providing the underlying liability insurance.

(i) (1) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless one of the following actions have been taken within one year from the date of the accident:

(A) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction.

(B) Agreement as to the amount due under the policy has been concluded.

(C) The insured has formally instituted arbitration proceedings by notifying the insurer in writing sent by certified mail, return receipt requested. Notice shall be sent to the insurer or to the agent for process designated by the insurer filed with the department.

(2) Any arbitration instituted pursuant to this section shall be concluded either:

(A) Within five years from the institution of the arbitration proceeding.

(B) If the insured has a workers' compensation claim arising from the same accident, within three years of the date the claim is concluded, or within the five-year period set forth in subparagraph (A), whichever occurs later.

(3) The doctrines of estoppel, waiver, impossibility, impracticality, and futility apply to excuse a party's noncompliance with the statutory timeframe, as determined by the court.

(4) Parties to the insurance contract may stipulate in writing to extending the time to conclude arbitration.

(j) Notwithstanding subdivisions (b) and (i), in the event the accident occurs in any other state or foreign jurisdiction to which coverage is extended under the policy and the insurer of the tortfeasor becomes insolvent, any action authorized pursuant to this section may be maintained within three months of the insolvency of the tortfeasor's insurer, but in no event later than the pertinent period of limitation of the jurisdiction in which the accident occurred.

(k) Notwithstanding subdivision (i), any insurer whose insured has made a claim under his or her uninsured motorist coverage, and the claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to the injury or death. Failure of the insurer to provide the written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date the written notice is actually given. The notice shall not be required if the insurer has received notice that the insured is represented by an attorney.

(l) As used in subdivision (b), "public or livery conveyance," or terms of similar import, shall not include the operation or use of a motor vehicle by the named insured in the performance of volunteer services for a nonprofit charitable organization or governmental agency by providing social service transportation as defined in subdivision (f) of Section 11580.1. This subdivision shall apply only to policies of insurance issued, amended, or renewed on or after January 1, 1976.

(m) Coverage provided under an uninsured motorist endorsement or coverage shall be offered with coverage limits equal to the limits of liability for bodily injury in the underlying policy of insurance, but shall not be required to be offered with limits in excess of the following amounts:

(1) A limit of thirty thousand dollars (\$30,000) because of bodily injury to or death of one person in any one accident.

(2) Subject to the limit for one person set forth in paragraph (1), a limit of sixty thousand dollars (\$60,000) because of bodily injury to or death of two or more persons in any one accident.

(n) Underinsured motorist coverage shall be offered with limits equal to the limits of liability for the insured's uninsured motorist limits in the underlying policy, and may be offered with limits in excess of the uninsured motorist coverage. For the purposes of this section, uninsured and underinsured motorist coverage shall be offered as a single coverage. However, an insurer may offer coverage for damages for bodily injury or wrongful death from the owner or operator of an underinsured motor vehicle at greater limits than an uninsured motor vehicle.

(o) If an insured has failed to provide an insurer with wage loss information or medical treatment record releases within 15 days of the insurer's request or has failed to submit to a medical examination arranged by the insurer within 20 days of the insurer's request, the insurer may, at any time prior to 30 days before the actual arbitration proceedings commence, request, and the insured shall furnish, wage loss information or medical treatment record releases, and the insurer may require the insured, except during periods of hospitalization, to make himself or herself available for a medical examination. The wage loss information or medical treatment record releases shall be submitted by the insured within 10 days of request and the medical examination shall be arranged by the insurer no sooner than 10 days after request, unless the insured agrees to an earlier examination date, and not later than 20 days after the request. If the insured fails to comply with the requirements of this subdivision, the actual arbitration proceedings shall be stayed for at least 30 days following compliance by the insured. The proceedings shall be scheduled as soon as practicable following expiration of the 30-day period.

(p) This subdivision applies only when bodily injury, as defined in subdivision (b), is caused by an underinsured motor vehicle. If the provisions of this subdivision conflict with subdivisions (a) through (o), the provisions of this subdivision shall prevail.

(1) As used in this subdivision, "an insured motor vehicle" is one that is insured under a motor vehicle liability policy, or automobile liability insurance policy, self-insured, or for which a cash deposit or bond has been posted to satisfy a financial responsibility law.

(2) "Underinsured motor vehicle" means a motor vehicle that is an insured motor vehicle but insured for an amount that is less than the uninsured motorist limits carried on the motor vehicle of the injured person.

(3) This coverage does not apply to any bodily injury until the limits of bodily injury liability policies applicable to all insured motor vehicles causing the injury have been exhausted by payment of judgments or settlements, and proof of the payment is submitted to the insurer providing the underinsured motorist coverage.

(4) When bodily injury is caused by one or more motor vehicles, whether insured, underinsured, or uninsured, the maximum liability of the insurer providing the underinsured motorist coverage shall not exceed the insured's underinsured motorist coverage limits, less the amount paid to the insured by or for any person or organization that may be held legally liable for the injury.

(5) The insurer paying a claim under this subdivision shall, to the extent of the payment, be entitled to reimbursement or credit in the amount received by the insured from the owner or operator of the underinsured motor vehicle or the insurer of the owner or operator.

(6) If the insured brings an action against the owner or operator of an underinsured motor vehicle, he or she shall forthwith give to the insurer providing the underinsured motorist coverage a copy of the complaint by personal service or certified mail. All pleadings and depositions shall be made available for copying or copies furnished the insurer, at the insurer's expense, within a reasonable time.

(7) Underinsured motorist coverage shall be included in all policies of bodily injury liability insurance providing uninsured motorist coverage issued or renewed on or after July 1, 1985. Notwithstanding this section, an agreement to delete uninsured motorist coverage completely, or with respect to a person or persons designated by name, executed prior to July 1, 1985, shall remain in full force and effect.

(q) Regardless of the number of vehicles involved whether insured or not, persons covered, claims made, premiums paid or the number of premiums shown on the policy, in no event shall the limit of liability for two or more motor vehicles or two or more policies be added together, combined, or stacked to determine the limit of insurance coverage available to injured persons.

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## CHAPTER 96

An act to repeal Section 6034 of the Business and Professions Code, and to amend Section 384 of the Code of Civil Procedure, relating to class action lawsuits.

[Approved by Governor July 23, 2001. Filed with  
Secretary of State July 23, 2001.]

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

SECTION 1. Section 6034 of the Business and Professions Code is repealed.

SEC. 2. Section 384 of the Code of Civil Procedure is amended to read:

384. (a) It is the intent of the Legislature in enacting this section to ensure that the unpaid residuals in class action litigation are distributed, to the extent possible, in a manner designed either to further the purposes of the underlying causes of action, or to promote justice for all Californians. The Legislature finds that the use of funds collected by the State Bar pursuant to this section for these purposes is in the public interest, is a proper use of the funds, and is consistent with essential public and governmental purposes.

(b) Except as provided in subdivision (c), prior to the entry of any judgment in a class action established pursuant to Section 382, the court shall determine the total amount that will be payable to all class members, if all class members are paid the amount to which they are entitled pursuant to the judgment. The court shall also set a date when the parties shall report to the court the total amount that was actually paid to the class members. After the report is received, the court shall amend the judgment to direct the defendant to pay the sum of the unpaid residue, plus interest on that sum at the legal rate of interest from the date of entry of the initial judgment, to nonprofit organizations or foundations to support projects that will benefit the class or similarly situated persons, or that promote the law consistent with the objectives and purposes of the underlying cause of action, to child advocacy programs, or to nonprofit organizations providing civil legal services to the indigent. The court shall ensure that the distribution of any unpaid residual derived from multistate or national cases brought under California law shall provide substantial or commensurate benefit to California consumers.

(c) This section shall not apply to any class action brought against any public entity, as defined in Section 811.2 of the Government Code, or against any public employee, as defined in Section 811.4 of the Government Code. However, this section shall not be construed to abrogate any equitable cy pres remedy which may be available in any class action with regard to all or part of the residue.

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## CHAPTER 97

An act to amend Sections 16722, 16731, 16733, 16753, 16754.3, 16771, and 16774 of, and to add Section 16724.7 to, the Government Code, relating to state bonds, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 2001. Filed with  
Secretary of State July 24, 2001.]

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

SECTION 1. Section 16722 of the Government Code is amended to read:

16722. As used in this chapter, the following terms shall have the following meaning unless the context otherwise requires:

(a) "Board" means the state board, department, or agency authorized by that act to request the committee to cause bonds to be issued for the purpose of creating a fund that is to be expended by the board for the purposes specified in that act.

(b) "Bond" means a state general obligation bond issued pursuant to an act adopting the provisions of this chapter.

(c) "Bond act" means the act authorizing the issuance of state general obligation bonds and adopting this chapter by reference.

(d) "Committee" means the finance committee or other body created by that act and authorized to cause bonds to be issued by the adoption of a resolution or resolutions.

(e) "Fund" means the fund created by that act, and into which the proceeds from the sale of the bonds are paid.

(f) "Tender" means a term of a bond that gives the holder the right to have the bond purchased from the holder at a predetermined price prior to maturity.

SEC. 2. Section 16724.7 is added to the Government Code, to read:

16724.7. Costs incurred by the state in connection with state general obligation bonds bearing variable interest rates that are different from costs determined by the Treasurer to be customary costs for state general obligation bonds bearing interest at fixed rates (including, but not limited to, fees and charges of underwriters, remarketing or auction agents, tender and paying agents, rating agencies, financial advisors, counsel, and staff costs directly associated with the foregoing), shall be paid from annual appropriations from the General Fund if the bonds are issued under a bond act approved by the voters prior to January 1, 2002. If the bonds are issued under a bond act approved by the voters after January 1, 2002, these costs are authorized to be paid, and may be paid, from the General Obligation Bond Expense Revolving Fund created by Section 16724.5 or from proceeds from the sale of any bonds issued pursuant to this chapter.

SEC. 3. Section 16731 of the Government Code is amended to read:

16731. Whenever the committee determines that the sale of all or any part of the bonds authorized to be issued is necessary or desirable, it shall adopt a resolution to that effect. The resolution shall specify the following as to the bonds then to be sold:

(a) The aggregate number, aggregate par value, denominations, and the date of the bonds to be then sold. The denominations shall be in the



sum of one thousand dollars (\$1,000) or multiples of that sum. The date appearing on the bonds shall be deemed to be the date of issuance for all purposes of this chapter, irrespective of the actual date of delivery of the bonds and the payment of the purchase price of the bonds.

(b) The dates of maturity and the amount of the bonds maturing at each date of maturity, which amounts need not be equal. The last dates of maturity shall be not more than 45 years after the date of the bonds.

(c) Whether or not the bonds are to be subject to redemption or tender prior to maturity, and, if so, the provisions for the redemption or tender, the manner of the call or notice thereof, and the price or prices at which the bonds shall be subject to redemption or tender.

(d) The annual rate, or rates, of interest that the bonds to be issued shall bear, which may be in multiples of one-eighth or one-twentieth of 1 percent, but not in excess of 11 percent. The rate or rates may be determined at the time of the sale of the bonds. Alternatively, the resolution may specify that the bonds may pay a variable interest rate, as prescribed in the resolution. However, at the time and as the result of the issuance of any bonds bearing a variable interest rate, the aggregate principal amount of all state general obligation bonds bearing variable interest rates may not exceed 20 percent of the aggregate principal amount of all state general obligation bonds then outstanding. For purposes of this calculation, variable rate bonds shall not include bonds issued pursuant to Section 16731.6 or bonds that have an effective fixed interest rate through a hedging contract. Notwithstanding any other provision of this chapter, if the committee decides to issue state general obligation bonds bearing variable interest rates, the committee is not required to comply with Section 16732. Notwithstanding any other provision of law, if bonds are issued bearing a variable interest rate under a bond act approved by the voters prior to January 1, 2002, and if the variable interest rate bonds provide a right of tender, then any amount payable by the state as a result of the tender with respect to principal of and interest on the bonds prior to the regularly scheduled principal or interest payment dates, or payable by the state pursuant to redemption or call initiated as a means to repay the obligation of the state resulting from the tender, is not backed by the full faith and credit of the state and shall not be payable under the bond act. Further, no contractual obligation of the state under a standby bond purchase agreement or other liquidity facility entered into in connection with variable interest rate bonds providing a right of tender and issued under a bond act approved by the voters prior to January 1, 2002, shall be backed by the full faith and credit of the state and shall not be payable under the bond act. These obligations are subject to annual appropriation by the Legislature.

(e) The interest payment dates.

(f) The technical form and language of the bonds.

(g) Whether or not the right is reserved to make delivery in the form of temporary or interim bonds, certificates, or receipts, exchangeable for definitive bonds when executed and available for delivery. If the right is reserved, the denominations and form of the temporary securities shall be stated.

(h) Provisions for the registration and exchange of bonds and for the use of a depository to hold book-entry bonds after issuance.

(i) All other terms and conditions of the bonds and of the execution, issuance, and sale of the bonds, which shall be consistent with all of this chapter.

SEC. 4. Section 16733 of the Government Code is amended to read:

16733. The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue, and shall be the rate or rates specified in the bid or proposal for negotiated sale accepted by the Treasurer, unless a variable interest rate is prescribed for the bonds in the resolution pursuant to subdivision (d) of Section 16731. The first interest payment date may be any date within one year after the date of the bonds.

SEC. 5. Section 16753 of the Government Code is amended to read:

16753. (a) Each bid shall be submitted to the Treasurer in the form and by the means specified by the Treasurer by public announcement.

(b) The Treasurer shall require that each bidder provide a good faith deposit of one-half of 1 percent of the principal amount of the bonds for which the bidder submits a bid. The Treasurer shall specify the form of the deposit, which may be a cashier's check, a surety bond, a wire transfer of funds, or a combination thereof. The deposit shall not bear interest.

SEC. 6. Section 16754.3 of the Government Code is amended to read:

16754.3. (a) The bonds specified in the resolution shall be sold by the Treasurer, at the time fixed by the Treasurer, and upon the notice that the Treasurer may deem advisable, or at the time to which the sale shall have been so continued, either at public sale to the bidder whose bid will result in the lowest interest cost on account of those bonds or by negotiated sale if the Treasurer determines it will result in a lower interest cost. With respect to bonds sold by the Treasurer by negotiated sales, the Treasurer shall make a finding on the public record as to why a public sale was not used. The Treasurer may sell the bonds at a price below the par value thereof, but the discount on bonds so sold shall not exceed 3 percent of the par value. The interest, if any, accrued to the date of delivery of, and payment for, the bonds shall be added to the sale price of the bonds in any case.

(b) The method of determining the lowest interest cost bid shall be prescribed in the bond resolution and shall be limited to either the net interest cost method or the true interest cost method. The net interest cost

of each bid shall be determined by ascertaining the total amount of interest that the state would be required to pay under that bid, from the date of the bonds to the respective maturity dates of the bonds then offered for sale, at the interest rate or rates specified in the bid, less the total amount of the premium, if any, or plus the total amount of the discount, if any, offered by the bid. The bid under which the amount so ascertained is the least shall be deemed to be the bid resulting in the lowest net interest cost. Under the true interest cost method, the bonds shall be awarded to the bidder submitting the lowest interest rate bid determined by the nominal interest rate that, when compounded semiannually and used to discount the debt service payments on the bonds to the date of the bonds, results in an amount equal to the price bid for the bonds, excluding interest accrued to the date of delivery. Under either method the sale shall be for cash, payable upon the delivery of the bonds in definitive form, or if the right to deliver temporary securities has been reserved, then upon the delivery of the temporary securities.

(c) Notwithstanding subdivision (a) or (b), if the resolution prescribes that the bonds may pay a variable interest rate, as specified in subdivision (d) of Section 16731, the Treasurer may sell the bonds by negotiated sales if the Treasurer determines that it is in the best interest of the state to do so.

(d) This section shall apply to any bonds authorized at any statewide election held at any time after the effective date of this section. Section 16754 shall apply only to bonds authorized at elections held before the effective date of this section.

SEC. 7. Section 16771 of the Government Code is amended to read:

16771. Upon the payment of any such bond or coupon, the State Treasurer, or the state fiscal agent, or other duly authorized agent, shall cancel the same in a manner to indicate the payment. The State Treasurer, or state fiscal agents, or other duly authorized agents, shall also on the respective dates of maturity of any such bonds that have been executed but remain unsold, cancel the same in a manner to indicate cancellation and on the respective due dates of all coupons attached to any such bond remaining unsold, shall detach all coupons the due date of which has been reached, and cancel them in the same manner as provided for the cancellation of bonds remaining unsold.

SEC. 8. Section 16774 of the Government Code is amended to read:

16774. (a) If the committee determines that any bonds then outstanding, including bonds that by their terms are subject to redemption prior to maturity, should be redeemed or retired prior to maturity, and that money sufficient for that redemption or retirement will be available in the fund or the General Fund at the time proposed for the redemption or retirement, it may, by resolution, direct the Treasurer to call and redeem or retire any of these bonds, at a time specified in the

resolution, and the Treasurer shall thereupon either give notice of the proposed redemption and redeem the bonds in accordance with the provisions for redemption provided for in the resolution adopted under Section 16731 pursuant to which the bonds were issued or arrange for the purchase and retirement of the bonds.

(b) Money sufficient for the redemption or retirement shall be determined to be available in the General Fund if the Treasurer certifies that either the issuance of refunding bonds under Article 6 (commencing with Section 16780) or the deferral of the planned payment of principal on outstanding bonds has reduced the principal payments required to be made from the General Fund on outstanding bonds during the current fiscal year by an amount equal to, or in excess of, the money required for the redemption or retirement.

(c) Money so determined to be sufficient for the redemption or retirement of bonds and available for that purpose shall be transferred from the General Fund to a separate account within the Refunding Escrow Fund created by Section 16784. Notwithstanding Section 13340, money in that account is continuously appropriated without regard to fiscal years for the purposes of this section. Funds in that account shall be held in trust for the benefit of the holders of the bonds which are to be redeemed or retired and used only for the payment of the principal of, and interest and any redemption premium on, or the purchase price of, the bonds which are to be redeemed or retired. Money in the account shall be invested by the Treasurer and any income from that investment shall be credited to the account. Any funds remaining in the account after all of the bonds are redeemed or retired shall be transferred to the General Fund.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to facilitate the sale of variable rate bonds to capture significant savings in interest payments, it is necessary that this act take effect immediately.

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## CHAPTER 98

An act to add Section 81450.5 to the Education Code, relating to community colleges.

[Approved by Governor July 23, 2001. Filed with  
Secretary of State July 24, 2001.]

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

SECTION 1. Section 81450.5 is added to the Education Code, to read:

81450.5. Notwithstanding Sections 81450 and 81452, a community college district may, without providing the notice required by Section 81450, exchange for value, sell for cash, or donate any personal property belonging to the district if all of the following criteria are met:

(a) The district determines that the property is not required for school purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.

(b) The property is exchanged with, or sold or donated to, a school district or community college district that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.

(c) The receipt of the property would not be inconsistent with any applicable districtwide or schoolsite technology plan of the recipient district.

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## CHAPTER 99

An act to amend Section 65080 of the Government Code, relating to vehicles.

[Approved by Governor July 23, 2001. Filed with  
Secretary of State July 24, 2001.]

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

SECTION 1. Section 65080 of the Government Code is amended to read:

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall include all of the following:

(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall be consistent with the funding estimates of the financial element. The policy element of transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators including, but not limited to, all of the following:

(A) Measures of mobility and traffic congestion, including, but not limited to, vehicle hours of delay per capita and vehicle miles traveled per capita.

(B) Measures of road and bridge maintenance and rehabilitation needs, including, but not limited to, roadway pavement and bridge conditions.

(C) Measures of means of travel, including, but not limited to, percentage share of all trips (work and nonwork) made by all of the following:

(i) Single occupant vehicle.

(ii) Multiple occupant vehicle or carpool.

(iii) Public transit including commuter rail and intercity rail.

(iv) Walking.

(v) Bicycling.

(D) Measures of safety and security, including, but not limited to, total injuries and fatalities assigned to each of the modes set forth in subparagraph (C).

(E) Measures of equity and accessibility, including, but not limited to, percentage of the population served by frequent and reliable public transit, with a breakdown by income bracket, and percentage of all jobs accessible by frequent and reliable public transit service, with a breakdown by income bracket.

(F) The requirements of this section may be met utilizing existing sources of information. No additional traffic counts, household surveys, or other sources of data shall be required.

(G) For the region defined in Section 66502, the indicators specified in this paragraph shall be supplanted by the performance measurement criteria established pursuant to subdivision (e) of Section 66535, if that subdivision is added to the Government Code by Section 1 of Senate Bill 1995 of the 1999–2000 Regular Session.

(2) An action element that describes the programs and actions necessary to implement the plan and assigns implementation responsibilities. The action element may describe all projects proposed for development during the 20-year life of the plan.

The action element shall consider congestion management programming activities carried out within the region.

(3) (A) A financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The financial element shall also contain recommendations for allocation of funds. A county transportation commission created pursuant to Section 130000 of the Public Utilities Code shall be responsible for recommending projects to be funded with regional improvement funds, if the project is consistent with the regional transportation plan. The first five years of the financial element shall be based on the five-year estimate of funds developed pursuant to Section 14524. The financial element may recommend the development of specified new sources of revenue, consistent with the policy element and action element.

(B) The financial element of transportation planning agencies with populations that exceed 200,000 persons may include a project cost breakdown for all projects proposed for development during the 20-year life of the plan that includes total expenditures and related percentages of total expenditures for all of the following:

- (i) State highway expansion.
- (ii) State highway rehabilitation, maintenance, and operations.
- (iii) Local road and street expansion.
- (iv) Local road and street rehabilitation, maintenance, and operation.
- (v) Mass transit, commuter rail, and intercity rail expansion.
- (vi) Mass transit, commuter rail, and intercity rail rehabilitation, maintenance, and operations.
- (vii) Pedestrian and bicycle facilities.
- (viii) Environmental enhancements and mitigation.
- (ix) Research and planning.
- (x) Other categories.

(c) Each transportation planning agency may also include other factors of local significance as an element of the regional transportation plan, including, but not limited to, issues of mobility for specific sectors of the community, including, but not limited to, senior citizens.

(d) Each transportation planning agency shall adopt and submit, every three years, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. The plan shall be consistent with federal planning and programming requirements. A transportation planning agency that does not contain an urbanized area may at its option adopt and submit a regional transportation plan once every four years beginning by September 1, 2001. Prior to adoption of the regional transportation plan, a public hearing shall be held, after the giving of notice of the hearing

by publication in the affected county or counties pursuant to Section 6061.

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CHAPTER 100

An act to add Section 424.3 to the Government Code, relating to the State of California.

[Approved by Governor July 23, 2001. Filed with  
Secretary of State July 24, 2001.]

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Scottish people and their descendants have traditionally utilized woven fabrics, called tartan, as emblematic of their family and cultural heritage.

(b) The oppression of Scots included the Dress Act of 1747, which was suppressive legislation that forbade wearing the kilt, playing the bagpipe, or even displaying a swatch of tartan. The penalty for breaking this law was six months in jail on the first offense, and on the second offense deportation to the colonies in America or Australia for seven years of indentured labor.

(c) The tartan is a symbol of Scottish courage in the face of adversity, of loyalty to family and friend, and of the human qualities of perseverance in a just cause and strength in the resolve that freedom is for the many, not the few, which may serve as a continuing inspiration for all people today.

(d) California is the most culturally diverse state in the nation. Californians of Scottish, Scots-Irish, and other Celtic descent have made major contributions to the history and development of the state.

(e) The state's natural splendor and history have been symbolized in the pattern and colors of the California Tartan sett based on the family tartan of the revered John Muir, but with sufficient originality as to be independently recordable with the Scottish Tartans Society and the Scottish Tartans Authority as a unique tartan. The tartan's blue reflects the sky, the ocean, and the state's rivers and lakes, while the green stands for the state's mountains, fields, and parks. The red, gold, and blue seams signify the arts, sciences, agriculture, and industry of California.

SEC. 2. Section 424.3 is added to the Government Code, to read:

424.3. (a) The tartan defined in subdivision (b) is the official State Tartan, and may be claimed by any resident of the state.



(b) The official State Tartan is generally described as a pattern or sett consisting of alternate squares of meadow green and pacific blue that are separated and surrounded by narrow charcoal bands. The squares of meadow green are divided by a gold seam that is supported by charcoal lines on each side. There are three redwood stripes, the middle of which is broader, that are added to each side of the gold seam. The pacific blue square is divided by a sky blue stripe, which is supported on each side by charcoal lines.

The tartan is specifically defined by the following weave code:

Y..B..G..S..G...S..G..S..G..B..A..B..K... Ancient Colors

8...2..20..4..20..8..20..4..20..32..56..2...8... Full Pivots

This weave code means that the threads begin with 8 threads of yellow, followed by 2 threads of black, 20 threads of green, 4 threads of scarlet, 20 threads of green, 8 threads of scarlet, 20 threads of green, 4 threads of scarlet, 20 threads of green, 32 threads of black, 56 threads of azure, 2 threads of black, and 8 threads of sky blue. At that point the weave pivots and returns, beginning with 2 threads of black, and continuing the sequence in reverse order through 8 threads of yellow, at which point it pivots back again.

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## CHAPTER 101

An act to add Section 1091.3 to the Government Code, relating to children and families programs.

[Approved by Governor July 25, 2001. Filed with  
Secretary of State July 25, 2001.]

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

SECTION 1. Section 1091.3 is added to the Government Code, to read:

1091.3. Section 1090 shall not apply to any contract or grant made by a county children and families commission, created pursuant to the California Children and Families Act of 1998, (Division 108 (commencing with Section 130100) Health and Safety Code) except where both of the following conditions are met:

(a) The contract or grant directly relates to services to be provided by any member of a county children and families commission or the entity the member represents or financially benefits the member or the entity he or she represents.

(b) The member fails to recuse himself or herself from making, participating in making, or in any way attempting to use his or her official position to influence a decision on the grant or grants.

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## CHAPTER 102

An act to amend Sections 678.1 and 11664 of, and to add Sections 679.7 and 11663.5 to, the Insurance Code, relating to insurance.

[Approved by Governor July 25, 2001. Filed with  
Secretary of State July 25, 2001.]

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

SECTION 1. Section 678.1 of the Insurance Code is amended to read:

678.1. (a) This section applies only to policies of insurance of commercial insurance that are subject to Sections 675.5 and 676.6.

(b) A notice of nonrenewal shall be in writing and shall be delivered or mailed to the producer of record and to the named insured at the mailing address shown on the policy. Subdivision (a) of Section 1013 of the Code of Civil Procedure shall be applicable if the notice is mailed.

(c) An insurer, at least 60 days, but not more than 120 days, in advance of the end of the policy period, shall give notice of nonrenewal, and the reasons for the nonrenewal, if the insurer intends not to renew the policy, or to condition renewal upon reduction of limits, elimination of coverages, increase in deductibles, or increase of more than 25 percent in the rate upon which the premium is based.

(d) If an insurer fails to give timely notice required by subdivision (c), the policy of insurance shall be continued, with no change in its terms or conditions, for a period of 60 days after the insurer gives the notice.

(e) With respect to policies defined in subdivision (b) of Section 676.6, in addition to the bases for conditional renewal set forth in subdivision (c), an insurer may also condition renewal upon requirements relating to the underlying policy or policies. If the requirements are not satisfied as of (1) the expiration date of the policy, or (2) 30 days after mailing or delivery of such notice, whichever is later, the conditional renewal notice shall be treated as an effective notice of nonrenewal, provided the insurer has sent written confirmation to the first named insured and the producer of record that the conditions were not met and that coverage ceased at the expiration date shown in the expiring policy.

(f) A notice of nonrenewal shall not be required in any of the following situations.

(1) The transfer of, or renewal of, a policy without a change in its terms or conditions or the rate on which the premium is based between insurers that are members of the same insurance group.

(2) The policy has been extended for 90 days or less, if the notice required in subdivision (c) has been given prior to the extension.

(3) The named insured has obtained replacement coverage or has agreed, in writing, within 60 days of the termination of the policy, to obtain that coverage.

(4) The policy is for a period of no more than 60 days and the insured is notified at the time of issuance that it may not be renewed.

(5) The named insured requests a change in the terms or conditions or risks covered by the policy within 60 days prior to the end of the policy period.

(6) The insurer has made a written offer to the insured, within the time period specified in subdivision (c), to renew the policy under changed terms or conditions or at a changed premium rate. As used herein, "terms or conditions" includes, but is not limited to, a reduction in limits, elimination of coverages, or an increase in deductibles.

SEC. 2. Section 679.7 is added to the Insurance Code, to read:

679.7. (a) Upon receiving a written request from an insured or the agent or broker of record where authorized by the insured, an insurer shall provide a premium and loss history report to the requesting party for the account's tenure or the three-year period ending with the inception of the current policy period, whichever is shorter, plus loss experience during the current policy period that is in force if any of the following occur:

(1) The policy is canceled or nonrenewed.

(2) The policyholder requests the information within 60 days prior to the renewal date of an existing policy.

(3) The policyholder's current insurer's rating is downrated by a nationally recognized insurance rating service to a financial rating below secure or good or to a rating that would negatively impact the ability of the policyholder to conduct its business operations.

(4) The policyholder's current insurer is conserved by the department under Section 1011, or is ordered to cease writing business under Sections 1065.1 and 1065.2.

The premium and loss history report, and the loss experience information for the current policy period, shall be provided within 10 business days of receiving the request.

(b) This section applies only to policies of commercial insurance that are subject to Sections 675.5 and 676.6, except for professional liability insurance.

(c) This section shall not apply to a policyholder who, through automated or other means, is provided direct, ongoing access to claims information by the insurer.

(d) For purposes of this section, a loss history report includes, but is not limited to, a list of individual claims detailed by date of claim and total incurred and paid losses.

SEC. 3. Section 11663.5 is added to the Insurance Code, to read:

11663.5. (a) Upon receiving a written request from an insured or the agent or broker of record where authorized by the insured, an insurer shall provide a premium and loss history report to the requesting party for the account's tenure or the three-year period ending with the inception of the current policy period, whichever is shorter, plus loss experience during the current policy period that is in force if any of the following occur.

(1) The policy is canceled or nonrenewed.

(2) The policyholder requests the information within 60 days prior to the renewal date of an existing policy.

(3) The policyholder's current insurer's rating is downrated by a nationally recognized insurance rating service to a financial rating below secure or good or to a rating that would negatively impact the ability of the policyholder to conduct its business operations.

(4) The policyholder's current insurer is conserved by the department under Section 1011, or is ordered to cease writing business under Sections 1065.1 and 1065.2.

The premium and loss history report, and the loss experience information for the current policy period, shall be provided within 10 business days of receiving the request.

(b) This section applies only to workers' compensation insurance.

(c) This section shall not apply to a policyholder who, through automated or other means, is provided direct, ongoing access to claims information by the insurer.

(d) For purposes of this section, a loss history report includes, but is not limited to, a list of individual claims detailed by date of claim and total incurred and paid losses.

SEC. 4. Section 11664 of the Insurance Code is amended to read:

11664. (a) This section applies only to policies of workers' compensation insurance.

(b) A notice of nonrenewal shall be in writing and shall be delivered or mailed to the producer of record and to the named insured at the mailing address shown on the policy. Subdivision (a) of Section 1013 of the Code of Civil Procedure shall be applicable if the notice is mailed.

(c) An insurer, at least 30 days, but not more than 120 days, in advance of the end of the policy period, shall give notice of nonrenewal,

and the reasons for the nonrenewal, if the insurer intends not to renew the policy.

(d) If an insurer fails to give timely notice required by subdivision (c), the policy of insurance shall be continued, with no change in its premium rate, for a period of 60 days after the insurer gives the notice.

(e) A notice of nonrenewal shall not be required in any of the following situations.

(1) The transfer of, or renewal of, a policy without a change in its terms or conditions or the rate on which the premium is based between insurers that are members of the same insurance group.

(2) The policy has been extended for 90 days or less, if the notice required in subdivision (c) has been given prior to the extension.

(3) The named insured has obtained replacement coverage or has agreed, in writing, within 60 days of the termination of the policy, to obtain that coverage.

(4) The policy is for a period of no more than 60 days and the insured is notified at the time of issuance that it may not be renewed.

(5) The named insured requests a change in the terms or conditions or risks covered by the policy within 60 days prior to the end of the policy period.

(6) The insurer has made a written offer to the insured to renew the policy at a premium rate increase of less than 25 percent.

(A) If the premium rate in the governing classification for the insured is to be increased 25 percent or greater and the insurer intends to renew the policy, the insurer shall provide a written notice of a renewal offer not less than 30 days prior to the policy renewal date. The governing classification shall be determined by the rules and regulations established in accordance with subdivision (c) of Section 11750.3.

(B) For purposes of this section, "premium rate" means the cost of insurance per unit of exposure prior to the application of individual risk variations based on loss or expense considerations such as scheduled rating and experience rating.

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## CHAPTER 103

An act to amend Sections 221 and 277 of, and to add and repeal Article 8.5 (commencing with Section 6047.1) to Chapter 9 of Part 1 of Division 4 of, the Food and Agricultural Code, relating to pests, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 25, 2001. Filed with  
Secretary of State July 25, 2001.]

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

SECTION 1. Section 221 of the Food and Agricultural Code is amended to read:

221. The "Department of Food and Agriculture Fund," which is a special fund, is continued in existence. Any money that is directed by law to be paid into the fund shall be paid into it and, unless otherwise specifically provided, shall be expended solely for the enforcement of the law under which the money was derived. The expenditure from the fund for the enforcement of any law shall not, unless otherwise specifically provided, exceed the amount of money that is credited to the fund pursuant to the law.

Notwithstanding Section 13340 of the Government Code, all money deposited in the fund under the provisions enumerated below is hereby continuously appropriated to the department without regard to fiscal years for expenditure in carrying out the purposes for which the money was deposited and for making the refunds authorized by Section 302.

All money deposited in the fund under the provisions enumerated below is hereby exempted from Sections 13320 to 13324, inclusive, of the Government Code:

(a) Article 7 (commencing with Section 5821) and Article 7.5 (commencing with Section 5850) of Chapter 8 of Part 1 of Division 4, Chapter 1 (commencing with Section 6701) of Part 3 of Division 4, and Chapter 5 (commencing with Section 53301) of Division 18.

(b) Article 5 (commencing with Section 6001) of Chapter 9 of Part 1 of Division 4.

(c) Article 8.5 (commencing with Section 6047.1) of Chapter 9 of Part 1 of Division 4.

(d) Article 4.5 (commencing with Section 6971) and Article 5 (commencing with Section 6981) of Chapter 2 of Part 3 of Division 4.

(e) Chapter 4 (commencing with Section 14200), Chapter 5 (commencing with Section 14501), and Chapter 6 (commencing with Section 14901) of Division 7.

(f) Part 1 (commencing with Section 16301) and Part 2 (commencing with Section 17401) of Division 9.

(g) Sections 19225, 19227, 19312, and 19315.

(h) Division 10 (commencing with Section 20001).

(i) Division 11 (commencing with Section 23001).

(j) Part 4 (commencing with Section 27501) of Division 12.

(k) Division 16 (commencing with Section 40501).

(l) Chapter 9 (commencing with Section 44971) of Division 17.

(m) Chapter 1 (commencing with Section 52001) of Division 18.

(n) Chapter 2 (commencing with Section 52251) of Division 18.

(o) Chapter 3 (commencing with Section 52651) of Division 18.

- (p) Chapter 4 (commencing with Section 52851) of Division 18.
- (q) Chapter 6 (commencing with Section 55401), Chapter 7 (commencing with Section 56101), and Chapter 7.5 (commencing with Section 56701) of Division 20.
- (r) Section 58582.
- (s) Chapter 1 (commencing with Section 61301), Chapter 2 (commencing with Section 61801), and Chapter 3 (commencing with Section 62700) of Part 3 of Division 21.
- (t) Chapter 5.5 (commencing with Section 12531) of Division 5 of the Business and Professions Code.
- (u) Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code.
- (v) Chapter 14 (commencing with Section 13400) and Chapter 15 (commencing with Section 13700) of Division 5 of the Business and Professions Code.

SEC. 2. Section 227 of the Food and Agricultural Code is amended to read:

227. (a) Notwithstanding any other provision of law, in order to avoid unnecessary charges and to provide for efficient program implementation, the fees and assessments required by law to be paid to the director or the Department of Food and Agriculture Fund to support the agricultural programs specified in subdivision (b) of Section 230, except those specified in Article 5 (commencing with Section 6001) of Chapter 9 of Part 1 of Division 4, Article 8.5 (commencing with Section 6047.1) of Chapter 9 of Part 1 of Division 4, and Chapter 9 (commencing with Section 44971) of Division 17, may be deposited in the Department of Food and Agriculture Fund, or with an entity that is (1) a bank or other depository approved by the Department of Finance, (2) a marketing order board or commission created pursuant to this code, or (3) another state agency, designated by the agricultural program's advisory body, if any. The fees and assessments required by law to be paid to the Department of Food and Agriculture Fund in Article 8.5 (commencing with Section 6047.1) of Chapter 9 of Part 1 of Division 4 may be deposited in the Department of Food and Agriculture Fund, or with an entity that is a bank or other depository approved by the Department of Finance. The director may designate that entity if an advisory body has not been created by statute for an agricultural program. All unencumbered funds in the Department of Food and Agriculture Fund and the Agriculture Trust Fund, including income therefrom, that have been collected pursuant to the agricultural program may also be deposited with the designated entity.

(b) The funds deposited with the designated entity shall be expended exclusively for the purpose of implementing and continuing the agricultural program for which they were collected.

(c) Prior to the deposit of any funds with an entity designated pursuant to subdivision (a), the entity shall enter into an agreement with the department that shall include, but not be limited to, all of the following requirements:

(1) The entity shall serve as custodian for the safekeeping of the funds.

(2) Funds deposited with the entity shall be encumbered for the exclusive purpose of implementing and continuing the agricultural program for which they were collected.

(3) Funds deposited with the entity shall be subject to an audit at least once every two years by an auditor selected by the director. A copy of the audit shall be provided to the director within 30 days of completion of the audit.

(4) The department shall be reimbursed for all expenses it incurs that are reasonably related to implementing and continuing the agricultural program for which the funds were collected in accordance with the agreement. With respect to the agricultural program created in Article 8.5 (commencing with Section 6047.1) of Chapter 9 of Part 1 of Division 4, the department shall be limited to those expenditures permitted under Section 6047.12. When practicable, as determined by the department, the designated entity shall deposit advance payments for these expenses with the department.

(5) The entity shall maintain a reserve in an amount sufficient to pay for costs arising from unanticipated occurrences associated with the administration of the program. Provided that, with respect to the agricultural program created in Article 8.5 (commencing with Section 6047.1) of Chapter 9 of Part 1 of Division 4, the reserve shall include only an amount sufficient to pay for costs associated with the administrative expenditures described in Section 6047.12, and may be expended annually for those purposes.

(d) In transferring funds from the department to any entity pursuant to subdivision (a), the director shall not be personally liable in any way for errors in judgment, mistakes, or other acts, either by commission or omission, except for his or her own individual acts of dishonesty or crime.

SEC. 3. Article 8.5 (commencing with Section 6047.1) is added to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, to read:

Article 8.5. Pierce's Disease and the Glassy-winged Sharpshooter

6047.1. The Legislature finds and declares the following:

(a) The state's agricultural business economy could be seriously damaged if measures are not taken to prevent the transmittal of plant



killing bacteria that cause Pierce's disease, and its vectors, particularly the Glassy-winged Sharpshooter. Furthermore, progress made by winegrape growers and others in the adoption of integrated pest management and sustainable farming practices are threatened if this pest becomes established.

(b) The funding to accomplish the purposes of this article shall be derived from an assessment on all grapes grown in California and crushed for wine, wine vinegar, juice concentrate, or beverage brandy.

(c) This article is not intended to establish a precedent, or to supersede, or to reduce or in any way alter government funding of the effort to combat Pierce's disease and other pests in this state.

(d) The purposes of this article are enhanced by the many and varied efforts of other agricultural commodities' industries to combat this bacteria and its vectors.

(e) This article is enacted for the protection of the winegrape industry and is also declared to be enacted in the public interest and in the exercise of the police power of the state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

(f) The assessments shall be collected and expended for purposes consistent with Section 6046.

6047.2. For the purposes of this article, the following definitions shall govern its construction:

(a) "Board" means the Pierce's Disease and Glassy-winged Sharpshooter Board.

(b) "Department" means the Department of Food and Agriculture.

(c) "Marketing season" begins July 1 of each year and ends June 30 of the next year.

(d) "Producer" means a grower, including a cooperative, of grapes in California for wine, wine vinegar, juice, concentrate, or beverage brandy.

(e) "Processor" means a processor who crushes grapes in California for wine, wine vinegar, juice, concentrate, or beverage brandy.

(f) "Person" means a producer, processor, or any other entity that holds title to grapes subject to assessment.

(g) "Purchase" means the taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift, or any other voluntary transaction creating an interest in property. For purposes of this paragraph, "sale" shall consist of the passing of title from the seller to the buyer for a price.

(h) "Purchased grapes" means grapes grown in California, crushed by a processor for wine, wine vinegar, juice, concentrate, or beverage brandy, and purchased from a person considered a separate entity from the purchaser.

(i) "Grapes not purchased" means all other grapes grown in California and crushed by a processor for wine, wine vinegar, juice, concentrate, or beverage brandy, including, but not limited to, the following:

(1) Grapes grown by a person who is not considered a separate entity from the processor or who is a member of the processor cooperative.

(2) Grapes not purchased and crushed to the account of a person who retains ownership of the grapes.

(j) "Secretary" means the Secretary of Food and Agriculture.

6047.3. (a) Within 90 days after the effective date of this section, the secretary shall create in the department the Pierce's Disease and Glassy-winged Sharpshooter Board, which shall consist of at least 14, but not more than 15 members, of which eight shall be representatives of producers who are not also processors and six shall be representatives of processors who are also producers.

(b) The secretary shall appoint the members of the board from recommendations received from the industry. In making the appointments, the secretary shall select no more than one person from a producer or processor entity and shall ensure that there is representation on the board from each of the major grape production areas in the state.

(c) The secretary may appoint one additional member to the board, from nominees received from the board, who shall serve as the public member. The public member shall represent the interests of the public in all matters coming before the board and shall have the same voting and other rights and immunities as other members of the board.

(d) The secretary and other appropriate individuals, as determined by the board, shall be nonvoting ex officio members of the board.

(e) It is hereby declared, as a matter of legislative determination, that persons appointed to the board are intended to represent and further the interests of the industry concerned, and that this representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to the board, the industry concerned is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.

6047.4. (a) The powers of the board shall be the following:

(1) Submit recommendations to the secretary on, but not limited to, the following:

(A) Selection of officers.

(B) Terms of office for board members.

(C) Annual assessment rate.

(D) Annual budget.

(E) Expenditures authorized under Section 6047.5.

(2) Receive money from the assessment and other sources.

(3) Adopt, amend, and rescind all proper and necessary bylaws and procedures.

(b) A majority of the members of the board shall constitute a quorum of the board. The vote of a majority of the members present at a meeting at which there is a quorum constitutes an act of the board, except for actions taken pursuant to subdivision (a) of Section 6047.7, which shall require a majority of the vote of the board. The board may continue to transact business at a meeting where a quorum is initially present, notwithstanding the withdrawal of members, provided any action is approved by the requisite majority of the required quorum.

(c) As authorized by the board, members of the board may receive per diem and mileage in accordance with the rules of the Department of Personnel Administration for attendance at meetings and other approved board activities.

6047.5. (a) Expenditure of the funds pursuant to this article shall be restricted to the following:

(1) Reasonable administrative expenses of the board and the department, subject to the limitation in Section 6047.12.

(2) The collection, enforcement, deposit, and handling of the assessments.

(3) Subject to subdivision (d) of Section 6047.1, research and other activities related to the transmittal of the plant killing Pierce's disease bacteria, and its vectors, particularly the Glassy-winged Sharpshooter, including, but not limited to, research of integrated pest management and other sustainable industry practices.

(b) Except as provided in subdivision (c), data and related information and materials produced during the course of research conducted pursuant to this article that are in the possession of the department, the board, or any entity engaged in research funded pursuant to this article, shall be confidential and shall not be released for any purpose, except to the extent that they are included in any final publication of research, or except when required by a court order after a hearing in a judicial proceeding involving this article.

(c) The restrictions in this section shall not apply to research conducted by the University of California, except to the extent that they are consistent with the university's policies on sponsored research and publication, which may allow for, among other things, a short period of review by the board in advance of publication.

(d) Processors subject to this article and expenditure of the funds collected pursuant to this article are subject to audit by the department.

6047.6. The secretary shall accept the recommendations of the board unless he or she determines that the recommendations are not practicable or in the interest of the industry and the public. The secretary

shall provide the board with a written statement of the reasons for his or her decision if the secretary does not accept a recommendation of the board.

6047.7. During the first marketing season, beginning July 1, 2001, and ending June 30, 2002, the annual assessment shall be three dollars (\$3) for each one thousand dollars (\$1,000) assessed pursuant to Section 6047.9 for all grapes subject to assessment under this article. The department shall notify each processor of the established assessment as soon as practicable. For each marketing season thereafter the following shall apply:

(1) An annual assessment shall be recommended by the board and submitted to the department for approval in an amount not to exceed three dollars (\$3) for each one thousand dollars (\$1,000) assessed pursuant to Section 6047.9 for all grapes subject to assessment under this article.

(2) The department shall notify each processor of the established assessment rate by July 15, or as soon thereafter as possible.

(b) In no event shall there be an assessment on the following:

(1) Material other than grapes, and defects, or other weight adjustments deducted from the gross weight ticket.

(2) Any raisin-distilling material.

(3) Grapes for which an assessment has been withheld, paid, or is already owed.

6047.8. (a) The assessment is the obligation of the producer.

(b) For purchased grapes, the processor who purchases the grapes shall act on behalf of the person from whom the grapes were purchased in collecting and remitting the assessment, shall deduct the assessment from moneys owed by the processor, and shall pay the assessment as provided in this article.

(c) For grapes not purchased, the processor who crushes the grapes shall do the following:

(1) Charge the person who retains ownership of the grapes the assessment and pay the assessment as provided in this article.

(2) Be responsible for the remittance of the assessment for the crushing of grapes from persons not considered a separate entity from the processor.

6047.9. (a) For purposes of calculating the amount to be collected by the processor for purchased grapes, the assessment shall be based on the gross dollar value of the grapes, which is the gross dollar amount payable for the grapes before any deductions for governmental assessments and fees.

(b) For purposes of calculating the assessment for grapes not purchased, the assessment shall be based on the following:

(1) The tonnage of grapes delivered less material other than grapes and defects or other weight adjustments deducted from gross weight.

(2) The weighted average price per ton delivered basis purchased from all nonrelated sources for wine, concentrate, juice, vinegar, and beverage brandy by processors, by type, variety and reporting district where grown for the grapes delivered, sources as reported by the secretary pursuant to Section 55601.5 for the immediately preceding marketing season.

6047.10. (a) All assessments payable under this article shall be remitted to the department no later than January 10 of each year. The department shall deposit the assessments remitted in the Department of Food and Agriculture Fund.

(b) In no event shall any proprietary information specified in Section 6047.13 that is received by the department in collecting assessments be transferred to the board.

(c) Processors shall not charge producers an administrative fee for collecting and remitting assessments.

6047.11. Any producer who disputes the amount of the assessment may file a claim with the department. The producer shall prove his or her claim by a preponderance of the evidence.

6047.12. (a) Expenditures charged by the department and the board for administrative purposes shall not exceed a total of 7 percent of the assessments collected pursuant to this article. Administrative purposes shall include, but not be limited to, all auditing expenses and all costs and attorneys fees resulting from, or relating to, litigation involving this article against the department, or the board and its members and agents, and expenses associated with Section 6047.4 and paragraphs (1) and (2) of subdivision (a) of Section 6047.5.

(b) Notwithstanding subdivision (a), the Joint Legislative Audit Committee and the State Auditor shall maintain independent authority to audit the expenditure of industry assessments.

6047.13. All proprietary information obtained by the board or the department from producers, processors, or any other source, including, but not limited to, the names and addresses of all producers and processors in the possession of the board or the department are confidential and shall not be disclosed except when required by a court order after a hearing in a judicial proceeding involving this article.

6047.14. (a) The sole remedy against any producer who fails to pay the assessment and against any processor who fails to collect and remit assessments within the time required by the secretary shall be an action to collect the delinquent assessments and payment to the secretary a penalty of 10 percent of the amount of the assessment determined to be due and, in addition, payment to the secretary of 1<sup>1</sup>/<sub>2</sub> percent interest per month on the unpaid balance.

(b) A producer may not bring any claim against a processor for damages, or otherwise, in connection with the assessment or the required deduction by the processor of the moneys owed to the producer as provided in this article.

6047.15. Upon termination of this article, and based upon a recommendation of the board subject to approval by the secretary, any collected assessments not required to defray financial obligations incurred pursuant to this article shall be returned on a pro rata basis to all persons from whom assessments were collected during the marketing season immediately preceding the date of termination or paid to any existing state or federal program engaged in disease prevention or research activities in the grape industry. The assessments refunded to processors shall be paid to producers if the assessment was previously deducted from moneys owed to the producer by the processor.

6047.16. No action in law or equity may be brought against any members or agent of the board, nor shall any member or agent of the board be personally liable for the actions of the board or the department. No member or agent of the board is responsible individually in any way to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as a principal, agent, or employee, except for his or her own individual acts of dishonesty or crime. No member or agent of the board, is responsible individually for an act or omission of any other member or agent of the board, or the department. Liability is several and not joint, and no member or agent of the board is liable for the default of any other member or agent of the board, or the department.

6047.17. This article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

6047.18. This article shall be liberally construed. If any provision of this article or the application thereof to any person or circumstances is held to be invalid, the invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and, to this end, the provisions of this article are severable.

6047.19. (a) On or before December 31st of every year, the secretary, after consultation with the advisory board, shall report on the status of this chapter to the chairs of the policy and fiscal committees that have the appropriate subject matter jurisdiction in the Assembly and the Senate.

(b) The report shall include a financial accounting, including the distribution of industry assessments and any unexpended amount on deposit, of the department's efforts to contain Pierce's disease and its vectors.

(c) This article shall remain in effect only until March 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before March 1, 2006, deletes or extends that date.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the winegrape industry from the plant killing Pierce's disease bacteria, and its vectors, it is necessary for this act to take effect immediately as an urgency statute.

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#### CHAPTER 104

An act to amend Section 14222 of the Elections Code, relating to voting.

[Approved by Governor July 25, 2001. Filed with  
Secretary of State July 25, 2001.]

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

SECTION 1. Section 14222 of the Elections Code is amended to read:

14222. Nothing contained in this code shall prevent a voter from being accompanied by a child or children under the age of 18 years while the voter is within the voting booth area if the child is, or children are, under the voter's care.

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#### CHAPTER 105

An act to amend Sections 102, 9021, 9022, 9209, 9237, 9238, 9305, and 9307 of the Elections Code, relating to petitions.

[Approved by Governor July 25, 2001. Filed with  
Secretary of State July 25, 2001.]

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

SECTION 1. Section 102 of the Elections Code is amended to read:  
102. A person who is a voter or who is qualified to register to vote in this state may circulate an initiative or referendum petition in

accordance with this code. A person who is a voter may circulate a recall petition in accordance with this code.

SEC. 2. Section 9021 of the Elections Code is amended to read:

9021. A person who is a voter or who is qualified to register to vote in this state may circulate an initiative or referendum petition anywhere within the state. Each section of the petition shall bear the name of a county or city and county, and only qualified registered voters of that county or city and county may sign that section.

The circulator may sign the section he or she is circulating as provided in Section 106.

SEC. 3. Section 9022 of the Elections Code is amended to read:

9022. (a) Each section shall have attached thereto the declaration of the person soliciting the signatures setting forth the information required by Section 104 and stating that the circulator is a voter or is qualified to register to vote in the state.

(b) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of his or her name at length, including given name and middle name or initial. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

Another declaration thereto may not be required.

Petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing are qualified voters. Unless and until otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters.

SEC. 4. Section 9209 of the Elections Code is amended to read:

9209. Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022, except that the declaration shall declare that the circulator is a voter or is qualified to register as a voter of the city, and shall state his or her residence address at the time of the execution of the declaration.

SEC. 5. Section 9237 of the Elections Code is amended to read:

9237. If a petition protesting the adoption of an ordinance, and circulated by a person who is a registered voter or who is qualified to be a registered voter of the city, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the adoption of the ordinance, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city,



whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance.

SEC. 6. Section 9238 of the Elections Code is amended to read:

9238. (a) Across the top of each page of the referendum petition there shall be printed the following:

“Referendum Against an Ordinance Passed by the City Council”

(b) Each section of the referendum petition shall contain (1) the identifying number or title, and (2) the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

The petition sections shall be designed in the same form as specified in Section 9020.

(c) Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022, except that the declaration shall declare that the circulator is a voter or is qualified to register as a voter of the city, and shall state his or her residence address at the time of the execution of the declaration.

SEC. 7. Section 9305 of the Elections Code is amended to read:

9305. After the publication or posting, or both, of the notice of intention and statement, the petition may be circulated among the voters of the district for signatures by any person who is a voter or who is qualified to register to vote in the district. Each section of the petition shall bear a copy of the notice of intention and statement.

SEC. 8. Section 9307 of the Elections Code is amended to read:

9307. Each section of the petition shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9022, except that the affidavit shall declare that the circulator is a voter or is qualified to register to vote in the district.

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## CHAPTER 106

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 26, 2001. Filed with Secretary of State July 26, 2001.]

I object to the following appropriations contained in Senate Bill 739.

Item 0160-001-0001—For support of Legislative Counsel Bureau. I revise this item by deleting Provision 1.

I am deleting Provision 1 of this item, which would authorize the continuance of a salary differential approved by the Department of Personnel Administration (DPA) in 1998, in spite of its termination for all other State departments on July 1, 2001. Though I am aware that this language would address a salary compaction problem between supervisory and staff attorney positions at the Legislative Counsel Bureau, it would be inappropriate to authorize the continuation of this program for one department to the exclusion of others. I am directing the DPA to work with the Legislative Counsel Bureau on identifying administrative solutions to this problem.

Item 0250-001-0001—For support of Judiciary. I reduce this item from \$282,689,000 to \$282,394,000 by reducing:

- (2) 20-Courts of Appeal from \$166,633,000 to \$166,588,000, and
- (3) 30-Judicial Council from \$74,126,000 to \$73,876,000.

I am deleting the legislative augmentation of \$45,000 for a half-time Legal Editorial Assistant to post unpublished legal opinions of the Courts of Appeal on the California Courts Website. It is not clear that this is a priority of the Judiciary, and the need for funds to provide this service has not been demonstrated.

I am reducing the funding for administrative support of the Equal Access Fund by \$250,000 to conform to the action taken in Item 0250-101-0001.

Item 0250-101-0001—For local assistance, Judiciary. I reduce this item from \$18,482,000 to \$13,707,000 by reducing:

- (9) 30.90-Equal Access Fund from \$14,250,000 to \$9,500,000, and
- (10.5) 97.20.004-Local Projects from \$75,000 to \$50,000 by reducing the following subschedule:
  - (a) County of San Joaquin: Child Advocacy Center and Visitation Center at Mary Graham Children's Shelter from (\$75,000) to (\$50,000).

I am reducing the local assistance funding for the Equal Access Fund by \$4,750,000. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I am open to considering funding for this worthy program in the future when the economy improves.

I am reducing the legislative augmentation to establish a new facility for the Child Advocacy Center and Visitation Center at Mary Graham Children's Shelter by \$25,000. This action is essential due to fiscal constraints and limited resources in the General Fund. However, I am sustaining \$50,000 of this augmentation on a one-time basis.

Item 0450-101-0932—For local assistance, State Trial Court Funding. I reduce this item from \$2,082,060,000 to \$2,081,310,000 by reducing:

- (1) 10-Support for operation of the Trial Courts from \$1,773,533,000 to \$1,772,783,000.

I am deleting the \$750,000 legislative augmentation to establish a truancy court pilot project in Los Angeles County. Actions related to truancy, family issues, and juvenile

crime are already within the responsibility of the established family court system. It is not clear that further delineation of areas of responsibility within the courts is necessary, and such delineation could result in inefficiencies and duplication of efforts.

Item 0450-111-0001—For transfer by the Controller to the Trial Court Trust Fund. I reduce this item from \$1,136,151,000 to \$1,135,401,000.

I am deleting the \$750,000 legislative augmentation to establish a truancy court pilot project in Los Angeles County to conform with the action taken in Item 0450-101-0932.

Item 0530-001-0001—For support of Secretary for California Health and Human Services. I reduce this item from \$1,834,000 to \$1,584,000 by reducing:

- (1) 10-Secretary for California Health and Human Services Agency from \$2,836,000 to \$2,586,000,

and by deleting Provisions 1, 2, 3, 4, 5, 6, and 7.

I am deleting \$154,000 General Fund included in the Budget as an augmentation for operating expenses and equipment, including an augmentation to the Agency's travel budget, and \$96,000 from the base as a matter of consistency because the discretionary budgets for nearly all State departments funded from the General Fund have been reduced similarly. This action is essential due to fiscal constraints and limited resources in the General Fund.

I am deleting Provisions 1 through 7 to conform to actions taken in Item 4170-101-0001.

Item 0540-101-0001—For local assistance, Secretary for Resources. I reduce this item from \$24,147,000 to \$18,147,000 by reducing:

- (2) Los Angeles River—North from 4,000,000 to 1,000,000;
- (5) Tuolumne River Parkway from 7,000,000 to 5,000,000; and
- (9) Otay River Parkway from 2,000,000 to 1,000,000;

and by revising Provision 4.

Due to fiscal constraints and limited resources in the General Fund, it is necessary to reduce the allocations for these projects.

I am revising the following provisional language to conform to this action:

“4. The funds appropriated in Schedule (2) through (5) of this item shall be expended as follows:

Los Angeles River—North: ~~\$4~~ \$1 million for the Cornfields property at Chinatown in the City of Los Angeles. These funds will be supplemented with \$35 million from the Proposition 12 (Parks Bond) to provide for acquisition and preliminary development;

Los Angeles River—South: \$5 million for the acquisition of Wrigley Heights in the City of Long Beach;

San Joaquin River Parkway: \$3 million for the Spano Ranch acquisition in the Counties of Fresno and Madera; and

Tuolumne River Parkway: ~~\$7~~ \$5 million for various acquisition and development projects in Stanislaus County.”

Item 0540-101-6015—For local assistance, Secretary for Resources. I reduce this item from \$7,650,000 to \$3,400,000 by deleting:

- (2) Los Angeles River—North (850,000);
- (5) Tuolumne River Parkway (850,000);
- (9) Otay River Parkway (850,000);
- (10) Upper Arroyo Seco Parkway (850,000); and
- (11) San Lorenzo River Parkway (850,000).

While these river parkway projects may have merit, I believe that the Resources Agency should review and prioritize all river parkway projects prior to allocating the remaining funds in the River Protection Subaccount.

Item 0550-001-0001—For support of Secretary for Youth and Adult Correctional Agency. I reduce this item from \$1,277,000 to \$1,027,000 by reducing:

- (1) 10-Secretary for Youth and Adult Correctional Agency from \$1,535,000 to \$1,285,000,

and by deleting Provisions 1 and 2.

I am deleting the \$250,000 legislative augmentation to establish the California Council on Mentally Ill Offenders. The deletion of this new ongoing expenditure is necessary to provide for a prudent General Fund reserve.

I am also deleting Provision 2 to conform to this action.

I am deleting Provision 1, which states legislative intent to fully fund Phase II of an epidemiological investigation of the prevalence and incidence of Hepatitis C in the Department of Corrections and the Department of the Youth Authority. The Budget Act of 2000 included \$2 million for an epidemiological study by the University of California, on the prevalence and incidence of Hepatitis C in these two departments, and this funding is sufficient to complete the study. Therefore, the intent stated in Provision 1, to fully fund this study sometime in the future, is unnecessary.

Item 0555-001-0001—For support of Secretary for Environmental Protection. I reduce this item from \$4,737,000 to \$2,737,000.

In order to correct a technical error in the Budget Bill, I am reducing this item by \$2,000,000. This technical veto will conform with the Legislature's intent, and is consistent with the legislative action taken in Item 0555-001-0044, which reduced funding for Permit Assistance Centers from \$2,439,000 to \$439,000.

As part of this Budget, I am also sustaining the 31.4 positions for the Permit Assistance Centers that were approved by the Legislature without funding. The current energy emergency is an urgent priority, and the Permit Assistance Centers have a crucial role in addressing the environmental permit and approval requirements for new power generation. However, I disagree with the Legislature's action to remove funding for these positions. In order to fund these positions, the Secretary would have to redirect significant resources, negatively affecting the California Environmental Protection Agency's ability to administer existing environmental regulatory functions at a level consistent with existing law. Therefore, I will direct the Secretary to explore all appropriate means of supporting the Permit Assistance Centers on an ongoing basis.

Item 0650-101-0001—For local assistance, Office of Planning and Research. I delete this item.

I am deleting the \$50,000 legislative augmentation for the Hacienda Heights Cityhood Organization to complete an incorporation study. This action is essential due to fiscal constraints and limited resources in the General Fund.

Item 0650-102-0001—For local assistance, Office of Planning and Research. I reduce this item from \$690,000 to \$550,000 and delete Provision (f).

I am deleting the \$140,000 augmentation for the Contra Costa Youth Council. This action is essential due to fiscal constraints and limited resources in the General Fund. The remaining \$550,000 is being sustained on a one-time basis.

I am deleting Provision (f) to conform to this action.

Item 0690-001-0001—For support of Office of Emergency Services. I reduce this item from \$42,077,000 to \$35,977,000 by reducing:

- (1) 15-Mutual Aid Response from \$18,402,000 to \$15,202,000, and
- (2) 35-Plans and Preparedness from \$24,778,000 to \$21,878,000.

I am reducing the augmentation for various emergency operations equipment by \$3,200,000 due to fiscal constraints and the need to build a prudent reserve for economic uncertainties. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. This Budget does retain \$2.5 million for the purchase of emergency-related equipment for use throughout the state through the mutual aid system. I am open to considering funding for these equipment needs when the economy improves.

I am reducing the augmentation for the Tri-Net Seismic Network by \$2,900,000 due to fiscal constraints and the need to build a prudent reserve for economic uncertainties. Of the \$6.8 million proposed in my Budget, \$3.9 million will be retained to provide \$2.9 million for maintenance and operation of the current Tri-Net system in Southern California, and \$1.0 million to begin to expand the system to other critical locations throughout the state to ensure a more uniform system for earthquake monitoring and related emergency response. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund

expenditures in this Budget are down 1.7 percent over the prior year. I am open to considering funding for this worthy project in the future when the economy improves.

Item 0690-101-0001—For local assistance, Office of Emergency Services. I reduce this item from \$539,000 to \$225,000 by reducing:

- (a) Local Projects from \$539,000 to \$225,000 by deleting \$180,000 from the following subschedules:
  - (8) City of Garden Grove: Back-up for Emergency Operations Center at City Hall (\$60,000);
  - (9) East County Fire Protection District: East County Fire Rescue Equipment (\$100,000);
  - (10) City of West Covina Fire Department: Fire Department Mass Casualty Trailer (\$20,000);

and by reducing \$134,000 for the following subschedules:

- (2) Altadena Mountain Rescue Team: Altadena Mountain Rescue Team-Mobile Command Post Procurement from (\$14,000) to (\$10,000);
- (3) City of Manteca: Thermal Imaging Devices from (\$60,000) to (\$50,000);
- (4) Malibu Mountain Rescue Team, Inc.: Malibu Mountain Search and Rescue Team from (\$25,000) to (\$10,000);
- (5) Tulare-Kings Chapter of the American Red Cross: Emergency Response Vehicle Procurement from (\$100,000) to (\$50,000); and
- (6) City of Dinuba (Fire Ambulance Services): Regional Multi-Function Training Facility from (\$20,000) to (\$15,000); and
- (7) KRCB TV22-91FM: Small Public Broadcasting Station Digital Conversion from (\$100,000) to (\$50,000)

These actions are essential due to fiscal constraints and limited resources in the General Fund. The augmentations that remain are being sustained on a one-time basis

Item 0820-001-0001—For support of Department of Justice. I reduce this item from \$315,225,000 to \$314,325,000 by reducing:

(8) 45-Public Rights from \$57,183,000 to \$56,683,000, and by deleting:

- (12.7) 97.20.004-Local Projects (\$400,000).

I am deleting the \$500,000 legislative augmentation to establish the Office of Immigrant Assistance, which would be charged with investigating complaints alleging unfair business practices and discriminatory acts committed against immigrant populations. The Department of Justice has already established this Office within existing resources, and no justification has been provided for additional funding.

I am also deleting the \$400,000 legislative augmentation to implement a toll-free school safety phone line in San Francisco, Los Angeles, and San Diego Counties. This action is essential due to fiscal constraints and limited resources in the General Fund.

I am deleting Provision 5 to conform with this action.

Item 0820-101-0001—For local assistance, Department of Justice. I reduce this item from \$11,844,000 to \$6,764,000 by reducing:

- (1) 25-Executive Programs from \$8,283,000 to \$3,283,000;

and by deleting:

- (2.5) 97.20.004-Local Projects (\$80,000):

- (a) Oxnard Police Department: Oxnard Police Department Photo Imaging System (\$80,000);

and by deleting Provision 3.

I am deleting the \$5,000,000 legislative augmentation for the Youth Leadership Through Crime Prevention Program. The Budget already contains significant funding for similar juvenile crime programs within the Office of Criminal Justice Planning and the Board of Corrections. Accordingly, I am deleting this new ongoing augmentation to build a prudent reserve for economic uncertainties.

I am deleting Provision 3 to conform to this action.

I am also deleting the \$80,000 legislative augmentation which would support a photo imaging system for the Police Department of the City of Oxnard. This action is essential due to fiscal constraints and limited resources in the General Fund.

Item 0840-001-0001—For support of State Controller. I reduce this item from \$68,363,000 to \$67,422,000 by reducing:

- (1) 100000-Personal Services from \$68,547,000 to \$65,432,000, and
- (4) Reimbursements from -\$28,115,000 to -\$25,941,000.

I am reducing the funding provided for Personal Services by \$3,115,000 (\$941,000 General Fund and \$2,174,000 reimbursements) and eliminating 54.6 vacant personnel years. This action is consistent with my efforts to control the growth of State government and maximize the use of existing personnel to meet the service demands of the State. Over the last few years, my Administration has eliminated 6,600 vacant positions statewide, including those in constitutional offices. I am also eliminating 30 vacant positions from the Department of Insurance.

Item 0845-001-0217—For support of Department of Insurance. I reduce this item from \$126,656,000 to \$124,924,000 by reducing:

- (1) 10-Regulation of Insurance Companies and Insurance Producers from \$56,237,000 to \$55,483,000;
- (2) 12-Consumer Protection from \$39,391,000 to \$38,862,000;
- (3) 20-Fraud Control from \$31,738,000 to \$31,289,000;
- (4) 50.01-Administration from \$22,933,000 to \$22,636,000; and
- (5) 50.02-Distributed Administration from -\$22,933,000 to -\$22,636,000.

I am reducing the funding provided for Personal Services by \$1,732,000 and eliminating 30 vacant positions in the department. This action is consistent with my efforts to control the growth of State government and maximize the use of existing personnel to meet the service demands of the State.

Item 0855-001-0367—For support of California Gambling Control Commission. I am revising this item by deleting Provision 1.

I am deleting Provision 1 which would specify that the Gambling Control Commission cannot duplicate the functions of the Division of Gambling Control within the Department of Justice. Based on the duties and responsibilities specified in Chapter 867, Statutes of 1997, the Gambling Control Commission has formalized a Memorandum of Understanding with the Department of Justice to specify the respective functions of the Commission and the Department to avoid duplication. Therefore, this provision is unnecessary.

Item 0890-002-0001—For support of Secretary of State. I delete this item.

This action is necessary due to fiscal constraints and limited resources in the General Fund.

Item 1700-001-0001—For support of Department of Fair Employment and Housing. I reduce this item from \$18,170,000 to \$18,095,000 by reducing:

- (1) 50-Administration of Civil Rights Law from \$22,293,000 to \$22,218,000.

I am reducing this item by \$75,000. Although my January Budget included these funds to provide additional materials regarding the Fair Employment and Housing Act to housing providers and small businesses employers, I take this action so that vital programs are protected and a prudent reserve for economic uncertainties is maintained.

Item 1760-001-0001—For support of Department of General Services. I reduce this item from \$23,688,000 to \$23,538,000 and delete Provision 2.

I am deleting the \$150,000 legislative augmentation for the preparation of documentation for the State to request an allocation of public safety radio frequencies for state and local agencies. While I understand that receipt of the expanded public safety spectrum is contingent upon the State's application for use, funding is already included in the Budget for engineering and design work on the Public Safety Radio Integrated Systems Management project. Therefore, additional funding is not necessary to ensure the State's ability to receive and retain the new public safety spectrum.

I am deleting Provision 2 to conform to this action.

Item 1760-001-0666—For support of Department of General Services. I revise this item by reducing:

- (1) Program Support from \$651,637,000 to \$651,487,000, and
- (3) Amount payable from the General Fund (Item 1760-001-0001) from -\$23,688,000 to -\$23,538,000.

I am revising this item to conform to the action I have taken in Item 1760-001-0001.

Item 1760-115-0101—For transfer upon order of the Director of Finance, from the School Facilities Fee Assistance Fund to the General Fund. I reduce this item from \$121,000,000 to \$108,000,000.

I am reducing this transfer by \$13,000,000. This reduction will allow the program to continue funding reservations for fee assistance received through December 2001, in accordance with pending legislation to sunset the program. Any unobligated program funds remaining after December 31, 2001, will be returned to the General Fund at that time.

Item 2240-014-0472—For support of Department of Housing and Community Development. I reduce this item from \$653,000 to \$413,000, and delete Provisions 1 and 2.

I am deleting the legislative augmentation of \$240,000 that would provide funding to extend a contract to market the Child Care Facilities Loan program and to award grants for providing technical assistance to potential borrowers. The program has staff and resources for marketing and technical assistance built into its existing support budget. Additionally, the one-time augmentation of \$150,000 for program marketing in 2000–01 raised awareness of the program and should generate sufficient interest in the program to use the remaining \$3.5 million in direct loan funds.

I am deleting Provisions 1 and 2 to conform to this action.

Item 2240-101-0001—For local assistance, Department of Housing and Community Development. I reduce this item from \$22,644,000 to \$22,361,000 by reducing:

(1.5) 97.20.004-Local Projects from \$1,073,000 to \$790,000 by reducing \$110,000 from the following subschedules:

(a) County of San Mateo: North San Mateo County Homeless Shelter Improvements from (\$300,000) to (\$200,000); and

(f) Jovenes, Inc.: Olivares/Pleasant Ave. Transitional Housing and Youth Center from (\$50,000) to (\$40,000);

and by deleting \$173,000 from the following subschedules:

(g) Single Room Occupancy Housing Corporation: James M. Wood Memorial Community Center (\$150,000); and

(h) City of Cypress: Installation of disabled access curb ramps (\$23,000).

I am reducing the legislative augmentations for various local projects by \$283,000. This action is essential due to fiscal constraints and limited resources in the General Fund. I am sustaining the remaining augmentations on a one-time basis.

I am also sustaining \$1,000,000 of one-time funding for construction of the People Assisting the Homeless Regional Center in Los Angeles.

Item 2240-104-0001—For transfer, upon order of the Director of Finance, to the Farmworker Housing Grant Fund (0927). I reduce this item from \$18,500,000 to \$13,875,000.

I am reducing this transfer by \$4,625,000. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I take this action as a matter of consistency because the discretionary programs for nearly all State departments funded from the General Fund have been reduced similarly. In addition, part of this reduction reflects the availability of approximately \$3,700,000 in funding from 2000–01 that will allow program expenditures of \$17,575,000 in 2001–02. This leaves the program with significantly higher funding than the Budget Act of 1999, which provided \$3,500,000.

Item 2240-105-0001—For transfer, upon order of the Director of Finance, to the Emergency Housing and Assistance Fund (0985). I reduce this item from \$14,000,000 to \$13,300,000 and delete Provision 2.

I am reducing this transfer by \$700,000. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I take this action as a matter of consistency because the discretionary programs for nearly all State departments funded from the General Fund have been reduced simi-

larly. This leaves the Emergency Housing and Assistance Program with an annual funding level of \$13,300,000, still significantly higher than \$4,000,000 provided in the Budget Act of 1999 for shelter programs.

I am deleting Provision 2 because it conflicts with Item 2240-115-0843, which transfers funds from the California Housing Trust Fund to the General Fund. This provision was inadvertently left in the Budget.

Item 2240-107-0001—For transfer, upon order of the Director of Finance, to the Housing Rehabilitation Loan Fund (0929). I reduce this item from \$35,400,000 to \$26,050,000 and revise Provisions 1 and 2.

I am reducing this transfer by \$9,350,000 and revising Provisions 1 and 2 as follows:

- “1. Of the amount transferred by this item ~~\$31,000,000~~ \$23,050,000 shall be utilized for the purposes of the Multifamily Housing Program as set forth in Chapter 6.7 (commencing with Section 50675) of Part 2, Division 31 of the Health and Safety Code.”
- “2. Of the amount transferred by this item, ~~\$4,400,000~~ \$3,000,000 shall be utilized for the Downtown Rebound Program established by Section 50898.1 of the Health and Safety Code. Of this amount, ~~\$3,000,000~~ \$2,000,000 shall be available for the purposes of subdivision (a) and ~~\$1,400,000~~ \$1,000,000 shall be available for the purposes of subdivision (b).”

I am reducing funding for the Multifamily Housing Loan Program by \$7,950,000 and the Downtown Rebound Program by \$1,400,000. This action is necessary due to fiscal constraints and limited resources in the General Fund. I take this action as a matter of consistency because the discretionary programs for nearly all State departments funded from the General Fund have been reduced similarly. In addition, part of the reduction to the Multifamily Housing Loan Program reflects the availability of approximately \$68 million in funding provided in 2000–01 that will allow program expenditures of \$91 million in 2001–02.

Item 2400-001-0933—For support of Department of Managed Health Care. I reduce this item from \$30,858,000 to \$30,358,000 by reducing:

- (1) 30-Health Plan Program from \$30,858,000 to \$30,358,000.

I am reducing by \$500,000, the \$1,000,000 legislative augmentation for educating health plan enrollees and providers about the availability of the Independent Medical Review process. The Independent Medical Review process has already been used by many plan enrollees to obtain independent, third party review of disputes about medical care. The Department provides information on how to access the process and arranges for the reviews. In combination with the existing efforts of the department and the \$2,000,000 already in the budget for consumer education, this should be sufficient funding to inform enrollees and providers of the recently created Independent Medical Review process. Health plans are also required to provide the process information and application forms to enrollees denied treatment or services based on medical judgment.

Item 2660-001-0001—For support of Department of Transportation. I delete this item.

I am deleting the \$355,000 legislative augmentation for local projects. This action is essential due to fiscal constraints and limited resources in the General Fund.

Item 2660-001-0042—For support of Department of Transportation. I reduce this item from \$2,020,380,000 to \$2,013,380,000 by reducing:

- (7) 20.80-Highway Transportation—Maintenance from \$798,906,000 to \$793,906,000;

- (9) 40.00-Transportation Planning from \$117,604,000 to \$115,604,000;

and by deleting Provisions 14, 16, 18, 19 and 20.

I am deleting the \$5,000,000 legislative augmentation for State Route 710 maintenance. The Department has indicated that it will review the aesthetics and pavement quality of the highway system and use existing resources to make improvements during 2001–02. The Department plans to review the adequacy of existing aesthetic standards for the system and consider options for changes in both design and maintenance goals.

I am deleting the \$2,000,000 legislative augmentation to provide funding for Chapter 832, Statutes of 2000, which permits regional transportation planning agencies to include, in their 20-year regional transportation plans, alternative planning scenarios



that emphasize integration of land use to reduce transportation impact. Since inclusion of alternative scenarios is a discretionary activity and if agencies believe there would be benefits, they should redirect funding for this purpose from other state, federal, and local funds provided for planning. I am also deleting Provision 18 of this item to conform to this action.

I am deleting Provision 14 that requires Caltrans to change the method it uses to report on the work it does to prepare projects for construction. While I agree that the approach proposed in this language would provide useful information, I am concerned that it does not adequately recognize the necessary role of project substitution. A portion of Caltrans' work schedule each year is unavoidably affected by delays beyond the control of the Department or the regional transportation agencies. To ensure a high overall level of project delivery, the regional agencies and Caltrans then substitute projects, an approach which reflects prudent management rather than poor scheduling. While I am open to continuing dialogue on useful measures of project delivery, I believe it is important that the discussion proceed not pursuant to budget bill language but in a broader policy setting. In the interim, I am directing the Department to include a range of project completion information in its future reporting that will present a balanced and complete picture to the Legislature and the public.

I am deleting Provision 16 that requires Caltrans to evaluate options and recommend specific mechanisms to the Legislature for funding capital improvement projects that maintain the California's shortline rail system, as identified in the Global Gateways Program or other goods movement initiatives by January 10, 2002. As previously stated in my signing message of AB 2866, Chapter 127, Statutes of 2000, which contained a similar requirement, I object to using state funds for this purpose. While the efficient movement of goods is important to California's economy, private, for-profit companies that operate freight railroads are largely capable of funding their own capital and operating needs.

I am sustaining the funding level in this item for design, environmental, construction management, and other project delivery services. Furthermore, I am sustaining Provision 17 that allows unexpended funds appropriated for project preparation and construction management in this item to be used for operating expenses for the purposes of contracting for architectural and engineering services for project delivery. It is my intent that Caltrans use the funding provided for the 315 positions added by the Legislature in whatever manner is necessary to ensure that design services are timely and projects are not delayed.

I am deleting Provision 19 that requires Caltrans to replace all overhead guide signs with signs using specified retroreflective sheeting materials within five years, so as to decrease electricity consumption. Caltrans is currently replacing signs with retroreflectorized signs through its routine maintenance and rehabilitation program. This language would accelerate that program at a significant cost. Energy savings related to this proposal would be minimal compared to the cost of accelerating the replacement program.

I am deleting Provision 20 that requires Caltrans to construct a grade crossing for State Route 1 on the Alameda Corridor as a triple grade crossing. The State's commitment to the Alameda Corridor has been demonstrated with the \$42 million provided from its Interregional Transportation Improvement Program and \$18 million from Proposition 116 funds, which is over 80 percent of the cost of the currently budgeted single grade crossing project. I am directing the Department to work with the interested parties to find a solution to finance and construct the larger and more beneficial grade crossing project.

Budget Bill language supported by the Administration was inadvertently omitted from this item. As a technical correction, I am directing the department to prepare its urban highway congestion monitoring report, distribute the report to the various congestion management agencies statewide, and also make the reports available to any interested parties upon request.

Item 2660-001-0046—For support of Department of Transportation. I revise this item by deleting Provision 3.

I am deleting Provision 3 that states legislative intent to require Caltrans to bid competitively for intercity rail services, as opposed to current law, which is permissive.

The benefits of competitive bidding on intercity rail services are speculative since private rail operators may incur additional costs for the acquisition of equipment and infrastructure necessary to service the various intercity rail routes. The State and Amtrak have been partners in expanding rail service in California, both in building the infrastructure and in marketing rail travel. Amtrak is able to provide one-stop ticketing and connections between its interstate trains and the State's intercity rail service that another vendor may find difficult to duplicate.

While I support competitive bidding, bidding on existing corridors where Amtrak has made significant long-term investments would be difficult for both bidders and the State and may not be cost beneficial. Therefore, I am directing the Department of Transportation to conduct a study to identify the costs and benefits of competitive bidding for the State's intercity rail services.

Item 2660-001-0703—For support of Department of Transportation. I delete this item.

I am deleting the \$250,000 legislative augmentation to complete a study of abandoned rail corridors to evaluate their potential for non-motorized transportation and as links to improve access to public transit. In 1994, Caltrans performed a survey of rail rights-of-way to identify the status of all the rail corridors in the state and evaluate their relative importance and potential for future rail passenger service. I am directing Caltrans to update and expand the 1994 study using existing resources and to identify abandoned rail corridors that have potential for use by non-motorized transportation and as links to improve access to public transit. Once completed, Caltrans will provide this information to local transportation planning agencies for consideration in local planning efforts.

Item 2660-002-0608—For support of Department of Transportation. I reduce this item from \$72,247,000 to \$65,029,000 and delete Provision 2.

I am deleting the augmentation of \$7,218,000 and Provision 2 to conform to the direction I have provided to Caltrans related to Provision 17 of Item 2660-001-0042.

Item 2660-101-0001—For local assistance, Department of Transportation. I reduce this item from \$2,294,000 to \$1,595,000 by reducing:

- (a) Local Projects from \$2,294,000 to \$1,595,000 by reducing \$201,000 for the following subschedules:
    - (3) City of Martinez: Burlington Northern/Santa Fe Railroad Trestle from (\$60,000) to (\$40,000);
    - (5) City of San Jose: Los Gatos Creek Trail Bicycle and Pedestrian Improvement Project from (\$75,000) to (\$57,000);
    - (7) City of Ventura: California Street Storm Drain Upgrade from (\$100,000) to (\$50,000);
    - (8) Southern California Regional Rail Authority: Inland Empire Maintenance Facility from (\$100,000) to (\$50,000);
    - (10) City of Manteca: Safe Route to School Grant Crom Street Sidewalk Project from (\$100,000) to (\$50,000); and
    - (12) County of Los Angeles: Malibu Canyon-Las Virgenes Road Scenic Highway Designation from (\$25,000) to (\$12,000);
- and by deleting \$498,000 for the following subschedules:
- (2) City of Westminster: Bolsa Avenue/Little Saigon Project (\$50,000);
  - (9) City of Tracy: Replacement of school and pedestrian crossing signs with enhanced visibility signs (\$10,000);
  - (14) City of Fullerton: New Central Control System (\$53,000);
  - (15) City of Brea: Replace Street Light Poles (\$115,000);
  - (16) City of Brea: Carbon Canyon Traffic Analysis (\$50,000);
  - (17) City of Brea: Carbon Canyon Specific Plan Update (\$100,000);

- (18) City of Cypress: Rental Deposit Guarantee Program (\$70,000); and
- (19) Castaic Area Town Council: Emergency Bypass Road for Castaic Road (\$50,000).

I am reducing and deleting these legislative augmentations for local projects by \$699,000. These actions are essential due to fiscal constraints and limited resources in the General Fund. The augmentations that I am sustaining are for one-time expenditures.

Item 2660-101-0042—For local assistance, Department of Transportation. I reduce this item from \$356,738,000 to \$339,417,000 by reducing:

- (1) 20.30-Highway Transportation-Local Assistance from \$210,592,000 to \$193,871,000,

and

- (3) 40-Transportation Planning from \$10,600,000 to \$10,000,000

I am reducing this legislative augmentation for Freeway Service Patrol from \$18,000,000 to \$1,279,000, to expand the Freeway Service Patrol. This level of funding will provide local agencies with the ability to cover unavoidable operating cost increases. The Freeway Service Patrol provides valuable assistance to motorists and helps reduce traffic congestion. While I understand that expanding this program to additional congested areas and to provide better service may have merit, existing statutory formulas preclude the direct allocation of funds based on needs. I am directing the Department of Transportation to work with interested parties on developing a plan for expanded services.

I am deleting the \$600,000 legislative augmentation for the Coronado Tunnel study. The cost of environmental studies related to a local project should be borne by the local agency sponsoring the project or funded from the region's share of the State Transportation Improvement Program.

Item 2660-103-0042—For local assistance, Department of Transportation. I delete this item.

I am deleting the augmentation of \$20,000,000 for initial planning and design costs for the Transbay Terminal Improvement Plan. While I believe there is merit to the project, it should be considered in the context of other regional transportation projects and available funding. It would not be prudent to commit any funds until a viable financing plan is developed for the project in its entirety.

Item 2720-001-0001—For transfer by the Controller, upon order of the Director of Finance, to the Motor Vehicle Account, State Transportation Fund (0044). I delete this item.

I delete the \$29,719,000 transfer, which offsets the cost of protection of the Capitol and constitutional officers to the Motor Vehicle Account. The budget for these services is included in Item 2720-001-0044, for support of the California Highway Patrol from the Motor Vehicle Account, which is not reduced. This action is essential due to fiscal constraints and limited resources in the General Fund. I will reconsider this funding during the development of future budgets.

Item 2720-001-0044—For support of Department of California Highway Patrol. I reduce this item from \$948,101,000 to \$946,351,000 by reducing:

- (2) 20-Regulation and Inspection from \$102,863,000 to \$101,113,000, and by deleting Provision 1.

I am deleting the \$1,750,000 legislative augmentation and Provision 1, which funds ten additional officers for the farm labor transportation safety program. The January Budget I proposed includes ten additional officers, doubling the program started a year earlier. I am directing the California Highway Patrol to dedicate five of these additional officers to the Salinas Valley. These officers will begin to address the need for farm labor transportation safety in one of the largest agricultural areas of the State.

Item 2720-002-0001—For support of Department of the California Highway Patrol. I delete this item and Provision 1.

I am deleting the \$10,000 legislative augmentation for the California Highway Patrol Explorer Post. This action is essential due to fiscal constraints and limited resources in the General Fund.

Item 2720-101-0001—For local assistance, Department of the California Highway Patrol. I reduce this item from \$1,000,000 to \$999,000 and revise Provision 1.

- “1. Grants shall only be available to local law enforcement agencies that collect all of the following data:
  - (a) The number of vehicle drivers stopped for all traffic law enforcement purposes, whether or not a citation or warning was issued.
  - (b) The race or ethnicity of the individuals stopped, based on visual observation.
  - (c) A tabulation of which of the following basis the stop was made: (1) a violation of the Vehicle Code; (2) a violation of the Penal Code; (3) a violation of a local ordinance; or (4) the appearance of the driver or the appearance of the vehicle matches the description of a crime suspect or of a vehicle involved in the commission of a crime or belonging to a crime suspect.
  - (d) Whether a vehicle search was instituted.
  - (e) A tabulation indicating if any of the following items were discovered or seized in the course of the search: (1) weapons; (2) controlled substances; (3) cash; (4) vehicles; (5) other property believed to be unlawful or the possession of which is unlawful.
  - (f) A tabulation of which of the following resulted from the search or stop: (1) a written citation; (2) a warning; or (3) an arrest. Notwithstanding any other provisions of law, grants may be in the form of advanced payments for the costs of data collection.....3,000,000 ”

I am reducing this item by \$1,000 and deleting language that adds new data elements to be collected when law enforcement officers make traffic stops. I find racial profiling abhorrent, and signed legislation outlawing the practice and requiring all peace officers to submit to additional training in cultural diversity. Given the extraordinary challenges of the work peace officers perform up and down this state, I believe it is more appropriate for local law enforcement agencies to decide if the additional data elements specified in this provision should be collected voluntarily.

Local jurisdictions representing over 60 percent of the State’s population currently are collecting racial profiling data. According to the Commissioner of the California Highway Patrol, the collection of the new data elements that would have been required under this provision and the tabulation and reporting of them to the California Highway Patrol will add significant costs to this program. I am concerned that the added costs are not offset by the modest grants that can be made with the money appropriated in this item. This may lead to less participation by law enforcement agencies in this voluntary program. I am reducing \$1,000 from this item to reflect savings that will be achieved based on vetoing Provision 1 of this item.

I am also revising the language to delete a printing error in the budget bill, which shows an invalid amount associated with this provision.

Item 2720-491—Reappropriation, Department of the California Highway Patrol. I reduce this item by \$1,000 and revise Schedule (1) as follows:

- “(1) Item 2720-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000). The unencumbered balance is reappropriated to provide local assistance grants to local law enforcement agencies for the cost of collecting racial profiling data and shall be available for expenditure until June 30, 2002. Grants shall only be available to local law enforcement agencies that collect all of the following data: (a) the number of vehicle drivers stopped for all traffic law enforcement purposes, whether or not a citation or warning was issued, (b) the race or ethnicity of the individuals stopped based on visual observation, (c) a tabulation of which of the following basis the stop was made: (1) a violation of the Vehicle Code; (2) a violation of the Penal Code; (3) a violation of a local ordinance; or (4) the appearance of the driver or the appearance of the vehicle matches the description of a crime suspect or of a vehicle involved in the commission of a crime or belonging to a crime suspect, (d) whether a vehicle search was instituted; (e) a tabulation of which the following items were discovered or seized in the course of the search: (1) weapons; (2) controlled substances; (3) cash; (4) vehicles; or (5) other property believed to be unlawful

or the possession of which is unlawful; and (f) a tabulation of which of the following resulted from the search or stop: (1) a written citation; (2) a warning; or (3) an arrest. Notwithstanding any other provisions of law, grants may be in the form of advanced payments for the costs of data collection.”

I am reducing \$1,000 from this item and deleting language that adds new data elements to be collected when law enforcement officers make traffic stops. This action conforms with the action I have taken on Item 2720-101-0001.

Item 2740-001-0044—For support of Department of Motor Vehicles, I revise this item by deleting the following schedule:

(7.5) 97.20.001-Unallocated reduction –\$21,000,000, and by deleting Provision 4.

In order to correct a technical error in the Budget Bill, I am deleting Schedule 7.5 and Provision 4, which relate to a proposal to make a \$21 million unallocated reduction in the Budget of the Department of Motor Vehicles. Such an unallocated reduction was considered by the Legislature and rejected. The total in the item reflects the correct amount. These provisions were inadvertently left in the final version of the Budget Bill. This technical veto will conform the Budget Act to the action taken by the Legislature.

Item 2920-101-0001—For local assistance, Technology, Trade, and Commerce Agency, I reduce this item from \$34,790,000 to \$29,675,000 by reducing:

(1) 07-Science, Technology and Innovation from \$19,066,000 to \$14,166,000; and  
(5) 97.20.004-Local Projects from \$2,390,000 to \$2,175,000 by reducing the following subschedules:

(a) Canoga Park Improvement Association: Canoga Park Improvement Association/Main Street Canoga Park Community Center Commercial District Improvements from \$150,000 to \$100,000;

(f) East LA Community Corporation: Community Development Incubator from \$140,000 to \$75,000; and

and by deleting the following subschedule:

(e) Redwood Economic Development Inst.: Aleutian Goose Festival and Business Cluster Program (100,000).

I am reducing funding for the Next Generation Internet project by \$3,000,000 and retaining \$2,000,000. Combined with funding available from the Budget Act of 2000, this program will be able to support the two Centers and their grant programs to develop business applications for the new high-speed Internet2 as anticipated in 2001–02. I am also reducing funding for the Manufacturing Technology Program by \$1,900,000.

I am reducing \$215,000 for legislative augmentations for the local projects as indicated above. These actions are necessary due to fiscal constraints and limited resources in the General Fund. I am sustaining one-time funding for the remaining local projects.

Item 2920-102-0001—For local assistance, Klamath River Water Crisis Economic Assistance and Mitigation Program.

I am sustaining the \$8 million legislative augmentation for the Klamath River Water Crisis Economic Assistance and Mitigation Program. This appropriation is being provided to help mitigate the economic distress resulting from the action by the federal Bureau of Reclamation to cease providing water to the Klamath River Valley. Because this problem does not appear to be of a short-term nature, it cannot be addressed well by existing state disaster relief programs. Therefore, expenditure of these funds is contingent on the enactment of subsequent legislation to create an assistance and mitigation program that meets the unique needs of this region.

Item 2920-111-0001—For transfer, upon order of the Director of Finance, from the General Fund to the Film California First Fund (3005). I reduce this item from \$10,000,000 to \$2,000,000.

I am reducing this transfer by \$8,000,000. This reduction reflects the availability of \$8,000,000 in funding from 2000–01 that will allow expenditure of \$10,000,000 in 2001–02 for this program, which provides incentives to use California locations for filming.

Item 3360-101-0001—For local assistance, State Energy Resources Conservation and Development Commission. I delete this item.

I am deleting the legislative augmentation of \$200,000 for the City and County of San Francisco to provide energy efficiency outreach to non-English speaking persons. While I am supportive of outreach efforts to educate non-English speaking persons about the critical need to conserve energy and reduce electricity demand, the State and Consumer Services Agency, the Department of Consumer Affairs, the California Conservation Corps, and the State Energy Resources Conservation and Development Commission are taking measures to inform non-English speaking populations about available energy efficiency and conservation programs. In particular, the Department of Consumer Affairs is running energy efficiency campaigns in paid media forums in five different languages and printing an Energy Assistance Guide and Tips for Energy Emergency in five languages.

I am deleting the legislative augmentations of \$80,000 for a solar panel pilot program for the City of Redondo Beach, \$30,000 to replace red signal lights for the City of Manhattan Beach, and \$300,000 for energy efficiency improvement in the City of Oxnard. This action is essential due to fiscal constraints and limited resources in the General Fund.

Item 3480-001-0001—For support of Department of Conservation. I revise this item by reducing:

- (1) 10-Geologic Hazards and Mineral Resources Conservation from \$25,865,000 to \$25,665,000;

and by deleting:

- (18.5) Amount payable from the Abandoned Mine Reclamation and Minerals Fund (Item 3480-001-3025) (-\$200,000);

and by deleting Provision 2.

I am revising this item to conform to the action I have taken in Item 3480-001-3025.

Item 3480-001-3025—For support of Department of Conservation. I delete this item and Provision 1.

I am deleting this item because the Department of Conservation has not completed its inventory of abandoned mines. Until that inventory is completed and prioritized, it is premature to fund remediation efforts.

Item 3480-011-0035—For transfer by the Controller from the Surface Mining and Reclamation Account to the Abandoned Mine Reclamation and Minerals Fund. I delete this item.

I am deleting the \$200,000 transfer to conform to the action I have taken in Item 3480-001-3025.

Item 3540-001-0001—For support of Department of Forestry and Fire Protection. I reduce this item from \$360,496,000 to \$359,496,000 by reducing:

- (1) 100000-Personal services from \$360,743,000 to \$360,423,000;
- (2) 300000-Operating expenses and equipment from \$220,667,000 to \$219,987,000;

and by deleting Provisions 4.

I am reducing the \$2,700,000 legislative augmentation for Sudden Oak Death (SOD) mitigation to \$1,700,000. This action deletes \$1,000,000 for related fire protection services that have already been funded in this item.

I am deleting Provision 4 because it infringes on the Administration's responsibility to protect forestland by establishing regulations related to timber harvest practices. I am encouraging the Board of Forestry to work with all interested parties to develop permanent regulations promoting responsible timber harvest practices while providing sufficient habitat protection.

Item 3540-101-0001—For local assistance, Department of Forestry and Fire Protection. I reduce this item from \$285,000 to \$120,000 by reducing:

- (1) Local Projects from \$285,000 to \$120,000 by deleting:
  - (c) Placer Land Trust: Auburn Native Oak Protection (\$90,000); and
  - (d) City of Norco: Norco Tree Abatement (\$75,000)

This action is essential due to fiscal constraints and limited resources in the General Fund. Furthermore, the amount being sustained for projects in this item shall be on a one-time basis.

Item 3600-101-0001—For local assistance, Department of Fish and Game. I reduce this item from \$2,200,000 to \$1,800,000 by reducing:

(2) 97.20.004-Local Projects from \$600,000 to \$200,000 by reducing:

(a) Sweetwater Authority: Completion of Reservoir Fishing Facility Improvements from (\$550,000) to (\$200,000);

and by deleting:

(b) City of Huntington Beach: Shipley Nature Center (\$50,000).

These actions are essential due to fiscal constraints and limited resources in the General Fund. Furthermore, the amount being sustained for these projects shall be approved on a one-time basis.

Item 3600-301-6018—For capital outlay, Department of Fish and Game. I delete this item.

I am deleting the \$7,500,000 legislative augmentation for the Mill Creek Acquisition. While I am supportive of additional funds for acquisitions aimed at protecting wildlife habitat, I note that there is currently \$30 million (\$15 million General Fund and \$15 million Save the Redwoods League) available for this acquisition through the Wildlife Conservation Board's Land Conservation Matching Grants Program. In addition, I am sustaining language in Item 3790-301-0005 directing the Department of Parks and Recreation to allocate \$10,000,000 from the 2000 Bond Habitat Acquisition Program to the Mill Creek Acquisition project.

Item 3640-101-0001—For local assistance, Wildlife Conservation Board. I reduce this item from \$559,000 to \$300,000 by reducing:

(a) 97.20.004—Local Projects from \$559,000 to \$300,000 by reducing subschedule:

(2) Santa Clara County Open Space Authority: Open Space Acquisition Project—Hong Property from (\$100,000) to (\$50,000);

and by deleting subschedules:

(3) Stanislaus Wildlife Care Center: Expansion (\$109,000); and

(4) Mountains Recreation and Conservation Authority: Rocky Pointe Arroyo-Simi Wetlands and Nature Preserve (\$100,000).

These actions are essential due to fiscal constraints and limited resources in the General Fund. I am sustaining the legislative augmentation for the Hong Property acquisition on a one-time basis.

Item 3720-001-0001—For support of California Coastal Commission. I reduce this item from \$12,591,000 to \$11,191,000 by reducing:

(1) 10-Coastal Management Program from \$15,782,000 to \$14,382,000.

I am deleting the \$1,400,000 legislative augmentation for workload related to Local Coastal Program permit applications, appeals, and review. This action is necessary to continue funding for previously approved projects and provide for a prudent reserve for economic uncertainties.

Item 3760-101-0001—For local assistance, State Coastal Conservancy. I reduce this item from \$1,900,000 to \$1,690,000 by reducing:

(1) 97.20.004—Local Projects from \$1,900,000 to \$1,690,000 by reducing the following subschedules:

(c) City of Oakland: Lake Merritt restoration from (\$200,000) to (\$160,000);

(d) County of Marin: Bolinas Restoration Project from (\$300,000) to (\$155,000); and

(e) City of San Diego: Ocean pier restoration from (\$150,000) to (\$125,000).

This action is essential due to fiscal constraints and limited resources in the General Fund. I am sustaining the legislative augmentations remaining for this projects on a one-time basis.

Item 3780-001-0001—For support of Native American Heritage Commission. I reduce this item from \$528,000 to \$328,000.

I am deleting the \$200,000 legislative augmentation for review of timber harvest plans. This action is necessary to continue funding for previously approved projects and build a prudent reserve for economic uncertainties.

Item 3790-001-0001—For support of Department of Parks and Recreation. I reduce this item from \$130,947,000 to \$129,537,000.

I am reducing this item by \$535,000 for projects at the State Capitol to begin restoration of the historic flag collection, install protective mural cases, and renovate the insectory within Capitol Park. This action is essential due to fiscal constraints and limited resources in the General Fund.

I am sustaining \$100,000 of the \$300,000 originally allocated in this item specifically for preparing a feasibility study on adding the San Joaquin River Parkway to the State Parks System. This action is essential due to fiscal constraints and limited resources in the General Fund.

In order to correct a technical error in the Budget Bill, I am reducing this item by \$675,000. This amendment corresponds to the correct appropriation amount payable from the General Fund as shown in Item 3790-001-0392.

Item 3790-001-0392—For support of Department of Parks and Recreation. I revise this item by reducing:

- (1) For support of the Department of Parks and Recreation from \$272,852,000 to \$272,167,000; and
- (4) Amount payable from the General Fund (Item 3790-001-0001) from -\$130,272,000 to -\$129,587,000.

I am revising this item to conform to the action taken in Item 3790-001-0001.

Item 3790-101-0001—For local assistance, Department of Parks and Recreation. I reduce this item from \$43,326,990 to \$25,060,000 by reducing:

- (a) 80.25-Recreational Grants from \$6,890,000 to \$4,390,000 by deleting:
  - (3) County of Los Angeles: El Pueblo Cultural and Performing Arts Center (\$2,500,000); and
- (b) Local Projects from \$36,436,990 to \$20,670,000 by deleting the following subschedules:
  - (4) Boys and Girls Club of San Bernardino: Expansion Project (\$100,000);
  - (24) City of La Puente: La Puente Community Center (\$99,000);
  - (28) City of Manteca: Tidewater Bikeway (\$125,000);
  - (70) City of Garden Grove: Gum Theater marquee replacement (\$25,000);
  - (90) City of Los Angeles: Ascot Park (\$1,000,000);
  - (138) Tulare County's District Attorney's Office: Tulare County Gang Task Force Operations (\$100,000);
  - (151) City of Visalia: Mobile Recreation Centers (\$100,000);
  - (152) Tulare County: Boys and Girls Club, youth facility (\$100,000);
  - (153) City of Oceanside: Martin Luther King, Jr. Skate Park (\$50,000);
  - (154) Town of Yucca Valley: Morongo Basin Regional/Multipurpose trails system (\$50,000);
  - (155) City of San Jacinto: Estudillo Mansion (\$50,000);
  - (156) City of Moreno Valley Department of Parks and Recreation: State Park Bond proposed projects for funding City of Moreno Valley Parks and Recreation Department (\$50,000);
  - (165) Tustin Boys and Girls Club: Purchase of fuel powered/solar powered generating system (\$40,000);
  - (166) Laguna Beach Boys and Girls Club: Laguna Beach Boys and Girls Club teen facilities expansion (\$60,000);
  - (167) City of Folsom: Regional Humbug-Willow Creek Bikeway Gap Closure Project (\$75,000);
  - (168) Sunrise Recreation and Park District: Family picnic shelter (\$75,000);
  - (169) Orangevale Recreation and Park District: Community solar panels (\$85,000);



- (170) North Highlands Recreation and Park District: McClellan Sports Complex rehabilitation (\$100,000);
  - (171) Carmichael Recreation and Park District: Carmichael Park swimming pool renovation (\$75,000);
  - (173) City of Fountain Valley: Recreation Facility Expansion Project (\$100,000);
  - (174) City of La Palma: El Rancho Verde Open Space Project (\$100,000);
  - (175) City of Los Alamitos: USA Olympic Team Facility (\$100,000);
  - (176) City of El Cajon: El Cajon High School tennis courts (\$63,000);
  - (177) City of El Cajon: Tuttle Parks Sports Field (\$95,000);
  - (178) City of La Mesa: Junior Seau Regional Sports Complex Baseball field capability-Phase 3 (\$91,000);
  - (179) City of Lemon Grove: Pine replacement at Main Street (\$11,000);
  - (180) City of Lemon Grove: Replacement pipe at Ensenada Street (\$8,000);
  - (181) City of Lemon Grove: Roosevelt Street (\$8,000);
  - (182) City of La Mesa: Junior Seau Regional Sports Complex ball field special features (\$90,990);
  - (183) City of El Cajon: Dance studio (\$15,000);
  - (184) City of Fontana: Heritage Community Center (\$425,000);
  - (185) East Contra Costa County Historical Society: Relocation and Foundation for Eden Plain School Historical Building (\$30,000);
  - (187) Tahoe City Public Utilities District: Tahoe City Community Center for Lake Tahoe Information, Culture, and Art (\$100,000);
  - (188) Hangtown Gold Bug Park Development Committee: Gold Bug Park Living Museum (\$100,000);
  - (189) Los Osos Community Pool Association: Los Osos Community Aquatic Center (\$300,000);
  - (190) City of San Maria: Community Youth Center final phase (\$250,000);
  - (191) City of Arroyo Grande: Five Cities Community Recreation Center (\$250,000);
  - (192) City of Diamond Bar: Summit Ridge Park improvements (\$50,000);
  - (193) City of Norco: Ingall's Regional Equestrian Park (\$50,000);
  - (194) Riverside Parks and Recreation: Air conditioning for the Cesar Chavez Community Center (\$150,000);
  - (196) City of Thousand Oaks: Ventura County Discovery Center (VCDC) (\$100,000);
  - (197) City of Los Angeles, Parks and Recreation Department: Recreational facility upgrade (\$132,000);
  - (199) City of Escondido: Escondido Sports Center (\$150,000);
  - (200) City of Encinitas: Parkland and Open Space Acquisition Funding (\$300,000);
  - (201) City of Del Mar: Reconstruction of children's playground area (\$45,000);
  - (202) City of Escondido: Boundless Playground (\$100,000);
  - (203) City of Apple Valley: Apple Valley Town Center Park (\$100,000);
  - (204) County of San Bernardino: Barstow Wading Pool (\$81,000);
  - (205) County of San Bernardino: Spring Valley Lake Baseball Fields (\$60,000);
  - (206) Anza Borrego Foundation: Mason Valley Project (\$200,000);
  - (207) City of Walnut: Suzanne Park Renovation Project (\$50,000);
  - (208) City of La Mirada: Skateboard Park (\$50,000);
  - (209) City of La Puente: Skateboard Park-City of La Puente (\$50,000);
  - (210) City of West Covina: Ridge Rider Equestrian Center (\$50,000);
  - (211) City of Fullerton: Lions Field athletic field lights (\$100,000); and
  - (212) City of Fullerton: Independence Park play structure (\$40,000);
- and reducing the following subschedules:
- (5) Boys and Girls Club of San Pedro: Rancho San Pedro Clubhouse start up capital from (\$288,000) to (\$200,000);
  - (6) Buena Park Boys and Girls Club: Building expansion from (\$395,000) to (\$200,000);

- (8) City and County of San Francisco: Edgehill Mountain Open Space Park Land acquisition from (\$150,000) to (\$75,000);
- (9) City of Arcata: Arcata Ballpark improvements from (\$200,000) to (\$150,000);
- (10) City of Baldwin Park: Baldwin Park Community Center construction of multi-purpose recreational facility from (\$241,000) to (\$200,000);
- (11) City of Chula Vista: Otay Park, children's playground construction from (\$105,000) to (\$85,000);
- (12) City of Chula Vista: Nature Interpretive Center from (\$500,000) to (\$150,000)
- (13) City of Compton: Gonzales Park from (\$390,000) to (\$200,000);
- (17) City of El Cajon, Department of Parks and Recreation: Montgomery Middle School, sports field lighting from (\$120,000) to (\$90,000);
- (18) City of El Cajon, Department of Parks and Recreation: Fletcher Hills Recreation Center, pool and locker room improvements from (\$200,000) to (\$150,000);
- (22) City of La Mesa: Briarcrest Park, capital improvements from (\$200,000) to (\$150,000);
- (23) City of La Mesa: Junior Seau Regional Sports Complex, capital improvements from (\$200,000) to (\$150,000);
- (26) City of Lemon Grove, Department of Parks and Recreation: City Center Park, phase II improvements from (\$250,000) to (\$200,000);
- (27) City of Manhattan Beach: Polliwog Park rehabilitation from (\$200,000) to (\$100,000);
- (29) City of Montebello: Skateboard Park from (\$246,000) to (\$200,000);
- (30) City of Ontario: The De Anza Community Center from (\$100,000) to (\$75,000);
- (31) City of Ontario: Youth Soccer Sports Complex from (\$110,000) to (\$50,000);
- (32) City of Pomona: Westmont Park, Kennedy Skateboard Park, Jaycee Community Park, Ganesha Park Pool, Grove Sports Park from (\$250,000) to (\$80,000);
- (33) City of Rialto: Frisbee Park from (\$75,000) to (\$50,000);
- (34) City of San Bernardino: Skateboard Park from (\$75,000) to (\$25,000);
- (36) City of San Diego: Bay Terraces Community Park, Capital improvement completion from (\$200,000) to (\$150,000);
- (37) City of San Diego: Keiller Park, design and construction of comfort station from (\$200,000) to (\$150,000);
- (38) City of San Diego: Martin Luther King Jr. Community Center, completion of construction from (\$250,000) to (\$150,000);
- (42) City of Whittier: Whittier Greenway Trail from (\$750,000) to (\$450,000);
- (43) City of Willits: Build Youth Center from (\$200,000) to (\$100,000);
- (44) Colour Me Freedom Foundation: Martin Luther King Jr. Museum/Cesar E. Chavez Diversity Center from (\$300,000) to (\$250,000);
- (45) County of Los Angeles: Del Amo Neighborhood Park in Carson from (\$710,000) to (\$350,000);
- (48) County of Santa Barbara: Goleta Youth Baseball Fields Santa Barbara from (\$2,000,000) to (\$500,000);
- (49) County of Santa Clara: Villa Montalvo from (\$300,000) to (\$200,000);
- (51) East County Performing Arts Center: Capital improvements to the center from (\$500,000) to (\$275,000);
- (52) East Los Angeles Community Youth Center: Facility refurbishment from (\$330,000) to (\$225,000);
- (54) McKinleyville Community Services District : McKinleyville Park, ball-park construction from (\$200,000) to (\$125,000);
- (58) National City, Department of Parks and Recreation: Municipal Pool, facility improvements from (\$200,000) to (\$150,000);

- (59) North Highlands Recreation and Park District: Freedom Park Sports Complex, rehabilitation from (\$175,000) to (\$75,000);
- (62) Sacramento Asian Sports Foundation: Community Center from (\$330,000) to (\$100,000);
- (64) Sacramento Valley Open Space Conservancy: Purchase of Fair Oaks Bluffs from (\$300,000) to (\$100,000);
- (67) Trust for Public Lands: Bella Vista Discovery Park Oakland from (\$1,000,000) to (\$650,000);
- (68) City of Orange: Eli Home Expansion from (\$400,000) to (\$150,000);
- (71) City of Concord: Daniel E. Boatwright Sports Complex playground from (\$133,000) to (\$110,000);
- (72) Major League Baseball Urban Youth Foundation: Major League Baseball Academy from (\$2,675,000) to (\$2,000,000);
- (73) Pacoima Community Technology Center from (\$250,000) to (\$75,000);
- (74) County of Merced: South Dos Palos Park irrigation system from (\$333,000) to (\$225,000);
- (75) City of Atwater: Restoration of Bloss Home from (\$275,000) to (\$75,000);
- (76) Heart of Los Angeles Youth: Renovation of Existing Facility from (\$50,000) to (\$40,000);
- (78) East Bay Regional Park District: Roberts Regional Park from (\$50,000) to (\$25,000);
- (79) Bassett Little League: Bassett Little League Park improvements from (\$75,000) to (\$40,000);
- (80) City of La Puente Parks and Recreation: City of La Puente Skate Board Park from (\$150,000) to (\$90,000);
- (84) City of Newark: Newark Skate Park from (\$200,000) to (\$150,000);
- (85) Old Timers Foundation: Capital Improvements for family center in the City of Huntington Park from (\$150,000) to (\$75,000);
- (86) Door of Hope Community Center: Community Skate Park-East Los Angeles from (\$100,000) to (\$75,000);
- (87) City of Shafter: Capital Parks improvement from (\$100,000) to (\$75,000);
- (88) City of Arvin: Arvin Skate Park from (\$140,000) to (\$75,000);
- (89) City of Baldwin Park: Department of Recreation and Community Services-Jones Junior High School multi-purpose sports complex from (\$95,000) to (\$40,000);
- (91) City of Saratoga: Villa Montalvo from (\$200,000) to (\$100,000);
- (92) Children's Discovery Museum of San Jose from (\$250,000) to (\$175,000);
- (97) Boys and Girls Club of Burbank: Boys and Girls Club of Burbank Technology Learning Center from (\$50,000) to (\$40,000);
- (98) Friends of Griffith Park Observatory: Griffith Park Observatory from (\$200,000) to (\$160,000);
- (99) Ad Hoc Committee for Safe Children: Anahauk Youth Soccer Club from (\$75,000) to (\$25,000);
- (100) City of Los Angeles: Phase II: Temple-Beverly Family Park from (\$300,000) to (\$115,000);
- (101) Proyecto Pastoral at Dolores Mission: Proyecto Pastoral at Dolores Mission Expansion from (\$40,000) to (\$30,000);
- (104) City of Bellflower: William Bristol Civic Auditorium from (\$25,000) to (\$15,000);
- (105) City of Hawaiian Gardens: Community Parks Upgrades from (\$25,000) to (\$15,000);
- (110) City of San Diego: Serra Mesa Community Parks from (\$150,000) to (\$140,000);
- (111) City of San Diego: Terasanta Community Park security lighting from (\$150,000) to (\$100,000);

- (112) City of San Diego: University Tot Lots from (\$175,000) to (\$160,000);
- (113) Mountains Recreation and Conservation Authority: Briar Summit-Laurel Canyon East Core Habitat from (\$88,000) to (\$35,000);
- (114) City of Temple City: Temple City Basketball Court Project from (\$125,000) to (\$100,000);
- (115) South Pasadena: Skate Park from (\$75,000) to (\$50,000);
- (117) Los Angeles Maritime Institute: Completion of Twin Brigantine Project engine rooms from (\$100,000) to (\$60,000);
- (119) City of Stockton: Pixie Woods renovation from (\$200,000) to (\$100,000);
- (120) City of Stockton, Department of Parks and Recreation: Development of Youth Soccer Fields from (\$125,000) to (\$100,000);
- (127) City of Ontario: Construction of the restroom facility at Galvin Park from (\$100,000) to (\$91,000);
- (128) City of Montclair: Skateboard Park from (\$100,000) to (\$80,000);
- (129) City of Hermosa Beach: Renovation of Hermosa Valley Park from (\$90,000) to (\$70,000);
- (130) City of Torrance: North Torrance Community Service Center from (\$100,000) to (\$65,000);
- (132) Boys and Girls Club of Harbor City/Harbor Gateway: Complete facility for Harbor Gateway Boys and Girls Club from (\$100,000) to (\$75,000);
- (133) City of Los Angeles: Vans for afterschool program from (\$50,000) to (\$40,000);
- (134) City of South San Francisco: Construction of the Westborough Learning/Childcare Center from (\$175,000) to (\$150,000);
- (136) Tarzana Community Foundation: Tarzana Community Center from (\$240,000) to (\$100,000);
- (137) Hmong American Community, Inc.: Hmong American Community Center Renovation from (\$90,000) to (\$40,000);
- (139) City of Dinuba (Recreation Services): Minibus/van for Youth Center from (\$35,000) to (\$25,000);
- (141) Southgate Parks and Recreation: Florin Creek Soccer Complex rehabilitation and expansion from (\$75,000) to (\$30,000);
- (143) Vacaville Youth Soccer League: Centennial Park Soccer Complex from (\$300,000) to (\$230,000);
- (144) County of Solano: Relocation of Girl Scouts building from (\$150,000) to (\$100,000);
- (145) St. Vincent de Paul Village: Playground equipment for children's center from (\$150,000) to (\$112,000);
- (146) Willowbrook Boys and Girls Club: Complete construction of the Willowbrook Boys and Girls Club Facility from (\$150,000) to (\$100,000);
- (147) City of San Diego: North Clairemont Recreation Center-picnic shelter from (\$100,000) to (\$75,000);
- (149) City of San Diego: Golden Hill Community Park picnic shelter from (\$70,000) to (\$65,000);
- (161) City of Lake Forest: Community Resource Center from (\$100,000) to (\$50,000);
- (163) City of Lake Forest: Public skate park from (\$50,000) to (\$25,000);
- (186) City of Fontana: Heritage Community Center from (\$500,000) to (\$200,000).

I am reducing this item by \$2,500,000 in recreational grants, which would provide funding to develop a new community events center and rehabilitate the historic Plaza House at El Pueblo de Los Angeles State Park. This action is essential due to fiscal constraints and limited resources in the General Fund.

I am reducing this item by \$15,631,990 in local projects. This action is essential due to fiscal constraints and limited resources in the General Fund. Furthermore, of the amount being sustained for these projects, funding shall be approved on a one-time basis.

I am deleting the \$100,000 local project for (138) Tulare County's District Attorney's Office: Tulare County Gang Task Force Operations. This is a technical veto to correct an error in the Budget Act. This technical veto will conform to the Legislature's intent, and is consistent with legislative action taken in Item 8100-101-0001 (26.5)(af), which makes the correct allocation for this project within the Office of Criminal Justice Planning.

Item 3790-102-0383—For local assistance, Department of Parks and Recreation. I sustain this Item for use on a one-time basis.

Expenditure of this appropriation is dependent upon enactment of separate legislation that will authorize the Director of the Department of Parks and Recreation to establish guidelines for the allocation of these funds.

Item 3790-301-0001—For capital outlay, Department of Parks and Recreation. I reduce this item from \$350,000 to \$245,000 by reducing:

- (1) 97.20.004-Local Projects: Mount Diablo State Park (Morgan Territory) Acquisition from \$300,000 to \$225,000, and
- (2) Topanga State Park—Los Liones Trailhead improvements and restroom construction from \$50,000 to \$20,000.

I am reducing these legislative augmentations by \$105,000 due to fiscal constraints and limited resources in the General Fund.

However, I am sustaining the \$50,000 legislative augmentation for the Topanga State Park—Los Liones Trailhead improvements and restroom construction project on a one-time basis.

Item 3790-301-0005—For capital outlay, Department of Parks and Recreation. I revise this item by reducing:

- (30.92) 90.KZ.101-Cornfields Project: Acquisition—Acquisition from \$40,000,000 to \$36,000,000; and
- (31) Reimbursements from -\$5,041,000 to -\$1,041,000;

and delete Provision 7.

These reductions are in conformance with Items 0540-101-0001, Schedule (2) and 0540-101-6015, Schedule (2), which were reduced due to fiscal constraints and limited resources.

I am deleting Provision 7, which allocates \$6,500,000 of the funds appropriated to the Albion Acquisition. This project has not been reviewed by the Department, with input from the State Parks and Recreation Commission, against other competing priority park system needs.

Item 3790-302-0005—For capital outlay, Parks and Recreation. I reduce this item from \$69,400,000 to \$9,850,000 by reducing:

- (7) 90.EC.400-Kenneth Hahn SRA: Baldwin Hills—Acquisition from \$11,000,000 to \$4,000,000;
- (13) 90.7T.400-Pigeon Point Light Station SHP: Bolsa Point/Whaler's Cove—Acquisition from \$5,000,000 to \$4,000,000;
- (14) 90.72.400-John Marsh Home SHP: Cowell Ranch—Acquisition from \$5,000,000 to \$1,500,000; and
- (15) 90.FH.100-Santa Monica SB: 415 PCH Project—EIRs and Planning from \$500,000 to \$350,000

and by deleting \$60,550,000 for the following projects:

- (1) 90.EX.400-Malibu Creek SP: Acquisition (700,000);
- (2) 90.4E.400-Mendocino Headlands SP: Big River—Acquisition (\$5,000,000);
- (3) 90.BR.400-Butano SP: Acquisition (\$3,000,000);
- (4) 90.B8.400-Castle Rock SP: Acquisition (\$7,000,000);
- (5) 90.CH.400-Point Lobos SR—Acquisition (\$5,000,000);
- (6) 90.CO.400-Wilder Ranch SP: Curren Ranch—Acquisition (\$2,200,000);
- (8) 90.EF.400-El Capitan SB: El Capitan Ranch—Acquisition (\$6,500,000);
- (9) 90.FW.400-Topanga SP: Mulholland Gateway—Acquisition (\$9,000,000);
- (10) 90.H6.400-Cuyamaca Rancho SP: Tulloch-Cuyamaca—Acquisition (\$3,000,000);
- (11) 90.7P.400-Half Moon Bay SB: Francis Beach—Acquisition (\$1,500,000); and
- (12) 90.7Q.400-Montara SB: Rancho Corral—Acquisition (\$5,000,000);

I am reducing these legislative augmentations due fiscal constraints and diminishing resources in the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund for unspecified state parks projects. The amount I have sustained for the Kenneth Hahn SRA: Baldwin Hills acquisition is intended to secure the acquisition of the Stocker Street Trail. Should this amount be insufficient, I direct the Department of Parks and Recreation to reassess the critical nature of this project and, if appropriate, request additional funds in the 2002 Governor's Budget.

In addition, I direct the Department of Parks and Recreation to allocate \$3,000,000 and \$625,000 from the 2000 Bond Redwood Acquisition Program for the Mendocino Headlands: Big River acquisition and the Butano SP acquisition, respectively. I further direct the department to seek additional federal funds for the Butano SP acquisition.

I further direct the Department of Parks and Recreation to allocate from the 2000 Bond Habitat Acquisition Program \$3,000,000 for the Castle Rock SP acquisition, \$5,000,000 for the El Capitan SB: El Capitan Ranch acquisition, \$4,000,000 for the Topanga SP: Mulholland Gateway acquisition, \$3,000,000 for the Cuyamaca Rancho SP: Tulloch-Cuyamaca acquisition, \$1,000,000 for the Pigeon Point Light Station SHP: Bolsa Point/Whaler's Cove acquisition, and \$1,500,000 for the John Marsh Home SHP: Cowell Ranch acquisition.

Item 3810-301-0005—For capital outlay, Santa Monica Mountains Conservancy. I reduce this item from \$16,250,000 to \$14,250,000.

I am deleting the \$2 million legislative augmentation for the Oakmont-Verdugo Mountains purchase. The Oakmont-Verdugo Mountains acquisition is one of the projects previously funded through the Resources Agency in 2000–01 from bond funds provided through Proposition 13. The additional \$2 million augmentation is not necessary to complete the acquisition.

Item 3860-001-0001—For support of Department of Water Resources, I reduce this item from \$117,373,000 to \$113,657,000 by reducing:

(4) 30-Public Safety and Prevention of Damage from \$41,976,800 to \$38,260,800, and by deleting Provision 2.

California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. Due to fiscal constraints and limited resources, it is necessary to reduce funding for sediment removal projects for the Tisdale Bypass and the Fremont Weir. However, I am retaining \$599,000 for environmental review and engineering design activities to allow the projects to move forward.

I am deleting Provision 2 to conform to this action.

Item 3860-101-0001—For local assistance, Department of Water Resources, I reduce this item from \$22,586,000 to \$21,991,000 by reducing:

(4) 97.20.004-Local Projects from \$1,550,000 to \$955,000 by reducing subschedules:

(b) State Reclamation Board: Success Reservoir Enlargement Project from (\$550,000) to (\$335,000);

(c) City of Fremont: Dredging Lake Elizabeth from (\$400,000) to (\$120,000); and by deleting subschedule:

(d) Butte County: Rock Creek/Keffer Slough (\$100,000).

I am deleting the \$865,000 legislative augmentation. This action is essential due to fiscal constraints and limited resources in the General Fund. Furthermore, of the amount being sustained for these projects, funding shall be approved on a one-time basis.

Item 3900-101-0001—For local assistance, State Air Resources Board. I reduce this item from \$200,000 to \$75,000 by reducing:

(1) Local projects from \$200,000 to \$75,000 by reducing the following subschedule:

(a) Montebello Unified School District: CNG Buses from (\$150,000) to (\$75,000);

and by deleting the following subschedule:

(b) City of San Clemente: Electric vehicle-San Clemente (\$50,000).

I am deleting the \$125,000 legislative augmentation. This action is essential due to fiscal constraints and limited resources in the General Fund. The \$75,000 in subschedule (a) is being sustained on a one-time basis.

Item 3910-001-0226—For support of California Integrated Waste Management Board. I revise this item.

I am reducing the legislative augmentation of 19.0 positions by 10.0 positions. I am sustaining the remaining 9.0 positions to address the Waste and Used Tire program workload, and sustaining full funding for this program to provide sufficient resources for contractual services.

Item 3910-001-0386—For support of California Integrated Waste Management Board. I reduce this item from \$939,000 to \$439,000.

I am deleting the \$500,000 legislative augmentation for grants to local government to reduce or eliminate trash in the Los Angeles River Watershed. While I am supportive of environmental improvement projects, this project is not of sufficiently high priority to justify funding over other meritorious projects. Proponents of this project have the option to apply for a competitive grant from the Solid Waste Disposal and Codisposal Cleanup Program.

Item 3910-001-0387—For Support of California Integrated Waste Management Board. I revise this item by reducing:

- (1) 11-Waste Reduction and Management from \$77,653,000 to \$77,153,000, and
- (12) Amount payable from Solid Waste Disposal Site Cleanup Trust Fund (Item 3910-001-0386) from -\$939,000 to -\$439,000.

I am revising this item to conform to the action I have taken in Item 3910-001-0386.

Item 3940-001-0001—For support of State Water Resources Control Board. I reduce this item from \$108,796,000 to \$108,659,000 by reducing:

- (1) 10-Water Quality from \$401,839,000 to \$401,702,000.

I am deleting the \$137,000 augmentation for administration of clean beach and research projects. I am reducing this item to conform to the action I have taken in Item 3940-101-0001.

Item 3940-101-0001—For local assistance, State Water Resources Control Board. I reduce this item from \$3,066,000 to \$1,503,000 by reducing:

- (1) 10-Water Quality from \$242,763,000 to \$237,869,000;
- (1.5) 97.20.004-Local Projects from \$203,000 to \$3,000 by deleting the following subschedules:
  - (a) Upper San Gabriel Valley Municipal Water District: Watershed Restoration Program (\$150,000);
  - (c) City of San Juan Capistrano: Water Quality Program (\$50,000);
- (8) Amount payable from the Coastal Nonpoint Source Control Subaccount (Item 3940-101-6022) from -\$65,000,000 to -\$61,469,000;

and by revising Provision 1.

I am deleting \$1,363,000 of the augmentation for clean beach research projects to protect vital existing programs. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. However, in recognition of the critical need to reduce the number of beach closures due to viral and bacterial contamination, I am sustaining \$32,298,000 of the Coastal Nonpoint Source Account funding in Item 3940-101-6022 for various clean beach projects.

I am revising Schedule (8) to conform to the action I have taken in Item 3940-101-6022.

I am also revising Provision 1 to conform to this action.

“1. A total of \$38,000,000 (~~\$3,000,000 appropriated in this item~~ and \$33,798,000 (\$1,500,000 appropriated in this item and \$32,298,000 appropriated in Item 3940-101-6022) shall be used for clean beach and research projects in accordance with the following schedule:

- (a) County of Los Angeles: Mothers’ Beach, Marina Del Rey (2,000,000)
- (b) City of Malibu: Surfriider, Malibu Lagoon (2,000,000)
- (c) City of Calabasas: Malibu Creek (385,000)

- (d) ~~Las Virgenes Municipal Water District: Malibu Creek (742,000)~~
- (e) City of Long Beach: Los Angeles River (500,000)
- (f) City of Long Beach: Colorado Lagoon (500,000)
- (g) City of Los Angeles: Cabrillo Beach (1,250,000)
- (h) City of Santa Monica: Santa Monica Pier (350,000)
- (i) City of Redondo Beach: Redondo Beach Pier (350,000)
- (j) City of Los Angeles: Temescal Canyon (800,000)
- (k) City of Manhattan Beach: Manhattan Beach (200,000)
- (l) City of Los Angeles: Santa Monica Canyon (1,020,000)
- (m) City of Los Angeles: Imperial Beach (810,000)
- (n) City of Malibu/County of Los Angeles: Surfrider, Malibu Lagoon (794,000)
- (o) City of Avalon: Avalon Beach (500,000)
- (p) County of Ventura: Kiddie and Hobie Beach (1,500,000)
- (q) County of Santa Barbara: Rincon Beach (500,000)
- (r) County of Santa Barbara or City of Santa Barbara or California Department of Parks and Recreation: Arroyo Burro et al. (2,000,000)
- (s) County of Orange: Dana Point Harbor Baby Beaches (750,000)
- (t) City of Laguna Beach and Aliso Water Management District: Aliso Beach (500,000)
- (u) County of Orange or City of Dana Point: Doheny State Beach (750,000)
- (v) County of Orange or City of Newport Beach: Newport Bay (500,000)
- (w) County of Orange: Dana Point-Poche Creek (500,000)
- (x) County of Orange: Huntington State Beach-Santa Ana River ~~(2,039,000)~~  
(1,000,000)
- ~~(y) County of Orange: Huntington Harbor (750,000)~~
- (z) City of Encinitas: Moonlight Beach (814,000)
- (aa) City of San Diego: Mission Bay (3,000,000)
- (ab) County of San Diego or City of Imperial Beach: Imperial Beach (1,500,000)
- (ac) County of San Diego and City of Coronado: Coronado Beach (1,000,000)
- (ad) County of San Diego or City of San Diego: Ocean Beach (1,500,000)
- ~~(ae) County of San Diego or City of San Diego: Chollas Creek (1,000,000)~~
- (af) County of Santa Cruz: Seabright Beach (325,000)
- (ag) City of Santa Cruz or County of Santa Cruz: Main and Cowell Beach (150,000)
- (ah) City of Capitola or County of Santa Cruz: Capitola Beach (100,000)
- (ai) City of Santa Cruz or County of Santa Cruz: Main and Seabright Beach (1,000,000)
- (aj) County of Sonoma: Bodega Bay-Campbell Cove (500,000)
- (ak) County of San Mateo: Pillarcitos and Gazos (250,000)
- (al) County of San Mateo: Pacifica State Beach (500,000)
- (am) County of San Luis Obispo or City of Pismo Beach: Pismo State Beach (1,200,000)
- (an) County of Monterey or City of Pacific Grove: Lover's Point (500,000)
- (ao) County of Monterey: Still Water Cove (500,000)
- (ap) Develop rapid indicators ~~(2,000,000)~~ (1,500,000)
- ~~(aq) Source Identification Methodology (1,000,000) "~~

This action is essential due to fiscal constraints and limited resources in the General Fund.

The \$3,000 legislative augmentation for the Novato Sanitary District: Novato Heights Sewer Project Revenue Study is being sustained on a one-time basis.

Item 3940-101-6022—For local assistance, State Water Resources Control Board. I reduce this item from \$65,000,000 to \$61,649,000.

I am deleting \$3,531,000 for various clean beach projects that are not of sufficiently high priority to fund at this time. The action taken in this item conforms to the action I have taken in Item 3940-101-0001.

Item 3960-101-0001—For local assistance, Department of Toxic Substances Control. I delete this item.



I am deleting the \$50,000 legislative augmentation for the North Fork Community Development Council for the North Fork Mill Site PCP Contamination Clean-up. This action is essential due to fiscal constraints and limited resources in the General Fund.

Item 4120-101-0001—For local assistance, Emergency Medical Services Authority. I sustain this item.

I am sustaining the \$25,000,000 legislative augmentation for trauma care centers and the \$5,000,000 augmentation for trauma care system planning on a one-time only basis. The Healthy Families and Medi-Cal program and funding expansions continued in this Budget will provide health coverage for approximately 1.1 million formerly uninsured Californians. Funding included in the Budget for those previously uninsured, in addition to the base funding for millions of our residents, should decrease the number of uninsured patients served in trauma centers, and, as a result, reduce the need for State funding in the future.

Item 4130-001-0632—For support of California Health and Human Services Agency Data Center. I reduce this item from \$307,811,000 to \$304,585,000 by reducing:

(2) 30-Systems Management Services from \$165,422,000 to \$162,196,000.

I am reducing this item by \$3,226,000 to conform with actions taken in Item 5180-141-0001.

Item 4140-101-0001—For local assistance, Office of Statewide Health Planning and Development. I revise this item by deleting Provision 2.

I am deleting Provision 2, which would require the Office of Statewide Health Planning and Development to encourage multi-year Rural Health Capital Grants applications. The Office is currently able to award multi-year Rural Health Capital Grants, subject to the appropriation of funds. While a multi-year process may streamline the grant award and payment process, it could result in all funds being committed before new applicants have the opportunity to compete for funding. Additionally, should funding for this program be reduced in the future, out-year commitments may not be able to be met.

Item 4140-111-0236—For local assistance, Office of Statewide Health Planning and Development. I revise this item by deleting Provision 1.

I am deleting Provision 1, which would require the Office of Statewide Health Planning and Development to encourage multi-year Rural Health Services Small Grants applications. The Office is currently able to award multi-year Rural Health Services Small Grants, subject to the appropriation of funds. While a multi-year process may streamline the grant award and payment process, it could result in all funds being committed before new applicants have the opportunity to compete for funding. Additionally, should funding for this program be reduced in the future, out-year commitments may not be able to be met.

Item 4170-001-0001—For support of Department of Aging. I revise this item by deleting Provision 2.

Provision 2 would require that the augmented funds provided for the Multipurpose Senior Services Program (MSSP) be used to increase base funding for current client program slots. The deletion of Provision 2 conforms to the elimination of a \$1.5 million (\$750,000 General Fund) legislative augmentation in the Department of Health Services local assistance budget. The funding for the MSSP local assistance has increased by 55.8 percent under my Administration, including a 17 percent increase provided in this Budget in the Medi-Cal program. I believe that the Budget provides sufficient funding for the program to cover service costs to the most impaired seniors on a priority basis; therefore, I am deleting the provisional language and the related base funding increase at this time.

Item 4170-101-0001—For local assistance, Department of Aging. I reduce this item from 38,848,000 to \$36,075,000 by reducing:

(4) 40-Special Projects from \$25,607,000 to \$23,540,000, and

(4.5) 97.20.004-Local Projects from \$2,551,000 to \$1,845,000 by reducing the following subschedules:

- (b) Acacia Adult Day Services Garden Grove: Building renovation from (\$170,000) to (\$75,000);
- (c) City of Chino: Senior citizens' expansion project from (\$75,000) to (\$65,000);
- (d) City of Culver City: Culver City Senior Center from (\$450,000) to (\$350,000);
- (e) City of Montclair: Senior Center from (\$90,000) to (\$80,000);
- (f) City of Rancho Cucamonga: New Senior Center from (\$75,000) to (\$65,000);
- (g) Filipino-American Senior Opportunities Development Council, Inc.: Provide furniture and equipment for the Northside Community Center from (\$100,000) to (\$75,000);
- (h) City of Bellflower: Equipment and rehabilitation for Senior Services at Simms Park from (\$25,000) to (\$20,000);
- (i) George and Marta Brown Foundation: Equipment for the George and Marta Brown Foundation's Brown Center for Innovation-Senior computer lab from (\$43,000) to (\$30,000);
- (j) City of Rialto, Department of Parks and Recreation: Rialto Senior Center furnishings from (\$100,000) to (\$60,000);
- (l) City of Chino: Senior Citizens' Center expansion from (\$150,000) to (\$125,000);
- (m) City of Culver City: Construction of the Culver City Senior Center from (\$800,000) to (\$600,000);
- (q) Filipino American Association of the USA (FAAUSA): Adult day care center for Filipino World War II veterans from (\$100,000) to (\$25,000);

and by deleting the following subschedules:

- (n) Sierra Foothill Senior Management: Meals on Wheels waiting list elimination (\$38,000);
- (o) Lutheran Social Services of Southern California: Caring Neighbors program (\$30,000);
- (p) Camarillo Health Care District: Elements Affecting Senior Independence program (\$30,000);

and by deleting Provision 6.

I am deleting \$98,000 and reducing \$608,000 from the indicated legislative augmentations for local projects. These reductions are needed due to fiscal constraints and limited resources in the General Fund. The funding for the projects which I am sustaining is being included on a one-time basis.

I am deleting the legislative augmentation of \$600,000 General Fund for the Linkages program, which was intended to provide a per-client rate increase, and reducing the Community-Based Services Programs by an additional \$1,000,000 due to the need to maintain a prudent reserve for economic uncertainties. The Budget retains \$24.9 million for Community-Based Services Programs, which includes \$8.7 million for the Linkages program. Given better economic times during the first two years of my Administration, we were able to provide \$12.4 (\$8.9 million General Fund) to expand services for seniors in 1999-2000 and \$332.4 million (\$187.3 million General Fund) specifically for community programs for seniors in 2000-01. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I am open to considering funding for these worthy programs in the future when the economy improves.

I am also deleting the legislative augmentation of \$467,000 General Fund for one-time grants for start-up costs at new Adult Day Care (ADC) and Adult Day Support (ADS) centers. Historically, the State has not provided start-up grants for these centers. Due to limited General Fund resources, it is inappropriate for the State to initiate funding for a new program. The Budget includes local assistance funding of \$177.5 million (\$86.3 million General Fund) for Adult Day Health Care and \$4.7 million

(\$4.3 million General Fund) for Alzheimer's Day Care Resource Centers, which provide a range of similar health, therapeutic, and social services. In addition, a new federal program, the National Family Caregiver Support Program, will be initiated in 2001-02 to provide a continuum of caregiver support services similar to those offered at ADC and ADS centers.

I am deleting Provision 6 to conform to this action.

Item 4170-102-0001—For local assistance, Department of Aging. I sustain this item.

I am sustaining the \$1,500,000 legislative augmentation for the City of Elk Grove for the Elk Grove Senior Center on a one-time only basis.

Item 4180-401—Commission on Aging. I delete this item.

I delete this item because this language requires the Commission on Aging to report on its financial requirements to operate the Commission, the Area Agencies on Aging Advisory Council of California, and the California Senior Legislature. This activity is more properly conducted as part of the Administration's normal budget development process.

Item 4200-001-0001—For support of Department of Alcohol and Drug Programs. I reduce this item from \$5,267,000 to \$5,091,000 by reducing:

- (1) 15-Alcohol and Other Drug Services Program from \$34,004,000 to \$33,652,000, and
- (4) Reimbursements from -\$4,115,000 to -\$3,939,000.

I am reducing \$352,000 (\$176,000 General Fund and \$176,000 reimbursements) and four new Drug Medi-Cal program auditor positions originally included in my proposed 2001-02 Budget. The May Revision of the Budget proposed the elimination of these positions and associated funding. The Legislature rejected that reduction. The Budget retains ten positions for Drug Medi-Cal audits. In addition, the department can seek assistance by directing suspected fraud to the Department of Health Services, which added 192 positions in 2000-01 for Medi-Cal fraud investigation. This reduction is necessary to provide for a prudent General Fund reserve for economic uncertainties.

Item 4200-001-3019—For support of Department of Alcohol and Drug Programs. I revise this item by deleting Provision 4.

I am deleting Provision 4, which would require the Department of Alcohol and Drug Programs to provide a written summary, by April 2002, of the implementation of the Substance Abuse and Crime Prevention Act of 2000 (Proposition 36). This provision specifies the information to be included in the summary. Because the programs authorized under Proposition 36 commenced July 1, 2001, it is unlikely that sufficient data would be available in time to result in a meaningful report by April 2002. Proposition 36 requires an annual report to be prepared. I am directing the Department to include in its report, to the extent that data are available, the information requested by the Legislature pursuant to this provision. Additionally, I am directing the Department to provide copies of the annual report to the appropriate fiscal committees of the Legislature.

Item 4200-101-0001—For local assistance, Department of Alcohol and Drug Programs. I reduce this item from \$49,240,000 to \$40,380,000:

- (1) 15-Alcohol and Other Drug Services programs from \$366,820,000 to \$358,120,000;
- (1.5) 97.20.004-Local Projects from \$862,000 to \$702,000;

and by revising Provision 4.

I am deleting \$5,700,000 for youth treatment programs. I proposed this reduction as part of the May Revision of the Budget. The Legislature rejected that reduction, restoring the funding. Given the significant commitment of General Fund for Proposition 36, I am reducing this program, consistent with my May Revision. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. The Budget contains over \$635 million in state and federal funds for local drug and alcohol treatment programs, including approximately \$35 million specifically for youth treatment and prevention services.

I am deleting \$3,000,000 from the Drug Court programs. I proposed this reduction as part of the May Revision of the Budget. The Legislature rejected that reduction, restoring the funding. This reduction is necessary due to fiscal constraints and limited resources in the General Fund. The Budget continues \$14.1 million for drug court treatment and \$900,000 for court administrative costs. The Budget also includes \$16 million (\$7.8 million General Fund) in new Drug Medi-Cal funding and \$11.2 million in new local assistance federal block grant funding.

I am revising Provision 4 containing certain legislative augmentations for local projects. This action is necessary due to fiscal constraints and limited resources in the General Fund.

“4. Of the funds appropriated in this item, ~~\$862,000~~ \$702,000 shall be for the following projects:

- (a) Marin Services for Women: Drug and Alcohol Program (250,000)
- (b) Pico Union Westlake Cluster Network: Drug Free Community Program (125,000)
- (c) Montebello East Los Angeles Counseling Center (~~300,000~~) (243,000)
- (d) ~~Walden House Incorporated: Walden House Conference Report (100,000)~~
- (e) Wolfe Center: Renovation and Repairs of Wolfe Center (~~50,000~~) (47,000)
- (f) King of Kings: Recovery Unit (37,000)”

I am sustaining the remaining augmentations on a one-time basis.

Item 4200-104-0001—For local assistance, Department of Alcohol and Drug Programs. I reduce this item from \$26,957,000 to \$25,957,000 by reducing:

- (1) 15-Alcohol and Other Drug Services Program from \$26,957,000 to \$25,957,000.

I am reducing the state-funded perinatal program by \$1,000,000, while maintaining over \$25.9 million in General Fund support for this effort. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I take this action as a matter of consistency because the discretionary programs for nearly all State departments funded from the General Fund have been reduced similarly. I note that another substance abuse perinatal program, the Perinatal Drug Medi-Cal program, is increasing by over \$1.8 million, to a total of \$5.3 million (\$2.6 million General Fund).

Item 4260-001-0001—For support of Department of Health Services. I reduce this item from \$233,690,000 to \$231,260,000 by reducing:

- (1) 10-Public and Environmental Health from \$367,483,000 to \$367,233,000;
- (2) 20-Health Care Services from \$436,573,000 to \$435,573,000;
- (4.6) 97.20.004-Local Projects from \$3,803,000 to \$2,123,000;
- (5) Reimbursements from  $-\$29,694,500$  to  $-\$29,694,000$ ; and
- (41) Amount payable from the Federal Trust Fund (Item 4260-001-0890) from  $-\$306,470,500$  to  $-\$305,894,000$ ;

and by deleting Provision 9 and revising Provision 10.

I am deleting one position added by the Legislature for the Department of Health Services to provide assistance to the County Medical Services Program (CMSP) in negotiating rebate contracts with drug manufacturers. This position would be responsible for negotiating contracts and securing rebates from drug manufacturers on behalf of the CMSP. This legislative increase in state staff conflicts with my continuing effort to control the growth of state government. Given the department’s vacancy level, I am instructing that existing resources be redirected to fulfill the Legislature’s requirements. However, I am retaining the funding that will allow the CMSP to reimburse the department for these services.

I am deleting the \$500,000 that was included in my proposed Budget for pilot projects to expand community options for long-term care. The Legislature redirected \$100,000 of this proposal to expand the Program of All-Inclusive Care for the Elderly. I am deleting the entire amount as a matter of consistency because the discretionary programs for nearly all State departments funded from the General Fund have been reduced similarly. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this

Budget are down 1.7 percent over the prior year. In addition, I am deleting \$500,000 from the Federal Trust Fund, Item 4260-001-0890, to conform to this action.

In order to correct a technical error in Schedule (41) and Schedule (5) Reimbursements of this item, I am reducing Schedule (41) by an additional \$76,500, and Schedule (5) Reimbursements by \$500. This technical veto will conform the Budget Act to the action taken by the Legislature.

I am deleting the \$250,000 legislative augmentation to conduct public health assessments. These capabilities already exist among local public health departments, and the Budget includes \$1 million General Fund for a nonspecific local public health subvention, some of which could be directed to this activity. This reduction is also necessary to establish a prudent General Fund reserve for economic uncertainties. I am also deleting Provision 9 to conform to this action.

I am revising Provision 10 containing certain legislative augmentations for local projects. This action is necessary due to fiscal constraints and limited resources in the General Fund. I am sustaining the remaining augmentations on a one-time basis.

“10. Of the funds appropriated in this item, ~~\$3,803,000~~ \$2,123,000 shall be for the following projects:

- (a) City of Avalon: Genetic Testing in Avalon Bay pursuant to requirements of AB 411 (1997) (150,000)
- (b) City of Santa Rosa: Cloverdale Street Plume Project to Shut Down Contaminated Wells and Construct New Wells (~~350,000~~) (150,000)
- (c) Mexican American Alcoholism Program, Inc.: Start up for Community Health Center in South Sacramento (~~550,000~~) (150,000)
- (d) Napa Valley Vintners Health Center: Community Health Center Construction (~~250,000~~) (200,000)
- (e) San Diego Children’s Hospital: Regional Emergency Care Center (1,000,000)
- (f) Westside Women’s Health Center (8,000)
- (g) VIDA: Local Health Program (~~750,000~~) (100,000)
- (h) City of Long Beach: Multi-Cultural Health Center (~~45,000~~) (20,000)
- (i) Santa Barbara Junior League: Clinic on Wheels (~~200,000~~) (195,000)
- (j) Horizon Foundation: Public Health Study on Anti-Gay Campaign (100,000)
- (k) Minority AIDS Project in Los Angeles (~~400,000~~) (50,000) ”

Item 4260-001-0890—For support of Department of Health Services. I reduce this item from \$306,394,500 to \$305,894,000.

I am reducing this item by \$500,500 to conform with actions taken in Item 4260-001-0001, which includes a technical veto to correct an error in the Budget Act.

Item 4260-003-0942—For support of Department of Health Services. I revise this item by deleting Provision 1.

I am deleting Provision 1, which would allow the Department of Health Services to spend up to \$2,000,000 from the Federal Citation Penalties Account for awards to specific nursing facilities. These awards would be passed on to direct caregivers in the form of bonuses. This deletion will permit applicability of Health and Safety Code Section 1417.4, which establishes the Quality Awards Program for nursing homes. This statute allows monetary awards from the General Fund to be used for staff bonuses and monetary awards from the Federal Citation Penalties Account to be used for innovative grants to improve the quality of care and quality of life for residents in skilled nursing facilities. The Budget Bill incorrectly identifies both the General Fund and the Federal Citation Penalties Account as sources for staff bonuses, with no mention of innovative grants to improve the quality of care and quality of life for residents in skilled nursing facilities. The deletion of this provision will leave only Health and Safety Code Section 1417.4 with authority over the Federal Citation Penalties Account, allowing the Department to use funds from this account in the manner intended by statute.

Item 4260-101-0001—For local assistance, Department of Health Services. I reduce this item from \$9,548,027,000 to \$9,546,027,000 by reducing:

- (3) 20.10.030-Benefits (Medical Care and Services) from \$22,826,757,000 to \$22,822,757,000; and

(5) Amount payable from the Federal Trust Fund (Item 4260-101-0890) from  $-\$14,802,896,000$  to  $-\$14,800,896,000$ ; and by deleting Provisions 12, 13 and 14.

I am deleting the \$250,000 legislative augmentation for the Department of Health Services (DHS) to conduct an oral health needs assessment of children. This is a potentially duplicative effort funded from limited General Fund resources. If the assessment is deemed to be of sufficient priority, private foundation funding should be sought, as was done to conduct the prior study. In addition, I am deleting \$250,000 from the Federal Trust Fund, Item 4260-101-0890, and deleting Provision 12, to conform to this action.

I am deleting Provision 13, which would require DHS to study methods for developing alternative rate-setting methodologies for distinct-part nursing facilities and report to the Legislature by April 1, 2002. By statute, the Department is currently required to submit a report to the Legislature regarding alternative long-term care reimbursement methodology. This report includes distinct-part nursing facilities. Therefore, I am deleting this provision as such a report is already statutorily required.

I am deleting the \$1,000,000 legislative augmentation to increase supplemental outpatient rates paid to small and rural hospitals. Supplemental outpatient rates were recently doubled for these small and rural hospitals in the Budget Act of 2000, from \$4 million to \$8 million (\$4 million General Fund). Additionally, as part of the proposed Orthopaedic Hospital Settlement, Medi-Cal will pay hospitals a lump-sum payment of \$350 million (\$175 million General Fund) in 2001-02, and beginning July 1, 2001, increase hospital outpatient rates by 30 percent as well as provide annual increases of 3.33 percent effective July 1 in each of the three subsequent years. In addition, I am deleting \$1,000,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am deleting the \$750,000 legislative augmentation to conform to the action taken in Item 4170-001-0001 regarding the Multipurpose Senior Services Program in the Department of Aging. In addition, I am deleting \$750,000 from the Federal Trust Fund, Item 4260-101-0890, to conform to this action.

I am deleting Provision 14 which would require that up to \$5 million General Fund be transferred from other Medi-Cal program areas to Medi-Cal Outreach for Children should \$5 million in Proposition 10 funding be unavailable for this program. This language potentially would create a \$5 million General Fund deficiency in the Medi-Cal program. Absent the Proposition 10 funding and matching federal funding, the outreach budget would increase by approximately \$5.3 million from the 2000-01 level, to \$39.6 million. I am directing DHS to continue to work with the Children and Families Commission to secure Proposition 10 funding for our outreach to children effort. However, if the funding is unavailable, the Department should continue to provide application assistance and related fees, and school-based outreach pursuant to the funding levels in the May Revision of the Governor's Budget and make needed reductions from other areas of the education and outreach budget.

Item 4260-101-0890—For local assistance, Department of Health Services. I reduce this item from  $\$14,802,896,000$  to  $\$14,800,896,000$ :

I am reducing this item by \$2,000,000 to conform to the action I have taken in Item 4260-101-001.

Item 4260-111-0001—For local assistance, Department of Health Services. I reduce this item from  $\$438,606,000$  to  $\$410,862,000$  by reducing:

- (4) 10.30.030-Childhood Lead Poisoning Prevention from  $\$10,500,000$  to  $\$8,500,000$ ;
- (6) 10.30.050-Communicable Disease Control from  $\$66,604,000$  to  $\$65,704,000$ ;
- (7) 10.30.060-AIDS from  $\$262,187,000$  to  $\$258,187,000$ ;
- (8) 20.30-County Health Services from  $\$110,020,100$  to  $\$108,020,100$ ;
- (9) 20.40-Primary Care and Family Health from  $\$1,526,327,800$  to  $\$1,502,413,800$ ;
- (12) Amount payable from the Childhood Lead Poisoning Prevention Fund (Item 4260-111-0080) from  $-\$14,000,000$  to  $-\$12,000,000$ ; and

- (20) Amount payable from the Federal Trust Fund (Item 4260-111-0890) from  $-\$1,029,448,000$  to  $-\$1,026,378,000$ .

I am reducing this item by  $\$2,000,000$  for the Local Public Health Subvention. I originally proposed this reduction as part of the May Revision of the Budget. The Legislature rejected that proposal. For 2001–02, local realignment health account funds are estimated to be  $\$1.5$  billion, an increase of  $\$48.7$  million. In addition, the Master Tobacco Settlement will provide local governments in California an additional  $\$475$  million. These funds may be used for any public health purpose deemed a local priority.

I am reducing this item by  $\$5,000,000$  for media activities related to teen pregnancy prevention and other family planning programs. The 2001–02 Budget provides  $\$104.3$  million for various family planning programs and activities. Although I am supportive of family planning programs, this action is necessary due to fiscal constraints and limited resources in the General Fund. I take this action as a matter of consistency because the discretionary budgets for nearly all State departments funded from the General Fund have been reduced similarly.

I am deleting the  $\$6,700,000$  legislative augmentation to update the Child Health and Disability Prevention Program (CHDP) Periodicity Schedule to reflect American Academy of Pediatrics standards. The Department of Health Services (DHS) reviews the appropriateness of care provided in CHDP, within programmatic and fiscal constraints. Due to fiscal constraints and limited General Fund resources, I cannot support this augmentation. I am also deleting the  $\$1,900,000$  legislative augmentation from the Federal Trust Fund in Item 4260-111-0890 to conform with this action.

I am deleting the  $\$2,000,000$  legislative augmentation for the Rural Health Services Program that would provide a minimum  $\$75,000$  per-clinic award, the  $\$2,000,000$  legislative augmentation for the Seasonal Agricultural and Migrant Workers Clinic Program, and the  $\$2,000,000$  legislative augmentation for the American Indian Health Program. Given the recent slowing of economic growth, it is not fiscally prudent to expand health care funding for these programs at this time. However, I am retaining the  $\$10$  million augmentation for the Expanded Access to Primary Care (EAPC) Clinic Program. This umbrella program provides funding for and increased access to all clinics that provide primary care. Moreover, local realignment funds are estimated to be  $\$1.5$  billion in 2001–02, an increase of approximately  $\$45$  million. Further, the Master Tobacco Settlement will provide local governments in California an additional  $\$475$  million. These funds may be used for any public health purpose deemed a local priority. Finally, expanded Medi-Cal and Healthy Families programs will provide improved access to care and should mitigate the need for increased clinic funding.

I am deleting the  $\$500,000$  legislative augmentation for the Women, Infants and Children (WIC) Farmer's Market Program. Chapter 294, Statutes of 1997, shifted authority for the program from the California Department of Food and Agriculture to DHS to enable continuation of the service without General Fund expense. Furthermore, nutritional services (including fresh fruits and vegetables, in some instances) are currently available through other federal and State food and nutrition programs whose combined expenditures are approximately  $\$4$  billion annually. This augmentation would represent the first augmentation of General Fund for this purpose, which I cannot support due to limited General Fund resources. I am also deleting the  $\$1,170,000$  legislative augmentation from the Federal Trust Fund in Item 4260-111-0890 to conform with this action.

I am deleting the  $\$2,000,000$  legislative augmentation for the Childhood Lead Poisoning Prevention Program. The program is currently operating with an annual funding imbalance of approximately  $\$5.3$  million. If revenue and expenditure levels remain unchanged, the Special Fund reserve will be depleted during 2002–03. This augmentation would therefore hasten fund exhaustion. I am directing DHS to submit a proposal for the 2002–03 Budget to operate this program within available resources. The Budget currently provides  $\$8.5$  million Childhood Lead Poisoning Prevention Fund to local health departments for lead enforcement and control. I am also deleting the  $\$2,000,000$  legislative augmentation in Item 4260-111-0080 to conform with this action.

I am sustaining the \$500,000 legislative augmentation for the Padres Contra El Cancer Program on a one-time basis. In future years if this is deemed to be a local priority, local realignment funds or the local share of Tobacco Settlement funds may be used for this purpose.

I am reducing this Item by \$4,000,000 for HIV/AIDS Education and Prevention activities. While I recognize the importance of these activities in reducing the spread of the disease; however, California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. The Budget maintains \$61 million General Fund for HIV/AIDS education, prevention, outreach, and direct services. I am sustaining a \$15.3 million legislative augmentation for the AIDS Drug Assistance Program (ADAP) to fund drug price increases and increased caseload in this important program, bringing total funding for the ADAP to \$162.9 million, including \$59.9 million General Fund.

I am reducing this Item by \$400,000 for Tuberculosis Treatment Services. The Budget provides \$7.6 million General Fund for counties to perform non-treatment based tuberculosis control activities, such as outreach, education, investigation, and outbreak control. Moneys can also be made available for these activities from local realignment funds and local Master Tobacco Settlement funds which may be used for any public health purpose deemed a local priority. This reduction is necessary to build a prudent General Fund reserve for economic uncertainties.

I am reducing this Item by \$500,000 for Pediatric Immunizations. The Budget provides \$16.5 million General Fund for counties to administer and obtain vaccines. Counties can also perform these services pursuant to their statutory indigent care requirements in conjunction with the federal Vaccines For Children Program, which annually makes available millions of federally-funded vaccines for use in California's public health programs. Further, local realignment funds and the Master Tobacco Settlement funds may be used for any public health purpose deemed a local priority. This reduction is necessary to build a prudent General Fund reserve for economic uncertainties.

I am reducing this item by \$2,644,000 for the County Maternal and Child Health Services allocation. The Budget continues to provide \$66.1 million for activities directed to Maternal and Child Health programs. Further, local realignment funds and the Master Tobacco Settlement funds may be used for any public health purpose deemed a local priority. This reduction is necessary to build a prudent General Fund reserve for economic uncertainties. I take this action as a matter of consistency because the discretionary budget for nearly all State departments funded from the General Fund have been reduced similarly.

Item 4260-111-0080—For local assistance, Department of Health Services. I reduce this item from \$14,000,000 to \$12,000,000.

I am reducing this item by \$2,000,000 to conform with the actions taken in Item 4260-111-0001.

Item 4260-111-0890—For local assistance, Department of Health Services. I reduce this item from \$1,029,448,000 to \$1,026,378,000.

I am reducing this item by \$3,070,000 to conform to the actions taken in Item 4260-111-0001.

Item 4260-113-0001—For local assistance, Department of Health Services. I reduce this item from \$23,836,000 to \$23,496,000 by reducing:

- (3) 20.10.030-Benefits (Medical Care and Services) from \$36,470,000 to \$35,490,000, and
- (4) Amount payable from the Federal Trust Fund (Item 4260-113-0890) from -\$72,038,000 to -\$71,398,000

I am deleting the \$340,000 General Fund legislative augmentation for the Department of Health Services to conduct a Rural Health Demonstration Project for special populations. The Budget contains \$9 million for the Managed Risk Medical Insurance Board to conduct Rural Health Demonstration Projects. Due to fiscal constraints and limited General Fund resources, I cannot support an expansion of the Project at this



time. I am also deleting \$640,000 from the Federal Trust Fund, Item 4260-113-0890 to conform to this action.

Item 4260-113-0890—For local assistance, Department of Health Services. I reduce this item from \$72,038,000 to \$71,398,000.

I am reducing this item by \$640,000 to conform to the action I have taken in Item 4260-113-0001.

Item 4280-101-0001—For local assistance, Managed Risk Medical Insurance Board. I reduce this item from \$122,536,000 to \$120,536,000 by reducing:

- (2) 40-Healthy Families Program from \$604,140,000 to \$598,240,000;
- (3) Amount payable from the Federal Trust Fund (Item 4280-101-0890) from -\$375,855,000 to -\$371,955,000;

and by deleting Provisions 1 and 3.

I am deleting the legislative augmentation of \$2,000,000 General Fund for the Healthy Families Program (HFP) to implement Rural Health Demonstration Projects. The HFP already administers Rural Health Demonstration Projects, and the Budget includes \$9 million (\$3 million General Fund) for this purpose. I cannot support this legislative augmentation because of fiscal constraints and limited General Fund resources. In addition, I am deleting \$3,900,000 from the Federal Trust Fund, Item 4280-101-0890 to conform to this action.

I am deleting Provision 1 which would change the Administration's commitment to fully fund the HFP from all enrolled "children" to "families". While the 2001-02 Budget fully funds the proposed HFP parental expansion, this capped program is not intended to be an entitlement. Funding of the provision would involve a significant commitment of state funds at a time when state resources are limited. The Administration's commitment in the HFP is to ensure coverage for all eligible children and expand the program to parents as state and federal resources permit and as allowed by the federal government.

I am sustaining the \$5,000,000 legislative augmentation for the Major Risk Medical Insurance Program (MRMIP). However, I am deleting Provision 3 because it targets the additional resources solely towards enrollment in the program rather than making it available for the MRMIP enrollment and/or other private/public sector market-based efforts to improve access to health insurance for medically uninsurable persons. My Administration will continue to work with the Legislature and the insurance industry to further develop and implement such market-based efforts.

Item 4280-101-0890—For local assistance, Managed Risk Medical Insurance Board. I reduce this item from \$375,855,000 to \$371,955,000.

I am reducing this item by \$3,900,000 to conform to the action I have taken in Item 4280-101-0001.

Item 4300-003-0001—For support of Department of Developmental Services. I revise this item by deleting Provision 9.

I am deleting Provision 9 because this language is contrary to federal and state regulations. This provision would require the Department of Developmental Services to develop, by November 1, 2001, a visual method of readily identifying developmentally disabled individuals placed, pursuant to the California Penal Code, within the secured perimeter at Porterville Developmental Center (Porterville) and to implement the identification method by January 1, 2002.

Although I am vetoing this provision, I am sensitive to the safety and security needs of the local community surrounding Porterville. During my Administration, I have included funding to increase the number of police and security officers ten-fold; construct two 16-foot fences around the area in which the behavioral/forensic consumers reside and observation towers to allow the whole area to be under visual control; construct a Sally Port through which all visitors must be screened; institute electronic locking and alarm systems; and establish a comprehensive set of policies and procedures relating to security and staff training. Implementing a visual identification method, which may include uniforms, would likely result in litigation and/or loss of federal funding. Loss of federal funding for these individuals in Porterville would result in new, multi-million dollar General Fund costs.

Item 4300-101-0001—For local assistance, Department of Developmental Services. I reduce this item from \$1,514,845,000 to \$1,508,194,000 by reducing:

- (2) 10.10.020-Purchase of Services from \$1,660,248,000 to \$1,653,352,000; and
- (6) Reimbursements from ~~-\$512,476,000~~ to ~~-\$512,231,000~~.

I am deleting the legislative augmentation of \$2,600,000 (\$2,355,000 General Fund and \$245,000 reimbursements) for rate increases for in-home and out-of-home respite workers and day program (non-mobile consumers) providers. The 2000–01 Budget provided \$42.2 million (\$22.3 million General Fund) for a 10 percent rate increase for salaries and wages and a 5 percent rate increase for associated administrative costs. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. Given the previous rate increase and the limited resources in the General Fund, I cannot support further rate increases at this time.

I am sustaining the legislative augmentation of \$750,000 General Fund for the Devereux Facility on a one-time basis.

I am reducing this item by \$2,596,000 for Regional Center clinical staffing ratio increases for evaluation and service coordination in the Early Start Program and workload driven staffing positions for therapy, audiology, and support. The May Revision of the Budget proposed this reduction, which was rejected by the Legislature. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I am open to considering funding for this worthy program in the future when the economy improves.

I am reducing this item by \$1,700,000 for the expansion and implementation of a redesigned special incident reporting system for Regional Center providers. The redesign of the special incident reporting system is important, as it will help to ensure compliance with federal requirements and continued federal funding under the Home and Community-Based Services waiver. However, due to the uncertainty of the economy and General Fund revenues, this reduction is necessary to establish a prudent General Fund reserve. With this reduction, the Budget contains \$7,544,000 (\$5,770,000 General Fund) for the expansion and implementation of a redesigned special incident reporting system. It is my intent to include this funding in the 2002–03 Budget, given the importance of continued federal funding and my commitment to meet federal requirements placed on the Regional Centers.

Item 4300-490—Reappropriation, Department of Developmental Services. I revise this item by revising Schedule (3).

I am modifying Schedule (3) by reducing the amount available for reappropriation to \$500,000 in unexpended funds in Item 4300-101-0001, Budget Act of 2000, for the purchase of services for regional center clients for Self-Determination Pilot Projects. This reduction is necessary due to fiscal constraints and limited resources in the General Fund.

- “(3) Item 4300-101-0001 (b) 10.10.020 Budget Act of 2000 (Ch. 52, Statutes of 2000) for Self-Determination Pilot Projects; ~~\$1,618,000~~ \$500,000 shall be reappropriated to Item 4300-101-0001 (1) 10.10.010 and available for expenditure until June 30, 2004.”

Item 4440-011-0001—For support of the State Hospitals, Department of Mental Health. I reduce this item from \$432,953,000 to \$430,309,000 by reducing:

- (2) 20.20-Long-Term Care Services-Penal Code and Judicially Committed from \$432,953,000 to \$430,309,000.

I am reducing funding for state hospital security improvements by \$2,644,000, to \$5,000,000 and directing the Department of Mental Health to make its highest priority improvements that ensure staff and patient safety. It is my intent to include funds to complete the security improvements to the state hospitals in 2002–03. Given the fiscal constraints and limited General Fund resources, it is appropriate to prioritize the security projects and to complete these security enhancements over two years.

Item 4440-101-0001—For local assistance, Department of Mental Health. I reduce this item from \$160,421,000 to \$144,004,000 by reducing:

- (1) 10.25-Community Services—Other Treatment from \$981,981,000 to \$968,431,000;
- (2) 10.40-Community Services—Adult System of Care from \$7,772,000 to \$7,000,000; and
- (3) 10.47-Community Services—Children’s Mental Health Services from \$41,854,000 to \$39,759,000.

I am deleting the \$350,000 legislative augmentation to fund the California Mental Health Advocacy Commission. This Commission would duplicate much of the work already being accomplished by the statewide Mental Health Planning Council and statewide advocacy groups. Due to fiscal constraints and limited General Fund resources, it is inappropriate to expand State government by establishing another statewide oversight committee.

I am deleting the \$2,000,000 legislative augmentation to fund the Mental Health Respite Care Pilot Program. This augmentation would provide resources for local respite assistance services and could constitute a new state-funded entitlement program. Counties are charged with providing mental health services to residents and have been provided funding for these services through State-Local Realignment. To the extent new categorical programs are established, responsibility for funding these programs shifts to the State. If counties desire to provide respite assistance programs, such programs can be implemented and supported through existing local resources.

I am reducing \$5,000,000 for the Supportive Housing Program. I proposed this reduction as part of the May Revision of the Budget. The Legislature rejected that reduction, restoring the funding. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. This funding was new in 2000–01, and most of the programs are just beginning. Therefore, this reduction is likely to have little impact on established programs or clients. The Budget continues \$20.1 million for supportive housing programs and \$65.6 million for Integrated Services for Homeless Adults.

I am reducing \$2,095,000 for the Children’s System of Care. The Budget provides \$443.3 million for mental health treatment to Medi-Cal eligible children and \$13 million for mental health services for children in the Healthy Families Program, and sustains \$39.8 million for the Children’s System of Care. I am highly supportive of children’s mental health programs. However, California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I take this action as a matter of consistency because the discretionary budgets for nearly all State departments funded from the General Fund have been reduced similarly. I am open to considering funding for this worthy program in the future when the economy improves.

I am reducing \$100,000 for Dual Diagnosis Services for Underserved Populations. I am sustaining the remaining \$1.9 million. I note that this program spent \$1.5 million in 2000–01. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I am open to considering funding for this worthy program in the future when the economy improves.

I am reducing \$100,000 for the Institutions for Mental Disease Transition Pilot Project, which is the Department of Mental Health’s portion of the Long-Term Care Pilot Project. This project is a new program for 2001–02 and not all of the \$750,000 provided in the Budget has been spent. In light of fiscal constraints and limited resources in the General Fund, it is appropriate to reduce the funding for this program.

I am deleting \$6,000,000 for Crisis Intervention and Stabilization Assistance. This time-limited program initially funded in 2000–01 has not yet begun, and thus, no ongoing services are affected. In light of fiscal constraints and limited resources in the General Fund, I take this action as a matter of consistency because the discretionary

budgets for nearly all State departments funded from the General Fund have been reduced similarly.

I am reducing \$772,000 for the Adult System of Care. This pilot program which provides integrated mental health services to adults is similar to the Integrated Services to Homeless Adults program. I am increasing that program by \$10 million in this Budget. In light of this increase and limited resources in the General Fund, I am taking this action as a matter of consistency as indicated above.

I am sustaining Provisions 4 and 5 on a one-time basis.

Item 4440-101-0890—For local assistance, Department of Mental Health. I revise this item by deleting Provision 4.

I am deleting Provision 4, which would require the Department of Mental Health to use \$200,000 from budgeted local assistance federal funds to develop, by no later than June 30, 2002, a comprehensive statewide plan for the prevention of suicide. The local assistance funding provided in the Budget should be used for treatment services, rather than for administrative studies. Because county mental health is a state-funded, county-administered program, and because service priorities are determined at the local level, such studies should be developed in and by the communities that will operate and benefit from the programs.

Item 4440-103-0001—For local assistance, Department of Mental Health. I reduce this item from \$209,856,000 to \$204,815,000.

I am reducing this item by \$5,041,000 to eliminate the 3 percent discretionary cost-of-living adjustment (COLA) for Mental Health Managed Care originally provided in the 2001–02 Budget. Under Medi-Cal, in 2000–01, psychiatrists received an 18.1 percent rate increase and psychologists received a 30 percent rate increase. These rate increases were also provided for these services under Mental Health Managed Care. In light of fiscal constraints and limited resources in the General Fund, I am eliminating the COLA for 2001–02. Even in the absence of the 3 percent COLA, funding for this program totals \$204.8 million General Fund, an increase of \$19.6 million General Fund in 2001–02.

Item 4440-111-0001—For local assistance, Department of Mental Health. I reduce this item from \$12,247,000 to \$11,747,000.

I am reducing this item by \$500,000 for caregiver resource centers. Another program serving a similar population, the Traumatic Brain Injury (TBI) program, is being increased by \$300,000 in on-going funding and \$1.4 million in one-time funding. Due to fiscal constraints and limited resources in the General Fund, I cannot continue to fund the caregiver resource center program at the prior level and increase funding for the TBI program.

Item 4700-101-0001—For local assistance, Department of Community Services and Development. I reduce this item from \$7,700,000 to \$7,150,000 by reducing:

(2) 47-Naturalization Services from \$6,650,000 to \$6,150,000;

and by deleting:

(3) 97.20.004-Local Projects (\$50,000)

(a) Napa County Coalition for Economic Opportunity for Napa Valley Coalition of Non-Profit Agencies: Model Program for Non-Profit Coalition Training and Purchasing of Services (50,000).

I am reducing funding for the Naturalization Services Program by \$500,000 General Fund. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I take this action as a matter of consistency because the discretionary budgets for many State programs funded from the General Fund have been reduced similarly. The Budget provides \$6.2 million General Fund for the Naturalization Services Program, which I believe is sufficient to continue the provision of services on a priority basis.

I am deleting the legislative augmentation of \$50,000 for the Napa County Coalition for Economic Opportunity for Napa Valley Coalition of Non Profit Agencies. The reduction is necessary due to fiscal constraints and limited resources in the General Fund.

Item 5100-001-0001—For support of Employment Development Department. I reduce this item from \$30,514,000 to \$29,514,000.

I am reducing this item by \$1,000,000 to conform to the action taken in Item 5100-001-0870.

Item 5100-001-0870—For support of Employment Development Department. I revise this item by reducing:

- (1) 10-Employment and Employment Related Services from \$214,339,000 to \$213,339,000,
- (9) Amount Payable from the General Fund (Item 5100-001-0001) from -\$30,514,000 to -\$29,514,000.

I am reducing \$1,000,000 and sustaining \$4,000,000 of the \$5,000,000 for the Faith Based Initiative. The grants associated with this program will provide job services and training to many individuals not traditionally served by the current system of workforce development. However, this reduction is necessary to provide for a prudent reserve for economic uncertainties. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I am open to considering funding for this worthy program in the future when the economy improves.

Item 5100-101-0001—For local assistance, Employment Development Department. I reduce this item from \$950,000 to \$900,000 by reducing:

- (2) 97-20-004-Local Projects from \$700,000 to \$650,000
  - (c) Women Advancing the Valley through Education, Economics and Empowerment (WAVE): Resource Center for WAVE from (\$100,000) to (\$50,000).

I am deleting the \$50,000 legislative augmentation for this local project. This reduction is necessary due to fiscal constraints and limited resources in the General Fund. I am sustaining \$650,000 in this item for local projects on a one-time basis.

I am sustaining the \$250,000 legislative augmentation for the Youthbuild program on a one-time basis. This program provides training and services for economically disadvantaged youth to provide them with the skills necessary to obtain unsubsidized employment, to complete secondary or post-secondary education, to gain entrance to military service, or to obtain qualified apprenticeship.

Item 5160-001-0001—For support of Department of Rehabilitation. I reduce this item from \$47,519,000 to \$47,019,000 by reducing:

- (1) 10-Vocational Rehabilitation Services from \$320,287,000 to \$317,940,000, and
- (8) Amount payable from the Federal Trust Fund (Item 5160-001-0890) from -\$269,770,000 to -\$267,923,000.

I am reducing \$2,347,000 (\$500,000 General Fund and \$1,847,000 Federal Trust Fund) of the \$320.3 million (\$44.9 million General Fund) appropriated for the Vocational Rehabilitation Services program. The Vocational Rehabilitation Services program operates under an Order of Selection based on the availability of funding. Therefore, all of the Most Significantly Disabled clients will continue to be served. The reduction is necessary due to fiscal constraints and limited General Fund resources.

Item 5160-001-0890—For support of Department of Rehabilitation. I reduce this item from \$269,770,000 to \$267,923,000.

I am reducing this item by \$1,847,000 to conform to the action taken in Item 5160-001-0001.

Item 5160-101-0001—For local assistance, Department of Rehabilitation. I reduce this item from \$107,093,000 to \$107,043,000 by reducing:

- (3.5) 97.20.004-Local Projects from \$350,000 to \$300,000
  - (a) Accessible San Diego: Welcome Center for Disabled from (\$100,000) to (\$50,000).

I am reducing the \$50,000 legislative augmentation because this reduction is necessary due to fiscal constraints and limited resources in the General Fund. I am sustaining the remaining augmentations for projects on a one-time basis.

Item 5160-495—Reversion, Department of Rehabilitation. I delete this item.

I am deleting the reversion item added by the Legislature because I continue to support as a high priority, making state services and facilities available to persons with

disabilities. This funding was appropriated with two-year availability. The Americans with Disabilities Act Task Force I appointed, in conjunction with the Department of Rehabilitation, has already approved \$11.6 million in projects. The Task Force is moving forward in identifying additional projects. A request for funding proposal has recently been circulated, with a deadline for response of July 23, 2001. It is anticipated that all available funding will be utilized.

Item 5180-001-0001—For support of Department of Social Services. I reduce this item from \$95,932,000 to \$93,932,000 by reducing:

(1) 16-Welfare Programs from \$71,965,500 to \$69,965,500.

I am deleting the \$2,000,000 General Fund legislative augmentation for the Emergency Food Assistance Program for food bank infrastructure improvements. Over the past two years, \$2 million General Fund has been appropriated for food bank infrastructure improvements. The State also has provided and continues to provide funding directly for food assistance for needy families. Federal and State expenditures for food assistance will be \$4 billion (\$152 million General Fund) in 2001–02. This includes expenditures for school meal programs, senior nutrition programs, the Women, Infants, and Children program, the federal Food Stamp program, and the California Food Assistance Program (CFAP). I also support making CFAP a permanent program as part of this Budget.

I am also deleting 2.0 positions approved by the Legislature, in lieu of the proposed contract services, to provide administrative oversight and assistance to the Alameda County Child Welfare Services agency, because of the State's Formal Notice of Noncompliance issued to this county. Contract services are more appropriate because the work is time limited, the project is time sensitive, and filling positions for staff to be onsite in Alameda County may cause delays, which may have a negative impact on the State's ability to perform its responsibilities.

Item 5180-101-0001—For local assistance, Department of Social Services. I reduce this item from \$2,591,540,000 to \$2,590,243,000 by reducing:

(5.5) 97.20.004-Local Projects from \$3,782,000 to \$2,485,000; and by deleting Provisions 12 and 13 and revising Provisions 14 and 16.

I am deleting Provision 12, which states legislative intent to fully fund CalWORKs Stage One and Stage Two child care services. The Budget fully funds Stage One and Stage Two child care and includes a \$153 million child care reserve to assure that sufficient funds are available if unanticipated needs arise after enactment of the budget.

I am deleting Provision 13, which states legislative intent to fully fund CalWORKs employment services. The Budget funds CalWORKs Employment Services at the current year level and includes a \$30.1 million reserve available for unanticipated needs in any program for which Temporary Assistance for Needy Families Block Grant funds are appropriated, including CalWORKs benefits, employment services, county administration, and child care costs.

I am making a technical veto to correct language in Provision 14 to conform the language to legislative actions that provided a \$6,500,000 General Fund augmentation for the ongoing support of foster children and Independent Living Program services for youth over 18 years. I am also deleting language referencing implementation of an Internet-based application to facilitate foster youth access to personal history record information because the \$1.5 million General Fund augmentation for this purpose was included in Item 5180-151-0001.

*“14. Of the funds appropriated in this item, an amount not to exceed \$8,000,000 \$6,500,000 shall be available for the ongoing financial support of foster children ; and Independent Living Program services for youth beyond over the age of 18 years ; and implementation of an Internet-based Web application to facilitate foster youth access to their own personal history information upon the enactment of a statute establishing the program during the 2001–2002 Regular Session.”*

I am revising Provision 16 to delete certain legislative augmentations for local projects. These reductions are necessary due to fiscal constraints and limited resources in the General Fund. I am sustaining \$2,560,000 in this item for local projects on a one-time basis. I revise Provision 16 as follows to conform to these reductions:

“16. Of the funds appropriated in this item, ~~\$3,782,000~~ \$2,485,000 shall be for the following projects:

- (a) CARECEN: Renovation of New Headquarters (100,000)
- (b) Catholic Charities of Los Angeles: Guadalupe Center in Canoga Park, Renovation (150,000)
- (c) Community Development Council of Orange County: New Food Delivery Trucks for Food Bank ~~(68,000)~~ (35,000)
- (d) County of Sonoma: Valley of the Moon Children’s Home—Construction of New Facility (250,000)
- (e) County of Sonoma: Valley of the Moon Children’s Home—Construction of New Facility (500,000)
- (f) Feedback Foundation Anaheim: Capital Goods for Senior Food Bank ~~(400,000)~~ (50,000)
- (g) Highlands Pre-school and Childcare Center, Infant Toddler Program for Working Poor (50,000)
- (h) People Assisting the Homeless (PATH) Los Angeles: Program Outreach (75,000)
- (i) Wellspring Women’s Center: Purchase of New Energy Efficient Heating Unit (25,000)
- (j) Pomona Valley Center for Community Development: After-School Care Program at the Pomona Valley Center for Community Development ~~(89,000)~~ (50,000)
- (k) Latin American Civic Association: Headstart ~~(200,000)~~ (50,000)
- ~~(l) New Economies for Women: Construction of Community Educational Center for the La Posada Housing Project; New Economies for Women (NEW) (250,000)~~
- (m) City of Milpitas: Expansion of the Milpitas’ “stay and play” Program (75,000)
- (n) City of Burbank: Childcare Demonstration Project ~~(80,000)~~ (40,000)
- (o) El Centro del Pueblo: For case management and after school services in conjunction with the family development network collaboration ~~(190,000)~~ (75,000)
- (p) Mid-Valley YMCA: Mid Valley YMCA Afterschool Childcare program (50,000)
- (q) Women’s Shelter of Long Beach: Transitional Shelter for Domestic Violence Victims & Families ~~(75,000)~~ (60,000)
- (r) Toberman Settlement House: Capitol Development Program (50,000);
- (s) Valley of the Moon: Children’s Home (100,000)
- (t) First A.M.E. Church: First A.M.E. Church Welfare-to-Work Program in Los Angeles ~~(350,000)~~ (225,000)
- (u) Mothers in Action: Mothers in Action Program in Los Angeles ~~(250,000)~~ (25,000)
- (v) Valley of the Moon: Children’s Home (100,000)
- (w) Ward Family Life Programs: Domestic Violence and Health and Well-Being Programs ~~(250,000)~~ (200,000)
- (x) Al Wooten, Jr. Heritage Center: Domestic Violence and Health and Well-Being Programs ~~(100,000)~~ (70,000)
- ~~(y) City of Springville: Springville Community Preschool and Childcare playground (25,000)~~
- ~~(z) City of Oceanside: Middle School After School Programming (50,000)~~
- ~~(aa) City of Twentynine Palms: Knott’s Sky Park pre-School (50,000)~~
- ~~(ab) Mexican American Opportunities Foundation: Cargo Van; Mexican American Opportunities Foundation (30,000)~~
- (ac) Clara Mateo Alliance, Inc.: Homeless Women and Children’s Day Service Center ~~(100,000)~~ (80,000) ”

Item 5180-141-0001—For local assistance, Department of Social Services. I reduce this item from \$405,197,000 to \$400,997,000 by reducing:

- (2) 16.85-Automation Projects from \$254,425,000 to \$248,319,000;

(4) Amount payable from the Federal Trust Fund (Item 5180-141-0890) from -\$557,599,000 to -\$555,693,000; and by deleting Provision 10.

I am reducing this item by \$3,226,000 (\$1,700,000 General Fund) to reduce funding for Statewide Automated Welfare System (SAWS) oversight. This action is necessary to protect other vital programs and to provide for a prudent General Fund reserve for economic uncertainties. In addition, each of the SAWS projects includes funding and staff for oversight activities. I am directing the Department of Social Services (DSS) and the Health and Human Services Agency Data Center (HHSDC) to jointly re-evaluate the role of the SAWS Oversight Committee, the HHSDC, the DSS, and the Department of Information Technology in overseeing the SAWS projects, and to phase the SAWS Oversight Committee out to the extent it is duplicative.

I am reducing this item by \$500,000 for Statewide Fingerprint Imaging System implementation activities. This action is necessary to provide for a prudent General Fund reserve for economic uncertainties. I am sustaining \$11.7 million General Fund to complete the implementation of this system and begin ongoing maintenance and operations in 2001-02.

I am reducing this item by \$1,000,000 for Welfare Client Data System implementation activities. This action is necessary to provide for a prudent General Fund reserve for economic uncertainties. I am sustaining \$81.8 million to continue the implementation of this system in 2001-02.

I am reducing this item by \$1,380,000 (\$1,000,000 General Fund) for Consortium IV implementation activities. This action is necessary to provide for a prudent General Fund reserve for economic uncertainties. I am sustaining \$78.6 million to continue the implementation of this system in 2001-02.

I am deleting Provision 10, which requires the DSS to submit a report to the Legislature with options for an automatic transitional food stamp benefit for former CalWORKs recipients for up to three months after the recipient leaves cash assistance. The transitional benefit proposal would expand federal Food Stamp and California Food Assistance Program eligibility and result in additional General Fund costs for benefit payments and county administration.

Item 5180-141-0890—For local assistance, Department of Social Services. I reduce this item from \$557,599,000 to \$555,693,000.

I am reducing this item by \$1,906,000 to conform to actions taken in Item 5180-141-0001.

Item 5180-151-0001—For local assistance, Department of Social Services. I reduce this item from \$737,672,000 to \$726,494,000 by reducing:

- (1) 25.25-Children's Services from \$1,789,208,000 to \$1,781,613,000;
  - (a) 25.25.010-Child Welfare Services from \$1,674,066,000 to \$1,672,671,000;
  - (b) 25.25.020-Adoptions Program from \$89,159,000 to \$88,959,000;
  - (c) 25.25.030-Child Abuse Prevention from \$25,983,000 to \$19,983,000;
- (2) 25.35-Special Programs from \$126,995,000 to \$122,917,000;
  - (a) 25.35.010-Specialized Services from \$8,944,000 to \$5,644,000;
  - (e) 25.35.050-County Services Block Grant from \$92,304,000 to \$91,526,000;
- (6) Amount payable from the Federal Trust Fund (Item 5180-151-0890) from -\$1,136,637,000 to -\$1,136,142,000;

and by revising Provisions 6 and 10.

I am deleting \$400,000 General Fund and \$495,000 Federal Trust Fund for Child Welfare Services Case Management System staff development in order to maintain a prudent reserve for economic uncertainties. As the Department has the ability to prioritize the efforts of the training program, I am directing it to give primary attention to the most urgently needed training in order to minimize the impact of the reduction.

I am deleting \$500,000 General Fund for the Supportive and Therapeutic Options Program due to fiscal constraints and limited resources in the General Fund. It is my intent that no child be removed from this program and that savings will occur from attrition. Additionally, counties are projected to receive \$1.1 billion in State-Local Realignment funding for community mental health services, which can be used for



children receiving Child Welfare Services as well as for children and youth at-risk of placement in exiting foster care.

I am deleting the \$200,000 General Fund legislative augmentation to fund criminal background checks for adoptive applicants at the time of application, rather than reimbursing only those individuals who adopt, upon completion of an adoption. The Budget includes \$872,000 (\$436,000 General Fund) to reimburse adoptive parents for non-recurring adoption expenses. I cannot support this augmentation due to fiscal constraints and limited resources in the General Fund.

I am deleting \$1,000,000 General Fund for the Child Abuse Prevention, Intervention and Treatment program County Third Party Contracts, and retaining \$13,395,000 General Fund to provide prevention and intervention services for children at risk of abuse or neglect. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I take this action as a matter of consistency because the discretionary programs for nearly all State departments funded from the General Fund have been reduced similarly.

I am deleting \$5,000,000 General Fund retained by the Legislature for the Juvenile Crime Prevention programs. The May Revision proposed the elimination of \$9.7 million General Fund for these programs due to fiscal constraints and limited resources in the General Fund. The Budget includes a separate \$116.3 million General Fund appropriation for comprehensive multi-agency responses to juvenile crime, which is a continuation of a continuum of prevention and rehabilitation services, designed and operated at the local level and administered by the Board of Corrections.

I am reducing funding for the Special Circumstances Program by \$3,300,000 General Fund. I support the services provided by this program; however, expenditures in this program over the last several years have approximated only 78 percent of the amount available for benefit payments. I am reducing the funding for payments under this program by \$1,300,000. Additionally, changes to this program included in Budget trailer bill language would streamline the administrative determinations process and reduce the program's administrative costs. Consequently, I expect an additional \$2,000,000 General Fund savings related to administration of the program.

I am reducing funding for the County Services Block Grant basic costs by \$778,000 General Fund. The May Revision proposed a reduction of \$11.2 million (\$5.9 million General Fund); however, the Legislature retained \$778,000 General Fund of this amount to cover Non-Medical Out-of-Home Care administrative costs. I believe that the retained funding of \$20.7 million (\$11.3 million General Fund) will be sufficient to cover these costs and meet federal SSI program requirements.

I am revising this item by making a technical veto to correct language in Provision 6, to conform to the legislative actions that provided \$74,300,000 General Fund for the augmentation to Child Welfare Services.

- “6. Of the amount appropriated in this item, ~~\$124,874,000~~ \$123,834,000 shall be provided to counties to fund additional child welfare service activities and shall be allocated based on child welfare services caseload and county unit costs. However no county shall receive less than \$100,000. These funds shall be expressly targeted for emergency response, family reunification, family maintenance and permanent placement services and shall be used to supplement, and shall not be used to supplant, child welfare services funds. A county is not required to provide a match of the funds received pursuant to this provision if the county appropriates the required full match for the county's child welfare services program exclusive of the funds received pursuant to this provision. These funds are available only to counties that have certified that they are fully utilizing the Child Welfare Services/Case Management System (CWS/CMS) or have entered into an agreed upon plan with the State Department of Social Services outlining the steps that will be taken to achieve full utilization. The department shall reallocate any funds that counties choose not to accept under this provision, to other counties based on the allocation formula specified in this provision.

The department, in collaboration with the County Welfare Directors Association and representatives from labor groups representing social workers, shall develop the definition of full utilization of the CWS/CMS, the method for measuring full utilization, the process for the state and counties to work together to move counties toward full utilization, and measurements of progress toward full utilization.”

I am revising this item by making a technical veto to correct language in Provision 10, to conform the language to legislative actions that provided a \$1,500,000 General Fund augmentation for development and implementation of a pilot Internet-based Health and Education Passport in the County of Los Angeles.

“10. Of the funds appropriated in this item, ~~\$2,000,000~~ \$1,500,000 shall be for the pilot of the Internet based Health and Education Passport in the County of Los Angeles, to collect and maintain health and education records for children in the foster care system, as required by Section 16010 of the Welfare and Institutions Code. Of this amount, the Department of Finance may transfer up to \$500,000 to Item 5180-001-0001 for support of the State Department of Social Services, to provide technical assistance in preparation of the Advance Planning Document, provide Independent Verification and Validation to ensure SACWIS compliance, and to ensure that the project meets federal and state guidelines and privacy requirements.”

Item 5180-151-0890—For local assistance, Department of Social Services. I reduce this item from \$1,136,637,000 to \$1,136,142,000.

I am reducing this item by \$495,000 to conform to the actions taken in Item 5180-151-0001.

Item 5240-001-0001—For support of Department of Corrections. I reduce this item from \$4,246,968,000 to \$4,241,601,000 by reducing:

(1) 21-Institution Program from \$3,250,387,000 to \$3,245,770,000;

(3) 31-Community Correctional Program from \$433,438,000 to \$432,688,000; and by deleting Provision 11.

I am deleting the \$750,000 legislative augmentation for a Global Positioning Satellite System pilot project. The benefits of this technology in enhancing public safety have not been sufficiently demonstrated to justify the cost.

I am deleting Provision 11 to conform to this action.

I am deleting the \$617,000 legislative augmentation to increase the uniform allowance for correctional supervisors because this issue would be more appropriately addressed through negotiations with the Department of Personnel Administration.

I am deleting the \$4,000,000 augmentation for operating costs associated with the proposed retrofit of backup electrical generators at Department of Corrections institutions. Since the proposed retrofit will not occur this fiscal year, this augmentation is no longer necessary.

Item 5460-001-0001—For support of Department of the Youth Authority. I reduce this item from \$299,703,000 to \$298,768,000 by reducing:

(1) 20-Institutions and Camps from \$313,750,000 to \$312,815,000.

I am deleting \$935,000 of the augmentation in the January Budget for deferred maintenance projects, leaving \$5,000,000 to address this need. This action is essential due to fiscal constraints and limited resources in the General Fund.

Item 6110-001-0001—For support of Department of Education, I reduce this item from \$51,519,000 to \$50,445,000 by reducing:

(1) 10-Instruction from \$57,754,000 to \$57,355,000;

(2) 20-Instructional Support from \$67,528,000 to \$67,189,000;

(4) 41.00-Executive Management and Special Services from \$8,197,000 to \$8,077,000;

(5) 41.01-State Board of Education from \$2,041,000 to \$1,541,000;

(7.6) 97.20.004.001-Local Projects from \$575,000 to \$560,000; and

(9) Amount Payable from Federal Trust Fund (6110-001-0890) from -\$109,660,000 to -\$109,361,000

I am deleting the legislative augmentation of \$100,000 in Schedule (1) and eliminating one position to support the Apprenticeship program. While I am supportive of

the Apprenticeship program, the need for an additional position has not been justified. I would also note that the Budget maintains a \$1,944,000 augmentation for this program.

I am reducing Schedule (2) for the legislative augmentation of \$213,000 and 0.9 personnel years for the Standardized Testing and Reporting and High School Exit Exam Workbook Program. The workload associated with the Workbook Program will be performed mainly by the contractor. Therefore, I cannot support providing additional funding for the Department of Education. I am deleting Provision 26 to conform to this action.

I am reducing Schedule (2) by \$1,000 and eliminating 26.7 vacant personnel years. I share the concern raised by various legislators that several departments have excess and unnecessary position authority in their respective budgets. The elimination of these vacant positions will have no adverse affect on workload or educational services provided. Lastly, this action is consistent with the overall statewide policy regarding excess vacant positions being implemented in other departments with excessive salary savings.

I am reducing Schedule (2) by \$125,000 and one position for the legislative augmentation to provide technical assistance relative to compliance with the Student Safety and Violence Prevention Act (Chapter 587, Statutes of 1999). This Act strengthened California's nondiscrimination policy by conforming the Education Code to other state constitutional and Penal Code provisions. The department's staffing already includes 15 positions for school safety-related programs, which are available to absorb any workload increase associated with this program. I am deleting Provision 35 to conform to this action.

I am reducing Schedule (4) by \$120,000 and one position to eliminate the legislative augmentation for a development officer to leverage private support for education and to make a \$20,000 technical correction. The Department's staffing should provide adequate resources to respond to inquiries from parties interested in supporting California's educational programs.

I am reducing Schedule (5) by \$500,000 for distributing human rights and genocide model curriculum to all schools in the State. This action is necessary to provide for a prudent General Fund reserve for economic uncertainties. In addition, school districts can already use their general apportionment or other funds to obtain the model curriculum. I am deleting Provision 30 to conform to this action.

I am sustaining the \$60,000 of the \$75,000 proposed in Schedule (7.6), for the legislative augmentation provided to the Department of Education for the Weekend Parental Involvement Pilot Program on a one-time basis.

I am sustaining the \$500,000, in Schedule (7.6), for the legislative augmentation provided to the Department of Education for the Pupil Athletic Access and Safety Program Pilot Project on a one-time basis.

I am reducing Schedules (1) and (9) by \$299,000 to conform to the actions taken in Item 6110-001-0890.

Item 6110-001-0890—For support of Department of Education. I reduce this item from \$109,660,000 to \$109,361,000 and delete Provision 14.

I am deleting the legislative augmentation of \$299,000 and 3 positions in the State Department of Education, intended to assist with the allocation of any specified federal technology funds received. The budget provides an increase of \$850,000 for the California Technology Assistance Project specifically to help school districts take full advantage of available federal funds. If California receives any increased federal funds, I suggest that they be used to supplement any existing available funds for additional technology equipment in schools.

I am deleting Provision 14 to conform to this action.

Item 6110-006-0001—For support of Department of Education (Proposition 98). I reduce this item from \$34,483,000 to \$33,483,000 by reducing:

- (1) 10.60.040-Instruction, State Special Schools from \$39,370,000 to \$38,370,000:
- (b) 10.60.040.002-School for the Deaf, Fremont from \$14,347,000 to \$13,347,000,

and by deleting Provision 3.

I am deleting the \$1,000,000 legislative augmentation provided to the California School for the Deaf in Fremont. I am aware of the staffing issues in the Fremont area associated with comparable pay and cost of living. However, this augmentation is not the appropriate means of addressing the issue of equitable pay for staff at the State Special Schools. I also note that the Department of Personnel Administration is already working to address this issue to provide a long term and more viable solution.

I am deleting Provision 3 to conform to this action.

Item 6110-101-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from \$4,559,000 to \$2,934,000 and revise Provision 1.

I am reducing local projects by \$1,625,000. This action is essential due to fiscal constraints and limited resources in the General Fund. The individual projects remaining in this item are being sustained on a one-time basis.

Additionally, I am reducing the \$1,000,000 augmentation for the National Hispanic University by \$300,000. The remaining \$700,000, in combination with \$250,000 I am sustaining in a separate item, will be used toward the purchase of additional land for this unique university. This university serves the entire state of California in its mission to educate bilingual teachers and to increase the number of math, science and technology degrees granted. I also note that a technical error was made in designating these funds as Proposition 98. I request the Department of Finance to inform the State Controller that the \$700,000 appropriated for this purpose will not be so designated in our official calculation of the guarantee.

“1. The funding in this item shall be allocated for the following local projects:

- (a) San Fernando Middle School: Renovation of the San Fernando Middle School Auditorium (~~500,000~~) (350,000)
- (b) Mount Pleasant School District—National Hispanic University Lease Purchase Agreement (~~1,000,000~~) (700,000)
- (c) Elk Grove Unified School District: Elk Grove Community Pool (50,000)
- (d) Fremont Elementary School, Santa Ana Unified School District: Fremont Elementary School playground equipment (~~58,000~~) (30,000)
- (e) Gilbert Elementary School, Garden Grove Unified School District: Gilbert Elementary School playground equipment (~~110,000~~) (40,000)
- (f) Jackson Elementary School, Santa Ana Unified School District: Jackson Elementary School playground equipment (~~80,000~~) (55,000)
- (g) Lennox School District: Purchase computers (~~125,000~~) (75,000)
- (h) Rancho Cordova Elementary School: Rancho Cordova Elementary School playgrounds (50,000)
- (i) Rancho Cordova High School: Light fixtures (25,000)
- (j) Sunnyvale Elementary School District: Program funds for Project H.E.L.P (100,000)
- (k) Fremont Union High School District: Digital Divide Scholarship Program (~~100,000~~) (75,000)
- (l) East Side Union High School District: Laptops for under-achieving 9th graders (~~50,000~~) (47,000)
- ~~(m) Los Angeles Unified School District: Health clinic at San Fernando High School (200,000)~~
- (n) Merced Union High School District, Education Foundation: Construction of Golden Valley Pool (~~250,000~~) (172,000)
- (o) Merced Union High School District: Buhach High School Aquatic Facility (~~250,000~~) (190,000)
- (p) Ceres Unified School District: Ceres High School Performing Arts Center (~~250,000~~) (100,000)
- (q) Alameda Unified School District: Woodstock Child Development Center (~~100,000~~) (65,000)
- (r) East San Gabriel Valley Regional Occupational Program: East San Gabriel Valley Occupational Program and Technical Center (75,000)
- (s) Alhambra Unified School District: Mark Keppel High School HVAC system repair and improvement (250,000)

- (t) Fremont Unified School District: Renovation of the Tak Fudenna Stadium (50,000)
- (u) Glendale Unified School District: Latino Student Initiative Program (~~80,000~~) (40,000)
- (v) Glendale Unified School District: Middle School Technology Lab Program (~~75,000~~) (35,000)
- (w) Verdugo Hills High School: Equipment (~~31,000~~) (20,000)
- (x) Mountain Avenue Elementary School: Computers (~~25,000~~) (15,000)
- (y) Pasadena Unified School District: Greening Project (~~25,000~~) (20,000)
- (z) ~~Long Beach Unified School District, Los Angeles County Office of Education COE (\$250,000) each to LBUSD and LACOE): Augmentation for specialized secondary schools: California Academy of Math and Science (CAMS) and Los Angeles County High School for the Arts (LACHSA) (100,000)~~
- (aa) Long Beach Unified School District: Request for matching funds for district's participation in Malcolm Baldrige National Quality Program (50,000)
- (ab) Sacramento City Unified School District: Didion/Lewis Park Multi-Use Recreational Center (~~175,000~~) (65,000)
- (ac) Sacramento Unified School District: After School Arts and Education Program (Public/Private partnerships for arts education through Sacramento City Unified School District) (~~75,000~~) (40,000)
- (ad) ~~Golden Valley Unified School District: Safe routes for travel to schools (100,000)~~
- (ae) Simi Valley Unified School District: Joint-use tennis courts (100,000)
- (af) Lennox Middle School: Lennox Middle School scholarship program (50,000)"

Item 6110-104-0001—For local assistance, Department of Education (Proposition 98). I revise this item by deleting Provision 6.

I am deleting Provision 6 of this item, which would authorize the use of up to \$10 million from any potential savings during 2001–02 to be allocated for supplemental instruction transportation in 2002–03. School districts receive funds for supplemental instruction along with a variety of categorical programs and their general apportionment, all of which can be used to meet the costs of instruction, including transportation. In addition, this provision would result in significant pressure to provide future increases for this purpose without any regard to the availability of resources already provided by the State.

Item 6110-156-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from \$610,706,000 to \$600,706,000 by reducing:

(1) 10.50.010.001-Adult Education from \$574,705,000 to \$564,705,000, and by deleting Provisions 6 and 7.

I am reducing the \$10,000,000 augmentation for the Adult Education program to better reflect estimated participation. As this program historically has not spent its entire budget allocation, the revised amount will be sufficient to maintain the existing level of service delivery. Even with this reduction, the Adult Education program experienced an increase of 4.7 percent above the current year total.

I am deleting Provisions 6 and 7 that would reallocate unexpended 2000–01 Adult Education funds for program increases. Existing audit findings, related to concurrent enrollment, need to be resolved prior to considering Adult Education funding increases. The Superintendent of Public Instruction currently has the authority to allocate any unused funding to school districts that can demonstrate a need to fund additional students. Finally, I am concerned that this proposal increases the revenue limit without enhancing either accountability or performance.

Item 6110-161-0890—For local assistance, Department of Education. I reduce this item from \$667,190,000 to \$664,818,000 by reducing:

(4) 10.60.050.021-IDEA, Capacity Building, Special Education from \$43,828,000 to \$41,456,000, and by deleting Provision 12.

I am deleting the \$2,372,000 legislative augmentation provided to expand the existing Quality Assurance and Focused Monitoring Pilot Program. I share the desire to improve results for all children, especially those with disabilities. However, my Budget already provides \$1,420,000 for local assistance grants in the third year of the Quality Assurance and Focused Monitoring Pilot Program, and it would not be prudent to provide additional funds for this purpose until the tangible results from existing efforts are reviewed and best practices are identified.

I am deleting Provision 12 to conform to this action.

Item 6110-193-0001—For local assistance, State Department of Education (Proposition 98). I reduce this item from \$180,769,000 to \$180,464,000 by deleting:

(8) 20.60.113-Instructional support: Substitute Teacher Training Program (\$305,000).

I am deleting the \$305,000 legislative augmentation, contained in Schedule 8, for a program to provide professional development training to substitute teachers. I believe it is important to concentrate State resources on serving permanent instructional staff, many of whom have not yet had an opportunity to participate in state-funded professional development efforts. In addition, information regarding the scope and duration of the training that this augmentation would fund is lacking.

Item 6110-196-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from \$1,319,668,000 to \$1,309,168,000 by reducing:

(1) 30.10.020-Child Care Services from \$1,665,473,000 to \$1,654,973,000;

(f) 30.10.020.012-Special Program, Child Development, Alternative Payment Program Stage 3 from \$214,326,000 to \$203,826,000.

The Legislature's addition of \$33,500,000 in Subdivision (26) of Item 6110-485, in combination with actions taken to redirect \$32,508,000 of one-time funding earmarked for child care facilities in Provision 2 (c) of this Item constitute a legislative augmentation of over \$66 million for additional child care subsidies for former CalWORKs families who have exhausted eligibility in Stages 1 and 2. Those augmentations were predicated on the May Revision's \$280 million estimate as the amount needed to fully fund all estimated Stage 1 and 2 caseload that would time out off of their two-year transitional subsidized child care benefit through the budget year. However, the Stage 3 estimate has subsequently been revised downward by \$20 million based on 3rd quarter data recently received from the State Department of Education. Based on this revised estimate and consistent with the Administration's interest in reforming the State's child care subsidy system, I am reducing \$10.5 million from this item as a base veto and eliminating the \$33.5 million one-time augmentation included in Subdivision (26) of Item 6110-485 for a total veto of \$44 million. These actions will still leave funding sufficient for all caseload, under current eligibility, co-payment and subsidy policies, that would become eligible for discretionary Stage 3 services prior to February 1, 2002. The Budget still results in an increase of over \$63 million from the prior year for this population for a total of approximately \$236 million. I am, however, setting \$24 million aside in the Proposition 98 Reversion Account for additional services through the remainder of the 2001-02 fiscal year contingent upon enactment of legislation by January 31, 2002, to reform the State's subsidized child care programs in a manner that meets my objectives to use the existing resources allocated for these programs more effectively and to revise inequitable access policies that currently disadvantage low-income populations who have not received public assistance through CalWORKs.

Item 6110-199-0001—For local assistance, Department of Education. I delete this item and Provision 1.

I am deleting the \$700,000 legislative augmentation for child nutrition startup and expansion grants to community-based organizations and local government agencies. This action is necessary to provide for a prudent General Fund reserve for economic uncertainties. The Budget Act continues to provide \$1,000,000 for startup and expansion grants to local educational agencies.

I am deleting Provision 1 to conform to this action.

Item 6110-233-0001—For local assistance, Department of Education. I reduce this item from \$1,175,000 to \$550,000 and revise Provision 1.

I am deleting the \$25,000 legislative augmentation for the Soledad Enrichment Action, Inc.: Charter School Girls Academy (reference Provision 1 (b) in this Item). This action is essential due to fiscal constraints and limited resources in the General Fund.

I am reducing the \$400,000 augmentation for the National Hispanic University by \$150,000. The remaining \$250,000, in combination with \$700,000 I am sustaining in a separate item, will be used toward the purchase of additional land for this unique university. This university serves the entire state of California in its mission to educate bilingual teachers and to increase the number of math, science and technology degrees.

I am deleting the \$50,000 legislative augmentation for Ocean Institute Education (reference Provision 1 (e) in this Item). This action is essential due to fiscal constraints and limited resources in the General Fund. In addition, since the proposed funding amount would be insufficient to fully implement the project, greater future costs or pressures would likely result.

I am reducing the \$500,000 legislative augmentation for Save the Children's "Web of Support" by \$400,000 (reference Provision 1 (g) in this Item). This action is essential due to fiscal constraints and limited resources in the General Fund.

The individual projects remaining in this item are being sustained on a one-time basis.

I am revising Provision 1 to conform to this action:

- "1. The funds in this item shall be allocated for the following local projects:
- (a) Building Up Los Angeles: Girls Today Women Tomorrow Mentoring Program (50,000)
  - (b) ~~Soledad Enrichment Action, Inc.: Charter School Girls' Academy~~ (25,000)
  - (c) The National Hispanic University: Purchase and construction of 11-acre campus for the only National Hispanic University in the Southwest that celebrates 20th anniversary in 2001 ~~(400,000)~~ (250,000)
  - (d) CHIME Institute for Children with Special Needs: Construction of healthy buildings (100,000)
  - (e) ~~Ocean Institute: Ocean Institute Education~~ (50,000)
  - (f) Communities in Schools: Lockeford Computers (50,000)
  - (g) Save the Children: Save the Children's "Web of Support" ~~(500,000)~~ (100,000)"

Item 6110-485—Reappropriation (Proposition 98) Department of Education. I revise this item from \$566,020,000 to \$466,102,000 as follows:

I am deleting Subdivision (26) for CalWORKs Stage 3 Child Care services.

Consistent with this Administration's interest in reforming the State's child care subsidy system, I am eliminating the \$33.5 million one-time augmentation included in Subdivision (26) of this Item for the purposes explained in my actions on Item 6110-196-0001.

I am reducing Subdivision (27) by \$2,500,000 as follows:

- "(27) ~~\$8,000,000~~ \$5,500,000 to be set aside on a one-time basis pursuant to legislation enacted during the 2001–02 Regular Session for career/technical education services."

The Legislature proposed setting aside \$8,000,000 from the Proposition 98 Reversion Account for career/technical education. I am reducing this amount by \$2,500,000, thereby sustaining \$5,500,000 for this program on a one-time basis. Although I am supportive of career/technical education, this action keeps state spending in line with revenues and provides for a prudent General Fund reserve for economic uncertainties. I am amending Subdivision (27) to conform to this action.

I am reducing Subdivision (36) by \$1,750,000 as follows:

- "(36) ~~\$2,250,000~~ \$500,000 to the State Department of Education to allocate to school districts for one-time costs associated with the English Language Development Test."

I am reducing by \$1,750,000 the \$2,250,000 legislative augmentation for one-time costs associated with the English Language Development exam. I am sustaining \$500,000 to fund district apportionments for an estimated 333,000 English Language Learners expected to enter the California public school system in 2001–02. These

students are required to be assessed under State law within 30 days of enrollment. I am supportive of this assessment, which is aimed at measuring English Language Proficiency of English Language Learners, which will assist in the appropriate placement of these students.

I am deleting Subdivisions (28), (29), (34), and (38) as follows:

I am deleting the legislative augmentation of \$26,468,000 in Subdivision (28) in this item to the State Department of Education for the Year Round School Grant Program. These funds were requested to address the impact of unintended consequences to the Year Round School Grant Program resulting from the enactment of Chapter 407, Statutes of 1988 (SB 50, Greene). However, given the State's fiscal condition, I believe it would be more appropriate to correct the inequities imposed by this program through legislation, thus eliminating cost pressures to the State.

I am deleting the legislative augmentation of \$32,300,000 in Subdivision (29) in this item to the State Department of Education (SDE) for the purpose of funding a current year augmentation for the K-3 Class Size Reduction (CSR) Program. The SDE provided the CSR Program with a cost-of-living adjustment in excess of the rate provided by the Legislature and the Administration in the Budget Act of 1998, resulting in a lack of base funding in 2000-01. Given that the SDE has provided a rate in excess of that provided by the Legislature and the Administration, a more appropriate solution for this issue would be for the SDE to correct the current year per pupil rate, and then recalculate program costs to determine the actual amount required for this program.

I am deleting Subdivision (34) of this item, which would provide a \$400,000 legislative augmentation to funds available for transportation costs associated with supplemental instruction. School districts receive funds for supplemental instruction along with a variety of categorical programs and their general apportionment, all of which can be used to meet the costs of instruction, including transportation. In addition, this provision would result in significant pressure to provide future increases for this purpose without any regard to the availability of resources already provided by the State.

I am deleting Subdivision (38) of this item for the reappropriation of \$3,000,000 that is set aside for a management information system for Regional Occupational Centers and Programs pursuant to the enactment of legislation during the 2001-02 Regular Session. Any funds for this purpose are premature pending the completion of a data management study and approval of a feasibility study report for the Department of Education. Upon approval, funding for this system should be sought through the annual budget process.

Item 6110-490—Reappropriation, Department of Education. I revise this item by reducing Schedule (1) by \$450,000 and deleting Schedule (2).

I am reducing by \$450,000 the \$950,000 legislative reappropriation for the legal defensibility of the High School Exit Exam in Item 6110-001-0001, Budget Act of 2000. This action is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties. The \$500,000 remaining should be sufficient to cover costs during the year, as it is the amount expended during the prior year.

I am deleting the \$250,000 legislative reappropriation for an evaluation of the Public Schools Accountability Act in Item 6110-001-0001, Budget Act of 2000. The Budget will still contain \$500,000 in base funding which I believe to be sufficient to cover the costs associated with this evaluation.

I am revising Schedule (1) as follows and deleting Schedule (2) to conform to these actions:

“(1) ~~\$950,000~~ \$500,000 from Item 6110-001-0001 of the Budget Act of 2000 (Ch. 52, Statutes of 2000). These funds shall be used for the purposes of ensuring the legal defensibility of the High School Exit Examination, including its reliability and validity.”

Item 6110-495—Reversion, Department of Education, Proposition 98. I am revising this item by deleting Schedule 16.

I am deleting Schedule 16 that would revert \$17.5 million from the existing balance of the Child Care Facilities Revolving Fund in order to partially fund an augmentation



of CalWORKs Stage 3 child care services on a one-time basis in Item 6110-485. I object to this reversion because it would limit the amount available to maintain adequate facilities for General Child Care and Preschool programs as well as for facilities which may be needed to support the CalWORKs center based pilot program which is designed to provide high quality, Title 5 compliant child care options for CalWORKs families receiving subsidized care. While I am setting aside \$24 million to partially restore the amount I have vetoed from the Proposition 98 Reversion Account in Schedule (26) of Item 6110-485, other actions I have taken on the Budget will leave sufficient resources available in the Proposition 98 Reversion Account to fulfill that commitment without the need for this reversion.

Item 6120-101-0001—For local assistance, California State Library. I reduce this item from \$410,000 to \$352,000 and revise Provision 1.

I am reducing \$58,000 of the \$410,000 legislative augmentation for local library projects due to fiscal constraints and limited resources in the General Fund. Specifically, I am reducing the legislative augmentation for the City of Oakland from \$100,000 to \$60,000, and for the La Canada-Flintridge project from \$75,000 to \$60,000.

I am revising Provision 1 to conform to this action:

“1. The funds appropriated in this item shall be allocated for local projects, *on a one-time basis*, as follows:

- (a) City of Oakland: African-American Museum and Library ~~(100,000)~~ (77,000)
- (b) City of La Canada-Flintridge-Joint Use Library for the City of La Canada-Flintridge and La Canada Unified School District ~~(75,000)~~ (40,000)
- (c) Westlake Village Library (10,000)
- (d) Agoura Hills Library (10,000)
- (e) City of Los Angeles: Woodland Hills Library (15,000)
- (f) City of San Diego: Logan Heights Library (100,000)
- (g) Yuba County Library (100,000)”

Item 6120-221-0001—For local assistance, California State Library. I reduce this item from \$56,870,000 to \$52,970,000.

I am reducing this item by \$3,900,000. This action is essential due to fiscal constraints and limited resources in the General Fund.

Item 6440-001-0001—For support of University of California, I reduce this item from \$3,217,468,000 to \$3,191,176,000 by reducing:

- (1) Support from \$3,079,171,000 to \$3,055,161,000;
- (2) Charles R. Drew Medical Program from \$10,949,000 to \$8,949,000;
- (13) Local Projects from \$600,000 to \$318,000;

and by revising Provisions 10, 16, 21, 23, 24, and 34 and deleting Provisions 27, 28, 29, 31, and 32.

I am sustaining the \$5,000,000 legislative augmentation for clinical teaching support at the university’s medical centers, neuropsychiatric institutes, and dental clinics. However, I am supporting this augmentation on a one-time basis, given fiscal constraints and limited resources in the General Fund.

I am deleting the \$100,000 legislative augmentation to establish the Walter H. Capps Center for the Study of Religion and Public Life at the Santa Barbara campus. This action is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties. Furthermore, the University can use other funding sources for the Center if it is a high priority. I am deleting Provision 27 to conform to this action.

I am deleting the \$1,500,000 legislative augmentation to establish the Silicon Valley Center, an off-campus center of the Santa Cruz campus. It would be premature to provide funds for this purpose prior to approval of this off-campus center by the California Postsecondary Education Commission. After the center has been approved, any requests for funds should be submitted through a budget change proposal as part of UC’s annual budget request. I am deleting Provision 28 to conform to this action.

I am deleting the \$2,000,000 legislative augmentation to expand student services. California is heading into a difficult year with its softening economy and substantial

revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I take this action to provide for a prudent General Fund reserve for economic uncertainties.

I am deleting the \$1,000,000 legislative augmentation for the UCLA Center for the Study of Latino Health and Culture. This action is necessary to provide for a prudent General Fund reserve for economic uncertainties. I believe the University can use other fund sources for this Center if it is a high priority. I am deleting Provision 31 to conform to this action.

I am deleting the \$2,000,000 legislative augmentation for the Charles R. Drew Medical Program. This action is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties. After this action, funding for this program remains at \$8,949,000.

I am reducing the \$600,000 legislative augmentation for various local projects by \$282,000. I am sustaining the remaining \$318,000 on a one-time basis. This action is essential due to fiscal constraints and limited resources in the General Fund. I am revising Provision 34 to conform to this action:

“34. The funds appropriated in Schedule (13) of this Item shall be allocated for the following local projects:

- (a) ~~UC: UC Ag Research Center, Monterey (200,000)~~
- (b) University of California Los Angeles Advance Policy Institute: Creation of Internet Resource: “Living Independently in LA” (100,000)
- (c) University of California, San Francisco, Center for Lesbian Health Research (100,000)
- (d) University of California: UC Ag Extension in Monterey County ~~(200,000)~~ (118,000) ”

I am deleting the \$1,500,000 legislative augmentation for graduate and professional school outreach. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. This action is necessary to provide for a prudent General Fund reserve for economic uncertainties. After this action, funding for this program remains at \$3,200,000, in addition to \$2,000,000 in matching university funds. I am deleting Provision 32 to conform to this action.

The following base reductions are essential due to fiscal constraints and limited resources in the General Fund. I take these actions as a matter of consistency because the discretionary budgets for nearly all State departments funded from the General Fund have been reduced similarly:

The \$3,000,000 I proposed to fund Invasive Species Research.

The \$3,000,000 I proposed to increase student services. I am deleting Provision 29 to conform to this action and my previous action to eliminate a \$2 million legislative augmentation for this purpose.

The \$1,100,000 I proposed to expand ASSIST-Articulation System Stimulated Inter-Institutional Student Transfer.

The \$4,000,000 I proposed to continue genetic biomarker research, originally conducted by the March of Dimes. These funds were intended to be one-time in 2000–01, and were erroneously proposed in the 2001–02. I am revising Provision 23 to conform to this action:

“23. Of the amount appropriated in Schedule (1), ~~\$9,000,000~~ \$5,000,000 is to fund the Medical Investigation of Neurodevelopmental Disorders (MIND) Institute, including ~~\$7,500,000~~ \$3,500,000 for research ; ~~of which at least \$4,000,000 is for genetic marker research .”~~

The \$4,000,000 I proposed on a one-time basis to expand Internet2. After this action, the Budget still contains \$14 million on a one-time basis to continue Internet2 connectivity for UC campuses, and \$8 million in permanent funds, including funds to continue my commitment to provide Internet2 linkages between universities in California and Mexico to enhance collaboration among researchers, teachers, and students. I am revising Provision 24 to conform to this action:

“24. Of the amount appropriated in Schedule (1), \$32,000,000 is for Internet connectivity and network infrastructure to grades K–12 schools and county

offices of education, and ~~\$18,000,000~~ \$14,000,000 is available, on a one-time basis, for Internet2 connectivity and infrastructure for UC campuses.”

I am deleting the \$2,000,000 base funding for outreach programs. After this action, the University’s budget still includes \$44,753,000 for these programs. I am requesting that UC allocate this reduction within the various programs outlined in Provision 10, at its discretion, in a manner that would minimize any negative impact on outreach efforts, and to report to the Administration and the Legislature on the allocation of this reduction. I am revising Provision 10 to conform to this action:

“10. Of the amount appropriated in Schedule (1), ~~\$46,753,000~~ \$44,753,000 is provided for new and existing outreach programs that are aimed at improving the chances for pupils from a wide diversity of backgrounds to become eligible for the University of California, as follows:

(a) The following amounts are for pupil academic development and school partnership programs and shall be matched on a one-to-one basis by the participating schools:

(1) *Up to* \$17,500,000 is for pupil academic development programs, including MESA, Puente, and the Early Academic Outreach Program, so that these programs may increase the number of pupils who participate in the programs and may offer services such as college admissions test preparation programs, fee waivers for Advance Placement tests, and an increased number of field trips for high school and middle school participants to visit college campuses.

(2) *Up to* \$10,000,000 is provided for K–12 school partnership programs to systemically reform partner schools in order to achieve long-term improvements in student success.

(3) *Up to* \$1,000,000 is provided for pupil academic development programs and K–12 partnership programs in the Central Valley.

(b) *Up to* \$4,500,000 is provided for services to community college students to promote transfer, particularly among community colleges with historically low transfer rates or a large proportion of disadvantaged students.

(c) *Up to* \$1,000,000 is provided for informational outreach to pupils, families, and K–12 teachers and counselors.

(d) *Up to* \$1,000,000 is provided for charter schools.

(e) *Up to* \$3,200,000 is provided for systemwide graduate and professional school outreach, to be matched by \$2,000,000 in university funds.

(f) *Up to* \$1,500,000 is provided for long-term evaluation of the effectiveness of outreach programs, including college graduation rates for pupils who participated in the K–12 programs, regardless of the college attended.

(g) *Up to* \$4,553,000 over and above any funds provided under (a)(1) is provided to support MESA programs.

(h) *Up to* \$2,500,000 is provided for recruitment and admission efforts intended to yield immediate short-term results, including *up to* \$750,000 to support campus efforts to move toward comprehensive assessment of freshmen applications, up to \$1,000,000 for student-initiated outreach activities focused on recruitment and mentorships aimed at high school juniors and seniors, and *up to* \$750,000 for other high-yield recruitment activities such as campus visits, phone banks, mailings, and student prep events. Of the \$750,000 appropriated to support campus efforts to move toward comprehensive assessment of freshmen applications, funding shall be provided to campuses contingent on the elimination of the two-tiered admissions system and the establishment of a unitary admissions review process.”

I am reducing the \$500,000 base funding for the Multi-campus Research Unit for Labor Studies. I am revising Provision 21 to conform to this action:

“21. Of the amount appropriated in Schedule (1), ~~\$6,000,000~~ \$5,500,000 shall be used for UC Berkeley/UCLA to support the Multi-campus Research Unit for Labor Studies.”

I am reducing \$310,000 base funding for substance abuse research. After this action, the budget still includes \$24,000,000 for this purpose. I am revising Provision 16 to conform to this action:

“16. Of the funds appropriated in Schedule (1), ~~\$24,310,000~~ \$24,000,000 is for substance abuse research at the University of California, San Francisco campus in the Neurology Department.”

Item 6610-001-0001—For support of California State University, I reduce this item from \$2,556,068,000 to \$2,535,208,000 by reducing:

(1) Support from \$3,377,256,000 to \$3,357,006,000;

(2.5) 555005-Local Projects from \$910,000 to \$300,000;

and by revising Provision 17, and deleting Provisions 15 and 16.

I am deleting the \$5,000,000 legislative augmentation for high cost programs. The University’s budget includes full funding for enrollment increases at the agreed-upon “marginal cost” amount per full-time equivalent student. The marginal cost formula used to determine additional funding needed for enrollment growth addresses both high cost and low cost programs by providing an “average” marginal cost amount. The University has the discretion to decide how to allocate these funds to each particular program, whether it would be to provide the same amount to each program, or to provide additional funding for high cost programs and a lesser amount for lower cost programs. I am deleting Provision 16 to conform to this action.

I am deleting the \$250,000 legislative augmentation for the CSU Program for Education and Research in Biotechnology. This action is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties. I am deleting Provision 15 to conform to this action.

I am reducing the \$910,000 legislative augmentation for various local projects by \$610,000. I am sustaining the remaining \$300,000 on a one-time basis. These actions are essential due to fiscal constraints and limited resources in the General Fund. I am revising Provision 17 to conform to this action:

“17. The funds appropriated in Schedule (2.50) of this item shall be allocated for the following local projects:

(a) ~~California State University of San Bernardino: Projects to establish the Water Resource Institute (50,000)~~

(b) California State University: CSUPERB Biotechnology Center-Pasadena. These funds shall be used for final site assessment and development of the Pasadena Bioscience Innovation and Training Center, and for development of a pilot bioinnovation workforce training program. The California State University will provide an update to the Legislature on the progress of this project during the 2002–03 budget deliberations ~~(250,000)~~ (200,000)

~~(c) CSU: Portuguese Study Center (\$260,000)~~

~~(d) CSU, Stanislaus: Portuguese Studies (250,000)~~

(e) San Francisco State University: Seeing Art at Work: Celebrating a Century of Labor Art in Northern California (100,000)”

The following actions are essential due to fiscal constraints and limited resources in the General Fund. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. I take these actions as a matter of consistency because the discretionary budgets for nearly all State departments funded from the General Fund have been reduced similarly:

The \$2,000,000 reduction in base funding is for Agricultural Research. After this reduction, the budget still includes \$4 million for this purpose.

The \$12,500,000 reduction is for the Teacher Technology Professional Development Program. In the January Budget, I proposed an \$18.5 million augmentation for this program. After this action, the Budget still includes \$12.5 million, a \$6 million increase over 2000–01.

The \$500,000 reduction is for Marine Studies Research. In the January Budget, I proposed a \$1 million augmentation for this program. After this action, the Budget still includes a \$500,000 augmentation for this purpose.

Item 6610-491—Reappropriation, California State University. I delete this item.

I am deleting this reappropriation of \$2,000,000 General Fund from Item 6610-301-0001, Budget Act of 2000, for design and construction of the Center for Animal and Veterinary Science Education, Phase 1A at the California State University, Pomona campus. The campus has not defined the final scope of this project, and I believe this funding, instead, should be used to build a prudent General Fund reserve in light of fiscal constraints.

Item 6870-001-0001—For support of, Board of Governors of the California Community College (Proposition 98). I reduce this item from \$14,129,000 to \$13,379,000 by reducing:

- (1) 10-Apportionments from \$1,412,000 to \$1,326,000;
- (2) 20-Special Services and Operations from \$18,904,000 to \$18,490,000;
- (3) 30.01-Administration from \$5,459,000 to \$5,373,000;
- (4) 30.02-Administration—Distributed from -\$5,459,000 to -\$5,373,000;
- (4.5) 97.20.004-Local Projects from \$750,000 to \$500,000;

and by revising Provision 3 and deleting Provision 2.

I am deleting the \$86,000 augmentation and eliminating one position to support Compliance Review (\$42,000) and Legal Affairs (\$44,000). This action is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties.

I am deleting the \$414,000 augmentation to support Enrollment Management (\$109,000), Extended Opportunities Programs and Services (EOPS) and Cooperative Agencies Resources for Education (CARE) (\$80,000), and five-year facilities planning (\$125,000), and to collect baseline data for the Teacher and Reading Development Program (\$100,000). These actions are necessary to provide for a prudent General Fund reserve for economic uncertainties. I am deleting Provision 2 to conform to this action.

I am adjusting Schedules (3) and (4) by -\$86,000, and \$86,000, respectively, to conform with my earlier action to delete augmentations for Legal Affairs and Compliance Review.

I am reducing the \$750,000 legislative augmentation to contract for the operation of Community College Leadership Institute by \$250,000. I am sustaining the remaining funds on a one-time basis. This action is essential due to fiscal constraints and limited resources in the General Fund. I am revising Provision 3 to conform to this action.

“3. Of the funds appropriated in Schedule (4.5) of this item, ~~\$750,000~~ \$500,000 shall be available for the California Community Colleges to contract with an institution of higher education within California to operate a Community College Leadership Institute to coordinate education and training opportunities for community college faculty, classified staff, trustees, and administrators for leadership roles in California Community Colleges.”

Item 6870-101-0001—For local assistance, Board of Governors of the California Community Colleges (Proposition 98). I reduce this item from \$2,733,941,000 to \$2,608,341,000 by reducing:

- (4) 10.10.040-Partnership for Excellence from \$307,600,000 to \$300,000,000;
- (5) 20.10.005-Student Financial Aid Administration from \$18,149,000 to \$7,149,000;
- (6) 20.10.010-Extended Opportunity Programs and Services and Special Services from \$93,439,000 to \$91,439,000;
- (22) 20.30.050-Economic Development from \$50,172,000 to \$45,172,000;
- (23) 20.30.070-Transfer Education and Articulation from \$3,974,000 to \$1,974,000;

and by deleting:

- (24) 20.40.025-Scheduled Maintenance/Special Repairs (\$49,000,000);
- (25) 20.40.035-Instructional Equipment and Library Materials Replacement (\$49,000,000);

and by revising Provisions 1, 6, 9, 10, 23, 24 and 27 and by deleting Provisions 8, 25, and 26.

I am deleting the legislative augmentation of \$7,600,000 to provide the Partnership for Excellence program with a cost-of-living adjustment (COLA). Increased funding

for this program should be based solely on the merits of improving student outcomes. Furthermore, this funding would create a pressure on the State to provide a COLA for other discretionary programs.

I am deleting the legislative augmentation of \$2,000,000 for Extended Opportunity Programs and Services (EOPS) book grants. This augmentation is not necessary as current law allows colleges to use base EOPS funding for books grants if so desired. The budget provides \$79,663,000 for EOPS, which includes an augmentation of \$5,200,000. I am revising Provisions 9 and 10 to conform to this action.

- “9. Of the funds appropriated in Schedule (6), ~~\$81,663,000~~ *\$79,663,000* is for Extended Opportunity Programs and Services in accordance with Article 8 (commencing with Section 69640) of Chapter 2 of Part 42 of the Education Code. Of this amount \$6,000,000 represents an augmentation and may only be allocated to serve 10,000 additional students over the number served in the 1999–2000 fiscal year. Funds provided in this item for Extended Opportunity Programs and Services (EOPS) shall be available to students on all campuses within the California Community College system, including those students on new campuses or in new districts. \$11,775,000 is for funding, at all colleges, the Cooperative Agencies Resources for Education (CARE) program in accordance with Article 4 (commencing with Section 79150) of Chapter 9 of Part 48 of the Education Code. The board of governors shall allocate funds on a priority basis and to local programs on the basis of need for student services.”
- “10. Of the funds appropriated in Schedule (6), at least ~~\$7,000,000~~ *\$5,000,000* shall only be available to increase the amount of grants to students for purchasing books. In addition, these funds shall not supplant the amount of resources used for book grants by the community colleges in Extended Opportunity Programs and Services.”

I am deleting a \$5,000,000 augmentation to the Economic Development Program to provide additional Industry Driven Regional Collaboratives. These funds, instead, will be used to provide a set-aside of \$4 million for increased nursing enrollments, as well as \$1 million for curriculum development and pilot programs for training licensed nurses in specialty areas, pending enactment of legislation during the 2001–02 Regular Session. I am revising Provision 23 to conform.

- “23. Of the funds provided in Schedule (22) of this item for the Economic Development Program:
- (a) No more than \$17,536,000 shall be allocated for grants for regional business resources assistance and innovation Network Centers.
  - (b) No less than ~~\$21,387,000~~ *\$16,387,000* shall be allocated for Industry Driven Regional Education and Training Collaboratives. These grants shall be made on a competitive basis and the award amounts shall not be restricted to any predetermined limit, but rather shall be funded on their individual merits. ~~Of this allocation, \$5,000,000 shall only be available for additional regional collaboratives to address information technology, nursing and biotechnology workforce development services. These funds shall not supplant the amount of resources used in the 2000–01 fiscal year for regional collaboratives in the above-mentioned service areas.~~
  - (c) No more than \$4,149,000 shall be allocated for statewide network leadership, organizational development, coordination, information and support services, or other program purposes.
  - (d) \$5 million shall be available for Job Development Incentive Training programs focused on job creation for public assistance recipients. Any annual savings from this subdivision shall only be available for expenditure for one-time activities listed under subsection (j) of Section 88531 of the Education Code.
  - (e) No more than \$2.1 million shall be allocated for Mexican International Trade Centers established pursuant to Section (a) of Ch. 959, Statutes of 1999.
  - (f) The following provisions apply to the expenditure of funds within subdivisions (a) and (b) above: Funds allocated for centers and regional collabo-

ratives shall seek to maximize the use of state funds for subdivisions (g) through (j) of Section 88531 of the Education Code. Funds allocated to districts for purposes of subdivisions (g) and (i) of Section 88531 of the Education Code for performance-based training and student internships shall be matched by a minimum of one dollar of private business and industry funding for each one dollar of state funds. Funds allocated for purposes of subdivision (h) of Section 88531 of the Education Code for credit and noncredit instruction may be transferred to Schedules (1) or (3) to facilitate distribution at the chancellor's discretion. Any funds that become available from Network Centers due to savings, discontinuance or reduction of amounts shall first be made available for additional allocations in subdivision (b) above to increase the level of subsidized training otherwise available.

- (g) Funds allocated by the board of governors under this provision shall not be used by community college districts to supplant existing courses or contract education offerings. The chancellor shall ensure that funds are spent only for expanded services and shall implement accountability reporting for districts receiving these funds to ensure that training, credit, and noncredit programs remain relevant to business needs. Programs that do not demonstrate continued relevance and support by business shall not be eligible for continued funding. The board of governors shall consider the level of involvement and financial commitments of business and industry as primary factors in making awards. The chancellor shall incorporate grant requirements into its guidelines for audits of Economic Development grants."

I am deleting the proposed \$11,000,000 for Cal Grant implementation. This action is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties. I am deleting Provision 8 to conform to this action.

I am deleting the legislative augmentation of \$2,000,000 for Transfer Grants. I am supportive of increasing transfers, but believe that the \$155 million augmentation I approved last year will greatly assist colleges in improving their transfer rates. I am revising Provisions 6 and 24 to conform.

- "6. Funds provided in Schedule (4) are for the Partnership for Excellence Program established pursuant to Section 84754 of the Education Code. It is the intent of the Legislature that community college districts increase the level of instruction and student services provided to meet the system-wide goal for student transfer. The goal for the California Community Colleges is to increase the number of "transfer ready" students to provide enough applicants to increase by at least 6 percent annually the number of transfer students eligible to enroll at the University of California through the year 2005-06. The goal is also to increase the number of "transfer ready" students to provide enough eligible applicants to increase by at least 5 percent annually the number of transfer students eligible to enroll at the California State University through the year 2005-06.

~~Colleges accepting Partnership for Excellence funds shall, in connection with their transfer center planning process and annual updates, prepare a set of campus goals for annual change in transfer of eligible students through the 2005-06 academic year, a rationale for selecting those goals, and a plan for achieving those goals. These campus transfer goals, rationale, and plans shall be submitted to the Chancellor's Office of the California Community Colleges, as part of the annual update of the transfer center plan, no later than December 1, 2001. The Chancellor's Office of the California Community Colleges shall compile and submit campus transfer goals for annual change, the rationale for selecting those goals, and plans to achieve those goals to the Governor and the Legislature no later than February 1, 2002.~~

In administering the provisions of Sections 66734 and 84754 of the Education Code, the chancellor shall review the capacity and readiness of each community college district to meet the needs of students desiring to transfer. From within existing resources, the chancellor shall provide technical assistance to community college districts as necessary to assure that each community college district identifies options to use its local resources most effectively for providing reasonable opportunities to transfer for students served by the district. Technical assistance shall be provided to any college with persistently low numbers or rates of transfer, with the goal that the number of transfers will increase by an average of 10 percent annually, as necessary to overcome these low numbers or rates by the 2004–05 academic year. On or before March 1, 2002, the chancellor shall provide a progress report to the Governor and the Legislature on this review and technical assistance, and, on or before April 15 of each year thereafter, shall report on progress each community college has made in increasing the number of transfers, along with campus expenditures on transfer-related activities, as part of the annual Partnership for Excellence report submitted to the Governor and the Legislature in accordance with paragraph (1) of subdivision (e) of Section 84754 of the Education Code.”

- “24. Of the funds appropriated in Schedule (23), \$589,000 is for Project ASSIST, \$835,000 is for the California Articulation Number (CAN) system, \$550,000 is for faculty articulation workshops through fiscal year 2004–05, and \$2,000,000 is to be used for transfer grants designed to improve student success in transferring to the University of California and the California State University at community colleges with historically low rates of transfer to those institutions. The \$2,000,000 for transfer grants shall be administered by the Chancellor of the California Community Colleges and may be used to augment existing transfer centers or to establish transfer academies at community colleges with historically low rates of transfer to the University of California and the California State University.”

I am deleting \$98 million for Scheduled Maintenance and the Instructional Equipment and Library Materials Replacement programs. California is heading into a difficult year with its softening economy and substantial revenue decreases. Consequently, the General Fund expenditures in this Budget are down 1.7 percent over the prior year. Historically, the State provides funds for these programs on a one-time basis. I take these actions as a matter of consistency because the Budget includes no discretionary funding for scheduled maintenance and instructional equipment for the California State University and the University of California. While I would like to maintain these funds as a base effort in these areas, this action is essential due to fiscal constraints and limited resources in the General Fund. I am open to considering funding for these worthy programs in the future when the economy improves. I am deleting Provisions 25 and 26 and revising Provisions 1 and 27 to conform to this action.

- “1. The funds appropriated in Schedules (1), (2), (3), (4), (5), (6), (8), (10), (11), (12), (14), (15), (12.5), (19), (22), and ~~(25)~~ are for transfer by the Controller during the 2001–02 fiscal year to Section B of the State School Fund.”
- “27. ~~Of the funds appropriated in Schedules (24), (25) and (26) of this item, the Chancellor of the California Community Colleges shall have the discretion to transfer funds among these schedules to fund the highest infrastructure priorities of the system. Funds from Schedules (24) and Schedule (26) of this item may be used to fund architectural barrier removal projects that meet the requirements of the federal Americans with Disabilities Act of 1990 and seismic retrofit projects limited to \$400,000. Districts that receive funds for architectural barrier removal projects shall provide a \$1 match for every \$1 provided by the state. The amount \$ in Schedules (24) and Schedule (26) shall be available for expenditure until June 30, 2003.~~”

Item 6870-102-0001—For local assistance, Board of Governors of the California Community Colleges (Proposition 98). I reduce this item from \$945,000 to \$660,000 and revise Provision 1.



I am reducing the \$945,000 legislative augmentation for local projects by \$285,000. I am sustaining the remaining \$660,000 on a one-time basis. This action is essential due to fiscal constraints and limited resources in the General Fund. I am revising Provision 1 to conform to this action.

“1. The funds in this item shall be allocated for the following local projects:

- (a) City College of San Francisco: Support Funding for Phase 1 of the facility to be jointly used by City College and San Francisco State University for Teacher Preparation, Child Development and early Childhood Education, and Community Health (~~300,000~~) (200,000)
- (b) San Francisco Community College: Mission campus (200,000)
- (c) Santa Ana Community College: Phillips Hall renovation (~~70,000~~) (40,000)
- (d) Compton Community College: Compton Community College Stadium Retrofit (~~150,000~~) (100,000)
- (e) Hartnell Community College: Health Professions Skills Enhancement Program (~~225,000~~) (120,000)”

Item 6870-301-0574—For capital outlay, Board of Governors of the California Community Colleges. I reduce this item from \$155,892,000 to \$141,033,000 by deleting:

Allan Hancock Community College District

Allan Hancock College

(1.5) 40.02.112-Library/Media Tech Center—Preliminary plans (\$317,000);

Butte Community College District

Butte College

(4.1) 40.05.106-Learning Resource Center—Preliminary plans (\$597,000);

Contra Costa Community College District

Diablo Valley College

(18.1) 40.13.220-Life Science Remodel for Laboratories—Preliminary plans (\$162,000);

Los Medanos College

(18.2) 40.13.313-Learning Resource Center—Preliminary plans (\$359,000);

San Ramon Valley Center

(18.3) 40.13.400-Phase 1 Buildings—Preliminary plans (\$723,000);

Foothill-DeAnza Community College District

Foothill College

(19.5) 40.15.206-Center for Innovation and Interactive Learning—Equipment (\$1,656,000);

Glendale Community College District

Glendale College

(20.3) 40.18.122-Allied Health/Aviation Lab—Preliminary plans (\$340,000);

Grossmont-Cuyamaca Community College District

Cuyamaca College

(20.5) 40.19.116-Science and Technology Mall—Preliminary plans (\$543,000);

Grossmont College

(21.1) 40.19.207-Science Building—Preliminary plans (\$397,000);

Hartnell Community College District

Hartnell College

(21.5) 40.20.101-Library/Learning Resource Center—Preliminary plans (\$738,000);

Lake Tahoe Community College District

Lake Tahoe Community College

(24.1) 40.23.111-Learning Resource Center—Preliminary plans (\$407,000);

Los Angeles Community College District

Los Angeles Mission College

(28.5) 40.26.408-Child Development Center—Preliminary plans (\$300,000);

Los Angeles Southwest College

(29.1) 40.26.607-Child Development Center—Preliminary plans (\$230,000);

Los Angeles Trade-Tech College

(30.1) 40.26.702-Child Development Center—Preliminary plans (\$215,000);

Los Angeles Valley College  
(30.2) 40.26.803-Health Science Building—Preliminary plans (\$661,000);  
Los Rios Community College District  
American River College  
(30.4) 40.27.102-Learning Resource Center Expansion—Preliminary plans  
(\$343,000);  
North Orange Community College District  
Cypress College  
(39.5) 40.36.100-Library/Learning Resource Center—Preliminary plans  
(\$650,000);  
Palo Verde Community College District  
Palo Verde College  
(41.5) 40.37.102-Technology Building Phase 2—Preliminary plans (\$292,000);  
Rancho Santiago Community College District  
Santa Ana College  
(46.1) 40.41.124-Physical Education Seismic Replacement/Expansion—  
Preliminary plans (\$225,000);  
Riverside Community College District  
Moreno Valley Center  
(47.1) 40.44.207-Child Development Center—Preliminary plans (\$67,000);  
Norco Valley Center  
(47.2) 40.44.307-Child Development Center—Preliminary plans (\$76,000);  
San Francisco Community College District  
Mission Center  
(55.1) 40.48.106-Mission Center Building—Working drawings (\$190,000);  
Chinatown Center  
(55.2) 40.48.108-Chinatown Campus Building—Preliminary plans (\$1,334,000);  
San Luis Obispo County Community College District  
Cuesta College  
(58.1) 40.51.112-Theater Arts Building—Preliminary plans (\$472,000);  
Santa Barbara Community College District  
Santa Barbara City College  
(63.5) 40.53.120-Gymnasium Remodel—Preliminary plans (\$163,000);  
Sequoias Community College District  
College of the Sequoias  
(66.1) 40.56.112-Science Center—Preliminary plans (\$471,000);  
Shasta-Tehama-Trinity Jt. Community College District  
Shasta College  
(66.5) 40.57.103-Library Addition—Preliminary plans (\$245,000);  
Sonoma County Community College District  
Santa Rosa Junior College  
(67.5) 40.61.402-Learning Resource Center—Preliminary plans (\$1,199,000);  
Chabot-Las Positas Community College District  
Las Positas College  
(67.7) 40.62.215-Physical Education, Gymnasium Phase 1—Preliminary plans  
(\$461,000);  
Southwestern Community College District  
Southwestern College  
(68.1) 40.63.104-Child Development Center—Preliminary plans (\$227,000);  
State Center Community College District  
Reedley College  
(69.1) 40.64.400-Learning Resource Center Addition—Preliminary plans  
(\$187,000);  
Ventura County Community College District  
Moorpark College  
(70.1) 40.65.109-Child Development Center—Preliminary plans (\$101,000);

West Hills Community College District  
 Kings County Center  
 (73.5) 40.67.204-Phase 2B Classrooms/Laboratories—Preliminary plans  
 (\$298,000);

and

West Valley Mission Community College District  
 Mission College  
 (74.1) 40.69.208-Main Building 3rd floor Reconstruction—Preliminary plans  
 (\$213,000).

I am deleting the legislative augmentation of \$14,859,000 for 34 projects at various campuses of the California Community Colleges, because this amount should be held in reserve to address any unanticipated cost increases needed to complete previously approved projects.

Item 7980-001-0001—For support of Student Aid Commission. I reduce this item from \$16,469,000 to \$14,969,000 by reducing:

(1) (15)-Financial Aid Grants Program from \$16,515,000 to \$15,015,000, and by deleting Provision 1.

I am deleting the \$1,500,000 legislative augmentation to provide outreach regarding the Cal Grant program, and to create the College Corps Program. I note that the Student Aid Commission's budget already includes funding for outreach purposes. This action is necessary to maintain State spending growth in line with revenues, and to provide for a prudent reserve for economic uncertainties.

Item 7980-101-0001—For local assistance, Student Aid Commission. I reduce this item from \$619,584,000 to \$618,584,000 by reducing:

(1) 15-Financial Aid Grants Program from \$631,962,000 to \$630,962,000, and by revising Provision 1 by deleting subschedule (i).

I am deleting the \$1,000,000 legislative augmentation to provide funds for organizations to host financial aid workshops and forums for high school students and their parents. This action is necessary to keep State spending growth in line with revenues and provide for a prudent General Fund reserve for economic uncertainties. Nevertheless, I note that the California Student Opportunity and Access Program (Cal-SOAP), administered by the Student Aid Commission, includes over \$8 million to provide informational outreach to K–12 students. I encourage this program to emphasize financial aid outreach to ensure all qualified students apply for and receive a Cal Grant award.

I am revising Provision 1 to conform to this action.

“1. Funds appropriated in Schedule (1) are for the purposes of all of the following:

- (a) Awards in the Cal Grant Program under Chapter 1.7 and Article 3 (commencing with Section 69530) of Chapter 2 of Part 42 of the Education Code.
- (b) Graduate fellowship renewal awards under former Article 9 (commencing with Section 69670) of Chapter 2 of Part 42 of the Education Code.
- (c) Grants under Section 4709 of the Labor Code.
- (d) California Student Opportunity and Access Program contract agreements under Article 4 (commencing with Section 69560) of Chapter 2 of Part 42 of the Education Code.
- (e) The purchase of loan assumptions under Article 5 (commencing with Section 69612) of Chapter 2 of Part 42 of the Education Code. 6,500 warrants shall be issued to California students pursuant to the purchase of loan assumptions.
- (f) Grants under the California State Work-Study Program, Article 18 (commencing with Section 69950) of Chapter 2 of Part 42 of the Education Code.
- (g) The purchase of loan assumptions under Article 5.5 (commencing with Section 69618) of Chapter 2 of Part 42 of the Education Code.
- (h) New and renewal Cal Grant awards in amounts not to exceed award levels comparable to those in effect for the 2000–01 award year except as otherwise provided by law.

- (t) ~~Notwithstanding any other provision of law, of the amount in this schedule, \$1,000,000 shall be used to conduct Cal Grant and financial aid outreach by providing funds for organizations to host financial aid workshops and forums to directly assist high schools and students and their families regarding the completion and submission of the Free Application for Federal Student Aid (FAFSA) form and information about the expanded Cal Grant Program. The workshops and forums shall target those high schools that have an Academic Performance Index (API) that ranks in the lowest two deciles in the state.~~”

Item 7980-103-0001—For local assistance, California Student Aid Commission.

I am sustaining this item which appropriates funding for the Jackie Robinson Foundation on a one-time basis only.

Item 8100-001-0001—For support of Office of Criminal Justice Planning. I reduce this item from \$4,493,000 to \$4,343,000 to make a technical correction to the Budget Bill.

The program schedules and funding details reflected in this item are correct; however, the total appropriation exceeds the sum of the schedules by \$150,000. Therefore, in order to correct this technical error, I am reducing the item appropriation total by \$150,000, which will conform the Budget Act to the action taken by the Legislature.

Item 8100-101-0001—For local assistance, Office of Criminal Justice Planning. I reduce this item from \$98,341,000 to \$96,935,000 by reducing:

- (26.5) 97.20.004-Local Projects from \$4,593,000 to \$3,187,000 by deleting \$350,000 for the following subschedules:

- (y) OK (Our Kids) Mentoring Program: OK (Our Kids) Mentoring Program Expansion (\$100,000);
- (z) Unity One: Unity 1 Gang Prevention Program in Los Angeles (\$100,000);
- (aa) Banning Police Department: Police Department Expansion (\$50,000);
- (ac) Juvenile Hall Auxiliary of Contra Costa County: Field of Dreams (\$100,000);

and by reducing \$1,056,000 from the following subschedules:

- (c) City of Gardena: Police Detective Vehicles from (\$250,000) to (\$200,000);
- (d) City of San Gabriel: San Gabriel Police Department from (\$200,000) to (\$150,000);
- (f) Orange County District Attorney’s Office: High Tech Crime Unit from (\$250,000) to (\$100,000);
- (g) Tariq Kamisa Foundation: Youth Violence Prevention Program from (\$500,000) to (\$200,000);
- (i) County of Alameda Sheriffs Department: MOMS (Maximizing Opportunities for Mothers to Succeed) from (\$800,000) to (\$600,000);
- (j) City of Hayward: Police Facility Addition for Expansion of Youth & Family Services Bureau Counseling Services from (\$350,000) to (\$300,000);
- (k) Orange County District Attorney’s Office: Orange County Community Education Services from (\$125,000) to (\$95,000);
- (l) Orange County District Attorney’s Office: TracKRS from (\$125,000) to (\$95,000);
- (n) Glendale Police Department: Purchase of one van for the Glendale Police Department Police Activities League Program from (\$40,000) to (\$25,000);
- (s) Hollywood Police Activities League from (\$75,000) to (\$60,000)
- (t) City of Rialto Police Department: Police Activities League from (\$100,000) to (\$60,000);
- (u) Adopt-a-Bike and Computer, Inc.: Computer Repair Program from (\$28,000) to (\$20,000);
- (v) South Coast Ecumenical Council: Long Beach BLAST from (\$25,000) to (\$20,000);

- (w) Long Beach Police Athletic League: Long Beach Police Athletic League Program from (\$50,000) to (\$40,000);
- (ad) Devonshire PALS: Building for PALS Youth Center from (\$100,000) to (\$50,000);
- (ae) City of Pacifica: Completion of the Pacifica Police Station from (\$175,000) to (\$147,000);
- (af) Tulare County District Attorney's Office: Tulare County Gang Task Force Operations from (\$100,000) to (\$75,000).

This action is essential due to fiscal constraints and limited resources in the General Fund. I am sustaining the remaining funding for the projects identified in this schedule on a one-time basis.

I am also deleting Provision 4 of this item, which would specify that the funding appropriated in Schedule 25 is available for competitive grants for the construction and upgrade of local crime laboratories, and would require at least 25 percent to be allocated for projects that are currently in the process of being constructed. This language is unnecessary because I have already directed the Office of Criminal Justice Planning to distribute the grants on a competitive basis. In addition, the requirement that 25 percent of the funds be used for projects that are currently in progress unnecessarily restricts the allocation process by predefining the method by which a portion of the funds may be used.

Item 8100-101-0597—For local assistance, Office of Criminal Justice Planning. I delete Provision 4.

I am deleting Provision 4, which would require that \$3,300,000 of the funds appropriated in this item be allocated for high technology identity theft pilot projects as specified in SB 222. This provision unnecessarily ties this funding to legislation, which may not be enacted and could limit the ability of the Executive Branch to effectively manage programs.

Item 8100-102-0001—For local assistance, Office of Criminal Justice Planning. I delete this item and Provision 1.

I am deleting this item, which would provide law enforcement assistance grants of \$500,000 each to 36 rural and small counties in California on an ongoing basis. I am vetoing this funding because I intend to sign a budget trailer bill that would provide annual grants of an equal amount to the same rural and small counties identified in this item.

Item 8260-103-0001—For local assistance, California Arts Council. I reduce this item from \$12,631,000 to \$9,132,000 by reducing:

- (a) Local Projects from \$12,631,000 to \$9,132,000 by deleting \$1,300,000 for the following subschedules:
    - (18) San Diego Maritime Museum: Education Pilot Project (\$125,000);
    - (22) Armand Hammer Museum: Renovation of the Armand Hammer Museum located on the UCLA campus (\$750,000);
    - (38) Tulare County: History of Transportation wing in the Mooney Grove Museum Complex (\$75,000);
    - (39) County of Riverside: Edward Dean Museum and Gardens Education Program (\$50,000);
    - (41) Fullerton Railway Plaza Association: Railway Museum, City of Fullerton (\$50,000);
    - (44) High Desert Arts Foundation: High Desert Center for the Arts property acquisition (\$75,000);
    - (45) Beverly Hospital Foundation (\$100,000);
    - (47) Fender Museum of the Arts Foundation: Fender Museum (\$75,000);
- and by reducing \$2,199,000 from the following subschedules:
- (2) Armenian Film Foundation: Armenian Film Foundation from (\$190,000) to (\$150,000);
  - (3) B Street Theatre, Sacramento: Children's Theater of Sacramento, California from (\$250,000) to (\$200,000);
  - (5) Community Redevelopment agency of the City of Los Angeles: NoHo Theater Arts District Marquis Project from (\$100,000) to (\$50,000);

- (7) La Raza Galeria Posada, Sacramento: La Raza Galeria Posada Arts Education Programs from (\$50,000) to (\$30,000);
- (9) San Fernando Valley Chinese Cultural Association, Chinese Heritage Foundation: Chinese Heritage Center from (\$250,000) to (\$50,000);
- (10) City of Los Angeles: Children's Museum from (\$1,000,000) to (\$500,000);
- (12) City of Los Angeles: Children's Museum from (\$1,000,000) to (\$500,000);
- (13) Centro Cultural de Mexico en Orange County: Cultural Arts Center from (\$36,000) to (\$32,000);
- (14) Mexican Cultural Institute: Cultural and educational programs from (\$100,000) to (\$50,000);
- (16) City of Glendale: Glendale Police Department Memorial from (\$25,000) to (\$20,000);
- (17) Santa Barbara Community Youth Performing Arts Center: Santa Barbara Junior High School theater from (\$100,000) to (\$95,000);
- (20) Hollywood Entertainment Museum: Educational Center for Entertainment Arts from (\$250,000) to (\$180,000);
- (21) City of West Hollywood: Russian Cultural Center at Plummer Park from (\$55,000) to (\$30,000);
- (26) City of Chino: Community Theatre expansion from (\$100,000) to (\$55,000);
- (27) Skirball Cultural Center: Skirball Cultural Arts Center from (\$500,000) to (\$400,000);
- (28) Valley Public Television, KVPT Channel 18/65: Purchase Eagles Lodge Building for office and production expansion from (\$15,000) to (\$10,000);
- (31) City of Palo Alto: Children's Theatre sound and light systems from (\$300,000) to (\$175,000);
- (32) B Street Theater: The Children's Theater of California from (\$225,000) to (\$100,000);
- (33) Capital Unity Council from (\$100,000) to (\$50,000);
- (34) Sacramento Theater Company: Kids Write Plays from (\$100,000) to (\$45,000);
- (36) The Natural History Museum of Los Angeles County: Seismic strengthening and historic preservation of the Natural History Museum of Los Angeles County from (\$250,000) to (\$125,000); and
- (37) Miners Cultural Center from (\$100,000) to (\$50,000).

This action is essential due to fiscal constraints and limited resources in the General Fund. The remaining augmentations are being sustained on a one-time basis.

Item 8300-001-0001—For support of Agricultural Labor Relations Board. I reduce this item from \$5,611,000 to \$5,341,000 by reducing:

- (2) 20-General Counsel Administration from \$3,240,000 to \$2,970,000.

I am deleting the \$270,000 legislative augmentation to the Agricultural Labor Relations Board for additional field staff. I believe the augmentation of \$457,000 and three additional staff that I proposed to investigate unfair labor practice cases is sufficient to address workload in this area.

Item 8350-001-0001—For support of Department of Industrial Relations. I reduce this item from \$157,214,000 to \$153,777,000 by reducing:

- (7) 50-Enforcement and Promulgation of Laws Relating to Wages, Hours and Conditions of Employment, and Licensing and Adjudication from \$44,749,000 to \$41,862,000;
- (8) 60-Promotion, Development, and Administration of Apprenticeship and other On-the-Job Training from \$9,102,000 to \$8,552,000;

and by deleting Provision 1.

I am deleting the \$500,000 legislative augmentation for the Department of Industrial Relations to assess the information needs for managing and tracking the Department's workload. There is insufficient information to justify funding at this time. I am also deleting Provision 1, which specifies the purpose of the assessment, to conform to this action.

I am sustaining \$2,000,000 of the \$4,937,000 legislative augmentation to provide increased labor law enforcement efforts, inclusive of industries with high labor enforcement issues, in the Divisions of Labor Standards Enforcement and Apprenticeship Standards. Although I am supportive of efforts to protect the workforce of California, I am reducing this augmentation by \$2,937,000 due to fiscal constraints and limited General Fund resources.

Item 8660-001-0462—For support of Public Utilities Commission. I reduce this item from \$65,629,000 to \$64,116,000 by reducing:

- (1) 10-Regulation of Utilities from \$82,128,000 to \$80,615,000.

I am deleting the legislative augmentation of \$1,513,000 and 9.4 personnel years for the Consumer Affairs Branch to address the consumer complaints backlog. While I am supportive of reducing the backlog, my proposed 2001–02 Budget already included additional resources for this purpose, which the Legislature sustained. Further augmentations to this activity are not warranted until the Commission can demonstrate that the approved resources along with operational efficiencies recommended for implementation by the Commission are insufficient to reduce the backlog.

Item 8700-001-0001—For support of California Victim Compensation and Government Claims Board. I revise this item by reducing:

- (1) 11-Citizens Indemnification from \$53,901,000 to \$50,901,000, and  
(10) Amount payable from the Restitution Fund (Item 8700-001-0214) from  
–\$42,951,000 to –\$39,951,000.

I am revising this item to conform to the action I have taken in Item 8700-001-0214.

Item 8700-001-0214—For support of California Victim Compensation and Government Claims Board. I reduce this item from \$42,951,000 to \$39,951,000 and delete Provision 3.

I am deleting the \$3,000,000 legislative augmentation to establish three Victim Recovery Resource and Treatment Centers. A similar program is currently being operated by the University of California, San Francisco, and is in the early stages of implementation. While I support programs that provide assistance to victims of crime, it is premature to expand the use of Victim Recovery Centers until an evaluation of the pilot project is completed in 2005.

I am deleting Provision 3 to conform to this action.

Item 8860-025-0001—For support of Department of Finance. I reduce this item from \$3,000,000 to \$2,999,000, and by revising Provision 1.

I am reducing this item by \$1,000 and revising Provision 1.

This language would restrict the State Controller's ability to audit school district attendance, and would conflict with current law by attempting to prohibit recovery of funds not claimed in accordance with law. The language infringes on the separation of powers in that it usurps Executive Branch authority to effectively administer State programs. Further, the language represents a substantive change of law inappropriate for inclusion in the Budget Act.

I am revising Provision 1.

- “1. (a) The funds appropriated in this item shall be used to fund a contract with the Controller's Office to perform audits of school attendance records. The audits shall be limited to data pertaining to the prior three fiscal years.
- (b) Prior to conducting the audit, the Controller shall submit an audit plan to the Joint Legislative Budget Committee. The plan shall comply with American Institute of Certified Public Accountants (AICPA) Generally Accepted Auditing Standards and shall identify (1) the scope and limitations of the attendance audit; (2) the records that shall be retained and supplied by the local agency during the course of the audit; and (3) the state advisories or institutional memoranda describing the obligations of the local agencies subject to the audit.
- (c) It is the intent of the Legislature in providing for these audits that, except as provided in subdivision (d) of this provision, school district attendance audits shall be prospective in application only and shall not be retroactive in the imposition of any apportionment penalty.

- (d) The audits may be used to impose a retroactive apportionment penalty in cases of either (1) an intentional act to defraud the State of California or (2) purposeful falsification of records.”

Item 8955-301-0701—For capital outlay, Department of Veterans Affairs. I delete this item.

I am deleting the \$12,000,000 legislative augmentation for the design and construction of a new veterans' home in Lancaster, California. I have received correspondence from the state commanders of the Veterans of Foreign Wars of the United States, AMVETS, and The American Legion urging me to move forward with building more veterans' homes in southern California with greater attention given to location, services, and resources available to better serve our veterans.

In addition, my Blue Ribbon Task Force on Veterans' Homes has recommended that any future veterans' homes be located in proximity to a United States Department of Veterans Affairs Medical Center and close to available nursing professionals. The Lancaster site does not meet either of these criteria. I look forward to the recommendations of the Governor's Commission on Veterans Homes on the establishment of future veterans' homes.

Item 8960-301-0001—For capital outlay, Veterans' Home of California—Yountville. I reduce this item from \$2,550,000 to \$2,339,000 by deleting:

- (3.5) 80.20.440-Remodel Recreation Center—Preliminary plans and working drawings (\$211,000)

I am deleting the \$211,000 legislative augmentation for this project because it is not a critical fire and life safety issue that requires immediate correction and because of the need to fund higher competing priorities. In addition, the scope of the project has not been defined, and the associated out-year costs have not been evaluated.

Item 8960-490—Reappropriation, Veterans' Home of California—Yountville. I delete this item.

I am deleting the \$1,600,000 reappropriation for support costs associated with the Memorial Chapel project, Item 8960-011-0001, Budget Act of 2000. The Legislature deleted the capital outlay funding for the Memorial Chapel project; therefore, the support costs associated with the project are not needed.

Item 9100-101-0046—For local assistance, Agricultural and Rural Relief Rebates Program, tax relief, sales and use tax rebates for diesel fuel for producing and harvesting agricultural products. I delete this item and Provision 1.

I am deleting the \$8,000,000 legislative augmentation for the Agricultural and Rural Relief Rebates Program. This augmentation would provide sales and use tax rebates for diesel fuel for producing and harvesting agricultural products and transporting these products to the marketplace. Although I am supportive of tax relief for the agricultural industry, providing that relief in the form of rebates is not the most efficient method to deliver tax relief, and would result in unnecessary administrative costs. I intend to sign budget trailer legislation that provides agricultural tax relief in the form of tax exemptions.

Item 9100-102-0001—For local assistance, Agricultural and Rural Relief Rebates Programs, Tax Relief. I delete this item and Provision 1.

I am deleting the \$19,300,000 legislative augmentation for the Agricultural and Rural Relief Rebates Program. This augmentation would provide tax rebates for liquefied petroleum gas for residential and agricultural business use, farm and forestry equipment and machinery, and racehorse breeding stock. Although I am supportive of tax relief for these purposes, providing that relief in the form of rebates is not the most efficient method to deliver tax relief, and would result in unnecessary administrative costs. I intend to sign budget trailer legislation that provides tax relief for these purposes in the form of tax exemptions.

Item 9210-107-0001—For local assistance, Local Government Financing. I reduce this item from \$25,526,000 to \$6,405,000 by reducing:

- (a) Local Projects from \$25,526,000 to \$6,405,000 by deleting \$17,555,000 for the following subschedules:  
 (1) City of Anaheim: Playground Renovation in Anaheim (\$250,000);



- (2) City of Banning: San Gorgonio Memorial Hospital Foundation (\$800,000);
- (3) City of Big Bear: Relocate Moonridge Zoo (\$850,000);
- (4) City of Brea: Retrofit American Legion Building in Brea (\$195,000);
- (5) City of Citrus Heights: Civic Center Energy Conservation Retrofit Project (\$150,000);
- (6) City of Colton: Alternative Fuel Park and Ride Project (\$25,000);
- (9) City of Fontana: City Park (\$709,000);
- (10) City of Fountain Valley: Mile Square Park, Fountain Valley (\$500,000);
- (11) City of Fullerton: Playground equipment for Independence Park, Fullerton (\$77,000);
- (12) City of Fullerton: Replace illuminated street signs, Fullerton (\$148,000);
- (13) City of Fullerton: Convert Lions Field Lighting, Fullerton (\$200,000);
- (14) City of Fullerton: Convert Lighting at Leonard Andrews Tennis Court (\$200,000);
- (15) City of Fullerton: Installation of new traffic control system, Fullerton (\$299,000);
- (18) City of La Habra: La Bonita Park Improvement, La Habra (\$250,000);
- (19) City of Laguna Hills: Community Center Paleontological Lobby, Laguna Hills (\$150,000);
- (21) City of Merced: Merced Grandstands (\$260,000);
- (22) City of Merced: South Dos Palos Park, Merced (\$333,000);
- (23) City of Merced: Historic Merced Library (\$1,435,000);
- (24) City of Morgan Hill: Morgan Hill Wildlife Education Center (\$250,000);
- (26) City of Orange: Mobile command post (\$150,000);
- (27) City of Orange: Landfill rehabilitation (\$187,500);
- (29) City of Redlands: Shoppin' for Seniors (\$300,000);
- (39) City of Valley Springs: New Hogan Lake Conservatory (\$2,000,500);
- (40) City of Watsonville: Watsonville Community Center (\$250,000);
- (41) City of Westminster: Westminster MultiCultural Community Center (\$200,000);
- (42) County of Los Angeles: Search and rescue services, LA County (\$241,000);
- (44) County of Orange: Eli Home (\$200,000);
- (45) County of San Diego: Lakeside Elementary School District, Playground Equipment (\$50,000);
- (48) Diamond Bar: Summit Ridge Park (\$250,000);
- (50) LaVerne: LeRoy Haynes Center, LaVerne (\$500,000);
- (51) Monterey County: Hazardous Material Response Truck (\$35,000);
- (52) Monterey County: Natavidad Hospital (\$250,000);
- (53) Oceanside: Mission San Luis Rey, water from Oceanside (\$280,000);
- (54) Pomona: Corporate Kids CyberKlub, Pomona (\$100,000);
- (55) Pomona: Bulkhead for Ganesha Park Pool, Pomona (\$110,000);
- (56) Pomona: Westmont Park, Pomona (\$150,000);
- (57) Pomona: JFK Park, Pomona (\$210,000);
- (60) Salinas: Ariel Childrens Theater, Salinas (\$100,000);
- (61) Salinas: Salinas Municipal Pool Upgrade (\$150,000);
- (62) Salinas: Symphony Center, Salinas (\$185,000);
- (63) Salinas: Senior Center, Greenfield (\$250,000);
- (64) Salinas: Senior Center, Salinas (\$250,000);
- (65) City of San Diego: Water for Industry Program, San Diego (\$400,000);
- (67) San Luis Rey: Seismic stabilization of Mission, San Luis Rey (\$500,000);
- (68) Seal Beach: Concrete Sheetpile Groin Repair Project, Seal Beach (\$300,000);
- (71) Walnut: Suzanne Park, Walnut (\$300,000);
- (72) Walnut: Community Center Facility, Walnut (\$375,000);
- (73) Whittier: Flomar Drive Drainage Project, Whittier (\$460,000);
- (74) City of Exeter: Exeter-A Festival of Arts (\$45,000);
- (75) Tulare County: Boys & Girls Club of Tulare (\$150,000);

- (76) City of Bakersfield: HVAC for the Fox Theater in Bakersfield (\$250,000);
- (77) County of Fresno: Hart Lake water supply pipeline (\$411,000);
- (78) City of Visalia: Visalia PAL purchase of Mobil Recreation Centers (\$125,000);
- (79) County of Kern: Kern County Tot Lot Replacement (\$259,000);
- (80) City of Visalia: Visalia Garden Street Pedestrian Plaza (\$100,000);
- (81) City of Bakersfield: Energy efficient tree planting (\$100,000);
- (82) County of Fresno: Fresno Discovery Museum (\$100,000);
- (91) City of Waterford: Government Center Construction (\$100,000);
- (96) Rancho Cordova Community & Economic Development Corporation: Rancho Cordova Incorporation (\$50,000)
- (97) Castaic Area Town Council: Incorporation Study for the Town of Castaic (\$50,000)

and by reducing \$1,566,000 from the following subschedules:

- (7) City of Colton: Restoration of Carnegie Public Library from (\$125,000) to (\$50,000);
- (8) City of Fontana: Upgrades to the Civic Auditorium from (\$50,000) to (\$25,000);
- (16) City of Hawthorne: Street Upgrade from (\$150,000) to (\$100,000);
- (17) City of Huntington Beach: Olympic Pool-National Aquatic Center from (\$490,000) to (\$300,000);
- (20) City of Manhattan Beach: Manhattan Beach Pier Roundhouse Rehabilitation from (\$200,000) to (\$100,000);
- (25) City of Ontario: Library Expansion Project from (\$50,000) to (\$25,000);
- (30) City of Rialto: Rialto Fire Department, New Ambulance from (\$50,000) to (\$25,000);
- (31) City of Riverside: Riverside National Cemetery from (\$840,000) to (\$400,000);
- (32) City of San Bernardino: Santa Fe Depot Area Plan from (\$100,000) to (\$25,000);
- (33) City of San Diego: Encanto Community Fund, Inc., for Encanto Street Fair from (\$50,000) to (\$20,000);
- (34) City of San Diego: Water for industry program phase II from (\$500,000) to (\$175,000);
- (37) City of Signal Hill: Signal Hill Police Department, Complete Construction of Emergency Operations Center from (\$250,000) to (\$200,000);
- (47) County of San Mateo: Creating a Water Connection at Sawyer Camp from (\$200,000) to (\$100,000);
- (83) County of Contra Costa: Animal Shelter from (\$115,000) to (\$112,000);
- (84) City of Cudahy: Volunteers on Patrol Program from (\$50,000) to (\$35,000);
- (85) City of Downey: Downey Animal Shelter from (\$50,000) to (\$40,000);
- (88) San Joaquin County Sheriff's Department: Equipment from (\$48,000) to (\$45,000); and
- (89) City of Tracy: Tracy Animal Shelter from (\$125,000) to (\$100,000)

This action is essential due to fiscal constraints and limited resources in the General Fund. The augmentations provided in this item are being sustained on a one-time basis.

SEC. 4.60—Building Rental Rate. I revise this Control Section to make a technical correction to the Budget Bill.

This technical veto will make a technical correction to the Budget Bill to conform with the Legislature's intent, and is consistent with the legislative conference action taken in Item 1760-001-0666, which would not require the Department of General Services to establish a separate building rate for the Ronald Reagan Building, recalculate the statewide building rental rate based on the deletion of the costs for the Ronald Reagan Building, and add five cents per square foot per month to initiate the Maintenance and Repairs System (MARS) special repair and recurring maintenance program.

I am revising Control Section 4.60 as follows:

“SEC. 4.60. Notwithstanding any other provision of law, the Department of Finance shall adjust any item of appropriation of this act, as appropriate, to fund the rent for state office buildings as adjusted by the Department of General Services establishment of a separate building rate for the Ronald Reagan Building and the recalculated statewide building rental rate based on the deletion of costs for the Ronald Reagan Building plus five cents per square foot per month to initiate the MARS special repair and recurring maintenance program, as required under Item 1760-001-0666 .”

I realize this control section does not require the Department of Finance to notify the Joint Legislative Budget Committee of any adjustments made to Section 2.00 of this Act. However, I am directing the Department of Finance to provide a 30-day notification to the Joint Legislative Budget Committee, as was required by the intended legislative action.

SEC. 7.00—Dymally-Alatorre Bilingual Services Act. I delete this control section.

I am deleting this control section that would appropriate funding to four departments to assist in the provision of bilingual services to the public. The need for funding for these four departments has not been justified. All State departments must comply with the Dymally-Alatorre Act, and most have done so within existing resources. I am directing all State departments to comply with the Act within existing budgeted resources.

With the above deletions, revisions, and reductions, I hereby approve Senate Bill 739.

GRAY DAVIS

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

SECTION 1.00. This act shall be known and may be cited as the “Budget Act of 2001.”

SEC. 1.50. (a) In accordance with Section 13338 of the Government Code, as added by Chapter 1284, Statutes of 1978, and as amended by Chapter 1286, Statutes of 1984, it is the intent of the Legislature that this act utilize a coding scheme compatible with the Governor’s Budget and the records of the State Controller, and provide for the appropriation of federal funds received by the state and deposited in the State Treasury.

(b) Essentially, the format and style are as follows:

(1) Appropriation item numbers have a code which is common to all the state’s fiscal systems. The meaning of this common coded item number is as follows:

2720—Organization Code (this code represents the California Highway Patrol)

001—Reference Code (first appropriation for a particular fund for support of each department)

0044—Fund Code (Motor Vehicle Account, State Transportation Fund)

(2) Appropriation items are organized in organization code order as reflected in the Governor's Budget.

(3) All the appropriation items, reappropriation items, and reversion items, if any, for each department or entity are adjacent to one another.

(4) Federal funds received by the state and deposited in the State Treasury are appropriated in separate items.

(c) The Department of Finance may authorize revisions to the codes used in this act in order to provide compatibility between the codes used in this act and those used in the Governor's Budget and in the records of the State Controller.

(d) Notwithstanding any other provision of this act, the Department of Finance may revise the schedule of any appropriation made in this act where the revision is of a technical nature and is consistent with legislative intent. These revisions may include, but shall not be limited to, the substitution of category for program or program for category limitations, the proper categorization of allocated administration costs and cost recoveries, the distribution of any unallocated amounts within an appropriation and the adjustment of schedules to facilitate departmental accounting operations, including the elimination of categories providing for amounts payable from other items or other appropriations and the distribution of unscheduled amounts to programs or categories. These revisions shall include a certification that the revisions comply with the intent and limitation of expenditures as appropriated by the Legislature.

(e) Notwithstanding any other provision of this act, when the Department of Finance, pursuant to subdivision (d), approves the schedule or revision of any appropriation relating to the elimination of amounts payable, the language authorizing the transfer shall also be eliminated.

SEC. 2.00. (a) The following sums of money and those appropriated by any other sections of this act, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 2001–02 fiscal year beginning July 1, 2001, and ending June 30, 2002. All of these appropriations, unless otherwise provided herein, shall be paid out of the General Fund in the State Treasury.

(b) Appropriations and reappropriations for capital outlay, unless otherwise provided herein, shall be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years, except that appropriations and reappropriations for studies, preliminary plans, working drawings, or minor capital outlay, except as provided herein, shall be

available for expenditure only during the 2001–02 fiscal year. In addition, the balance of every appropriation or reappropriation made in this act that contains funding for construction that has not been allocated, through fund transfer or approval to proceed to bid, by the Department of Finance on or before June 30, 2002, except as provided herein, shall revert as of that date to the fund from which the appropriation was made.

(c) Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purpose only to the extent of the amount therein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

(d) Appropriations for purposes not otherwise provided for herein that have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

LEGISLATIVE/JUDICIAL/EXECUTIVE

Legislative

Item	Amount
0110-001-0001—For support of Senate.....	83,720,000
Schedule:	
(1) 101001-Salaries of Senators.....	4,800,000
(2) 317295-Mileage .....	10,000
(3) 317292-Expenses .....	1,316,000
(4) 500004-Operating Expenses.....	76,977,000
(5) 317296-Automotive Expenses.....	617,000
Provisions:	
1. The funds appropriated in Schedule (4) are for operating expenses of the Senate, including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate, and for support of joint expenses of the Legislature, to be transferred by the Controller to the Senate Operating Fund.	
2. The funds appropriated in Schedule (5) are for operating expenses of the Senate relating to the purchase, maintenance, repair, insurance, and other	

Item	Amount
costs of operating automobiles for the use of Members of the Senate, to be transferred by the Controller to the Senate Operating Fund.	
3. The funds appropriated in Schedules (1), (2), (3), and (5) may be transferred to or from the Senate Operating Fund.	
0120-011-0001—For support of Assembly .....	113,608,000
Schedule:	
(1) 101001-Salaries of Assembly Mem- bers .....	9,324,000
(2) 317295-Mileage .....	8,000
(3) 317292-Expenses .....	2,392,000
(4) 500004-Operating Expenses.....	101,353,000
(5) 317296-Automotive Expenses.....	531,000
Provisions:	
1. The funds appropriated in Schedule (4) are for operating expenses of the Assembly, including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, and for support of joint expenses of the Legislature, to be transferred by the Controller to the Assembly Operating Fund.	
2. The funds appropriated in Schedule (5) are for operating expenses of the Assembly relating to the lease, maintenance, repair, insurance, and other costs of operating automobiles for the use of Members of the Assembly, to be transferred by the Controller to the Assembly Operating Fund.	
3. The funds appropriated by Schedules (1), (2), (3), and (5) may be transferred to or from the Assembly Operating Fund.	
0130-021-0001—For support of Office of the Legislative Analyst.....	0
Schedule:	
(1) Expenses of the Office of the Leg- islative Analyst .....	5,440,000
(2) Transferred from Item 0110-001- 0001 .....	-2,720,000
(3) Transferred from Item 0120-011- 0001 .....	-2,720,000

Item	Amount
Provisions:	
1. The funds appropriated in Schedule (1) are for the expenses of the Office of the Legislative Analyst and of the Joint Legislative Budget Committee for any charges, expenses, or claims either may incur, available without regard to fiscal years, to be paid on certification of the Chairperson of the Joint Legislative Budget Committee.	
2. Funds identified in Schedules (2) and (3) may be transferred from the Senate Operating Fund, by the Senate Committee on Rules, and the Assembly Operating Fund, by the Assembly Committee on Rules.	
0160-001-0001—For support of Legislative Counsel Bureau.....	77,539,000
Schedule:	
(1) Support.....	77,670,000
(2) Reimbursements.....	-131,000
Provisions:	
1. Notwithstanding any other law, the Legislative Counsel Bureau may continue to utilize the DPA Supplemental Salary Adjustment Program under the terms set forth in PML 98-053 as issued October 15, 1998, notwithstanding its termination date of July 1, 2001. The Controller shall apply the pay differential applicable under that program as it was established (Pay Differential Number 182), as to employees designated for that purpose by the Legislative Counsel Bureau pursuant to this subdivision for periods on or after July 1, 2001.	

Judicial

0250-001-0001—For support of Judiciary .....	282,689,000
Schedule:	
(1) 10-Supreme Court.....	37,210,000
(2) 20-Courts of Appeal.....	166,633,000
(3) 30-Judicial Council .....	74,126,000
(4) 50-Habeas Corpus Resource Center	10,092,000
(5) Reimbursements.....	-2,721,000

Item	Amount
(6) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 0250-001-0044)...	-134,000
(7) Amount payable from the Court Interpreters' Fund (Item 0250-001-0327).....	-93,000
(8) Amount payable from the Federal Trust Fund (Item 0250-001-0890).	-2,424,000

Provisions:

1. Notwithstanding Section 26.00 of this act, the funds appropriated or scheduled in this item may be allocated or reallocated among categories by order of the Judicial Council.
2. Of the funds appropriated in this item, \$200,000 is available for reimbursement to the Attorney General, or for hiring outside counsel, for pre-litigation and litigation fees and costs, including any judgment, stipulated judgment, offer of judgment or settlement. This amount is for use in connection with 1) matters arising from the actions of appellate courts, appellate court bench officers, or appellate court employees; 2) matters arising from the actions of the Judicial Council, council members or council employees or agents; 3) matters arising from the actions of the Administrative Office of the Courts or its employees; or 4) employment litigation arising from the actions of trial courts, trial court bench officers, or trial court employees. Either the state or the Judicial Council must be named as a defendant or alleged to be the responsible party. Any funds not used for this purpose shall revert to the General Fund.
3. Notwithstanding any other provision of law, up to \$5,000,000 appropriated in this item may be transferred to Item 0250-101-0001 by the Controller at the request of the Administrative Office of the Courts, to cover any short-term cash-flow issues that occur. Any funds transferred shall be repaid to this item from Item 0250-101-0001. The Judicial Council shall notify the Department of Finance and the Joint Legislative Budget Committee when any transfer is made pursuant to this provision, and upon repayment of the transfer.



Item	Amount
4. The funds appropriated by Schedule (4) shall be available for costs associated directly or indirectly with the California Habeas Corpus Resource Center (CHCRC). The CHCRC shall report to the Legislature and the Department of Finance on September 1, 2001, and April 1, 2002, on expenditures, specifically detailing personal services expenditures, and operating expenses and equipment expenditures.	
0250-001-0044—For support of Judiciary, for payment to Item 0250-001-0001, payable from the Motor Vehicle Account, State Transportation Fund.....	134,000
0250-001-0327—For support of Judiciary, for payment to Item 0250-001-0001, payable from the Court Interpreters' Fund .....	93,000
0250-001-0890—For support of Judiciary, for payment to Item 0250-001-0001, payable from the Federal Trust Fund.....	2,424,000
0250-003-0001—For support of Judiciary for rental payments on lease revenue bonds.....	44,000
Schedule:	
(1) Base Rental and Fees .....	1,026,000
(2) Insurance .....	6,000
(3) Reimbursements.....	-988,000
Provisions:	
1. The funds appropriated in this item shall be made available for costs associated with rental payments on lease revenue bonds for the Courts of Appeal, 4th District, Division 2, in Riverside, California.	
2. The Controller shall transfer funds appropriated in this item according to a schedule to be provided the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
0250-101-0001—For local assistance, Judiciary .....	18,482,000
Schedule:	
(1) 30.10-Child Support Commissioner Program (AB 1058) .....	42,824,000
(2) 30.20-California Drug Court Projects .....	2,858,000

Item	Amount
(3) 30.30-Federal Child Access and Visitation Grant Program.....	800,000
(4) 30.50-Federal Court Improvement Grant Program .....	700,000
(5) 30.60-Court Appointed Special Advocate (CASA) Program .....	2,025,000
(6) 30.65-Model Self-Help Program ....	832,000
(8) 30.80-Federal Grants—Other .....	775,000
(9) 30.90-Equal Access Fund .....	14,250,000
(10) 30.95-Family Law Information Centers .....	300,000
(10.5) 97.20.004-Local Projects.....	75,000
(a) County of San Joaquin: Child Advocacy Center and Visitation Center at Mary Graham Children’s Shelter .	(75,000)
(11) Reimbursements .....	-44,682,000
(12) Amount payable from Federal Trust Fund (Item 0250-101-0890).	-2,275,000

Provisions:

1. Notwithstanding any other provision of law, up to \$5,000,000 appropriated in Item 0250-001-0001 may be transferred to Item 0250-101-0001 by the Controller at the request of the Administrative Office of the Courts, to cover any short-term cash-flow issues that occur. Any funds transferred shall be repaid from this item to Item 0250-001-0001. The Judicial Council shall notify the Department of Finance and the Joint Legislative Budget Committee when any transfer is made pursuant to this provision, and upon repayment of the transfer.
2. In order to improve equal access and the fair administration of justice, the funds appropriated in Schedule (10) are to be distributed by the Judicial Council through the Legal Services Trust Fund Commission to qualified legal services projects and support centers as defined in Sections 6213 through 6215 of the Business and Professions Code, to be used for legal services in civil matters for indigent persons. This distribution is subject to rules being amended to provide that one-third of the appointments to the commission to oversee this fund shall be made by the Chair of the Judicial Council, pursuant to Judicial Council appointment procedures, consistent with current

Item	Amount
geographical requirements and current requirements as to the ratio of public and bar members. Also, the chair shall appoint three nonvoting judges, one of whom shall be an appellate justice. The Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. Ten percent of the funds in Schedule (9) shall be for joint projects of courts and legal services programs to make legal assistance available to proper litigants and 90 percent of the funds in Schedule (9) shall be distributed consistent with Sections 6216 through 6223 of the Business and Professions Code. The Judicial Council may establish additional reporting or quality control requirements consistent with Sections 6213 through 6223 of the Business and Professions Code.	
0250-101-0890—For local assistance of Judiciary, for payment to Item 0250-101-0001, payable from the Federal Trust Fund .....	2,275,000
0250-301-0001—For capital outlay, Judicial Council....	772,000
Schedule:	
(3) 90.20.601-Court of Appeal, Second Appellate District Los Angeles—Renovation for new Judgeships—Preliminary plans, working drawings and construction .....	567,000
(4) 90.20.900-Minor Projects .....	205,000
0280-001-0001—For support of the Commission on Judicial Performance, Program 10 .....	3,976,000
0390-001-0001—For transfer by the Controller to the Judges’ Retirement Fund, for Supreme Court and Appellate Court Justices .....	1,150,000
Provisions:	
1. Upon order of the Department of Finance, the Controller shall transfer such funds as are necessary between Item 0390-001-0001 and Item 0390-101-0001.	
0390-101-0001—For transfer by the Controller to the Judges’ Retirement Fund for Superior Court and Municipal Court Judges .....	51,859,000
Provisions:	
1. Upon order of the Department of Finance, the Controller shall transfer such funds as are necessary between Item 0390-001-0001 and Item 0390-101-0001.	

Item	Amount
0450-101-0932—For local assistance, State Trial Court Funding, payable from Trial Court Trust Fund....	2,082,060,000

Schedule:

- (1) 10-Support for operation of the Trial Courts..... 1,773,533,000
- (2) 25-Compensation of Superior Court Judges .....232,598,000
- (3) 35-Assigned Judges..... 17,819,000
- (4) 45-Court Interpreters ..... 58,110,000

Provisions:

- 1. Notwithstanding Section 26.00 of this act, the funds appropriated or scheduled in this item may be allocated or reallocated among categories by the Judicial Council.
- 2. The amount appropriated in Schedule (3) shall be made available for all judicial assignments. Schedule (3) expenditures for necessary chamber staff may not exceed the staffing level that is necessary to support the equivalent of three judicial officers sitting on assignments at the appellate court level.
- 3. The funds appropriated in Schedule (2) shall be made available for the payment of workers' compensation claims for trial court judges.
- 4. The funds appropriated in Schedule (4) shall be for payments for services of contractual court interpreters, and certified and registered court interpreters employed by the courts, and the following court interpreter coordinators: one each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through 58th classes. Courts in counties with a population of 500,000 or less are encouraged, but not required, to coordinate interpreter services on a regional basis. For the purposes of this provision, "court interpreter coordinators" may be full- or part-time court employees, or those contracted by the court to perform these services.

The Judicial Council shall set statewide or regional rates and policies for payment of court interpreters, not to exceed the rate paid to certified interpreters in the federal court system. The Judicial Council shall adopt appropriate rules and procedures for the administration of these funds. The Judicial Council shall report to the Legislature

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- and Director of the Department of Finance annually regarding expenditures from this schedule.
5. Of the amount appropriated in this item, \$44,000,000 shall not be available for allocation to the trial courts except to the extent that civil fee revenues above the \$152,000,000 that is currently projected for 2001–02 are deposited in the Trial Court Trust Fund.
  6. Of the amount appropriated in Item 0450-101-0932, Budget Act of 2000 (Ch. 52, Statutes of 2000), \$43,000,000 shall be for the costs associated with information technology systems. The Judicial Council may allocate these funds to the courts over fiscal years 2000–01, 2001–02 and 2002–03.
  9. Notwithstanding any other provision of law, the distribution of fines, fees, forfeitures, and penalties reported by the County of San Bernardino for the 1993–94, 1994–95, and 1995–96 fiscal years shall be deemed to be correct and no further reductions or increases shall be made to the distribution for those fiscal years, except for those amounts owed to other local agencies.
  10. The funds appropriated in Schedule (1) include an augmentation of \$1,175,000 for Court Operations related to Chapter 561 of the Statutes of 1999. It is the intent of the Legislature that these funds only be used for the processing of elder abuse protective orders. Any funds not used for this purpose shall revert to the General Fund.
  11. In addition to funding approved and appropriated through the program budget process, on an annual basis, it is the intent of the Legislature that the state shall provide to the Judicial Council an amount of discretionary funding that is deemed to be fair, reasonable, and fiscally responsible and meets specific criteria established and agreed upon by the Director of the Department of Personnel Administration, Director of Finance, and the Administration Director of the Courts. The level of funding shall be based on factors such as workload, population growth, agreed-upon policy goals, changes in local geographical circumstances and other agreed-upon criteria, which shall include the average percentage salary and benefit increases provided to state employees.

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<p>The Judicial Council shall allocate these funds to meet the various needs of the trial courts. This includes the need to negotiate local memoranda of understanding with recognized bargaining agents and to meet other salary and benefit needs of the trial courts.</p>	
0450-111-0001—For transfer by the Controller to the Trial Court Trust Fund .....	1,136,151,000
0450-112-0001—For transfer by the Controller to the Judicial Administration Efficiency and Modernization Fund .....	34,122,000
0450-112-0556—For local assistance, State Trial Court Funding, payable from the Judicial Administration Efficiency and Modernization Fund.....	34,122,000
Provisions:	
<p>1. Of the amount appropriated in Item 0450-112-0556, Budget Act of 2000 (Ch. 52, Stats. of 2000) \$10,000,000 is for the costs associated with case management systems. The Judicial Council may allocate these funds to the courts over 2000–01, 2001–02, and 2002–03 fiscal years.</p>	

Executive

0500-001-0001—For support of Governor and of Governor’s office .....	5,705,000
Schedule:	
(1) Support .....	5,630,000
(2) Governor’s Residence (Support) ....	35,000
(3) Special Contingent Expenses .....	40,000
Provisions:	
<p>1. The funds appropriated in Schedules (2) and (3) of this item are exempt from the provisions of Sections 925.6, 12410, and 13320 of the Government Code.</p>	
0505-001-0001—For support of the Department of Information Technology .....	10,617,000
Schedule:	
(1) Support .....	11,367,000
(2) Reimbursements .....	–750,000
Provisions:	
<p>1. In addition to the funds appropriated in this item, the sum of \$100,000 is hereby appropriated from the General Fund for the support of the Department of Information Technology (DOIT) for the</p>	

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- 2001–02 fiscal year. The appropriation made in this provision is not available unless and until the DOIT issues a final policy, either as a Management Memorandum or a revision to the State Administrative Manual, for information technology procurement. Upon the issuance of the policy identified in this provision, the Director of Finance may authorize expenditures up to the amount appropriated not sooner than 30 days after notification in writing is provided to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.
2. In addition to the funds appropriated in this item, the sum of \$100,000 is hereby appropriated from the General Fund for the support of the DOIT for the 2001–02 fiscal year. The appropriation made by this provision is not available unless and until the DOIT issues a final policy, either as a Management Memorandum or as a revision to the State Administrative Manual, for security. Upon the issuance of the policy identified in this provision, the Director of Finance may authorize expenditures up to the amount appropriated not sooner than 30 days after notification in writing is provided to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.
  3. In addition to the funds appropriated in this item, the sum of \$100,000 is hereby appropriated from the General Fund for the support of the DOIT for the 2001–02 fiscal year. The appropriation made by this provision is not available unless and until the DOIT issues a final policy, either as a Management Memorandum or as a revision to the State Administrative Manual, for infrastructure. Upon the issuance of the policy identified in this provision, the Director of Finance may authorize expenditures up to the amount appropriated not sooner than 30 days after notification in writing is provided to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.

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4. In addition to the funds appropriated in this item, the sum of \$100,000 is hereby appropriated from the General Fund for the support of the DOIT for the 2001–02 fiscal year. The appropriation made by this provision is not available unless and until the DOIT issues a final policy, either as a Management Memorandum or as a revision to the State Administrative Manual, for accessibility. Upon the issuance of the policy identified in this provision, the Director of Finance may authorize expenditures up to the amount appropriated not sooner than 30 days after notification in writing is provided to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.	
5. In addition to the funds appropriated in this item, the sum of \$100,000 is hereby appropriated from the General Fund for the support of the DOIT for the 2001–02 fiscal year. The appropriation made by this provision is not available unless and until the DOIT issues a final policy, either as a Management Memorandum or a revision to the State Administrative Manual, for a pilot project regarding feasibility study reports. Upon the issuance of the policy identified in this provision, the Director of Finance may authorize expenditures up to the amount appropriated not sooner than 30 days after notification in writing is provided to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.	
0510-001-0001—For support of Secretary of State and Consumer Services .....	1,182,000
Schedule:	
(1) Support .....	1,695,000
(2) Reimbursements .....	–513,000
0520-001-0044—For support of Secretary for Business, Transportation and Housing, payable from the Motor Vehicle Account, State Transportation Fund.....	952,000
Schedule:	
(1) 10-Administration of Business, Transportation and Housing Agency .....	2,219,000
(2) 30-Agency Audits Office .....	391,000
(3) Reimbursements .....	–1,658,000



Item	Amount
0530-001-0001—For support of Secretary for California Health and Human Services .....	1,834,000
Schedule:	
(1) 10-Secretary for California Health and Human Services Agency .....	2,836,000
(2) Reimbursements .....	-1,002,000
Provisions:	
1. The California Health and Human Services Agency shall implement a program of grants to promote the development of quality adult day services programs in unserved and underserved areas of the state. The agency shall determine the appropriate department to administer these grants.	
2. From funds appropriated for this purpose, one-time grants funded in Item 4170-101-0001 shall be made available to assist in the establishment of new licensed adult day health care and adult day support centers to meet documented local unmet need or to assist licensed and qualified adult day care or adult day care support centers, who can document unmet need, to expand their capacity.	
3. The grants authorized pursuant to Item 4170-101-0001 for startup and expansion shall be used to defray operating expenses of the center, including staffing costs, staff training, facility rental costs, and nonequipment technology costs, and facility renovation costs.	
4. Eligibility for grant funds appropriated in Item 4170-101-0001 shall be limited to any public or private nonprofit agency. As a condition of making a grant, the director shall require the applicant to match not less than 20 percent of the amount granted. The required match may be cash or in-kind contributions, or a combination of both. In-kind contributions may include, but shall not be limited to, staff and volunteer services.	
5. In developing policies and priorities pertaining to the allocation of grant funds, consideration shall be given to the following factors:	
(a) The applicant's immediate need for funds.	
(b) The demonstrated community support for the project.	
(c) The applicant's prospect for financial stability and longevity.	
(d) The applicant's ability to provide needed services and to coordinate with other local services in the continuum of care.	

Item	Amount
<ul style="list-style-type: none"> <li>(e) The feasibility of the applicant’s plan for directly providing, contracting for, or coordinating existing transportation services from the participant’s home to the day program.</li> </ul>	
6. Special consideration shall be given to any of the following applicants that demonstrate the applicant will provide services in unserved or underserved areas: <ul style="list-style-type: none"> <li>(a) Applicants in rural areas.</li> <li>(b) Applicants in neighborhoods where there are no other adult day care or adult day support centers.</li> <li>(c) Applicants who will deliver services in a neighborhood with a high elderly ethnic minority population.</li> </ul>	
7. Guidelines shall be adopted for monitoring compliance with grant conditions and regulations and each selected project shall operate under a contract.	
0540-001-0001—For support of Secretary for Resources .....	4,033,000
Schedule:	
(1) 10-Administration of Resources	
Agency .....	5,603,000
(1.2) 97.20.004-Local Projects .....	250,000
(a) California Ocean Trust: Resources Agency (250,000)	
(2) Reimbursements.....	-513,000
(3) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 0540-001-0005).	-180,000
(4) Amount payable from the California Environmental License Plate Fund (Item 0540-001-0140).....	-853,000
(5) Amount payable from the Environmental Enhancement and Mitigation Demonstration Program Fund (Item 0540-001-0183) .....	-121,000
(6) Amount payable from the Federal Trust Fund (Item 0540-001-0890).	-153,000
Provisions:	
1. Of the amount appropriated in this item, \$250,000 shall be available for expenditure for the California Ocean Trust.	

Item	Amount
0540-001-0005—For support of Secretary for Resources, for payment to Item 0540-001-0001, payable from the Safe Neighborhood, Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	180,000
0540-001-0140—For support of Secretary for Resources, for payment to Item 0540-001-0001, payable from the California Environmental License Plate Fund ...	853,000
0540-001-0183—For support of Secretary for Resources, for payment to Item 0540-001-0001, payable from the Environmental Enhancement and Mitigation Demonstration Program Fund.....	121,000
0540-001-0546—For support of Secretary of Resources, Program 10-Administration of Resources Agency, payable from the Bay-Delta Ecosystem Restoration Account .....	168,436,000
Provisions:	
1. The funds appropriated in this item may be allocated for expenditure by the Resources Agency for projects consistent with Section 78684 of the Water Code.	
2. The funds received by other state agencies from this item are exempt from the reporting requirements of Section 28.50 of the Budget Act.	
3. The funds appropriated in this item are available for encumbrance for the purposes of support, local assistance or capital outlay through fiscal year 2002–03.	
0540-001-0890—For support of Secretary for Resources, for payment to Item 0540-001-0001, payable from the Federal Trust Fund.....	153,000
0540-101-0001—For local assistance, Secretary for Resources .....	24,147,000
Schedule:	
(1) Grants.....	3,147,000
(2) Los Angeles River-North.....	4,000,000
(3) Los Angeles River-South.....	5,000,000
(4) San Joaquin River Parkway.....	3,000,000
(5) Tuolumne River Parkway .....	7,000,000
(9) Otay River Parkway .....	2,000,000
Provisions:	
1. The amount appropriated in Schedule 1 of this item \$3,147,000 shall be for the Coastal County and City Offshore Energy Assistance Program as required by Chapter 977 of the Statutes of 1996.	
2. The funds received by other state agencies from Schedule (2) through (5) of this item are exempt	

Item	Amount
from the reporting requirements of Section 28.50 of the Budget Act.	
3. The funds appropriated in Schedule (2) through (5) of this item are available for encumbrance for state operations, capital outlay or local assistance through fiscal year 2002–03.	
4. The funds appropriated in Schedule (2) through (5) of this item shall be expanded as follows:	
Los Angeles River North: \$4 million for the Cornfields property at Chinatown in the City of Los Angeles. These funds will be supplemented with \$35 million from the Proposition 12 (Parks Bond) to provide for acquisition and preliminary development;	
Los Angeles River-South: \$5 million for the acquisition of Wrigley Heights in the City of Long Beach;	
San Joaquin River Parkway: \$3 million for the Spano Ranch acquisition in the Counties of Fresno and Madera;	
Tuolumne River Parkway: \$7 million for various acquisition and development projects in Stanislaus County;	
0540-101-6015—For local assistance, Secretary for Resources, payable from the River Protection Subaccount.....	7,650,000
Schedule:	
(2) Los Angeles River-North.....	850,000
(3) Los Angeles River-South.....	850,000
(4) San Joaquin River Parkway.....	850,000
(5) Tuolumne River Parkway.....	850,000
(6) Sacramento River.....	850,000
(7) Guadalupe River.....	850,000
(9) Otay River Parkway.....	850,000
(10) Upper Arroyo Seco Parkway.....	850,000
(11) San Lorenzo River Parkway.....	850,000
0540-490—Reappropriation, Resources Agency. Notwithstanding any other provision of law, the unliquidated encumbrances for the appropriations provided in the following citations, are reappropriated until June 30, 2002. The unencumbered balance shall not be available for encumbrance.	
0001—General Fund	
(1) Item 0540-101-0001, Budget Act of 1997	
(2) Item 0540-101-0001, Budget Act of 1998	

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0550-001-0001—For support of Secretary for Youth and Adult Correctional Agency.....	1,277,000
Schedule:	
(1) 10-Secretary for Youth and Adult Correctional Agency.....	1,535,000
(2) Reimbursements.....	-258,000
Provisions:	
1. It is the intent of the Legislature to fully fund Phase II of an epidemiological investigation of the prevalence and incidence of Hepatitis C in the Department of Corrections and the Youth Authority when the contractor is ready to move into Phase II.	
2. Of the amount appropriated in this item, \$250,000 shall be available for the creation of the California Council on Mentally Ill Offenders, pursuant to legislation enacted in the 2001-02 Regular Session. If no legislation is enacted, the funds appropriated for this purpose shall revert to the General Fund.	
0552-001-0001—For support of Office of the Inspector General, Program 10.....	11,140,000
0553-001-0001—For support of the Office of the Inspector General for Veterans Affairs .....	475,000
Schedule:	
(1) Program 10-Inspector General for Veterans Affairs .....	558,000
(2) Amount payable from the Veterans' Farm and Home Building Fund of 1943 (Item 0553-001-0592).....	-83,000
0553-001-0592—For support of the Office of the Inspector General for Veterans Affairs, for payment to Item 0553-001-0001, payable from the Veterans' Farm and Home Building Fund of 1943.....	83,000
0555-001-0001—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044.....	4,737,000
0555-001-0014—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the Hazardous Waste Control Account .....	334,000
0555-001-0028—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the Unified Program Account ..	799,000
0555-001-0044—For support of Secretary for Environmental Protection, payable from the Motor Vehicle Account, State Transportation Fund.....	534,000

Item	Amount
Schedule:	
(1) 10-Environmental Protection Programs .....	5,383,000
(2) 20-Special Environmental Programs .....	(2,667,000)
(a) 20.10-Permit Assistance Centers.....	439,000
(b) 20.15-Scientific Peer Review .....	1,186,000
(c) 20.20-Circuit Prosecutor Project .....	436,000
(d) 20.30-Environmental Enforcement ....	519,000
(e) 20.45-Environmental Management Systems.....	87,000
(3) Reimbursements .....	-1,751,000
(4) Amount payable from the General Fund (Item 0555-001-0001).....	-2,737,000
(5) Amount payable from the Hazardous Waste Control Account (Item 0555-001-0014) .....	-334,000
(6) Amount payable from the Unified Program Account (Item 0555-001-0028).....	-799,000
(7) Amount payable from the California Used Oil Recycling Fund (Item 0555-001-0100) .....	-28,000
(8) Amount payable from the Pesticide Regulation Fund (Item 0555-001-0106).....	-206,000
(9) Amount payable from the Recycling Market Development Revolving Loan Account (Item 0555-001-0281) .....	-151,000
(10) Amount payable from the Integrated Waste Management Account, Integrated Waste Management Fund (Item 0555-001-0387).	-422,000
(11) Amount payable from the Underground Storage Tank Cleanup Fund (Item 0555-001-0439).....	-54,000
(12) Amount payable from the State Water Quality Control Fund (Item 0555-001-0679) .....	-134,000

Item	Amount
(13) Amount payable from the Rural CUPA Reimbursement Account (Item 0555-001-1006) .....	-900,000
Provisions:	
1. Notwithstanding subdivisions (b) and (c) of Section 48653 of the Public Resources Code, funds appropriated in this item shall be available for purposes of administration.	
0555-001-0100—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the California Used Oil Recycling Fund.....	28,000
0555-001-0106—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the Department of Pesticide Regulation Fund .....	206,000
0555-001-0281—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the Recycling Market Development Revolving Loan Account, Integrated Waste Management Fund .....	151,000
0555-001-0387—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the Integrated Waste Management Account, Integrated Waste Management Fund .....	422,000
0555-001-0439—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the Underground Storage Tank Cleanup Fund.....	54,000
0555-001-0679—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the State Water Quality Control Fund .....	134,000
0555-001-1006—For support of Secretary for Environmental Protection, for payment to Item 0555-001-0044, payable from the Rural CUPA Reimbursement Account .....	900,000
0555-011-0001—For transfer by the State Controller to the Rural CUPA Reimbursement Account .....	900,000
0558-001-0001—For support of the Office of the Secretary for Education.....	1,248,000
Schedule:	
(1) Secretary for Education .....	1,248,000
Provisions:	
1. The amount appropriated in this item is intended for support of the Education Agency. The appro-	

Item	Amount
<p>priation is an estimate of the funding needs from January 1, 2002, to June 30, 2002, inclusive. Legislation establishing the agency will be introduced and, if enacted, would be effective on or before January 1, 2002. In the event that legislation creating the agency is not effective on or before January 1, 2002, or the funds are needed prior to January 1, 2002, the unexpended balance of the funds appropriated by this item shall be available for expenditure pursuant to Item 0650-011-0001, as authorized by the Director of Finance.</p>	
0650-001-0001—For support of Office of Planning and Research .....	4,510,000
Schedule:	
(1) 11-State Planning and Policy Development.....	5,819,000
(2) 21-California Commission on Improving Life Through Service (CCILTS).....	3,005,000
(3) Reimbursements.....	-1,361,000
(4) Amount payable from the Property Acquisition Law Money Account (Item 0650-001-0002) .....	-478,000
(5) Amount payable from the Federal Trust Fund (Item 0650-001-0890).....	-2,475,000
Provisions:	
1. Of the funds appropriated in this item, \$250,000 is available for the Global Cities Online website.	
0650-001-0002—For support of Office of Planning and Research, for payment to Item 0650-001-0001, payable from the Property Acquisition Law Money Account.....	478,000
0650-001-0890—For support of Office of Planning and Research, for payment to Item 0650-001-0001, payable from the Federal Trust Fund .....	2,475,000
0650-011-0001—For support of Office of Planning and Research .....	8,297,000
Schedule:	
(1) Office of the Secretary for Education.....	8,307,000
(2) Reimbursements.....	-10,000
Provisions:	
1. The funds appropriated in this item are intended for support of the Education Agency. The appropriation is an estimate of the funding needs from July 1, 2001, to December 31, 2001, inclusive.	



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<p>Legislation establishing the agency will be introduced and, if enacted, would be effective on or before January 1, 2002. After the effective date of such legislation, and upon the determination that all obligations of the agency in the Office of Planning and Research have been met, the unexpended balance of the funds appropriated by this item shall be available for expenditure pursuant to Item 0558-001-0001, as authorized by the Director of Finance.</p> <p>2. \$3,000,000 of the funds in this item are available for purposes of contracting to develop and validate research-based school readiness assessment instruments for the School Readiness Initiative in cooperation with the Children and Families (Proposition 10) Commission.</p>	
<p>0650-101-0001—For local assistance, Office of Planning and Research .....</p>	50,000
<p>Schedule:</p> <p>(1) Local Projects .....</p>	50,000
<p style="padding-left: 2em;">(a) Hacienda Heights Cityhood Organization: Hacienda Heights Cityhood Organization .....</p>	(50,000)
<p>0650-101-0890—For local assistance, Office of Planning and Research, Program 21-California Commission on Improving Life Through Service (CCILTS), payable from the Federal Trust Fund .....</p>	45,800,000
<p>Provisions:</p> <p>1. The funds appropriated in this item are for local assistance allocations approved by the California Commission on Improving Life Through Service (CCILTS).</p>	
<p>0650-102-0001—For local assistance, Office of Planning and Research .....</p>	690,000
<p>Provisions:</p> <p>(a) The Salvadoran-American Leadership and Educational Fund: The Salvadoran-American Leadership and Educational Fund .....</p>	(25,000)
<p>(b) You Think: Integrating the Visual Arts with Social Policy and Contemporary Issues Analysis .....</p>	(250,000)
<p>(c) Fulfillment Fund .....</p>	(150,000)
<p>(d) Bridge Focus: Funding for GOAL model program .....</p>	(25,000)

Item	Amount
(e) San Francisco Students Back on Track: Back on Track Afterschool Tutoring Program.....	(100,000)
(f) Contra Costa Youth Council: Read to Live Project-Tutoring Program in Reading and Spelling .....	(140,000)
0650-114-0001—For local assistance, Office of Planning and Research for the Office of the Secretary for Education, for purposes of funding School-to-Career Partnerships, pursuant to Chapter 17 (commencing with Section 53080) of Part 28 of the Education Code (Proposition 98).....	2,000,000
Provisions:	
1. For purposes of the local school-to-career partnership grants, local educational agencies may elect to contract with nonprofit or private entities for providing service delivery. Funds appropriated in this item shall be used as matching funds to cash or in-kind contributions raised by local educational agencies, or nonprofit or private entities contracted by local educational agencies, for School-to-Career Partnerships. No funds shall be disbursed from this appropriation until the requesting local educational agency, and or contracting nonprofit entity or private entity has demonstrated to the Interagency Partnership for School-to-Career Programs that it has raised matching funds from nonprofit and private entities equal to or exceeding the state contribution.	
0650-485—Reappropriation (Proposition 98) Office of the Secretary for Education. The sum of \$8,000,000 is reappropriated from the Proposition 98 Reversion Account, for the following purpose:	
0001—General Fund	
(1) \$10,000,000 to the Office of the Secretary of Education for the allocation to the Academic Volunteer and Mentor Service Program. At least \$500,000 of this amount shall be prioritized for mentoring programs targeted at youth in foster care placement.	
0690-001-0001—For support of Office of Emergency Services .....	42,077,000
Schedule:	
(1) 15-Mutual Aid Response .....	18,402,000
(2) 35-Plans and Preparedness.....	24,778,000
(3) 45-Disaster Assistance .....	21,318,000

Item	Amount
(4) 55.01-Administration and Executive.....	5,627,000
(5) 55.02-Distributed Administration and Executive .....	-4,830,000
(6) Reimbursements.....	-2,231,000
(7) Amount payable from the Unified Program Account (Item 0690-001-0028).....	-580,000
(8) Amount payable from the Nuclear Planning Assessment Special Account (Item 0690-001-0029).....	-857,000
(9) Amount payable from the Federal Trust Fund (Item 0690-001-0890).....	-19,550,000

Provisions:

1. Funds appropriated in this item may be reduced by the Director of Finance, after giving notice to the Chairperson of the Joint Legislative Budget Committee, by the amount of federal funds made available for the purposes of this item in excess of the federal funds scheduled in Item 0690-001-0890.
2. The Office of Emergency Services shall charge tuition for all training offered through the California Specialized Training Institute.
3. Upon the approval by the Department of Finance, the Controller shall transfer such funds as are necessary between this item and Item 0690-101-0890.

0690-001-0028—For support of Office of Emergency Services, for payment to Item 0690-001-0001, payable from the Unified Program Account.....	580,000
0690-001-0029—For support of Office of Emergency Services, for payment to Item 0690-001-0001, payable from the Nuclear Planning Assessment Special Account .....	857,000
0690-001-0890—For support of Office of Emergency Services, for payment to Item 0690-001-0001, payable from the Federal Trust Fund .....	19,550,000

Provisions:

1. Any funds that may become available, in addition to the funds appropriated in this item, for disaster response and recovery may be allocated by the Department of Finance subject to the conditions of Section 28.00 of this act, except that, notwithstanding subdivision (d) of that section, the allo-

Item	Amount
<p>cations may be made 30 days or less after notification of the Legislature.</p> <p>2. Notwithstanding any other provision of law, the funds appropriated in this item may be expended without regard to the fiscal year in which the application for reimbursement was submitted to the Federal Emergency Management Agency.</p>	
<p>0690-101-0001—For local assistance, Office of Emergency Services, to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years Schedule:</p>	539,000
<p>(a) Local Projects .....</p>	539,000
<p>    (1) City of Tracy Fire Department: Thermal Imager Cameras .....</p>	(40,000)
<p>    (2) Altadena Mountain Rescue Team: Altadena Mountain Rescue Team-Mobile Command Post Procurement.....</p>	(14,000)
<p>    (3) City of Manteca: Thermal Imaging Devices .....</p>	(60,000)
<p>    (4) Malibu Mountain Rescue Team, Inc.: Malibu Mountain Search and Rescue Team .....</p>	(25,000)
<p>    (5) Tulare-Kings Chapter of the American Red Cross: Emergency Response Vehicle Procurement..</p>	(100,000)
<p>    (6) City of Dinuba (Fire Ambulance Services): Regional Multi-Function Training Facility ....</p>	(20,000)
<p>    (7) KRCB TV22-91FM: Small Public Broadcasting Station Digital Conversion .....</p>	(100,000)

Item	Amount
<ul style="list-style-type: none"> <li>(8) City of Garden Grove: Back-up for Emergency Operations Center at City Hall..... (60,000)</li> <li>(9) East County Fire Protection District: East County Fire Rescue Equipment . (100,000)</li> <li>(10) City of West Covina Fire Department: Fire Department Mass Casualty Trailer ... (20,000)</li> </ul>	
0690-101-0029—For local assistance, Office of Emergency Services, Program 35—Plans and Preparedness, payable from the Nuclear Planning Assessment Special Account.....	2,054,000
0690-101-0890—For local assistance, Office of Emergency Services, payable from the Federal Trust Fund .....	591,880,000
Schedule:	
(1) 35-Plans and Preparedness .....	14,170,000
(2) 45-Disaster Assistance .....	577,710,000
Provisions:	
1. Any federal funds that may become available in addition to the funds appropriated in this item for Program 45—Disaster Assistance are exempt from Section 28.00 of this act.	
0690-102-0372—For local assistance, Office of Emergency Services, payable from the Disaster Relief Fund .....	378,000
Schedule:	
(1) 45-Disaster Assistance.....	378,000
0690-112-0001—For local assistance, Office of Emergency Services, for disaster recovery costs .....	51,212,000
Provisions:	
1. The funds appropriated in this item are for the state’s share of response and recovery costs for disasters.	
0690-295-0001—For local assistance, Office of Emergency Services, for reimbursement, in accordance with the provision of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program	

Item	Amount
mandated by statute or executive order, for disbursement by the State Controller .....	0
Schedule:	
(1) 98.01.103.280-Deaf Teletype Equipment (Ch. 1032, Stats. 1980).....	0
Provisions:	
1. Pursuant to Section 17581 of the Government Code, the mandate identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision is specifically identified by the Legislature for suspension during the 2001–02 fiscal year:	
(1) Deaf Teletype Equipment (Ch. 1032, Stats. 1980).	
0750-001-0001—For support of Office of the Lieutenant Governor.....	2,609,000
0820-001-0001—For support of Department of Justice..	315,225,000
Schedule:	
(1) 11.01-Directorate-Administration.....	21,809,000
(2) 11.02-Distributed Directorate-Administration .....	-21,809,000
(3) 12.01-Legal Support and Technology.....	40,636,000
(4) 12.02-Distributed Legal Support and Technology.....	-40,636,000
(5) 25-Executive Programs.....	11,239,000
(6) 30-Civil Law.....	100,525,000
(7) 40-Criminal Law.....	95,980,000
(8) 45-Public Rights .....	57,183,000
(9) 50-Law Enforcement.....	153,399,000
(10) 60-Criminal Justice Information Services.....	152,942,000
(11) 65-Gambling Control.....	12,982,000
(12) 70-Firearms.....	7,152,000
(12.7) 97.20.004-Local Projects.....	400,000
(13) Reimbursements.....	-127,067,000
(14) Amount payable from the Attorney General Antitrust Account (Item 0820-001-0012) .....	-1,070,000
(15) Amount payable from Hazardous Waste Control Account (Item 0820-001-0014) .....	-1,613,000
(16) Amount payable from Firearms Safety Training Fund Special Account (Item 0820-001-0015).....	-456,000

Item	Amount
(17) Amount payable from the Fingerprint Fees Account (Item 0820-001-0017).....	-57,934,000
(18) Amount payable from Firearms Safety Account (Item 0820-001-0032).....	-309,000
(19) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 0820-001-0044).....	-19,255,000
(20) Amount payable from the Department of Justice Sexual Habitual Offender Fund (Item 0820-001-0142).....	-2,024,000
(21) Amount payable from the Travel Seller Fund (Item 0820-001-0158).....	-940,000
(22) Amount payable from Conservatorship Registry Fund (Item 0820-001-0195).....	-45,000
(23) Amount payable from the Restitution Fund (Item 0820-001-0214).....	-59,000
(24) Amount payable from the Sexual Predator Public Information Account (Item 0820-001-0256).....	-49,000
(24.5) Amount payable from the Indian Gaming Special Distribution Fund (Item 0820-001-0367).....	-7,809,000
(25) Amount payable from the False Claims Act Fund (Item 0820-001-0378).....	-9,966,000
(26) Amount payable from the Dealers' Record of Sale Special Account (Item 0820-001-0460).....	-8,047,000
(27) Amount payable from the Toxic Substances Control Account (Item 0820-001-0557).....	-1,916,000
(28) Amount payable from the Department of Justice Child Abuse Fund (Item 0820-001-0566).....	-294,000
(29) Amount payable from the Gambling Control Fund (Item 0820-001-0567).....	-5,758,000
(30) Amount payable from the Gambling Control Fines and Penalties Account (Item 0820-001-0569).....	-37,000

Item	Amount
(31) Amount payable from the Federal Trust Fund (Item 0820-001-0890).....	-26,790,000
(32) Amount payable from the Federal Asset Forfeiture Account, Special Deposit Fund (Item 0820-001-0942).....	-1,828,000
(33) Amount payable from the State Asset Forfeiture Account, Special Deposit Fund (Item 0820-011-0942).....	-461,000
(34) Amount payable from the Missing Persons DNA Database Fund (Item 0820-001-3016) .....	-2,850,000
Provisions:	
1. The Attorney General shall submit to the Legislature, the Department of Finance, and the Governor the quarterly and annual reports that he or she submits to the federal government on the activities of the Medi-Cal Fraud Unit.	
2. Notwithstanding any other provision of law, the Department of Justice may purchase or lease vehicles of any type or class that, in the judgment of the Attorney General or his or her designee, are necessary to the performance of the investigatory and enforcement responsibilities of the Department of Justice, from the funds appropriated for that purpose in this item.	
3. Notwithstanding Section 28.50 of this act, the Attorney General may augment the reimbursement authority provided in this item by up to an aggregate of 10 percent above the amount approved in this act for the Civil Law Division and the Public Rights Division in cases where the legal representation needs of client agencies are secured by an interagency agreement or letter of commitment and the corresponding expenditure authority has not been provided in this item. The Attorney General shall notify the chairpersons of the budget committees, the Joint Legislative Budget Committee and the Department of Finance within 15 days after the augmentation is made as to the amount and justification of the augmentation, and the program that has been augmented.	
4. Of the amount appropriated in Schedule (10) of this item, \$2,990,000 is not available unless the department receives approval from the Depart-	



Item	Amount
ment of Finance and the Department of Information Technology to proceed with the proposed equipment expansion to meet workload growth.	
5. The funds appropriated in Schedule (12.7) shall be used, in coordination with the State Department of Education, to implement a toll-free school safety phone line in San Francisco, Los Angeles, and San Diego Counties.	
0820-001-0012—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Attorney General Antitrust Account .....	1,070,000
0820-001-0014—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Hazardous Waste Control Account.....	1,613,000
0820-001-0015—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Firearms Safety Training Fund Special Account.....	456,000
0820-001-0017—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Fingerprint Fees Account, pursuant to subdivision (e) of Section 11105 of the Penal Code.....	57,934,000
0820-001-0032—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Firearms Safety Account .....	309,000
0820-001-0044—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Motor Vehicle Account, State Transportation Fund .....	19,255,000
0820-001-0142—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Department of Justice Sexual Habitual Offender Fund .....	2,024,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
0820-001-0158—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Travel Seller Fund .....	940,000
0820-001-0195—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Conservatorship Registry Fund.....	45,000
0820-001-0214—For support of Department of Justice, for payment to Item 0820-001-0001, payable from Restitution Fund .....	59,000

Item	Amount
0820-001-0256—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Sexual Predator Public Information Account.....	49,000
0820-001-0367—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Indian Gaming Special Distribution Fund .....	7,809,000
0820-001-0378—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the False Claims Act Fund.....	9,966,000
0820-001-0460—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Dealers’ Record of Sale Special Account.....	8,047,000
Provisions:	
1. Dealers’ Record of Sale fees collected pursuant to the state law for the registration of assault weapons shall not exceed \$20 per registrant.	
0820-001-0557—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Toxics Substances Control Account .....	1,916,000
0820-001-0566—For support of Department of Justice, for payment to Item 0820-001-0001, payable from Department of Justice Child Abuse Fund.....	294,000
0820-001-0567—For support of Department of Justice, for payment to Item 0820-001-0001, payable from Gambling Control Fund .....	5,758,000
0820-001-0569—For support of Department of Justice, for payment to Item 0820-001-0001, payable from Gambling Control Fines and Penalties Account .....	37,000
0820-001-0890—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the Federal Trust Fund.....	26,790,000
0820-001-0942—For support of Department of Justice, for payment to Item 0820-001-0006, payable from the Federal Asset Forfeiture Account, Special Deposit Fund .....	1,828,000
0820-001-3016—For support of Department of Justice, for payment to Item 0820-001-3016 payable from the Missing Persons DNA Database Fund .....	2,850,000
0820-003-0001—For support of Department of Justice for rental payments on lease revenue bonds.....	1,298,000
Schedule:	
(1) Base Rental and Fees .....	1,292,000
(2) Insurance .....	6,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule	

Item	Amount
shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
0820-011-0001—For transfer by the Controller to the Indian Gaming Special Distribution Fund.....	(7,809,000)
Provisions:	
1. The amount transferred in this item is a loan to the Indian Gaming Special Distribution Fund. The Department of Justice shall expend these funds to conduct activities pursuant to the tribal-state gaming compacts ratified by Chapter 874 of the Statutes of 1999. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of the transfer. Principal and interest on the loan shall be repaid in full no later than June 30, 2003.	
0820-011-0942—For support of Department of Justice, for payment to Item 0820-001-0001, payable from the State Asset Forfeiture Account, Special Deposit Fund .....	461,000
0820-101-0001—For local assistance, Department of Justice.....	11,844,000
Schedule:	
(1) 25-Executive Programs.....	8,283,000
(2) 40-Criminal Law .....	3,845,000
(2.5) 97.20.004-Local Projects .....	80,000
(a) Oxnard Police Department: Oxnard Police Department Photo Imaging System .....	(80,000)
(3) Reimbursements.....	-364,000
Provisions:	
1. Of the funds appropriated in Schedule (1), \$3,283,000 shall be allocated to community-based violence prevention activities related to the California Gang, Crime and Violence Prevention Partnership Program, pursuant to Chapter 885 of the Statutes of 1997.	
2. The funds appropriated in Schedule (2) shall be allocated to district attorneys for vertical prosecution activities related to implementation of the Battered Women Protection Act of 1994, pursuant to Chapter 140 of the Statutes of 1994.	
3. Of the amount appropriated in Schedule (1), the Department of Justice shall allocate \$5,000,000 to nonprofit youth serving organizations to establish	

Item	Amount
<p>the Youth Leadership Through Education and Crime Prevention Program pursuant to the provisions of Assembly Bill 932 of the 2001–02 Regular Session. However, if Assembly Bill 932 is not enacted by January 1, 2002, the funds for this purpose shall revert to the General Fund on June 30, 2002. Any funds not allocated to local agencies by June 30, 2002, shall revert to the General Fund.</p>	
0820-101-0214—For local assistance, Department of Justice, payable from the Restitution Fund .....	2,941,000
Schedule:	
(1) 50-Law Enforcement.....	2,941,000
Provisions:	
1. The funds appropriated in Schedule (1) are for allocation in support of the California Witness Protection Program, pursuant to Chapter 507 of the Statutes of 1997. Any funds not expended for this specific purpose shall revert to the Restitution Fund.	
2. Of the amount appropriated in this item and the amount appropriated in Item 0820-001-0214, the department may expend up to \$150,000 for the administration of the California Witness Protection Program, including the review of appropriate policies and procedures for the submittal and review of claims.	
3. The Bureau of State Audits shall audit the Department of Justice’s claims review process for the California Witness Protection Program to ensure that all criteria for program eligibility are met and shall report annually to the Legislature by January 1 on the results of its audits. The bureau shall also recommend changes to criteria for the program to ensure accountability as part of its annual report to the Legislature.	
0820-101-0460—For local assistance, Department of Justice payable from Dealers’ Record of Sale Special Account .....	123,000
Schedule:	
(1) 60-Criminal Justice Information Services.....	35,000
(2) 70-Firearms.....	88,000
0820-101-0641—For local assistance, Department of Justice, payable from the Domestic Violence Restraining Order Reimbursement Fund .....	1,918,000

Item	Amount
Provisions:	
1. The funds appropriated in this item shall be expended to reimburse local law enforcement or other criminal justice agencies pursuant to Chapter 707 of the Statutes of 1998.	
0820-111-0001—For transfer by the Controller to the Department of Justice DNA Testing Fund.....	225,000
Provisions:	
1. The amount transferred in this item shall be expended to reimburse counties pursuant to Chapter 696 of the Statutes of 1998.	
0820-111-0255—For local assistance, Department of Justice, payable from the Department of Justice DNA Testing Fund.....	225,000
Provisions:	
1. The funds appropriated in this item shall be expended to reimburse counties pursuant to Chapter 696 of the Statutes of 1998.	
0820-295-0001—For local assistance, Department of Justice, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	14,983,000
Schedule:	
(1) 98.01.139.976-Custody of Minors (Ch. 1399, Stats. 1976) .....	13,599,000
(2) 98.01.033.790-Stolen Vehicle Notification (Ch. 337, Stats. 1990).....	362,000
(3) 98.01.110.592-Misdemeanors: Booking/Fingerprinting (Ch. 1105, Stats. 1992) .....	1,022,000
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5	

Item	Amount
(commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.	
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriation and the Chairperson of the Joint Legislative Budget Committee or his or her designee.	
0820-301-0001—For capital outlay, Department of Justice.....	2,616,000
Schedule:	
(1) 85.60.090-Hawkings Data Center: Replace Computer Room Fire Sup- pression System—Construction ....	616,000
(2) 85.70.010-Statewide DNA Lab— Acquisition .....	2,000,000
Provisions:	
1. A site selection panel consisting of the Attorney General and the Directors of Finance and Corrections, or their designees, shall determine the most appropriate location for the project in Schedule (2).	
2. The funds allocated in Schedule (2) shall be available for site search, studies, purchase option, and preliminary schematics.	
0820-301-0017—For capital outlay, Department of Justice.....	317,000
Schedule:	
(1) 85.60.090-Hawkings Data Center: Replace computer room fire sup- pression system—Construction .....	317,000
0820-490—Reappropriation, Department of Justice. Notwithstanding any other provision of law, the balance of funds provided in the following citation is reappropriated on the effective date of this act for the purpose and subject to the limitations, unless otherwise specified, provided for in the appropriation, and shall be available for expenditure until June 30, 2002.	

Item	Amount
0001—General Fund	
Item 0820-301-0001 Budget Act of 2000 (Ch. 52, Stats. 2000)	
(2) 85.60.060-Redding Replacement Laboratory—Construction	
0820-495—Reversion, Department of Justice. As of June 30, 2001, the unencumbered balances of the appropriation provided in the following citations shall revert to the General Fund.	
0001—General Fund	
(1) Item 0820-301-0001, Budget Act of 2000 (Ch. 52, Stats. of 2000), (.5) 85.60.010-Santa Barbara Replacement Laboratory—Construction	
0840-001-0001—For support of State Controller.....	68,363,000
Schedule:	
(1) 100000-Personal Services.....	68,547,000
(2) 300000-Operating Expenses and Equipment.....	37,138,000
(3) Less funding provided by State Controller’s Statewide Information Technology Projects (Item 0841-001-0001(1)).....	-1,482,000
(4) Reimbursements.....	-28,115,000
(5) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 0840-001-0061).....	-3,021,000
(6) Amount payable from the Highway Users Tax Account, Transportation Tax Fund (Item 0840-001-0062)...	-836,000
(7) Amount payable from the Local Revenue Fund (Item 0840-001-0330).....	-404,000
(8) Amount payable from the State School Building Lease-Purchase Fund (Item 0840-001-0344).....	-728,000
(9) Amount payable from the Federal Trust Fund (Item 0840-001-0890).	-1,325,000
(10) Amount payable from the State Penalty Fund (Item 0840-001-0903).....	-972,000
(11) Amount payable from nongovernmental cost funds, (Retail Sales Tax Fund) (Item 0840-001-0988)..	-187,000
(12) Amount payable from various special funds (Item 0840-011-0494)...	-41,000

Item	Amount
(13) Amount payable from various bond funds (Item 0840-011-0797).	-171,000
(14) Amount payable from various nongovernmental cost funds (Item 0840-011-0988).....	-40,000

Provisions:

1. The appropriation made in this item shall be in lieu of the appropriation in Section 1564 of the Code of Civil Procedure for all costs, expenses, or obligations connected with the administration of the Unclaimed Property Law, with the exception of payment of owners' or holders' claims pursuant to Section 1540, 1542, 1560, or 1561 of the Code of Civil Procedure, or of payment of the costs of compensating contractors for locating and recovering unclaimed property due the state.
2. Of the claims received for reimbursement of court-ordered or voluntary desegregation programs pursuant to Sections 42243.6, 42247, and 42249 of the Education Code, the Controller shall pay only those claims that have been subjected to audit by school districts in accordance with the Controller's procedures manual for conducting audits of education desegregation claims. Furthermore, the Controller shall pay only those past-year actual claims for desegregation program costs that are accompanied by all reports issued by the auditing entity, unless the auditing entity was the Controller.
3. No less than 0.9 personnel-year in the Audits Division shall be used to audit education desegregation claims.
4. The Controller may, with the concurrence of the Director of Finance and the Chairperson of the Joint Legislative Budget Committee, bill affected state departments for activities required by Section 20050 of the State Administrative Manual, relating to the administration of federal pass-through funds.

No billing may be sent to affected departments sooner than 30 days after the Chairperson of the Joint Legislative Budget Committee has been notified by the Director of Finance that he or she concurs with the amounts specified in the billings.

5. (a) Notwithstanding subdivision (b) of Section 1531 of the Code of Civil Procedure, the Controller may publish notice in any manner that



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Amount

- the Controller determines reasonable, provided that (1) none of the moneys used for this purpose is redirected from funding for the Controller's audit activities, (2) no photograph is used in the publication of notice, and (3) no elected official's name is used in the publication of notice.
- (b) No funds appropriated in this act may be expended by the Controller to provide general information to the public, other than holders (as defined in subdivision (e) of Section 1501 of the Code of Civil Procedure) of unclaimed property, concerning the unclaimed property program or possible existence of unclaimed property held by the Controller's office, except for informational announcements to the news media, through the exchange of information on electronic bulletin boards, or no more than \$15,000 per year to inform the public about this program in activities already organized by the Controller for other purposes. This restriction does not apply to sending individual notices to property owners (as required in subdivision (d) of Section 1531 of the Code of Civil Procedure).
6. The Controller's office shall, through audits of Medi-Cal program and providers, enhance the General Fund resources or reduce the General Fund expenditures through identification of overpayments, cost avoidance, and other appropriate measures.
7. Of the moneys appropriated to the Controller in this act, the Controller shall not expend more than \$500,000 to conduct post-eligibility fraud audits of the Supplemental Security Income/State Supplementary Payment Program.
8. The Commission on State Mandates shall provide, in applicable parameters and guidelines, as follows:
- (a) If a local agency or school district contracts with an independent contractor for the preparation and submission of reimbursement claims, the costs reimbursable by the state for that purpose shall not exceed the lesser of (1) 10 percent of the amount of the claims prepared and submitted by the independent contractor, or (2) the actual costs that would nec-

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- essarily have been incurred for that purpose if performed by employees of the local agency or school district.
- (b) The maximum amount of reimbursement provided in subdivision (a) may be exceeded only if the local agency or school district establishes, by appropriate documentation, that the preparation and submission of these claims could not have been accomplished without incurring the additional costs claimed by the local agency or school district.
9. The funds appropriated to the Controller in this act may not be expended for any performance review or performance audit except pursuant to specific statutory authority. It is the intent of the Legislature that audits conducted by the Controller, or under the direction of the Controller, shall be fiscal audits that focus on claims and disbursements, as provided for in Section 12410 of the Government Code. Any report, audit, analysis, or evaluation issued by the Controller for the 2001–02 fiscal year shall cite the specific statutory or constitutional provision authorizing the preparation and release of the report, audit, analysis, or evaluation.
10. The Controller shall deliver his or her monthly report on General Fund cash receipts and disbursements within 10 days after the close of each month to the Joint Legislative Budget Committee, the fiscal committees of the Legislature, the Department of Finance, the Treasurer’s office, and the Office of the Legislative Analyst.
11. For purposes of the review and payment of any claim for reimbursement by local government submitted pursuant to Section 54954.4 of the Government Code, the Controller shall use the procedures that were in effect at the time the claim was submitted.
12. Pursuant to Section 1564 (c) of the Code of Civil Procedure, the State Controller shall transfer all money in the Abandoned Property Account in excess of fifty thousand dollars (\$50,000) to the General Fund no less frequently than at the end of each month. This transfer shall include unclaimed Proposition 103 insurance rebate mon-

Item	Amount
<p>          eys pursuant to Section 1861.01 of the Insurance Code and Section 1523 of the Code of Civil Procedure.</p>	
0840-001-0061—For support of State Controller, for payment to Item 0840-001-0001, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund .....	3,021,000
0840-001-0062—For support of State Controller, for payment to Item 0840-001-0001, payable from the Highway Users Tax Account, Transportation Tax Fund .....	836,000
0840-001-0330—For support of State Controller, for payment to Item 0840-001-0001, payable from the Local Revenue Fund.....	404,000
0840-001-0344—For support of State Controller, for payment to Item 0840-001-0001, payable from the State School Building Lease-Purchase Fund .....	728,000
0840-001-0890—For support of State Controller, for payment to Item 0840-001-0001, payable from the Federal Trust Fund .....	1,325,000
0840-001-0903—For support of State Controller, for payment to Item 0840-001-0001, payable from the State Penalty Fund.....	972,000
0840-001-0988—For support of State Controller, for payment to Item 0840-001-0001, payable from unallocated nongovernmental cost funds (Retail Sales Tax Fund) .....	187,000
0840-011-0494—For support of State Controller, for payment to Item 0840-001-0001, payable from the unallocated special funds .....	41,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures in excess of the amount appropriated in this item not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
0840-011-0797—For support of State Controller, for payment to Item 0840-001-0001, payable from the unallocated bond funds .....	171,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of the Department of Finance may au-	

Item	Amount
<p>thorize expenditures in excess of the amount appropriated in this item not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.</p>	
<p>0840-011-0988—For support of State Controller, for payment to Item 0840-001-0001, payable from the unallocated nongovernmental cost funds.....</p>	40,000
<p>Provisions:</p>	
<p>1. Notwithstanding any other provision of law, the Director of the Department of Finance may authorize expenditures in excess of the amount appropriated in this item not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.</p>	
<p>0840-101-0979—For allocation by the Controller from the California Firefighters’ Memorial Fund.....</p>	710,000
<p>Provisions:</p>	
<p>1. The funds appropriated in this item are to be allocated as follows:</p>	
<p>(a) To the Franchise Tax Board and Controller for reimbursement of costs incurred in connection with duties under Article 9 (commencing with Section 18801) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code.</p>	
<p>(b) To the California Fire Foundation the balance in the fund for the construction of a memorial as authorized in that article.</p>	
<p>0841-001-0001—For support of State Controller’s Statewide Information Technology Projects, for payment to Item 0840-001-0001 .....</p>	0
<p>Schedule:</p>	
<p>(1) 10-Human Resource Management System and Automated Statewide Travel Expense Reimbursement System .....</p>	1,482,000
<p>(2) Reimbursements .....</p>	-1,482,000

Item	Amount
Provisions:	
1. The State Controller’s Office shall pay to Item 0840-001-0001, Schedules (1) Personal Services and (2) Operating Expenses and Equipment from the funds appropriated in Item 0841-001-0001, Schedule (1) at a level not to exceed the amounts budgeted in Schedules (1) and (2) of Item 0840-001-0001 for the Automated Statewide Travel Expense Reimbursement System.	
0845-001-0001—For support of Department of Insurance .....	1,131,000
Schedule:	
(1) 30-Tax Collection and Audit.....	1,131,000
0845-001-0217—For support of Department of Insurance, payable from the Insurance Fund .....	126,656,000
Schedule:	
(1) 10-Regulation of Insurance Companies and Insurance Producers .....	56,237,000
(2) 12-Consumer Protection .....	39,391,000
(3) 20-Fraud Control.....	31,738,000
(4) 50.01-Administration.....	22,933,000
(5) 50.02-Distributed Administration ...	-22,933,000
(6) Reimbursements.....	-710,000
Provisions:	
1. Of the funds appropriated in this item, the Controller shall transfer \$3,117,000 as of July 1, 2001, to the Department of Aging for support of the Health Insurance Counseling and Advocacy Program.	
2. Of the funds appropriated in this item, the Controller shall transfer \$493,000 as of July 1, 2001, to the State and Consumer Services Agency for support of the Office of Insurance Advisor, to provide assistance to the Governor on insurance-related matters. The unencumbered balance, as determined by the State and Consumer Services Agency for the 2001–02 fiscal year, shall revert to the Insurance Fund.	
3. Of the funds appropriated in this item, an amount not to exceed \$600,000 shall be used solely to cover intervenor compensation costs allowable under subdivision (b) of Section 1861.10 of the Insurance Code.	
4. Notwithstanding any other provision of law, the Insurance Commissioner may publish notices relating to Holocaust era insurance claim activities in a manner that the commissioner determines	

Item

Amount

reasonable, provided that (a) none of the moneys for this purpose may be redirected from other budgeted activities, (b), no photograph is used in the publication of the notice, and (c) no elected official's name is used in the publication of notice unless otherwise required by law.

- 5. Notwithstanding any other provision of law, the Department of Finance, after providing 30 days' written notice to the chairpersons of the budget committee in each house and to the Chairperson of the Joint Legislative Budget Committee, may augment this item by an amount not to exceed \$4,917,000 to provide funding for personal services as the Department of Insurance is able to demonstrate progress in reducing the vacancy rate.

0845-101-0217—For local assistance, Department of Insurance, Program 20-Fraud Control, payable from the Insurance Fund ..... 32,416,000

0850-001-0562—For support of the California State Lottery Commission, for payment of expenses of the lottery, including all costs incurred in the operation and administration of the lottery, payable from the State Lottery Fund..... (344,250,000)

Provisions:

- 2. Notwithstanding any other provision of law, the California State Lottery Commission shall submit to the Department of Finance, the Joint Legislative Budget Committee, and the budget committees of the Legislature, all of the following:
  - (a) In conjunction with submission of the commission's quarterly financial statements, a report comparing estimated administrative costs to budgeted administrative costs for the 2002–03 fiscal year. The report shall be in sufficient detail that they may be used for legislative review purposes and for sustaining a thorough ongoing review of the expenditures of the California State Lottery Commission. These reports shall include a reporting of the lottery sales revenues and shall detail any administrative funding that is used to supplement the prize pool of any lottery game.
  - (b) No later than January 10, 2002, a copy of the proposed administrative budget for the California State Lottery Commission for the

Item	Amount
<p>2002–03 fiscal year that is included in the Governor’s Budget.</p> <p>(c) No later than June 1, 2002, a copy of the proposed administrative budget and expected sales revenue for the California State Lottery Commission for the 2002–03 fiscal year that is submitted to the California State Lottery Commission’s Budget Committee. This report shall detail any administrative funding that is proposed to be used to supplement the prize pool of any lottery game.</p> <p>(d) No later than June 30, 2002, the final 2002–03 budget and revenue projections approved by the California State Lottery Commission. The report shall include any approved revision, and supporting documentation, to the June 1, 2002, proposed budget. The report shall detail any administrative funding that is proposed to be used to supplement the prize pool of any lottery game.</p>	
0855-001-0367—For support of California Gambling Control Commission, payable from the Indian Gaming Special Distribution Fund.....	2,482,000
Schedule:	
(1) 10-California Gambling Control Commission.....	2,482,000
Provisions:	
1. The Gambling Control Commission shall not duplicate the functions of the Division of Gambling Control.	
0855-001-0567—For support of California Gambling Control Commission, payable from the Gambling Control Fund.....	1,732,000
Schedule:	
(1) 10-California Gambling Control Commission.....	1,732,000
0855-011-0001—For transfer by the Controller to the Indian Gaming Special Distribution Fund.....	(2,482,000)
Provisions:	
1. The amount transferred in this item is a loan to the Indian Gaming Special Distribution Fund. The California Gambling Control Commission shall expend these funds to conduct activities pursuant to the tribal-state gaming compacts ratified by Chapter 874 of the Statutes of 1999. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account	

Item	Amount
at the time of the transfer. Principal and interest on the loan shall be repaid in full no later than June 30, 2003.	
0855-101-0366—For local assistance, California Gambling Control Commission, payable from the Indian Gaming Revenue Sharing Trust Fund.....	1,000
Provisions:	
1. The funds appropriated in this item are for distribution to noncompact tribes.	
2. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for purposes of this item in excess of the amount appropriated in this item. The Director of Finance may not approve any expenditure unless the approval is made in writing and filed with the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house that considers appropriations not later than 30 days prior to the effective date of approval, or prior to whatever lesser time the chairperson of the joint committee, or his or her designee, may determine.	
3. As part of any request to augment this item, the California Gambling Control Commission shall provide the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house that considers appropriations a report identifying (1) the methodology for determining a noncompact tribe; (2) a list of the noncompact tribes identified based on the commission’s methodology; (3) a trust fund condition report including the amount of revenue received from each compact tribe; and (4) the amount of funds to be distributed to each noncompact tribe. Upon receiving additional expenditure authority for distributing funds under the trust fund, the commission shall submit that information to the chairpersons of the committees on a quarterly basis concurrent with the distribution of the funds to the noncompact tribes.	
0860-001-0001—For support of State Board of Equalization .....	194,606,000
Schedule:	
(1) 100000-Personal Services .....	227,940,000
(2) 300000-Operating Expenses and Equipment .....	83,892,000
(3) Reimbursements .....	-87,030,000



Item	Amount
(4) Amount payable from the Breast Cancer Fund (Item 0860-001-0004).....	-122,000
(5) Amount payable from the State Emergency Telephone Number Account (Item 0860-001-0022).....	-755,000
(6) Amount payable from the Motor Vehicle Fuel Account, Transportation Tax Fund (Item 0860-001-0061).....	-20,040,000
(7) Amount payable from the Occupational Lead Poisoning Prevention Account (Item 0860-001-0070).....	-579,000
(8) Amount payable from the Childhood Lead Poisoning Prevention Fund (Item 0860-001-0080).....	-533,000
(9) Amount payable from the Cigarette and Tobacco Products Surtax Fund (Item 0860-001-0230) .....	-1,515,000
(10) Amount payable from the Oil Spill Prevention and Administration Fund (Item 0860-001-0320).....	-263,000
(11) Amount payable from the Integrated Waste Management Account, Integrated Waste Management Fund (Item 0860-001-0387).	-386,000
(12) Amount payable from the Underground Storage Tank Cleanup Fund (Item 0860-001-0439).....	-1,870,000
(13) Amount payable from the Energy Resources Programs Account (Item 0860-001-0465) .....	-240,000
(14) Amount payable from the California Children and Families First Trust Fund (Item 0860-001-0623).	-939,000
(15) Amount payable from the Federal Trust Fund (Item 0860-001-0890).	-102,000
(16) Amount payable from the Timber Tax Fund (Item 0860-001-0965)...	-2,819,000
(17) Amount payable from the Gas Consumption Surcharge Fund (Item 0860-001-3015) .....	-33,000

Provisions:

1. It is the intent of the Legislature that all funds appropriated to the Board of Equalization for processing tax returns, auditing, and collecting owed tax amounts, shall be used in a manner consistent

Item	Amount
<p>with its authorized budget and the documents that were presented to the Legislature for its review in support of that budget. The Board of Equalization shall not reduce expenditures or redirect either funding or personnel resources away from direct auditing or collection activities without prior approval of the Director of Finance. The director shall not approve any such reduction or redirection sooner than 30 days after providing notification to the Joint Legislative Budget Committee. No such position may be transferred from the organizational unit to which it was assigned in the 2001–02 Governor’s Budget and the Salaries and Wages Supplement as revised by legislative actions without the approval of the Department of Finance. Furthermore, the board shall expeditiously fill budgeted positions consistent with the funding provided in this act.</p>	
<p>0860-001-0004—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Breast Cancer Fund .....</p>	122,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. Notwithstanding Section 30461.6 of the Revenue and Taxation Code, or any other provision of law, sufficient funds to cover the costs of the State Board of Equalization for the collection and enforcement of fees to be deposited in the Breast Cancer Fund shall be retained in the fund, and be available to be appropriated to the board.</li> </ol>	
<p>0860-001-0022—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the State Emergency Telephone Number Account.....</p>	755,000
<p>0860-001-0061—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Motor Vehicle Fuel Account, Transportation Tax Fund.....</p>	20,040,000
<p>0860-001-0070—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Occupational Lead Poisoning Prevention Account .....</p>	579,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified by Section 13332.18 of the Government Code.</li> </ol>	

Item	Amount
0860-001-0080—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Childhood Lead Poisoning Prevention Fund .....	533,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified by Section 13332.18 of the Government Code.	
0860-001-0230—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Cigarette and Tobacco Products Surtax Fund .....	1,515,000
0860-001-0320—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Oil Spill Prevention and Administration Fund .....	263,000
0860-001-0387—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Integrated Waste Management Account, Integrated Waste Management Fund .....	386,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified by Section 13332.18 of the Government Code.	
0860-001-0439—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Underground Storage Tank Cleanup Fund .....	1,870,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
0860-001-0465—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Energy Resources Programs Account .....	240,000
0860-001-0623—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the California Children and Families First Trust Fund .....	939,000
0860-001-0890—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Federal Trust Fund .....	102,000

Item	Amount
0860-001-0965—For support of State Board of Equalization, for payment to Item 0860-001-0001, payable from the Timber Tax Fund.....	2,819,000
0860-001-3015—For support of the State Board of Equalization, for payment to Item 0860-001-0001, payable from the Gas Consumption Surcharge Fund .....	33,000
0890-001-0001—For support of Secretary of State.....	22,437,000

Schedule:

- (1) 100000-Personal Services ..... 24,150,000
- (2) 300000-Operating Expenses and Equipment .....
- (3) Special Item of Expense-Election Related Costs..... 9,223,000
- (4) Reimbursements ..... -7,449,000
- (5) Amount payable from the Secretary of State’s Business Fees Fund (Item 0890-001-0228) .....-28,382,000
- (6) Amount payable from the Business Reinvestment Fund (Item 0890-001-0274) ..... -442,000

Provisions:

- 1. The Secretary of State may not expend any special handling fees authorized by Chapter 999 of the Statutes of 1999 that are collected in excess of the cost of administering those special handling fees unless specifically authorized by the Legislature.

0890-001-0228—For support of Secretary of State, for payment to Item 0890-001-0001, payable from the Secretary of State’s Business Fees Fund.....	28,382,000
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Provisions:

- 1. Of the amount appropriated in this item, \$7,725,000 in Program 05, for costs to develop and implement the Business Programs Automation project, may not be encumbered or expended until the Department of Information Technology and Department of Finance approve a Feasibility Study Report for Phase II of the Business Programs Automation Project, prepared in accordance with the State Administration Manual and consistent with the amount approved by the Department of Finance.
- 2. Notwithstanding any other provision of law, the Secretary of State may expend an amount not to exceed \$538,000 of the funds appropriated in this

Item	Amount
item for the investigation and prosecution of voter fraud in California.	
0890-001-0274—For support of Secretary of State, for payment to Item 0890-001-0001, payable from the Business Reinvestment Fund.....	442,000
0890-002-0001—For support of Secretary of State.....	1,000,000
Schedule:	
(a) Local Projects .....	1,000,000
(1) Secretary of State: Voter Outreach Program.....	(1,000,000)
0890-003-0001—For support of Secretary of State for rental payments on lease revenue bonds .....	8,997,000
Schedule:	
(1) Base Rental and Fees .....	9,461,000
(2) Structural Insurance.....	51,000
(3) Reimbursements .....	-515,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
0890-003-0228—For support of Secretary of State for rental payments on lease revenue bonds, payable from the Secretary of State’s Business Fees Fund...	2,841,000
Schedule:	
(1) Base Rental and Fees .....	2,987,000
(2) Structural Insurance.....	16,000
(3) Reimbursements .....	-162,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
0890-295-0001—For local assistance, Secretary of State, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	8,104,000

Item		Amount
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Schedule:

(1)	98.01.007.778-Absentee ballots (Ch. 77, Stats. 78).....	6,307,000
(2)	98.01.039.188-Brendon Maguire Act (Ch. 391, Stats. 88) .....	1,000
(3)	98.01.049.479-Handicapped voter access (Ch. 494, Stats. 79) .....	0
(4)	98.01.070.475-Voter registration procedures (Ch. 704, Stats. 75)....	1,461,000
(5)	98.01.101.381-Local elections (Ch. 1013, Stats. 81) .....	0
(6)	98.01.104.285-Election materials (Ch. 1042, Stats. 85) .....	0
(7)	98.01.140.176-Voter registration roll purge (Ch. 1401, Stats. 76)....	0
(8)	98.01.142.282-Permanent absent voters (Ch. 1422, Stats. 82) .....	335,000
(9)	98.01.160.382-Democratic presi- dential delegates (Ch. 1603, Stats. 82) .....	0

Provisions:

1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house

Item	Amount
<p>which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.</p> <p>3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001–02 fiscal year:</p> <p>(3) Handicapped voter access (Ch. 494, Stats. 1979).</p> <p>(5) Local elections (Ch. 1013, Stats. 1981).</p> <p>(6) Election materials (Ch. 1042, Stats. 1985).</p> <p>(7) Voter registration roll purge (Ch. 1401, Stats. 1976).</p> <p>(9) Democratic presidential delegates (Ch. 1603, Stats. 1982, and Ch. 8, Stats. 1988).</p>	
0950-001-0001—For support of State Treasurer .....	11,985,000
Schedule:	
(1) 100000-Personal Services .....	14,492,000
(2) 300000-Operating Expenses and Equipment .....	11,635,000
(3) Reimbursements .....	-13,942,000
(4) Amount payable from the Oil Spill Response Trust Fund (Item 0950- 001-0321) .....	-200,000
Provisions:	
1. The State Treasurer shall seek to increase the reimbursement rates charged to those departments or programs that receive services from the State Treasurer’s Office’s Item Processing System by an amount sufficient to recover from those departments or programs, over a five-year period, beginning not later than fiscal year 1999–00, their fair share of the \$3.78 million cost of upgrading the system to be Year 2000 compliant. Those departments or programs include, but are not limited to, the Department of Health Services’ Women, Infant and Children Program, and the Employment Development Department’s Unemployment and Disability Insurance Program.	
2. Of the amount appropriated in this item, \$6,097,000 for the State Treasurer’s Office Debt Management System shall not be encumbered or expended until the Department of Information Technology and the Department of Finance review and approve the Feasibility Study Report.	

Item	Amount
<p>Funds shall be made available consistent with the amounts approved in the Feasibility Study Report.</p>	
0950-001-0321—For support of the State Treasurer, for payment to Item 0950-001-0001, payable from the Oil Spill Response Trust Fund .....	200,000
0950-295-0001—For local assistance, State Treasurer, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or of Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	3,449,000
Schedule:	
(1) 98.01.078.395-Investment Reports— Cities and Counties (Ch. 783/95)..	3,449,000
Provisions:	
<p>1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated by this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.</p>	
<p>2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.</p>	
0954-001-0001—For support of the Scholarshare Investment Board .....	1,300,000



Item	Amount
Schedule:	
(1) 20-Governor’s Scholarship Programs .....	1,300,000
Provisions:	
1. Funds appropriated in this item are for the purpose of administering the Governor’s Scholars Program and the Governor’s Math and Science Scholars Program, established pursuant to Article 20 (commencing with Section 69995) of Chapter 2 of Part 42 of the Education Code.	
0954-001-0564—For support of the Scholarshare Investment Board, payable from the Scholarshare Administrative Fund .....	959,000
Schedule:	
(1) 10-Golden State Scholarshare Trust Program.....	959,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the Scholarshare Investment Board in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
0954-101-0001—For local assistance, Scholarshare Investment Board, for the purposes of the Governor’s Scholarship Programs, pursuant to Article 20 (commencing with Section 69995) of Chapter 2 of Part 42 of the Education Code .....	118,000,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize the augmentation, from the Special Fund for Economic Uncertainties established pursuant to Section 16418 of the Government Code, of the annual amount appropriated for the purpose of making scholarship awards pursuant to Article 20 (commencing with Section 69995) of Chapter 2 of Part 42 of the Education Code, as necessary to fully fund the number of awards authorized by that article. No augmentation may be authorized sooner than 30 days after notification in writing of the Chairperson of the Joint Legislative Budget Committee and the	

Item	Amount
<p>chairperson of the committee in each house that considers appropriations, nor sooner than whatever lesser time those persons, or their designees, may in each instance determine.</p>	
<p>0954-495—Reversion, Scholarshare Investment Board. As of June 30, 2001, the unencumbered balance of the appropriation provided in the following citation shall revert to the General Fund: (1) Chapter 404, Statutes of 2000.</p>	
<p>0956-001-0171—For support of California Debt and Investment Advisory Commission, payable from the California Debt and Investment Advisory Commission Fund.....</p>	1,678,000
<p>Schedule:</p>	
<p>(1) 10-California Debt and Investment Advisory Commission.....</p>	1,778,000
<p>(2) Reimbursements.....</p>	-100,000
<p>Provisions:</p>	
<p>1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the California Debt and Investment Advisory Commission in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.</p>	
<p>0959-001-0169—For support of California Debt Limit Allocation Committee, payable from the California Debt Limit Allocation Committee Fund.....</p>	875,000
<p>Schedule:</p>	
<p>(1) 10-Debt Limit Allocation Committee.....</p>	875,000
<p>Provisions:</p>	
<p>1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the California Debt Limit Allocation Committee in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.</p>	

Item	Amount
0965-001-0215—For support of California Industrial Development Financing Advisory Commission, payable from the Industrial Development Fund.....	393,000
Schedule:	
(1) 10-Industrial Development Financing Advisory Commission .....	468,000
(2) Reimbursements .....	-75,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the California Industrial Development Financing Advisory Commission in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
0965-001-0297—For support of California Industrial Development Financing Advisory Commission, payable from the Community and Economic Development Fund.....	69,000
Schedule:	
(1) 10-Industrial Development Financing Advisory Commission .....	69,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the California Industrial Development Financing Advisory Commission in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
0968-001-0448—For support of California Tax Credit Allocation Committee, payable from the Occupancy Compliance Monitoring Account, Tax Credit Allocation Fee Account .....	1,039,000
Schedule:	
(1) 10-California Tax Credit Allocation Committee .....	1,054,000
(2) Reimbursements .....	-15,000

Item	Amount
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the California Tax Credit Allocation Committee in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
0968-001-0457—For support of California Tax Credit Allocation Committee, payable from the Tax Credit Allocation Fee Account .....	1,434,000
Schedule:	
(1) 10-California Tax Credit Allocation Committee .....	1,449,000
(2) Reimbursements .....	-15,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the California Tax Credit Allocation Committee in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
0971-001-0528—For support of California Alternative Energy and Advanced Transportation Financing Authority, payable from the California Alternative Energy Authority Fund .....	165,000
Schedule:	
(1) 10-California Alternative Energy and Advanced Transportation Financing Authority .....	165,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the California Alternative Energy and Advanced Transportation Financing Authority in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the	

Item	Amount
fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may in each instance determine.	

STATE AND CONSUMER SERVICES

1100-001-0001—For support of California Science Center .....	13,336,000
Schedule:	
(1) 10-Education.....	9,841,000
(2) 20-Exposition Park Management ...	3,188,000
(3) 30-California African-American Museum .....	4,319,000
(4) 40.01-Administration.....	1,176,000
(5) 40.02-Distributed Administration ...	-1,176,000
(6) Reimbursements.....	-1,314,000
(7) Amount payable from the Exposition Park Improvement Fund (Item 1100-001-0267).....	-2,698,000
Provisions:	
1. The Director of General Services shall not approve a contract, permit, or lease agreement by the museum (excluding those for museum exhibits) that reduces state revenues or increases state costs by \$25,000 or more unless, not sooner than 30 days prior to giving his or her approval, the director submits in writing to the Chairperson of the Joint Legislative Budget Committee notification of the director’s intent to approve that contract, permit, or lease, or not sooner than such lesser time as the chairperson may in each instance determine. This provision shall have no effect as to those contracts that the legislative fiscal committees have examined as part of the budget process or otherwise.	
1100-001-0267—For support of California Science Center for payment to Item 1100-001-0001, payable from the Exposition Park Improvement Fund .....	2,698,000
1100-003-0001—For support of the California Science Center for rental payments on lease revenue bonds .....	2,737,000
Schedule:	
(1) Base Rental and Fees .....	2,717,000
(2) Insurance .....	26,000
(3) Reimbursement .....	-6,000

Item	Amount
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
1100-301-0001—For capital outlay, California Science Center .....	5,263,000
Schedule:	
(1) 11.01.000-Science Center Phase II—Preliminary plans and working drawings .....	9,025,000
(3) Reimbursements .....	-3,762,000
1111-002-0001—For support of the Department of Consumer Affairs for payment to Item 1111-002-0702..	1,894,000
1111-002-0069—For support of the Bureau of Barbering and Cosmetology, Department of Consumer Affairs, payable from the State Board of Barbering and Cosmetology Fund .....	10,775,000
Schedule:	
(1) 22-Bureau of Barbering and Cosmetology .....	10,832,000
(2) Reimbursements .....	-57,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0166—For support of the Arbitration Certification Program, Department of Consumer Affairs, payable from the Consumer Affairs-Certification Account.....	807,000
Schedule:	
(1) 23-Arbitration Certification Program.....	807,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0208—For support of the Bureau of Hearing Aid Dispensers, Department of Consumer Affairs, payable from the Hearing Aid Dispensers Fund.....	661,000

Item	Amount
Schedule:	
(1) 24-Bureau of Hearing Aid Dispensers .....	670,000
(2) Reimbursements .....	-9,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0239—For support of the Bureau of Security and Investigative Services, Department of Consumer Affairs, payable from the Private Security Services Fund .....	5,664,000
Schedule:	
(1) 25.10.010-Bureau of Security and Investigative Services, Private Security Services Program .....	8,118,000
(2) 25.10.020-Distributed Private Security Services.....	-104,000
(3) Reimbursements .....	-2,350,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0260—For support of the Bureau of Nursing Home Administrators, Department of Consumer Affairs, payable from the Nursing Home Administrator’s State License Examining Board Fund.....	521,000
Schedule:	
(1) 26-Bureau of Nursing Home Administrators.....	522,000
(2) Reimbursements.....	-1,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0305—For support of the Bureau for Private Postsecondary and Vocational Education, Department of Consumer Affairs, payable from the Private Postsecondary Education Administration Fund.....	5,643,000
Schedule:	
(1) 27.10.010-Bureau for Private Postsecondary and Vocational Education.....	5,833,000

Item	Amount
(2) 27.10.020-Distributed Private Post-secondary and Vocational Education.....	-110,000
(3) Reimbursements.....	-80,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0325—For support of the Bureau for Electronic and Appliance Repair, Department of Consumer Affairs, payable from the Electronic and Appliance Repair Fund.....	1,671,000
Schedule:	
(1) 28-Bureau of Electronic and Appliance Repair.....	1,684,000
(2) Reimbursements.....	-13,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0421—For support of the Bureau of Automotive Repair, Department of Consumer Affairs, payable from the Vehicle Inspection and Repair Fund..	91,612,000
Schedule:	
(1) 31.10.016-Smog Check and Consumer Protection Operation .....	72,480,000
(2) 31.10.026-Consumer Relations and Outreach.....	7,740,000
(3) 31.10.036-Communications and Education .....	575,000
(4) 31.10.046-Administrative and Information Services .....	11,006,000
(5) 31.10.090-Distributed Smog Check.	-71,000
(6) Reimbursements.....	-118,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
2. Notwithstanding Section 26.00 of this act, the Department of Finance may authorize transfers among and between Schedules (1), (2), (3), and (4) of this item not to exceed 35 percent of the schedule from which funds are transferred. Transfers made by this provision may be authorized not	



Item	Amount
<p>sooner than 30 days after notification in writing of the necessity therefore is provided to the chairperson of the committee in each house of the Legislature that considers appropriations and the Chairperson of the Joint Legislative Budget Committee.</p>	
<p>1111-002-0459—For support of the Telephone Medical Advice Services Program, Department of Consumer Affairs, payable from the Telephone Medical Advice Services Fund.....</p>	158,000
<p>Schedule:</p>	
<p>(1) 37-Telephone Medical Advice Services Program.....</p>	158,000
<p>Provisions:</p>	
<p>1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.</p>	
<p>1111-002-0582—For support of the Bureau of Automotive Repair, Department of Consumer Affairs, payable from the High Polluter Repair or Removal Account.....</p>	47,485,000
<p>Schedule:</p>	
<p>(1) 31.20.016-Vehicle Repair Assistance.....</p>	24,172,000
<p>(2) 31.20.030-Vehicle Retirement .....</p>	15,072,000
<p>(3) 31.20.040-Program Administration.</p>	8,241,000
<p>Provisions:</p>	
<p>1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.</p>	
<p>2. Notwithstanding Section 26.00 of this act, the Department of Finance may authorize transfers among and between Schedules (1) and (2) of this item not to exceed 35 percent of the schedule from which funds are transferred. Transfers made by this provision may be authorized not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairperson of the committee in each house of the Legislature that considers appropriations and the Chairperson of the Joint Legislative Budget Committee.</p>	
<p>1111-002-0702—For support of Department of Consumer Affairs, payable from the Consumer Affairs Fund, Professions and Vocations Fund.....</p>	0

Item	Amount
Schedule:	
(1) 35.10.010-Administrative and Information Services Division .....	38,144,000
(2) 35.10.015-Communications and Education Division.....	1,401,000
(3) 35.10.020-Consumer Relations and Outreach Division .....	9,118,000
(4) 35.10.025-Division of Investigation	6,552,000
(5) 35.20.010-Distributed Administrative and Information Services Division .....	-19,253,000
(6) 35.20.015-Distributed Communications and Education Division.....	-766,000
(7) 35.20.020-Distributed Consumer Relations and Outreach Division ..	-8,618,000
(8) 35.20.025-Distributed Division of Investigation .....	-892,000
(9) Reimbursements.....	-23,792,000
(10) Amount payable from General Fund (Item 1111-002-0001).....	-1,894,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0717—For support of the Cemetery and Funeral Bureau, Department of Consumer Affairs, payable from the Cemetery Fund, Professions and Vocations Fund.....	1,272,000
Schedule:	
(1) 38.10-Cemetery Program.....	1,391,000
(2) Reimbursements.....	-119,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0750—For support of the Cemetery and Funeral Bureau, Department of Consumer Affairs, payable from the State Funeral Directors and Embalmers Fund, Professions and Vocations Fund.....	1,281,000
Schedule:	
(1) 38.20-Funeral Directors and Embalmers Program.....	1,293,000
(2) Reimbursements.....	-12,000

Item	Amount
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0752—For support of the Bureau of Home Furnishings and Thermal Insulation, Department of Consumer Affairs, payable from the Bureau of Home Furnishings and Thermal Insulation Fund.....	3,270,000
Schedule:	
(1) 34-Bureau of Home Furnishings and Thermal Insulation .....	3,275,000
(2) Reimbursements.....	-5,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0769—For support of the Bureau of Security and Investigative Services, Department of Consumer Affairs, payable from the Private Investigator Fund .....	572,000
Schedule:	
(1) 25.20-Private Investigators Program.....	682,000
(2) Reimbursements.....	-110,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1111-002-0890—For support of the Bureau for Private Postsecondary and Vocational Education, Department of Consumer Affairs, payable from the Federal Trust Fund.....	1,130,000
Provisions:	
1. Notwithstanding any other provision of law, the Federal Trust Fund Account of the Bureau for Private Postsecondary and Vocational Education may borrow from the Private Postsecondary and Vocational Education Administration Fund an amount not to exceed a cumulative total of \$500,000 for the purpose of meeting cash-flow needs for the purposes funded in this item due to delays in collecting federal funds. Any loan made pursuant to this provision shall be made only upon approval of the Department of Finance, and only	

Item	Amount
<p>if the bureau demonstrates and certifies that a sufficient surplus exists in the Private Postsecondary and Vocational Education Administration Fund to support the amount of the loan, and that funds will be available from the federal government to repay the loan. All money transferred shall be repaid to the fund as soon as possible, but not later than one year from the date of the loan.</p>	
<p>1111-002-0960—For support of the Bureau for Private Postsecondary and Vocational Education, Department of Consumer Affairs, payable from the Student Tuition Recovery Fund .....</p>	82,000
<p>Schedule:</p>	
<p>(1) 27.30-Student Tuition Recovery Program.....</p>	82,000
<p>Provisions:</p>	
<p>1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.</p>	
<p>1111-011-0582—For transfer by the Controller from the High Polluter Repair or Removal Account to the General Fund.....</p>	(50,000,000)
<p>Provisions:</p>	
<p>1. The funds transferred in this item represent funds that remained in the High Polluter Repair or Removal Account (HPRRA) because the Smog Impact Fee Refunds were paid by the General Fund, rather than the HPRRA.</p>	
<p>1120-001-0704—For support of California Board of Accountancy, payable from the Accountancy Fund, Professions and Vocations Fund .....</p>	10,132,000
<p>Schedule:</p>	
<p>(1) 3-California Board of Accountancy. 10,336,000</p>	
<p>(2) Reimbursements.....</p>	-204,000
<p>Provisions:</p>	
<p>1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.</p>	
<p>1130-001-0706—For support of California Board of Architectural Examiners, payable from the California Board of Architectural Examiners Fund.....</p>	2,811,000
<p>Schedule:</p>	
<p>(1) 6-California Board of Architectural Examiners.....</p>	2,816,000
<p>(2) Reimbursements.....</p>	-5,000

Item	Amount
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1130-001-0757—For support of California Board of Architectural Examiners, Landscape Architect Technical Committee, payable from California Board of Architectural Examiners-Landscape Architects Fund...	594,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1140-001-0001—For support of State Athletic Commission.....	936,000
Schedule:	
(1) 9-State Athletic Commission.....	1,125,000
(2) Amount payable from the Boxer’s Pension Account (Item 1140-002-0008).....	-88,000
(3) Amount payable from the Boxer’s Neurological Examinations Account (Item 1140-001-0492).....	-101,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1140-001-0492—For support of State Athletic Commission, for payment to Item 1140-001-0001, payable from the Boxer’s Neurological Examination Account .....	101,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1140-002-0008—For support of State Athletic Commission, for payment to Item 1140-001-0001, payable from the Boxer’s Pension Account .....	88,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	

Item	Amount
1170-001-0773—For support of Board of Behavioral Science, payable from the Behavioral Science Examiners Fund, Professions and Vocations Fund.....	4,825,000
Schedule:	
(1) 18-Board of Behavioral Science ....	5,001,000
(2) Reimbursements .....	-176,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1230-001-0093—For support of Contractors’ State License Board, for payment to Item 1230-001-0735, payable from the Construction Management Education Account.....	15,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1230-001-0735—For support of Contractors’ State License Board, payable from the Contractors’ License Fund .....	48,733,000
Schedule:	
(1) 30-Contractors’ State License Board .....	49,101,000
(2) Reimbursements .....	-353,000
(3) Amount payable from the Construction Management Education Account (Item 1230-001-0093).....	-15,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1260-001-0741—For support of Dental Board of California, payable from the State Dentistry Fund .....	6,937,000
Schedule:	
(1) 36-Dental Board of California .....	7,107,000
(2) Reimbursements .....	-170,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	

Item	Amount
1270-001-0380—For support of the Committee on Dental Auxiliaries, payable from the State Dental Auxiliary Fund .....	1,449,000
Schedule:	
(1) 36.20-Committee on Dental Auxiliaries .....	1,671,000
(2) Reimbursements .....	-222,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1340-001-0205—For support of Board for Geologists and Geophysicists, Program 51, payable from the Geology and Geophysics Fund.....	1,145,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1350-001-0024—For support of State Board of Guide Dogs for the Blind, Program 54, payable from the State Board of Guide Dogs for the Blind Fund.....	141,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1390-001-0175—For support of Medical Board of California, Registered Dispensing Opticians, for payment to Item 1390-001-0758, payable from the Dispensing Opticians Fund .....	299,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1390-001-0210—For support of Medical Board of California, Outpatient Settings, for payment to Item 1390-001-0758, payable from the Outpatient Setting Fund of the Medical Board of California.....	23,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	

Item	Amount
1390-001-0758—For support of Medical Board of California, payable from the Contingent Fund of the Medical Board of California .....	36,815,000
Schedule:	
(1) 63.10.010-Medical Board of California .....	37,919,000
(2) 63.15-Registered Dispensing Opticians.....	299,000
(3) 63.17-Outpatient Setting.....	23,000
(4) 63.10.020-Distributed Medical Board of California .....	-797,000
(5) Reimbursements.....	-307,000
(6) Amount payable from the Dispensing Opticians Fund (Item 1390-001-0175).....	-299,000
(7) Amount payable from the Outpatient Setting Fund of the Medical Board of California (Item 1390-001-0210).....	-23,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1400-001-0108—For support of Medical Board of California, Acupuncture Board, payable from the Acupuncture Fund .....	1,846,000
Schedule:	
(1) 63.20-Acupuncture Board.....	1,869,000
(2) Reimbursements.....	-23,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1420-001-0759—For support of Medical Board of California, Physical Therapy Board of California, payable from the Physical Therapy Fund.....	2,083,000
Schedule:	
(1) 63.40-Physical Therapy Board of California .....	2,182,000
(2) Reimbursements.....	-99,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	



Item	Amount
1430-001-0280—For support of Medical Board of California, Physician Assistant Committee, payable from the Physician Assistant Fund.....	856,000
Schedule:	
(1) 63.50-Physician Assistant Committee .....	881,000
(2) Reimbursements .....	-25,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1440-001-0295—For support of California Board of Podiatric Medicine, payable from the Board of Podiatric Medicine Fund .....	1,026,000
Schedule:	
(1) 63.60-California Board of Podiatric Medicine .....	1,030,000
(2) Reimbursements .....	-4,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1450-001-0310—For support of Medical Board of California, Board of Psychology, payable from the Psychology Fund .....	3,059,000
Schedule:	
(1) 63.70-Board of Psychology .....	3,110,000
(2) Reimbursements .....	-51,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1455-001-0319—For support of Medical Board of California, Respiratory Care Board of California, payable from the Respiratory Care Fund.....	2,923,000
Schedule:	
(1) 63.75-Respiratory Care Board of California .....	2,989,000
(2) Reimbursements .....	-66,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	

Item	Amount
1460-001-0376—For support of the Speech-Language Pathology and Audiology Board, payable from the Speech-Language and Audiology Fund .....	579,000
Schedule:	
(1) 63.80-Speech-Language Pathology and Audiology Board .....	603,000
(2) Reimbursements .....	-24,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1475-001-3017—For support of California Board of Occupational Therapy, payable from the Occupational Therapy Fund .....	558,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1480-001-0763—For support of State Board of Optometry, payable from the State Optometry Fund, Professions and Vocations Fund .....	1,098,000
Schedule:	
(1) 69-State Board of Optometry .....	1,104,000
(2) Reimbursements .....	-6,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1490-001-0767—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, Professions and Vocations Fund ..	7,274,000
Schedule:	
(1) 72-California State Board of Pharmacy .....	7,525,000
(2) Reimbursements .....	-251,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1500-001-0770—For support of Board for Professional Engineers and Land Surveyors, payable from the Professional Engineer and Land Surveyor Fund .....	7,361,000

Item	Amount
Schedule:	
(1) 75-Board for Professional Engineers and Land Surveyors .....	7,377,000
(2) Reimbursements .....	-16,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1510-001-0761—For support of Board of Registered Nursing, payable from the Board of Registered Nursing Fund, Professions and Vocations Fund.....	14,034,000
Schedule:	
(1) 78-Board of Registered Nursing ....	14,577,000
(2) Reimbursements .....	-543,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1520-001-0771—For support of Court Reporters Board of California, payable from the Court Reporters' Fund .....	716,000
Schedule:	
(1) 81-Court Reporters Board of California .....	734,000
(2) Reimbursements .....	-18,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1530-001-0399—For support of Structural Pest Control Board, for payment to Item 1530-001-0775, payable from the Structural Pest Control Education and Enforcement Fund .....	273,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1530-001-0775—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, Professions and Vocations Fund.....	3,188,000
Schedule:	
(1) 84-Structural Pest Control Board ...	3,463,000
(2) Reimbursements .....	-2,000

Item	Amount
(3) Amount payable from the Structural Pest Control Education and Enforcement Fund (Item 1530-001-0399).....	-273,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1560-001-0777—For support of Veterinary Medical Board, payable from the Veterinary Medical Board Contingent Fund.....	1,811,000
Schedule:	
(1) 90.10.010-Veterinary Medical Board .....	1,837,000
(2) Reimbursements.....	-26,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1590-001-0779—For support of Board of Vocational Nurse and Psychiatric Technician Examiners, payable from the Vocational Nurse Examiners Fund ....	4,126,000
Schedule:	
(1) 91.10.010-Vocational Nurses Program.....	4,515,000
(2) 91.10.020-Distributed Vocational Nurses .....	-37,000
(3) Reimbursements.....	-352,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1600-001-0780—For support of Board of Vocational Nurse and Psychiatric Technician Examiners, payable from the Psychiatric Technicians Account, Vocational Nurse and Psychiatric Technician Examiners Fund.....	1,137,000
Schedule:	
(1) 91-Psychiatric Technician Program.....	1,159,000
(2) Reimbursements.....	-22,000

Item	Amount
Provisions:	
1. The funds appropriated in this item are from the moneys deposited pursuant to Section 4547 of the Business and Professions Code.	
2. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
1700-001-0001—For support of Department of Fair Employment and Housing.....	18,170,000
Schedule:	
(1) 50-Administration of Civil Rights Law.....	22,293,000
(2) Reimbursements.....	-15,000
(3) Amount payable from the Federal Trust Fund (Item 1700-001-0890).	-4,108,000
1700-001-0890—For support of Department of Fair Employment and Housing, for payment to Item 1700-001-0001, payable from the Federal Trust Fund.....	4,108,000
1705-001-0001—For support of the Fair Employment and Housing Commission .....	1,378,000
Schedule:	
(1) 10-Fair Employment and Housing Commission.....	1,529,000
(2) Reimbursements.....	-151,000
1730-001-0001—For support of Franchise Tax Board ...	384,573,000
Schedule:	
(1) 10-Tax Programs.....	363,780,000
(2) 20-Homeowners and Renters Assistance.....	5,969,000
(3) 30-Political Reform Audit (1,324,000) .....	0
(4) 40-Child Support Collections.....	16,136,000
(5) 45-Child Support Automation .....	19,572,000
(6) 50-DMV Collections .....	5,120,000
(7) 60-Court Collections .....	3,744,000
(8) 70-Contract Work.....	5,405,000
(9) 80.01-Administration.....	22,670,000
(10) 80.02-Distributed Administration.....	-22,670,000
(11) Reimbursements .....	-5,405,000
(12) Reimbursements-Child Support Existing/Expanded Collections .....	-6,860,000
(13) Reimbursements-Child Support Automation.....	-13,513,000

Item	Amount
(14) Amount payable from the State Highway Account, State Transportation Fund (Item 1730-001-0042).....	-1,000
(15) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 1730-001-0044)...	-1,767,000
(16) Amount payable from the Motor Vehicle License Fee Account, Transportation Tax Fund (Item 1730-001-0064) .....	-3,352,000
(17) Amount payable from the California Mexican American Veteran's Memorial Beautification and Enhancement Fund (Item 1730-001-0120).....	-4,000
(18) Amount payable from the Emergency Food Assistance Program Fund (Item 1730-001-0122).....	-6,000
(19) Amount payable from the Delinquent Tax Collection Fund (Section 19378 of the Revenue and Taxation Code) .....	-404,000
(20) Amount payable from the Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account, Fish and Game Preservation Fund (Item 1730-001-0200)...	-13,000
(21) Amount payable from the Court Collection Account (Item 1730-001-0242) .....	-3,744,000
(22) Amount payable from the State Children's Trust Fund (Item 1730-001-0803) .....	-11,000
(23) Amount payable from the California Alzheimer's Disease and Related Disorders Research Fund (Item 1730-001-0823) .....	-11,000
(24) Amount payable from the D.A.R.E. California (Drug Abuse Resistance Education) Fund (Item 1730-001-0876) .....	-6,000
(25) Amount payable from the California Seniors Special Fund (Item 1730-001-0886) .....	-4,000

Item	Amount
(26) Amount payable from the Birth Defects Research Fund (Item 1730-001-0919) .....	-5,000
(27) Amount payable from the California Breast Cancer Research Fund (Item 1730-001-0945) .....	-7,000
(28) Amount payable from the California Peace Officer Memorial Foundation Fund (Item 1730-001-0974) .....	-5,000
(29) Amount payable from the California Public School Library Protection Fund (Item 1730-001-0975)...	-11,000
(30) Amount payable from the Firefighters' Memorial Fund (Item 1730-001-0979) .....	-7,000
(31) Amount payable from the California Fund for Senior Citizens (Item 1730-001-0983) .....	-7,000
(32) Amount payable from the National World War II Veterans Memorial Trust Fund (Item 1730-001-8002) .	-5,000
(33) Amount payable from the California Lung Disease and Asthma Research Fund (Item 1730-001-8003)	-5,000

Provisions:

1. It is the intent of the Legislature that all funds appropriated to the Franchise Tax Board for processing tax returns, auditing and collecting owed tax amounts, shall be used in a manner consistent with its authorized budget and the documents that were presented to the Legislature for its review in support of that budget. The Franchise Tax Board shall not reduce expenditures or redirect either funding or personnel resources away from direct auditing or collection activities without prior approval of the Director of Finance. The director shall not approve any such reduction or redirection sooner than 30 days after providing notification to the Joint Legislative Budget Committee. No such position may be transferred from the organizational unit to which it was assigned in the 2001-02 Governor's Budget and the Salaries and Wages Supplement as revised by legislative actions without the approval of the Department of Finance. Furthermore, the board shall expeditiously fill budgeted positions consistent with the funding provided in this act.

Item	Amount
2. It is the intent of the Legislature that the Franchise Tax Board resolve tax controversies, without litigation, on a basis that is fair to both the state and the taxpayer and in a manner that will enhance voluntary compliance and public confidence in the integrity and efficiency of the board.	
3. During the 2001–02 fiscal year, the collection cost recovery fee for purposes of subparagraph (A) of paragraph (1) of subdivision (a) of Section 19254 of the Revenue and Taxation Code shall be \$101, and the filing enforcement cost recovery fee for purposes of subparagraph (A) of paragraph (2) of that subdivision shall be \$109.	
4. During the 2001–02 fiscal year, the collection cost recovery fee for purposes of subparagraph (B) of paragraph (1) of subdivision (a) of Section 19254 of the Revenue and Taxation Code shall be \$150, and the filing enforcement cost recovery fee for purposes of subparagraph (B) of paragraph (2) of that subdivision shall be \$73.	
5. Of the amounts appropriated in this item, the amount provided in Schedule (5) and Schedule (m), Reimbursements—Child Support Automation, are, pursuant to Section 5 of Chapter 479, Statutes of 1999, available for 2001–02 and 2002–03.	
6. It is the intent of the Legislature that the California Child Support Automation Project shall receive the highest commitment and priority of all of the state’s child support automation activities.	
7. It is the intent of the Legislature that the California Arrearage Management Project’s automation solution shall not be a requirement for the California Child Support Automation Project. The Legislature intends that the California Child Support Automation Project shall support all child support collections activities in compliance with federal certification requirements.	
1730-001-0042—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the State Highway Account, State Transportation Fund .....	1,000
1730-001-0044—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the Motor Vehicle Account, State Transportation Fund .....	1,767,000



Item	Amount
1730-001-0064—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund.....	3,352,000
1730-001-0120—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the California Mexican American Veteran’s Memorial Beautification and Enhancement Fund.....	4,000
1730-001-0122—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the Emergency Food Assistance Program Fund .....	6,000
1730-001-0200—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the Fish and Game Preservation Fund (Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account) .....	13,000
1730-001-0242—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the Court Collection Account.....	3,744,000
1730-001-0803—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the State Children’s Trust Fund.....	11,000
1730-001-0823—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the California Alzheimer’s Disease and Related Disorders Research Fund .....	11,000
1730-001-0876—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the D.A.R.E. California (Drug Abuse Resistance Education) Fund .....	6,000
1730-001-0886—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the California Seniors Special Fund .....	4,000
1730-001-0919—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the Birth Defects Research Fund.....	5,000
1730-001-0945—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the California Breast Cancer Research Fund .....	7,000
1730-001-0974—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the California Peace Officer Memorial Foundation Fund .....	5,000
1730-001-0975—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the California Public School Library Protection Fund...	11,000

Item	Amount
1730-001-0979—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the Firefighters’ Memorial Fund .....	7,000
1730-001-0983—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the California Fund for Senior Citizens.....	7,000
1730-001-8002—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the National World War II Veterans Memorial Trust Fund .....	5,000
1730-001-8003—For support of Franchise Tax Board, for payment to Item 1730-001-0001, payable from the California Lung Disease and Asthma Research Fund .....	5,000
1730-002-0001—For support of the Franchise Tax Board for rental payments on lease revenue bonds.....	7,199,000
Schedule:	
(1) Central Office—Buildings 1 and 2. ....	7,351,000
(2) Insurance .....	70,000
(3) Reimbursements.....	-222,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
1730-295-0001—For local assistance, Franchise Tax Board, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	0
Schedule:	
(1) 98.01.023.874-Substandard Housing (Ch. 238, Stats. 1974) .....	0
Provisions:	
1. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001–02 fiscal year:	
(1) Substandard Housing (Ch. 238, Stats. 1974).	

Item	Amount
1730-301-0001—For capital outlay, Franchise Tax Board.....	447,000
Schedule:	
(1) 90.01.050-Central Office; Fire Alarm Modifications—Preliminary plans, working drawings, construction .....	447,000
1760-001-0001—For support of Department of General Services, for payment to Item 1760-001-0666 .....	23,688,000
Provisions:	
1. In addition to the funds appropriated in this item, any amounts received from the sale of the Governor’s Budget and related publications funded from this item are available for expenditure.	
2. Of the amount appropriated in this item, it is the intent of the Legislature that \$150,000 shall be allocated for consultant services as needed to assist the Department of General Services to prepare the proper documentation for the state to present its request for allocation of public safety frequencies (Public Safety Radio Integration Systems Management) (PRISM) for state and local agencies in the 746–800 MHz Band during the 2001–02 fiscal year. Any funds not used for this purpose shall revert to the General Fund on July 1, 2002.	
1760-001-0002—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the Property Acquisition Law Money Account .....	2,617,000
1760-001-0003—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the Motor Vehicle Parking Facilities Monies Account.....	3,782,000
1760-001-0022—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the State Emergency Telephone Number Account .....	1,222,000
1760-001-0026—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the State Motor Vehicle Insurance Account.....	3,972,000
Provisions:	
1. Notwithstanding any other provision of law, Section 16379 of the Government Code shall govern the payment of claims for the purposes of this item.	

Item	Amount
1760-001-0119—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the 1998 State School Facilities Fund.....	10,720,000
Provisions:	
1. Notwithstanding Item 9840-001-0494, the Director of Finance may authorize the creation of deficiencies pursuant to Section 11006 of the Government Code for the purposes of this item.	
1760-001-0450—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the Seismic Gas Valve Certification Fee Account .....	75,000
1760-001-0465—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the Energy Resources Programs Account .	1,357,000
1760-001-0602—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the Architecture Revolving Fund .....	36,439,000
1760-001-0666—For support of Department of General Services, payable from the Service Revolving Fund .....	466,509,000
Schedule:	
(1) Program support.....	651,637,000
(2) Distributed services .....	-12,994,000
(2.5) Unallocated reduction .....	-250,000
(2.6) Reimbursements .....	-60,000
(3) Amount payable from the General Fund (Item 1760-001-0001).....	-23,688,000
(4) Amount payable from the General Fund (Item 1760-011-0001).....	-3,405,000
(5) Amount payable from the Property Acquisition Law Money Account (Item 1760-001-0002) .....	-2,617,000
(6) Amount payable from the Motor Vehicle Parking Facilities Moneys Account (Item 1760-001-0003).....	-3,782,000
(7) Amount payable from the State Emergency Telephone Number Account (Item 1760-001-0022) .....	-1,222,000
(8) Amount payable from the State Motor Vehicle Insurance Account (Item 1760-001-0026) .....	-3,972,000
(9) Amount payable from the 1998 State School Facilities Fund (Item 1760-001-0119).....	-10,720,000

Item	Amount
(10) Amount payable from the Seismic Gas Valve Certification Fee Account (Item 1760-001-0450).....	-75,000
(11) Amount payable from the Energy Resources Programs Account (Item 1760-001-0465) .....	-1,357,000
(12) Amount payable from the Architecture Revolving Fund (Item 1760-001-0602) .....	-36,439,000
(13) Amount payable from the Earthquake Safety and Public Buildings Rehabilitation Fund of 1990 (Item 1760-001-0768) .....	-752,000
(15) Amount payable from the State School Deferred Maintenance Fund (Item 1760-001-0961).....	-139,000
(16) Amount payable from the Motor Vehicle Parking Facilities Money Account (Item 1760-002-0003).....	-1,102,000
(17) Amount payable from the Service Revolving Fund (Item 1760-002-0666).....	-68,127,000
(18) Amount payable from the Service Revolving Fund (Item 1760-003-0666).....	-14,427,000
Provisions:	
1. Notwithstanding any other provision of law, revenues from the sale of legislative bills and publications received by the Bill Room shall be deposited in the Service Revolving Fund.	
2. Notwithstanding any other provision of law, if the Director of the Department of General Services determines in writing that there is insufficient cash in a special fund under his or her authority to make one or more payments currently due and payable, he or she may order the transfer of moneys to that special fund in the amount necessary to make payment or payments, as a loan from the Service Revolving Fund. That loan shall be subject to all of the following conditions:	
(a) No loan shall be made that would interfere with the carrying out of the object for which the Service Revolving Fund was created.	
(b) The loan shall be repaid as soon as there is sufficient money in the recipient fund to repay the amount loaned, but no later than 18 months after the date of the loan, except that	

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the loan to the Motor Vehicle Parking Fund shall be repaid no later than five years after the date of the loan. The Department of General Services may impose a parking rate increase as necessary for the repayment of the loan only if the increase is approved by a memorandum of understanding entered into by each collective bargaining unit that represents state employees to be affected by the increase, and the memorandum of understanding is ratified by statute. Any parking rate increase imposed pursuant to this provision shall apply equally to state employees who are affected by the increase whether or not they are represented by a collective bargaining unit. The amount loaned shall not exceed the amount that the fund or program is authorized at the time of the loan to expend during the 2001–02 fiscal year from the recipient fund except as otherwise provided in Provisions 4, 5, and 6 of this item.

- (c) The terms and conditions of the loan are approved, prior to the transfer of funds, by the Department of Finance pursuant to appropriate fiscal standards.
- 2.6. Of the amount appropriated in this item, \$15,316,000 shall be available to the Department of General Services to purchase 821 vehicles.
  - 2.7. It is the intent of the Legislature that the departments that provide e-government services or transactions shall reimburse the Department of General Services (DGS) for the development, implementation, and maintenance of the state's centralized e-government systems. The DGS shall establish rates that departments shall be charged for the ongoing use and maintenance of the systems. Departments shall not develop or implement e-government systems to the extent such systems already exist within the state's centralized e-government systems. Notwithstanding Item 9840-001-0988, Item 9840-001-0494, and Section 27 of this act, the Director of General Services may augment this item, by up to an aggregate of one and one-half percent in cases where the Legislature has provided funding in departmental budgets for e-government

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services. Any augmentation that is deemed to be necessary on a permanent basis shall be submitted for review as part of the normal budget development process. An augmentation shall be approved by the Department of Finance and shall not be made sooner than 30 days after written notification is provided to the Chairperson of the Senate Committee on Budget and Fiscal Review, the Chairperson of the Assembly Budget Committee, and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee may determine.

4. Notwithstanding Item 9840-001-0988, Item 9840-001-0494, and Section 27.00 of this act, the Director of General Services may augment this item or any of Items 1760-001-0002, 1760-001-0003, 1760-001-0006, 1760-001-0026, and 1760-001-0602, by up to an aggregate of 10 percent in cases where (a) the Legislature has approved funds for a customer for the purchase of services or equipment through the Department of General Services (DGS) and the corresponding expenditure authority has not been provided in this item or (b) a local government entity or the federal government has requested services from the DGS. Any augmentation that is deemed to be necessary on a permanent basis shall be submitted for review as part of the normal budget development process. If the Director of the Department of General Services augments this item or Item 1760-001-0002, 1760-001-0003, 1760-001-0006, 1760-001-0026, or 1760-001-0602 the DGS shall notify the Department of Finance within 30 days after that augmentation is made as to the amount, justification, and the program augmented. Any augmentation made in accordance with this provision shall not result in an increase in any rate charged to other departments for services or the purchase of goods without the prior written consent of the Department of Finance.
5. Notwithstanding Item 9840-001-0988, Item 9840-001-0494, and Section 27.00 of this act, if this item or Item 1760-001-0002, 1760-001-0003, 1760-001-0006, 1760-001-0026, or 1760-001-0602, is augmented pursuant to Provision 4 by the

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- maximum allowed under that provision, the Director of Finance may further augment the item or items in cases where (a) the Legislature has approved funds for a customer for the purchase of services or equipment through the DGS and the corresponding expenditure authority has not been provided in these items, or (b) a local government entity or the federal government has requested services from the DGS. Any augmentation that is deemed to be necessary on a permanent basis shall be submitted for review as part of the normal budget development process.
6. Notwithstanding Item 9840-001-0988, Item 9840-001-0494, and Section 27.00 of this act, the Director of General Services may augment this item and Items 1760-001-0026 and 1760-001-0003 to increase authorized expenditures by the Office of State Printing, the Office of Risk and Insurance Management, the Office of Fleet Administration, the Energy Assessments Section of the Professional Services Branch, and the Office of Public Safety Radio Services. The augmentation shall be for the specific purpose of enabling the Office of State Printing, the Office of Risk and Insurance Management, the Office of Fleet Administration, the Energy Assessments Section of the Professional Services Branch, and the Office of Public Safety Radio Services to provide competitive services to their customers (including local government entities or the federal government) and may be made only if the office has sufficient operating reserves available to fund the augmentation. If the Director of General Services augments either of the items in this provision, the DGS shall notify the Department of Finance within 30 days after that augmentation is made as to the amount, justification, and the office augmented. Any augmentation that is deemed to be necessary on a permanent basis shall be submitted for review as part of the normal budget development process.
  7. Any augmentation made pursuant to Provisions 4, 5, and 6 of this item shall be reported in writing to the chairpersons of the fiscal committees of each house and the Chairperson of the Joint Legislative



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Budget Committee within 30 days of the date the augmentation is approved. This notification shall identify the amount of, and justification for, the augmentation, and the program that has been augmented. Copies of the notification shall be provided to the Department of Finance.	
8. Notwithstanding any other provision of law, the Director of General Services or his or her designee, in lieu of the Director of Finance, is authorized to carry out the provisions of Section 26.00 of this act as it pertains to category transfers.	
9. Notwithstanding any other provision of law, the Director of General Services or his or her designee, in lieu of the Director of Finance, is authorized to approve Budget Revision, Standard Form 26 subject to a copy being provided to the Department of Finance.	
1760-001-0768—For support of Department of General Services, for payment to Item 1760-001-0666, payable from the Earthquake Safety and Public Buildings Rehabilitation Fund of 1990 .....	752,000
1760-001-0961—For support of Department of General Services for payment to Item 1760-001-0666, payable from the State School Deferred Maintenance Fund .....	139,000
1760-002-0003—For support of Department of General Services, for rental payments on lease revenue bonds, for payment to Item 1760-001-0666, payable from the Motor Vehicle Parking Facilities Moneys Account .....	1,102,000
Provisions:	
1. The funds appropriated in this item are for the following:	
(a) Base Rental and Fees.....	1,097,000
(b) Insurance.....	5,000
2. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
1760-002-0666—For support of Department of General Services, for rental payments on lease revenue bonds, for payment to Item 1760-001-0666, payable from the Service Revolving Fund.....	68,127,000

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Provisions:

1. The funds appropriated in this item are for the following:

- (a) Base rental and fees..... 70,114,000
  - (1) Capitol Area Development Authority, Sacramento ..... 694,000
  - (2) State Office Building, Riverside ..... 2,136,000
  - (3) Department of Justice Building, Sacramento ..... 4,942,000
  - (4) San Francisco Civic Center Building .....25,607,000
  - (5) Ronald Reagan Building, Los Angeles .....17,709,000
  - (6) Elihu M. Harris Building, Oakland .....11,501,000
  - (7) LA Junipero Serra II ..... 4,811,000
  - (8) State Office Building, San Diego (Suburban) .. 1,720,000
  - (9) Capitol East End Garage..... 994,000

- (b) Insurance..... 458,000
- (c) Reimbursements ..... -2,445,000

2. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.

1760-003-0666—For support of Department of General Services, for rental payments on California Environmental Protection Agency Building, for payment to Item 1760-001-0666, payable from the Service Revolving Fund.....

14,427,000

Provisions:

1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule

Item	Amount
<p>shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.</p>	
<p>1760-011-0001—For support of Department of General Services, for payment to Item 1760-001-0666 .....</p>	3,405,000
<p>Provisions:</p>	
<p>1. The funds appropriated in this item are for the following:</p>	
<p>(a) Asbestos Abatement.....</p>	1,655,000
<p>(b) Underground Storage Tank Program .....</p>	1,750,000
<p>2. The funds appropriated in this item may also be used for purposes related to the remediation of toxic sites for which the state is responsible, provided that proposals to transfer funds between these programs or for such other purposes shall be submitted in accordance with Section 26.00 of this act. These proposals shall detail the reasons for the transfer and the impact on the programs for which the transfer is proposed.</p>	
<p>3. The unencumbered balance of any funds transferred from this item into the Architecture Revolving Fund will be reverted at the close of the fiscal year.</p>	
<p>1760-101-0001—For local assistance, Department of General Services.....</p>	100,000
<p>Schedule:</p>	
<p>(1) Local Projects .....</p>	100,000
<p>(a) California State Library Foundation: Design &amp; Installation Commemorative Seals Project ...</p>	(100,000)
<p>1760-101-0022—For local assistance, Department of General Services, for reimbursement of local agencies and service suppliers or communications equipment companies for costs incurred pursuant to Sections 41137, 41137.1, 41138, and 41140 of the Revenue and Taxation Code, payable from the State Emergency Telephone Number Account .....</p>	128,000,000
<p>1760-115-0101—For transfer upon order of the Director of Finance, from the School Facilities Fee Assistance Fund to the General Fund .....</p>	(121,000,000)
<p>1760-301-0001—For capital outlay, Department of General Services.....</p>	1,836,000

Item	Amount
Schedule:	
(7.1) 50.99.007-California Department of Corrections, Jamestown: Gym/Canteen—Study .....	20,000
(7.2) 50.99.008-California Department of Corrections, Jamestown: Dining Hall—Study.....	20,000
(7.6) 50.99.079-California Department of Corrections, California State Prison San Quentin, Building 22: Structural Retrofit—Preliminary plans.....	427,000
(16.5) 50.99.179-California Department of Corrections, California State Prison San Quentin, Building 22: Modularity—Preliminary plans and working drawings.....	772,000
(18) 50.99.401-Lanterman Developmental Center Pomona, Hospital B-50: Structural Retrofit—Study ..	70,000
(19) 50.99.404-Patton State Hospital—Building N: Structural Retrofit—Preliminary plans .....	447,000
(22) 50.99.405-California Medical Facility, Vacaville, Administration Building A: Structural Retrofit—Study.....	20,000
(25) 50.99.408-California Correctional Institution, Tehachapi, Dormitories F5, F6, F7, F8: Structural Retrofit—Study.....	20,000
(26) 50.99.409-California Medical Facility, Vacaville, Inmate Housing Wing U: Structural Retrofit—Study.....	20,000
(32) 50.99.415-Metropolitan State Hospital, Wards 313 and 315: Structural Retrofit—Study .....	20,000

Provisions:

1. If, during the validation portion of project development for projects listed in Schedules 7.1 through 32 the risk level of any of these projects is reduced, or where a project savings has been realized, the funding for that particular project shall be available for expenditure for any of the other

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<p>projects in this appropriation or for preliminary plans for the next highest priority risk level V or VI building identified by the Department of General Services. If this change in funding occurs, the department shall report to the Chair of the Joint Legislative Budget Committee detailing the project or projects reduced in seismic risk level, the project or projects for which preliminary plans will be developed, and the redirection of project savings within this appropriation.</p>	
<p>1760-301-0660—For capital outlay, Department of General Services, payable from the Public Buildings Construction Fund .....</p>	2,891,000
<p>Schedule:</p>	
<p>(1) 50.10.160-Office Building 8 Renovation, 714 P Street, Sacramento—Preliminary plans .....</p>	1,858,000
<p>(2) 50.10.161-Office Building 10 Renovation, 721 Capitol Mall, Sacramento—Preliminary plans and working drawings .....</p>	1,033,000
<p>Provisions:</p>	
<p>1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the projects authorized by this item.</p>	
<p>2. The State Public Works Board and the Department of General Services may obtain interim financing for the project costs authorized in this item from any appropriate source, including, but not limited to, the pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.</p>	
<p>3. The State Public Works Board may authorize the augmentation of the cost of construction of the project scheduled in this item pursuant to the board's authority under Section 13332.11 of the Government Code. In addition, the board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing including the payment of interest during construction of the project, the costs of financing a debt service fund, and the cost of is-</p>	

Item	Amount
<p>suance of permanent financing for the project. This additional amount may include interest payable on any interim financing obtained.</p> <p>1760-301-0768—For capital outlay, Department of General Services, payable from the Earthquake Safety and Public Buildings Rehabilitation Fund of 1990..</p> <p>Schedule:</p>	16,338,000
(1) 50.99.029-Program management....	500,000
(1.2) 50.99.687-California Department of Corrections, San Quentin State Prison, Kitchen and Dining: Structural retrofit—Working drawings and construction.....	4,475,000
(1.4) 50.99.080-Atascadero State Hospital: Kitchen/Dining Rooms 3 and 4, Canteen Dining Rooms 1 and 2: Structural Retrofit—Working drawings and construction.....	1,193,000
(4) 50.99.085-Metropolitan State Hospital, Norwalk, Laundry Building: Structural Retrofit—Working drawings and construction.....	1,774,000
(5) 50.99.086-Napa State Hospital, Building 199, Unit 2: Structural Retrofit—Working drawings and construction .....	2,479,000
(6) 50.99.087-Sonoma Developmental Center, Eldridge, Porter Administration Building, Structural Retrofit—Working drawings and construction .....	2,316,000
(7) 50.99.088-Correctional Training Facility, Soledad, Hospital Wing Q: Structural Retrofit—Working drawings and construction.....	2,407,000
(12) 50.99.402-Patton State Hospital—30 Building A–E, Structural Retrofit—Study and preliminary plans.....	336,000
(13) 50.99.403-Patton State Hospital, 70 Building A–E, Structural Retrofit—Study and preliminary plans.....	336,000
(21) 50.99.411-Correctional Training Facility, Soledad, South Dorm C,	

Item	Amount
D, E, Structural Retrofit—Study and preliminary plans.....	221,000
(28) 50.99.017-Department of General Services, Fresno: State Office Building—Study and preliminary plans.....	301,000
Provisions:	
1. Pursuant to funds appropriated in Schedule 1 and notwithstanding any other provision of law, the Director of the Department of General Services or his or her designee may contract for program management services provided by a licensed architect, registered engineer, or licensed general contractor where a firm is selected to assist DGS in project management activities, planning, designing, estimating, reviewing, and completing, a multiproject construction program.	
2. If, during the validation portion of project development for projects listed in Schedule 1 through 28, the Risk Level of any of these projects is reduced, or where a project savings has been realized, the funding for that particular project shall be available for expenditure for any of the other projects in this appropriation or for preliminary plans for the next highest priority Risk Level V or VI building identified by the department. If this change in funding occurs, the Department of General Services shall report to the Chair of the Joint Legislative Budget Committee detailing the project or projects reduced in seismic risk level, the project or projects for which preliminary plans will be developed, or the redirection of project savings within this appropriation.	
1760-401—In the event the bonds authorized for the Capitol Area Plan project in Chapter 761 of the Statutes of 1997 are not sold, the Department of General Services shall commit a sufficient portion of its support appropriation, as determined by the Department of Finance, which is provided for in this Budget Act to repay any interim financing. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until all interim financing is repaid either through the proceeds from the sale of bonds or from an appropriation.	

Item	Amount
1760-490—Reappropriation, Department of General Services. The balance of the appropriation provided in the following citation is reappropriated for the purposes provided for in that appropriation, and shall be available for encumbrance and expenditure until June 30, 2002: Schedule:	
(1) 0001—General Fund Item 1760-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000).	
(9) 50.99.081-CRC, Norco: Administration building 100: occupant relocation—Construction	
(2) 0666—Service Revolving Fund Item 1760-301-0666, Budget Act of 2000 (Ch. 52, Stats. 2000).	
(7) 50.10.152-Bonderson Building Renovation, Sacramento—Working drawings	
(3) 0768—Earthquake Safety and Public Buildings Rehabilitation Fund of 1990 Item 1760-301-0768, Budget Act of 2000 (Ch. 52, Stats. 2000).	
(4) 50.99.077-California Men’s Colony, San Luis Obispo, Buildings B,D,L, and Q: Structural Retrofit—Construction.	
(9) 50.99.082-Veterans’ Home of California, Yountville, Recreation building: Structural Retrofit—Working drawings and construction.	
(4) 0853—Petroleum Violation Escrow Account Item 1760-301-0853, Budget Act of 2000 (Ch. 52, Stats. 2000).	
(1) 50.99.200-State Fleet Alternative Fuel Infrastructure, Sacramento, Oakland, Los Angeles—Working drawings and construction	
1760-491—Reappropriation, Department of General Services. Notwithstanding any other provision of law, the balance, as of June 30, 2000, of the funds made available pursuant to Item 1760-101-768 of Section 2.00 of the Budget Act of 1994 (Ch. 139, Stats. 1994) and Item 1760-101-0768 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999) are reappropriated for the projects in the following schedule, and shall be available for expenditure through June 30, 2002.	



Item	Amount
Schedule:	
(1) 3011-Redwood City, San Mateo— Old Court House.....	268,858
(2) 3116-Richmond, Contra Costa— City Hall .....	1,149,975
(3) 3117-Richmond, Contra Costa— Hall of Justice .....	683,613
(4) 3292-Torrance, Harbor—UCLA Medical Center .....	777,618
(6) 4022-Alameda, Fire Station #21— Oakland.....	131,880
(7) 4029-Alameda, Oakland Police Ad- ministration Retrofit—Oakland.....	500,000
(8) 4042-Orinda, Contra Costa: Orinda Fire Station #44 .....	57,671
(9) 4162-Ventura, ECC/Public Safety Bldg., Oxnard .....	282,946
(10) 4167-Piru, Ventura Fire Station #28—Generator .....	29,805
(11) 4168-Fillmore, Ventura Fire Sta- tion #27—Generator.....	28,373
(12) 4170-Camarillo, Ventura Fire Sta- tion #55—Generator.....	29,831
(13) 4179-Ventura, Fire Station #53 Seismic Retrofit, Port Hueneme ...	336,600
(14) 4180-Ventura, Fire Comm. Center, Bldg. #1, Camarillo.....	60,162
(15) 4224-San Leandro, Alameda: Fire Station #2 .....	110,858
(16) 4225-San Leandro, Alameda: Fire Station #3 .....	116,810
(18) 4018-Alameda, Fire Station #8, Oakland.....	184,010
1760-492—Extension of liquidation period, Department of General Services. Notwithstanding any other pro- vision of law, funds appropriated in the following ci- tations shall be available for liquidation until June 30, 2002.	
0768—Earthquake Safety and Public Building Reha- bilitation Fund 1990.	
(i) Item 1760-301-0768, Budget Act of 1995 (Ch. 303, Stats. 1995) (14) 50.99.014—DSA 22- Department of General Services, Los Angeles Ju- nipero Serra State Office Building: Relocation of Public Safety and Emergency Communications Microwave Center—Construction.	

Item	Amount
1760-495—Reversion-Department of General Services: The unencumbered balances as of June 30, 2001, of the appropriation provided for in the following citations shall revert to the fund of origin.	
0001—General Fund	
Item 1760-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(8.5) 50.99.051-San Quentin, Neumiller Infirmary: Structural Retrofit, Temporary Trailer—Construction	
0768—Earthquake Safety and Public Buildings Rehabilitation Fund of 1990	
Item 1760-301-0768, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(2) 50.99.051-San Quentin, Neumiller Infirmary: Structural Retrofit—Construction	
(5) 50.99.078-San Quentin, Kitchen and dining: Structural Retrofit—Working drawings and construction.	
(6) 50.99.079-San Quentin, Building 22: Structural Retrofit—Working drawings	
(7) 50.99.080-Atascadero State Hospital, Kitchen and Dining Rooms 3 and 4, Canteen Dining Rooms 1 and 2: Structural Retrofit—Working drawings and construction	
1880-001-0001—For support of State Personnel Board . Schedule:	7,939,000
(1) 10-Merit System Administration ....	17,243,000
(2) 40-Local Government Services .....	3,146,000
(3) 50.01-Administrative Services .....	3,971,000
(4) 50.02-Distributed Administrative Services .....	-3,336,000
(5) Reimbursements .....	-13,085,000
1900-001-0950—For support of Board of Administration of the Public Employees’ Retirement System, payable from the Public Employees’ Contingency Reserve Fund .....	12,037,000
Provisions:	
1. The appropriation made in this item is for support of the Board of Administration pursuant to Section 22840 of the Government Code.	
1900-003-0830—For support of Board of Administration of the Public Employees’ Retirement System, payable from the Public Employees’ Retirement Fund .	(81,144,000)
Provisions:	
1. The amount displayed in this item is based on the estimate by the Public Employees’ Retirement	

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System of expenditures for external investment advisers to be made during the 2001–02 fiscal year pursuant to Section 20210 of the Government Code. The Board of Administration of the Public Employees’ Retirement System shall report to the fiscal committees of the Legislature and the Joint Legislative Budget Committee on or before January 10, 2002, regarding any revision of this estimate, including an accounting and explanation of changes, and the amount of, and basis for, investment adviser expenditures proposed for the 2002–03 fiscal year. The Board of Administration of the Public Employees’ Retirement System shall report on or before January 10, 2003, on the final expenditures under this item, including an accounting and explanation of changes from estimates previously reported to the Legislature.

2. Each of the two reports described in Provision 1 also shall include all of the following:
  - (a) A summary and comparison of the externally managed portfolios, the internally managed portfolios, and the total fund. This information shall include the value of the assets, the gross and net returns, the benchmark returns, and the costs, by dollars and basis points, for these portfolios.
  - (b) A description of the actions the Public Employees’ Retirement System will take to ensure that any future expenditures for outside advisers will result in a greater return on investments, including costs for these advisers, than if in-house advisers were used.
  - (c) Separate listings of adviser contracts in effect, and approved, during the 2000–01 and 2001–02 fiscal years, with (1) amounts (total contract and annual basis) for each contract for base fees and performance-based fees, and (2) summary statements of the purposes of each contract.

1900-015-0815—For support of Board of Administration of the Public Employees’ Retirement System, payable from the Judges’ Retirement Fund ..... (382,000)

Provisions:

1. Notwithstanding any other provision of law, the Board of Administration of the Public Employees’ Retirement System (PERS), in accordance with all applicable provisions of the California

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Constitution, shall submit to the Controller, the Department of Finance, the Joint Legislative Budget Committee, and the fiscal committees of the Legislature, all of the following:

- (a) No later than January 10, 2002, a copy of the proposed budget for PERS for the 2002–03 fiscal year as included with the Governor’s Budget.
- (b) No later than May 15, 2002, a copy of the proposed budget for PERS for the 2002–03 fiscal year as approved by the Board of Administration.
- (c) The revisions to the proposed budget for PERS for the 2001–02 fiscal year, as recommended by the PERS Finance Committee, at least 30 days prior to the consideration of those revisions by the Board of Administration.
- (d) Commencing October 1, 2001, all expenditure and performance workload data provided to the Board of Administration, as updated on a quarterly basis. This quarterly update information is to be submitted to the Joint Legislative Budget Committee and the fiscal committees of the Legislature, and shall be in sufficient detail to be useful for legislative oversight purposes and to sustain a thorough ongoing review of Public Employees’ Retirement System expenditures.

1900-015-0820—For support of Board of Administration of the Public Employees’ Retirement System, payable from the Legislators’ Retirement Fund ..... Provisions:

(234,000)

- 1. Notwithstanding any other provisions of law, the Board of Administration of the Public Employees’ Retirement System, in accordance with all applicable provisions of the California Constitution, shall submit to the Controller, the Department of Finance, the Joint Legislative Budget Committee, and the fiscal committees of the Legislature all of the following:
  - (a) A copy of the proposed budget for the Public Employees’ Retirement System for the 2002–03 fiscal year by January 10, 2002, as included with the Governor’s Budget.

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- (b) A copy of the proposed budget for the Public Employees' Retirement System for the 2002-03 fiscal year as approved by the Board of Administration by May 15, 2002.
- (c) The revisions to the proposed budget for the Public Employees' Retirement System for the 2001-02 fiscal year as recommended by the Public Employees' Retirement System Finance Committee at least 30 days prior to consideration of those revisions by the Board of Administration.
- (d) Commencing October 1, 2001, all expenditure and performance workload data provided to the Board of Administration, updated on a quarterly basis, shall be submitted to the Joint Legislative Budget Committee and the fiscal committees of the Legislature. The quarterly update information submitted to the Legislature shall be in sufficient detail to be useful for legislative oversight purposes and to sustain a thorough ongoing review of the expenditures of the Public Employees' Retirement System.

1900-015-0830—For support of Board of Administration of the Public Employees' Retirement System, payable from the Public Employees' Retirement Fund..... (183,479,000)

Provisions:

1. Notwithstanding any other provision of law, the Board of Administration of the Public Employees' Retirement System, in accordance with all applicable provisions of the California Constitution, shall submit to the Controller, the Department of Finance, the Joint Legislative Budget Committee, and the fiscal committees of the Legislature, all of the following:
  - (a) A copy of the proposed budget for the Public Employees' Retirement System for the 2002-03 fiscal year by January 10, 2002, as included with the Governor's Budget.
  - (b) A copy of the proposed budget for the Public Employees' Retirement System for the 2002-03 fiscal year as approved by the Board of Administration by May 15, 2002.
  - (c) The revisions to the proposed budget for the Public Employees' Retirement System for the 2001-02 fiscal year as recommended by the

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Public Employees' Retirement System Finance Committee at least 30 days prior to consideration of those revisions by the Board of Administration.

- 2. Commencing October 1, 2001, all expenditure and performance workload data provided to the Board of Administration, updated on a quarterly basis, shall be submitted to the Joint Legislative Budget Committee and the fiscal committees of the Legislature. The quarterly update information submitted to the Legislature shall be in sufficient detail to be useful for legislative oversight purposes and to sustain a thorough ongoing review of the expenditures of the Public Employees' Retirement System.
- 3. Commencing July 1, 2001, reports on information technology projects that are submitted to the Board of Administration shall be submitted to the Joint Legislative Budget Committee, the fiscal committees of the Legislature, and the Department of Information Technology (DOIT) on an informational basis. The quarterly update information submitted to the DOIT shall be in sufficient detail to be useful for DOIT informational project status reporting purposes.

1900-015-0884—For support of Board of Administration of the Public Employees' Retirement System, payable from the Judges' Retirement System II Fund... Provisions:

(284,000)

- 1. Notwithstanding any other provision of law, the Board of Administration of the Public Employees' Retirement System (PERS), in accordance with all applicable provisions of the California Constitution, shall submit to the Controller, the Department of Finance, the Joint Legislative Budget Committee, and the fiscal committees of the Legislature, all of the following:
  - (a) No later than January 10, 2002, a copy of the proposed budget for PERS for the 2002–03 fiscal year as included with the Governor's Budget.
  - (b) No later than May 15, 2002, a copy of the proposed budget for PERS for the 2002–03 fiscal year as approved by the Board of Administration.
  - (c) The revisions to the proposed budget for PERS for the 2001–02 fiscal year, as recom-

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mended by the PERS Finance Committee, at least 30 days prior to the consideration of those revisions by the Board of Administration.

- (d) Commencing October 1, 2001, all expenditure and performance workload data provided to the Board of Administration, as updated on a quarterly basis. This quarterly update information is to be submitted to the Joint Legislative Budget Committee and the fiscal committees of the Legislature, and shall be in sufficient detail to be useful for legislative oversight purposes and to sustain a thorough ongoing review of Public Employees' Retirement System expenditures.

1900-015-0962—For support of Board of Administration of the Public Employees' Retirement System, payable from the Volunteer Firefighter Length of Service Award Fund .....

Provisions:

(77,000)

- 1. Notwithstanding any other provision of law, the Board of Administration of the Public Employees' Retirement System, in accordance with all applicable provisions of the California Constitution, shall submit to the Controller, the Department of Finance, the Joint Legislative Budget Committee, and the fiscal committees of the Legislature, all of the following:
  - (a) A copy of the proposed budget for the Public Employees' Retirement System for the 2002-03 fiscal year by January 10, 2002, as included with the Governor's Budget.
  - (b) A copy of the proposed budget for the Public Employees' Retirement System for the 2002-03 fiscal year as approved by the Board of Administration by May 15, 2002.
  - (c) The revisions to the proposed budget for the Public Employees' Retirement System for the 2001-02 fiscal year recommended by the Public Employees' Retirement System Finance Committee, at least 30 days prior to consideration of those revisions by the Board of Administration.
  - (d) Commencing October 1, 2001, all expenditure and performance workload data provided to the Board of Administration, updated on a quarterly basis, shall be submitted to the Joint

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Legislative Budget Committee and the fiscal committees of the Legislature. The quarterly update information submitted to the Legislature shall be in sufficient detail to be useful for legislative oversight purposes and to sustain a thorough ongoing review of the expenditures of the Public Employees' Retirement System.

1920-001-0835—For support of State Teachers' Retirement System, payable from the State Teachers' Retirement Fund .....		58,960,000
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Schedule:

- |  |  |            |
|--|--|------------|
| (1) 10-Services to Members and Employers .....   |  | 59,362,000 |
| (2) Reimbursements .....   |  | -339,000   |
| (3) Amount payable from the Supplemental Benefit Maintenance Account in the Teachers' Retirement Fund pursuant to Section 22954 of the Education Code..... |  | -63,000    |

Provisions:

1. This item shall not be subject to the requirements of subdivision (b), (c), (d), or (e) of Section 31.00 of this act. Nothing in this provision shall be construed as exempting this item from requirements of the State Civil Service Act or from requirements of laws, rules, and regulations administered by the Department of Personnel Administration.
2. Commencing July 1, 2001, reports on information technology projects that are submitted to the Teachers' Retirement Board shall be submitted to the Joint Legislative Budget Committee, the fiscal committees of the Legislature, and the Department of Information Technology (DOIT) on an informational basis. The information submitted to DOIT shall be in sufficient detail to be useful for DOIT informational project status reporting purposes.

1920-002-0835—For support of State Teachers' Retirement System (external investment advisers), payable from the State Teachers' Retirement Fund .....		(62,000,000)
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Provisions:

1. The amount displayed in this item is for informational purposes only, and is based on the current estimate by the State Teachers' Retirement System (STRS) of expenditures for external investment advisers to be made during the 2001-02 fis-



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cal year pursuant to Section 22353 of the Education Code. The STRS shall report to the fiscal committees of the Legislature and the Joint Legislative Budget Committee no later than January 10, 2002, regarding any revision of this estimate, including an accounting and explanation of the changes, and regarding the amount of, and basis for, investment adviser expenditures proposed for the 2002–03 fiscal year. The STRS shall report on or before January 10, 2003, on the final expenditures under this item, including an accounting and explanation of changes from estimates previously reported to the Legislature.

2. Each of the two reports described in Provision 1 also shall include all of the following:
  - (a) A summary and comparison of the externally managed portfolios, the internally managed portfolios, and the total fund. This information shall include the value of the assets, the gross and net returns, the benchmark returns, and the costs by dollars and basis points for these portfolios.
  - (b) A description of the actions the State Teachers’ Retirement System will take to ensure that any future expenditures for outside advisers will result in a greater return on investments, including costs for these advisers, than if in-house advisers were used.
  - (c) Separate listings of adviser contracts in effect, and approved, during the 2000–01 and 2001–02 fiscal years, with (1) amounts (total contract and annual basis) for each contract for base fees and performance-based fees, (2) summary statements of the purposes of each contract.

1920-011-0001—For transfer by the Controller to the State Teachers’ Retirement Fund ..... (871,774,000)

Schedule:

- (1) Benefits Funding ..... (384,749,000)
- (2) Supplemental Benefit Maintenance Account (SBMA) ..... (487,025,000)

Provisions:

1. The estimated amount referenced in Schedule (a) is the state’s contribution required by subdivision (a) of Section 22955 of the Education Code.

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2. The estimated amount referenced in Schedule (b) is the state’s contribution required by Section 22954 of the Education Code.

1920-490—Reappropriation, State Teachers’ Retirement System (STRS). Notwithstanding any other provision of law, up to \$1,601,000 of the balance as of June 30, 2001, of the appropriation identified in the following citation is reappropriated, subject to the limitations set forth in Provision 1, and shall be available for encumbrance and expenditure until June 30, 2002. Any amount of this reappropriation that is not expended in 2001–02 shall be carried over to 2002–03 and is hereby reappropriated. In no event shall the total amounts reappropriated for the 2002–03 Budget exceed three percent of STRS’ 2001–02 appropriation.

0835—State Teachers’ Retirement Fund

- (1) Item 1920-001-0835, Budget Act of 2000 (Ch. 52, Stats. 2000).

Provisions:

1. The funds reappropriated in this item shall be available for expenditure by the State Teachers’ Retirement System for the purposes of meeting unanticipated system costs and promoting better service to the system’s membership. The funds may not be encumbered without advance approval of the State Teachers’ Retirement Board. The board shall report to the Legislature on a quarterly basis throughout the 2001–02 fiscal year on expenditures made pursuant to this item.

BUSINESS, TRANSPORTATION AND HOUSING

2100-001-0081—For support of Department of Alcoholic Beverage Control, payable from Alcohol Beverage Control Fund.....	33,072,000
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Schedule:

- |   |            |
|---|------------|
| (1) 10.10-Licensing.....                      | 18,001,000 |
| (2) 10.20-Compliance .....                    | 15,940,000 |
| (3) 10.30.010-Administration .....            | 3,065,000  |
| (4) 10.30.020-Distributed Administration..... | -3,065,000 |
| (5) Reimbursements.....                       | -869,000   |

2100-101-0081—For local assistance, Department of Alcoholic Beverage Control, Program 10.20-Compliance, for grants to local law enforcement agencies payable from Alcohol Beverage Control Fund .....	1,500,000
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Item	Amount
Provisions:	
1. Notwithstanding any other provisions of law, the Department of Alcoholic Beverage Control is authorized to grant funds to local law enforcement agencies for the purpose of enhancing enforcement of alcoholic beverage control laws in the local jurisdiction.	
2. Notwithstanding any other provisions of law, at the discretion of the Director, Department of Alcoholic Beverage Control, the department may advance grant funds to local law enforcement agencies.	
3. Notwithstanding any other provisions of law, at the discretion of the Director, Department of Alcoholic Beverage Control, title to any authorized equipment purchased by the local law enforcement agency pursuant to the grant may be vested in the local law enforcement agency at the conclusion of the grant period.	
2120-001-0117—For support of Alcoholic Beverage Control Appeals Board, Program 10, payable from the Alcoholic Beverage Control Appeals Fund.....	742,000
2150-001-0240—For support of Department of Financial Institutions, for payment to Item 2150-001-0298, payable from the Local Agency Deposit Security Fund .....	317,000
2150-001-0298—For support of Department of Financial Institutions, payable from the Financial Institutions Fund .....	15,596,000
Schedule:	
(1) 10-Licensing and Supervision of Banks and Trust Companies .....	14,095,000
(2) 20-Payment Instruments .....	594,000
(3) 40-Administration of Local Agency Security .....	317,000
(4) 50-Supervision of California Business and Industrial Development Corporations .....	28,000
(5) 60-Credit Unions.....	2,486,000
(6) 70-Savings and Loan.....	117,000
(7) 80-Industrial Loan Companies .....	921,000
(8) 90.01-Administration.....	3,894,000
(9) 90.02-Distributed Administration ...	-3,894,000
(10) Reimbursements .....	-159,000
(11) Amount payable from the Local Agency Deposit Security Fund (Item 2150-001-0240) .....	-317,000

Item	Amount
(12) Amount payable from the Credit Union Fund (Item 2150-001-0299).....	-2,486,000
2150-001-0299—For support of Department of Financial Institutions, for payment to Item 2150-001-0298, payable from the Credit Union Fund.....	2,486,000
2180-001-0067—For support of Department of Corporations, payable from the State Corporations Fund.....	25,292,000
Schedule:	
(1) 10-Investment Program .....	17,065,000
(2) 20-Lender-Fiduciary Program .....	8,227,000
(3) 50.01-Administration.....	4,827,000
(4) 50.02-Distributed Administration ...	-4,827,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3. Of the amount appropriated in this item, \$1,841,000 is allocated to the Department of Corporations to initiate the California Electronic Access to Securities Information Project, a pilot project to automate 20 of its most significant filings. These funds shall be available for expenditure no sooner than 30 days after notification to the Joint Legislative Budget Committee of approval of the project by the Department of Information Technology.	
2240-001-0001—For support of Department of Housing and Community Development.....	6,799,000
Schedule:	
(1) 10-Codes and Standards Program ..	23,252,000
(2) 20-Community Affairs Program.....	12,040,000
(3) 30.01-Housing Policy Development Program.....	2,390,000
(4) 30.02-Distributed Housing Policy Development Program.....	-122,000
(5) 50.01-Administration.....	8,347,000
(6) 50.02-Distributed Administration ...	-8,347,000
(7) Reimbursements.....	-487,000
(8) Amount payable from the Mobile-home Park Revolving Fund (Item 2240-001-0245) .....	-4,007,000
(9) Amount payable from the Mobile-home Park Purchase Fund (Item 2240-001-0530) .....	-564,000

Item	Amount
(10) Amount payable from the Rural Predevelopment Loan Fund (Item 2240-001-0635) .....	-124,000
(11) Amount payable from the Mobile-home-Manufactured Home Revolving Fund (Item 2240-001-0648).....	-16,808,000
(12) Amount payable from the Self-Help Housing Fund (Item 2240-001-0813) .....	-213,000
(13) Amount payable from the Federal Trust Fund (Item 2240-001-0890).....	-5,205,000
(14) Amount payable from the Housing Rehabilitation Loan Fund (Item 2240-001-0929) .....	-1,980,000
(15) Amount payable from the Rental Housing Construction Fund (Item 2240-001-0938) .....	-629,000
(16) Amount payable from the Emergency Housing and Assistance Fund (Item 2240-001-0985).....	-744,000
Provisions:	
1. Of the amount appropriated in this item, \$682,000 shall be used to continue oversight by the Department of Housing and Community Development of redevelopment agencies and to provide technical assistance, in accordance with the Department's Housing Preservation Plan.	
2240-001-0245—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Mobilehome Park Revolving Fund.....	4,007,000
2240-001-0530—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Mobilehome Park Purchase Fund.....	564,000
2240-001-0635—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Rural Predevelopment Loan Fund.....	124,000
2240-001-0648—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Mobilehome-Manufactured Home Revolving Fund.....	16,808,000

Item	Amount
Provisions:	
1. Notwithstanding Section 18077 of the Health and Safety Code, or any other provision of law, the first \$2,388,000 in revenues collected by the Department of Housing and Community Development from manufactured home license fees shall be deposited in the Mobilehome-Manufactured Home Revolving Fund, and shall be available to the department for the support, collection, administration, and enforcement of manufactured home license fees.	
2. Notwithstanding Section 18077.5 of the Health and Safety Code, or any other provision of law, the Department of Housing and Community Development is not required to comply with the reporting requirement of Section 18077.5 of the Health and Safety Code.	
2240-001-0813—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Self-Help Housing Fund .....	213,000
2240-001-0890—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Federal Trust Fund .....	5,205,000
2240-001-0929—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Housing Rehabilitation Loan Fund .....	1,980,000
2240-001-0938—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Rental Housing Construction Fund .....	629,000
2240-001-0985—For support of Department of Housing and Community Development, for payment to Item 2240-001-0001, payable from the Emergency Housing and Assistance Fund .....	744,000
2240-001-3006—For support of Department of Housing and Community Development, payable from the Jobs-Housing Balance Improvement Account .....	212,000
2240-013-0474—For support of Department of Housing and Community Development, payable from the Child Care and Development Facilities Loan Guaranty Fund .....	118,000

Item	Amount
2240-014-0472—For support of Department of Housing and Community Development, payable from the Child Care and Development Facilities Direct Loan Fund .....	653,000
Provisions:	
1. Of the amount appropriated in this item, \$100,000 shall be used to extend the interagency agreement for technical assistance in implementing market outreach and research strategies developed by the Child Development Policy Advisory Committee.	
2. Of the amount appropriated in this item, \$140,000 shall be used for grants to provide technical assistance to potential borrowers.	
2240-101-0001—For local assistance, Department of Housing and Community Development .....	22,644,000
Schedule:	
(1) 20-Community Affairs Program.....	123,671,000
(1.5) 97.20.004-Local Projects .....	1,073,000
(a) County of San Mateo: North San Mateo County Homeless Shelter Improvements .....	(300,000)
(b) Guadalupe Homeless Project: Guadalupe Homeless Project.....	(50,000)
(c) Nikkei Village Housing, Inc.: Development and Construction of the Nikkei Senior Gardens Housing Project in Pacoima.....	(100,000)
(d) Rainbow Adult Community Housing: Retirement Community Project	(250,000)
(e) Union Rescue Mission, Los Angeles: Reopen Single Women's Homeless Dormitory .....	(150,000)

Item	Amount
<ul style="list-style-type: none"> <li>(f) Jovenes, Inc.: Olivares/Pleasant Ave. Transitional Housing and Youth Center..... (50,000)</li> <li>(g) Single Room Occu- pancy Housing Cor- poration: James M. Wood Memorial Community Center. (150,000)</li> <li>(h) City of Cypress: In- stallation of dis- abled access curb ramps ..... (23,000)</li> </ul>	
(2) Amount payable from the Federal Trust Fund (Item 2240-101- 0890).....	-102,100,000
Provisions:	
1. Of the amount appropriated by this item, \$15,000,000 shall be available for a Central Val- ley infrastructure grant program if and as estab- lished by legislation adopted during the 2001-02 Regular Session.	
2240-101-0890—For local assistance, Department of Housing and Community Development, for payment to Item 2240-101-0001, payable from the Federal Trust Fund.....	102,100,000
Provisions:	
1. Notwithstanding any other provision of law, fed- eral funds appropriated by this act but not encum- bered by June 30 may be expended in the subse- quent fiscal year.	
2240-102-0001—For transfer, upon order of the Director of Finance, to the Special Deposit Fund-Office of Migrant Services (0942) .....	9,528,000
Provisions:	
1. Of the amount transferred by this item, \$1,200,000 shall be used to upgrade approxi- mately 46 migrant center playgrounds built before 1994 pursuant to Health and Safety Code Section 115730 (Chapter 712 of the Statutes of 1999).	
2240-103-0001—For transfer, upon order of the Director of Finance, to the Self-Help Housing Fund (0813) .	2,100,000
Provisions:	
1. The amount transferred by this item shall be ex- pended pursuant to paragraph (1) of subdivision (b) of Section 50696 of the Health and Safety	



Item	Amount
Code for group mutual self-help housing for any low-income owner-builder who contributes substantial labor to build his or her principal residence.	
2. Notwithstanding any other provision of law, the department may award technical assistance grants in amounts up to \$200,000.	
2240-104-0001—For transfer, upon order of the Director of Finance, to the Farmworker Housing Grant Fund (0927) .....	18,500,000
Provisions:	
1. The amount transferred by this item shall be expended pursuant to Section 50517.5 of the Health and Safety Code.	
2240-105-0001—For transfer, upon order of the Director of Finance, to the Emergency Housing and Assistance Fund (0985) .....	14,000,000
Provisions:	
1. The amount transferred by this item shall be distributed pursuant to Chapter 11.5 (commencing with Section 50800) of Part 2 of Division 31 of the Health and Safety Code for operating facilities grants. Operating facilities grants shall not be used to supplant existing emergency shelter or transitional housing funding. Grant assistance shall be used to establish new emergency shelter or transitional housing programs, expand existing facilities in order to increase the number of homeless persons served, expand existing eligible services, or bring existing facilities up to a level that meets state health and safety standards. Notwithstanding any regulatory provision to the contrary, operating facilities grants shall not exceed \$100,000 nor be less than \$50,000. For counties with an allocation of greater than \$50,000, one grant of less than \$50,000 may be awarded if necessary to fully utilize the county’s allocation. For counties with an allocation of up to or equal to \$50,000, up to two grants of less than \$50,000 may be awarded.	
2. Notwithstanding any other provision of law and as provided in Health and Safety Code Section 50842, any remaining funds in the California Housing Trust Fund (0843) shall be transferred to the Emergency Housing and Assistance Fund (0985) for the purposes described in Provision 1.	

Item	Amount
2240-107-0001—For transfer, upon order of the Director of Finance, to the Housing Rehabilitation Loan Fund (0929) .....	35,400,000
Provisions:	
1. Of the amount transferred by this item \$31,000,000 shall be utilized for the purposes of the Multifamily Housing Program as set forth in Chapter 6.7 (commencing with Section 50675) of Part 2, Division 31 of the Health and Safety Code.	
2. Of the amount transferred by this item, \$4,400,000 shall be utilized for the Downtown Rebound Program established by Section 50898.1 of the Health and Safety Code. Of this amount, \$3,000,000 shall be available for the purposes of subdivision (a) and \$1,400,000 shall be available for the purposes of subdivision (b).	
2240-114-3006—For local assistance, Department of Housing and Community Development, payable from the Jobs-Housing Balance Improvement Account.....	59,576,000
Provisions:	
1. Funds appropriated by this item shall be available for encumbrance until June 30, 2003, and shall be distributed through the Jobs-Housing Balance Improvement Incentive Grant Program as set forth in Section 50544 of the Health and Safety Code.	
2240-115-0472—For transfer, upon order of the Director of Finance, from the Child Care and Development Facilities Direct Loan Fund to the General Fund ....	(11,000,000)
2240-115-0813—For transfer upon order of the Director of Finance, from the Self Help Housing Fund to the General Fund.....	(18,000,000)
2240-115-0843—For transfer, upon order of the Director of Finance, from the California Housing Trust Fund to the General Fund (0001).....	4,000,000
2240-115-3006—For transfer, upon order of the Director of Finance, from the Jobs-Housing Balance Improvement Account to the General Fund (0001) .....	40,000,000
2240-295-0001—For local assistance, Department of Housing and Community Development, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	850,000

Item	Amount
Schedule:	
(1) 98.01.114.380-Regional Housing Needs Assessments (Ch. 1143, Stats. 1980) .....	850,000
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.	
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriation and the Chairperson of the Joint Legislative Budget Committee or his or her designee.	
2310-001-0400—For support of Office of Real Estate Appraisers payable from the Real Estate Appraisers Regulation Fund .....	3,800,000
Schedule:	
(1) 10-Administration of Real Estate Appraisers Program.....	3,875,000
(2) Reimbursements.....	-75,000
2320-001-0317—For support of Department of Real Estate, payable from the Real Estate Commissioner’s Fund .....	28,097,000
Schedule:	
(1) 10-Licensing and Education.....	6,005,000
(2) 20-Enforcement and Recovery.....	17,858,000
(3) 30-Subdivisions.....	4,885,000

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(4) 40.10-Administration .....	4,589,000
(5) 40.20-Distributed Administration ...	-4,490,000
(6) Reimbursements .....	-750,000
Provisions:	
1. Of the amount appropriated in this item, \$500,000 shall be used only for the purposes of the Real Estate Recovery Account.	
2320-490—Reappropriation—Department of Real Estate. Notwithstanding any other provision of the law, \$313,000 of the balance of appropriation provided in the following citation is reappropriated, for payment to vendors for work completed on the Enterprise Information System project, and shall be available for expenditure until June 30, 2002.	
0317—Real Estate Commissioner’s Fund	
(1) Item 2320-001-0317, Budget Act of 1998 (Ch. 324, Stats. 1998)	
2400-001-0933—For support of Department of Managed Health Care, payable from the Managed Care Fund. Schedule:	30,858,000
(1) 30-Health Plan Program .....	30,858,000
(2) 50.01-Administration .....	5,178,000
(3) 50.02-Distributed Administration ...	-5,178,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
2400-002-0933—For support of Department of Managed Health Care, for the Office of Patient Advocate, payable from the Managed Care Fund .....	1,489,000
2600-001-0042—For support of California Transportation Commission, for payment to Item 2600-001-0046, payable from the State Highway Account, State Transportation Fund .....	533,000
2600-001-0046—For support of California Transportation Commission, payable from the Public Transportation Account, State Transportation Fund .....	1,448,000
Schedule:	
(1) 10-Administration of California Transportation Commission .....	1,981,000
(2) Amount payable from the State Highway Account, State Transportation Fund (Item 2600-001-0042) .....	-533,000

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2640-101-0046—For local assistance, Special Transportation Programs, notwithstanding Section 99312 of the Public Utilities Code, for allocation by the Controller, payable from the Public Transportation Account, State Transportation Fund.....	171,000,000
Provisions:	
2. Notwithstanding Sections 99313 and 99314 of the Public Utilities Code, not more than \$67,387 of the amount appropriated by this item shall reimburse the Controller for expenditures for administration of State Transportation Assistance funds.	
2660-001-0001—For support of Department of Transportation.....	355,000
Schedule:	
(3) 97.20.004-Local Projects .....	355,000
(a) Caltrans: Single lane bridge, Highway 25 .....	(325,000)
(b) Caltrans: Reparations for financial loss created by Caltrans-Nyack.....	(30,000)
2660-001-0041—For support of Department of Transportation, for payment to Item 2660-001-0042, payable from the Aeronautics Account, State Transportation Fund .....	2,696,000
2660-001-0042—For support of Department of Transportation, payable from the State Highway Account, State Transportation Fund.....	2,020,380,000
Schedule:	
(1) 10-Aeronautics .....	3,145,000
(2) 20.10-Highway Transportation—Capital Outlay Support .....	1,097,364,000
(3) 20.30-Highway Transportation—Local Assistance .....	31,769,000
(4) 20.40-Highway Transportation—Program Development.....	93,063,000
(5) 20.65-Highway Transportation—Legal.....	63,225,000
(6) 20.70-Highway Transportation—Operations.....	142,845,000
(7) 20.80-Highway Transportation—Maintenance .....	798,906,000
(8) 30-Mass Transportation.....	102,551,000
(9) 40-Transportation Planning .....	117,604,000
(10) 50.00-Administration .....	291,207,000
(11) Reimbursements.....	-143,181,000

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(12) Amount payable from the Aeronautics Account, State Transportation Fund (Item 2660-001-0041)...	-2,696,000
(13) Amount payable from the Bicycle Transportation Account, State Transportation Fund (Item 2660-001-0045) .....	-10,000
(14) Amount payable from the Public Transportation Account, State Transportation Fund (Item 2660-001-0046) .....	-127,581,000
(15) Amount payable from the Historic Property Maintenance Fund (Item 2660-001-0365) .....	-3,700,000
(16) Amount payable from the Federal Trust Fund (Item 2660-001-0890) .....	-444,131,000
Provisions:	
1. For purposes of the funds appropriated in Schedules (2) to (7), inclusive, Program 20—Highway Transportation, upon approval of the Department of Finance, the Department of Transportation shall notify the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee at least 20 days prior to spending funds to expand activities above budgeted levels or to implement a new activity not identified in this act, including any of those expenditures to be funded through a transfer of money from other expenditure categories or programs, except in the case of emergency work increases caused by snow, storm, or earth movement damage.	
2. From funds appropriated in this item, the Department of Transportation may enter into interagency agreements with the Department of the California Highway Patrol to compensate that department for the cost of work performed by patrol officers at or near state highway construction projects so as to reduce the risk of occurrence of serious motor vehicle accidents.	
3. (a) Notwithstanding any other provision of law, funds appropriated in this item from the State Highway Account may be reduced and replaced by an equivalent amount of federal funds determined by the department to be available and necessary to comply with Section 8.50 of this act and the most effective	

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<p>management of state transportation resources. Not more than 30 days after replacing the state funds with federal funds, the Director of Finance shall notify in writing the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee of this action.</p> <p>(b) To the extent that moneys in the State Highway Account are reduced pursuant to this provision, the Department of Transportation may transfer, with the approval of the Business, Transportation and Housing Agency, and upon authorization by the Director of Finance, all or part of the savings to Item 2660-101-0042 or Item 2660-301-0042 for local assistance or capital outlay projects approved by the California Transportation Commission. The Director of Finance shall authorize the transfer not sooner than 30 days after notification in writing to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee.</p> <p>4. Notwithstanding any other provision of law, funding appropriated in this item may be transferred to Item 2660-005-0042 to pay for any necessary insurance, debt service, and other financing related expenditures for department-owned office buildings. Any transfer will require the prior approval of the Department of Finance.</p> <p>5. Notwithstanding any other provision of law, funds appropriated in Schedules (1) to (10), inclusive, in this item may be transferred to Item 2660-002-0608 for increases in equipment services costs, provided that the increase does not increase the overall appropriation authority for the Department of Transportation and no funding appropriated in Schedules (1) to (10), inclusive, is augmented. Any transfer will require the prior approval of the Department of Finance.</p> <p>6. This item includes \$120,671,000 for support of the Traffic Congestion Relief Plan. An appropriate portion of the expenditures in this item shall be transferred from the Traffic Congestion Relief Fund, local funds, federal funds, and private sources upon approval of a funding plan for</p>	

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project support work for each project by the California Transportation Commission; provided, that the first \$60,000,000 in State Highway Account eligible expenditures for the Traffic Congestion Relief Program shall be funded from this item. The Director of the Department of Transportation shall periodically certify to the State Controller the appropriate amounts to be transferred. The State Controller shall transfer expenditures from this item to the appropriations designated by the Director of Transportation. The State Controller shall adjust the appropriation balances in this item accordingly.

7. Notwithstanding any other provisions of the law, funds received as the federal reimbursement resulting from the state/federal exchange program pursuant to Section 182.8 of the Streets and Highways Code shall be transferred to the fund from which those expenditures occurred. Any savings resulting from the state-federal exchange program shall be transferred from the fund in which those savings occurred to the Traffic Congestion Relief Fund in an amount equal to the federal reimbursement received by the department.
8. Of the funds appropriated in Schedule (2), \$19,502,000 shall be used for state positions to perform technical oversight and invoice review of contracted architectural and engineering services that are managed by districts, and shall be available for expenditure on a prorated basis to correspond to actual contract expenditures for this purpose.
9. The funds appropriated in Schedule (2) for contract resources for capital outlay support that are encumbered but unexpended at the end of the fiscal year shall revert to the fund from which they were appropriated.
10. Of the funds appropriated in Schedule (10) \$7,560,000 shall be available for District 7 interim lease space. Expenditure of these funds is restricted to that amount required for lease space to relocate the number of staff personnel that exceed the capacity of the District 7 complex as determined by the electrical capacity and load study of the District 7 complex and for additional costs related to the mitigation and implementation plan for the District 7 complex.



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11. By September 1, 2002, the Department of Transportation (Caltrans), in coordination with the Department of the California Highway Patrol (CHP), shall submit to the Chair of the Joint Legislative Budget Committee, the chairs of the fiscal committees in each house, and the chairs of the transportation committees in each house, a draft of a Transportation Management System Master Plan. The plan shall include, but not necessarily be limited to, all of the following:
  - (a) A description of the current business processes for managing the transportation system and an assessment of current practices.
  - (b) Definitions of the roles and responsibilities of various entities, including Caltrans, CHP, and regional transportation planning agencies, with regard to incident management and recurrent congestion.
  - (c) A description of the conditions under which co-location of state transportation management centers and local transportation management centers or CHP communications centers is cost-effective and desirable.
  - (d) A list of specific measurable objectives and performance measures for system management and how each element and strategy contributes towards those objectives.
  - (e) An action plan for improving traffic management that will ensure statewide consistency and coordination of transportation management center activities. After review and approval by the Department of Finance, Caltrans shall submit a final plan to the committee chairs specified in this provision no later than December 28, 2002.
12. The Department of Transportation shall provide or report on the status of its information technology improvement plan to address findings in the Information Technology Baseline Report and other control agency requirements. The department shall provide the report to the Chair of the Joint Legislative Budget Committee and the chair of the fiscal committee of each house by March 1, 2002. The report shall include the following components:
  - (a) The status of the updated Agency Information Management Strategy.

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- (b) The status of the department's efforts to develop an information technology project inventory that includes traditional information technology projects, with appropriate traffic management and geographic information system application projects.
  - (c) A description of the department's policies and standards for information technology projects with regard to initiation and approval, project funding, including maintenance and operations costs, project monitoring and tracking, and project reporting.
  - (d) A description of roles and responsibilities for information technology within the department.
  - (e) The status of organizational and budgetary changes resulting from the evaluation of roles and responsibilities for information technology within the department.
13. By March 31, 2002, the Department of Transportation shall provide a report to the Chair of the Joint Legislative Budget Committee, the chair of the fiscal committee in each house, and the chair of the transportation policy committee in each house that shall include a description of the following:
- (a) How the department should take advantage of the Advanced Traffic Management System data for congestion monitoring purposes.
  - (b) Recommendations for how this data could be used to improve the department's business practices, including, but not limited to, planning, maintenance, and traffic operations.
  - (c) A departmentwide strategy for how traffic information should be disseminated to the public. This report shall be prepared and adopted by representatives from Caltrans Traffic Operations and Planning Programs, the Information Systems and Service Center, and the University of California, Berkeley's, Partners for Advanced Transit and Highways program and Center for the Commercialization of Information Technology.
14. In its reports to the Legislature and the California Transportation Commission, the Department

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of Transportation shall measure project delivery for the State Highway Operation and Protection Program and the State Transportation Improvement Program based on what is programmed in those documents for the fiscal year. The measures shall clearly distinguish between delivered projects, and voted dollars, that were programmed for delivery in that year, and delivered projects, and voted dollars, that were advanced from future years. Additionally, the department shall use “allocation vote” instead of “ready-to-list” as a measure of delivery. The department and the commission shall work together to ensure that the commission’s voting practices accommodate this change in methodology and provide a reasonable representation of the department’s performance.

15. By January 10, 2002, the Department of Transportation shall submit to the Chair of the Joint Legislative Budget Committee, the chair of the fiscal committee in each house, and the Department of Finance, a Schedule 7A that reconciles classifications of established permanent positions with authorized positions for 2002–03. The schedule shall clearly indicate the type and number of classifications in each Caltrans district. Concurrent with the submission of the Schedule 7A, the Department of Transportation shall also submit a report summarizing the changes that resulted from the reconciliation for 2001–02.
16. The Department of Transportation shall evaluate and report back to the Legislature with recommendations on specific mechanisms for funding capital improvement projects necessary to maintain the state’s shortline rail system as identified in the Global Gateways Program or other goods movement initiatives by January 10, 2002.
17. Notwithstanding any other provision of law, unexpended funds appropriated in Schedule 2 of this item for personal services may be transferred to operating expenses for the purposes of contracting out architectural and engineering services for project delivery.
18. Of the amount appropriated in this item, \$2,000,000 is available to fund the implementation of Section 65080.3 of the Government Code, which provides regional transportation

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planning agencies with the option of developing alternative planning scenarios during the development of the triennial regional transportation plan. The grant program shall be administered by the Office of Community Planning in accordance with the guidelines established for the community-based transportation planning demonstration program, which may be adjusted to better meet the intent of the statute and the demand for the funds.

- 19. To further the state’s goal of decreasing electricity consumption from state-owned buildings and structures, the Department of Transportation shall by 2005 replace all overhead guide signs with signs constructed using retroreflective sheeting materials having minimum coefficient of retroreflection requirements set forth in ASTM D4956. The department shall develop standards for retaining illuminated signs where location of ambient light conditions require illuminated signs for purposes of traffic safety.

- 20. The Department of Transportation, in conjunction with the Joint Powers Authority, shall construct the Pacific Highway Grade Separation, which shall be triple grade separation design.

2660-001-0045—For support of Department of Transportation, for payment to Item 2660-001-0042, payable from the Bicycle Transportation Account, State Transportation Fund..... 10,000

2660-001-0046—For support of Department of Transportation, for payment to Item 2660-001-0042, payable from the Public Transportation Account, State Transportation Fund..... 127,581,000

Provisions:

- 1. For Program 30—Mass Transportation. \$73,138,000 appropriated in this item is available for intercity rail. Of this amount, \$1,516,000 shall be available to support operating costs for the fifth and sixth trains on the Oakland to San Jose and the second and third trains on the Sacramento to Roseville portions of the Capitol Corridor, provided the Capitol Corridor Joint Powers Board and the Union Pacific Railroad reach agreement permitting the operation of the additional trains, and the agreement is acceptable to the Business, Transportation and Housing Agency.

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<ul style="list-style-type: none"> <li>2. Notwithstanding any other provision of law, funds appropriated in this item from the Public Transportation Account may be reduced and replaced by an equivalent amount of federal funds determined by the department to be available and necessary to comply with Section 8.50 of this act and the most effective management of state transportation resources. Not more than 30 days after replacing the state funds with federal funds, the Director of Finance shall notify in writing the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee of this action.</li> <li>3. It is the intent of the Legislature that entities authorized to contract for intercity rail passenger services shall solicit competitive bids for the provision of services pursuant to Section 14070.6 of the Government Code.</li> </ul>	
<p>2660-001-0365—For support of Department of Transportation, for payment to Item 2660-001-0042, payable from the Historic Property Maintenance Fund .....</p> <p>Provisions:</p> <ul style="list-style-type: none"> <li>1. The Department of Transportation shall not expend funds appropriated in this item for rehabilitation of historic properties located on the State Route 710 corridor until it submits to the Chair of the Joint Legislative Budget Committee and the chairs of the fiscal committees in each house: <ul style="list-style-type: none"> <li>(a) revised cost estimates, prepared by the Department of General Services, for the maintenance of the properties that have not yet been rehabilitated or declared excess properties, and</li> <li>(b) a work plan for repairing or rehabilitating the properties. The work plan shall be based on a clearly defined method of prioritization that recognizes that not all features contribute equally to the historic character of each building. Prior to the release of the cost estimates and work plan, the department may use the funds appointed in this item to continue urgent repair work that is already underway or to perform work necessary to protect the integrity of these properties.</li> </ul> </li> </ul>	3,700,000
<p>2660-001-0703—For support of Department of Transportation.....</p> <p>Schedule:</p> <ul style="list-style-type: none"> <li>(1) 30-Mass Transportation .....</li> </ul>	250,000
	250,000

Item	Amount
2660-001-0890—For support of Department of Transportation, for payment to Item 2660-001-0042, payable from the Federal Trust Fund .....	444,131,000
Provisions:	
1. For Program 20—Highway Transportation. For purposes of the Streets and Highways Code, all expenditures from this item shall be deemed to be expenditures from the State Highway Account, State Transportation Fund.	
2. For Program 20—Highway Transportation. Federal funds may be received from any federal source, and shall be deposited in the Federal Trust Fund. Any federal reimbursements shall be credited to the account from which the expenditures were originally made.	
3. Notwithstanding any other provision of law, the Director of Finance may augment this item with additional federal funds in conjunction with an equivalent offsetting reduction in State Highway Account funds in Item 2660-001-0042, pursuant to Provision 3 of that item or Public Transportation Account funds in Item 2660-001-0046, pursuant to Provision 2 of that item.	
2660-002-0608—For support of Department of Transportation, payable from the Equipment Service Fund...	72,247,000
Provisions:	
1. Notwithstanding any other provision of law, funds appropriated in this item may be increased in accordance with Provision 5 of Item 2660-001-0042.	
2. Of the funds appropriated in this item, \$7,218,000 shall be available only if new positions within the capital outlay support program are created and filled.	
2660-005-0042—For support of Department of Transportation, for building insurance, debt service, and other financing related costs for department-owned office buildings, payable from the State Highway Account, State Transportation Fund .....	14,608,000
Provisions:	
1. Notwithstanding any other provision of law, funds provided in Item 2660-001-0042 may be transferred to this item to pay for any necessary insurance, debt service, and other financing related costs for department-owned office buildings. Any transfer shall require the prior approval of the Department of Finance.	

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2. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
2660-007-0042—For support of Department of Transportation, payable from the State Highway Account, State Transportation Fund .....	61,521,000
Schedule:	
(1) 20-Highway Transportation.....	61,503,000
(2) 50-Administration .....	18,000
Provisions:	
1. The funds appropriated in this item may be expended only to attain compliance with the storm water discharge provisions of the National Pollutant Discharge Elimination System permits as promulgated by the State Water Resources Control Board or regional water quality control boards, or as ordered by the federal courts.	
2660-011-0041—For transfer by the Controller from the Aeronautics Account, State Transportation Fund, to the Public Transportation Account, State Transportation Fund, as prescribed by Section 21682.5 of the Public Utilities Code.....	(30,000)
2660-011-0042—For transfer by the Controller from the State Highway Account, State Transportation Fund, to the Toll Bridge Seismic Retrofit Account, State Transportation Fund .....	(341,826,000)
Provisions:	
1. Notwithstanding any other provision of law, the transfer shall be made upon the request of the Department of Transportation.	
2660-011-0046—For transfer by the Controller from the Public Transportation Account, State Transportation Fund, to the Traffic Congestion Relief Fund.....	(180,000,000)
2660-011-3007—For transfer by the Controller from the Traffic Congestion Relief Fund to the General Fund.....	(238,000,000)
2660-012-0042—For augmentation for emergencies relating to a state of emergency declared by the Governor, subject to all provisions of Item 9840-001-0001, payable from the State Highway Account .....	(40,000,000)
Provisions:	
1. No deficiencies shall be authorized by the Director of Finance in any appropriation of money from this item under the provisions of Section 11006 of	

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the Government Code. Required notification to the Legislature of deficiency appropriations pursuant to this item shall include, in addition to all other required information, (a) an estimate of federal funds or other funds that the department may receive for the same purposes as the proposed deficiency appropriation, and (b) explanation of the necessity of the proposed deficiency appropriation given anticipated federal funds or other funds.	
2. Funds appropriated in this item may be used for support, local assistance or capital outlay expenditures.	
2660-021-0042—For transfer by the Controller from the State Highway Account, State Transportation Fund, to the Public Transportation Account, State Transportation Fund, as prescribed by Section 194 of the Streets and Highways Code .....	(25,400,000)
2660-022-0042—For transfer by the Controller from the State Highway Account, State Transportation Fund, to the Environmental Enhancement and Mitigation Demonstration Account, State Transportation Fund, as prescribed by Section 164.56 of the Streets and Highways Code .....	(10,000,000)
2660-031-0042—For transfer by the Controller from the State Highway Account, State Transportation Fund, to the Equipment Service Fund for the purchase of new mobile fleet equipment .....	20,982,000
2660-101-0001—For local assistance, Department of Transportation, payable from the General Fund .....	2,294,000
Schedule:	
(a) Local Projects .....	2,294,000
(1) Los Angeles Neighborhood Initiative: Safe Pedestrian Zone Demonstration Project.....	(150,000)
(2) City of Westminster: Bolsa Avenue/Little Saigon Project.....	(50,000)
(3) City of Martinez: Burlington Northern/Santa Fe Railroad Trestle ....	(60,000)



Item	Amount
(4) Los Angeles County Metropolitan Transportation Authority: Transportation infrastructure associated with the Los Angeles Sports and Entertainment District .....	(1,000,000)
(5) City of San Jose: Los Gatos Creek Trail Bicycle and Pedestrian Improvement Project.	(75,000)
(6) City of Santa Ana: Pedestrian crosswalk improvements-Main and Walnut .....	(36,000)
(7) City of Ventura: California Street Storm Drain Upgrade.....	(100,000)
(8) Southern California Regional Rail Authority: Inland Empire Maintenance Facility.....	(100,000)
(9) City of Tracy: Replacement of school and pedestrian crossing signs with enhanced visibility signs .....	(10,000)
(10) City of Manteca: Safe Route to School Grant Crom Street Sidewalk Project .....	(100,000)
(11) City of Carson: Carson/Avalon Beautification .....	(50,000)

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(12) County of Los Angeles: Malibu Canyon-Las Virgenes Road Scenic Highway Designation...	(25,000)
(13) Transportation Commission: Fresno Rail Consolidation Program	(100,000)
(14) City of Fullerton: New Central Control System.....	(53,000)
(15) City of Brea: Replace Street Light Poles .....	(115,000)
(16) City of Brea: Carbon Canyon Traffic Analysis .....	(50,000)
(17) City of Brea: Carbon Canyon Specific Plan Update..	(100,000)
(18) City of Cypress: Rental Deposit Guarantee Program .....	(70,000)
(19) Castaic Area Town Council: Emergency Bypass Road for Castaic Road .....	(50,000)

2660-101-0042—For local assistance, Department of Transportation, payable from the State Highway Account, State Transportation Fund ..... 356,738,000

Schedule:

- (1) 20.30-Highway Transportation—
  - Local Assistance .....210,592,000
- (2) 30-Mass Transportation .....135,546,000
- (3) 40-Transportation Planning ..... 10,600,000

Provisions:

1. Funds appropriated in Schedules (1) and (2) shall be available for allocation by the California Transportation Commission in the 2001–02, 2002–03 and 2003–04 fiscal years.
2. Notwithstanding other provisions of law, funds appropriated within Schedule (1) may be transferred to Schedules (2) and (3); and funds appropriated within Schedule (2) may be transferred to

Item	Amount
<p>Schedules (1) and (3); and funds appropriated within Schedule (3) may be transferred to Schedules (1) and (2). These transfers shall require the prior approval of the California Transportation Commission and the Department of Finance. These funds shall be available for allocation by the commission in 2001-02, 2002-03 and 2003-04 fiscal years.</p> <p>3. Notwithstanding other provisions of law, funds appropriated in Schedule (1) or (2) may be transferred to Item 2660-301-0042. These transfers shall require the prior approval of the California Transportation Commission and the Department of Finance. These transfers shall be available for allocation by the commission in the 2001-02, 2002-03 and 2003-04 fiscal years.</p>	
<p>2660-101-0045—For local assistance, Department of Transportation, Program 20—Highway Transportation, payable from the Bicycle Transportation Account, State Transportation Fund .....</p>	7,190,000
<p>2660-101-0046—For local assistance, Department of Transportation, payable from the Public Transportation Account, State Transportation Fund .....</p>	31,915,000
<p>Provisions:</p> <p>1. Of the funds appropriated in this item, \$2,000,000 shall be used by Mass Transportation Program to match federal grants for the Job Access Reverse Commute Program for the purchase and/or lease of vans and buses for the provision of farmworker transportation and for the provision of farmworker transportation services. Up to 25 percent of these funds may be available for operating costs of the service.</p> <p>2. Of the funds appropriated in this item, \$18,000,000 shall be used for competitive grants to rural public agencies for capital improvement projects, such as transit facilities and equipment. Funds shall be awarded in accordance with guidelines established by the department. Funds for this program are to be allocated from the revenues described in Section 183.1 of the Streets and Highways Code which are deposited in the Public Transportation Account. These funds shall only be available for expenditure upon enactment of legislation authorizing the establishment of the program.</p>	

Item	Amount
2660-101-0183—For local assistance, Department of Transportation, Program 20—Highway Transportation, payable from the Environmental Enhancement and Mitigation Demonstration Program Fund .....	10,000,000
2660-101-0890—For local assistance, Department of Transportation, payable from the Federal Trust Fund.....	1,324,233,000
Schedule:	
(1) 20-Highway Transportation .....	1,250,733,000
(2) 30-Mass Transportation .....	31,500,000
(3) 40-Transportation Planning .....	42,000,000
Provisions:	
1. For Program 20—Highway Transportation. For purposes of the Streets and Highways Code, all expenditures from this item shall be deemed to be expenditures from the State Highway Account, State Transportation Fund.	
2. For Program 20—Highway Transportation. Federal funds may be received from any federal source and shall be deposited in the Federal Trust Fund. Any federal reimbursements shall be credited to the account from which the expenditures were originally made.	
3. Notwithstanding other provisions of law, funds appropriated within Schedule (1) may be transferred to Schedules (2) and (3), and funds appropriated within Schedule (2) may be transferred to Schedules (1) and (3). Funds appropriated within Schedules (1) and (2) may be transferred to Item 2660-301-0890. These transfers shall require the prior approval of the Department of Finance and the California Transportation Commission. These funds shall be available for allocation by the commission and shall be available for expenditure in the 2001–02, 2002–03 and 2003–04 fiscal years.	
4. Of the amount appropriated in this item, Schedule (2), \$2,500,000 shall be available for federal grants for the Job Access Reverse Commute Program for the purchase and/or lease of vans and buses for the provision of farmworker transportation and for the provision of farmworker transportation services. Up to 75 percent of these funds may be available for operating costs of the service.	
2660-102-0042—For local assistance, Department of Transportation, payable from the State Highway Account.....	5,000,000

Item	Amount
Schedule:	
(a) City of Shafter: Southern San Joaquin Valley Intermodal Facility. (5,000,000)	
2660-103-0042—For local assistance, Department of Transportation, Program 20, payable from the State Highway Account, State Transportation Fund .....	20,000,000
Provisions:	
1. \$20,000,000 is appropriated for allocation to the Transbay Terminal Joint Powers Authority for planning and preliminary design work related to the Transbay Terminal Project.	
2660-105-0046—For local assistance, Department of Transportation, payable from the Public Transportation Account, State Transportation Fund, for water transit operations managed through the Metropolitan Transportation Commission.....	2,793,000
Schedule:	
(1) 30-Mass Transportation .....	2,793,000
2660-295-0042—For local assistance, Department of Transportation, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the Controller.....	544,000
Schedule:	
(1) 98.01.108—Seismic Safety Retrofits (Ch. 1082, Stats. 1990) .....	542,000
(2) 98.01.064—Airport Land Use Commissions/Plans (Ch. 644, Stats. 1994) .....	2,000
(3) 98.01.129—Two-way Traffic Signal Communication (Ch. 1297, Stats. 1994) .....	0
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item.	

Item	Amount
Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.	
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.	
3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001–02 fiscal year.	
2660-301-0042—For capital outlay, Department of Transportation, payable from the State Highway Account, State Transportation Fund .....	1,118,077,500
Schedule:	
(1) 20-Highway Transportation .....	1,438,615,500
(a) State Highway Operation and Protection Program .....	(470,517,893)
(b) Regional Improvements .....	(453,380,373)
(c) Interregional Improvements .....	138,872,234
(d) Reimbursements .....	(375,845,000)
(2) 30-Mass Transportation .....	55,307,000
(3) Reimbursements .....	-375,845,000
Provisions:	
1. For Program 20—Highway Transportation. For each capital outlay appropriation, the department shall determine for reversion the difference between the appropriation and the total amount needed for encumbered projects, encumbered rights-of-way, and projects still to be scheduled for encumbrance against the appropriations. On or before December 15, 2001, the department shall	

Item		Amount
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submit to the Controller the estimated amounts to be reverted as of June 30, 2001, from the 1998–99, 1999–00 and 2000–01 fiscal year appropriations.

2. Notwithstanding any other provision of law, amounts scheduled within this item may be transferred to Item 2660-101-0042, Schedules (1) and (2), for local transportation projects pursuant to the allocation of project funds by the California Transportation Commission. These transfers shall require the prior approval of the California Transportation Commission and the Department of Finance. These funds shall be available for allocation during the 2001–02, 2002–03 and 2003–04 fiscal years.

2660-301-0046—	For capital outlay, Department of Transportation, payable from the Public Transportation Account, State Transportation Fund.....	91,000,000
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Schedule:

- |                                     |              |            |
|-------------------------------------|--------------|------------|
| (1) 30-Mass Transportation .....    |              | 91,000,000 |
| (a) Pacific Surfliner               |              |            |
| Route: Double and Triple Track..... | (41,000,000) |            |
| (b) San Joaquin Route:              |              |            |
| Double Track....                    | (29,400,000) |            |
| (c) Capitol Corridor:               |              |            |
| Double Track....                    | (20,600,000) |            |

Provisions:

1. Funds for this item are to be allocated from the unrestricted revenues to the Public Transportation Account.

2660-301-0890—	For capital outlay, Department of Transportation, payable from the Federal Trust Fund.....	1,542,163,000
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Schedule:

- |                                     |  |               |
|-------------------------------------|--|---------------|
| (1) 20-Highway Transportation ..... |  | 1,537,163,000 |
| (2) 30-Mass Transportation .....    |  | 5,000,000     |

Provisions:

1. Provision 1 of Item 2660-301-0042 is also applicable to this item.
2. For Program 20—Highway Transportation. For purposes of the Streets and Highways Code, all expenditures from this item shall be deemed to be expenditures from the State Highway Account, State Transportation Fund.

Item	Amount
3. For Program 20—Highway Transportation. Federal funds may be received from any federal source and shall be deposited in the Federal Trust Fund. Any federal reimbursements shall be credited to the account from which the expenditures were originally made.	
4. Notwithstanding any other provision of law, amounts scheduled within this item may be transferred to Item 2660-101-0890, Schedules (1) and (2), for local transportation projects pursuant to the allocation of project funds by the California Transportation Commission. These transfers shall require the prior approval of the California Transportation Commission and the Department of Finance. These funds shall be available for allocation during the 2001–02, 2002–03, and 2003–04 fiscal years.	
2660-302-0046—For capital outlay, Department of Transportation, payable from the Public Transportation Account, State Transportation Fund.....	0
Schedule:	
(1) 30-Mass Transportation .....	50,000,000
(2) Reimbursements.....	–50,000,000
2660-311-0042—For capital outlay, Department of Transportation, payable from the State Highway Account, State Transportation Fund.....	188,558,000
Schedule:	
(1) 20.20.500-Statewide: Studies, pre-planning and budget packages .....	102,000
(2) 20.20.511-Eureka Office Building: Seismic Retrofit—Construction ...	5,137,000
(3.5) 20.20.512-Redding District Office Building: Seismic Retrofit—Preliminary plans and working drawings.....	239,000
(4) 20.20.514-Los Angeles Office Building: Replacement—Working drawings and construction.....	183,080,000
Provisions:	
1. For Program 20—Highway Transportation. Up to 20 percent of the funds appropriated in this item may be transferred from Item 2660-301-0042 of this act to enable the California Transportation Commission to allocate supplemental funds to projects within this item. The transfer may be made only with the approval of the commission and the Department of Finance. The Department	



Item	Amount
<p>of Finance shall be notified of the transfer prior to the commission’s approval of any transfer or allocation of those funds to any project.</p> <p>2. Notwithstanding any other provisions of law, the project identified in Schedule (4) of this item shall be subject to administrative oversight by the State Public Works Board.</p> <p>3. The project identified in Schedule (4) is authorized for construction by the design-build delivery method pursuant to Section 14661 of the Government Code.</p>	
<p>2660-399-0042—For the Department of Transportation, for final cost accounting of projects for which appropriations have expired, for state operations, local assistance, or capital outlay, payable from the State Highway Account, State Transportation Fund. Funds appropriated in this item shall be available for expenditure until June 30, 2002.....</p>	5,000,000
<p>2660-399-0890—For the Department of Transportation, for state operations, local assistance, or capital outlay, payable from the Federal Trust Fund, for federal discretionary transportation corridor improvement grants and formula Section 163 grants .....</p>	25,000,000
<p>2660-401—Notwithstanding any other provision of law, Provision 8, of Item 2660-001-0042 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000) is revised to read as follows:</p> <p>8. This item includes \$120,671,000 for support of the Traffic Congestion Relief Plan. An appropriate portion of the expenditures in this item shall be transferred from the Traffic Congestion Relief Fund, local funds, federal funds, and private sources upon approval of a funding plan for project support work for each project. Except that the first \$60,000,000 in State Highway Account eligible expenditures for the Traffic Congestion Relief Program, shall be funded from this item. The Director of the Department of Transportation shall periodically certify to the Controller the appropriate amounts to be transferred. The Controller shall transfer expenditures from this item to the appropriations designated by the Director of Transportation. The Controller shall adjust the appropriation balances in this item accordingly.</p>	

Item	Amount
2660-490—Reappropriation, Department of Transportation. Notwithstanding any other provision of law, the balances of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in those appropriations.	
0042—State Highway Account, State Transportation Fund	
Item 2660-311-0042, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(2) 20.20.510-San Diego Office Building Replacement—Working drawings.	
(3) 20.20.511-Eureka Office Building Seismic Retrofit—Working drawings.	
(5) 20.20.513-Sacramento Headquarters Office: Seismic Retrofit—Working drawings.	
2660-491—Reappropriation, Department of Transportation. Notwithstanding any other provision of law, the unliquidated encumbrances for the appropriations provided in the following citations, are reappropriated until June 30, 2002. The unencumbered balance shall not be available for encumbrance.	
0042—State Highway Account	
(1) Item 2660-301-042, Budget Act of 1989 (Ch. 93, Stats. 1989)	
(2) Item 2660-101-042, Budget Act of 1990 (Ch. 467, Stats. 1990)	
(3) Item 2660-301-042, Budget Act of 1990 (Ch. 467, Stats. 1990)	
(4) Item 2660-325-042, Budget Act of 1990 (Ch. 467, Stats. 1990)	
(5) Item 2660-101-042, Budget Act of 1991 (Ch. 118, Stats. 1991)	
(6) Item 2660-301-042, Budget Act of 1991 (Ch. 118, Stats. 1991)	
(7) Item 2660-325-042, Budget Act of 1991 (Ch. 118, Stats. 1991)	
(8) Item 2660-125-042, Budget Act of 1992 (Ch. 587, Stats. 1992)	
(9) Item 2660-125-042, Budget Act of 1993 (Ch. 55, Stats. 1993)	
(10) Item 2660-301-042, Budget Act of 1993 (Ch. 55, Stats. 1993)	
(11) Item 2660-325-042, Budget Act of 1993 (Ch. 55, Stats. 1993)	
(12) Item 2660-125-042, Budget Act of 1994 (Ch. 139, Stats. 1994)	

Item	Amount
(13) Item 2660-325-042, Budget Act of 1994 (Ch. 139, Stats. 1994)	
(14) Item 2660-125-042, Budget Act of 1995 (Ch. 303, Stats. 1995)	
(15) Item 2660-101-0042, Budget Act of 1995 (Ch. 303, Stats. 1995)	
(16) Item 2660-325-042, Budget Act of 1995 (Ch. 303, Stats. 1995)	
(17) Item 2660-101-0042, Budget Act of 1996 (Ch. 162, Stats. 1996)	
(18) Item 2660-125-0042, Budget Act of 1996 (Ch. 162, Stats. 1996)	
0045—Bicycle Transportation Account	
(1) Item 2660-101-045, Budget Act of 1995 (Ch. 303, Stats. 1995)	
(2) Item 2660-101-0045, Budget Act of 1996 (Ch. 162, Stats. 1996)	
(3) Item 2660-101-0045, Budget Act of 1997, (Ch. 282, Stats. 1997)	
(4) Item 2660-101-0045, Budget Act of 1998	
0046—Public Transportation Account	
(1) Item 2660-101-046, Budget Act of 1989 (Ch. 93, Stats. 1989)	
(2) Item 2660-101-046, Budget Act of 1990 (Ch. 467, Stats. 1990)	
(3) Item 2660-101-046, Budget Act of 1991 (Ch. 118, Stats. 1991)	
(4) Item 2660-125-046, Budget Act of 1992 (Ch. 587, Stats. 1992)	
(5) Item 2660-302-046, Budget Act of 1992 (Ch. 587, Stats. 1992)	
(6) Item 2660-125-046, Budget Act of 1993 (Ch. 55, Stats. 1993)	
(7) Item 2660-302-046, Budget Act of 1993 (Ch. 55, Stats. 1993)	
(8) Item 2660-101-046, Budget Act of 1994 (Ch. 139, Stats. 1994)	
(9) Item 2660-125-046, Budget Act of 1994 (Ch. 139, Stats. 1994)	
(10) Item 2660-302-046, Budget Act of 1994 (Ch. 139, Stats. 1994)	
(11) Item 2660-302-0046, Budget Act of 1995 (Ch. 303, Stats. 1995)	
(12) Item 2660-302-0046, Budget Act of 1996 (Ch. 162, Stats. 1996)	

Item	Amount
0056—Seismic Safety Retrofit Account	
(1) Chapter 18, Statutes of 1989	
(2) Item 2660-325-056, Budget Act of 1994 (Ch. 139, Stats. 1994)	
0183—Environmental Enhancement and Mitigation Demonstration Program Fund	
(1) Item 2660-125-183, Budget Act of 1995 (Ch. 303, Stats. 1995)	
(2) Item 2660-125-0183, Budget Act of 1996 (Ch. 162, Stats. 1996)	
(3) Item 2660-101-0183, Budget Act of 1997 (Ch. 282, Stats. 1997)	
(4) Item 2660-101-0183, Budget Act of 1998 (Ch. 324, Stats. 1998)	
0853—Petroleum Violation Escrow Account	
(1) Chapter 186, Statutes of 1986	
(2) Chapter 1427, Statutes of 1988	
(3) Chapter 1434, Statutes of 1988	
(4) Chapter 1648, Statutes of 1990	
(5) Chapter 960, Statutes of 1991	
(6) Item 2660-101-853, Budget Act of 1992 (Ch. 587, Stats. 1992)	
(7) Chapter 1159, Statutes of 1993	
(8) Chapter 980, Statutes of 1995	
0890—Federal Trust Fund	
(1) Item 2660-101-890, Budget Act of 1990 (Ch. 467, Stats. 1990)	
(2) Item 2660-101-890, Budget Act of 1992 (Ch. 587, Stats. 1992)	
(3) Item 2660-301-890, Program 30, Budget Act of 1992 (Ch. 587, Stats. 1992)	
(4) Item 2660-101-890, Budget Act of 1993 (Ch. 55, Stats. 1993)	
(5) Item 2660-101-890, Budget Act of 1994 (Ch. 139, Stats. 1994)	
(6) Item 2660-301-890, Budget Act of 1989 (Ch. 93, Stats. 1989)	
(7) Item 2660-301-890, Budget Act of 1990 (Ch. 467, Stats. 1990)	
(8) Item 2660-301-890, Budget Act of 1993 (Ch. 55, Stats. 1993)	
2660-492—Reappropriation, Department of Transporta- tion. Notwithstanding any other provision of law, the balance as of June 30, 2001, of the appropriations in the following citations, are appropriated for the pur- poses provided for in those appropriations and shall be available for expenditure until June 30, 2002.	

Item	Amount
0042—State Highway Account	
(1) Item 2660-001-0042 (j) Budget Act of 2000 (Ch. 52, Stats. 2000), 50.00-Administration. \$11,200,000 shall be available for the Transportation Permits Management Systems Information Technology Project.	
0046—Public Transportation Account	
(1) Item 2660-103-0046, Budget Act of 2000 (Ch. 52, Stats. 2000). Up to 25 percent of the re-appropriated funds shall be available for operating costs of the service.	
(2) Item 2660-001-0046, Budget Act of 2000 (Ch. 52, Stats. 2000). Up to \$1,380,000 shall be available for planning activities in the State Planning and Research Program.	
0890—Federal Trust Fund	
(1) Item 2660-102-0890, Budget Act of 2000 (Ch. 52, Stats. 2000). Up to 75 percent of the re-appropriated funds shall be available for operating costs of the service.	
(2) Item 2660-001-0890, Budget Act of 2000 (Ch. 52, Stats. 2000). Up to \$5,520,000 shall be available for planning activities in the State Planning and Research Program.	
2660-493—Reappropriation, Department of Transportation. Notwithstanding any other provision of law, the appropriations in the following citations are reappropriated to enable the collection of outstanding federal reimbursements as of the end of June 30, 2001. These appropriations are not available for encumbrance or liquidation and shall revert on June 30, 2002:	
0890—Federal Trust Fund	
(1) Item 2660-001-890, Budget Act of 1987 (Ch. 135, Stats. 1987)	
(2) Item 2660-001-890, Budget Act of 1988 (Ch. 313, Stats. 1988)	
(3) Item 2660-001-890, Budget Act of 1989 (Ch. 93, Stats. 1989)	
(4) Item 2660-001-890, Budget Act of 1990 (Ch. 467, Stats. 1990)	
(5) Item 2660-001-890, Budget Act of 1991 (Ch. 118, Stats. 1991)	
(6) Item 2660-001-890, Budget Act of 1992 (Ch. 587, Stats. 1992)	
(7) Item 2660-001-890, Budget Act of 1993 (Ch. 55, Stats. 1993)	

Item	Amount
(8) Item 2660-001-890, Budget Act of 1994 (Ch. 139, Stats. 1994)	
(9) Item 2660-001-890, Budget Act of 1995 (Ch. 303, Stats. 1995)	
(10) Item 2660-301-890, Budget Act of 1992 (Ch. 587, Stats. 1992)	
(11) Item 2660-001-890, Budget Act of 1996 (Ch. 162, Stats. 1996)	
2660-495—Reversion, Department of Transportation. As of June 30, 2001, the unencumbered balances of the appropriations provided in the following citations shall revert to the balance in the fund from which the appropriation was made:	
0042—State Highway Account, State Transportation Fund	
(1) Item 2660-311-0042, Budget Act of 1999 (Ch. 50, Stats. 1999), 20.20.512-Seismic Retrofit, Redding District Office Building—Working drawings, as reappropriated by Item 2660-494, Budget Act of 2000	
(2) Item 2660-311-0042, Budget Act of 1999 (Ch. 52, Stats. 2000), 20.20.512-Redding District Office Building: Seismic Retrofit—Construction	
2660-496—Reversion, Department of Transportation. The unexpended encumbrances as of June 30, 2001, of the appropriation provided for in the following citation shall revert to the fund balance of the fund from which the appropriation was made:	
0042—State Highway Account	
(1) Item 2660-001-0042, Budget Act of 2000 (Ch. 52, Stats. 2000), Schedule (b) 20.10-Highway Transportation—Capital Outlay Support—Interdepartmental, Project Delivery, and External Consulting Services	
2665-001-0046—For support of High-Speed Rail Authority, payable from the Public Transportation Account, State Transportation Fund .....	1,047,000
2700-001-0044—For support of Office of Traffic Safety, payable from the Motor Vehicle Account, State Transportation Fund.....	371,000
Schedule:	
(1) 10-California Traffic Safety .....	25,326,000
(2) Amount payable from the Federal Trust Fund (Item 2700-001-0890).....	-24,955,000

Item	Amount
2700-001-0890—For support of Office of Traffic Safety, for payment to Item 2700-001-0044, payable from the Federal Trust Fund, not subject to the provisions of Section 28.00 .....	24,955,000
2700-101-0890—For local assistance, Office of Traffic Safety, payable from the Federal Trust Fund, not subject to the provisions of Section 28.00 .....	17,355,000
2720-001-0001—For transfer by the Controller, upon order of the Director of Finance, to the Motor Vehicle Account, State Transportation Fund (0044).....	29,719,000
2720-001-0042—For support of Department of the California Highway Patrol, for payment to Item 2720-001-0044, payable from the State Highway Account, State Transportation Fund .....	23,805,000
2720-001-0044—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund.....	948,101,000
Schedule:	
(1) 10-Traffic Management .....	911,154,000
(2) 20-Regulation and Inspection .....	102,863,000
(3) 30-Vehicle Ownership Security .....	27,069,000
(4) 40.01-Administration.....	138,962,000
(5) 40.02-Distributed Administration .....	-138,962,000
(6) Reimbursements.....	-56,458,000
(7) Amount payable from the State Highway Account (Item 2720-001-0042).....	-23,805,000
(8) Amount payable from the Motor Carrier Permit Fund (Item 2720-001-0292) .....	-1,677,000
(9) Amount payable from the Motor Carrier Safety Improvement Fund (Item 2720-001-0293) .....	-1,156,000
(10) Amount payable from the California Motorcyclist Safety Fund (Item 2720-001-0840) .....	-1,123,000
(11) Amount payable from the Federal Trust Fund (Item 2720-001-0890).....	-6,564,000
(12) Amount payable from the Hazardous Substance Account, Special Deposit Fund (Item 2720-001-0942).....	-200,000

Item	Amount
(13) Amount payable from the Asset Forfeiture Account, Special Deposit Fund (Item 2720-011-0942).....	-2,002,000
Provisions:	
1. Of the amount appropriated in this item, \$1,750,000 shall be expended for the purpose of increasing the number of California Highway Patrol officers charged with enforcing laws prohibiting illegal transportation of agriculture workers, including, but not limited to, enforcing the requirement under Section 27315 of the Vehicle Code that farm labor vehicles, as defined in Section 322 of the Vehicle Code, be equipped with safety belts.	
2720-001-0292—For support of Department of the California Highway Patrol, for payment to Item 2720-001-0044, payable from the Motor Carrier Permit Fund .....	1,677,000
2720-001-0293—For support of Department of the California Highway Patrol, for payment to Item 2720-001-0044, payable from the Motor Carrier Safety Improvement Fund .....	1,156,000
2720-001-0840—For support of Department of the California Highway Patrol, for payment to Item 2720-001-0044, payable from the California Motorcyclist Safety Fund.....	1,123,000
2720-001-0890—For support of Department of the California Highway Patrol, for payment to Item 2720-001-0044, payable from the Federal Trust Fund.....	6,564,000
2720-001-0942—For support of Department of the California Highway Patrol, for payment to Item 2720-001-0044, payable from the Hazardous Substance Account, Special Deposit Fund .....	200,000
2720-002-0001—For support of Department of California Highway Patrol.....	10,000
Schedule:	
(1) Local projects .....	10,000
Provisions:	
1. The funds appropriated in this item shall be used for the California Highway Patrol Explorer Post.	
2720-003-0044—For support of Department of the California Highway Patrol for rental payments on lease revenue bonds, payable from Motor Vehicle Account, State Transportation Fund.....	970,000



Item	Amount
Schedule:	
(1) Base Rental and Fees .....	967,000
(2) Insurance .....	3,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
2720-011-0942—For support of Department of the California Highway Patrol, for payment to Item 2720-001-0044, payable from the Asset Forfeiture Account, Special Deposit Fund .....	2,002,000
2720-012-0903—For transfer by the Controller from the State Penalty Fund to the California Motorcyclist Safety Fund (0840).....	(250,000)
2720-021-0044—For Department of the California Highway Patrol, for advance authority for the department to incur automotive equipment purchase obligations in an amount not to exceed \$5,000,000 during the 2001–02 fiscal year, for delivery beginning in the 2002–03 fiscal year, payable from the Motor Vehicle Account, State Transportation Fund.....	(5,000,000)
2720-101-0001—For local assistance, Department of the California Highway Patrol, for grants to local law enforcement agencies for the costs of collecting racial profiling data .....	1,000,000
Provisions:	
1. Grants shall only be available to local law enforcement agencies that collect all of the following data:	
(a) The number of vehicle drivers stopped for all traffic law enforcement purposes, whether or not a citation or warning was issued.	
(b) The race or ethnicity of the individuals stopped, based on visual observation.	
(c) A tabulation of which of the following basis the stop was made: (1) a violation of the Vehicle Code, (2) a violation of the Penal Code, (3) a violation of a local ordinance, or (4) the appearance of the driver or the appearance of the vehicle matches the description of a crime suspect or of a vehicle involved in the commission of a crime or belonging to a crime suspect.	

Item	Amount
(d) Whether a vehicle search was instituted.	
(e) A tabulation indicating if any of the following items were discovered or seized in the course of the search: (1) weapons, (2) controlled substances, (3) cash, (4) vehicles, (5) other property believed to be unlawful or the possession of which is unlawful.	
(f) A tabulation of which of the following resulted from the search or stop: (1) a written citation, (2) a warning, or (3) an arrest. Notwithstanding any other provisions of law, grants may be in the form of advanced payments for the costs of data collection .....	3,000,000
2720-301-0044—For capital outlay, Department of the California Highway Patrol, payable from the Motor Vehicle Account, State Transportation Fund.....	2,789,000
Schedule:	
(1) 50.16.106-Williams: Replacement Facility—Working drawings .....	205,000
(2) 50.57.507-Santa Fe Springs: Replacement Facility—Acquisition and preliminary plans.....	1,985,000
(3) 50.62.602-San Diego: Building Alterations—Preliminary plans and working drawings.....	174,000
(4.5) 50.73.703-Monterey: New Facility—Working drawings .....	305,000
(5) 50.90.900-Statewide: Property options and appraisals.....	20,000
(6) 50.90.901-Statewide: Studies, pre-planning and budget packages .....	100,000
2720-491—Reappropriation, Department of the California Highway Patrol. Notwithstanding any other provision of law, the unencumbered balance as of June 30, 2001, of the appropriation provided in the following citation is available for expenditure until June 30, 2002.	
0001—General Fund	
(1) Item 2720-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000). The unencumbered balance is reappropriated to provide local assistance grants to local law enforcement agencies for the cost of collecting racial profiling data and shall be available for expenditure until June 30, 2002. Grants shall only be available to local law enforcement	

Item	Amount
<p>agencies that collect all of the following data: (a) the number of vehicle drivers stopped for all traffic law enforcement purposes, whether or not a citation or warning was issued, (b) the race or ethnicity of the individuals stopped based on visual observation, (c) a tabulation of which of the following basis the stop was made: (1) a violation of the Vehicle Code, (2) a violation of the Penal Code, (3) a violation of a local ordinance, or (4) the appearance of the driver or the appearance of the vehicle matches the description of a crime suspect or of a vehicle involved in the commission of a crime or belonging to a crime suspect, (d) whether a vehicle search was instituted, (e) a tabulation of which of the following items were discovered or seized in the course of the search: (1) weapons, (2) controlled substances, (3) cash, (4) vehicles, or (5) other property believed to be unlawful or the possession of which is unlawful, and (f) a tabulation of which of the following resulted from the search or stop: (1) a written citation, (2) a warning, or (3) an arrest. Notwithstanding any other provision of law, grants may be in the form of advanced payments for the costs of data collection.</p>	
<p>2720-495—Reversion, Department of the California Highway Patrol. As of June 30, 2001, the unencumbered balance of the appropriation provided in the following citations shall revert to the balance in the fund from which the appropriation was made:</p>	
<p>0044—Motor Vehicle Account, State Transportation Fund</p>	
<p>Item 2720-301-0044, Budget Act of 2000 (Ch. 52, Stats. 2000), 50.73.703-Monterey: New Facility—Working drawings.</p>	
<p>2740-001-0001—For support of Department of Motor Vehicles, for payment to Item 2740-001-0044 .....</p>	2,382,000
<p>Provisions:</p>	
<p>1. Of the amount appropriated in this item, \$60,000 is for the Anatomical Donor Designation Program.</p>	
<p>2740-001-0042—For support of Department of Motor Vehicles, for payment to Item 2740-001-0044, payable from the State Highway Account, State Transportation Fund .....</p>	41,819,000

Item	Amount
2740-001-0044—For support of Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund .....	341,857,000
Schedule:	
(1) 11-Vehicle/Vessel Identification and Compliance.....	380,130,000
(2) 22-Driver Licensing and Personal Identification .....	172,264,000
(3) 25-Driver Safety .....	84,282,000
(4) 32-Occupational Licensing and Investigative Services.....	35,582,000
(5) 35-New Motor Vehicle Board .....	1,615,000
(6) 41.01-Administration.....	80,529,028
(7) 41.02-Distributed Administration ...	-80,529,028
(7.5) 97.20.001-Unallocated reduction ..	-21,000,000
(8) Reimbursements.....	-11,312,000
(9) Amount payable from the General Fund (Item 2740-001-0001).....	-2,382,000
(10) Amount payable from the State Highway Account, State Transportation Fund (Item 2740-001-0042).....	-41,819,000
(11) Amount payable from the New Motor Vehicle Board Account (Item 2740-001-0054) .....	-1,615,000
(12) Amount payable from the Motor Vehicle License Fee Account, Transportation Tax Fund (Item 2740-001-0064).....	-267,543,000
(13) Amount payable from Motor Carriers Permit Fund (Item 2740-001-0292).....	-2,660,000
(14) Amount payable from the Harbors and Watercraft Revolving Fund (Item 2740-001-0516) .....	-4,685,000
Provisions:	
2. Funds for the Department of Motor Vehicles' Vehicle Registration Renewal on the Internet Program shall not be available for payment of credit card discount fees or similar credit card-related charges.	
3. Of the amount appropriated in this item, \$5,687,000 shall be used by the Department of Motor Vehicles for the following purposes: \$592,000 to develop software that will enable de-	

Item	Amount
<p>partment customers to view, order, and pay for personalized license plates over the Internet, \$340,000 to create a Spanish Web site for the department, \$1,242,000 to develop advanced speech processing software, and \$1,026,000 to pilot an automated e-mail management system, and \$2,487,000 to install queuing systems in 33 field offices and 8 regional offices to improve customer service. These funds shall be available for expenditure upon approval of the individual projects by the Department of Information Technology.</p> <p>4. The \$21,000,000 unallocated reduction in this item shall come from an unallocated cut in the budget of the Department of Motor Vehicles.</p>	
2740-001-0054—For support of Department of Motor Vehicles, for payment to Item 2740-001-0044, payable from the New Motor Vehicle Board Account ..	1,615,000
2740-001-0064—For support of Department of Motor Vehicles, for payment to Item 2740-001-0044, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund .....	267,543,000
2740-001-0292—For support of Department of Motor Vehicles, for payment to Item 2740-001-0044, payable from the Motor Carriers Permit Fund .....	2,660,000
2740-001-0516—For support of Department of Motor Vehicles, for payment to Item 2740-001-0044, payable from the Harbors and Watercraft Revolving Fund .....	4,685,000
Provisions:	
1. The funds appropriated in this item are for undocumented vessel registration and fee collection.	
2740-011-0044—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, payable from the Motor Vehicle Account, State Transportation Fund.....	(1,000,000)
Provisions:	
1. The Director of Finance shall report allocations from this appropriation in the same manner as required for reporting allocations from Item 9840-001-0494 of this act.	
2740-301-0042—For capital outlay, Department of Motor Vehicles, for payment to Item 2740-301-0044, payable from the State Highway Account, State Transportation Fund.....	343,802

Item	Amount
2740-301-0044—For capital outlay, Department of Motor Vehicles, payable from the Motor Vehicle Account, State Transportation Fund .....	3,028,598
Schedule:	
(1) 71.03.019-Sacramento Headquarters: 3rd Floor Asbestos Removal and Seismic Retrofit—Preliminary plans.....	200,000
(2) 71.22.010-Statewide: Studies, Pre-planning and Budget Packages .....	100,000
(2.5) 71.43.010-Stockton: Field Office Replacement—Acquisition and preliminary plans .....	912,000
(4) 71.46.010-San Ysidro: Field Office Relocation—Acquisition and preliminary plans.....	3,400,000
(4.5) 71.53.010-South Sacramento: Field Office Replacement—Acquisition .....	942,000
(5) Amount payable from the State Highway Account, State Transportation Fund (Item 2740-301-0042).	-343,802
(6) Amount payable from the Motor Vehicle License Fee Account, Transportation Tax Fund (Item 2740-301-0064) .....	-2,181,600
2740-301-0064—For capital outlay, Department of Motor Vehicles, for payment to Item 2740-301-0044, payable from the Motor Vehicle License Fee Account, Transportation Tax Fund.....	2,181,600
2740-490—Reappropriation, Department of Motor Vehicles. Notwithstanding any other provision of law, the balance of the appropriation provided in the following citation is reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for the appropriation: 0044—Motor Vehicle Account, State Transportation Fund Item 2740-301-0044 Budget Act of 2000 (Ch. 52, Stats. 2000), 71.03.018—Sacramento Headquarters: 1st Floor Asbestos Removal and Seismic Retrofit—Construction	
2740-495—Reversion, Department of Motor Vehicles. As of June 30, 2001, the unencumbered balances of the appropriations provided in the following cita-	

Item	Amount
tions shall revert to the balance in the fund from which the appropriation was made:	
0042 State Highway Account, State Transportation Fund	
Item 2740-301-0042, Budget Act of 2000 (Ch. 52, Stats. 2000)	
0044 Motor Vehicle Account, State Transportation Fund	
Item 2740-301-0044, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(c) 71.43.010-Stockton: Field Office Replacement—Acquisition and preliminary plans.	
(d) 71.46.010-San Ysidro: Field Office Relocation—Acquisition and preliminary plans.	
0064 Motor Vehicle License Fee Account, Transportation Tax Fund	
Item 2740-301-0064, Budget Act of 2000 (Ch. 52, Stats. 2000)	
2740-496—Reversion, Department of Motor Vehicles. As of June 30, 2001, the unencumbered balance of the \$1,975,000 appropriated in the Budget Act of 2000 (Ch. 52, Stats. 2000) and in previous Budget Acts for replacement of the department’s existing field office computer terminals shall revert to the fund balance of the fund from which the appropriation was made.	
2780-001-0683—For support of Stephen P. Teale Data Center, payable from the Stephen P. Teale Data Center Revolving Fund.....	87,434,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the Stephen P. Teale Data Center in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
2. Expenditure authority provided in this item to support data center infrastructure projects may not be utilized for items outside the approved	

Item	Amount
<p>project scope. In addition, the data center shall report to the Department of Finance actual expenditures associated with the projects when purchase agreements have been executed.</p>	
<p>2780-003-0683—For support to the Stephen P. Teale Data Center for rental payments on lease revenue bonds, payable from Stephen P. Teale Data Center Revolving Fund.....</p>	1,828,000
Schedule:	
(1) Base Rental and Fees .....	1,820,000
(2) Insurance .....	8,000
Provisions:	
<p>1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.</p>	

TECHNOLOGY, TRADE, AND COMMERCE

<p>2920-001-0001—For support of Technology, Trade, and Commerce Agency .....</p>	30,504,000
Schedule:	
(2) 07-Science, Technology and Innovation .....	1,759,000
(3) 10-Economic Development.....	13,587,000
(4) 20-International Trade and Investment.....	5,060,000
(5) 25-Marketing and Communications	936,000
(6) 30-Tourism .....	8,159,000
(7) 40-Contracts, Grants and Loans .....	1,212,000
(8) 60-Economic Research and Strategic Initiatives .....	1,784,000
(9) 70.01-Administration.....	5,332,000
(10) 70.02-Distributed Administration .	-5,332,000
(10.5) 97.20.001-Unallocated Reduction.....	-520,000
(11) Reimbursements .....	-1,473,000
Provisions:	
<p>1. Of the amount appropriated in this item, the Technology, Trade, and Commerce Agency may transfer funds to Item 2920-012-0001, consistent with Provision 1 of that item, where the transfer is nec-</p>	



Item	Amount
essary to reimburse foreign trade office directors for relocation expenses to and from foreign trade offices.	
2920-001-0123—For support of Technology, Trade, and Commerce Agency, Program 05—California Infra- structure and Economic Development Bank, payable from the Rural Economic Development Fund.....	153,000
2920-001-0145—For support of Technology, Trade, and Commerce Agency, payable from the Commerce Marketing Fund.....	107,000
Schedule:	
(1) 10-Economic Development.....	26,000
(2) 30-Tourism .....	81,000
2920-001-0218—For support of Technology, Trade, and Commerce Agency, Program 10—Economic Devel- opment, payable from the Rural Development Fund .....	30,000
2920-001-0440—For support of Technology, Trade, and Commerce Agency, payable from the Petroleum Un- derground Storage Tank Financing Account.....	811,000
Schedule:	
(1) 10-Economic Development.....	648,000
(2) 40-Contracts, Grants and Loans .....	163,000
2920-001-0649—For support of Technology, Trade, and Commerce Agency, payable from the California In- frastructure and Economic Development Bank Fund	2,596,000
Schedule:	
(1) 05-California Infrastructure and Economic Development Bank .....	2,509,000
(2) 40-Contracts, Grants and Loans .....	87,000
2920-001-0801—For support of Technology, Trade, and Commerce Agency, Program 10—Economic Devel- opment, payable from the California Small Business Development Center Fund .....	249,000
2920-001-0890—For support of Technology, Trade, and Commerce Agency, Program 10—Economic Devel- opment, payable from the Federal Trust Fund.....	1,339,000
2920-002-0393—For support of Technology, Trade, and Commerce Agency, payable from the Job Creation Investment Fund.....	257,000
Schedule:	
(1) 10-Economic Development.....	206,000
(2) 40-Contracts, Grants and Loans .....	51,000
(3) 70.01-Administration.....	18,000
(4) 70.02-Distributed Administration ...	-18,000

Item	Amount
2920-011-0001—For support of Technology, Trade, and Commerce Agency .....	4,692,000
Schedule:	
(1) For transfer to the Small Business Expansion Fund (0918) .....	4,662,000
(2) For transfer to the Rural Develop- ment Fund (0218) .....	30,000
2920-012-0001—For support of Technology, Trade, and Commerce Agency, Foreign Trade Offices.....	6,772,000
Schedule:	
(1) Foreign Trade Offices..... (4,905,000)	
(a) 20.50.001 Africa ....	413,000
(b) 20.50.002 Germany	564,000
(c) 20.50.003 Hong Kong.....	838,000
(d) 20.50.004 Japan.....	1,051,000
(e) 20.50.005 London..	523,000
(f) 20.50.006 Mexico City.....	1,185,000
(g) 20.50.007 Taiwan...	331,000
(2) Contract Foreign Trade Offices..... (1,867,000)	
(a) 20.60.001 Calgary..	149,000
(b) 20.60.002 Korea ....	271,000
(c) 20.60.003 Philip- pines .....	160,000
(d) 20.60.004 Shanghai..	285,000
(e) 20.60.005 India.....	297,000
(f) 20.60.006 Sin- gapore.....	200,000
(g) 20.60.007 Buenos Aires.....	305,000
(h) 20.60.008 Israel .....	200,000
Provisions:	
1. Notwithstanding the provisions of Section 26.00 of this act, for the purposes of the payment of ap- propriate relocation expenses to and from foreign trade offices by foreign trade office directors, the Technology, Trade, and Commerce Agency may transfer funds between the schedules of this item.	
2920-101-0001—For local assistance, Technology, Trade, and Commerce Agency .....	34,790,000
Schedule:	
(1) 07-Science, Technology and Inno- vation .....	19,066,000

Item	Amount
(2) 10.09-Economic Development (Office of Military Base Retention) ...	400,000
(3) 10.40-Economic Development (Defense Adjustment Projects) .....	10,500,000
(4) 10.50-Economic Development (Small Business Development Centers).....	2,434,000
(5) 97.20.004-Local Projects .....	2,390,000
(a) Canoga Park Improvement Association: Canoga Park Improvement Association/Main Street Canoga Park Community Center Commercial District Improvements	150,000
(b) County of Los Angeles: Planning for Biotech Research Park at Los Angeles County USC Medical Center .....	200,000
(c) Port of San Francisco: Fisherman's Wharf Infrastructure Improvements for fishing handling and/or receiving facilities at San Francisco Fisherman's Wharf.	1,500,000
(d) Winning Opportunities for Responsible Contractors (WORC) Foundation: Multi-Cultural Contractors Association, training program for minority-owned businesses .....	50,000
(e) Redwood Economic Development Inst.: Aleutian Goose	

Item	Amount
Festival and Business Cluster Program .....	100,000
(f) East LA Community Corporation: Community Development Incubator .....	140,000
(g) Women’s Technology Cluster: Rental Assistance for a High Tech Incubator.....	250,000
2920-101-0440—For local assistance, Technology, Trade, and Commerce Agency, Program 10—Economic Development, payable from the Petroleum Underground Storage Tank Financing Account	3,000,000
2920-101-0801—For local assistance, Technology, Trade, and Commerce Agency, Program 10—Economic Development, payable from the California Small Business Development Center Fund.....	1,000,000
2920-101-0890—For local assistance, Technology, Trade, and Commerce Agency, Program 10—Economic Development, payable from the Federal Trust Fund .....	9,122,000
2920-101-3005—For local assistance, Technology, Trade, and Commerce Agency, Program 10—Economic Development, payable from the Film California First Fund .....	10,000,000
2920-102-0001—For local assistance, Klamath River Water Crisis Economic Assistance and Mitigation Program .....	8,000,000
2920-111-0001—For transfer, upon order of the Director of Finance, from the General Fund to the Film California First Fund (3005) .....	10,000,000
2920-115-0649—For transfer, upon order of the Director of Finance, from the California Infrastructure and Economic Development Bank Fund to the General Fund.....	(277,000,000)
2920-401—By September 1, 2001, the Technology, Trade, and Commerce Agency shall provide a list of the specific positions to be abolished pursuant to the enacted budget to the Department of Finance and the Chairpersons of the Joint Legislative Budget Committee and other fiscal committees of the Legislature.	

Item

Amount

RESOURCES

<p>3110-001-0001—For support of Special Resources Program, Program 30—Sea Grant Program, for grants to public and private higher education for use as a maximum of two-thirds of the local matching share for projects under the National Sea Grant College Program Act, as amended .....</p> <p>3110-001-0140—For support of Special Resources Program, Program 30—Sea Grant Program, for a grant to the University of California for support of the Sea Grant Marine Advisory Program, payable from the California Environmental License Plate Fund .....</p> <p>3110-101-0001—For local assistance, Special Resources Program, Program 10—Tahoe Regional Planning Agency.....</p> <p>Provisions:</p> <p>1. Of the amount appropriated in this item, \$233,000 shall be available for bringing salaries for Tahoe Regional Planning Agency (TRPA) staff into line with recommendations contained in the 2001 comparability study commissioned by TRPA. It is the intent of the Legislature that, with this appropriation, TRPA salaries will be at parity with the salaries of comparable positions in California and Nevada state agencies. Furthermore, it is the intent of the Legislature that the States of California and Nevada take appropriate measures to ensure that subsequent cost-of-living adjustments (COLAs) provided to employees of the respective states will also be provided to TRPA staff at the same time.</p> <p>3110-101-0071—For local assistance, Special Resources Program, Program 20—Yosemite Foundation, payable from the Yosemite Foundation Account, California Environmental License Plate Fund .....</p> <p>Provisions:</p> <p>1. There is hereby appropriated to the Special Resources Program for allocation by the State Controller to the Yosemite Foundation all moneys deposited in the account for activities authorized pursuant to Article 8.4 (commencing with Section 5060) of Chapter 1 of Division 3 of the Vehicle Code (Ch. 1273, Statutes of 1992).</p>	<p>1,000,000</p> <p>100,000</p> <p>3,360,000</p> <p>840,000</p>
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Item	Amount
3110-101-0140—For local assistance, Special Resources Program, Program 10—Tahoe Regional Planning Agency, payable from the California Environmental License Plate Fund .....	167,000
3110-101-0516—For local assistance, Special Resources Program, Program 10—Tahoe Regional Planning Agency payable from the Harbors and Watercraft Revolving Fund.....	124,000
Provisions:	
1. Notwithstanding any other provision of law, funds in this item shall be expended to implement motorized watercraft regulations adopted by the Tahoe Regional Planning Agency.	
3125-001-0001—For support of California Tahoe Conservancy .....	4,215,000
Schedule:	
(1) 10-Tahoe Conservancy .....	4,799,000
(2) Reimbursements.....	-33,000
(3) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3125-001-0005).	-300,000
(4) Amount payable from Habitat Conservation Fund (Item 3125-001-0262).....	-17,000
(5) Amount payable from the Lake Tahoe Conservancy Account (Item 3125-001-0286) .....	-62,000
(6) Amount payable from the Tahoe Conservancy Fund (Item 3125-001-0568).....	-172,000
3125-001-0005—For support of California Tahoe Conservancy, for payment to Item 3125-001-0001, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund...	300,000
3125-001-0262—For support of California Tahoe Conservancy, for payment to Item 3125-001-0001, payable from the Habitat Conservation Fund .....	17,000
3125-001-0286—For support of California Tahoe Conservancy, for payment to Item 3125-001-0001, payable from the Lake Tahoe Conservancy Account ....	62,000
3125-001-0568—For support of California Tahoe Conservancy, for payment to Item 3125-001-0001, payable from the Tahoe Conservancy Fund.....	172,000
Provisions:	
1. Of this amount, pursuant to Section 66908.3 of the Government Code, the conservancy shall pay	

Item	Amount
<ul style="list-style-type: none"> <li>\$40,200 to the County of Placer, and \$2,800 to the County of El Dorado.</li> <li>2. Fifty percent (50%) of the amounts pursuant to Provision 1 above shall be used by the Counties of Placer and El Dorado for soil erosion control projects in the Lake Tahoe region, as defined in Section 66905.5 of the Government Code.</li> </ul>	
3125-101-0001—For local assistance, California Tahoe Conservancy, Program 10—Tahoe Conservancy, for soil erosion control grants.....	4,163,000
Provisions: <ul style="list-style-type: none"> <li>1. Notwithstanding any other provision of law, this appropriation shall be available for encumbrance until June 30, 2004.</li> </ul>	
3125-101-0005—For local assistance, California Tahoe Conservancy, Program 10—Tahoe Conservancy, for soil erosion control grants, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.....	837,000
Provisions: <ul style="list-style-type: none"> <li>1. Notwithstanding any other provisions of law, this appropriation shall be available for encumbrance until June 30, 2004.</li> </ul>	
3125-301-0001—For capital outlay, California Tahoe Conservancy.....	8,243,000
Schedule: <ul style="list-style-type: none"> <li>(1) 50.30.002-Land acquisition and site improvements—Public access and recreation pursuant to Title 7.42 (commencing with Section 66905) of the Government Code .....</li> <li>(3) 50.30.004-Land acquisition and site improvements—Stream environment zones and watershed restorations pursuant to Title 7.42 (commencing with Section 66905) of the Government Code .....</li> <li>(4) 50.30.005-Land acquisition pursuant to Section 66907 of the Government Code .....</li> <li>(5) Reimbursements.....</li> </ul>	4,087,000 2,424,000 1,976,000 -244,000
Provisions: <ul style="list-style-type: none"> <li>1. The acquisition of real property or interests with funds appropriated in this item is not subject to the Property Acquisition Law when the value is \$250,000 or less, and, therefore, is not subject to approval by the State Public Works Board.</li> </ul>	

Item	Amount
2. The amount appropriated in this item is available for expenditure for capital outlay or for local assistance through fiscal year 2003–04. Expenditures of funds for grants to public agencies and grants to nonprofit organizations, as authorized by subdivision (a) of Section 66907.7 of the Government Code, are exempt from review by the State Public Works Board.	
3125-301-0005—For capital outlay, California Tahoe Conservancy, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	5,517,000
Schedule:	
(1) 50.30.002-Land acquisition and site improvements—Public access and recreation pursuant to Title 7.42 (commencing with Section 66905) of the Government Code .....	1,340,000
(2) 50.30.003-Acquisition, restoration, and enhancement of habitat .....	628,000
(3) 50.30.004-Land acquisition and site improvements—Stream environment zone and watershed restoration pursuant to Title 7.42 (commencing with Section 66905) of the Government Code. ....	3,025,000
(4) 50.30.005-Land acquisition pursuant to Section 66907 of the Government Code .....	524,000
Provisions:	
1. The acquisition of real property or interests with funds appropriated in this item is not subject to the Property Acquisition Law when the value is \$250,000 or less, and, therefore, is not subject to approval by the State Public Works Board.	
2. The amount appropriated in this item is available for expenditure for capital outlay or for local assistance through fiscal year 2003–04. Expenditures of funds for grants to public agencies and grants to nonprofit organizations, as authorized by subdivision (a) of Section 66907.7 of the Government Code, are exempt from review by the State Public Works Board.	
3125-301-0262—For capital outlay, California Tahoe Conservancy, payable from the Habitat Conservation Fund .....	483,000



Item	Amount
Schedule:	
(1) 50.30.003-Acquisition, restoration, and enhancement of habitat.....	483,000
Provisions:	
1. The acquisition of real property or interests with funds appropriated by this item is not subject to the Property Acquisition Law when the value is less than \$250,000 and, therefore, is not subject to Public Works Board approval.	
2. The amount appropriated in this item is available for expenditure for capital outlay or for local assistance through fiscal year 2003–04. Expenditures of funds for grants to public agencies and grants to nonprofit organizations, as authorized by subdivision (a) of Section 66907.7 of the Government Code, are exempt from Public Works Board review.	
3125-301-0286—For capital outlay, California Tahoe Conservancy, payable from the Lake Tahoe Conservancy Account.....	713,000
Schedule:	
(1) 50.30.002-Land acquisition and site improvements—Public access and recreation pursuant to Title 7.42 (commencing with Section 66905) of the Government Code .....	356,000
(2) 50.30.004-Land acquisition and site improvements—Stream environment zones and watershed restorations pursuant to Title 7.42 (commencing with Section 66905) of the Government Code .....	357,000
Provisions:	
1. The acquisition of real property or interests with funds appropriated in this item is not subject to the Property Acquisition Law when the value is \$250,000 or less, and, therefore, is not subject to Public Works Board approval.	
2. The amount appropriated in this item is available for expenditure for capital outlay or for local assistance through fiscal year 2003–04. Expenditures of funds for grants to public agencies and grants to nonprofit organizations, as authorized by subdivision (a) of Section 66907.7 of the Government Code, are exempt from Public Works Board review.	

Item	Amount
3340-001-0001—For support of California Conservation Corps .....	63,097,000
Schedule:	
(1) 10-Training and Work Program.....	64,775,000
(2) 10.55-Administration.....	(7,939,000)
(3) 10.55-Distributed Administration.....	(-7,939,000)
(4) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3340-001-0005).	-621,000
(5) Amount payable from the California Environmental License Plate Fund (Item 3340-001-0140).....	-301,000
(6) Amount payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Item 3340-001-0235) .....	-262,000
(7) Amount payable from the Federal Trust Fund (Item 3340-001-0890).....	-494,000
Provisions:	
1. Notwithstanding Section 14316 of the Public Resources Code, the Department of Finance may make a loan from the General Fund to the California Conservation Corps for the purposes of this item, in the amount of 25 percent of the reimbursements anticipated in the Collins-Dugan Reimbursement Account to be received by the California Conservation Corps from each client agency, not to exceed an aggregate total of \$6,909,000, to meet cash-flow needs due to delays in collecting reimbursements. Any loan made by the Department of Finance pursuant to this provision shall only be made if the California Conservation Corps has a valid contract or certification signed by the client agency, which demonstrates that sufficient funds will be available to repay the loan. All money so transferred shall be repaid to the General Fund as soon as possible, but not later than one year from the date of the loan. On and after a date 90 days after the end of that year, the Department of Finance shall charge interest to the California Conservation Corps, at the rate earned in the Pooled Money Investment Fund, on any portion of the loan that has not been repaid.	

Item	Amount
2. Of the funds appropriated in this item, \$2,725,000 shall be available for use by the California Conservation Corps to respond to natural disasters and other emergencies, including the fighting of forest fires. The Director of Finance may adjust this amount to the extent indicated by corrections identified by the director in the reports of the past expenditures of the California Conservation Corps upon which the amounts appropriated by this item are based. The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee at least 30 days prior to making that adjustment.	
3. To the extent that funds in excess of the amount identified in Provision 2 are necessary in order for the California Conservation Corps to respond to one or more emergencies declared by the Governor, the Department of Finance shall transfer, from the funds available pursuant to Section 8690.6 of the Government Code, an amount not to exceed \$1,500,000 as necessary to fund that response. If, after the Department of Finance has transferred funds pursuant to this provision, the California Conservation Corps receives reimbursements or other amounts in payment of its costs of response to one or more declared emergencies, those amounts shall be deposited in the General Fund.	
3340-001-0005—For support of California Conservation Corps, for payment to Item 3340-001-0001, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.....	621,000
3340-001-0140—For support of California Conservation Corps, for payment to Item 3340-001-0001, payable from the California Environmental License Plate Fund .....	301,000
3340-001-0235—For support of California Conservation Corps, for payment to Item 3340-001-0001, payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund.....	262,000
3340-001-0890—For support of California Conservation Corps, for payment to Item 3340-001-0001, payable from the Federal Trust Fund .....	494,000
3340-101-0005—For local assistance, California Conservation Corps, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	2,904,000

Item	Amount
3340-301-0001—For capital outlay, California Conservation Corps.....	2,530,000
Schedule:	
(1) 20.10.125-Pacific Bays Residential Study—Study .....	150,000
(3) 20.10.150-Delta Service District Center Site Selection and Acquisition—Acquisition .....	1,500,000
(4) 20.10.160-Napa Nursery Office/ Classroom Building—Working drawings and construction.....	543,000
(5) 20.10.140-Minor Capital Outlay ....	337,000
3340-301-0660—For capital outlay, California Conservation Corps, payable from the Public Buildings Construction Fund .....	10,865,000
(1) 20.10.145-Camarillo Satellite Relocation/Construction— Working drawings and construction.....	10,865,000

Provisions:

1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the project authorized by this item.
2. The State Public Works Board and the California Conservation Corps may obtain interim financing for the project costs authorized in this item from any appropriate source including, but not limited to, Section 15849.1 of the Government Code and the Pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.
3. The State Public Works Board may authorize the augmentation of the cost of construction of the projects scheduled in this item pursuant to the board's authority under Section 13332.11 of the Government Code. In addition, the State Public Works Board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing, including the payment of interest during construction of the project, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the project. This additional

Item	Amount
amount may include interest payable on any interim financing obtained.	
3360-001-0001—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465.....	10,233,000
Provisions:	
1. Notwithstanding any other provision of law, funds appropriated in this item may be used by the Energy Resources Conservation and Development Commission to provide grants, loans, or contracts to public and/or private entities. The commission may require cost sharing, but shall not require repayment of grant or contract funds. Loan repayment terms shall be determined by the commission. When the commission evaluates proposals, a high-point scoring method may be used in lieu of lowest cost.	
2. Of the amount appropriated in this item:	
(a) It is the intent of the Legislature that \$1.8 million be used to collect data on residential and large commercial users, pursuant to Budget Change Proposal Number 2, and to appropriate, if warranted, an additional \$1.2 million to complete this effort in the 2002–03 fiscal year.	
(b) It is the intent of the Legislature that \$300,000 be used for preliminary drawings for the construction of hydrogen fueling stations, and to appropriate, if warranted, an additional \$1.7 million to complete this effort in the 2002–03 fiscal year.	
3360-001-0044—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from the Motor Vehicle Account, State Transportation Fund .....	120,000
3360-001-0314—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from the Diesel Emission Reduction Fund.....	424,000
Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, funds appropriated in this item shall be available for expenditure during the 2001–02 and 2002–03 fiscal years.	
2. Notwithstanding Section 16304.1 of the Government Code, funds appropriated in this item shall	

Item	Amount
be available for liquidation of encumbrances until June 30, 2007.	
3. Notwithstanding any other provision of law, funds appropriated in this item may be used by the Energy Resources Conservation and Development Commission to provide grants, loans, or repayable research contracts. When the commission evaluates proposals, a high-point scoring method may be used in lieu of lowest cost. Repayment terms shall be determined by the commission.	
3360-001-0381—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from the Public Interest Research, Development and Demonstration Fund .....	69,573,000
Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, funds appropriated in this item shall be available for expenditure during the 2001–02 and 2002–03 fiscal years.	
2. Notwithstanding Section 16304.1 of the Government Code, funds appropriated by this item shall be available for liquidation of encumbrances until June 30, 2007.	
3. Notwithstanding any other provision of law, funds appropriated in this item may be used by the Energy Resources Conservation and Development Commission to provide grants, loans, or repayable research contracts. When the commission evaluates proposals, a high-point scoring method may be used in lieu of lowest cost. Repayment terms shall be determined by the commission.	
3360-001-0382—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from Renewable Resource Trust Fund .....	2,710,000
3360-001-0465—For support of Energy Resources Conservation and Development Commission, payable from the Energy Resources Programs Account .....	44,387,000
Schedule:	
(1) 10-Regulatory and Planning.....	35,710,000
(2) 20-Energy Resources Conservation.	18,478,000
(3) 30-Development.....	90,146,000
(4) 40.01-Policy, Management and Administration.....	9,879,000
(5) 40.02-Distributed Policy, Management and Administration .....	-9,879,000

Item	Amount
(6) Reimbursements.....	-5,086,000
(7) Amount payable from the General Fund (Item 3360-001-0001).....	-10,233,000
(8) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 3360-001-0044)...	-120,000
(9) Amount payable from the Diesel Emission Reduction Fund (Item 3360-001-0314) .....	-424,000
(10) Amount payable from the Public Interest Research, Development and Demonstration Fund (Item 3360-001-0381) .....	-69,573,000
(11) Amount payable from the Renewable Resource Trust Fund (Item 3360-001-0382) .....	-2,710,000
(12) Amount payable from the Energy Technologies Research Development and Demonstration Account (Item 3360-001-0479) .....	-723,000
(13) Amount payable from the Local Government Geothermal Resources Revolving Subaccount, GRDA (Item 3360-001-0497).....	-267,000
(14) Amount payable from the Petroleum Violation Escrow Account (Item 3360-001-0853) .....	-967,000
(15) Amount payable from the Katz Schoolbus Fund (Item 3360-001-0854).....	-223,000
(16) Amount payable from the Federal Trust Fund (Item 3360-001-0890).	-9,621,000
3360-001-0479—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from the Energy Technologies Research, Development and Demonstration Account for the purpose of funding loans, grants and contracts to provide a variety of research projects.....	723,000
Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, funds appropriated in this item shall be available for expenditure during the 2001–02 and 2002–03 fiscal years.	
2. Notwithstanding Section 16304.1 of the Government Code, funds appropriated in this item shall	

Item	Amount
be available for liquidation of encumbrances until June 30, 2005.	
3. Notwithstanding any other provision of law, funds appropriated in this item may be used by the Energy Resources Conservation and Development Commission to provide grants, loans, or repayable research contracts. When the commission evaluates proposals, a high-point scoring method may be used in lieu of lowest cost. Repayment terms shall be determined by the commission.	
3360-001-0497—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from the Local Government Geothermal Resources Revolving Subaccount, GRDA .....	267,000
3360-001-0853—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from Petroleum Violation Escrow Account .....	967,000
Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, funds appropriated in this item shall be available for expenditure during the 2001–02 and 2002–03 fiscal years.	
2. Notwithstanding Section 16304.1 of the Government Code, funds appropriated in this item shall be available for liquidation of encumbrances until June 30, 2005.	
3360-001-0854—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from the Katz Schoolbus Fund created by Section 17911 of the Education Code .....	223,000
3360-001-0890—For support of Energy Resources Conservation and Development Commission, for payment to Item 3360-001-0465, payable from the Federal Trust Fund .....	9,621,000
3360-101-0001—For local assistance, Energy Resources Conservation and Development Commission .....	610,000
Schedule:	
(a) City and County of San Francisco: Energy efficiency outreach to non-English-speaking persons .....	(200,000)
(b) City of Redondo Beach: Solar panel pilot program at police department, city hall, or seaside lagoon.....	(80,000)



Item	Amount
(c) City of Manhattan Beach: Replacing red signal lights with light-emitting diodes .....	(30,000)
(d) City of Oxnard: City of Oxnard energy efficiency improvement .....	(300,000)
3360-101-0497—For local assistance, Energy Resources Conservation and Development Commission, pursuant to Section 3822 of the Public Resources Code, payable from the Local Government Geothermal Resources Revolving Subaccount, GRDA.....	1,100,000
Schedule:	
(1) 30-Development.....	1,100,000
Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, funds appropriated in this item shall be available for expenditure during the 2001–02 and 2002–03 fiscal years.	
2. Notwithstanding Section 16304.1 of the Government Code, funds appropriated in this item shall be available for liquidation of encumbrances until June 30, 2005.	
3360-490—Reappropriation, Energy Resources Conservation and Development Commission. The balance of the appropriation provided in the following citation is reappropriated for the purposes provided for in the appropriation, and shall be available for encumbrance and expenditure until June 30, 2002.	
0465—Energy Resources Programs Account	
(1) Item 3360-001-0465, Budget Act of 2000, for grants for solar energy systems pursuant to Section 25619 of the Public Resources Code or for grants for distributed generation systems pursuant to Section 25620.10 of the Public Resources Code.	
3360-491—Reappropriation, Energy Resources Conservation and Development Commission. Notwithstanding any other provision of law, funds appropriated in the following citations are reappropriated for liquidation until June 30, 2002:	
0465—Energy Resources Programs Account	
(1) Item 3360-001-0465, Budget Act of 1998 (Ch. 324, Stats. 1998).	
0497—Geothermal Resources Development Account	
(1) Item 3360-101-0497, Budget Act of 1997 (Ch. 282, Stats. 1997).	

Item	Amount
3460-001-0001—For support of Colorado River Board of California .....	225,000
Schedule:	
(1) 10-Protection of California's Colorado River Rights and Interests ....	1,133,000
(2) Reimbursements .....	-893,000
(3) Amount payable from the California Environmental License Plate Fund (Item 3460-001-0140).....	-15,000
3460-001-0140—For support of Colorado River Board of California, for payment to Item 3460-001-0001, payable from the California Environmental License Plate Fund.....	15,000
Provisions:	
1. The funds appropriated in this item are for the Salinity Control Forum.	
3480-001-0001—For support of Department of Conservation.....	21,985,000
Schedule:	
(1) 10-Geologic Hazards and Mineral Resources Conservation .....	25,865,000
(2) 20-Oil, Gas, and Geothermal Resources .....	14,456,000
(3) 30-Land Resource Protection.....	3,926,000
(4) 40.01-Administration.....	11,912,000
(5) 40.02-Distributed Administration ...	-11,912,000
(6) 50-Beverage Container Recycling and Litter Reduction Program .....	29,495,000
(7) Reimbursements.....	-8,324,000
(8) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3480-001-0005).	-490,000
(9) Amount payable from the Surface Mining and Reclamation Account (Item 3480-001-0035) .....	-1,849,000
(10) Amount payable from the State Highway Account, State Transportation Fund (Item 3480-001-0042).	-12,000
(11) Amount payable from the California Beverage Container Recycling Fund (Item 3480-001-0133).....	-30,721,000
(12) Amount payable from the California Environmental License Plate Fund (Item 3480-001-0140).....	-55,000

Item	Amount
(13) Amount payable from the Soil Conservation Fund (Item 3480-001-0141) .....	-1,154,000
(14) Amount payable from Hazardous and Idle-Deserted Well Abatement Fund (Section 3206, Public Resources Code) .....	-80,000
(15) Amount payable from Mine Reclamation Account (Item 3480-001-0336) .....	-1,427,000
(16) Amount payable from Seismic Hazards Identification Fund (Item 3480-001-0338) .....	-1,947,000
(17) Amount payable from the Strong Motion Instrumentation Special Fund (Item 3480-001-0398) .....	-3,344,000
(18) Amount payable from the Federal Trust Fund (Item 3480-001-0890) .....	-1,655,000
(18.5) Amount payable from the Abandoned Mine Reclamation and Minerals Fund (Item 3480-001-3025) .....	-200,000
(19) Amount payable from the Agriculture and Open Space Mapping Subaccount (Item 3480-001-6004) .....	-499,000
Provisions:	
1. Notwithstanding any other provision of law, upon approval and order of the Department of Finance, the Department of Conservation may borrow sufficient funds, from special funds that otherwise provide support for the department, to meet cash-flow needs due to delays in collecting reimbursements. Any loan made by the Department of Finance pursuant to this provision may be made only if the Department of Conservation has a valid contract or certification signed by the client agency, which demonstrates that sufficient funds will be available to repay the loan. All money so transferred shall be repaid to the special fund as soon as possible, but not later than one year from the date of the loan.	
2. Of the amount appropriated in Schedule 1 of this item, \$399,000 shall be available for support of the department's Abandoned Mine Lands Inventory Program if funds from the Surface Mining and Reclamation Account are appropriated to the Abandoned Mine Reclamation and Minerals Fund.	

Item	Amount
3480-001-0005—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.....	490,000
3480-001-0035—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the Surface Mining and Reclamation Account .	1,849,000
3480-001-0042—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the State Highway Account, State Transportation Fund .....	12,000
Provisions:	
1. The funds appropriated in this item are for the state’s share of costs of the California Institute of Technology seismograph network.	
3480-001-0133—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the California Beverage Container Recycling Fund .....	30,721,000
3480-001-0140—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the California Environmental License Plate Fund .....	55,000
3480-001-0141—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the Soil Conservation Fund .....	1,154,000
3480-001-0336—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the Mine Reclamation Account.....	1,427,000
3480-001-0338—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the Seismic Hazards Identification Fund .....	1,947,000
Provisions:	
1. Notwithstanding any other provision of law, the Department of Finance may authorize expenditures from the Seismic Hazard Identification Fund in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his designee, may in each instance determine. When exercising this provision, the department must maintain a minimum 10-percent reserve balance in the Seismic Hazards Identification Fund at all times and not exceed a total pro-	

Item	Amount
gram expenditure level of \$2,300,000. This provision may also be used to reduce expenditures below the amount appropriated by this item should revenues be unable to maintain an adequate balance.	
3480-001-0398—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the Strong Motion Instrumentation Special Fund .....	3,344,000
Provisions:	
1. Notwithstanding any other provision of law, the Department of Finance may authorize expenditures from the Strong Motion Instrumentation Special Fund in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his designee, may in each instance determine. When exercising this provision, the department must maintain a minimum 10-percent reserve balance in the Strong Motion Instrumentation Special Fund at all times and not exceed a total program expenditure level of \$5,000,000. This provision may also be used to reduce expenditures below the amount appropriated by this item should revenues be unable to maintain an adequate balance.	
3480-001-0890—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the Federal Trust Fund .....	1,655,000
3480-001-3025—For support of Department of Conservation, payable from the Abandoned Mine Reclamation and Minerals Fund, for physical remediation of abandoned mine lands.....	200,000
Provisions:	
1. Notwithstanding any other provision of law, the \$200,000 appropriated by this item shall be available for remediation and reclamation of abandoned mines pursuant to subdivision (b) of Section 2796, and Section 2796.5 of the Public Resources Code.	
3480-001-6004—For support of Department of Conservation, for payment to Item 3480-001-0001, payable from the Agriculture and Open Space Mapping Sub-account.....	499,000

Item	Amount
3480-011-0035—For transfer by the Controller from the Surface Mining and Reclamation Account to the Abandoned Mine Reclamation and Minerals Fund for physical remediation of abandoned mine lands .....	(200,000)
3480-101-0001—For local assistance, Department of Conservation .....	1,616,000
Provisions:	
1. (a) Of the funds appropriated in this item, \$1,496,000 shall be used for the California Farmland Conservency Program.	
(b) Notwithstanding any other provision of law, this appropriation shall be available for encumbrance until June 30, 2004.	
(c) Notwithstanding any other provision of law, when the Department of Conservation evaluates proposals, priority shall be given to projects with matching funds.	
2. Of the funds appropriated in this item, \$120,000 shall be used for grants to resource conservation districts for the purposes specified in Chapter 994 of the Statutes of 1996 and, notwithstanding any other provision of law, these funds shall be available for encumbrance until June 30, 2004.	
3480-101-0005—For local assistance, Department of Conservation, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund, to be available for expenditure in the 2001–02, 2002–03, and 2003–04 fiscal years....	5,000,000
3480-295-0001—For local assistance, Department of Conservation, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	0
Schedule:	
(1) 98.01.113.175-Mineral resources policies (Ch. 1131, Stats. 1975)....	0
Provisions:	
1. Pursuant to Section 17581 of the Government Code, the mandate identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are	

Item	Amount
specifically identified by the Legislature for suspension during the 2000–01 fiscal year:	
(1) Mineral resources policies (Ch. 1131, Stats. 1975)	
3540-001-0001—For support of Department of Forestry and Fire Protection .....	360,496,000
Schedule:	
(1) 100000-Personal services.....	360,743,000
(2) 300000-Operating expenses and equipment.....	220,667,000
(2.5) 555005-Local Projects .....	181,000
(3) Reimbursements .....	-121,538,000
(4) Less funding provided by capital outlay .....	-2,023,000
(5) Amount payable from the General Fund (Item 3540-006-0001).....	-55,000,000
(6) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3540-001-0005).	-202,000
(7) Amount payable from the Unified Program Account (Item 3540-001-0028).....	-250,000
(8) Amount payable from the State Fire Marshal Licensing and Certification Fund (Item 3540-001-0102)...	-1,817,000
(9) Amount payable from the California Environmental License Plate Fund (Item 3540-001-0140).....	-2,379,000
(10) Amount payable from the California Fire and Arson Training Fund (Item 3540-001-0198) .....	-1,398,000
(11) Amount payable from the Hazardous Liquid Pipeline Safety Fund (Item 3540-001-0209) .....	-2,214,000
(12) Amount payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Item 3540-001-0235) .....	-340,000
(13) Amount payable from the Professional Forester Registration Fund (Item 3540-001-0300) .....	-169,000
(14) Amount payable from the Federal Trust Fund (Item 3540-001-0890).....	-16,726,000

Item	Amount
(15) Amount payable from the Forest Resources Improvement Fund (Item 3540-001-0928) .....	-17,013,000
(16) Amount payable from the Timber Tax Fund (Item 3540-001-0965)...	-26,000
Provisions:	
1. Notwithstanding any other provision of law, the Department of Finance may authorize the temporary or permanent redirection of funds from this item for purposes of emergency fire suppression and detection costs and related emergency revegetation costs.	
2. Notwithstanding any other provision of law, the Department of Forestry and Fire Protection is authorized to collect up to \$300,000 in reimbursements from nursery sale receipts for State Nursery operations.	
3. Notwithstanding any other provision of law, the Department of Forestry and Fire Protection shall remit as General Fund revenue any nursery sale receipts collected during the period July 1, 2001, to June 30, 2002, inclusive, in excess of the amount needed to reimburse the costs of operating the State Nursery.	
4. Notwithstanding any other provision of law, no funds may be expended on or after January 1, 2002, for support of the Board of Forestry and Fire Protection unless the Secretary for Resources certifies in writing to the Joint Legislative Budget Committee that the existing interim forest practice rules relating to protection of threatened and endangered salmonid fish species that were originally adopted by the Board of Forestry in March 2000, have been extended without reservation or qualification, and will be in effect during the entire 2002 calendar year.	
5. Of the amount appropriated in this item, \$181,000 shall be available for the California Department of Forestry, Tehama Glenn Unit: Fire Project-Noxious Weed Control.	
3540-001-0005—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	202,000



Item	Amount
3540-001-0028—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the Unified Program Account ..	250,000
3540-001-0102—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the State Fire Marshal Licensing and Certification Fund .....	1,817,000
3540-001-0140—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the California Environmental License Plate Fund .....	2,379,000
3540-001-0198—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the California Fire and Arson Training Fund.....	1,398,000
3540-001-0209—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the Hazardous Liquid Pipeline Safety Fund.....	2,214,000
3540-001-0235—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund.....	340,000
3540-001-0300—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the Professional Forester Registration Fund.....	169,000
3540-001-0890—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the Federal Trust Fund .....	16,726,000
3540-001-0928—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the Forest Resources Improvement Fund.....	17,013,000
Provisions:	
1. Notwithstanding any other provision of law, moneys in this item shall be available for forest land and wildlife habitat assessment, biodiversity, forest and rangeland research, and forest and range resources assessment programs.	
3540-001-0965—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001, payable from the Timber Tax Fund.....	26,000
3540-003-0001—For support of Department of Forestry and Fire Protection for rental payments on lease revenue bonds .....	1,115,000

Item	Amount
Schedule:	
(1) Base Rental and Fees .....	1,107,000
(2) Insurance .....	8,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
3540-006-0001—For support of Department of Forestry and Fire Protection, for payment to Item 3540-001-0001.....	55,000,000
Provisions:	
1. The funds appropriated in this item shall be available for emergency fire suppression and detection costs and related emergency revegetation costs and may be used for these purposes to reimburse the main support appropriation (Item 3540-001-0001) only upon approval by the Department of Finance.	
2. The Director of Forestry and Fire Protection shall furnish quarterly reports on expenditures for emergency fire suppression activities to the Director of Finance, as well as to the chairperson of the committee of each house of the Legislature that considers appropriations and to the Chairperson of the Joint Legislative Budget Committee.	
3540-011-0928—For transfer by the Controller from the Forest Resources Improvement Fund to the General Fund, no more than the amount of nursery sale receipts collected during the period July 1, 2001, through June 30, 2002, for the actual costs of State Nursery operations.....	(300,000)
3540-101-0001—For local assistance, Department of Forestry and Fire Protection.....	285,000
Schedule:	
(1) Local Projects .....	285,000
(a) Sherman Oaks Homeowner's Association: Tree Planting Program..	(50,000)
(b) Orick Economic Development Corp.: Redwood Creek National Watershed Center..	(70,000)

Item	Amount
<ul style="list-style-type: none"> <li>(c) Placer Land Trust:               <ul style="list-style-type: none"> <li>Auburn Native Oak Protection..... (90,000)</li> </ul> </li> <li>(d) City of Norco:               <ul style="list-style-type: none"> <li>Norco Tree Abatement..... (75,000)</li> </ul> </li> </ul>	
3540-101-0005—For local assistance, Department of Forestry and Fire Protection, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.....	1,175,000
3540-295-0001—For local assistance, Department of Forestry and Fire Protection, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the cost of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller.....	89,000
Schedule:	
(1) 98.01.118.892-Very High Fire Hazard Severity Zones (Ch. 1188, Stats. 1992).....	89,000
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.	
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefore is provided to the chairperson of the committee in each house,	

Item	Amount
which considers appropriation, and the Chairperson of the Joint Legislative Budget Committee or his or her designee.	
3540-301-0001—For capital outlay, Department of Forestry and Fire Protection.....	13,701,000
Schedule:	
(1) 30.10.015-Ukiah Forest Fire Station: Replace Facility—Preliminary plans and working drawings.....	163,000
(2) 30.10.030-Bridgeville Forest Fire Station: Relocate Facility—Working drawings.....	101,000
(6) 30.10.110-Elk Camp Forest Fire Station: Relocate Facility—Working drawings.....	109,000
(8) 30.10.130-Santa Clara Ranger Unit Headquarters: Replace Automotive Shop—Working drawings.....	117,000
(9.5) 30.20.025-Ogo Forest Fire Station: Relocate Facility—Construction .....	796,000
(11) 30.20.035-Fort Jones Forest Fire Station: Replace Facility—Preliminary plans and working drawings.....	118,000
(12) 30.20.040-Manton Forest Fire Station: Relocate Facility—Working drawings.....	83,000
(13) 30.20.045-Weaverville Forest Fire Station: Relocate Facility—Preliminary plans and working drawings.....	146,000
(14) 30.20.130-Buckhorn Forest Fire Station: Replace Apparatus Building—Preliminary plans .....	70,000
(15) 30.30.015-Independence Forest Fire Station: New Facility—Working drawings.....	111,000
(18.5) 30.30.065-San Marcos Forest Fire Station: Relocate Facility—Acquisition .....	675,000
(19) 30.30.070-Valley Center Forest Fire Station: Relocate Facility—Preliminary plans and working drawings.....	126,000

Item	Amount
(19.5) 30.30.110-Owens Valley Conservation Camp: Expand Wastewater System, Construct Apparatus Building—Construction.....	700,000
(20) 30.30.115-Ventura Youth Conservation Camp: Construct Vehicle Apparatus Building, Shop, Warehouse—Working drawings ...	118,000
(21) 30.30.120-Fenner Canyon Conservation Camp: Construct Vehicle Apparatus Buildings, Replace Office—Working drawings .....	119,000
(22) 30.30.150-Nipomo Forest Fire Station: Replace Facility—Working drawings.....	139,000
(23) 30.30.160-South Operations Area Headquarters: Relocate Facility—Preliminary plans .....	803,000
(24) 30.30.165-Cuyamaca Forest Fire Station: Relocate Facility—Acquisition .....	535,000
(26) 30.40.015-Sonora Forest Fire Station: Relocate Facility—Working drawings.....	195,000
(27) 30.40.020-Batterson Forest Fire Station: Relocate Facility—Preliminary plans and Working drawings.....	70,000
(28) 30.40.035-Sand Creek Forest Fire Station: Relocate Facility—Working drawings.....	86,000
(30) 30.40.050-Rancheria Forest Fire Station: Replace Facility—Working drawings.....	111,000
(31) 30.40.075-Usona Forest Fire Station: Replace Facility—Preliminary plans and working drawings.....	120,000
(32) 30.40.100-Blasingame Forest Fire Station: Replace Facility—Acquisition .....	170,000
(36) 30.40.140-Ahwahnee Forest Fire Station: Replace Facility—Working drawings.....	128,000
(37) 30.40.150-Baseline Conservation Camp: Remodel Facility—Working drawings.....	246,000

Item	Amount
(40) 30.50.010-Aviation Management Unit: Relocate Facility— Acquisition .....	4,546,000
(41) 30.80-Minor Capital Outlay .....	3,000,000
Provisions:	
1. The funds appropriated by Schedule (41) of this item include funding for construction and precon- struction activities, including, but not limited to, study, environmental documents, preliminary plans, working drawings, equipment, and other costs relating to the design and construction of fa- cilities, to be performed by Department of For- estry and Fire Protection personnel in completion of the projects.	
3540-301-0660—For capital outlay Department of For- estry and Fire Protection, payable from the Public Buildings Construction Fund.....	22,516,000
Schedule:	
(1) 30.10.035-Stevens Creek Forest Fire Station: Replace Facility— Working drawings and construc- tion.....	1,754,000
(2) 30.10.090-Pacheco Forest Fire Sta- tion: Replace Facility— Construction .....	1,265,000
(3) 30.20.020-Lassen-Modoc Ranger Unit Headquarters: Replace Appa- ratus building and Automotive Shop—Working drawings and con- struction .....	1,378,000
(4) 30.30.020-San Luis Obispo Ranger Unit Headquarters: Replace Facility—Construction .....	5,720,000
(5) 30.30.045-Hesperia: Forest Fire Station: Relocate Facility— Working drawings and construc- tion.....	1,653,000
(6) 30.30.060-Hemet-Ryan Air Attack Base: Replace Facility— Construction .....	3,347,000
(7) 30.30.175-Owens Valley Conserva- tion Camp: Construct Facility Upgrades—Construction.....	1,852,000
(8) 30.40.040-Hammond Forest Fire Station: Relocate Facility— Construction .....	2,221,000

Item	Amount
(9) 30.40.120-Dew Drop Forest Fire Station: Replace Facility— Construction .....	1,546,000
(10) 30.40.180-Squaw Valley Forest Fire Station: Replace Facility— Construction .....	1,780,000

Provisions:

1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the projects authorized by this item.
2. The State Public Works Board and the Department of Forestry and Fire Protection may obtain interim financing for the project costs authorized in this item from any appropriate source including, but not limited to, the Pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.
3. The State Public Works Board may authorize the augmentation of the cost of construction of the project scheduled in this item pursuant to the board's authority under Section 13332.11 of the Government Code. In addition, the State Public Works Board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing including the payment of interest during construction of the project, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the project. This additional amount may include interest payable on any interim financing obtained.

3540-490—Reappropriation, Department of Forestry and Fire Protection. Notwithstanding any other provision of law, the balances of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for by the appropriations, and shall be available for expenditure until June 30, 2002:

0001—General Fund

- (1) Item 3540-301-0001, Budget Act of 1999 (Ch. 50, Stats. 1999)
  - (4) 30.10.055-Ukiah Air Attack Base: Replace Facility—Working drawings

Item	Amount
(2) Item 3540-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(10) 30.20.030-Harts Mill Forest Fire Station: Relocate Facility—Working drawings	
(39) 30.40.110-Hollister Air Attack Base: Relocate Facility—Working drawings	
(49) 30.40.195-Altaville Forest Fire Station: Replace Facility—Working drawings	
3540-496—Reversion, Department of Forestry and Fire Protection. Notwithstanding any other provision of law, the unencumbered balances as of June 30, 2001, of the appropriations provided for in the following citations shall revert to the fund balance from which the appropriation was made:	
0001—General Fund	
Item 3540-301-0001, Budget Act of 1998 (Ch. 324, Stats. 1998)	
(21) San Marcos Forest Fire Station: Relocate Facility—Acquisition	
Item 3540-301-0001, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(38) Blasingame Forest Fire Station: Replace Facility—Acquisition	
0660—Public Buildings Construction Fund	
Item 3540-301-0660, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(2) Ogo Forest Fire Station: Relocate Facility—Construction	
(5) Owens Valley Conservation Camp: Expand Waste Water System, Construct Apparatus Building—Construction	
3560-001-0001—For support of State Lands Commission.....	14,132,000
Schedule:	
(1) 10-Mineral Resources Management.....	8,082,000
(2) 20-Land Management.....	9,325,000
(3) 30.01-Executive and Administration.....	2,829,000
(4) 30.02-Distributed Administration ...	-2,829,000
(5) 40-Marine Facilities Management.....	6,168,000
(6) Reimbursements.....	-2,663,000
(7) Amount payable from the Exotic Species Control Fund (Item 3560-001-0212).....	-935,000



Item	Amount
(8) Amount payable from the Oil Spill Prevention and Administration Fund (Item 3560-001-0320).....	-5,845,000
Provisions:	
1. Notwithstanding subdivision (d) of Section 4 of Chapter 138 of the Statutes of 1964, 1st Extraordinary Session, all commission costs for administering Long Beach Tidelands, exclusive of any Attorney General charges, shall be included in revenues deposited into the General Fund pursuant to paragraph (1) of subdivision (a) of Section 6217 of the Public Resources Code.	
2. All costs incurred to manage state school lands shall be deducted from the revenues produced by those lands and deposited into the General Fund pursuant to Section 24412 of the Education Code.	
3. Of the funds appropriated in this item, a minimum of \$650,000 shall be available for removal of physical beach hazards along the coastline in Santa Barbara and Ventura Counties.	
3560-001-0212—For support of State Lands Commission, for payment to Item 3560-001-0001, payable from the Exotic Species Control Fund.....	935,000
3560-001-0320—For support of State Lands Commission, for payment to Item 3560-001-0001, payable from the Oil Spill Prevention and Administration Fund .....	5,845,000
Provisions:	
1. Funds appropriated in this item shall not be expended to monitor or inspect marine bunkering operations from barges or any marine lightering operations.	
3600-001-0001—For support of Department of Fish and Game .....	65,421,000
Schedule:	
(1) 20-Biodiversity Conservation Program.....	99,821,000
(2) 25-Hunting, Fishing & Public Use.	42,688,000
(3) 30-Management of Department Lands and Facilities .....	42,688,000
(4) 40-Conservation Education & Enforcement .....	50,822,000
(5) 50-Spill Prevention and Response..	24,010,000
(6) 70.01-Administration.....	33,384,000
(7) 70.02-Distributed Administration ...	-33,384,000
(8) Reimbursements.....	-23,943,000

Item	Amount
(9) Amount payable from Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3600-001-0005).....	-969,000
(10) Amount payable from the California Environmental License Plate Fund (Item 3600-001-0140).....	-16,233,000
(11) Amount payable from the Fish and Game Preservation Fund (Item 3600-001-0200) .....	-87,793,000
(12) Amount payable from the Fish and Wildlife Pollution Account (Item 3600-001-0207) .....	-2,268,000
(13) Amount payable from the California Waterfowl Habitat Preservation Account, Fish and Game Preservation Fund (Item 3600-001-0211)...	-207,000
(14) Amount payable from the Exotic Species Control Fund (Item 3600-001-0212) .....	-809,000
(15) Amount payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Item 3600-001-0235) .....	-1,560,000
(16) Amount payable from the Oil Spill Prevention and Administration Fund (Item 3600-001-0320).....	-15,787,000
(17) Amount payable from the Environmental Enhancement Fund (Item 3600-001-0322) .....	-103,000
(18) Amount payable from the Salmon and Steelhead Trout Restoration Account (Item 3600-001-0384).....	-8,000,000
(19) Amount payable from the Central Valley Project Improvement Sub-account (Item 3600-001-0404).....	-45,000
(20) Amount payable from the Marine Life and Marine Reserve Management Account (Item 3600-001-0647).....	-2,200,000
(21) Amount payable from the Federal Trust Fund (Item 3600-001-0890).	-33,658,000
(22) Amount payable from the Coastal Watershed Salmon Habitat Subaccount (Item 3600-001-6018).....	-5,225,000

Item	Amount
Provisions:	
1. The funds appropriated in this item may be increased with the approval of, and under the conditions set by, the Department of Finance to meet current obligations proposed to be funded in Schedules (8) and (21). The funds appropriated by this item shall not be increased until the Department of Fish and Game has a valid contract, signed by the client agency, that provides sufficient funds to finance the increased authorization. This increased authorization may not be used to expand services or create new obligations.	
Reimbursements received under Schedules (8) and (21) shall be used in repayment of any funds used to meet current obligations pursuant to this provision.	
3600-001-0005—For support of the Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund...	969,000
3600-001-0140—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the California Environmental License Plate Fund .....	16,233,000
3600-001-0200—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Fish and Game Preservation Fund.....	87,793,000
Provisions:	
1. Of the funds appropriated in this item, \$203,000 is for reimbursement to the State Department of Health Services for shellfish monitoring activities.	
3600-001-0207—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Fish and Wildlife Pollution Account .....	2,268,000
3600-001-0211—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the California Waterfowl Habitat Preservation Account, Fish and Preservation Fund .....	207,000
3600-001-0212—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Exotic Species Control Fund.....	809,000
3600-001-0235—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund.....	1,560,000

Item	Amount
3600-001-0320—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Oil Spill Prevention and Administration Fund .....	15,787,000
3600-001-0322—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Environmental Enhancement Fund .....	103,000
3600-001-0384—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Salmon and Steelhead Trout Restoration Account .....	8,000,000
3600-001-0404—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Central Valley Project Improvement Sub-account .....	45,000
3600-001-0647—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Marine Life and Marine Reserve Management Account .....	2,200,000
3600-001-0890—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Federal Trust Fund .....	33,658,000
3600-001-6018—For support of Department of Fish and Game, for payment to Item 3600-001-0001, payable from the Coastal Watershed Salmon Habitat Sub-account.....	5,225,000
3600-011-0001—For support of Department of Fish and Game (reimbursement of free fishing licenses), for transfer to the Fish and Game Preservation Fund....	17,000
3600-101-0001—For local assistance, Department of Fish and Game .....	2,200,000
Schedule:	
(1) 20-Biodiversity Conservation.....	1,600,000
(2) 97.20.004-Local Projects .....	600,000
(a) Sweetwater Authority: Completion of Reservoir Fishing Facility Improvements .....	(550,000)
(b) City of Huntington Beach: Shipley Nature Center .....	(50,000)
3600-101-0207—For local assistance, Department of Fish and Game, Program 50-Spill Prevention and Response, payable from the Fish and Wildlife Pollution Account.....	33,000

Item	Amount
3600-101-0320—For local assistance, Department of Fish and Game, Program 50-Spill Prevention and Response, payable from the Oil Spill Prevention and Administration Fund .....	900,000
3600-301-0001—For capital outlay, Department of Fish and Game.....	1,665,000
Schedule:	
(1) 90.00.002-Mt. Whitney Fish Hatchery Structural Retrofit—Construction .....	1,665,000
3600-301-0005—For capital outlay, Department of Fish and Game, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	451,000
Schedule:	
(1) 90.07.100-Minor Projects .....	451,000
3600-301-0200—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund.....	2,126,000
Schedule:	
(1) 90.00.001-Schaefer Fish Barrier Reconstruction—Construction .....	1,821,000
(2) 90.88.020-Project Planning .....	250,000
(3) 90.07.100-Minor Projects .....	738,000
(4) Reimbursements-Project planning ..	-200,000
(5) Reimbursements-Minor projects.....	-483,000
Provisions:	
1. Of the amount appropriated in Schedule (5) of this item, \$483,000 shall be used for purposes consistent with the requirements of the Unallocated Account (Cigarette and Tobacco Products Surtax Fund) and the Habitat Conservation Fund.	
2. Of the funds appropriated in Schedule (5) of this item, \$483,000 shall be available in accordance with Chapter 851 of the Statutes of 1991.	
3600-301-0890—For capital outlay, Department of Fish and Game, payable from the Federal Trust Fund ....	200,000
Schedule:	
(1) 90.88.020-Project Planning .....	200,000
3600-301-6018—For capital outlay, Department of Fish and Game, payable from the Coastal Watershed Salmon Habitat Subaccount .....	7,500,000
Schedule:	
(1) 90.01.001-Mill Creek—Acquisition .....	7,500,000

Item	Amount
3600-490—Reappropriation, Department of Fish and Game. Notwithstanding any other provision of law, the balance of the amount appropriated for planning grants for the development of a comprehensive conservation and general plan and associated subarea plans for eastern Merced County in the following citations are hereby reappropriated to the Department of Fish and Game for the purposes and subject to the limitations, unless otherwise specified, provided for in that appropriation and shall be available for expenditure until June 30, 2005:	
(1) (a) Item 3600-001-0001, Budget Act of 2000 (Ch. 52, Stats. 2000), for the Biodiversity Conservation Program	
(b) Item 3600-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000), for the Biodiversity Conservation Program	
3640-001-0001—For support of Wildlife Conservation Board, payable to Item 3640-001-0447.....	715,000
3640-001-0005—For support of Wildlife Conservation Board, payable to Item 3640-001-0447, from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	369,000
3640-001-0140—For support of Wildlife Conservation Board, payable to Item 3640-001-0447, from the California Environmental License Plate Fund .....	241,000
3640-001-0262—For support of Wildlife Conservation Board, payable to Item 3640-001-0447, from the Habitat Conservation Fund.....	326,000
Provisions:	
1. The amount appropriated in this item shall be available to the Wildlife Conservation Board for administrative costs associated with the California Wildlife Protection Act of 1990, and the requirements of the Habitat Conservation Fund.	
3640-001-0447—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund. Schedule:	776,000
(1) 10-Wildlife Conservation Board.....	2,427,000
(2) Amount payable from the General Fund (3640-001-0001) .....	-715,000
(3) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3640-001-0005).	-369,000

Item	Amount
(4) Amount payable from the California Environmental License Plate Fund (Item 3640-001-0140).....	-241,000
(5) Amount payable from the Habitat Conservation Fund (Item 3640-001-0262) .....	-326,000
Provisions:	
1. Of the funds appropriated by this act from the General Fund, special funds, or bond funds to the Wildlife Conservation Board for local assistance or capital outlay, upon approval of the Department of Finance, the board may allocate an amount not to exceed 1.5 percent of each project's allocation to provide for the department's costs to administer the projects.	
3640-101-0001—For local assistance, Wildlife Conservation Board.....	559,000
Schedule:	
(a) 97.20.004-Local Projects .....	559,000
(1) Wildlife Conservation Board: Rock Creek Ranch Property, acquisition ....	(250,000)
(2) Santa Clara County Open Space Authority: Open Space Acquisition Project-Hong Property .....	(100,000)
(3) Stanislaus Wildlife Care Center: Expansion.....	(109,000)
(4) Mountains Recreation and Conservation Authority: Rocky Pointe Arroyo-Simi Wetlands and Nature Preserve .....	(100,000)
Provisions:	
1. The funds appropriated in this item are provided in accordance with the Wildlife Conservation Law of 1947 and, therefore, are not subject to review by the State Public Works Board.	
2. The amount appropriated in this item is available for expenditure for capital outlay or local assistance through the 2002–03 fiscal year.	

Item	Amount
3640-301-0262—For capital outlay, Wildlife Conservation Board, payable from the Habitat Conservation Fund .....	20,674,000
Schedule:	
(1) 80.10.000-Wildlife Conservation Board Projects (Unscheduled) .....	20,191,000
(2) 80.10.101-Department of Fish and Game-Wetlands.....	483,000
Provisions:	
1. The funds appropriated in this item are provided in accordance with the Wildlife Conservation Law of 1947 and, therefore, shall not be subject to Public Works Board review.	
2. The amount appropriated in this item is available for expenditure for capital outlay or local assistance through fiscal year 2003–04.	
3640-301-0447—For capital outlay, Wildlife Conservation Board, payable from the Wildlife Restoration Fund, in lieu of the appropriation made by the Wildlife Conservation Law of 1947.....	200,000
Schedule:	
(1) 80.10.010-Minor Projects .....	200,000
Provisions:	
1. The funds appropriated in this item are provided in accordance with the provisions of the Wildlife Conservation Law of 1947 and, therefore, shall not be subject to Public Works Board review.	
2. The amount appropriated in this item is available for expenditure for capital outlay or local assistance.	
3640-311-0001—For transfer by the Controller to the Habitat Conservation Fund (0262) .....	20,121,000
3640-311-0383—For transfer by the Controller from the Natural Resources Infrastructure Fund to the Habitat Conservation Fund.....	(1,279,000)
Provisions:	
1. The funds transferred by this item shall be used for purposes consistent with the requirements of the Habitat Conservation Fund.	
2. The amounts transferred by this item may be adjusted to reflect the requirements of subdivision (a) of Section 2796 of the Fish and Game Code.	
3. Notwithstanding Section 6217 of the Public Resources Code, habitat conservation otherwise funded with moneys in the Habitat Conservation Fund shall be funded during the 2001–02 fiscal	



Item	Amount
<p>year with moneys transferred thereto from the Natural Resources Infrastructure Fund.</p> <p>3640-495—Reversion, Wildlife Conservation Board. As of June 30, 2001, the unencumbered balance of the appropriation provided in the following citation shall revert to the balance of the fund from which the appropriation was made.</p> <p>0001—General Fund</p> <p>(1) Chapter 615 of the Statutes of 1998</p> <p>3680-001-0516—For support of Department of Boating and Waterways, payable from the Harbors and Watercraft Revolving Fund .....</p>	14,866,000
<p>Schedule:</p> <p>(1) 10-Boating Facilities .....</p> <p>(2) 20-Boating Operations.....</p> <p>(3) 30-Beach Erosion Control .....</p> <p>(4) 40.01-Administration.....</p> <p>(5) 40.02-Distributed Administration ...</p> <p>(6) Reimbursements .....</p> <p>(7) Amount payable from the Federal Trust Fund (Item 3680-001-0890).</p>	12,047,000 5,778,000 209,000 2,071,000 -2,071,000 -15,000 -3,153,000
<p>Provisions:</p> <p>1. Notwithstanding Section 85.2 of the Harbors and Navigation Code, \$209,000 of the funds appropriated in this item shall be expended for support of the Department of Boating and Waterways beach erosion control program.</p>	
<p>3680-001-0890—For support of Department of Boating and Waterways, for payment to Item 3680-001-0516, payable from the Federal Trust Fund.....</p>	3,153,000
<p>3680-101-0516—For local assistance, Department of Boating and Waterways, payable from the Harbors and Watercraft Revolving Fund.....</p>	59,329,000
<p>Schedule:</p> <p>(1) 10-Boating Facilities .....</p> <p>(a) Launching Facility Grants.....(25,923,000)</p> <p>(1) Lake Almanor.....(1,072,000)</p> <p>(2) Anderson Lake .....</p> <p>(3) Barrett Reservoir ...</p> <p>(4) Black Butte-Buckhorn .....</p> <p>(5) Black Butte-Eagle Pass .....</p> <p>(6) Broderick .....</p> <p>(7) Lake Cachuma.....(1,400,000)</p> <p>(8) Eagle Lake-Spalding Tract .....</p>	52,662,000 (25,923,000) (1,072,000) (2,000,000) (343,000) (1,298,000) (778,000) (430,000) (1,400,000) (170,000)

Item	Amount
(9) El Capitan Reser- voir .....	(938,000)
(10) Elkhorn .....	(750,000)
(11) Lake Evans .....	(350,000)
(12) Floating Rest- rooms .....	(500,000)
(13) Hodges Reservoir.	(300,000)
(14) Lake Kaweah.....	(1,730,000)
(15) Martinez Marina ..	(855,000)
(16) Miller Park .....	(970,000)
(17) Miramar Reser- voir .....	(330,000)
(18) Moabi Regional Park .....	(1,273,000)
(19) Lake Nacimiento- South Shore.....	(1,365,000)
(20) Lower Otay Res- ervoir .....	(702,000)
(21) Upper Otay Reser- voir .....	(334,000)
(22) Lake Piru.....	(1,100,000)
(23) Ramp Repair and Extension .....	(500,000)
(24) Lake Redding .....	(700,000)
(25) Redwood City BLF .....	(280,000)
(26) Salton Sea-Red Hill Marina .....	(100,000)
(27) San Vicente Reser- voir .....	(596,000)
(28) Shasta Lake .....	(832,000)
(29) Shaver Lake.....	(720,000)
(30) Signs .....	(50,000)
(31) Sutherland Reser- voir .....	(609,000)
(32) Trinity Lake-Fair- view .....	(400,000)
(33) Trinity Lake-Min- ersville .....	(1,680,000)
(34) Ventura BLF.....	(468,000)
(b) Public Small Craft Harbor Loans..	(19,686,000)
(1) Bay Street Bulk- head .....	(1,400,000)
(2) Berkeley Marina ...	(1,800,000)
(3) Cabrillo Beach.....	(1,866,000)

Item	Amount
(4) Channel Islands Harbor.....	(1,700,000)
(5) Emergency Loans ..	(500,000)
(6) Long Beach Down-town.....	(6,902,000)
(7) Martinez Marina ....	(200,000)
(8) Planning Loans .....	(200,000)
(9) Port of San Diego.....	(1,300,000)
(10) Stockton Water front Marina .....	(1,700,000)
(11) Vallejo Municipal Marina .....	(2,118,000)
(c) Private Loans .....	(5,000,000)
(2) 20-Boating Operations.....	9,725,000
(3) 30-Beach Erosion Control.....	620,000
(4) Amount payable from the Abandoned Watercraft Abatement Fund (Item 3680-101-0577) .....	-750,000
(5) Amount payable from the Federal Trust Fund (Item 3680-101-0890) ....	-2,928,000

Provisions:

1. Of the funds appropriated in Schedule (2), Program 20-Boating Operations, \$8,100,000 is for boating safety and enforcement programs pursuant to Section 663.7 of the Harbors and Navigation Code.

3680-101-0577—For local assistance, Department of Boating and Waterways, for payment to Item 3680-101-0516, payable from the Abandoned Watercraft Abatement Fund ..... 750,000

3680-101-0890—For local assistance, Department of Boating and Waterways, for payment to Item 3680-101-0516, payable from the Federal Trust Fund..... 2,928,000

Provisions:

1. Of the amount appropriated in this item, \$875,000 shall be for grants to local governments for boating safety and law enforcement, 15 percent of which shall be allocated according to the department's discretion, and 85 percent of which shall

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be allocated by the department in accordance with the following priorities:

First—To local governments that are eligible for state aid because they are spending all their local boating revenue on boating enforcement and safety, but are not receiving sufficient state funds to meet their calculated need as defined in Section 663.7 of the Harbors and Navigation Code.

Second—To local governments that are not spending all local boating revenue on boating enforcement and safety, and whose boating revenue does not equal their calculated need. Local assistance shall not exceed the difference between the calculated need and local boating revenue.

Third—To local governments whose boating revenue exceeds their need, but who are not spending sufficient local revenue to meet their calculated need.

3680-102-0516—For transfer by the Controller from the Harbors and Watercraft Revolving Fund to the Abandoned Watercraft Abatement Fund..... 750,000

3680-103-0516—For local assistance, Department of Boating and Waterways, payable from the Harbors and Watercraft Revolving Fund..... 8,000,000

Provisions:

1. This item appropriates General Fund moneys that are transferred from the Motor Vehicle Fuel Account in Transportation Tax Fund pursuant to Section 8352.4 of the Revenue and Taxation Code to the Harbors and Watercraft Revolving Fund. Notwithstanding any other provision of law, these moneys shall be used solely for improvements to Pier 11a in the City of San Diego.

3680-301-0516—For capital outlay, Department of Boating and Waterways, payable from the Harbors and Watercraft Revolving Fund ..... 12,100,000

Schedule:

- (1) 50.12.020-Humboldt Bay: Boat Instruction and Safety Center—Preliminary plans ..... 245,000
- (2) 50.19.011-Castaic Lake SRA, East Ramp Area: Boat Launching Facility—Construction ..... 2,816,000
- (3) 50.19.012-Castaic Lake SRA, Paradise Cove Area: Boat Instruction and Safety Center—Construction.. 1,680,000

Item	Amount
(3.5) 50.34.030-Lake Natomas, Nimbus Flat: Boating Instruction Safety Center—Construction .....	3,473,000
(4) 50.56.010-Channel Islands: Boating Instruction and Safety Center—Preliminary plans .....	319,000
(5) 50.99.010-Project Planning .....	135,000
(6) 50.99.020-Minor Projects .....	3,432,000
Provisions:	
1. Funds appropriated in Schedule (5) are available for expenditure by the Department of Boating and Waterways upon approval of the Department of Finance to be used to develop design information or cost information for new construction projects for which funds have not been appropriated previously but which are anticipated to be included in the Governor’s Budget for the 2003–04 or 2004–05 fiscal year.	
3680-490—Reappropriation, Department of Boating and Waterways. Notwithstanding any other provision of law, the balances of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for the appropriation, and shall be available for expenditure until June 30, 2002:	
0516—Harbors and Watercraft Revolving Fund	
Item 3680-301-0516, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(2) 50.10.010-Millerton Lake SRA, Crows Nest Area: Boat Launching Facility—Construction	
3680-496—Reversion, Department of Boating and Waterways. The unencumbered balances as of June 30, 2001, of the appropriations provided for in the following citation shall revert to the Harbors and Watercraft Revolving Fund:	
0516—Harbors and Watercraft Revolving Fund	
(1) Item 3680-301-0516, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(5) Lake Natoma, Nimbus Flat: Boating Instruction and Safety Center—Construction	
3720-001-0001—For support of California Coastal Commission.....	12,591,000
Schedule:	
(1) 10-Coastal Management Program ..	15,782,000
(2) 20-Coastal Energy Program .....	881,000
(3) 30.01-Administration.....	1,650,000

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(4) 30.02-Distributed Administration ...	-1,569,000
(5) Reimbursements.....	-866,000
(6) Amount payable from California Beach and Coastal Enhancement Account (Item 3720-001-0371).....	-387,000
(7) Amount payable from the Federal Trust Fund (Item 3720-001-0890).	-2,900,000
Provisions:	
1. Of the amount appropriated pursuant to this item, \$1,400,000 shall be allocated for support of 14.5 permanent positions at the commission. These positions shall be utilized for the review, amendment, and update of Local Coastal Programs (LCP) and for processing of coastal development permits and appeals. The review of LCP's shall follow the priorities established in the work plan adopted by the commission on January 10, 2001. On or before January 10, 2002, and at least once annually thereafter, the commission shall provide to the Legislature a report that updates the review status of all LCP's and LCP segments.	
3720-001-0371—For support of California Coastal Commission, for payment to Item 3720-001-0001, payable from the California Beach and Coastal Enhancement Account, California Environmental License Plate Fund .....	387,000
3720-001-0890—For support of California Coastal Commission, for payment to Item 3720-001-0001, payable from the Federal Trust Fund .....	2,900,000
3720-101-0001—For local assistance, California Coastal Commission .....	500,000
Schedule:	
(1) 10-Coastal Management Program ..	500,000
3720-101-0371—For local assistance, California Coastal Commission, payable from California Beach and Coastal Enhancement Account, California Environmental License Plate Fund .....	359,000
Schedule:	
(1) 10-Coastal Management Program ..	359,000
3720-295-0001—For local assistance, California Coastal Commission, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	0

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Schedule:	
(1) 98.01.133.076-Local coastal plans (Ch. 1330, Stats. 1976) .....	0
Provisions:	
1. Pursuant to Section 17581 of the Government Code, the mandate identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision is specifically identified by the Legislature for suspension during the 2001-02 fiscal year:	
(1) Local coastal plans (Ch. 1330, Stats. 1976)	
3760-001-0001—For support of State Coastal Conservancy, for payment to Item 3760-001-0565 .....	2,549,000
3760-001-0005—For support of State Coastal Conservancy, for payment to Item 3760-001-0565, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.....	1,783,000
3760-001-0565—For support of State Coastal Conservancy, payable from the State Coastal Conservancy Fund .....	989,000
Schedule:	
(1) 15-Coastal Resource Development.	3,362,000
(2) 25-Coastal Resource Enhancement.	2,171,000
(3) 90.01-Administration and Support .	2,158,000
(4) 90.02-Distributed Administration.....	-2,158,000
(5) Reimbursements .....	-104,000
(6) Amount payable from the General Fund (Item 3760-001-0001).....	-2,549,000
(7) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3760-001-0005).	-1,783,000
(8) Amount payable from the Federal Trust Fund (Item 3760-001-0890).....	-108,000
Provisions:	
1. Notwithstanding any other provision of law, upon approval and order of the Department of Finance, the State Coastal Conservancy may borrow sufficient funds from the State Coastal Conservancy Fund to meet cash-flow needs due to delays in collecting reimbursements. Any loan made by the Department of Finance pursuant to this provision may be made only if the State Coastal Conservancy has a valid contract or certification signed	

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by the agency providing the reimbursements, which demonstrates that sufficient funds will be available to repay the loan. All money so transferred shall be repaid to the State Coastal Conservancy Fund as soon as possible, but not later than one year from the date of the loan.	
2. Of the funds appropriated by this act from the General Fund, special funds, or bond funds to the State Coastal Conservancy for local assistance or capital outlay, upon approval of the Department of Finance, the conservancy may allocate an amount not to exceed 1.5 percent of each project's allocation to provide for the department's costs to administer the projects.	
3760-001-0890—For support of State Coastal Conservancy, for payment to Item 3760-001-0565, payable from the Federal Trust Fund .....	108,000
3760-101-0001—For local assistance, State Coastal Conservancy .....	1,900,000
Schedule:	
(1) 97.20.004-Local Projects .....	1,900,000
(a) San Francisco Bay Area Conservancy Program: San Francisco Bay Conservancy for Marin Open Space District; Bolinas Lagoon Restoration Project .....	(1,000,000)
(b) State Coastal Conservancy: Hatton Property acquisition .....	(250,000)
(c) City of Oakland: Lake Merritt restoration .....	(200,000)
(d) County of Marin: Bolinas Restoration Project .....	(300,000)
(e) City of San Diego: Ocean pier restoration .....	(150,000)

Provisions:

1. The State Coastal Conservancy shall not enter into a grant contract with a nonprofit organization



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or local government for property acquisition that provides for either of the following:

- (a) A reversionary interest to the state, unless the grant contract specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the State Public Works Board.
- (b) A state leasehold interest in property acquired by a nonstate public agency with grant funds of the State Coastal Conservancy, unless the lease terms are approved by the Director of General Services.
- (c) Except as specified in subdivisions (a) and (b), the expenditures of funds for grants to public agencies and nonprofit organizations shall be exempt from State Public Works Board review.

- 2. The amount appropriated in this item is available for encumbrance for either capital outlay or local assistance through the 2002–03 fiscal year.
- 3. The existing Hatton Canyon Right-Of-Way for the realignment of State Route 1 from Carmel Valley Road to the Pacific Grove Interchange of State Routes 1 and 68, as part of State Route 1 since before 1977 and owned by the State Department of Transportation, is within the coastal zone. This provision does not constitute a change in, but its declaratory of, existing law.

3760-301-0001—For capital outlay, State Coastal Conservancy .....

0

Schedule:

- (2) 80.97.030-Conservancy Programs .. 800,000
- (3) Reimbursements..... -800,000

Provisions:

- 1. The State Coastal Conservancy shall not enter into a grant contract with a nonprofit organization or local government for property acquisition which provides for either of the following:
  - (a) A reversionary interest to the state, unless the grant contract specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the State Public Works Board.
  - (b) A state leasehold interest in property acquired by a nonstate public agency with grant funds of the State Coastal Conservancy, unless the lease terms are approved by the Director of

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General Services. Except to the extent above, the expenditures of funds for grants to public agencies and nonprofit organizations shall be exempt from State Public Works Board review.

2. The amount appropriated in this item is available for encumbrance for either capital outlay or local assistance through fiscal year 2003–04.
3. Notwithstanding any other provision of law, upon approval and order of the Department of Finance, the State Coastal Conservancy may borrow sufficient funds from the State Coastal Conservancy Fund to meet cash-flow needs due to delays in collecting reimbursements. Any loan made by the Department of Finance pursuant to this provision may be made only if the State Coastal Conservancy has a valid contract or certification signed by the agency providing the reimbursements, which demonstrates that sufficient funds will be available to repay the loan. All money so transferred shall be repaid to the State Coastal Conservancy Fund as soon as possible, but not later than one year from the date of the loan.

3760-301-0005—For capital outlay, State Coastal Conservancy, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund ..... 58,985,000

Schedule:

- (1) 80.00.021-Southern California Wetlands Recovery Program ..... 2,950,000
- (2) 80.01.023-San Francisco Bay Area Conservancy Program ..... 5,978,000
- (3) 80.01.024-Salmon Habitat Restoration Program..... 13,250,000
- (4) 80.01.026-Santa Monica Bay Restoration Program ..... 10,000,000
- (5) 80.01.027-Upper Newport Bay Restoration and Protection Program ... 7,517,000
- (6) 80.01.028-California Coastal Trail Program..... 2,640,000
- (7) 80.01.030-Laguna Coast Wilderness Park ..... 9,500,000
- (8) 80.93.025-Coastal Resource Enhancement ..... 7,150,000
- (9) 80.97.030-Conservancy Programs .. 500,000
- (10) Reimbursements ..... –500,000

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Provisions:

1. The State Coastal Conservancy shall not enter into a grant contract with a nonprofit organization or local government for property acquisition that provides for either of the following:
  - (a) A reversionary interest to the state, unless the grant contract specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the State Public Works Board.
  - (b) A state leasehold interest in property acquired by a nonstate public agency with grant funds of the State Coastal Conservancy, unless the lease terms are approved by the Director of General Services. Except to the extent above, the expenditures of funds for grants to public agencies and nonprofit organizations shall be exempt from State Public Works Board review.
2. The amount appropriated in this item is available for encumbrance for either capital outlay or local assistance through fiscal year 2003–04.
3. Notwithstanding any other provision of law, upon approval and order of the Department of Finance, the State Coastal Conservancy may borrow sufficient funds from the State Coastal Conservancy Fund to meet cash-flow needs due to delays in collecting reimbursements. Any loan made by the Department of Finance pursuant to this provision may be made only if the State Coastal Conservancy has a valid contract or certification signed by the agency providing the reimbursements, which demonstrates that sufficient funds will be available to repay the loan. All money so transferred shall be repaid to the State Coastal Conservancy Fund as soon as possible, but not later than one year from the date of the loan.
4. Of the amount appropriated by this item for the Salmon Habitat Restoration Program, \$750,000 may be spent for an inventory of fish passage barriers located on coastal streams that impede access to freshwater spawning habitats for anadromous fish species.

3760-301-0262—For capital outlay, State Coastal Conservancy, payable from the Habitat Conservation Fund .....		4,000,000
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Schedule:

- (1) 80.93.025-Coastal Resource Enhancement ..... 4,500,000
- (2) Reimbursements ..... -500,000

Provisions:

1. The State Coastal Conservancy shall not enter into a grant contract with a nonprofit organization or local government for property acquisition that provides for either of the following:
  - a. A reversionary interest to the state, unless the grant contract specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the State Public Works Board.
  - b. A state leasehold interest in property acquired by a nonstate public agency with grant funds of the State Coastal Conservancy, unless the lease terms are approved by the Director of General Services. Except to the extent above, the expenditures of funds for grants to public agencies and nonprofit organizations shall be exempt from State Public Works Board review.
2. The funds appropriated in this item are available for encumbrance for either capital outlay or local assistance without regard to fiscal year.
3. Notwithstanding any other provision of law, upon approval and order of the Department of Finance, the State Coastal Conservancy may borrow sufficient funds from the State Coastal Conservancy Fund to meet cash-flow needs due to delays in collecting reimbursements. Any loan made by the Department of Finance pursuant to this provision may be made only if the State Coastal Conservancy has a valid contract or certification signed by the agency providing the reimbursements, which demonstrates that sufficient funds will be available to repay the loan. All money so transferred shall be repaid to the State Coastal Conservancy Fund as soon as possible, but not later than one year from the date of the loan.

3760-301-0371—For capital outlay, State Coastal Conservancy, payable from the California Beach and Coastal Enhancement Account, California Environmental License Plate Fund ..... 400,000

Schedule:

- (1) 80.93.015-Coastal Resources Development..... 400,000

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Provisions:

1. The State Coastal Conservancy shall not enter into a grant contract with a nonprofit organization or local government for property acquisition which provides for either of the following:
  - (a) A reversionary interest to the state, unless the grant contract specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the State Public Works Board.
  - (b) A state leasehold interest in property acquired by a nonstate public agency with grant funds of the State Coastal Conservancy, unless the lease terms are approved by the Director of General Services. Except to the extent above, the expenditures of funds for grants to public agencies and nonprofit organizations shall be exempt from State Public Works Board review.
2. The amount appropriated in this item is available for encumbrance for either capital outlay or local assistance through fiscal year 2003–04.

3760-301-0565—For capital outlay, State Coastal Conservancy, payable from the State Coastal Conservancy Fund (Violation Remediation Account).....		4,300,000
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Schedule:

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| (1) 80.93.015-Coastal Resource Development ..... |  | 4,300,000 |
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Provisions:

1. The State Coastal Conservancy shall not enter into a grant contract with a nonprofit organization or local government for property acquisition which provides for either of the following:
  - (a) A reversionary interest to the state, unless the grant contract specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the State Public Works Board.
  - (b) A state leasehold interest in property acquired by a nonstate public agency with grant funds of the State Coastal Conservancy, unless the lease terms are approved by the Director of General Services. Except to the extent above, the expenditures of funds for grants to public agencies and nonprofit organizations shall be exempt from State Public Works Board review.

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2. The amount appropriated in this item is available for encumbrance for either capital outlay or local assistance through fiscal year 2003–04.	
3760-301-0593—For capital outlay, State Coastal Conservancy, payable from the Coastal Access Account, State Coastal Conservancy Fund .....	500,000
Schedule:	
(1) 80.93.015-Coastal Resource Development .....	500,000
Provisions:	
1. The State Coastal Conservancy shall not enter into a grant contract with a nonprofit organization or local government for property acquisition which provides for either of the following:	
(a) A reversionary interest to the state, unless the grant contract specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the State Public Works Board.	
(b) A state leasehold interest in property acquired by a nonstate public agency with grant funds of the State Coastal Conservancy, unless the lease terms are approved by the Director of General Services. Except to the extent above, the expenditures of funds for grants to public agencies and nonprofit organizations shall be exempt from State Public Works Board review.	
2. The amount appropriated in this item is available for encumbrance for either capital outlay or local assistance through fiscal year 2003–04.	
3760-301-0890—For capital outlay, State Coastal Conservancy, payable from the Federal Trust Fund.....	2,000,000
Schedule:	
(1) 80.97.030-Conservancy Programs ..	2,000,000
Provisions:	
1. The State Coastal Conservancy shall not enter into a grant contract with a nonprofit organization or local government for property acquisition that provides for either of the following:	
(a) A reversionary interest to the state, unless the grant contract specifies that the property shall not revert to the state without review and approval by the State Coastal Conservancy and the Public Works Board.	
(b) A state leasehold acquired by a nonstate public agency with grant funds of the State	

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<p>Coastal Conservancy, unless the lease terms are approved by the Director of General Services. Except as specified in paragraph (a), the expenditure of funds for grants to public agencies and nonprofit organizations is exempt from the review of the Public Works Board.</p> <p>2. The funds appropriated in this item are available for encumbrance for either capital outlay or local assistance through fiscal year 2003–04.</p>	
3780-001-0001—For support of Native American Heritage Commission, Program 10 .....	528,000
3790-001-0001—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392.....	130,947,000
Provisions:	
1. Of the amount appropriated in this item, \$300,000 shall be used for a feasibility study on adding the San Joaquin River Parkway to the State Parks System.	
3790-001-0005—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	23,729,000
Provisions:	
1. Of the funds appropriated in this item from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund, the Department of Parks and Recreation shall allocate \$2,043,000 to the Department of Finance, Office of Statewide Audits and Evaluations, to provide audit services for projects funded therein. These funds shall be available for expenditure through June 30, 2003.	
3790-001-0140—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392, payable from the California Environmental License Plate Fund.....	113,000
3790-001-0235—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392, payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund.....	13,028,000
3790-001-0263—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392, payable from the Off-Highway Vehicle Trust Fund .....	21,484,000

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3790-001-0392—For support of Department of Parks and Recreation, payable from the State Parks and Recreation Fund.....	57,005,000
Schedule:	
(1) For support of the Department of Parks and Recreation .....	272,852,000
(2) Reimbursements.....	-11,958,000
(3) Less funding provided by capital outlay .....	-1,744,000
(4) Amount payable from the General Fund (Item 3790-001-0001)....	-130,272,000
(5) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3790-001-0005).....	-23,729,000
(6) Amount payable from the California Environmental License Plate Fund (Item 3790-001-0140).....	-113,000
(7) Amount payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Item 3790-001-0235) .....	-13,028,000
(8) Amount payable from the Off-Highway Vehicle Trust Fund (Item 3790-001-0263) .....	-21,484,000
(9) Amount payable from the Winter Recreation Fund (Item 3790-001-0449).....	-284,000
(10) Amount payable from the Harbors and Watercraft Revolving Fund (Item 3790-001-0516) .....	-620,000
(11) Amount payable from the State Parks System Deferred Maintenance Account (Item 3790-001-0646).....	-10,000,000
(12) Amount payable from the Federal Trust Fund (Item 3790-001-0890).....	-2,915,000
(13) 97.20.004-Local Projects .....	300,000
Provisions:	
1. Of the funds appropriated by this act from the General Fund and special funds, other than the Off-Highway Vehicle Trust Fund and bond funds, to the Department of Parks and Recreation for local assistance grants to local agencies, the department may allocate an amount not to exceed 1.5	



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<p>percent of each project's allocation to provide for the department's costs to administer these grants.</p> <p>2. It is the intent of the Legislature that salaries, wages, operating expenses, and positions associated with implementing specific Department of Parks and Recreation capital outlay projects continue to be funded through capital outlay appropriations, and that these funds and related position authority should also be reflected in the department's state operations budget in the Governor's Budget and Budget Bill with an offsetting payable from the capital outlay appropriations.</p> <p>3. To protect the public interest in receiving lease payments on the concessions at Old Town State Historic Park involving provision of food, beverages, and lodging (the "Concessions") without interruption due to the economic effects of a labor dispute, the Department of Parks and Recreation ("Agency") shall require that, in order to be considered a qualified bidder for the Concessions, each prospective concessionaire shall sign a valid labor peace agreement with any labor organization which has informed the Agency that it seeks to represent the Concession Employees, which does the following: (a) prohibits the labor organization and its members from engaging in any picketing, work stoppages, boycotts, or any other economic interference with the Concessions for as long as the state has a financial interest in the Concessions; (b) provides that for as long as the state has a financial interest in the Concessions, all disputes between the concessionaire and the labor organization relating to employment conditions or the negotiation thereof shall be submitted to final and binding arbitration; and (c) provides that any operations at the Concessions involving the use of Concession Employees, which are conducted by contractors, subcontractors, tenants, or subtenants of the concessionaire, shall be done under valid agreements containing the same provisions as specified above. "Concession Employees" as used herein means all nonmanagerial employees engaged in work related to food, beverage, or lodging in all or any part of the Concessions.</p>	

Item	Amount
3790-001-0449—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392, payable from the Winter Recreation Fund .....	284,000
3790-001-0516—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392, payable from the Harbors and Watercraft Revolving Fund .....	620,000
3790-001-0646—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392, payable from the State Parks System Deferred Maintenance Account .....	10,000,000
3790-001-0890—For support of Department of Parks and Recreation, for payment to Item 3790-001-0392, payable from the Federal Trust Fund.....	2,915,000
3790-011-0062—For transfer by the Controller to the State Parks and Recreation Fund, as prescribed by subdivision (a) of Section 2107.7 of the Streets and Highways Code, for expenditure by the Department of Parks and Recreation for maintenance and repair of highways in units of the State Park System, payable from the Highway Users Tax Account, Transportation Tax Fund .....	(3,400,000)
3790-012-0061—For transfer by the Controller from the Motor Vehicle Fuel Account, Transportation Tax Fund to the State Parks and Recreation Fund .....	(11,649,000)
Provisions:	
1. Notwithstanding any other provision of law, of the amount that would have transferred to the Harbors and Watercraft Revolving Fund from the Motor Vehicle Fuel Account, Transportation Tax Fund, the amount of this item shall be available for transfer from the Motor Vehicle Fuel Account, Transportation Tax Fund to the State Parks and Recreation Fund.	
3790-101-0001—For local assistance, Department of Parks and Recreation, to be available for expenditure during the 2001–02 and 2002–03 fiscal years.....	43,326,990
Schedule:	
(a) 80.25-Recreational Grants.....	6,890,000
(1) Roberti-Z’berg-Harris.....	(2,390,000)
(2) Cesar E. Chavez Foundation: Cesar E. Chavez Memorial Gardens and Visitors Centers ....	(2,000,000)

Item	Amount
(3) County of Los Angeles: El Pueblo Cultural and Performing Arts Center .....	(2,500,000)
(b) Local Projects .....	36,436,990
(1) American Legion Post 261: Floor replacement .....	(15,000)
(2) American Legion Post 397: Hall renovation .....	(15,000)
(3) American Legion Post 804: Building purchase and floor and wall renovation .....	(50,000)
(4) Boys and Girls Club of San Bernardino: Expansion Project .....	(100,000)
(5) Boys and Girls Club of San Pedro: Rancho San Pedro Clubhouse start-up capital .....	(288,000)
(6) Buena Park Boys and Girls Club: Building expansion.	(395,000)
(7) Camp Fire Boys and Girls of Long Beach: Building structure repair and restoration and site acquisition or improvement .....	(150,000)
(8) City and County of San Francisco: Edgemoor Mountain Open Space Park Land acquisition ..	(150,000)
(9) City of Arcata: Arcata Ballpark improvements .....	(200,000)

Item	Amount
(10) City of Baldwin Park: Baldwin Park Community Center construc- tion of multipur- pose recreation fa- cility .....	(241,000)
(11) City of Chula Vista: Otay Park, children's play- ground construc- tion .....	(105,000)
(12) City of Chula Vista: Nature Inter- pretive Center.....	(500,000)
(13) City of Compton: Gonzales Park .....	(390,000)
(14) City of Concord: Dan Boatwright Sports Complex playground con- struction .....	(33,000)
(15) City of El Cajon, Department of Parks and Recre- ation: El Cajon Community Recre- ation Center, dance studio acoustic im- provements.....	(15,000)
(16) City of El Cajon, Department of Parks and Recre- ation: Tuttle Park, sports field light- ing .....	(90,000)
(17) City of El Cajon, Department of Parks and Recre- ation: Montgomery Middle School, sports field light- ing .....	(120,000)

Item	Amount
(18) City of El Cajon, Department of Parks and Recreation: Fletcher Hills Recreation Center, pool and locker room im- provements.....	(200,000)
(19) City of Guadalupe Department of Parks and Recreation: Playground equipment .....	(50,000)
(20) City of Inglewood: Darby Park reha- bilitation.....	(150,000)
(21) City of Inglewood: Rogers Park reha- bilitation.....	(150,000)
(22) City of La Mesa: Briarcrest Park, capital improve- ments .....	(200,000)
(23) City of La Mesa: Junior Seau Re- gional Sports Complex, capital improvements.....	(200,000)
(24) City of La Puente: La Puente Com- munity Center.....	(99,000)
(25) City of Lawndale: Addams Park reha- bilitation.....	(175,000)
(26) City of Lemon Grove, Department of Parks and Rec- reation: City Cen- ter Park, phase II improvements.....	(250,000)
(27) City of Manhattan Beach: Polliwog Park rehabilitation.	(200,000)
(28) City of Manteca: Tidewater Bike- way .....	(125,000)

Item	Amount
(29) City of Montebello: Skateboard Park .....	(246,000)
(30) City of Ontario: The De Anza Community Center.....	(100,000)
(31) City of Ontario: Youth Soccer Sports Complex....	(110,000)
(32) City of Pomona: Westmont Park, Kennedy Skateboard Park, Jaycee Community Park, Ganesha Park Pool, Grove Sports Park .....	(250,000)
(33) City of Rialto: Frisbee Park .....	(75,000)
(34) City of San Bernardino: Skateboard Park.....	(75,000)
(35) City of San Diego: Encanto Community Park, Verna Quin Athletic Field	(70,000)
(36) City of San Diego: Bay Terraces Community Park, Capital improvement completions .....	(200,000)
(37) City of San Diego: Keiller Park, design and construction of comfort station .....	(200,000)
(38) City of San Diego: Martin Luther King, Jr. Community Center, completion of construction .....	(250,000)
(39) City of San Jose: Coyote Creek Trail and Park.....	(200,000)

Item	Amount
(40) City of Santa Paula Department of Parks and Recreation: Play-ground equipment.	(50,000)
(41) City of Walnut Creek: Castle Rock Playfields Development.....	(200,000)
(42) City of Whittier: Whittier Greenway Trail.....	(750,000)
(43) City of Willits: Build Youth Center	(200,000)
(44) Colour Me Freedom Foundation: Martin Luther King, Jr. Museum/ Cesar E. Chavez Diversity Center ...	(300,000)
(45) County of Los Angeles: Del Amo Neighborhood Park in Carson.....	(710,000)
(46) County of San Mateo: Crystal Springs Trail extension .....	(200,000)
(47) County of San Mateo: East Palo Alto YMCA .....	(300,000)
(48) County of Santa Barbara: Goleta Youth Baseball Fields Santa Barbara.....	(2,000,000)
(49) County of Santa Clara: Villa Montalvo.....	(300,000)
(50) East Bay Regional Parks District: Kennedy Grove/El Sobrante Acquisition .....	(150,000)

Item	Amount
(51) East County Performing Arts Center: Capital improvements to the center .....	(500,000)
(52) East Los Angeles Community Youth Center: Facility refurbishment .....	(330,000)
(53) Long Beach Firemen's Historical Society: Building improvements .....	(50,000)
(54) McKinleyville Community Services District: McKinleyville Park, ballpark construction .....	(200,000)
(55) Mount Diablo Observatory Association, Inc.: Mount Diablo Observatory equipment and construction .....	(150,000)
(56) Mountains Recreation and Conservation Authority (MRCA): Purchase of Briar Summit Laurel Canyon .....	(88,000)
(57) National City, Department of Parks and Recreation: Athletic field improvements at various parks .....	(60,000)
(58) National City, Department of Parks and Recreation: Municipal Pool, facility improvements .....	(200,000)



Item	Amount
(59) North Highlands Recreation and Park District: Freedom Park Sports Complex, rehabilitation.....	(175,000)
(60) Operation Jumpstart, Long Beach: Augmentation to promote its services .....	(100,000)
(61) P. F. Bresse Foundation: Creation of Bimini Park in Westlake Neighborhood near Downtown Los Angeles.....	(250,000)
(62) Sacramento Asian Sports Foundation: Community Center	(330,000)
(63) Sacramento Historical Sites Association: Sutter's Fort New Replica Wagon.....	(20,000)
(64) Sacramento Valley Open Space Conservancy: Purchase of Fair Oaks Bluffs	(300,000)
(65) San Diego Maritime Museum: Tall Ship Challenge 2001, San Diego Event .....	(100,000)
(66) Slavonic Cultural Center: Slavonic Cultural Center building renovation .....	(400,000)
(67) Trust for Public Lands: Bella Vista Discovery Park Oakland .....	(1,000,000)
(68) City of Orange: Eli Home expansion.....	(400,000)

Item	Amount
(69) City of Lawndale: City Park building renovation .....	(50,000)
(70) City of Garden Grove: Gum The- ater marquee re- placement.....	(25,000)
(71) City of Concord: Daniel E. Boat- wright Sports Complex play- ground.....	(133,000)
(72) Major League Baseball Urban Youth Foundation: Major League Baseball Academy	(2,675,000)
(73) Pacoima Commu- nity Technology Center .....	(250,000)
(74) County of Merced: South Dos Palos Park irrigation sys- tem .....	(333,000)
(75) City of Atwater: Restoration of Bloss Home.....	(275,000)
(76) Heart of Los An- geles Youth: Reno- vation of existing facility.....	(50,000)
(77) Breed Street Shul Project, Inc.: Breed Street Shul .....	(500,000)
(78) East Bay Regional Park District: Rob- erts Regional Park.	(50,000)
(79) Bassett Little League: Bassett Little League Park improvements.....	(75,000)
(80) City of La Puente Parks and Recre- ation: City of La Puente Skate Board Park.....	(150,000)

Item	Amount
(81) City of Santa Ana: New baseball field and batting cage for Santa Ana Girl's Fastpitch Rookie League at Thorton Park .....	(25,000)
(82) City of Anaheim: East Anaheim Little League, Anaheim .....	(10,000)
(83) City of Garden Grove: Little League, Garden Grove.....	(10,000)
(84) City of Newark: Newark Skate Park	(200,000)
(85) Old Timers Foun- dation: Capital im- provements for family center in the City of Huntington Park .....	(150,000)
(86) Door of Hope Community Cen- ter: Community Skate Park-East Los Angeles .....	(100,000)
(87) City of Shafter: Capital Parks im- provement .....	(100,000)
(88) City of Arvin: Arvin Skate Park..	(140,000)
(89) City of Baldwin Park: Department of Recreation and Community Ser- vices-Jones Junior High School multi- purpose sports complex .....	(95,000)
(90) City of Los Ange- les: Ascot Park ....	(1,000,000)
(91) City of Saratoga: Villa Montalvo .....	(200,000)

Item	Amount
(92) Children's Discovery Museum of San Jose.....	(250,000)
(93) City of Santa Ana: City of Santa Ana Little League renovations for equal disbursement to the Santiago Little League, the Southwest Little League, the Templeton Little League, the Valley Little League, the Bolsa Little League, and the District 30 Little Leagues.....	(60,000)
(94) City of Santa Ana: AYSO, Soccer League, Santa Ana.	(10,000)
(95) City of Anaheim: AYSO Soccer League, Anaheim..	(10,000)
(96) City of Garden Grove: AYSO Soccer League, Garden Grove .....	(10,000)
(97) Boys and Girls Club of Burbank: Boys and Girls Club of Burbank Technology Learning Center .....	(50,000)
(98) Friends of Griffith Park Observatory: Griffith Park Observatory .....	(200,000)
(99) Ad Hoc Committee for Safe Children: Anahauk Youth Soccer Club	(75,000)
(100) City of Los Angeles: Phase II: Temple-Beverly Family Park.....	(300,000)

Item	Amount
(101) Proyecto Pastoral at Dolores Mission: Proyecto Pastoral at Dolores Mission Expansion	(40,000)
(102) City of Lakewood: Mae Boyer Park Improvements .....	(50,000)
(103) City of Artesia: Artesia Teen Center .....	(25,000)
(104) City of Bellflower: William Bristol Civic Auditorium .....	(25,000)
(105) City of Hawaiian Gardens: Community Parks Upgrades .....	(25,000)
(106) North Hollywood Community Forum: "Save Amelia Earhart" Project	(50,000)
(107) North Hollywood Community Forum: Community Garden at North Hollywood High School.....	(25,000)
(108) City of Santa Cruz: Santa Cruz Depot Site Urban Park .....	(1,000,000)
(109) City of San Diego: Stein Education Center Play Area upgrade.....	(20,000)
(110) City of San Diego: Serra Mesa Community Parks.	(150,000)
(111) City of San Diego: Tiersanta Community Park security lighting....	(150,000)

Item	Amount
(112) City of San Diego: University Tot Lots .....	(175,000)
(113) Mountains Recreation and Conservation Authority: Briar Summit-Laurel Canyon East Core Habitat ..	(88,000)
(114) City of Temple City: Temple City Basketball Court Project.....	(125,000)
(115) South Pasadena: Skate Park.....	(75,000)
(116) Amateur Athletic Foundation: Rose Bowl Aquatics Center .....	(30,000)
(117) Los Angeles Maritime Institute: Completion of Twin Brigantine Project engine rooms.....	(100,000)
(118) San Pedro Boys and Girls Club: San Pedro Boys and Girls Club Satellite Clubhouse ..	(125,000)
(119) City of Stockton: Pixie Woods renovation.....	(200,000)
(120) City of Stockton, Department of Parks and Recreation: Development of Youth Soccer Fields .....	(125,000)
(121) City of Tracy: Tracy Collaborative for Youth Safety and Development.....	(15,000)

Item	Amount
(122) City and County of San Francisco Department of Parks and Recreation: Construction of the Organ Pavilion .....	(100,000)
(123) Jewish Community of San Francisco: Rebuild Jewish Community Center .....	(750,000)
(124) San Francisco Organizing Project: Facade improvements.....	(100,000)
(125) Sail San Francisco: Tall Ships ...	(100,000)
(126) The Neighborhood Parks Council: Master plan and design of the North Beach/Joe DiMaggio Playground and Park and the Helen Wills Park .....	(150,000)
(127) City of Ontario: Construction of the restroom facility at Galvin Park .....	(100,000)
(128) City of Montclair: Skateboard Park .....	(100,000)
(129) City of Hermosa Beach: Renovation of Hermosa Valley Park .....	(90,000)
(130) City of Torrance: North Torrance Community Service Center.....	(100,000)
(131) City of Long Beach: Drake Park, Artificial Surface Soccer Field .....	(75,000)

Item	Amount
(132) Boys and Girls Club of Harbor City/Harbor Gateway: Complete facility for Harbor City/Harbor Gateway Boys and Girls Club .....	(100,000)
(133) City of Los Angeles: Vans for afterschool program.	(50,000)
(134) City of South San Francisco: Construction of the Westborough Learning/Child-care Center .....	(175,000)
(135) West Valley Boys and Girls Club, Inc.: West Hills Boys and Girls Club .....	(15,000)
(136) Tarzana Community Foundation: Tarzana Community Center .....	(240,000)
(137) Hmong American Community, Inc.: Hmong American Community Center Renovation .....	(90,000)
(138) Tulare County District Attorney's Office: Tulare County Gang Task Force Operations ..	(100,000)
(139) City of Dinuba (Recreation Services): Minibus/van for Youth Center .....	(35,000)
(140) City of Visalia: Manuel Hernandez Community Center	(12,000)



Item	Amount
(141) Southgate Parks and Recreation: Florin Creek Soccer Complex rehabilitation and expansion.....	(75,000)
(142) Western Sonoma County Swimmers: "Save Ives Pool" .	(50,000)
(143) Vacaville Youth Soccer League: Centennial Park Soccer Complex ...	(300,000)
(144) County of Solano: Relocation of Girl Scouts building .....	(150,000)
(145) St. Vincent de Paul Village: Playground equipment for children's center .....	(150,000)
(146) Willowbrook Boys and Girls Club: Complete construction of the Willowbrook Boys and Girls Club Facility .....	(150,000)
(147) City of San Diego: North Clairemont Recreation Center-picnic shelter .....	(100,000)
(148) City of San Diego: Balboa Park/ Golden Hill Neighborhood new trails.	(30,000)
(149) City of San Diego: Golden Hill Community Park picnic shelter .....	(70,000)
(150) Mt. St. Mary's Preservation Committee: St. Joseph's Cultural Center ....	(100,000)

Item	Amount
(151) City of Visalia: Mobile Recreation Centers.....	(100,000)
(152) Tulare County: Boys and Girls Club, youth facil- ity .....	(100,000)
(153) City of Ocean- side: Martin Luther King, Jr. Skate Park .....	(50,000)
(154) Town Of Yucca Valley: Morongo Basin Regional/ Multipurpose trails system.....	(50,000)
(155) City of San Ja- cinto: Estudillo Mansion .....	(50,000)
(156) City of Moreno Valley Department of Parks and Rec- reation: State Park Bond proposed projects for fund- ing City of Moreno Valley Parks and Recreation Depart- ment.....	(50,000)
(157) City of Clovis: Clovis Botanical Gardens.....	(250,000)
(158) Visalia Boys and Girls Club .....	(100,000)
(159) City of Orange: Playground safety projects .....	(100,000)
(160) Big Brothers/Big Sisters of Orange County: Bright Fu- tures Program.....	(25,000)
(161) City of Lake For- est: Community Resource Center ...	(100,000)
(162) City of Lake For- est: Concourse Park .....	(35,000)

Item	Amount
(163) City of Lake Forest: Public skate park .....	(50,000)
(164) Boys and Girls Club of Tustin: Right Track Program .....	(76,000)
(165) Tustin Boys and Girls Club: Purchase of fuel-powered/solar-powered generating system.	(40,000)
(166) Laguna Beach Boys and Girls Club: Laguna Beach Boys and Girls Club teen facilities expansion .	(60,000)
(167) City of Folsom: Regional Humbug-Willow Creek Bikeway Gap Closure Project .....	(75,000)
(168) Sunrise Recreation and Park District: Family picnic shelter .....	(75,000)
(169) Orangevale Recreation and Park District: Community solar panels ...	(85,000)
(170) North Highlands Recreation and Park District: McClellan Sports Complex rehabilitation.....	(100,000)
(171) Carmichael Recreation and Park District: Carmichael Park swimming pool renovation .....	(75,000)
(172) City of Willows: Playground equipment replacement .	(15,000)

Item	Amount
(173) City of Fountain Valley: Recreation Facility Expansion Project.....	(100,000)
(174) City of La Palma: El Rancho Verde Open Space Project.....	(100,000)
(175) City of Los Alamitos: USA Olympic Team Facility .....	(100,000)
(176) City of El Cajon: El Cajon High School tennis courts.....	(63,000)
(177) City of El Cajon: Tuttle Park Sports Field .....	(95,000)
(178) City of La Mesa: Junior Seau Regional Sports Complex baseball field capability-Phase 3 .....	(91,000)
(179) City of Lemon Grove: Pine replacement at Main Street .....	(11,000)
(180) City of Lemon Grove: Replacement pipe at Ensenada Street....	(8,000)
(181) City of Lemon Grove: Roosevelt Street .....	(8,000)
(182) City of La Mesa: Junior Seau Regional Sports Complex ball field special features.....	(90,990)
(183) City of El Cajon: Dance studio .....	(15,000)
(184) City of Fontana: Heritage Community Center .....	(425,000)

Item	Amount
(185) East Contra Costa County Historical Society: Relocation and Foundation for Eden Plain School Historical Building ....	(30,000)
(186) City of Fontana: Heritage Community Center .....	(500,000)
(187) Tahoe City Public Utilities District: Tahoe City Community Center for Lake Tahoe Information, Culture, and Art.....	(100,000)
(188) Hangtown Gold Bug Park Development Committee: Gold Bug Park Living Museum....	(100,000)
(189) Los Osos Community Pool Association: Los Osos Community Aquatic Center .....	(300,000)
(190) City of Santa Maria: Community Youth Center final phase.....	(250,000)
(191) City of Arroyo Grande: Five Cities Community Recreation Center.	(250,000)
(192) City of Diamond Bar: Summit Ridge Park improvements .....	(50,000)
(193) City of Norco: Ingall's Regional Equestrian Park ....	(50,000)

Item	Amount
(194) Riverside Parks and Recreation: Air conditioning for the Cesar Chavez Community Center .....	(150,000)
(195) Elk Grove Old Town Merchants Society: Old Town Elk Grove improvements-Bike path.....	(100,000)
(196) City of Thousand Oaks: Ventura County Discovery Center (VCDC) ....	(100,000)
(197) City of Los Angeles, Parks and Recreation Department: Recreational facility upgrade.....	(132,000)
(198) City of Fillmore: Fillmore Community Park .....	(100,000)
(199) City of Escondido: Escondido Sports Center.....	(150,000)
(200) City of Encinitas; Parkland and Open Space acquisition funding.....	(300,000)
(201) City of Del Mar: Reconstruction of children's playground area .....	(45,000)
(202) City of Escondido: Boundless Playground.....	(100,000)
(203) City of Apple Valley: Apple Valley Town Center Park .....	(100,000)
(204) County of San Bernardino: Barstow Wading Pool.	(81,000)

Item	Amount
(205) County of San Bernardino: Spring Valley Lake Baseball Fields .....	(60,000)
(206) Anza Borrego Foundation: Mason Valley Project.	(200,000)
(207) City of Walnut: Suzanne Park Renovation Project	(50,000)
(208) City of La Mirada: Skateboard Park.....	(50,000)
(209) City of La Puente: Skateboard Park-City of La Puente.....	(50,000)
(210) City of West Covina: Ridge Rider Equestrian Center .....	(50,000)
(211) City of Fullerton: Lions Field athletic field lights.....	(100,000)
(212) City of Fullerton: Independence Park play structure.....	(40,000)
3790-101-0005—For local assistance, Department of Parks and Recreation, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund, to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years.....	270,447,000
Schedule:	
(1) 80.25-Recreational Grants .....	261,341,000
(a) Local Agencies operating park units .....	(18,893,000)
(b) Roberti-Z'berg-Harris .....	(188,930,000)
(c) Murray-Hayden Urban Parks and Youth Services Program.....	(47,232,000)

Item	Amount
(d) Zoos and Aquariums .....	(5,786,000)
(e) California Science Center School.....	(500,000)
(2) 80.30-Historic Preservation Grants.	8,506,000
(a) California Heritage Program.....	(8,506,000)
(3) 97.20.004-Local Projects .....	600,000
(a) City and County of San Francisco: Youngblood Coleman Soccer Field..	(200,000)
(b) City of Montclair: Soccer Park.....	(75,000)
(c) Major League Baseball Urban Youth Foundation: Major League Baseball Academy .....	(325,000)

Provisions:

1. The funds appropriated in this item shall be available for encumbrance for three years after the date upon which it first became available for encumbrance. Disbursements in liquidation of encumbrances shall be made before or during five years following the last day the appropriation is available for encumbrance.
2. Funds available in Schedule 1(b) shall be allocated pursuant to the Roberti-Z' Berg-Harris Urban Open-Space and Recreational Program Act (Chapter 3.2 commencing with Section 5620 of the Public Resources Code).

3790-101-0262—For local assistance, Department of Parks and Recreation, payable from the Habitat Conservation Fund, to be available for expenditure during the 2001–02, 2002–03 and 2003–04 fiscal years .....

2,000,000

Schedule:

- (1) 80.25-Recreational Grants .....
- 2,000,000

Provisions:

1. The funds appropriated by this item shall be available only for projects submitted to the Department of Parks and Recreation for consideration during the evaluation process for the Habitat Conservation Fund Program.
2. Notwithstanding Section 16304(c) of the Government Code, funding appropriated in this item shall



Item	Amount
<p>be subject to the reversion requirements provided in Section 16304.1 of the Government Code.</p> <p>3790-101-0263—For local assistance, Department of Parks and Recreation, payable from the Off-Highway Vehicle Trust Fund, for grants to cities, counties, federal agencies or special districts, as specified in Section 5090.50 of the Public Resources Code, to be available for expenditure during the 2001–02, 2002–03 and 2003–04 fiscal years .....</p>	15,500,000
<p>Schedule:</p> <p>(1) 80.12-OHV Grants ..... 15,500,000</p>	
<p>Provisions:</p> <p>1. Notwithstanding subdivision (c) of Section 16304 of the Government Code, funding appropriated in this item shall be subject to the reversion requirements provided in Section 16304.1 of the Government Code.</p> <p>2. At least 30 days prior to the expenditure of any of the funds appropriated in this item, the Department of Parks and Recreation shall provide written notice to the Chairperson of the Joint Legislative Budget Committee of the proposed recipients of the grants to be made from those funds.</p>	
<p>3790-101-0858—For local assistance, Department of Parks and Recreation, payable from the Recreational Trails Fund, to be available for expenditure during the 2001–02, 2002–03 and 2003–04 fiscal years.....</p>	4,000,000
<p>Schedule:</p> <p>(1) 80.12-OHV Grants ..... 1,200,000</p> <p>(2) 80.25-Recreational Grants ..... 2,800,000</p>	
<p>Provisions:</p> <p>1. The funds appropriated in Schedules (1) and (2) shall be available for expenditure for local assistance or capital outlay.</p> <p>2. Notwithstanding Section 16304(c) of the Government Code funding appropriated in this item shall be subject to the reversion requirements provided in Section 16304.1 of the Government Code.</p> <p>3. Of the funds appropriated, the department may allocate, to the maximum extent allowable under federal law, the amount necessary to provide for the department’s costs to administer these grants.</p> <p>4. Grants may be made to nonprofit organizations and government entities.</p>	

Item	Amount
3790-101-0890—For local assistance, Department of Parks and Recreation, payable from the Federal Trust Fund, to be available for expenditure during the 2001–02, 2002–03 and 2003–04 fiscal years.....	8,575,000
Schedule:	
(1) 80.25-Recreational Grants .....	7,700,000
(2) 80.30-Historic Preservation Grants.	875,000
Provisions:	
1. Notwithstanding Section 16304(c) of the Government Code, funding appropriated in this item shall be subject to the reversion requirements provided in Section 16304.1 of the Government Code.	
3790-102-0001—For local assistance, Department of Parks and Recreation .....	1,200,000
Schedule:	
(a) City of Clovis: Clovis Babe Ruth Baseball Field .....	(1,200,000)
3790-102-0383—For local assistance, Department of Parks and Recreation, payable from the Natural Resources Infrastructure Fund, to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years .....	15,000,000
Schedule:	
(a) 80.25-Recreational Grants.....	15,000,000
(1) Urban Parks Initiative.....	(15,000,000)
Provisions:	
1. The amount appropriated in this item is available for expenditure for capital outlay or local assistance.	
2. Notwithstanding Section 6217 of the Public Resources Code, the Urban Parks Initiative to be funded from this appropriation is to be funded from the Natural Resources Infrastructure Fund.	
3790-301-0001—For capital outlay, Department of Parks and Recreation.....	350,000
Schedule:	
(1) 97.20.004-Local Projects: Mount Diablo State Park (Morgan Territory) Acquisition.....	300,000
(2) Topanga State Park—Los Liones Trailhead improvements and restroom construction.....	50,000
3790-301-0005—For capital outlay, Department of Parks and Recreation, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	121,985,000

Item	Amount
Schedule:	
(1) 90.2W.101-Prairie Creek Redwoods SP: Public Use Improvements—Preliminary plans .....	259,000
(2) 90.2Y.101-Patrick’s Point SP: Campground and Day Use Rehabilitation—Working drawings and construction.....	1,315,000
(3) 90.3P.101-Sinkyone Wilderness SP: Watershed Restoration—Preliminary plans and construction .....	1,272,000
(4) 90.4C.101-Point Cabrillo Light Station and Preserve: Initial Studies for Rehabilitation—Study.....	290,000
(5) 90.4C.102-Point Cabrillo Light Station and Preserve: Drainage and Erosion Control—Minor projects..	134,000
(5.5) 90.4C.104-Point Cabrillo Light Station—Addition-Acquisition.....	4,000,000
(6) 90.5L.101-Olompali SHP: Rehabilitation of Frame House—Working drawings and construction.....	1,123,000
(7) 90.5R.101-Fort Ross SHP: Reconstruct Historic Fur Warehouse—Preliminary plans .....	278,000
(8) 90.6P.101-Jack London SHP: Restore Cottage—Preliminary plans..	95,000
(9) 90.AA.101-Folsom Powerhouse SHP: Powerhouse Stabilization—Preliminary plans .....	282,000
(10) 90.BC.101-New Brighton SB: Rehabilitate Campground and Day Use—Working drawings .....	176,000
(11) 90.C0.101-Henry W. Coe SP: Day Use Development at Dowdy Ranch—Working drawings.....	207,000
(12) 90.CB.101-Morro Bay SP: Natural History Museum Exhibit Rehabilitation—Construction.....	850,000
(13) 90.CG.101-Pfeiffer Big Sur SP: Park Entrance and Day Use Redevelopment—Preliminary plans.....	277,000

Item	Amount
(14) 90.CO.101-Wilder Ranch SP: Farmhouse Rehabilitation—Preliminary plans, and working drawings.....	423,000
(15) 90.DQ.101-Hearst San Simeon SHM: Hearst Road Stabilization—Preliminary plans and working drawings.....	620,000
(16) 90.E4.102-Chino Hills SP: Public Use Facilities—Construction .....	1,708,000
(17) 90.EX.101-Malibu Creek SP: Restore Sepulveda Adobe—Study.....	118,000
(18) 90.F6.101-Los Encinos SHP: De La Ossa Adobe House Museum—Preliminary plans .....	134,000
(18.5) 90.FU.101-California Citrus SHP: Visitor Center Exhibits—Construction .....	600,000
(19) 90.GG.101-Silverwood Lake SRA: Campground and Day Use Improvements—Preliminary plans	196,000
(21) 90.H9.101-Cardiff SB: Rebuild South Cardiff Facilities—Preliminary plans and working drawings.....	358,000
(22) 90.IJ.101-Old Town San Diego SHP: McCoy House Exhibits—Preliminary plans and construction	793,000
(23) 90.IL.101-Border Field SP: Develop and Rehabilitate Day Use Facilities—Preliminary plans.....	241,000
(25) 90.RS.235-Statewide: Volunteer Enhancement Program—Minor projects.....	3,619,000
(26) 90.RS.240-Statewide: California Sno-Park Program—Minor projects.....	810,000
(27) 90.RS.409-Statewide: 2000 Bond Opportunity Purchases Acquisition Program—Acquisition.....	5,000,000
(28) 90.RS.415-Statewide: 2000 Bond Redwood Acquisition Program—Acquisition .....	4,318,000
(29) 90.RS.416-Statewide: 2000 Bond Habitat Acquisition Program—Acquisition .....	35,000,000

Item	Amount
(30) 90.RS.601-Statewide: Budget Development—Study .....	500,000
(30.5) 90.94.102-Leland Stanford Mansion SHP: Rehabilitation—Construction .....	3,000,000
(30.6) 90.8J.600-Columbia SHP: Knapp Block Rehabilitation—Construction .....	4,394,000
(30.7) 90.8D.101-Donner Memorial SP: Replace Restrooms and Water System—Working drawings and construction .....	1,961,000
(30.8) 90.5T.600-Sonoma Coast SB: Trail Rehabilitation and Development—Working drawings and construction.....	601,000
(30.9) 90.9F.605-Sugar Pine Point SP: Rehabilitate Day Use Area—Construction .....	1,889,000
(30.91) 90.8E.101-Tahoe SRA: Truckee River Outlet Parcel Restoration and Rehabilitation—Construction .....	2,185,000
(30.92) 90.KZ.101-Cornfields Project: Acquisition—Acquisition .....	40,000,000
(30.93) 90.FW.100-Topanga SP: Topanga Canyon—Acquisition .....	8,000,000
(31) Reimbursements .....	-5,041,000
Provisions:	
1. Notwithstanding any other provision of law, the Department of Parks and Recreation may exercise the same authority granted to the Division of the State Architect and the Office of the Real Estate and Design Services in the Department of General Services to plan, design, construction, and administer contracts and professional services for Schedules (3), (6), (12), (18), (18.5), (22), (30.6), (30.7), (30.8), (30.9), and (30.91) of this item.	
2. The funds appropriated in Schedules (4) and (5) of this item shall not be expended until the Department of Parks and Recreation retains control and possession or a long-term interest in the Point Cabrillo Preserve property.	
3. The funds appropriated in Schedule (6) of this item are subject to the oversight of the State Public Works Board and shall not be expended until preliminary plans are approved.	

Item	Amount
4. The funds appropriated in Schedules (12) and (18.5) of this item are subject to the oversight of the State Public Works Board and shall not be expended until preliminary plans and working drawings are approved.	
5. The funds appropriated in Schedule (30) of this item shall be used to develop design information or cost information for new projects for which funds have not been appropriated previously, but which are anticipated to be included in the Governor's Budget for the 2002-03 or 2003-04 fiscal year.	
6. Of the funds appropriated in Schedule (29) of this item, \$10,000,000 is available for the Mill Creek Acquisition Project.	
7. Of the funds appropriated in Schedule (29) of this item, \$6,500,000 is available for Albion Acquisition Project.	
3790-301-0140—For capital outlay, Department of Parks and Recreation, payable from the California Environmental License Plate Fund .....	183,000
Schedule:	
(1) 90.HA.105-Anza-Borrego Desert SP: General Plan—Study .....	183,000
3790-301-0262—For capital outlay, Department of Parks and Recreation, payable from the Habitat Conservation Fund .....	2,500,000
Schedule:	
(1) 90.RS.406-Habitat Conservation: Proposed Additions—Acquisition .....	1,000,000
(2) 90.RS.407-Santa Lucia Mountains: Proposed Additions—Acquisition.....	1,500,000
Provisions:	
1. The funds appropriated in Schedule (1) of this item shall be expended for state park acquisitions located in the Klamath-Siskiyou, Sierra Foothills and Low Coastal Mountain, Southwest Mountain and Valley, and Sierra Nevada Landscape Provinces.	
3790-301-0263—For capital outlay, Department of Parks and Recreation, payable from the Off-Highway Vehicle Trust Fund .....	4,665,000
Schedule:	
(1) 90.7C.400-Oceano Dunes SVRA: La Grande Tract—Acquisition .....	2,900,000

Item	Amount
(2) 90.7C.101-Oceano Dunes SVRA: Pier Avenue Lots—Acquisition.....	1,200,000
(3) 90.RS.605-Statewide: OHV Budget Package/Schematic Planning— Study.....	30,000
(4) 90.RS.206-Statewide: OHV Minor Capital Outlay—Minor projects....	135,000
(5) 90.RS.405-Statewide: OHV Oppor- tunity Purchase/Prebudget Ap- praisal—Acquisition.....	400,000
Provisions:	
1. Funds appropriated in Schedule (3) shall be used to develop design information or cost information for new projects for which funds have not been appropriated previously, but which are anticipated to be included in the Governor’s Budget for the 2002–03 and 2003–04 fiscal years.	
2. To the extent they are expended for acquisitions, the funds appropriated in Schedule (5) shall be available for inholding acquisitions, parcels adjacent to existing state vehicular recreation areas or parcels available through tax default that fall within the department’s five-year plan for program expansion.	
3790-301-0786—For capital outlay, Department of Parks and Recreation, payable from the California Wildlife, Coastal and Park Land Conservation Fund of 1988.....	65,000
Schedule:	
(1) 90.RS.260-Statewide: Recreational Trails—Minor projects .....	65,000
3790-301-0890—For capital outlay, Department of Parks and Recreation, payable from the Federal Trust Fund	1,500,000
Schedule:	
(1) 90.RS.801-Federal Trust Fund Program—Acquisition, prelimi- nary plans, working drawings, and construction .....	1,500,000
3790-302-0005—For capital outlay, Department of Parks and Recreation, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	69,400,000
Schedule:	
(1) 90.EX.400-Malibu Creek SP: Ac- quisition .....	700,000
(2) 90.4E.400-Mendocino Headlands SP: Big River—Acquisition .....	5,000,000

Item	Amount
(3) 90.BR.400-Butano SP: Acquisition.	3,000,000
(4) 90.B8.400-Castle Rock SP: Acquisition .....	7,000,000
(5) 90.CH.400-Point Lobos SR—Acquisition .....	5,000,000
(6) 90.CO.400-Wilder Ranch SP: Current Ranch—Acquisition .....	2,200,000
(7) 90.EC.400-Kenneth Hahn SRA: Baldwin Hills—Acquisition.....	11,000,000
(8) 90.EF.400-El Capitan SB: El Capitan Ranch—Acquisition .....	6,500,000
(9) 90.FW.400-Topanga SP: Mulholland Gateway—Acquisition .....	9,000,000
(10) 90.H6.400-Cuyamaca Rancho SP: Tulloch-Cuyamaca—Acquisition...	3,000,000
(11) 90.7P.400-Half Moon Bay SB: Francis Beach—Acquisition .....	1,500,000
(12) 90.7Q.400-Montara SB: Rancho Corral—Acquisition .....	5,000,000
(13) 90.7T.400-Pigeon Point Light Station SHP: Bolsa Point/Whaler’s Cove—Acquisition.....	5,000,000
(14) 90.72.400-John Marsh Home SHP: Cowell Ranch—Acquisition.	5,000,000
(15) 90.FH.100-Santa Monica SB: 415 PCH Project—EIRs and Planning.	500,000

Provisions:

1. Concurrent with the acquisition of the Woodland Hills Estates Property, Schedule (9) of this item, the Santa Monica Mountains Conservancy shall cause to be transferred to the Department of Parks and Recreation, at no cost to the department, an additional 2,850 acres or more with an independently appraised market value of not less than \$25,000,000.
2. The funds appropriated in Schedule (11) of this item shall be used for the acquisition of coastal bluffs adjacent to Francis Beach, a part of Half Moon Bay State Beach. These funds are to be available on a one-to-one matching basis.

3790-401—For the 2001–02 fiscal year, the balance as of July 1, 2001, deposits in, and accruals to the Conservation and Enforcement Services Account in the Off-Highway Vehicle Trust Fund shall be transferred by the State Controller to the Off-Highway Vehicle Trust Fund. All funds transferred pursuant to this item shall be available for expenditure by the De-



Item	Amount
<p>partment of Parks and Recreation for purposes of conservation and enforcement activities pursuant to Sections 23 and 25 of Chapter 1027 of the Statutes of 1987 which are authorized for expenditure within Items 3790-001-0263, 3790-101-0263, and 3790-301-0263. The Controller shall make the transfers quarterly or at such intervals as determined necessary to meet the cash-flow needs of the Off-Highway Vehicle Trust Fund.</p>	
<p>3790-490—Reappropriation, Department of Parks and Recreation. Notwithstanding any other provision of law, the balance of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for the appropriations:</p>	
<p>0001—General Fund</p>	
<p>(1) Item 3790-301-0001, Budget Act of 1998 (Ch. 324, Stats. 1998), as added by Chapter 953 of the Statutes of 1998, 90.94.101 Stanford Mansion SHP: Park Preservation—Preliminary plans, working drawings, and construction.</p>	
<p>(2) Item 3790-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)</p>	
<p>(4) 90.CB.600 Morro Bay State Park: Campground and Day Use Rehabilitation—Working drawings.</p>	
<p>(9) 90.8E.101 Tahoe SRA: Truckee River Outlet Parcel Restoration and Rehabilitation—Working drawings.</p>	
<p>0005—Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund</p>	
<p>(1) Item 3790-301-0005, Budget Act of 2000 (Ch. 52, Stats. 2000)</p>	
<p>(7) 90.E4.102 Chino Hills State Park: Public Use Facilities—Working drawings.</p>	
<p>(8) 90.GI.101 Crystal Cove State Park: El Morro Mobilehome Park Conversion—Preliminary plans.</p>	
<p>0263—Off-Highway Vehicle Trust Fund</p>	
<p>(1) Item 3790-301-0263, Budget Act of 1998 (Ch. 324, Stats. 1998)</p>	
<p>(1) 90.C7.401 Ocotillo Wells SVRA: Eastern Acquisition—Acquisition.</p>	
<p>(2) Item 3790-301-0263, Budget Act of 2000 (Ch. 52, Stats. 2000)</p>	
<p>(1) 90.7K.601 Carnegie SVRA: Alameda/Tesla—Working drawings and construction.</p>	

Item

Amount

3790-491—Reappropriation, Department of Parks and Recreation. Notwithstanding any other provision of the law, the balance of the appropriations in the following citations are reappropriated and shall be available for expenditure until June 30, 2003.

0001—General Fund

- (1) Item 3790-101-0001(7), Budget Act of 2000 (Ch. 52, Stats. 2000), City of Albany, East Bay Shoreline project: acquisition funds, provided that the funds shall be used for the following project: environmental enhancement of the Albany Bulb.
- (2) Item 3790-101-0001(95), Budget Act of 2000 (Ch. 52, Stats. 2000), Napa County: Napa Boys and Girls Club, to be used for the following purpose: Boys and Girls Club of Napa Valley: Construction of new facility.
- (3) Item 3790-101-0001(99), Budget Act of 2000 (Ch. 52, Stats. 2000), City of Fresno: Acquisition of land for the Bullard Bambino Baseball Facility to be used for the following purpose: Bullard Bambino Baseball, Fresno: Baseball Facility.
- (4) Item 3790-101-0001(236), Budget Act of 2000 (Ch. 52, Stats. 2000), City of Clarksburg: Swimming pool renovations, to be used for the following purpose: County of Yolo; Clarksburg swimming pool renovation.
- (5) Item 3790-101-0001(239), Budget Act of 2000 (Ch. 52, Stats. 2000), North Tahoe: North Tahoe Youth Center, to be used for the following purpose: North Tahoe Boys and Girls Club: North Tahoe Youth Activity Center.
- (6) Item 3790-101-0001(248), Budget Act of 2000 (Ch. 52, Stats. 2000), City of Huntington Beach: Bonelli Regional Youth Center, to be used for the following purpose: City of Huntington Beach: Bonelli Regional Youth Center.
- (7) Item 3790-101-0001(46), Budget Act of 2000 (Ch. 52, Stats. 2000), City of Long Beach: Rancho Los Alamitos Historical Park, to be used for the following purpose: Rancho Los Alamitos Foundation: Rancho Los Alamitos Historic Park.
- (8) Item 3790-101-0001(70), Budget Act of 2000 (Ch. 52, Stats. 2000), City of Los Angeles: Vista del Mar, to be granted to the following entity: Vista del Mar Child and Family Services.

Item	Amount
0005—Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 pursuant to the Murray-Hayden Urban Parks and Youth Service Program.	
(1) Item 3790-102-0005(5)(SX), Budget Act of 2000 (Ch. 52, Stats. 2000), City of Los Angeles: Tree People Two, to be used for the following purpose: Tree People Two.	
3790-495—Reversion, Department of Parks and Recreation. As of June 30, 2001, the unencumbered balance of the appropriations provided in the following citations shall revert to the fund balance of the fund from which the appropriation was made:	
0001—General Fund	
(1) Item 3790-302-0001 Budget Act of 1999 (Ch. 50, Stats. 1999), as augmented by Chapter 811, Statutes of 1999, Sec 2.	
(2.5) 90.D8.100-Stilwell Hall at Fort Ord: Relocation and Restoration...	3,010,000
0263—Off-Highway Vehicle Trust Fund	
(1) Item 3790-301-0263, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(6) 90.7C.400-Oceano Dunes SVRA: La Grande Tract—Acquisition.	
(2) Item 3790-301-0263(4), Budget Act of 2000 (Ch. 52, Stats. 2000)	
(4) 90.7C.101-Oceano Dunes SVRA: Pier Avenue Lots—Study and acquisition.	
3810-001-0140—For support of Santa Monica Mountains Conservancy, payable from the California Environmental License Plate Fund .....	652,000
Schedule:	
(1) 10-Santa Monica Mountains Conservancy .....	652,000
Provisions:	
1. Notwithstanding Article 4 (commencing with Section 11040) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, the Attorney General shall continue to provide legal services to the Santa Monica Mountains Conservancy consistent with the manner in which the Attorney General provides legal services to state agencies that are funded by appropriations made from the General Fund.	
2. (a) The Santa Monica Mountains Conservancy shall not encumber state appropriated funds for the purchase or acquisition of real prop-	

Item

Amount

erty directly or through any public agency intermediary, including the State Public Works Board, that requires the payment of interest costs, or late fees or penalties, unless the conservancy certifies all of the following: (1) that the purchase is necessary to implement an acquisition identified in the high-priority category of the work program submitted annually to the Legislature pursuant to Section 33208 of the Public Resources Code, or amendments made thereto, (2) that the purchase agreement does not involve interest payments or terms in excess of those that the State Public Works Board may enter into pursuant to Section 15854.1 of the Government Code, and (3) that the purchase agreement does not commit the state to future appropriations.

- (b) The Santa Monica Mountains Conservancy shall report periodically to the Legislature, but no less frequently than twice yearly, concerning the status of any purchases certified as required in (a) and the amount of state funds thus far encumbered for interest, penalties, or other principal surcharges.

3810-301-0005—For capital outlay, Santa Monica Mountains Conservancy, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund..... 16,250,000

Provisions:

- 1. Notwithstanding any other provision of law, the funds appropriated in this item are available for encumbrance for either capital outlay or local assistance through the 2003–04 fiscal year.
- 2. Of the amount appropriated in this item, \$2,500,000 shall be used for Phase I of the acquisition of Zanja Madre Park (Chinatown Yards/Cornfields).

3810-301-0941—For capital outlay, Santa Monica Mountains Conservancy, payable from the Santa Monica Mountains Conservancy Fund..... 0

Schedule:

- (1) 50.20.001-Capital outlay acquisitions ..... 50,000
- (2) Reimbursements..... -50,000

Item	Amount
Provisions:	
1. Notwithstanding any other provision of law, the funds appropriated by this item are available for encumbrance for either capital outlay or local assistance through the 2003–04 fiscal year.	
3820-001-0001—For support of San Francisco Bay Conservation and Development Commission .....	4,243,000
Schedule:	
(1) 10-Bay Conservation and Development .....	4,876,000
(2) Reimbursements .....	–633,000
3825-001-0140—For support of San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, payable from the California Environmental License Plate Fund .....	244,000
Schedule:	
(1) 10-San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy .....	244,000
Provisions:	
1. Acquisitions and enhancements administered pursuant to this item shall not be undertaken if they would require increased state funds for management purposes.	
3830-001-0140—For support of San Joaquin River Conservancy, payable from the California Environmental License Plate Fund .....	233,000
Schedule:	
(1) 10-San Joaquin River Conservancy .....	233,000
Provisions:	
1. Acquisitions and enhancements administered pursuant to this item shall not be undertaken if they would require increased state funds for management purposes.	
3835-001-0001—For support of Baldwin Hills Conservancy .....	264,000
Schedule:	
(1) 10-Baldwin Hills Conservancy .....	264,000
3840-001-0140—For support of Delta Protection Commission, payable from the California Environmental License Plate Fund .....	146,000
3840-001-0516—For support of Delta Protection Commission, payable from the Harbors and Watercraft Revolving Fund .....	169,000
3850-001-0140—For support of Coachella Valley Mountains Conservancy, payable from the California Environmental License Plate Fund .....	105,000

Item	Amount
Schedule:	
(1) 10-Coachella Valley Mountains Conservancy .....	252,000
(2) Reimbursements .....	-112,000
(3) Amount payable from the Coachella Valley Mountains Conservancy Fund (Item 3850-001-0296).....	-35,000
Provisions:	
1. Acquisitions and enhancements administered pursuant to this item shall not be undertaken if they would require increased state funds for management purposes.	
3850-001-0296—For support of Coachella Valley Mountains Conservancy, for payment to Item 3850-001-0140, payable from the Coachella Valley Mountains Conservancy Fund .....	35,000
3860-001-0001—For support of Department of Water Resources .....	117,373,000
Schedule:	
(1) 10-Continuing Formulation of the California Water Plan .....	125,270,200
(2) 15-CalFed Bay-Delta Program .....	104,061,000
(3) 20-Implementation of the State Water Resources Development System .....	3,933,000
(4) 30-Public Safety and Prevention of Damage .....	41,976,800
(4.5) 45-California Energy Resources Scheduling (CERS) .....	21,774,000
(5) 40-Services .....	4,899,000
(6) 50.01-Management and Administration .....	77,403,000
(7) 50.02-Distributed Management and Administration .....	-76,942,000
(8) Reimbursements .....	-48,842,000
(9) Amount payable from the California Environmental License Plate Fund (Item 3860-001-0140).....	-768,000
(10) Amount payable from the Central Valley Project Improvement Subaccount (Item 3860-001-0404).....	-1,565,000
(11) Amount payable from the Delta Levee Rehabilitation Subaccount (Item 3860-001-0409) .....	-1,733,000
(12) Amount payable from the Feasibility Projects Subaccount (Item 3860-001-0445) .....	-1,456,000

Item	Amount
(13) Amount payable from the Water Conservation and Groundwater Recharge Subaccount (Item 3860-001-0446) .....	-119,000
(14) Amount payable from the Energy Resources Programs Account (Item 3860-001-0465) .....	-1,700,000
(15) Amount payable from the Local Projects Subaccount (Item 3860-001-0543) .....	-233,000
(16) Amount payable from the Sacramento Valley Water Management and Habitat Protection Subaccount (Item 3860-001-0544) .....	-275,000
(17) Amount payable from the 1984 State Clean Water Bond Fund (Item 3860-001-0740) .....	-2,000
(18) Amount payable from the 1986 Water Conservation and Water Quality Bond Fund (Item 3860-001-0744) .....	-180,000
(19) Amount payable from the 1988 Water Conservation Fund (Item 3860-001-0790) .....	-42,000
(20) Amount payable from the Federal Trust Fund (Item 3860-001-0890) .....	-60,176,000
(21) Amount payable from the Renewable Resources Investment Fund (Item 3860-001-0940) .....	-662,000
(21.5) Amount payable from the Electric Power Fund (Item 3860-001-3100) .....	-22,235,000
(21.8) Amount payable from the Safe Drinking Clean Water Watershed Protection and Flood Protection Bond Fund (Item 3860-001-6001) .....	-1,614,000
(22) Amount payable from the Flood Protection Corridor Subaccount (Item 3860-001-6005) .....	-937,000
(23) Amount payable from the Urban Stream Restoration Subaccount (Item 3860-001-6007) .....	-447,000
(24) Amount payable from the Yuba Feather Flood Protection Subaccount (Item 3860-001-6010) .....	-978,000

Item	Amount
(25) Amount payable from the Arroyo Pasajero Watershed Subaccount (Item 3860-001-6011) .....	-627,000
(26) Amount payable from the Water Conservation Account (Item 3860-001-6023) .....	-675,000
(26.1) Amount payable from Conjunctive Use Subaccount (Item 3860-001-6025) .....	-946,000
(27) Amount payable from the Bay-Delta Multipurpose Water Management Subaccount (Item 3860-001-6026) .....	-38,370,000
(28) Amount payable from the Interim Water Supply and Water Quality Infrastructure and Management Subaccount (Item 3860-001-6027). .....	-420,000
Provisions:	
1. The amounts appropriated in Items 3860-001-0001 to 3860-001-0940, inclusive, shall be transferred to the Water Resources Revolving Fund (0691) for direct expenditure in such amounts as the Department of Finance may authorize, including cooperative work with other agencies.	
2. Of the amount appropriated in this item, \$4,315,000 shall be used for sediment removal projects for the Tisdale Bypass and the Fremont Weir and shall be available for expenditure through June 30, 2003.	
3. Notwithstanding any other provision of law, Section 161 of the Water Code shall not apply to the adoption or revision of regulations, guidelines, or criteria to implement the Costa-Machado Water Act of 2000 (Division 26 of the Water Code commencing with Section 79000).	
3860-001-0140—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the California Environmental License Plate Fund.....	768,000
3860-001-0404—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Central Valley Project Improvement Subaccount.....	1,565,000
3860-001-0409—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Delta Levee Rehabilitation Subaccount.....	1,733,000



Item	Amount
3860-001-0445—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Feasibility Projects Subaccount.....	1,456,000
3860-001-0446—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Water Conservation and Groundwater Recharge Subaccount.....	119,000
3860-001-0465—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Energy Resources Programs Account .	1,700,000
3860-001-0543—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Local Projects Subaccount.....	233,000
3860-001-0544—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Sacramento Valley Water Management and Habitat Protection Subaccount.....	275,000
3860-001-0740—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the 1984 State Clean Water Bond Fund ..	2,000
3860-001-0744—For support of the Department of Water Resources, for payment to Item 3860-001-0001, payable from the 1986 Water Conservation and Water Quality Bond Fund.....	180,000
3860-001-0790—For support of the Department of Water Resources, for payment to Item 3860-001-0001, payable from the 1988 Water Conservation Fund.....	42,000
3860-001-0890—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Federal Trust Fund.....	60,176,000
3860-001-0940—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Renewable Resources Investment Fund .....	662,000
3860-001-3100—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Electric Power Fund.....	22,235,000
3860-001-6001—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund .....	1,614,000

Provisions:

1. Notwithstanding any other provision of law, the funds appropriated in this item shall be available for expenditure through the 2002–03 fiscal year.

Item	Amount
3860-001-6005—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Flood Protection Corridor Sub-account.....	937,000
3860-001-6007—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Urban Stream Restoration Sub-account.....	447,000
3860-001-6010—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Yuba Feather Flood Protection Sub-account.....	978,000
3860-001-6011—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Arroyo Pasajero Watershed Sub-account.....	627,000
3860-001-6023—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Water Conservation Account.....	675,000
3860-001-6025—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Conjunctive Use Subaccount .....	946,000
3860-001-6026—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Bay-Delta Multipurpose Water Management Subaccount .....	38,370,000
3860-001-6027—For support of Department of Water Resources, for payment to Item 3860-001-0001, payable from the Interim Water Supply and Water Quality Infrastructure and Management Subaccount.....	420,000
3860-011-0001—For transfer by the Controller to the California Water Fund pursuant to the judgment in Fierro v. Wilson.....	(13,200,000)
3860-101-0001—For local assistance, Department of Water Resources .....	22,586,000
Schedule:	
(2) 30.20.020-Delta Levee Subventions .....	8,436,000
(3) 10.10-Water Management Planning.....	12,600,000
(4) 97.20.004-Local Projects .....	1,550,000
(a) City and County of San Francisco: Lake Merced Water Level Management.....	(500,000)

Item	Amount
<ul style="list-style-type: none"> <li>(b) State Reclamation Board: Success Reservoir Enlargement Project.....</li> <li>(c) City of Fremont: Dredging Lake Elizabeth .....</li> <li>(d) Butte County: Rock Creek/Keffer Slough.....</li> </ul>	<p>(550,000)</p> <p>(400,000)</p> <p>(100,000)</p>
Provisions:	
<p>1. Notwithstanding Section 8 of Chapter 326 of the Statutes of 1998, the remaining portion of the \$44,000,000 appropriated by that statute for fiscal year 2001–02 may be used to pay the state’s share of the nonfederal costs of flood control projects as described by that statute for estimated claims on hand as of June 30, 2001, and for estimated claims in fiscal year 2001–02. This provision becomes operational only when all outstanding claims through June 30, 1999, have been satisfied.</p>	
3860-101-0409—For local assistance, Department of Water Resources, payable from the Delta Levee Rehabilitation Subaccount.....	8,400,000
3860-101-0543—For local assistance, Department of Water Resources, payable from the Local Projects Subaccount.....	10,000,000
3860-101-0544—For local assistance, Department of Water Resources, payable from the Sacramento Valley Water Management and Habitat Protection Subaccount.....	16,185,000
3860-101-0740—For local assistance, Department of Water Resources, Program 10.29—Conservation Loans, payable from the 1984 State Clean Water Bond Fund .....	500,000
3860-101-0744—For local assistance, Department of Water Resources, Program 10.29—Conservation Loans, payable from the 1986 Water Conservation and Water Quality Bond Fund.....	1,600,000
3860-101-0790—For local assistance, Department of Water Resources, Program 10.29—Conservation Loans, payable from the 1988 Water Conservation Fund .....	12,000,000
3860-101-6007—For local assistance, Department of Water Resources, payable from the Urban Stream Restoration Subaccount.....	10,000,000

Item	Amount
3860-101-6010—For local assistance, Department of Water Resources, payable from the Yuba Feather Flood Protection Subaccount.....	3,480,000
3860-101-6023—For local assistance, Department of Water Resources, payable from the Water Conservation Account.....	32,118,000
3860-101-6025—For local assistance, Department of Water Resources, payable from the Conjunctive Use Subaccount.....	91,000,000
3860-101-6027—For local assistance, Department of Water Resources, payable from the Interim Water Supply and Water Quality Infrastructure and Management Subaccount .....	4,818,000
3860-301-0001—For capital outlay, Department of Water Resources.....	25,602,000
Schedule:	
(1) 30.95.010-Sacramento Riverbank Protection Project.....	1,100,000
(1.5) 30.95.030.201-Merced County Streams, Castle Dam Unit—Construction .....	40,000
(2) 30.95.202-Sacramento/San Joaquin Basins Comprehensive Study .....	1,650,000
(2.5) 30.95.215.201-Lower Sacramento Area Levee Reconstruction Project.....	516,000
(3) 30.95.245-American River Flood Control Project—Natomas features	2,060,000
(4) 30.95.286-Middle Creek Feasibility Study .....	430,000
(4.5) 30.95.295.201-Tehama Section 205 Flood Control Project—Construction .....	2,380,000
(5) 30.95.297-Success Reservoir—Preconstruction, engineering, and design work .....	284,000
(8) 30.95.306-West Stanislaus Feasibility Study.....	428,000
(11) 30.95.311-Folsom Dam Modifications Project.....	25,060,000
(12) Reimbursements-Middle Creek Feasibility Study .....	-75,000
(13) Reimbursements-Success Reservoir—Preconstruction, engineering, and design work .....	-126,000
(16) Reimbursements-West Stanislaus Feasibility Study .....	-113,000

Item	Amount
(17.5) Reimbursements-Tehama Flood Control Project .....	-682,000
(18) Reimbursements-Folsom Dam Modifications Project .....	-7,350,000

Provisions:

1. The funds appropriated in this item may be expended for relocations and acquisition of land, easements, and rights-of-way, including, but not limited to, borrow pits, spoil areas, and easements for levees, clearing, flood control works, and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Chapters 1 (commencing with Section 12570), 2 (commencing with Section 12639), 3 (commencing with Section 12800), 3.5 (commencing with Section 12840), and 4 (commencing with Section 12850) of Part 6 of Division 6 of the Water Code. Notwithstanding Section 12585.5 of the Water Code, prior to state and federal authorization of the project and appropriation of federal construction funds by Congress and subsequent to submittal of a report to the Legislature pursuant to Section 12582.7, the amounts appropriated in this item may be expended for state costs associated with preconstruction design and engineering work conducted by the federal government and others.
2. The amounts appropriated in this item are also for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items that are an obligation of the state in connection with the completion or operation of the projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works, and other structures and facilities and for appraisals, surveys, and engineering studies incidental thereto.
3. The funds appropriated in this item include funding for preliminary plans, working drawings, construction supervision, contract administration, and other work activities to be performed by Department of Water Resources personnel in completion of the projects.

Item	Amount
4. Notwithstanding Section 26.00 of this act, funds may be transferred, with the approval of the Department of Finance, between projects specified in this item and other Department of Water Resources major capital outlay projects with an active appropriation. The Director of Finance shall notify, in writing, the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, within 30 days, or such lesser time as the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may determine, prior to any transfer.	
3860-301-0413—For capital outlay, Department of Water Resources, payable from the South Delta Barriers Subaccount.....	1,000,000
Schedule:	
(1) 10.95.015-South Delta Barriers Program.....	1,000,000
3860-490—Reappropriation, Department of Water Resources. The balance of the amounts appropriated in the following citations are hereby reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in those appropriations, and shall be available for expenditure until June 30, 2002.	
0001—General Fund	
Item 3860-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(6) 30.95.303 Tuolumne River Flood Control Project—Feasibility Study	
(7) 30.95.306 West Stanislaus Feasibility Study	
Item 3860-301-0001, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(7) 30.95.286 Middle Creek Feasibility Study	
(8) 30.95.290 Hamilton City Feasibility Study	
Item 3860-301-0001, Budget Act of 1998 (Ch. 324, Stats. 1998)	
(1.1) 30.95.111 1997 Flood Damage Repair Projects	
(2.1) 30.95.150 West Sacramento Levee Reconstruction Project	
(4) 30.95.210 Tisdale Bridge Replacement	
Item 3860-301-0001, Budget Act of 1997 (Ch. 282, Stats. 1997)	
(4) 30.95.215 Lower Sacramento Area Levee Reconstruction Project	

Item	Amount
(5) 30.95.220 Upper Sacramento Area Levee Reconstruction Project (Chapter 5, Statutes of 1997, First Extraordinary Session)	
(e) 30.95.085 Cache Creek Settling Basin	
(g) 30.95.155 Mid-Valley Area Levee	
3860-491—Reappropriation, Department of Water Resources. The balance of the appropriation provided in the following citation is reappropriated for the purposes provided for in that appropriation and shall be available for encumbrance and expenditure until June 30, 2002:	
6003—Floodplain Mapping Subaccount	
(i) Item 3860-001-6003, Budget Act of 2000 (Ch. 52, Stats. 2000) (\$750,000) to continue floodplain mapping activities.	
3860-492—Reappropriation, Department of Water Resources. Of the amount appropriated in Item 3860-101-6027, Budget Act of 2000 (Ch. 52, Stats. 2000), \$12,500,000 is reappropriated for the CALFED Environmental Water Account and the Conveyance Program.	

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

3900-001-0001—For support of State Air Resources Board, for payment to Item 3900-001-0044.....	51,987,000
Provisions:	
1. It is the intent of the Legislature that the State Air Resources Board consider the eligibility of manufacturers and consumers of low-speed vehicles or Neighborhood Electric Vehicles, or both, in the administration of any grant programs, loan programs, or rebate programs, as an incentive to manufacturers or consumers, or both, of zero emission vehicles, in recognition of those vehicles contribution to achieving compliance with the zero emission vehicle mandate.	
3900-001-0044—For support of State Air Resources Board, payable from the Motor Vehicle Account, State Transportation Fund .....	79,053,000
Schedule:	
(1) 15-Mobile Source.....	152,170,000
(2) 25-Stationary Source .....	50,777,000
(3) 30.01-Program Direction and Support .....	9,952,000

Item	Amount
(4) 30.02-Distributed Program Direc- tion and Support .....	-9,952,000
(5) Reimbursements .....	-5,126,000
(6) Amount payable from the General Fund (Item 3900-001-0001)....	-51,987,000
(7) Amount payable from the Air Pol- lution Control Fund (Item 3900- 001-0115) .....	-18,800,000
(7.5) Amount payable from the Natural Resources Infrastructure Fund (Item 3900-001-0383) .....	-25,000,000
(8) Amount payable from the Vehicle Inspection and Repair Fund (Item 3900-001-0421) .....	-10,167,000
(9) Amount payable from the Air Tox- ics Inventory and Assessment Ac- count (Item 3900-001-0434).....	-1,304,000
(10) Amount payable from the Rice Straw Demonstration Project Grant Fund (Item 3900-001-0489).....	-1,000,000
(11) Amount payable from the Federal Trust Fund (Item 3900-001-0890)...	-10,510,000
Provisions:	
1. Notwithstanding Section 6217 of the Public Re- sources Code, the Energy Crisis/Environmental Justice Air Emissions Program is to be funded from the Natural Resources Infrastructure Fund.	
2. Of the funds appropriated in this item, \$20,000,000 shall be available for use as grants to provide incentives for the purchase or lease of zero emission vehicles, and shall be available for expenditure through June 30, 2004, as follows:	
(a) \$10,000,000 for grants in an amount up to \$5,000 per vehicle pursuant to criteria estab- lished by the State Air Resources Board.	
(b) \$10,000,000 for grants in an amount up to \$11,000 per vehicle to subsidize the purchase or lease of zero emission vehicles to be used in fleets operating in nonattainment areas.	
(c) The State Air Resources Board shall award grants pursuant to subdivision (b) of this pro- vision through a competitive process that gives preference to the award of grants to fleet operators that will use the vehicles primarily in communities that are disproportionately	



Item

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- impacted by poor air quality, including low-income communities and communities of color.
- (d) An entity receiving grants pursuant to subdivision (b) of this provision shall be ineligible for any grants pursuant to subdivision (a) of this provision.
3. A total of \$48,000,000 (\$23,000,000 appropriated in Item 3900-001-0001 and \$25,000,000 appropriated in Item 3900-001-0383) shall be subject to the following:
- (a) \$16,000,000 shall be allocated to county air pollution control districts and air quality management districts for the purposes of funding the purchase of new clean fuel schoolbuses or the retrofit of diesel schoolbuses consistent with the criteria adopted by the State Air Resources Board in December of 2000. Funds shall be allocated to districts on the basis of population. In expending these funds, a district shall distribute half of the funds to directly benefit low-income communities and communities of color that are disproportionately impacted by air pollution.
- (b) \$16,000,000 shall be allocated to county air pollution control districts and air quality management districts for expenditure pursuant to Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code. First priority for expenditure of these funds shall be to replenish emissions reductions achieved by these districts pursuant to Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code that were reallocated by the State Air Resources Board during calendar year 2001 in order to offset peaker plant emissions. Any remaining funds shall be allocated to these districts based on the schedule adopted by the board pursuant to Chapter 9 of the Health and Safety Code, updated to reflect changes in district attainment status. In expending funds pursuant to this provision, a district shall distribute half of the funds to directly benefit low-income communities and communities of color that are disproportionately impacted by air pollution.

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(c) \$16,000,000 shall be allocated to county air pollution control districts and air quality management districts to mitigate emissions from diesel-fueled electrical backup generators which are operated due to the state electricity crisis. Funds appropriated pursuant to this provision shall be made available to all these districts based upon population and the level and severity of community exposure to emissions from such generators. Funds may be expended to reduce emissions from sources other than electrical back-up generation, if the emissions reductions are for the same or similar types and quantities of emissions and the emissions reductions mitigate the emissions from that generation. In expending funds pursuant to this provision, a district shall distribute one-half of the funds to benefit directly low-income communities and communities of color that are disproportionately impacted by air pollution. Up to 10 percent of these funds shall be allocated to districts, in proportion to the amount of each district's subvention pursuant to Chapter 5 (commencing with Section 39800) of the Health and Safety Code, for the implementation, monitoring, and enforcement of programs related to the state electricity crisis.

3900-001-0115—For support of State Air Resources Board, for payment to Item 3900-001-0044, payable from the Air Pollution Control Fund .....	18,800,000
3900-001-0383—For support of State Air Resources Board, for payment to Item 3900-001-0044, payable from the Natural Resources Infrastructure Fund..... Provisions:	25,000,000
1. Notwithstanding Section 6217 of the Public Resources Code, the projects to be funded from this appropriation are to be funded from the Natural Resources Infrastructure Account.	
3900-001-0421—For support of State Air Resources Board, for payment to Item 3900-001-0044, payable from the Vehicle Inspection and Repair Fund .....	10,167,000
3900-001-0434—For support of State Air Resources Board, for payment to Item 3900-001-0044, payable from the Air Toxics Inventory and Assessment Account.....	1,304,000

Item	Amount
3900-001-0489—For support of State Air Resources Board, for payment to Item 3900-001-0044, payable from the Rice Straw Demonstration Project Grant Fund .....	1,000,000
3900-001-0890—For support of State Air Resources Board, for payment to Item 3900-001-0044, payable from the Federal Trust Fund .....	10,510,000
3900-011-0001—For transfer by the Controller to the Rice Straw Demonstration Project Grant Fund (0489) .....	1,000,000
3900-101-0001—For local assistance, State Air Resources Board Schedule:	
(1) Local Projects .....	200,000
(a) Montebello Unified School District: CNG buses.....	(150,000)
(b) City of San Clemente: Electric vehicle-San Clemente.....	(50,000)
3900-101-0044—For local assistance, State Air Resources Board, for assistance to counties in the operation of local air pollution control districts, payable from the Motor Vehicle Account, State Transportation Fund .....	15,111,000
Schedule:	
(1) 35-Subvention .....	15,111,000
Provisions:	
1. Of the funds appropriated in this item, \$7,600,000 shall only be expended for enforcement and compliance activities carried out by local air pollution control districts. It is the intent of the Legislature that these funds shall not be used to reduce the fees paid by permittees to the local districts.	
3900-301-0115—For capital outlay, State Air Resources Board, payable from the Air Pollution Control Fund Schedule:	2,199,000
(1) 40.10.001-Haagen-Smit Laboratory Breezeway Renovation—Construction.....	2,199,000
3910-001-0001—For support of California Integrated Waste Management Board, for payment to Item 3910-001-0387 .....	209,000

Item	Amount
3910-001-0005—For support of California Integrated Waste Management Board, for payment to Item 3910-001-0387, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	255,000
3910-001-0100—For support of California Integrated Waste Management Board, for payment to Item 3910-001-0387, payable from the California Used Oil Recycling Fund .....	4,300,000
Provisions:	
1. Notwithstanding subdivision (d) of Section 48653 of the Public Resources Code, the aggregate of appropriations from the California Used Oil Recycling Fund may exceed \$3,000,000 during the 2001–02 fiscal year.	
3910-001-0226—For support of California Integrated Waste Management Board, for payment to Item 3910-001-0387, payable from the California Tire Recycling Management Fund .....	27,196,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
2. Notwithstanding Section 42889 of the Public Resources Code, expenditures for administration of the Tire Recycling Program may exceed the limits set forth in subdivisions (a) and (b) of Section 42889 of the Public Resources Code.	
3910-001-0281—For support of California Integrated Waste Management Board, for payment to Item 3910-001-0387, payable from the Recycling Market Development Revolving Loan Account, Integrated Waste Management Fund .....	2,169,000
3910-001-0386—For support of California Integrated Waste Management Board, for payment to Item 3910-001-0387, payable from the Solid Waste Disposal Site Cleanup Trust Fund .....	939,000
Provisions:	
1. Notwithstanding Section 48020 of the Public Resources Code, expenditures for administration of the Solid Waste Cleanup Trust Fund Program may exceed the limits set forth in subdivision (c) of Section 48020 of the Public Resources Code.	

Item	Amount
3910-001-0387—For support of California Integrated Waste Management Board, payable from the Integrated Waste Management Account, Integrated Waste Management Fund.....	36,936,000
Schedule:	
(1) 11-Waste Reduction and Management .....	77,653,000
(2) 30.01-Administration.....	8,812,000
(3) 30.02-Distributed Administration ...	-8,812,000
(4) Reimbursements.....	-585,000
(5) Amount payable from General Fund (Item 3910-001-0001) .....	-209,000
(6) Amount payable from Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3910-001-0005).....	-255,000
(7) Amount payable from California Used Oil Recycling Fund (Item 3910-001-0100) .....	-4,300,000
(8) Amount payable from California Used Oil Recycling Fund (paragraph (4) of subdivision (a) of Section 48653 of the Public Resources Code) .....	-1,635,000
(9) Amount payable from California Used Oil Recycling Fund (paragraph (1) of subdivision (a) of Section 48653 of the Public Resources Code) .....	-2,336,000
(10) Amount payable from California Tire Recycling Management Fund (Item 3910-001-0226) .....	-27,196,000
(11) Amount payable from Recycling Market Development Revolving Loan Account, Integrated Waste Management Fund (Item 3910-001-0281).....	-2,169,000
(12) Amount payable from Solid Waste Disposal Site Cleanup Trust Fund (Item 3910-001-0386) .....	-939,000
(13) Amount payable from the Farm and Ranch Solid Waste Cleanup and Abatement Account (Item 3910-001-0558) .....	-1,038,000
(14) Amount payable from Federal Trust Fund (Item 3910-001-0890).	-55,000

Item	Amount
Provisions:	
1. Notwithstanding subdivision (h) of Section 42023.1 of the Public Resources Code, the California Integrated Waste Management Board may offset the costs of administering the revolving loan program for Recycling Market Development Zones with funds appropriated in this item.	
2. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3910-001-0558—For support of California Integrated Waste Management Board, for payment to Item 3910-001-0387, payable from the Farm and Ranch Solid Waste Cleanup and Abatement Account.....	1,038,000
Provisions:	
1. Notwithstanding Section 48100 of the Public Resources Code, expenditures for administration of the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program may exceed the limits set forth in paragraph (3)(A) of subdivision (c) of Section 48100 of the Public Resources Code.	
3910-001-0890—For support of California Integrated Waste Management Board, for payment to Item 3910-001-0387, payable from the Federal Trust Fund .....	55,000
3910-003-0100—For transfer by the Controller, upon notification by the board, of an amount not to exceed the appropriation in this item, from the California Used Oil Recycling Fund to the Farm and Ranch Solid Waste Cleanup and Abatement Account pursuant to paragraph (2)(A) of subdivision (c) of Section 48100 of the Public Resources Code .....	(333,000)
3910-003-0226—For transfer by the Controller, upon notification by the board, of an amount not to exceed the appropriation in this item, from the California Tire Recycling Management Fund to the Farm and Ranch Solid Waste Cleanup and Abatement Account pursuant to paragraph (2)(A) of subdivision (c) of Section 48100 of the Public Resources Code.....	(333,000)
3910-004-0387—For transfer by the Controller from the Integrated Waste Management Account, Integrated Waste Management Fund to the Solid Waste Disposal Site Cleanup Trust Fund pursuant to paragraph (1) of subdivision (c) of Section 48027 of the Public Resources Code.....	(5,000,000)

Item	Amount
3910-005-0387—For transfer by the Controller, upon notification by the board, of an amount not to exceed the appropriation in this item, from the Integrated Waste Management Account, Integrated Waste Management Fund to the Farm and Ranch Solid Waste Cleanup and Abatement Account pursuant to paragraph (2)(A) of subdivision (c) of Section 48100 of the Public Resources Code.....	(334,000)
3910-101-0005—For local assistance, California Integrated Waste Management Board, payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund .....	2,558,000
Schedule:	
(1) 11-Waste Reduction and Management .....	2,558,000
3910-101-0226—For local assistance, California Integrated Waste Management Board, payable from the California Tire Recycling Management Fund.....	4,000,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3910-101-0387—For local assistance, California Integrated Waste Management Board, payable from the Integrated Waste Management Account, Integrated Waste Management Fund .....	4,404,000
Provisions:	
1. Notwithstanding any other provision of law, the total amount of grants made by the board pursuant to Section 47200 of the Public Resources Code shall not exceed \$3,000,000.	
3930-001-0001—For support of Department of Pesticide Regulation .....	14,420,000
Schedule:	
(1) 12-Registration and Health Evaluation.....	16,679,000
(2) 17-Enforcement and Environmental Monitoring.....	31,593,000
(3) 20.10-Executive and Administrative Services.....	7,716,000
(4) 20.20-Distributed Executive and Administrative Services.....	-7,716,000
(5) Reimbursements.....	-432,000
(6) Amount payable from the Department of Pesticide Regulation Fund (Item 3930-001-0106) .....	-28,727,000

Item	Amount
(7) Amount payable from the California Environmental License Plate Fund (Item 3930-001-0140).....	-496,000
(8) Amount payable from the Food Safety Account (Item 3930-001-0224).....	-2,037,000
(9) Amount payable from the Federal Trust Fund (Item 3930-001-0890).....	-2,160,000
3930-001-0106—For support of Department of Pesticide Regulation, for payment to Item 3930-001-0001, payable from the Department of Pesticide Regulation Fund .....	28,727,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3930-001-0140—For support of Department of Pesticide Regulation, for payment to Item 3930-001-0001, payable from the California Environmental License Plate Fund.....	496,000
3930-001-0224—For support of Department of Pesticide Regulation, for payment to Item 3930-001-0001, payable from the Food Safety Account.....	2,037,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3930-001-0890—For support of Department of Pesticide Regulation, for payment to Item 3930-001-0001, payable from the Federal Trust Fund.....	2,160,000
3930-003-0106—For transfer by the Controller from the Department of Pesticide Regulation Fund to the Food Safety Account pursuant to Section 12846.5 of the Food and Agricultural Code .....	(1,757,000)
3930-101-0001—For local assistance, Department of Pesticide Regulation .....	2,449,000
Schedule:	
(1) 17-Enforcement and Environmental Monitoring.....	14,572,000
(2) Amount payable from the Department of Pesticide Regulation Fund (Item 3930-101-0106) .....	-466,000



Item	Amount
(3) Amount payable from the Department of Pesticide Regulation Fund (Section 12844 of the Food and Agricultural Code) .....	-11,657,000
3930-101-0106—For local assistance, Department of Pesticide Regulation, for payment to Item 3930-101-0001, payable from the Department of Pesticide Regulation Fund .....	466,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3930-295-0001—For local assistance, Department of Pesticide Regulation, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	232,000
Schedule:	
(1) 98.01.120.089-Pesticide Use Reports (Ch. 1200, Stats. 89) .....	232,000
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.	
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written	

Item	Amount
notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.	
3940-001-0001—For support of State Water Resources Control Board.....	108,796,000
Schedule:	
(1) 10-Water Quality.....	401,839,000
(2) 20-Water Rights .....	14,049,000
(3) 30.01-Administration.....	17,192,000
(4) 30.02-Distributed Administration ...	-17,192,000
(5) Reimbursements.....	-10,404,000
(6) Amount payable from the Unified Program Account (Item 3940-001-0028).....	-492,000
(7) Amount payable from the Waste Discharge Permit Fund (Item 3940-001-0193) .....	-17,183,000
(8) Amount payable from the Exotic Species Control Fund (Item 3940-001-0212).....	-238,000
(9) Amount payable from the Environmental Protection Trust Fund (Item 3940-001-0225) .....	-1,657,000
(10) Amount payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Item 3940-001-0235) .....	-1,997,000
(11) Amount payable from the Integrated Waste Management Account, Integrated Waste Management Fund (Item 3940-001-0387) .....	-5,346,000
(12) Amount payable from the State Revolving Fund Loan Subaccount (Item 3940-001-0417) .....	-480,000
(13) Amount payable from the Small Communities Grant Subaccount (Item 3940-001-0418) .....	-752,000
(14) Amount payable from the Water Recycling Subaccount (Item 3940-001-0419).....	-1,644,000
(15) Amount payable from the Drainage Management Subaccount (Item 3940-001-0422) .....	-74,000

Item	Amount
(16) Amount payable from the Delta Tributary Watershed Subaccount (Item 3940-001-0423) .....	-220,000
(17) Amount payable from the Seawater Intrusion Control Subaccount (Item 3940-001-0424) .....	-36,000
(18) Amount payable from the Underground Storage Tank Tester Account (Item 3940-001-0436) .....	-27,000
(19) Amount payable from the Underground Storage Tank Cleanup Fund (Item 3940-001-0439)....	-226,395,000
(20) Amount payable from the Underground Storage Tank Fund (Item 3940-001-0475) .....	-733,000
(21) Amount payable from the 1984 State Clean Water Bond Fund (Item 3940-001-0740) .....	-305,000
(22) Amount payable from the Federal Trust Fund (Item 3940-001-0890).....	-36,124,000
(23) Amount payable from the Special Deposit Fund (Item 3940-001-0942).....	-608,000
(24) Amount payable from the Watershed Protection Subaccount (Item 3940-001-6013) .....	-321,000
(25) Amount payable from the Santa Ana River Watershed Subaccount (Item 3940-001-6016) .....	-1,211,000
(26) Amount payable from the Lake Elsinore and San Jacinto Watershed Subaccount (Item 3940-001-6017).....	-76,000
(27) Amount payable from the Nonpoint Source Pollution Control Subaccount (Item 3940-001-6019).	-354,000
(28) Amount payable from the State Revolving Fund Loan Subaccount (Item 3940-001-6020) .....	-81,000
(29) Amount payable from the Wastewater Construction Grant Subaccount (Item 3940-001-6021).....	-21,000
(30) Amount payable from the Coastal Nonpoint Source Control (Item 3940-001-6022) .....	-313,000

Item	Amount
Provisions:	
1. Notwithstanding any other provision of law, upon approval and order of the Director of Finance, the State Water Resources Control Board may borrow sufficient funds, from special funds that otherwise provide support for the board, for cash purposes. Any such loans are to be repaid with interest at the rate earned in the Pooled Money Investment Account.	
2. Of the amount appropriated in this item, \$272,000 shall be used to review applications for a hydroelectric project license for compliance with the federal Clean Water Act. Any fees received from applicants shall be used to reduce expenditures from the General Fund.	
3940-001-0028—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Unified Program Account.....	492,000
Provisions:	
1. It is intended that the total funding provided in this item and Item 3940-001-0475 be maintained in 2001–02 for the state underground storage tank regulatory activities. In the event that revenues for the Unified Program Account are insufficient to support the appropriation in this item because of delays in shifting programmatic responsibilities to certified unified program agencies, this item may be reduced and a corresponding increase may be made to Item 3940-001-0475, upon approval of the Department of Finance. Any funding adjustments to this item or to Item 3940-001-0475 that would result in a total expenditure authorization exceeding the cumulative appropriation amount of these two items remain subject to the provisions of Section 27.00.	
3940-001-0193—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Waste Discharge Permit Fund.....	17,183,000
3940-001-0212—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Exotic Species Control Fund.....	238,000
3940-001-0225—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Environmental Protection Trust Fund .....	1,657,000

Item	Amount
3940-001-0235—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund.....	1,997,000
3940-001-0387—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Integrated Waste Management Account, Integrated Waste Management Fund.....	5,346,000
3940-001-0417—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the State Revolving Fund Loan Subaccount.....	480,000
3940-001-0418—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Small Communities Grant Subaccount.....	752,000
3940-001-0419—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Water Recycling Subaccount .....	1,644,000
3940-001-0422—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Drainage Management Subaccount.....	74,000
3940-001-0423—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Delta Tributary Watershed Subaccount.....	220,000
3940-001-0424—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Seawater Intrusion Control Subaccount.....	36,000
3940-001-0436—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Underground Storage Tank Tester Account .....	27,000
3940-001-0439—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Underground Storage Tank Cleanup Fund.....	226,395,000

Provisions:

1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.

Item	Amount
3940-001-0475—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Underground Storage Tank Fund .....	733,000
Provisions:	
1. Pursuant to subdivision (b) of Section 25287 of the Health and Safety Code, the surcharge to be included in the fee paid to a local agency by each person who submits an application for a permit to operate an underground storage tank shall be \$56 per tank, during the 2001–02 fiscal year. This surcharge shall be transmitted to the State Water Resources Control Board and deposited in the Underground Storage Tank Fund.	
3940-001-0740—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the 1984 State Clean Water Bond Fund .....	305,000
3940-001-0890—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Federal Trust Fund.....	36,124,000
3940-001-0942—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Special Deposit Fund.....	608,000
3940-001-6013—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Watershed Protection Subaccount.	321,000
3940-001-6016—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Santa Ana River Watershed Subaccount.....	1,211,000
3940-001-6017—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Lake Elsinore and San Jacinto Watershed Subaccount.....	76,000
3940-001-6019—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Nonpoint Source Pollution Control Subaccount.....	354,000
3940-001-6020—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the State Revolving Fund Loan Subaccount.....	81,000
3940-001-6021—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Wastewater Construction Subaccount.....	21,000

Item	Amount
3940-001-6022—For support of State Water Resources Control Board, for payment to Item 3940-001-0001, payable from the Nonpoint Source Control Subaccount.....	313,000
3940-011-0740—For transfer by the Controller from the 1984 State Clean Water Bond Fund to the State Water Pollution Control Revolving Fund.....	1,135,000
3940-101-0001—For local assistance, State Water Resources Control Board .....	3,066,000
Schedule:	
(1) 10-Water Quality.....	242,763,000
(1.5) 97.20.004-Local Projects .....	203,000
(a) Upper San Gabriel Valley Municipal Water District: Watershed Restoration Program .....	(150,000)
(b) Novato Sanitary District: Novato Heights Sewer Project Revenue Study .....	(3,000)
(c) City of San Juan Capistrano: Water Quality Program ...	(50,000)
(2) Amount payable from the Water Recycling Subaccount (Item 3940-101-0419).....	-25,000,000
(3) Amount payable from the Watershed Protection Subaccount (Item 3940-101-6013) .....	-20,000,000
(4) Amount payable from Santa Ana River Watershed Subaccount (Item 3940-101-6016) .....	-87,900,000
(5) Amount payable from the Lake Elsinore and San Jacinto Watershed Subaccount (Item 3940-101-6017).....	-6,500,000
(6) Amount payable from the Nonpoint Source Pollution Control Subaccount (Item 3940-101-6019).....	-32,000,000
(7) Amount payable from the Wastewater Construction Subaccount (Item 3940-101-6021) .....	-3,500,000
(8) Amount payable from the Coastal Nonpoint Source Control Subaccount (Item 3940-101-6022).....	-65,000,000

Item

Amount

## Provisions:

1. A total of \$38,000,000 (\$3,000,000 appropriated in this item and \$35,000,000 appropriated in Item 3940-101-6022) shall be used for clean beach and research projects in accordance with the following schedule:
  - (a) County of Los Angeles: Mothers' Beach, Marina Del Rey ..... (2,000,000)
  - (b) City of Malibu: Surfrider, Malibu Lagoon..... (2,000,000)
  - (c) City of Calabasas: Malibu Creek (385,000)
  - (d) Las Virgenes Municipal Water District: Malibu Creek ..... (742,000)
  - (e) City of Long Beach: Los Angeles River..... (500,000)
  - (f) City of Long Beach: Colorado Lagoon ..... (500,000)
  - (g) City of Los Angeles: Cabrillo Beach..... (1,250,000)
  - (h) City of Santa Monica: Santa Monica Pier..... (350,000)
  - (i) City of Redondo Beach: Redondo Beach Pier ..... (350,000)
  - (j) City of Los Angeles: Temescal Canyon ..... (800,000)
  - (k) City of Manhattan Beach: Manhattan Beach..... (200,000)
  - (l) City of Los Angeles: Santa Monica Canyon..... (1,020,000)
  - (m) City of Los Angeles: Imperial Beach..... (810,000)
  - (n) City of Malibu/County of Los Angeles: Surfrider, Malibu Lagoon..... (794,000)
  - (o) City of Avalon: Avalon Beach... (500,000)
  - (p) County of Ventura: Kiddie and Hobie Beach ..... (1,500,000)
  - (q) County of Santa Barbara: Rincon Beach ..... (500,000)
  - (r) County of Santa Barbara or City of Santa Barbara or California Department of Parks and Recreation: Arroyo Burro et al ..... (2,000,000)
  - (s) County of Orange: Dana Point Harbor Baby Beaches..... (750,000)



Item	Amount
(t) City of Laguna Beach and Aliso Water Management District: Aliso Beach .....	(500,000)
(u) County of Orange or City of Dana Point: Doheny State Beach .....	(750,000)
(v) County of Orange or City of Newport Beach: Newport Bay ..	(500,000)
(w) County of Orange: Dana Point-Poche Creek .....	(500,000)
(x) County of Orange: Huntington State Beach-Santa Ana River ....	(2,039,000)
(y) County of Orange: Huntington Harbor.....	(750,000)
(z) City of Encinitas: Moonlight Beach.....	(814,000)
(aa) City of San Diego: Mission Bay.....	(3,000,000)
(ab) County of San Diego or City of Imperial Beach: Imperial Beach .....	(1,500,000)
(ac) County of San Diego and City of Coronado: Coronado Beach .....	(1,000,000)
(ad) County of San Diego or City of San Diego: Ocean Beach.....	(1,500,000)
(ae) County of San Diego or City of San Diego: Chollas Creek .....	(1,000,000)
(af) County of Santa Cruz: Seabright Beach .....	(325,000)
(ag) City of Santa Cruz or County of Santa Cruz: Main and Cowell Beach .....	(150,000)
(ah) City of Capitola or County of Santa Cruz: Capitola Beach.....	(100,000)
(ai) City of Santa Cruz or County of Santa Cruz: Main and Seabright Beach.....	(1,000,000)
(aj) County of Sonoma: Bodega Bay-Campbell Cove.....	(500,000)
(ak) County of San Mateo: Pillarritos and Gazos .....	(250,000)
(al) County of San Mateo: Pacifica State Beach .....	(500,000)
(am) County of San Luis Obispo or City of Pismo Beach: Pismo State Beach.....	(1,200,000)
(an) County of Monterey or City of Pacific Grove: Lover's Point ...	(500,000)

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Amount

- (ao) County of Monterey: Still Water Cove ..... (500,000)
- (ap) Develop rapid indicators ..... (2,000,000)
- (aq) Source Identification Methodology ..... (1,000,000)

2. The projects scheduled under this item shall be reviewed by the State Water Resources Control Board, in consultation with the California Coastal Commission and the Beach Water Quality Task Force, to determine if they are consistent with the Costa-Machado Water Act of 2000. If the State Water Resources Control Board determines that any project, or portion thereof, listed in Provision 1 (a) to (ao), inclusive, is ineligible for funding under the Coastal Nonpoint Source Control Program established by the Costa-Machado Water Act of 2000, or if the identified recipient of funds notifies the board that it will not proceed with a project, the board shall make those identified funds available for other activities that the board considers consistent with the Coastal Nonpoint Source Control Program through the board's project review process for that grant program.

For the purposes of reviewing projects listed in Provisions 1 (a) to (ao), inclusive, the local matching contribution required by subdivision (f) of Section 79148.8 of the Water Code may be satisfied by an in-kind match that meets all or a portion of local cost share required by subdivision (f) of Section 79148.8 of the Water Code. For the purposes of determining the capital costs of the project, the in-kind match shall be included in the total project cost.

- 3940-101-0419—For local assistance, State Water Resources Control Board, for payment to Item 3940-101-0001, payable from the Water Recycling Sub-account to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years..... 25,000,000
- 3940-101-0744—For local assistance, State Water Resources Control Board, payable from the 1986 Water Conservation and Water Quality Bond Fund to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years ..... 9,000,000

Item	Amount
3940-101-6013—For local assistance, State Water Resources Control Board, for payment to Item 3940-101-0001, payable from the Watershed Protection Subaccount to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years....	20,000,000
3940-101-6016—For local assistance, State Water Resources Control Board, for payment to Item 3940-101-0001, payable from Santa Ana River Watershed Subaccount to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years....	87,900,000
3940-101-6017—For local assistance, State Water Resources Control Board, for payment to Item 3940-101-0001, payable from the Lake Elsinore and San Jacinto Watershed Subaccount to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years .....	6,500,000
3940-101-6019—For local assistance, State Water Resources Control Board, for payment to Item 3940-101-0001, payable from the Nonpoint Source Pollution Control Subaccount to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years .....	32,000,000
3940-101-6021—For local assistance, State Water Resources Control Board, for payment to Item 3940-101-0001, payable from the Wastewater Construction Subaccount to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years .....	3,500,000
3940-101-6022—For local assistance, State Water Resources Control Board, for payment to Item 3940-101-0001, payable from the Coastal Nonpoint Source Control Subaccount to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years .....	65,000,000
3960-001-0001—For support of Department of Toxic Substances Control .....	157,771,000
Schedule:	
(1) 12-Site Mitigation .....	192,685,000
(2) 13-Hazardous Waste Management..	44,549,000
(3) 15-Statewide Support .....	3,945,000
(4) 19.01-Administration .....	30,344,000
(5) 19.02-Distributed Administration ...	–30,344,000
(6) 20-Science, Pollution Prevention and Technology.....	14,261,000
(7) Reimbursements.....	–7,423,000

Item	Amount
(8) Amount payable from Hazardous Waste Control Account (Item 3960-001-0014) .....	-34,689,000
(9) Amount payable from Unified Program Account (Item 3960-001-0028).....	-976,000
(10) Amount payable from California Used Oil Recycling Fund (Item 3960-001-0100) .....	-319,000
(11) Amount payable from Toxic Substances Control Account (Item 3960-001-0557) .....	-29,487,000
(12) Amount payable from Federal Trust Fund (Item 3960-001-0890).-	22,275,000
(13) Amount payable from Cleanup Loans and Environmental Assistance to Neighborhoods Account (Item 3960-001-1003) .....	-2,500,000

Provisions:

1. The Director of the Department of Toxic Substances Control may expend from this item: (a) \$17,841,000 for the following activities at the Stringfellow Federal Superfund site: (1) operation and maintenance of pretreatment plants to treat contaminated groundwater extracted from the site, (2) site maintenance and groundwater monitoring, and (3) implementation of work to stabilize the site, and (b) \$12,440,000 for the operation of the Illegal Drug Laboratory Removal Program.
2. Notwithstanding Section 2.00 of this act, the funds appropriated for removal and remedial action at the Stringfellow Federal Superfund site shall be available for encumbrance for three fiscal years subsequent to the fiscal year in which the funds are appropriated, and disbursements in liquidation of encumbrances shall be pursuant to Section 16304.1 of the Government Code.
3. Of the amount appropriated in this item, \$2,984,000 shall be used for state oversight costs, including cost recovery, and \$1,000,000 for removal or remedial actions at open and closing military bases. The expenditure of these funds shall not relieve the federal government of the responsibility to pay for all state oversight costs. The department shall take all steps necessary to recover these costs from the federal government

Item	Amount
including, but not limited to, filing civil actions authorized by state and federal law.	
4. Of the amount appropriated in this item, \$750,000 shall be used for the purposes of emergency response activity pursuant to Section 25354 of the Health and Safety Code, in lieu of the appropriation made pursuant to that section.	
3960-001-0014—For support of Department of Toxic Substances Control, for payment to Item 3960-001-0001, payable from the Hazardous Waste Control Account .....	34,689,000
Provisions:	
1. Notwithstanding any other provisions of law, upon approval and order of the Director of Finance, the Department of Toxic Substances Control may borrow sufficient funds from special funds that otherwise provide support for the department for cash purposes. Any such loans are to be repaid with interest at the rate earned by the Pooled Money Investment Account.	
2. Notwithstanding any other provisions of law, upon request of the Director of the Department of Toxic Substances Control, and approval of the Department of Finance, the Controller shall increase the appropriation in this item in an amount necessary to pay the Board of Equalization any additional costs the board may incur to make refunds required by Chapter 737 of the Statutes of 1998, provided sufficient funds are available for such purposes and the board provides workload information that justifies the increase.	
3960-001-0018—For support of Department of Toxic Substances Control, payable from the Site Remediation Account.....	7,326,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
2. The Director of the Department of Toxic Substances Control shall report, in writing, not later than 90 days after the end of the fiscal year to the Chairperson of the Joint Legislative Budget Committee, the chairperson of the legislative fiscal committees that act on the department's budget, the Chairperson of the Environmental Safety and Toxic Materials Committee of the Assembly, and	

Item	Amount
the Chairperson of the Environmental Quality Committee of the Senate actions taken under this provision.	
3. Notwithstanding Section 2.00 of the Budget Act, this appropriation shall be available in accordance with the provisions of Section 25330.2 of the Health and Safety Code.	
3960-001-0028—For support of Department of Toxic Substances Control, for payment to Item 3960-001-0001, payable from the Unified Program Account ..	976,000
3960-001-0100—For support of Department of Toxic Substances Control, for payment to Item 3960-001-0001, payable from the California Used Oil Recycling Fund.....	319,000
3960-001-0456—For support of Department of Toxic Substances Control, payable from the Expedited Site Remediation Trust Fund.....	474,000
Provisions:	
1. Notwithstanding any other provisions of law, upon request of the Department of Toxic Substances Control, and approval by the Department of Finance, the Controller shall augment the appropriation in this item to pay costs associated with orphan shares at sites selected for the Expedited Site Remediation Pilot Program from any uncommitted funds in the Expedited Site Remediation Trust Fund.	
2. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3960-001-0557—For support of Department of Toxic Substances Control, for payment to Item 3960-001-0001, payable from the Toxic Substances Control Account .....	29,487,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3960-001-0890—For support of Department of Toxic Substances Control, for payment to Item 3960-001-0001, payable from the Federal Trust Fund .....	22,275,000
3960-001-1003—For support of Department of Toxic Substances Control, for payment to Item 3960-001-0001, payable from the Cleanup Loans and Environmental Assistance to Neighborhoods Account.....	2,500,000

Item	Amount
Provisions:	
1. Notwithstanding any other provision of law, of the funds transferred to the Cleanup Loans and Environmental Assistance to Neighborhoods Account pursuant to Item 3960-011-0001 of the Budget Act of 2000 (Ch. 52, Stats. 2000), up to \$17,000,000 shall be available for the purpose of providing low-cost environmental insurance for the cleanup and development of brownfields hazardous wastesites, contingent upon enactment of legislation authorizing the Financial Assurance and Insurance for Redevelopment Program.	
3960-011-0557—For transfer by the Controller from the Toxic Substances Control Account to the Expedited Site Remediation Trust Fund.....	(435,000)
Provisions:	
1. Notwithstanding any other provisions of law, upon request of the Department of Toxic Substances Control, the Controller shall transfer funds from the Toxic Substances Control Account to the Expedited Site Remediation Trust Fund, pursuant to Chapter 6.85 (commencing with Section 25396) of Division 20 of the Health and Safety Code. The amount of the funds transferred shall not exceed the proceeds of fines and penalties deposited in the Toxic Substances Control Account in the 2001–02 fiscal year, exclusive of the fines and penalties transferred to the Hazardous Substance Account pursuant to Section 25192 of the Health and Safety Code for expenditure in accordance with Section 25385.9 of the Health and Safety Code.	
2. The amount specified in this item is an estimate of the funds available from the proceeds of fines and penalties described in Provision 1, and does not represent a limit on the funds that may be transferred.	
3. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
3960-011-1003—For transfer by the Controller from the Cleanup Loans and Environmental Assistance to Neighborhood Account to the General Fund.....	(33,000,000)
Provisions:	
1. Of the funds transferred to the Cleanup Loans and Environmental Assistance to Neighborhoods Ac-	

Item	Amount
count pursuant to Item 3960-011-0001 of the Budget Act of 2000, \$33,000,000 shall be transferred to the General Fund.	
3960-012-0557—For transfer by the Controller from the Toxic Substances Control Account to the Site Remediation Account (0018) .....	(2,526,000)
3960-013-0001—For transfer by the Controller to the Superfund Bond Trust Fund (0826).....	21,280,000
3960-013-0557—For transfer by the Controller to the Hazardous Substance Account (0455).....	(5,000,000)
3960-016-0001—For transfer by the Controller to the Site Remediation Account (0018).....	4,800,000
Provisions:	
1. The amount transferred by this item shall be expended for direct site remediation costs, as defined in Section 25337 of the Health and Safety Code, and shall be used to meet part of the requirement of paragraph (a)(1) of Section 25173.7 of the Health and Safety Code.	
3960-101-0001—For local assistance, Department of Toxic Substances Control.....	50,000
Schedule:	
(1) Local Projects .....	50,000
(a) North Fork Community Development Council: North Fork Mill Site PCP contamination cleanup .....	(50,000)
3960-490—Reappropriation, Department of Toxic Substances Control. Notwithstanding any other provision of law, the appropriations provided in the following citations are reappropriated for the purposes specified and shall be available for expenditure to June 30, 2003:	
0001—General Fund	
(1) Item 3960-001-0001, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(2) Item 3960-001-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
Provisions:	
1. Notwithstanding any other provision of law, up to \$750,000 is reappropriated for investigation and remediation of soil contamination at the Nipomo Waste Oil Dump Site.	
2. Notwithstanding any other provision of law, a total of \$900,000 from the unencumbered balances	



Item	Amount
of the Budget Act appropriations cited above are reappropriated to capital outlay for the purpose of site acquisition for a new pretreatment plant at the Stringfellow Federal Superfund site. This reappropriation is consistent with the remediation efforts authorized in the original appropriations.	
3980-001-0001—For support of Office of Environmental Health Hazard Assessment .....	14,973,000
Schedule:	
(1) 10-Health Risk Assessment.....	18,027,000
(2) Reimbursements .....	-2,246,000
(3) Amount payable from the California Environmental License Plate Fund (Item 3980-001-0140).....	-808,000
3980-001-0140—For support of Office of Environmental Health Hazard Assessment, for payment to Item 3980-001-0001, payable from the California Environmental License Plate Fund .....	808,000

HEALTH AND HUMAN SERVICES

4100-001-0890—For support of the State Council on Developmental Disabilities, payable from the Federal Trust Fund.....	5,579,000
Schedule:	
(1) 10-State Council Planning and Operations.....	1,153,000
(2) 20-Community Program Development.....	1,318,000
(3) 30-Allocation to Area Boards .....	3,108,000
4100-490—Reappropriation, State Council on Developmental Disabilities. Notwithstanding any other provision of law, the balance of the amount appropriated for the State Council on Developmental Disabilities, payable from the Federal Trust Fund, in Item 4100-001-0890 of the Budget Act of 2000 (Ch. 52, Stats. 2000) is reappropriated for transfer to and in augmentation of Item 4100-001-0890 of this Budget Act for the following purposes:	
(a) To augment the allocation to the Program Development Fund.	
(b) To fund the cost of salary and benefit increases approved by the Legislature that exceed the Budget Act appropriation.	
(c) To fund the implementation of any portion of the state plan as approved by the council.	

Item	Amount
4110-001-0001—For support of Area Boards on Developmental Disabilities .....	0
Schedule:	
(1) 10-Area Board Services.....	8,049,000
(2) Reimbursements.....	-8,049,000
4120-001-0001—For support of Emergency Medical Services Authority .....	1,785,000
Schedule:	
(1) 10-Emergency Medical Services Authority .....	4,483,000
(2) Reimbursements.....	-424,000
(3) Amount payable from the Emergency Medical Services Training Program Approval Fund (Item 4120-001-0194) .....	-358,000
(4) Amount payable from the Emergency Medical Services Personnel Fund (Item 4120-001-0312).....	-790,000
(5) Amount payable from the Federal Trust Fund (Item 4120-001-0890)..	-1,126,000
4120-001-0194—For support of Emergency Medical Services Authority, for payment to Item 4120-001-0001, payable from the Emergency Medical Services Training Program Approval Fund.....	358,000
4120-001-0312—For support of Emergency Medical Services Authority, for payment to Item 4120-001-0001, payable from the Emergency Medical Services Personnel Fund.....	790,000
4120-001-0890—For support of Emergency Medical Services Authority, for payment to Item 4120-001-0001, payable from the Federal Trust Fund .....	1,126,000
4120-101-0001—For local assistance, Emergency Medical Services Authority, Program 10, grants to local agencies .....	37,207,000
Provisions:	
1. The General Fund support for poison control centers shall augment, but not replace, local expenditures for existing poison control center services. These funds shall be used primarily to increase services to underserved counties and populations and for poison prevention and information services. The Director of the Emergency Medical Services Authority may contract with eligible poison control centers for the distribution of these funds.	

Item	Amount
<ol style="list-style-type: none"><li data-bbox="211 201 827 493">2. Upon the request of the Director of the Emergency Medical Services Authority, and subject to the approval of the Department of Health Services, the California Medical Assistance Commission, and the Department of Finance, moneys appropriated in this item may be transferred to the Emergency Services and Supplemental Payments Fund for expenditure as provided in Item 4260-101-0693 for local assistance for the purposes specified in that item.</li><li data-bbox="211 493 827 666">3. The Emergency Medical Services Authority shall seek a federal fund match through the California Medical Assistance Commission for any portion of the General Fund appropriation in this item to the extent permitted under Section 14085.6 of the Welfare and Institutions Code.</li><li data-bbox="211 666 827 1170">4. The Emergency Medical Services Authority shall use the following guidelines in administering state-funded grants to local agencies: (a) funding eligibility shall be limited to rural multicounty regions that demonstrate a heavy use of the emergency medical services system by nonresidents, (b) local agencies shall provide matching funds of at least \$1 for each dollar of state funds received, (c) state funding shall be used to provide only essential minimum services necessary to operate the system, as defined by the authority, (d) no region shall receive both federal and state funds in the same fiscal year for the same purpose, and (e) the Emergency Medical Services Authority shall monitor the use of the funds by recipients to assure that these funds are used in an appropriate manner.</li><li data-bbox="211 1170 827 1308">5. Each region shall be eligible to receive up to one-half of the total cost of a minimal system for that region, as defined by the Emergency Medical Services Authority. However, the authority may reallocate unclaimed funds among regions.</li><li data-bbox="211 1308 827 1522">6. Notwithstanding Provision 3(b), each region with a population of 300,000 or less as of June 30, 2001, shall receive the full amount for which it is eligible if it provides a cash match of \$0.41 per capita or more. Failure to provide local cash contributions at the specified level shall result in a proportional reduction in state funding.</li></ol>	

Item	Amount
7. The State Controller shall transfer \$25 million in funds appropriated in this item to the Trauma Care Fund.	
4120-101-0890—For local assistance, Emergency Medical Services Authority, Program 10, payable from the Federal Trust Fund .....	2,084,000
4130-001-0632—For support of California Health and Human Services Agency Data Center, payable from the California Health and Human Services Agency Data Center Revolving Fund.....	307,811,000
Schedule:	
(1) 25-Operations.....	142,389,000
(2) 30-Systems Management Services .....	165,422,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for unanticipated workload resulting from services provided to client departments or as appropriated in a client department’s budget for the California Health and Human Services Agency Data Center in excess of the amount appropriated no sooner than 30 days after providing notification in writing to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee, or no sooner than such lesser time as the chairperson of the committee, or his or her designee, may in each instance determine.	
2. Funds appropriated in this item are in lieu of the amounts that otherwise would have been appropriated pursuant to Section 11755 of the Government Code.	
3. Notwithstanding any other provision of law, the California Health and Human Services Agency Data Center shall submit a Feasibility Study Report or equivalent federal planning document to the Department of Finance for review and approval prior to award of the systems implementation contract for each welfare automation consortium.	
4. Expenditure authority provided in this item to support data center infrastructure projects may only be utilized for items outside the approved scope of those projects if these changes are supported by documentation prepared and processed	

Item

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- in accordance with the state's established administrative and legislative reporting requirements. Changes in project scope must receive approval using the established administrative and legislative reporting requirements.
5. Notwithstanding Section 27.00 of this act, upon request of the Health and Human Services Agency Data Center, the Department of Finance may augment the amount available for expenditure in this item to pay costs associated with the replacement, support, or both of the mainframe systems used by the interim Statewide Automated Welfare System Consortium. The augmentation may be effected not sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house of the Legislature that considers appropriations and the Chairperson of the Joint Legislative Budget Committee. The funds appropriated by this provision shall be made available consistent with the amount approved by the Department of Finance based on its review of the special project report or equivalent document.
  6. The Health and Human Services Agency Data Center and the Department of Social Services shall immediately notify the fiscal and concerned policy committees of the legislature in the event that the timeframe for implementation of the Electronic Benefit Transfer program is delayed from the schedule made available to the Legislature in the spring of 2001.
  7. It is the intent of the Legislature that the Health and Human Services Agency Data Center shall prepare a risk mitigation plan for the Child Welfare System/Case Management System Server Replacement Project. The plan shall be developed concurrent with preparation for the replacement of the servers.
  8. It is the intent of the Legislature that the Health and Human Services Agency Data Center shall update the Child Welfare System/Case Management System Maintenance and Operations Plan concurrently with the upgrade and replacement of hardware and software. The plan update shall be completed by December 1, 2001.

Item	Amount
4130-490—Reappropriation, California Health and Human Services Agency Data Center. Notwithstanding any other provision of law, the balance of the funds for the appropriations provided in the following citations are reappropriated for expenditure pursuant to Provision 1 and are available for expenditure until June 30, 2002: 0632—Revolving Fund Item 4130-001-0632, Budget Act of 2000 (Ch. 52, Stats. 2000) Provisions: 1. It is the intent of this item to continue funding approved activities for the automation projects that, due to schedule changes, result in unexpended appropriations one year and the need for additional funding in the following year. Therefore, notwithstanding any other provision of law, the balance of the appropriations for these automation projects may, upon approval of the Department of Finance, be reappropriated for transfer to and in augmentation of the corresponding items in this act. The funds reappropriated by this provision shall be made available consistent with the amount approved by the Department of Finance and the Department of Information Technology based on an approved special project report or equivalent document not sooner than 30 days after providing notification in writing to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.	
4140-001-0001—For support of Office of Statewide Health Planning and Development .....	852,000
Schedule:	
(1) 10-Health Policy and Analysis .....	4,600,000
(2) 30-Health Professions Development (Family Physician Training) .....	3,797,000
(3) 42-Facilities Development .....	22,086,000
(4) 45-Cal-Mortgage Loan Insurance .....	5,011,000
(5) 60-Healthcare Information .....	11,302,000
(6) 80.01-Administration .....	9,514,000
(7) 80.02-Distributed Administration ...	-9,173,000
(8) Reimbursements .....	-3,882,000
(9) Amount payable from the Hospital Building Fund (Item 4140-001-0121) .....	-20,207,000

Item	Amount
(10) Amount payable from the California Health Data and Planning Fund (Item 4140-001-0143) .....	-15,076,000
(11) Amount payable from the Registered Nurse Education Fund (Item 4140-001-0181) .....	-759,000
(12) Amount payable from the Federal Trust Fund (Item 4140-001-0890).	-498,000
(13) Amount payable from the Health Facilities Construction Loan Insurance Fund (Section 129200, Health and Safety Code) .....	-5,421,000
(14) Amount payable from the Health Professions Education Fund (Section 128355, Health and Safety Code) .....	-442,000

Provisions:

1. By September 1, 2001, the Office of Statewide Health Planning and Development shall provide to the budget and policy committees of the Legislature a preliminary assessment of strategy and resource needs for development of the capacity to analyze California's healthcare workforce. The office shall provide an initial overview of high priority health professions where critical shortages appear to exist, or are anticipated. The overview will also examine shortages of professionals with diverse language and cultural skills. The assessment and overview shall include the following elements:
  - (a) A preliminary assessment of critical statewide issues based on a state workforce sample, which shall do all of the following:
    - (1) Identify the current and projected need for nurses, social workers, and psychiatric technicians for the state system of care (e.g., Departments of Mental Health, Developmental Services, Health Services, and Corrections).
    - (2) Identify the number of funded positions in each of these classifications and the average number of vacancies and turnover rates.
    - (3) Specify the legal and regulatory requirements, in order to become certified or licensed in these professions.

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- (4) Identify existing training programs, length of training, and approximate cost of training for each classification.
    - (5) For those professions for which shortages exist in the state workforce, provide a proposed plan for coordinating with affected departments and educational institutions to develop options and to estimate costs for meeting state workforce needs.
  - (b) A structure for a healthcare workforce assessment in coordination with the Employment Development Department, Department of Health Services, Department of Developmental Services, Department of Mental Health, University of California, California State Universities, and the community college system and others.
  - (c) Identification of existing information sources that can be used to routinely identify workforce shortage areas by practice type, specific discipline, diverse language and cultural skills and geographic area.
  - (d) Identification of a process for providing this information to workforce training entities in a format and timeframe that will encourage changes in training.
2. (a) Within 10 working days of the effective date of this act, the Office of Statewide Health Planning and Development shall design and send a survey to all hospitals with buildings classified as Structural Performance Category 1 (SPC 1). The survey shall be designed to elicit the following information for each building classified as SPC 1:
  - (1) The name or number of the building.
  - (2) The year the building was originally built. The year or years of construction of any major addition or additions, if applicable.
  - (3) The number of stories.
  - (4) The approximate square feet per story.
  - (5) The type of construction of the building (15 categories).
  - (6) The number of licensed beds, estimated occupancy rate for the last 12 months and licensed beds in suspense, by licensed bed classification and designation including, but not limited to, medical/surgical



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<p>acute, pediatric, perinatal, intensive care, coronary care, acute respiratory care, neonatal intensive care, burn center, rehabilitation center, psychiatric acute, chemical dependency recovery hospital, skilled nursing, and intermediate care.</p> <p>(7) The number of emergency treatment stations.</p> <p>(8) The number of operating rooms.</p> <p>(9) Other services located in the building including, but not limited to, labor and delivery, radiology, laboratory, pharmacy, dietary services, medical records, central plant, administrative services, and whether the building is the primary or satellite provider of the service for the hospital.</p> <p>(b) Within 10 working days of the receipt of the survey, owners of general acute care hospitals shall, as a condition of continued licensure, complete and return to the office a survey for each building classified as SPC 1.</p> <p>(c) Within 10 working days of receipt of each hospital's completed survey, the office shall incorporate the data from the surveys into an appropriate data base related to hospital compliance with seismic safety requirements.</p>	
4140-001-0121—For support of Office of Statewide Health Planning and Development, for payment to Item 4140-001-0001, payable from the Hospital Building Fund .....	20,207,000
4140-001-0143—For support of Office of Statewide Health Planning and Development, for payment to Item 4140-001-0001, payable from the California Health Data and Planning Fund .....	15,076,000
4140-001-0181—For support of Office of Statewide Health Planning and Development, for payment to Item 4140-001-0001, payable from the Registered Nurse Education Fund .....	759,000
4140-001-0890—For support of Office of Statewide Health Planning and Development, for payment to Item 4140-001-0001, payable from the Federal Trust Fund .....	498,000
4140-101-0001—For local assistance, Office of Statewide Health Planning and Development .....	8,235,000

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Schedule:	
(1) 10-Health Policy and Analysis.....	3,000,000
(2) 30-Health Professions Development (Family Physician Training).	6,635,000
(3) Reimbursements.....	-400,000
(4) Amount payable from the Federal Trust Fund (Item 4140-101-0890).....	-1,000,000
Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, or any other provision of law, the funds appropriated in this item for contracts with accredited medical schools or programs that train primary care physicians' assistants or primary care nurse practitioners, as well as contracts with hospitals or other health care delivery systems located in California, that meet the standards of the Health Manpower Policy Commission established pursuant to Article 1 (commencing with Section 128200) of Chapter 4 of Part 3 of Division 107 of the Health and Safety Code, shall continue to be available for the 2002-03, 2003-04, and 2004-05 fiscal years.	
2. The Office of Statewide Health Planning and Development shall encourage applicants for Rural Health Capital Grants to submit multiyear applications to the extent that the applications represent more efficient and appropriate health planning and with the requirement that funding beyond the budget year is available only to the extent that funds are appropriated for this purpose.	
4140-101-0890—For local assistance, Office of Statewide Health Planning and Development, for payment to Item 4140-101-0001, payable from the Federal Trust Fund.....	1,000,000
4140-111-0236—For local assistance, Office of Statewide Health Planning and Development, Program 10, Health Policy and Analysis, payable from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund .....	1,047,000
Provisions:	
1. The Office of Statewide Health Planning and Development shall encourage applicants for Rural Health Services Small Grants to submit multiyear applications to the extent that the applications represent more efficient and appropriate health planning and with the requirement that funding be-	

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<p>yond the budget year is available only to the extent that funds are appropriated for this purpose.</p>	
4170-001-0001—For support of Department of Aging... Schedule:	7,315,000
(1) 10-Nutrition .....	3,702,000
(2) 20-Senior Community Employment Service .....	470,000
(3) 30-Supportive Services and Centers	6,193,000
(4) 40-Special Projects.....	6,152,000
(5) 50.01-Administration.....	7,731,000
(6) 50.02-Distributed Administration ...	-7,731,000
(7) Reimbursements .....	-2,804,000
(8) Amount payable from the State HICAP Fund (Item 4170-001-0289).....	-177,000
(9) Amount payable from the Federal Trust Fund (Item 4170-001-0890).	-6,221,000
Provisions:	
1. In the administration of the Senior Housing Information and Support Center, the Department of Aging shall coordinate its information and outreach efforts with the Department of Rehabilitation and the State Department of Social Services to ensure the following:	
(a) Efforts are not duplicated, including the collection and Web-based display of information regarding home modification and assistive technology.	
(b) Outreach to local communities is coordinated in order to reach as many individuals as possible, regardless of age or the nature of their disability, who may be in need of information on home modification and assistive technology.	
(c) County social service departments, to the extent possible, assist eligible individuals to make needed modifications or obtain assistive devices through the Special Circumstances Program.	
(d) The departments coordinate efforts to identify funding sources to assist individuals to make the needed modifications or obtain needed assistive devices.	
2. To the extent that new funds are provided for the Multipurpose Senior Services Programs, those funds shall be used to augment base funding for	

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current client slots in the Multipurpose Senior Services Programs, to strengthen the capacity of the programs to serve the most impaired clients.	
4170-001-0289—For support of Department of Aging, for payment to Item 4170-001-0001, payable from the State HICAP Fund.....	177,000
4170-001-0890—For support of Department of Aging, for payment to Item 4170-001-0001, payable from the Federal Trust Fund.....	6,221,000
Provisions:	
1. The Department of Finance may authorize the transfer of funds between this item and Item 4170-101-0890 no sooner than 30 days after written notification to the chairpersons of the fiscal committees of each house and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee may determine. The notification shall include: (1) the amount of the proposed transfer; (2) an identification of the purposes for which the funds will be used; (3) documentation that the proposed activities must be carried out in the current year and that no other funds are available for their support; and (4) the impact of any transfer on the level of services.	
4170-101-0001—For local assistance, Department of Aging .....	38,848,000
Schedule:	
(1) 10-Nutrition .....	69,353,000
(2) 20-Senior Community Employment Service .....	8,601,000
(3) 30-Supportive Services and Centers.....	60,098,000
(4) 40-Special Projects.....	25,607,000
(4.5) 97.20.004-Local Projects .....	2,551,000
(a) Abuelitos de Boyle Heights: Citizenship classes and computer training for low-income seniors .....	(25,000)
(b) Acacia Adult Day Services Garden Grove: Building renovation .....	(170,000)

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(c) City of Chino: Senior citizens' expansion project ....	(75,000)
(d) City of Culver City: Culver City Senior Center .....	(450,000)
(e) City of Montclair: Senior Center .....	(90,000)
(f) City of Rancho Cucamonga: New Senior Center .....	(75,000)
(g) Filipino-American Senior Opportunities Development Council, Inc.: Provide furniture and equipment for the Northside Community Center .....	(100,000)
(h) City of Bellflower: Equipment and rehabilitation for Senior Services at Simms Park .....	(25,000)
(i) George and Marta Brown Foundation: Equipment for the George and Marta Brown Foundation's Brown Center for Innovation-Senior computer lab .....	(43,000)
(j) City of Rialto, Department of Parks and Recreation: Rialto Senior Center furnishing .....	(100,000)
(k) City and County of San Francisco: Senior Center Community Center .....	(250,000)
(l) City of Chino: Senior Citizens' Center expansion .....	(150,000)

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(m) City of Culver City: Construction of the Culver City Senior Center .....	(800,000)
(n) Sierra Foothill Senior Management: Meals on Wheels waiting list elimination .....	(38,000)
(o) Lutheran Social Services of Southern California: Caring Neighbors program .....	(30,000)
(p) Camarillo Health Care District: Elements Affecting Senior Independence program .....	(30,000)
(q) Filipino American Association of the USA (FAAUSA): Adult day care center for Filipino World War II veterans .....	(100,000)
(5) Reimbursements .....	-2,839,000
(6) Amount payable from the State HICAP Fund (Item 4170-101-0289) .....	-1,418,000
(7) Amount payable from the Federal Trust Fund (Item 4170-101-0890) .....	-123,105,000
Provisions:	
1. Notwithstanding Section 26.00 of this act, the Department of Finance, upon notification by the California Department of Aging, may authorize transfers between Program 10—Nutrition and Program 30—Supportive Services and Centers in response to budget revisions submitted by the Area Agencies on Aging.	
2. To the extent the United States enacts a minimum wage equal to or greater than that of California, state funding provided in this item for the Senior Community Service Employment Program shall revert to the General Fund.	

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6. Of the amount appropriated in Schedule (4), \$467,000 shall be expended for one-time competitive grants to Adult Day Care and Adult Day Support programs. Grants made pursuant to this article shall not exceed \$100,000 for a single project over a period not to exceed 36 months. State administrative costs for grants issued pursuant to this article shall not exceed 10 percent of the total amount of the appropriation, unless otherwise appropriated. Funds appropriated for this purpose shall be available for expenditure until June 30, 2004.	
4170-101-0289—For local assistance Department of Aging, for payment to Item 4170-101-0001, payable from the State HICAP Fund.....	1,418,000
4170-101-0890—For local assistance, Department of Aging, for payment to Item 4170-101-0001, payable from the Federal Trust Fund .....	123,105,000
Provisions:	
1. Provision 1 of Item 4170-001-0890 is also applicable to this item.	
2. Notwithstanding subdivision (d) of Section 28.00 of this act, the Department of Finance, upon notification by the California Department of Aging, may authorize augmentations in this item for budget revisions submitted by Area Agencies on Aging and approved by the Department of Aging for estimated entitlements of per-meal reimbursements from the U.S. Department of Agriculture and for funds allocated to Area Agencies on Aging for federal Title III and Title VII one-time-only allocations.	
3. Notwithstanding Section 26.00 of this act, the Department of Finance, upon notification by the Department of Aging, may authorize transfers between Program 10—Nutrition and Program 30—Supportive Services and Centers in response to budget revisions submitted by the Area Agencies on Aging.	
4. The Department of Aging shall establish guidelines designed to assure the quality of services provided with the Family Caregiver Support Program funds, and shall make those guidelines available to the fiscal and concerned policy committees of the Legislature. The department shall include in the guidelines a mechanism for assuring that these new funds supplement and do not	

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supplant existing services to caregivers and build upon existing state-funded programs to the extent possible. The department shall require each Area Agency on Aging to amend the plan required by Section 9400 of the Welfare and Institutions Code, which requires the Area Agency on Aging to consider available data, assess the need for services, identify sources of funding for services, and develop a plan for delivery of services based on needs. The amendment shall identify a specific plan for support of caregivers, including family caregivers and other caregivers. The plan shall identify existing and needed resources and ensure that National Family Caregiver Support Program funds are used to meet unmet needs and link existing programs together into a more seamless system of support and services for caregivers. As part of this plan, Area Agencies on Aging that elect not to fund one or more of the required federal services shall demonstrate how these service needs are met through other mechanisms. In the development of this plan, Area Agencies on Aging shall work with the department and other appropriate entities. The department shall require each Area Agency on Aging, as part of its regular reporting or through surveying, to all of the following:

- (a) Documentation that planning for allocation of the funds has included all other existing caregiver support services operating locally.
- (b) Documentation of how the use of the Family Caregiver Support Program funds will be coordinated with existing state-funded programs.
- (c) Documentation that the resulting plan considers all other existing and potential caregiver support services operating locally and that new service plans will use existing infrastructure where possible, and where this funding conforms with the Area Agency on Aging plan specified above.
- (d) Identification of which of the allowable federal activities are of highest need in the local area. In no event shall the Area Agency on Aging be required to provide all federally allowable services. No Area Agency on Aging



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shall use the funds until a review of current needs and services has been made.

The department shall provide a status report to the Legislature by November 15, 2001, on the progress by the Area Agencies on Aging in meeting the objectives of this provision. The report shall include information on the plans that have been developed or are in development by that time.

The Department of Aging shall gather data to assess the impact of services on caregivers. In addition the department shall gather data to identify the categories of care recipients who receive assistance under this program in order to assess the potential impact of services on the care recipients, including, but not limited to, the following categories:

- (a) Care recipients at risk of abuse or neglect by their caregiver and referred by the Adult Protective Services Program.
- (b) Care recipients with mental illness or disorder.
- (c) Care recipients with multiple health problems.
- (d) Care recipients who are under 18 years of age and whose primary caregiver is over 60 years of age.

The department shall report its preliminary findings by March 1, 2002, and submit a more complete report by March 1, 2003, to the fiscal committees and the concerned policy committees of the Legislature.

4170-102-0001—For local assistance, Department of Aging—City of Elk Grove: Elk Grove Senior Center

1,500,000

4170-490—Reappropriation, Department of Aging. Notwithstanding any other provision of law, as of June 30, 2001, the balance of the appropriation provided in the following citation is reappropriated for the purposes specified and shall be available for expenditure until June 30, 2003:

0001—General Fund

- (1) Item 4170-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000), Schedule (c) 30-Supportive Services and Centers. The balance of the \$3,596,000 appropriated for planning, construction, renovation, or additions or for other specified purposes

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related to senior centers is reappropriated for those purposes.	
4180-001-0983—For support of Commission on Aging, payable from the California Fund for Senior Citizens.....	236,000
Provisions:	
1. Funds appropriated in this item from the California Fund for Senior Citizens shall be allocated by the Commission on Aging for the purposes specified in Section 18723 of the Revenue and Taxation Code.	
2. Pursuant to Section 18723 of the Revenue and Taxation Code, the balance of this item as well as the balance of prior year appropriations from the California Fund for Senior Citizens may be carried over and expended in any following fiscal year.	
3. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures from the California Fund for Senior Citizens for the Commission on Aging in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee.	
4180-002-0886—For support of Commission on Aging, payable from the California Seniors Special Fund .....	79,000
Provisions:	
1. Pursuant to Section 18773 of the Revenue and Taxation Code, the balance of this item as well as the balance of prior year appropriations from the California Seniors Special Fund may be carried over and expended in any following fiscal year.	
2. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures from the California Seniors Special Fund for the Commission on Aging in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	

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4180-002-0890—For support of Commission on Aging, payable from the Federal Trust Fund.....	292,000
4180-401—The Commission on Aging, shall report to fiscal and policy committees of the Legislature by September 1, 2001, detailing the financial requirements to operate the commission, the Area Agencies on Aging Advisory Council of California, and the California Senior Legislature. The report shall include a recommendation on priorities for activities among these three entities, and options for policy-makers to meet those priorities.	
4200-001-0001—For support of Department of Alcohol and Drug Programs.....	5,267,000
Schedule:	
(1) 15-Alcohol and Other Drug Services Program.....	34,004,000
(2) 30.01-State Administration .....	10,957,000
(3) 30.02-State Administration— Distributed.....	-10,373,000
(4) Reimbursements.....	-4,115,000
(5) Amount payable from Driving-Under-the-Influence Program Licensing Trust Fund (Item 4200-001-0139).....	-1,732,000
(6) Amount payable from Narcotic Treatment Program Licensing Trust Fund (Item 4200-001-0243).	-1,091,000
(7) Amount payable from Audit Repayment Trust Fund (Item 4200-001-0816).....	-67,000
(8) Amount payable from the Federal Trust Fund (Item 4200-001-0890).....	-19,339,000
(9) Amount payable from Substance Abuse Treatment Trust Fund (Item 4200-001-3019) .....	-2,977,000
Provisions:	
1. Upon approval by the Department of Finance, the Controller shall transfer such funds as are necessary between this item and Items 4200-101-0001, 4200-102-0001, 4200-103-0001, and 4200-104-0001.	
4200-001-0139—For support of Department of Alcohol and Drug Programs, for payment to Item 4200-001-0001, payable from the Driving-Under-the-Influence Program Licensing Trust Fund .....	1,732,000

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Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the Driving-Under-the-Influence Program Licensing Trust Fund in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefore is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
4200-001-0243—For support of Department of Alcohol and Drug Programs, for payment to Item 4200-001-0001, payable from the Narcotic Treatment Program Licensing Trust Fund .....	1,091,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the Narcotic Treatment Program Licensing Trust Fund in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefore is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
4200-001-0816—For support of Department of Alcohol and Drug Programs, for payment to Item 4200-001-0001, payable from the Audit Repayment Trust Fund .....	67,000
4200-001-0890—For support of Department of Alcohol and Drug Programs, for payment to Item 4200-001-0001, payable from the Federal Trust Fund .....	19,339,000
Provisions:	
1. Upon order of the Department of Finance, the Controller shall transfer such funds as are necessary between this item and Item 4200-101-0890.	
2. Of the amount appropriated in this item, the \$375,000 allocated for costs to modify the California Alcohol and Drug Data System and to automate the licensing and certification process may not be encumbered or expended until the Department of Information Technology and the Department of Finance approve a feasibility study report	

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<p>for the project in accordance with the State Administrative Manual and Statewide Information Management Manual. These funds shall be made available consistent with the amount approved by the Department of Finance, based upon the approved feasibility study report.</p>	
<p>4200-001-3019—For support of Department of Alcohol and Drug Programs, for payment to Item 4200-001-0001, payable from the Substance Abuse Treatment Trust Fund.....</p>	2,977,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. Funds appropriated in this item are in lieu of the amounts that otherwise would have been appropriated for administration pursuant to Section 11999.6 of the Health and Safety Code.</li> <li>2. Notwithstanding any other provision of law, the Department of Finance may authorize a loan from the General Fund to the Substance Abuse Treatment Trust Fund for administrative costs of the State Department of Alcohol and Drug Programs made necessary by the provisions of the Substance Abuse and Crime Prevention Act of 2000. The amounts so transferred are in augmentation of Item 4200-001-3019, as directed by the Department of Finance. The moneys shall be repaid to the General Fund without interest, from the next annual allocation of the Substance Abuse Treatment Trust Fund pursuant to Section 11999.6 of the Health and Safety Code, prior to the distribution of trust funds to the counties and state departments.</li> <li>3. The State Department of Alcohol and Drug Programs shall report to the fiscal and concerned policy committees of each house of the Legislature by January 1, 2002, on the method used to distribute the 2001–02 allocation of funds appropriated by the Substance Abuse and Crime Prevention Act of 2000 (Proposition 36). At a minimum, the report shall note the impact of the methodology on counties, suggested alternative methodologies (if any), and the benefits and detriments of each methodology described in the report.</li> <li>4. The State Department of Alcohol and Drug Programs shall prepare a written summary of the status of implementation of the Substance Abuse and Crime Prevention Act of 2000 that will be avail-</li> </ol>	

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able to policymakers before legislative budget hearings in April 2002. The summary shall include information about county implementation plans, including the impact of the allocation of funds; the percentage of funds dedicated respectively to probation, courts, county administration, other social services, and substance abuse treatment; evidence of collaborative agreements with CalWORKs, Workforce Investment Boards, domestic violence treatment providers, adult education, and mental health treatment providers; information about the timing of participant assessments and protocols to conduct assessments; information about court organization for handling Proposition 36 referrals; and evidence of collaborative agreements for treatment of parolees. The summary shall also include information about state implementation, including the number of new treatment facilities licensed or certified, drug Medi-Cal usage for Proposition 36 client referrals, and any reduction in the number of counties with no Drug Medi-Cal providers. The department shall include the following response information in longer-range evaluation plans, so that evaluations provide to policymakers information about the impact of organizational choices on success measures, such as a reduction in recidivism, successful treatment conclusion:

- (a) Does the distribution of funds between treatment and other functions affect success?
- (b) Does access to other social services (CalWORKs, job training, domestic violence treatment, mental health treatment, adult education) affect success?
- (c) Do court arrangements (specific court vs. every court) affect success?

4200-101-0001—For local assistance, Department of Alcohol and Drug Programs ..... 49,240,000

Schedule:

- (1) 15-Alcohol and Other Drug Services Program .....366,820,000
- (1.5) 97.20.004-Local Projects ..... 862,000
- (2) Reimbursements .....-13,619,000
- (3) Amount payable from the Federal Trust Fund (Item 4200-101-0890) ..... -304,679,000

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(4) Amount payable from Resident-Run Housing Revolving Fund  
 (Item 4200-101-0977) ..... -144,000

Provisions:

1. Upon approval by the Department of Finance, the Controller shall transfer such funds as are necessary between this item and Items 4200-001-0001, 4200-102-0001, 4200-103-0001, and 4200-104-0001.
2. Upon approval of the Department of Finance, one or more short-term loans not to exceed a cumulative total of \$59,745,000 may be made available from the General Fund when there is a delay in the allocation of federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funds to California. The loans shall be repaid, with interest calculated pursuant to subdivision (a) of Section 16314 of the Government Code, upon receipt of the federal SAPT Block Grant.
3. Of the funds appropriated in this item, \$850,000 shall be used to fund Technical Assistance Contracts in order to increase the availability of treatment services and increase access to treatment, prevention, and recovery services for historically underserved populations. These funds shall be awarded to the nine organizations currently under contract to the department for the delivery of technical assistance services for a term not to exceed that of their existing contracts, including renewal options as specified in the Request for Proposals. Upon expiration of these contracts including specified optional renewals, the Department of Alcohol and Drug Programs shall award these funds on a competitive basis to nonprofit organizations. These funds shall not be used to supplant existing federal funds targeted to the Technical Assistance Contracts.
4. Of the funds appropriated in this item, \$862,000 shall be for the following projects:
  - (a) Marin Services for Women:  
 Drug and Alcohol Program ..... (250,000)
  - (b) Pico Union Westlake Cluster  
 Network: Drug Free Community  
 Program ..... (125,000)
  - (c) Montebello East Los Angeles  
 Counseling Center ..... (300,000)

Item	Amount
(d) Walden House Incorporated: Walden House Conference Re- port.....	(100,000)
(e) Wolfe Center: Renovation and Repairs of Wolfe Center.....	(50,000)
(f) King of Kings: Recovery Unit...	(37,000)
4200-101-0890—For local assistance, Department of Al- cohol and Drug Programs, for payment to Item 4200- 101-0001, payable from the Federal Trust Fund.....	304,679,000
Provisions:	
1. Upon order of the Department of Finance, the Controller shall transfer such funds as are neces- sary between this item and Item 4200-001-0890.	
4200-101-0977—For local assistance, Department of Al- cohol and Drug Programs, for payment to Item 4200- 101-0001, payable from the Resident-Run Housing Revolving Fund.....	144,000
Provisions:	
1. To the extent that moneys available in the Resident-Run Housing Revolving Fund are less than the amount appropriated by this item, this ap- propriation shall be limited to that lesser amount.	
2. Notwithstanding any other provision of law, if revenues and loan repayments to the Resident- Run Housing Revolving Fund are sufficient to create additional allocation workload, the Direc- tor of Finance may authorize expenditures for the Department of Alcohol and Drug Programs in ex- cess of the amount appropriated not sooner than 30 days after notification in writing of the neces- sity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the com- mittee, or his or her designee, may in each in- stance determine.	
4200-102-0001—For local assistance, Department of Al- cohol and Drug Programs, for perinatal substance abuse treatment programs (Drug Medi-Cal).....	2,753,900
Schedule:	
(1) 15-Alcohol and Other Drug Ser- vices Program.....	5,661,800
(2) Reimbursements.....	-2,907,900
Provisions:	
1. Upon approval by the Department of Finance, the Controller shall transfer such funds as are neces-	



Item	Amount
<p>sary between this item and Items 4200-001-0001, 4200-101-0001, 4200-103-0001, and 4200-104-0001.</p> <p>2. The funds appropriated by this item, exclusive of funds allocated to alcohol and drug-free living programs and transitional living programs, are available to provide funding for the state’s share of expenditures for perinatal substance abuse services provided to persons eligible for Medi-Cal.</p> <p>3. Provisions 2 and 3 of Item 4200-103-0001 also apply to this item.</p>	
<p>4200-103-0001—For local assistance, Department of Alcohol and Drug Programs, Drug Medi-Cal Services .....</p>	49,068,400
<p>Schedule:</p> <p>(1) 15-Alcohol and Other Drug Services Program.....</p> <p>(2) Reimbursements.....</p>	100,890,300 -51,821,900
<p>Provisions:</p> <p>1. Upon approval by the Department of Finance, the Controller shall transfer such funds as are necessary between this item and Items 4200-001-0001, 4200-101-0001, 4200-102-0001, and 4200-104-0001.</p> <p>2. The funds appropriated in this item are available to provide funding for the state’s share of expenditures for substance abuse services provided to persons eligible for Medi-Cal.</p> <p>3. Notwithstanding subdivision (a) of Section 2.00 and Section 26.00 of this act, the Department of Finance may authorize a transfer of expenditure authority between this item and Item 4200-102-0001 so that the funds appropriated in either item may be used to pay the state and federal share of prior fiscal years’ allowable Medi-Cal costs that exceed the amount encumbered in prior fiscal years. The Director of Finance shall notify the Legislature within 10 days after authorizing a transfer pursuant to this provision unless prior notification of the transfer has been included in the Medi-Cal estimates submitted pursuant to Section 14100.5 of the Welfare and Institutions Code.</p> <p>4. Notwithstanding any other provision of law, both the federal and nonfederal shares of any money recovered for previously paid Drug Medi-Cal program services provided pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Di-</p>	

Item	Amount
vision 9 of the Welfare and Institutions Code are hereby appropriated and shall be expended as soon as practicable for Drug Medi-Cal program services, as defined in the Welfare and Institutions Code.	
4200-104-0001—For local assistance, Department of Alcohol and Drug Programs, for perinatal substance abuse treatment programs .....	26,957,000
Schedule:	
(1) 15-Alcohol and Other Drug Services Program.....	26,957,000
Provisions:	
1. Upon approval by the Department of Finance, the Controller shall transfer such funds as are necessary between this item and Items 4200-001-0001, 4200-101-0001, 4200-102-0001, and 4200-103-0001.	
2. Of the funds appropriated in this item, \$6,922,000 shall be used to fund existing residential perinatal treatment programs that were begun through federal Center for Substance Abuse Treatment grants but whose grants have since expired. For counties in which there is such a provider, the Department of Alcohol and Drug Programs shall include language in those counties' allocation letters that indicates the amount of the allocation designated for the provider during the fiscal year.	
4200-490—Reappropriation, Department of Alcohol and Drug Programs. Notwithstanding any other provision of law, the balances of the following appropriations are reappropriated for the purposes provided for in those appropriations. The funds reappropriated by this item shall be available for encumbrance and expenditure until June 30, 2002:	
0001—General Fund	
(1) Item 4200-102-0001, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(2) Item 4200-103-0001, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(3) Item 4200-102-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(4) Item 4200-103-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
4220-001-0001—For support of Child Development Policy Advisory Committee appointed pursuant to Section 8286 of the Education Code .....	494,000

Item	Amount
Schedule:	
(1) 10-Child Development Policy Advisory Committee .....	937,000
(2) Reimbursements .....	-443,000
4260-001-0001—For support of Department of Health Services .....	233,690,000
Schedule:	
(1) 10-Public and Environmental Health .....	367,483,000
(2) 20-Health Care Services .....	436,573,000
(3) 30.01-Departmental Administration.....	35,203,000
(4) 30.02-Departmental Administration Distributed.....	-33,047,000
(4.5) 97.20.001-Unallocated reduction .	-100,000
(4.6) 97.20.004-Local Projects .....	3,803,000
(5) Reimbursements.....	-29,694,500
(6) Amount payable from the Breast Cancer Research Account (Item 4260-001-0007) .....	-1,625,000
(7) Amount payable from the Breast Cancer Control Account (Item 4260-001-0009) .....	-7,781,000
(8) Amount payable from the Nuclear Planning Assessment Special Account (Item 4260-001-0029).....	-572,000
(9) Amount payable from the Motor Vehicle Account, State Transportation Fund (Item 4260-001-0044)...	-859,000
(10) Amount payable from the Sale of Tobacco to Minors Control Account (Item 4260-001-0066).....	-2,179,000
(11) Amount payable from the Occupational Lead Poisoning Prevention Account (Item 4260-001-0070).....	-2,967,000
(12) Amount payable from the Medical Waste Management Fund (Item 4260-001-0074) .....	-901,000
(13) Amount payable from the Radiation Control Fund (Item 4260-001-0075).....	-22,188,000
(14) Amount payable from the Tissue Bank License Fund (Item 4260-001-0076) .....	-533,000
(15) Amount payable from the Childhood Lead Poisoning Prevention Fund (Item 4260-001-0080).....	-6,601,000

Item	Amount
(16) Amount payable from the Export Document Program Fund (Item 4260-001-0082) .....	-132,000
(17) Amount payable from the Clinical Laboratory Improvement Fund (Item 4260-001-0098) .....	-5,977,000
(18) Amount payable from the Health Statistics Special Fund (Item 4260-001-0099) .....	-12,016,000
(19) Amount payable from the Wine Safety Fund (Item 4260-001-0116) .....	-48,000
(20) Amount payable from the Water Device Certification Special Account (Item 4260-001-0129).....	-162,000
(21) Amount payable from the Food Safety Fund (Item 4260-001-0177).....	-4,330,000
(22) Amount payable from the Environmental Laboratory Improvement Fund (Item 4260-001-0179).....	-3,475,000
(23) Amount payable from the Genetic Disease Testing Fund (Item 4260-001-0203) .....	-61,665,000
(25) Amount payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-001-0231) .....	-6,659,000
(26) Amount payable from the Hospital Services Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-001-0232) .....	-273,000
(28) Amount payable from the Research Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-001-0234) .....	-4,930,000
(29) Amount payable from Unallocated Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-001-0236).....	-2,692,000
(30) Amount payable from Drinking Water Operator Certification Special Account (Item 4260-001-0247).....	-1,197,000
(31) Amount payable from the Infant Botulism Treatment and Prevention Fund (Item 4260-001-0272)...	-1,727,000

Item	Amount
(32) Amount payable from the Safe Drinking Water Account (Item 4260-001-0306) .....	-7,807,000
(33) Amount payable from the Registered Environmental Health Specialist Fund (Item 4260-001-0335).....	-165,000
(34) Amount payable from the Mosquito-borne Disease Surveillance Account (Item 4260-001-0478).....	-36,000
(35) Amount payable from Cancer Research Fund (Item 4260-001-0589).....	-24,951,000
(36) Amount payable from the Drinking Water Treatment and Research Fund (Item 4260-001-0622).....	-610,000
(37) Amount payable from the Domestic Violence Training and Education Fund (Item 4260-001-0642)...	-773,000
(38) Amount payable from the Emergency Services and Supplemental Payments Fund (Item 4260-001-0693).....	-122,000
(39) Amount payable from the California Alzheimer's and Related Disorders Research Fund (Item 4260-001-0823).....	-550,000
(40) Amount payable from the Medical Inpatient Payment Adjustment Fund (Item 4260-001-0834).....	-794,000
(41) Amount payable from the Federal Trust Fund (Item 4260-001-0890) .....	-306,470,500
(42) Amount payable from the Local Health Capital Expenditure Account, County Health Services Fund (Item 4260-001-0900).....	-17,000
(43) Amount payable from the Birth Defects Research Fund (Item 4260-001-0919) .....	-400,000
(44) Amount payable from the Drug and Device Safety Fund (Item 4260-001-3018) .....	-1,312,000
(45) Amount payable from Tobacco Settlement Fund (Item 4260-001-3020).....	-51,111,000

Item

Amount

## Provisions:

1. Of the total amount of reimbursements in this item, \$7,065,000 shall be available for administration, research, and training projects. Notwithstanding Section 28.00 of this act, the State Department of Health Services shall report any new project over \$200,000 or any increase in excess of \$400,000 for an identified project.
2. Except as otherwise prohibited by law, the department shall promulgate emergency regulations to adjust the public health fees set by regulation to an amount, such that if the new fees were effective throughout the 2001–02 fiscal year, the estimated revenues would be sufficient to offset at least 95 percent of the approved program level intended to be supported by those fees.

The General Fund fees of the State Department of Health Services (DHS) that are subject to the annual fee adjustment pursuant to subdivision (a) of Section 100425 of the Health and Safety Code shall be increased by 15.89%. The special fund fees of DHS that are subject to the annual fee adjustment pursuant to subdivision (a) of Section 100425 of the Health and Safety Code may be increased by 15.89% only if the fund condition statements project fund reserves to be less than 10% and the revenues projected for FY 2001–02 are less than the appropriation contained in this act.

3. Effective July 1, 2001, the annual fee for a general acute care hospital, acute psychiatric hospital, special hospital, general acute care rehabilitation hospital and chemical dependency recovery hospital shall be \$94.95 per bed. Effective July 1, 2001, the annual fee for a skilled nursing facility, intermediate care facility, or intermediate care facility for the developmentally disabled is \$283.27 per bed.

The fees of the State Department of Health Services that are subject to the annual fee adjustment pursuant to subdivision (a) of Section 100445 of the Health and Safety Code shall be increased by 61.65 percent, effective July 1, 2001.

Notwithstanding subdivision (b) of Section 100450 of the Health and Safety Code, departmental fees that are subject to the annual fee adjustment pursuant to subdivision (a) of Section

Item

Amount

- 100450 of the Health and Safety Code shall be increased by 6.5 percent, effective July 1, 2001.
4. The Department of Health Services may spend up to \$631,000 appropriated in this item to augment Lead-Related Construction Program regulatory activities. The amount spent shall be entirely supported by revenue collections above 1999-00 fee receipts.
  5. Of the amount appropriated in this item, the Department of Health Services may spend up to \$8,000,000 for awards to nursing facilities serving high proportions of Medi-Cal patients with high quality of care. Nursing facilities receiving such awards shall, to the extent permitted by law, pass the awards on to exemplary direct caregiver employees in the form of bonuses.
  6. Of the amount appropriated in this item, one-time funding of \$1,016,000 for the assisted living waiver is available for expenditure through June 30, 2003.
  7. Provision 4 of Item 4260-111-0001 also applies to this item.
  8. The Department of Health Services shall limit expenditures in this item to implement the Uniform Anatomical Gift Act (Chapter 819, Statutes of 2000) to the amount of actual fees collected from tissue banks.
  9. Of the amount appropriated in this item, \$250,000 shall be used by the State Department of Health Services in cooperation with local public health constituencies, to conduct core public health assessments in the areas of communicable disease control, environmental health, and vital records and data collection. The department may also seek foundation grant funds to supplement this effort.
  10. Of the funds appropriated in this item, \$3,803,000 shall be for the following projects:
    - (a) City of Avalon: Genetic Testing in Avalon Bay pursuant to requirements of AB 411 (1997).. (150,000)
    - (b) City of Santa Rosa: Cloverdale Street Plume Project to Shut Down Contaminated Wells and Construct New Wells ..... (350,000)

Item	Amount
(c) Mexican American Alcoholism Program, Inc.: Startup for Community Health Center in South Sacramento .....	(550,000)
(d) Napa Valley Vintners Health Center: Community Health Center Construction .....	(250,000)
(e) San Diego Children’s Hospital: Regional Emergency Care Center .....	(1,000,000)
(f) Westside Women’s Health Center.....	(8,000)
(g) VIDA: Local Health Program .	(750,000)
(h) City of Long Beach: Multi-Cultural Health Center.....	(45,000)
(i) Santa Barbara Junior League: Clinic on Wheels.....	(200,000)
(j) Horizon Foundation: Public Health Study on Anti-Gay Campaign.....	(100,000)
(k) Minority AIDS Project in Los Angeles .....	(400,000)
4260-001-0007—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Breast Cancer Research Account .....	1,625,000
4260-001-0009—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Breast Cancer Control Account.....	7,781,000
4260-001-0029—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Nuclear Planning Assessment Special Account .....	572,000
4260-001-0044—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Motor Vehicle Account, State Transportation Fund.....	859,000
4260-001-0066—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Sale of Tobacco to Minors Control Account.....	2,179,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Government Code Section 13332.18.	



Item	Amount
4260-001-0070—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Occupational Lead Poisoning Prevention Account.....	2,967,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
4260-001-0074—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Medical Waste Management Fund ....	901,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Government Code Section 13332.18.	
4260-001-0075—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Radiation Control Fund .....	22,188,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
4260-001-0076—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Tissue Bank License Fund .....	533,000
4260-001-0080—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Childhood Lead Poisoning Prevention Fund .....	6,601,000
4260-001-0082—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Export Document Program Fund .....	132,000
4260-001-0098—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Clinical Laboratory Improvement Fund .....	5,977,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
4260-001-0099—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Health Statistics Special Fund.....	12,016,000

Item	Amount
4260-001-0116—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Wine Safety Fund .....	48,000
4260-001-0129—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Water Device Certification Special Account.....	162,000
4260-001-0177—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Food Safety Fund.....	4,330,000
4260-001-0179—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Environmental Laboratory Improvement Fund.....	3,475,000
4260-001-0203—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Genetic Disease Testing Fund.....	61,665,000
4260-001-0231—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund .....	6,659,000
4260-001-0232—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Hospital Services Account, Cigarette and Tobacco Products Surtax Fund .....	273,000
4260-001-0234—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Research Account, Cigarette and Tobacco Products Surtax Fund.....	4,930,000
Provisions:	
1. Of the funds appropriated in this item, \$500,000 shall be available for population-based cancer research and surveillance, and \$500,000 shall be available for cancer registry data collection.	
4260-001-0236—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund.....	2,692,000
4260-001-0247—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Drinking Water Operator Certification Special Account.....	1,197,000
4260-001-0272—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Infant Botulism Treatment and Prevention Fund .....	1,727,000

Item	Amount
4260-001-0306—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Safe Drinking Water Account .....	7,807,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
4260-001-0335—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Registered Environmental Health Specialist Fund .....	165,000
4260-001-0478—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Mosquitoborne Disease Surveillance Account .....	36,000
4260-001-0589—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Cancer Research Fund.....	24,951,000
4260-001-0622—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Drinking Water Treatment and Research Fund.....	610,000
4260-001-0642—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Domestic Violence Training and Education Fund .....	773,000
4260-001-0693—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Emergency Services and Supplemental Payments Fund.....	122,000
Provisions:	
1. To the extent that moneys available in the Emergency Services and Supplemental Payments Fund are less than the amount appropriated in this item, this appropriation shall be limited to that lesser amount.	
2. Notwithstanding any other provision of law, if revenues to the Emergency Services and Supplemental Payments Fund are sufficient to create additional allocation workload, the Director of Finance may authorize expenditures for the Department of Health Services in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative	

Item	Amount
Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
4260-001-0823—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the California Alzheimer’s and Related Disorders Research Fund .....	550,000
4260-001-0834—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Medi-Cal Inpatient Payment Adjustment Fund.....	794,000
4260-001-0890—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Federal Trust Fund .....	306,394,500
Provisions:	
1. The limitations and conditions applicable to Item 4260-001-0001 also apply to this item if appropriate.	
2. Of the funds appropriated in this item, \$60,625,000 shall be available for administration, research, and training projects. Notwithstanding Section 28.00 of this act, the State Department of Health Services shall report under that section any new project over \$200,000 or any increase in excess of \$400,000 for an identified project.	
4260-001-0900—For support of Department of Health Services, in lieu of the amounts that otherwise would be appropriated in the Local Health Capital Expenditure Account of the County Health Services Fund pursuant to Chapter 1351, Statutes of 1980, for payment to Item 4260-001-0001, payable from the Local Health Capital Expenditure Account, County Health Services Fund.....	17,000
4260-001-0919—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Birth Defects Research Fund .....	400,000
4260-001-3018—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Drug and Device Safety Fund.....	1,312,000
4260-001-3020—For support of Department of Health Services, for payment to Item 4260-001-0001, payable from the Tobacco Settlement Fund.....	51,111,000
4260-002-0001—For transfer by the Controller to the Cancer Research Fund .....	25,000,000

Item	Amount
4260-002-0942—For support of Department of Health Services, payable from the Health Facilities Citation Penalties Account, Special Deposit Fund .....	1,000,000
4260-003-0001—For support of Department of Health Services, for rental payments on lease revenue bonds (Richmond Laboratory).....	2,704,000
Schedule:	
(1) Base Rental and Fees .....	2,825,000
(2) Insurance .....	23,000
(3) Reimbursements .....	-144,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
4260-003-0044—For support of Department of Health Services, for rental payments on lease revenue bonds, payable from the Motor Vehicle Account, State Transportation Fund .....	86,000
Schedule:	
(1) Base Rental and Fees .....	85,000
(2) Insurance .....	1,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
4260-003-0080—For support of Department of Health Services, for rental payments on lease revenue bonds, payable from the Childhood Lead Poisoning Prevention Fund .....	55,000
Schedule:	
(1) Base Rental and Fees .....	54,000
(2) Insurance .....	1,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	

Item	Amount
4260-003-0098—For support of Department of Health Services, for rental payments on lease revenue bonds, payable from the Clinical Lab Improvement Fund .....	22,000
Schedule:	
(1) Base Rental.....	22,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
4260-003-0179—For support of Department of Health Services, for rental payments on lease revenue bonds, payable from the Environmental Laboratory Improvement Fund .....	1,000
Schedule:	
(1) Base Rental.....	1,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
4260-003-0203—For support of Department of Health Services, for rental payments on lease revenue bonds, payable from the Genetic Disease Testing Fund .....	653,000
Schedule:	
(1) Base Rental and Fees .....	648,000
(2) Insurance .....	5,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
4260-003-0890—For support of Department of Health Services, for rental payments on lease revenue bonds, payable from the Federal Trust Fund.....	13,000
Schedule:	
(1) Base Rental.....	13,000

Item	Amount
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
4260-003-0942—For support of Department of Health Services, payable from the Federal Citation Penalties Account, Special Deposit Fund .....	2,216,000
Provisions:	
1. Of the amount appropriated in this item, the Department of Health Services may spend up to \$2,000,000 for awards to nursing facilities serving high proportions of Medi-Cal patients with high quality of care. Nursing facilities receiving such awards shall, to the extent permitted by law, pass the awards on to exemplary direct caregiver employees in the form of bonuses.	
4260-007-0890—For support of Department of Health Services, payable from the Federal Trust Fund .....	18,859,000
Provisions:	
1. Notwithstanding Section 28.00 of this act, adjustments may be made to align the federal funds for legislative actions and other technical adjustments affecting the recipient department’s appropriation authority.	
4260-011-0900—For transfer by the Controller from the Local Health Capital Expenditure Account, County Health Services Fund, to the General Fund .....	(1,350,000)
4260-101-0001—For local assistance, Department of Health Services, Medical Assistance Program, payable from the Health Care Deposit Fund (912) after transfer from the General Fund .....	9,548,027,000
Schedule:	
(1) 20.10.010-Eligibility (County Administration).....	1,431,325,000
(2) 20.10.020-Fiscal Intermediary Management .....	278,931,000
(3) 20.10.030-Benefits (Medical Care and Services).....	22,826,757,000
(4) Prior Fiscal Year Reconciliation.....	0
(4.5) Reimbursements .....	-5,000,000
(5) Amount payable from the Federal Trust Fund (Item 4260-101-0890).....	-14,802,896,000

Item	Amount
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- (6) Amount payable from Federal Trust Fund (Item 4260-103-0890)..... -7,801,000
- (7) Amount payable from the Tobacco Settlement Fund (Item 4260-101-3020) ..... -173,289,000

Provisions:

1. The aggregate principal amount of disproportionate share hospital general obligation debt that may be issued in the 2001-02 fiscal year pursuant to subparagraph (A) of paragraph (2) of subdivision (f) of Section 14085.5 of the Welfare and Institutions Code shall be \$0.
2. Notwithstanding any other provision of law, both the federal and nonfederal shares of any money recovered for previously paid health care services, provided pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code, are hereby appropriated and shall be expended as soon as practicable for medical care and services as defined in the Welfare and Institutions Code.
3. Notwithstanding any other provision of law, accounts receivable for recoveries as described in Provision 2 above shall have no effect upon the positive balance of the General Fund or the Health Care Deposit Fund. Notwithstanding any other provision of law, money recovered as described in this item that is required to be transferred from the Health Care Deposit Fund to the General Fund shall be credited by the Controller to the General Fund without regard to the appropriation from which it was drawn.
4. Without regard to fiscal year, the General Fund shall make one or more loans available not to exceed a cumulative total of \$45,000,000 to be transferred as needed to the Health Care Deposit Fund to meet cash needs. The loans are subject to the repayment provisions of Section 16351 of the Government Code. Any additional loan requirement in excess of \$45,000,000 shall be processed in the manner prescribed by Section 16351 of the Government Code.
5. Notwithstanding any other provision of law, the Director of Health Services may give public notice relative to proposing or amending any rule or regulation that could result in increased costs in the Medi-Cal program only after approval by the



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- Department of Finance; and any rule or regulation adopted by the Director of Health Services and any communication that revises the Medi-Cal program shall be effective only from and after the date upon which it is approved by the Department of Finance.
6. Of the funds appropriated in this item, up to \$50,000 may be allocated for attorneys' fees awarded pursuant to state or federal law without prior notification to the Legislature. Individual settlements authorized under this language shall not exceed \$5,000. The semiannual estimates of Medi-Cal expenditures due to the Legislature in January and May shall reflect attorney fees paid 15 or more days prior to the transmittal of the estimate.
  7. Change orders to the medical or the dental fiscal intermediary contract for amounts exceeding a total cost of \$250,000 shall be approved by the Director of Finance not sooner than 30 days after written notification of the change order is provided to the chairpersons of the fiscal and policy committees in each house and to the Chairperson of the Joint Legislative Budget Committee or not sooner than such lesser time as the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may designate. If there are changes or potential changes in federal funding, the Department of Finance shall provide timely written notification of the changes to the chairperson of the fiscal committee in each house and the Chairperson of the Joint Legislative Budget Committee. The semiannual estimates of Medi-Cal expenditures due to the Legislature in January and May may constitute the notification required by this provision.
  8. Recoveries of advances made to counties in prior years pursuant to Section 14153 of the Welfare and Institutions Code are reappropriated to the Health Care Deposit Fund for reimbursement of those counties where allowable costs exceeded the amounts advanced. Recoveries in excess of the amounts required to fully reimburse allowable costs shall be transferred to the General Fund. When a projected deficiency exists in the Medical Assistance Program, these funds, subject to notification to the Chairperson of the Joint Legislative

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Budget Committee, are appropriated and shall be expended as soon as practicable for the state's share of payments for medical care and services, county administration, and fiscal intermediary services.

9. The Department of Finance may transfer funds representing all or any portion of any estimated savings that are a result of improvements in the Medi-Cal claims processing procedures from the Medi-Cal services budget or the support budget of the State Department of Health Services (Item 4260-001-0001) to the fiscal intermediary budget item for purposes of making improvements to the Medi-Cal claims system.
10. Notwithstanding subdivision (a) of Section 2.00 and Section 26.00 of this act, the Department of Finance may authorize transfer of expenditure authority between Schedule (1), (2), (3) and Schedule (4). Schedule (4) may be used for the liquidation of prior years' excess obligations of Item 4260-101-0001.

The Director of Finance shall notify the Legislature within 10 days of authorizing such a transfer unless prior notification of the transfer has been included in the Medi-Cal estimates submitted pursuant to Section 14100.5 of the Welfare and Institutions Code.

12. Of the amount appropriated in this item, at least \$250,000 shall be used by the State Department of Health Services to conduct an oral health needs assessment of children in this state. These funds shall be used to draw federal funds from the Medicaid Program and the state's federal allotment appropriated to the Managed Risk Medical Insurance Board for the Healthy Families Program, as appropriate. The department may also seek funds from the foundation community and the California Children and Families First Commission for this purpose. The department may conduct the work itself, utilize a competitive process to solicit applications, or enact an interagency agreement to produce the assessment. The assessment shall be completed no later than January of 2003.
13. The State Department of Health Services shall review options for developing alternative rate methodologies for distinct-part nursing facilities

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and report back to the Legislature by no later than April 1, 2002.	
14. Of the amounts appropriated in this item, up to \$5,000,000 shall be available to replace \$5,000,000 in Proposition 10 funding from the Children and Families Commission if that funding is not otherwise available for use in the Medi-Cal Outreach for Children.	
4260-101-0693—Notwithstanding any other provision of law, moneys available in the Emergency Services and Supplemental Payments Fund, after the appropriation made by Item 4260-001-0693 of this act, are appropriated to the Department of Health Services for expenditure for local assistance for the purposes specified in Section 14085.6 of the Welfare and Institutions Code.	
4260-101-0890—For local assistance, Department of Health Services, for payment to Item 4260-101-0001, payable from the Federal Trust Fund.....	14,802,896,000
Provisions:	
1. Any of the provisions in Item 4260-101-0001 that are relevant to this item also apply to this item.	
4260-101-3020—For local assistance, Department of Health Services, for payment to Item 4260-101-0001, payable from the Tobacco Settlement Fund...	173,289,000
4260-102-0001—For local assistance, Department of Health Services, Program 20.10.030-Benefits (Medical Care and Services), for supplemental reimbursement for debt service pursuant to Section 14085.5 of the Welfare and Institutions Code.....	54,356,000
4260-102-0890—For local assistance, Department of Health Services, Program 20.10.030—Benefits (Medical Care and Services), payable from Federal Trust Fund, for supplemental reimbursement for debt service pursuant to Section 14085.5 of the Welfare and Institutions Code.....	57,396,000
4260-103-0890—For local assistance, for refugee services, Department of Health Services, for payment to Item 4260-101-0001, payable from the Federal Trust Fund .....	7,801,000
Provisions:	
1. Any of the provisions in Item 4260-101-0001 that are relevant to this item also apply to this item.	
4260-111-0001—For local assistance, Department of Health Services.....	438,606,000

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Schedule:	
(1) 10.10.010-Vital Records Improvement Project .....	300,000
(2) 10.20.010-Environmental Management .....	960,000
(3) 10.20.040-Drinking Water.....	4,516,000
(4) 10.30.030-Childhood Lead Poisoning Prevention .....	10,500,000
(5) 10.30.040-Chronic Diseases.....	102,243,100
(6) 10.30.050-Communicable Disease Control .....	66,604,000
(7) 10.30.060-AIDS .....	262,187,000
(8) 20.30-County Health Services.....	110,020,100
(9) 20.40-Primary Care and Family Health .....	1,526,327,800
(10) Reimbursements.....	-309,314,000
(11) Amount payable from the Breast Cancer Control Account (Item 4260-111-0009).....	-12,710,000
(12) Amount payable from the Childhood Lead Poisoning Prevention Fund (Item 4260-111-0080).....	-14,000,000
(13) Amount payable from the Health Statistics Special Fund (Item 4260-111-0099) .....	-300,000
(14) Amount payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-111-0231).....	-79,835,000
(15) Amount payable from the Hospital Services Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-111-0232).....	-71,021,000
(16) Amount payable from the Physician Services Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-111-0233).....	-6,372,000
(17) Amount payable from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund (Item 4260-111-0236).....	-53,762,000
(18) Amount payable from the Child Health and Safety Fund (Item 4260-111-0279).....	-491,000
(19) Amount payable from the Drinking Water Treatment and Research Fund (Item 4260-111-0622).....	-4,453,000

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(20) Amount payable from the Federal Trust Fund (Item 4260-111-0890) .....	-1,029,448,000
(21) Amount payable from the Tobacco Settlement Fund (Item 4260-111-3020).....	-63,346,000
Provisions:	
1. Of the total amount of reimbursements in this item, \$41,000,000 shall be available for administration, research and training projects. Notwithstanding Section 28.00 of this act, the Department of Health Services shall report under that section, any new project over \$200,000 or any increase in excess of \$400,000 for an identified project.	
2. Program 10.30.060-AIDS: The Office of AIDS in the State Department of Health Services, in allocating and processing contracts and grants, shall comply with the same requirements that are established for contracts and grants for other public health programs. The contracts or grants administered by the Office of AIDS shall be exempt from the Public Contract Code and shall be exempt from approval by the Department of Finance and the Department of General Services prior to their execution.	
3. Program 20.40-Primary Care and Family Health:	
(a) Notwithstanding Section 28.00 of this act, the Department of Finance, upon request of the State Department of Health Services, may authorize and approve a budget revision to augment Schedule (9) Primary Care and Family Health, WIC Rebates and Recoveries, in this item for any additional rebate moneys or recoveries that become available for the Special Supplemental Food Program for Women, Infants, and Children (WIC) during this fiscal year.	
(b) Counties may retain 50 percent of total enrollment and assessment fees that are collected by the counties for the CCS program. Fifty percent of the enrollment and assessment fee for each county shall be offset from the state's match for that county.	
4. Nonfederal funds appropriated in this item and Item 4260-001-0001 which have been budgeted to meet the state's Temporary Assistance for Needy Families maintenance-of-effort require-	

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ment established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may not be expended in any way that would cause their disqualification as a federally allowable maintenance-of-effort expenditure.	
5. Using \$20,000,000 in available one-time federal funds (reimbursements from the Department of Social Services), the funds appropriated in Schedule (5) of Item 4260-001-0001 (\$526,000) and Schedule (10) of Item 4260-111-0001 (\$19,474,000) are for expenditure in the 2001-02 fiscal year to continue the Community Challenge Grant Program.	
4260-111-0009—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Breast Cancer Control Account .....	12,710,000
4260-111-0080—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Childhood Lead Poisoning Prevention Fund .....	14,000,000
4260-111-0099—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Health Statistics Special Fund .....	300,000
4260-111-0231—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund .....	79,835,000
4260-111-0232—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Hospital Services Account, Cigarette and Tobacco Products Surtax Fund .....	71,021,000
4260-111-0233—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Physician Services Account, Cigarette and Tobacco Products Surtax Fund .....	6,372,000
4260-111-0236—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund .....	53,762,000
4260-111-0279—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Child Health and Safety Fund .....	491,000

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4260-111-0622—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Drinking Water Treatment and Research Fund .....	4,453,000
4260-111-0890—For local assistance, Department of Health Services, for payment to Item 4260-111-0001, payable from the Federal Trust Fund.....	1,029,448,000

Provisions:

1. Of the funds appropriated in this item, \$60,155,000 shall be available for administration, research, and training projects. Notwithstanding the provisions of Section 28.00 of this act, the State Department of Health Services shall report under that section any new project over \$200,000 or any increase in excess of \$400,000 for an identified project.

4260-111-3020—For local assistance, State Department of Health Services, for payment to Item 4260-111-0001, payable from the Tobacco Settlement Fund...	63,346,000
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4260-113-0001—For local assistance, Department of Health Services, for the Healthy Families Program (Medi-Cal) .....	23,836,000
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Schedule:

- (1) 20.10.010-Eligibility (County Administration) ..... 59,190,000
- (2) 20.10.020-Fiscal Intermediary Management ..... 214,000
- (3) 20.10.030-Benefits (Medical Care and Services) ..... 36,470,000
- (4) Amount payable from the Federal Trust Fund (Item 4260-113-0890).....-72,038,000

Provisions:

1. Notwithstanding subdivision (a) of Section 2.00 and Section 26.00 of this act, the Department of Finance may authorize transfer of expenditure authority between Schedule (a), (b), or (c) and Schedule (d). Schedule (d) may be used for the liquidation of prior years' excess obligations of Item 4260-113-0001.

The Director of Finance shall notify the Legislature within 10 days of authorizing such a transfer unless prior notification of the transfer has been included in the Medi-Cal estimates submitted pursuant to Section 14100.5 of the Welfare and Institutions Code.

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4260-113-0890—For local assistance, Department of Health Services, for payment to Item 4260-113-0001, payable from the Federal Trust Fund .....	72,038,000
4260-114-0942—For local assistance, Department of Health Services, payable from the Women, Infants, and Children Vendor Fines and Penalties Account, Special Deposit Fund.....	100,000
4260-115-0890—For transfer by the Controller from the Federal Trust Fund to the Safe Drinking Water State Revolving Loan Fund .....	87,482,000
4260-116-0890—For transfer by the Controller to various federal funds .....	(9,782,000)
Provisions:	
1. Pursuant to Chapter 734, Statutes of 1997, the Department of Health Services may transfer funds appropriated in this item to the Administrative Account of the Safe Drinking Water State Revolving Fund (0625), Water System Reliability Account of the Safe Drinking Water State Revolving Fund (0626), Source Protection Account of the Safe Drinking Water State Revolving Fund (0627), Small System Technical Assistance Account of the Safe Drinking Water State Revolving Fund (0628), and Safe Drinking Water State Revolving Fund (0629) for the purpose of administering the California Safe Drinking Water Act. In addition, the Department of Health Services may transfer funds between the above-mentioned funds.	
2. Upon notification to the Department of Finance, the Department of Health Services may increase the amount appropriated in this item for transfer to the funds cited in Provision 1.	
4260-295-0001—For local assistance, Department of Health Services, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	7,574,000
Schedule:	
(1) 98.01.026.891-SIDS Contacts by Local Health Officers (Ch. 268, Stats. 1991) .....	335,000
(2) 98.01.045.374-SIDS Notices (Ch. 453, Stats. 1974).....	36,000



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(3) 98.01.091.692-Pacific Beach Safety (Ch. 916, Stats. 1992) .....	73,000
(4) 98.01.095.589-SIDS Autopsies (Ch. 955, Stats. 1989) .....	1,929,000
(5) 98.01.108.888-AIDS Search Warrants (Ch. 1088, Stats. 1988) .....	928,000
(6) 98.01.116.381-Medi-Cal Beneficiary Death Notices (Ch. 102, Stats. 1981 and Ch. 1163, Stats. 1981) .....	103,000
(7) 98.01.159.788-Inmates AIDS Testing (Ch. 1597, Stats. 1988) .....	1,281,000
(8) 98.01.160.390-Perinatal services for alcohol/drug exposed infants (Ch. 1603, Stats. 1990) .....	2,772,000
(9) 98.01.111.189-SIDS Training for Firefighters (Ch. 1111, Stats. 1989)	117,000

Provisions:

1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.

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4260-301-0660—For capital outlay, Department of Health Services.....	2,183,000

Schedule:

- (1) 94.60.050-Richmond Laboratory  
     Campus: Phase III Office  
     Building—Working drawings ..... 2,183,000

Provisions:

1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the projects authorized in this item.
2. The State Public Works Board and the Department of Health Services may obtain interim financing for the project costs authorized in this item from any appropriate source including, but not limited to, the Pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.
3. The State Public Works Board may authorize the augmentation of the cost of construction of the project schedule in this item pursuant to the board’s authority under Section 13332.11 of the Government Code. In addition, the State Public Works Board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing including the payment of interest during construction of the project, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the project. This additional amount may include interest payable on any interim financing obtained.

4260-402—In the event the bonds authorized for the Capital Area Plan project in Chapter 761, Statutes 1997 are not sold, the Department of Health Services shall commit a sufficient portion of its support appropriation, as determined by the Department of Finance, which is provided for in this Budget Act to repay any interim financing. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until all interim financing is repaid either through the proceeds from the sale of bonds or from an appropriation.

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4260-490—Reappropriation, Department of Health Services. Notwithstanding any other provision of law, the balance of the funds for the appropriations provided in the following citations are reappropriated for expenditure pursuant to Provision 1 and are available for expenditure until June 30, 2002:	
0001—General Fund	
Item 4260-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
0890—Federal Trust Fund	
Item 4260-101-0890, Budget Act of 2000 (Ch. 52, Stats. 2000)	
Provisions:	
1. It is the intent of this item to continue funding approved activities for the automation projects that, due to schedule changes, result in unexpended appropriations one year and the need for additional funding in the following year. Therefore, notwithstanding any other provision of law, the balance of the appropriations for these automation projects may, upon approval of the Department of Finance, be reappropriated for transfer to and in augmentation of the corresponding items in this act. The funds reappropriated by this provision shall be made available consistent with the amount approved by the Department of Finance and the Department of Information Technology based on an approved special project report or equivalent document not sooner than 30 days after providing notification in writing to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.	
4260-491—Reappropriation, Department of Health Services. Notwithstanding any other provision of law, the balances of the appropriations provided for in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in those appropriations, and shall be available for expenditure until June 30, 2002.	
0001—General Fund	
(1) Item 4260-001-0001, Budget Act of 2000, (2) 20—Health Care Services. The balance of the \$400,000 for the Medi-Cal Pharmacy Reimbursement Rate Study is reappropriated for the	

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<ul style="list-style-type: none"> <li>program in fiscal year 2001–02, subject to the limitations provided for in the appropriation.</li> <li>(1.5) Item 4260-001-0001, Budget Act of 2000, (2) 10—Public and Environmental Health. The balance of the \$250,000 for the interagency agreement or contract for the planning and development of a scientific protocol for the study of the effect of diet on the disease management of multiple sclerosis is reappropriated for the program in the 2001–02 fiscal year, subject to the limitations provided in the appropriation.</li> <li>(2) Item 4260-111-0001, Budget Act of 2000, (2) 10.30.040—Chronic Diseases. The balance of the \$2,114,000 for the Childhood Asthma Initiative is reappropriated for the program in fiscal year 2001–02, subject to the limitations provided for in the appropriation.</li> </ul>	
4270-001-0001—For support, California Medical Assistance Commission .....	1,289,000
Schedule:	
<ul style="list-style-type: none"> <li>(1) 10-California Medical Assistance Commission..... 2,576,000</li> <li>(2) Reimbursements..... -1,262,000</li> <li>(3) Amount payable from Emergency Services and Supplemental Payments Fund (Item 4270-001-0693) -25,000</li> </ul>	
4270-001-0693—For support, California Medical Assistance Commission, for payment to Item 4270-001-0001, payable from the Emergency Services and Supplemental Payments Fund.....	25,000
Provisions:	
<ul style="list-style-type: none"> <li>1. To the extent that moneys available in the Emergency Services and Supplemental Payments Fund are less than the amount appropriated in this item, this appropriation shall be limited to that lesser amount.</li> <li>2. Notwithstanding any other provision of law, if revenues to the Emergency Services and Supplemental Payments Fund are sufficient to create additional allocation workload, the Director of Finance may authorize expenditures for the California Medical Assistance Commission in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than</li> </ul>	

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<p>whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.</p>	
4280-001-0001—For support of Managed Risk Medical Insurance Board .....	2,398,000
Schedule:	
(1) 10-Major Risk Medical Insurance Program.....	880,000
(2) 20-Access for Infants and Mothers.....	853,000
(3) 40-Healthy Families Program .....	6,587,000
(4) Reimbursements.....	-97,000
(5) Amount payable from Perinatal Insurance Fund (Item 4280-001-0309).....	-853,000
(6) Amount payable from Major Risk Medical Insurance Fund (Item 4280-001-0313) .....	-880,000
(7) Amount payable from Federal Trust Fund (Item 4280-001-0890).....	-4,092,000
4280-001-0309—For support of Managed Risk Medical Insurance Board, for payment to Item 4280-001-0001, payable from the Perinatal Insurance Fund....	853,000
Provisions:	
1. Provision 1 of Item 4280-001-0313 also applies to this item.	
4280-001-0313—For support of Managed Risk Medical Insurance Board, for payment to Item 4280-001-0001, payable from the Major Risk Medical Insurance Fund .....	880,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the Managed Risk Medical Insurance Board in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine.	
4280-001-0890—For support of Managed Risk Medical Insurance Board, for payment to Item 4280-001-0001, payable from Federal Trust Fund, for Healthy Families Program .....	4,092,000

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4280-101-0001—For local assistance, Managed Risk Medical Insurance Board, for the Healthy Families Program .....	122,536,000

Schedule:

- (.5) 10-Major Risk Medical Insurance Program ..... 5,000,000
- (1) 20-Access for Infants and Mothers Program..... 3,497,000
- (2) 40-Healthy Families Program .....604,140,000
- (3) Amount payable from the Federal Trust Fund (Item 4280-101-0890) ..... -375,855,000
- (4) Amount payable from the Tobacco Settlement Fund (Item 4280-101-3020) ..... -114,246,000

Provisions:

1. It is the intent of the Legislature for the Healthy Families Program to be fully funded to provide health care services for all enrolled families. In the event that funds appropriated in this act are not sufficient to provide for increased caseload, the Managed Risk Medical Insurance Board, upon the approval of the Department of Finance, shall submit a request for deficiency to the Legislature.
2. Upon order of the Director of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 4280-102-0001 in order to effectively administer the Healthy Families Program.
3. Of the General Fund moneys appropriated in this item, \$5,000,000 shall be used for enrollments in the Major Risk Medical Insurance Program pursuant to legislation enacted during the 2000–01 Regular Session providing insurance market reforms that improve access to insurance for medically uninsurable persons. In the event that legislation described in this proviso is not enacted, the \$5,000,000 shall revert to the General Fund.

4280-101-0890—For local assistance, Managed Risk Medical Insurance Board, for payment to Item 4280-101-0001, payable from the Federal Trust Fund, for the Healthy Families Program.....	375,855,000
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Provisions:

1. Upon order of the Director of Finance, the State Controller shall transfer such funds, as are neces-

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sary between this item and Item 4280-102-0890 in order to effectively administer the Healthy Families Program.	
4280-101-3020—For local assistance, Managed Risk Medical Insurance Board, for payment to Item 4280-101-0001, payable from the Tobacco Settlement Fund, for the Healthy Families Program.....	114,246,000
4280-102-0001—For local assistance, Managed Risk Medical Insurance Board, for the Healthy Families Program administrative contracts.....	11,673,000
Schedule:	
(1) 40-Healthy Families Program .....	50,423,000
(2) Reimbursements .....	-13,106,000
(3) Amount payable from the Federal Trust Fund (Item 4280-102-0890).....	-25,644,000
Provisions:	
1. Upon order of the Director of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 4280-101-0001 in order to effectively administer the Healthy Families Program.	
4280-102-0890—For local assistance, Managed Risk Medical Insurance Board, for payment to Item 4280-102-0001, payable from the Federal Trust Fund, for Healthy Families Program administrative contracts.	25,644,000
Provisions:	
1. Upon order of the Director of Finance, the State Controller shall transfer such funds, as are necessary between this item and Item 4280-101-0890 in order to effectively administer the Healthy Families Program.	
4280-111-0232—For transfer by the Controller from the Hospital Services Account, Cigarette and Tobacco Products Surtax Fund to the Perinatal Insurance Fund, for the Access for Infants and Mothers Program .....	(24,300,000)
4280-111-0233—For transfer by the Controller from the Physician Services Account, Cigarette and Tobacco Products Surtax Fund to the Perinatal Insurance Fund, for the Access for Infants and Mothers Program .....	(13,313,000)
4280-111-0236—For transfer by the Controller from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund to the Perinatal Insurance Fund, for the Access for Infants and Mothers Program .....	(25,571,000)

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4280-112-0232—For transfer by the Controller from the Hospital Services Account, Cigarette and Tobacco Products Surtax Fund to the Major Risk Medical Insurance Fund, for the Major Risk Medical Insurance Program .....	(6,393,000)
4280-112-0233—For transfer by the Controller from the Physician Services Account, Cigarette and Tobacco Products Surtax Fund to the Major Risk Medical Insurance Fund, for the Major Risk Medical Insurance Program .....	(3,607,000)
4300-001-0001—For support of Department of Developmental Services .....	32,565,000
Schedule:	
(1) 10-Community Services Program...	18,770,000
(2) 20-Developmental Centers Program	18,162,000
(3) 35.01-Administration.....	25,518,000
(4) 35.02-Distributed Administration ...	-25,518,000
(4.5) 97.20.001-Unallocated Reduction	-100,000
(5) Reimbursements .....	-2,207,000
(6) Amount payable from the Developmental Disabilities Program Development Fund (Item 4300-001-0172).....	-246,000
(7) Amount payable from the Federal Trust Fund (Item 4300-001-0890).	-1,814,000
4300-001-0172—For support of Department of Developmental Services, for payment to Item 4300-001-0001, payable from the Developmental Disabilities Program Development Fund.....	246,000
4300-001-0890—For support of Department of Developmental Services, for payment to Item 4300-001-0001, payable from the Federal Trust Fund .....	1,814,000
Provisions:	
1. Upon order of the Director of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 4300-101-0890 in order to effectively administer the Early Intervention Program (Part C of the Individuals with Disabilities Education Act).	
4300-003-0001—For support of Department of Developmental Services, for Developmental Centers.....	312,085,000
Schedule:	
(1) 20-Developmental Centers Program.....	585,669,000
(2) Reimbursements .....	-272,344,000



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(3) Amount payable from the California State Lottery Education Fund (Item 4300-003-0814) .....	-560,000
(4) Amount payable from the Federal Trust Fund (Item 4300-003-0890).....	-680,000

Provisions:

1. The General Fund shall make a loan available to the State Department of Developmental Services not to exceed a cumulative total of \$80,000,000. The loan funds will be transferred to this item as needed to meet cash-flow needs due to delays in collecting reimbursements from the Health Care Deposit Fund, and subject to the repayment provisions of Section 16351 of the Government Code.
2. Of the amount appropriated in Schedule (1), \$404,000 is provided for payment of energy service contracts as required in connection with issuance of Public Works Board Energy Efficiency Revenue Bonds (State Pool Program), Series 1986 A.
3. To the extent that the State Department of Developmental Services is eligible to receive additional Title XIX Medi-Cal reimbursements as a result of population increases in the developmental centers, the department is authorized to expend those reimbursements for the care of the additional clients upon approval of the Director of Finance.
4. Upon order of the Director of Finance, the Controller shall transfer such funds as are necessary between this item and Item 4300-101-0001. Within 10 working days after approval of a transfer as authorized by this provision, the Department of Finance shall notify the chairperson of the fiscal committee of each house of the Legislature of the transfer, including the amount transferred, how the amount was determined, and how the amount will be utilized.
5. Forensic individuals will not be permitted at Lanterman Developmental Center.
6. The number of severe behavior individuals at Lanterman Developmental Center (LDC) shall not exceed 128, provided, however, that (a) only severe behavior individuals with a Community Risk Grade of "1A" or "1B" will be admitted to, or housed at, LDC, and (b) no severe behavior in-

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- dividual will be admitted to, or housed at, LDC who has, at any time, been accused of or charged with the commission of a violent felony offense.
7. The State Department of Development of Developmental Services (DDS) shall notify the chairperson of each fiscal committee and policy committee of each house of the Legislature of specific outcomes resulting from citations and the results of annual surveys conducted by the State Department of Health Services, as well as findings of any other government agency authorized to conduct investigations or surveys of state developmental centers. DDS shall forward the notifications, including a copy of the specific findings, to the chairpersons of the respective committees within 10 working days of its receipt of these findings. DDS also shall forward these findings, within three working days of submission, to the appropriate investigating agency. In addition, DDS shall provide notification to the above-mentioned committee chairs, within three working days, of its receipt of information concerning any investigation initiated by the United States Department of Justice and the private nonprofit corporation designated by the Governor pursuant to Division 4.7 (commencing with Section 4900) of the Welfare and Institutions Code or concerning any findings or recommendations resulting from any these investigations.
  8. The total number of high-risk Developmental Center residents at Porterville Developmental Center shall not exceed 256, which is the capacity of buildings 13–18 (currently located behind fencing) at the Porterville Development Center, until Phase II and Phase III security improvement projects are complete. In addition, the requisite ratio of security personnel to resident populations shall be achieved and maintained before the number of high-risk residents are increased above 256 at the Porterville Developmental Center. Upon completion of Phase II and Phase III security improvement projects, the State Department of Developmental Services shall certify in writing that the requirements of this provision have been met, and this certification shall be provided to the Legislative Analyst, the fiscal and appropriate policy committees of the Legislature, the legislative rep-

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<p>representatives of the region, and the Community Advisory Board Representatives of the Porterville Developmental Center before the number of high-risk Developmental Center residents may be increased.</p> <p>9. The State Department of Developmental Services, in conjunction with Porterville Developmental Center, Area Board #8 and all relevant stakeholders, shall, by November 1, 2001, develop a visual method of readily identifying clients placed within the secured perimeter at Porterville Developmental Center, pursuant to the Penal Code. This agreed-to identifier shall be reported by the department to the Joint Legislative Budget Committee by no later than November 15, 2001, and be implemented, unless otherwise instructed by the Legislature, by January 1, 2002.</p>	
<p>4300-003-0814—For support of Department of Developmental Services, for payment to Item 4300-003-0001, payable from the California State Lottery Education Fund .....</p>	560,000
<p>Provisions:</p> <p>1. All funds received pursuant to Proposition 37 that are allocable to the Department of Developmental Services pursuant to Section 8880.5 of the Government Code, and that are in excess of the amount appropriated in this item, are hereby appropriated in augmentation of this item. These additional funds may be expended only upon written approval of the Director of Finance.</p>	
<p>4300-003-0890—For support of Department of Developmental Services, for payment to Item 4300-003-0001, payable from the Federal Trust Fund .....</p>	680,000
<p>Provisions:</p> <p>1. Upon order of the Director of Finance, the Controller shall transfer such funds as are necessary between this item and Item 4300-101-0890 in order to effectively administer the Foster Grandparents Program.</p>	
<p>4300-004-0001—For support of Department of Developmental Services (Proposition 98), for Developmental Centers .....</p>	10,355,000
<p>Schedule:</p> <p>(1) 20-Developmental Centers Program.....</p>	15,648,000
<p style="padding-left: 20px;">(a) 20.17-AB 1202</p> <p style="padding-left: 40px;">Contracts.....</p>	3,000,000

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<ul style="list-style-type: none"> <li>(b) 20.66-Medi-Cal Eligible Education Services .....12,648,000</li> </ul>	
(2) Reimbursements.....	-5,293,000
Provisions:	
<ul style="list-style-type: none"> <li>1. Of the amount appropriated in this item, \$5,013,000 is to be used to provide the General Fund match for Medi-Cal Eligible Education Services.</li> </ul>	
4300-101-0001—For local assistance, Department of Developmental Services, for Regional Centers .....	1,514,845,000
Schedule:	
(1) 10.10.010-Operations.....	381,782,000
(2) 10.10.020-Purchase of Services .....	1,660,248,000
(3) 10.10.060-Early Intervention Programs .....	20,080,000
(5) 10.70-Habilitation Services.....	14,221,000
(5.5) 97.20.004-Local Projects .....	750,000
(6) Reimbursements .....	-512,476,000
(6x) Amount payable from Developmental Disabilities Services Act (Item 4300-101-0496) .....	-2,900,000
(7) Amount payable from Developmental Disabilities Program Development Fund (Item 4300-101-0172).....	-1,800,000
(8) Amount payable from Federal Trust Fund (Item 4300-101-0890).....	-45,060,000
Provisions:	
<ul style="list-style-type: none"> <li>1. Upon order of the Director of Finance, the Controller shall transfer such funds as are necessary between this item and Item 4300-003-0001. The Director of Finance may authorize the transfer of funds between this item and Item 4260-101-0001 for the state’s share of expenditures for developmental services provided to persons eligible under the California Medical Assistance Program.</li> <li>2. A loan shall be made available from the General Fund to the State Department of Developmental Services not to exceed a cumulative total of \$160,000,000. The loan funds shall be transferred to this item as needed to meet cash-flow needs due to delays in collecting reimbursements from the Health Care Deposit Fund, and are subject to the repayment provisions of Section 16351 of the Government Code.</li> </ul>	

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3. Upon order of the Director of Finance, in order to meet client services needs, the Controller shall transfer the General Fund share of budgeted client costs as necessary between this item and Items 5160-001-0001 and 5160-101-0001 to provide for the transfer of clients between the Department of Developmental Services and the Department of Rehabilitation resulting from program closures. The amount transferred shall be based on the amount budgeted per client by each department for the remainder of the fiscal year.	
4. Upon order of the Director of Finance, the Controller shall transfer funds as are necessary between this item and Item 5160-001-0001 to provide for the transportation costs to and from work activity programs of clients who are receiving vocational rehabilitation services through the Vocational Rehabilitation/Work Activity Program (VR/WAP) Transition Program.	
5. Of the funds appropriated in this item, \$750,000 shall be available for direct personnel care in children's programs at the Devereux Facility.	
4300-101-0172—For local assistance, Department of Developmental Services, for payment to Item 4300-101-0001, payable from the Developmental Disabilities Program Development Fund .....	1,800,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the Department of Developmental Services in excess of the amount appropriated no sooner than 30 days after notification in writing of the chairperson of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee, or no sooner than such lesser time as the chairperson of the committee, or his or her designee, may in each instance determine.	
4300-101-0496—For local assistance, Department of Developmental Services, for payment to Item 4300-101-0001, payable from the Developmental Disabilities Services Account.....	2,900,000
4300-101-0890—For local assistance, Department of Developmental Services, for Regional Centers, for payment to Item 4300-101-0001, payable from Federal Trust Fund.....	45,060,000

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Provisions:	
1. Upon order of the Director of Finance, the Controller shall transfer such funds as are necessary between this item and Item 4300-001-0890 in order to effectively administer the Early Intervention Program (Part C of the Individuals with Disabilities Education Act).	
2. Upon order of the Director of Finance, the Controller shall transfer such funds as are necessary between this item and Item 4300-003-0890 in order to effectively administer the Foster Grandparents Program.	
4300-295-0001—For local assistance, Department of Developmental Services, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller.....	486,000
Schedule:	
(1) 98.01.064.480-Judicial Proceedings (Ch. 644, Stats. 1980) .....	87,000
(2) 98.01.069.475-Attorney Fees (Ch. 694, Stats. 1975) .....	189,000
(3) 98.01.125.380-MR Representation (Ch. 1253, Stats. 1980) .....	107,000
(4) 98.01.130.480-Conservatorship (Ch. 1304, Stats. 1980) .....	103,000
(5) 98.01.135.776-Guardianship/ Conservatorship filings (Ch. 1357, Stats. 1976) .....	0
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5	

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(commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.	
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.	
3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001-02 fiscal year: (5) Guardianship/Conservatorship filings, (Ch. 1357, Stats. 1976)	
4300-301-0001—For capital outlay, Department of Developmental Services .....	5,367,000
Schedule:	
(1) 55.15.130-Agnews: Fire and Life Safety Upgrades, Bldg. 54—Working drawings and construction.....	5,367,000
4300-490—Reappropriation, Department of Developmental Services. Notwithstanding any other provision of law, as of June 30, 2001, the balances of the appropriations provided in the following citations are reappropriated for the purposes specified and shall be available for expenditure until June 30, 2002, unless otherwise stated.	
0001—General Fund	
(1) Item 4300-101-0001 (a) 10.10.010 and (b) 10.10.020, Budget Act of 2000 (Ch. 52, Stats. 2000) for regional centers. One-half of the savings generated by regional centers operating under performance-based contracts shall be reappropriated for one-time expenditures that are approved by the Department of Developmental Services.	

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(2) Item 4300-101-0001 (a) 10.10.010 and (b) 10.10.020, Budget Act of 2000 (Ch. 52, Stats. 2000) for statewide training and testing. The balance of the interagency agreement between the State Department of Developmental Services and the State Department of Education, Regional Occupational Center Programs Unit shall be reappropriated and available for expenditure.	
(3) Item 4300-101-0001 (b) 10.10.020 Budget Act of 2000 (Ch. 52, Statutes of 2000) for Self-Determination Pilot Projects; \$1,618,000 shall be reappropriated to Item 4300-101-0001 (1) 10.10.010 and available for expenditure until June 30, 2004.	
4300-495—Reversion, Department of Developmental Services. As of June 30, 2001, the unencumbered balance of the appropriation provided in the following citation shall revert to the General Fund:	
(1) Item 4300-301-0001, Budget Act of 1999 (Ch. 50, Stats. 1999), 55.15.130—Agnews: Fire & Life Safety Upgrades, Building 54—Working drawings and construction, as reappropriated by Item 4300-491, Budget Act of 2000 (Ch. 52, Stats. 2000).	
4440-001-0001—For support of Department of Mental Health .....	30,840,000
Schedule:	
(1) 10-Community Services .....	32,411,000
(2) 20-Long-Term Care Services .....	12,679,000
(3) 35.01-Departmental Administration ..	18,687,000
(4) 35.02-Distributed Departmental Administration .....	-18,687,000
(5) Reimbursements .....	-10,953,000
(6) Amount payable from the Restitution Fund (Item 4440-001-0214)...	-735,000
(7) Amount payable from the Traumatic Brain Injury Fund (Item 4440-001-0311).....	-176,000
(8) Amount payable from the Federal Trust Fund (Item 4440-001-0890).	-2,386,000
Provisions:	
1. Upon order of the Director of Finance, and following 30-day notification to the Joint Legislative Budget Committee, the Controller shall transfer between this item and Item 4440-016-0001 those	



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<p>funds that are necessary for direct community services, as well as administrative and ancillary services related to the provision of direct services.</p> <p>2. Of the funds appropriated for support of the Sexually Violent Predator program, any funds in excess of the amount needed for the program shall revert to the General Fund unless the expenditure of those funds is approved by the Department of Finance. Approval of the Department of Finance may not be effective sooner than 30 days after notification to the Joint Legislative Budget Committee.</p>	
4440-001-0214—For support of Department of Mental Health, for payment to Item 4440-001-0001, payable from the Restitution Fund .....	735,000
4440-001-0311—For support of Department of Mental Health, for payment to Item 4440-001-0001, payable from the Traumatic Brain Injury Fund.....	176,000
4440-001-0890—For support of Department of Mental Health, for payment to Item 4440-001-0001, payable from the Federal Trust Fund .....	2,386,000
Provisions:	
1. Upon order of the Department of Finance, the State Controller shall transfer such funds as are necessary between this item and Item 4440-101-0890.	
4440-003-0001—For support of the Department of Mental Health for rental payments on lease revenue bonds .....	1,526,000
Schedule:	
(1) Base Rent and Fees.....	1,520,000
(2) Insurance .....	6,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
4440-011-0001—For support of the State Hospitals, Department of Mental Health .....	432,953,000
Schedule:	
(1) 20.10-Long-Term Care Services— Lanterman-Petris-Short.....	106,942,000
(2) 20.20-Long-Term Care Services— Penal Code and Judicially Committed.....	432,953,000

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(3) 20.30-Long-Term Care Services—	
Other State Hospital Services .....	44,495,000
(4) Reimbursements .....	-150,973,000
(5) Amount payable from the California State Lottery Education Fund (Item 4440-011-0814) .....	-464,000
Provisions:	
1. Upon order of the Director of Finance, the Controller shall transfer such funds as are necessary between this item and Item 5240-001-0001.	
2. Upon order of the Director of Finance, and following 30-day notification to the Joint Legislative Budget Committee, the Controller shall transfer between this item and Item 4440-016-0001 those funds that are necessary for direct community services, as well as administrative and ancillary services related to the provision of direct services.	
3. Upon approval of the State Department of Mental Health, a portion of the funds appropriated in Schedule (2) shall be available to reimburse counties for the cost of treatment and legal services to patients in the four State Department of Mental Health State Hospitals, pursuant to Section 4117 of the Welfare and Institutions Code. Expenditures made under this item shall be charged to either the fiscal year in which the claim is received or the fiscal year in which the Controller issues the warrant. Claims filed by local jurisdictions for legal services may be scheduled by the Controller for payment.	
4. The reimbursements identified in Schedule (4) of this item shall include amounts received by the State Department of Mental Health as a result of billing for LPS state hospital bed day expenditures attributable to conservatees who are gravely disabled as defined in subparagraph (B) of paragraph (1) of subdivision (h) of Section 5008 of the Welfare and Institutions Code (Murphy Conservatee).	
5. Of the total amount attributable in the 2001–02 fiscal year to patient-generated collections for LPS patients, the Controller shall transfer the first \$8,000,000 as revenue to the General Fund, and the remainder shall be used to offset county costs for LPS state hospital beds.	
6. Of the funds appropriated for the Sexually Violent Predator program, any funds in excess of the	

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- amount needed for the program shall revert to the General Fund unless the expenditure of those funds is approved by the Department of Finance. Approval of the Department of Finance may not be effective sooner than 30 days after notification to the Joint Legislative Budget Committee.
7. Transfers of low- and medium-security risk Penal Code patients to Napa State Hospital or Metropolitan State Hospital shall be arranged on a flow basis to ensure community security and safety and patient stability. In no instance shall the number of Penal Code or forensic patients admitted exceed 30 patients in any month at either state hospital.
  8. The State Department of Mental Health shall provide specialized training to level-of-care and, as necessary, nonlevel-of-care, staff at both Napa and Metropolitan State Hospitals to ensure the safest and most therapeutic environment possible for both patients and employees.
  9. The State Department of Mental Health shall provide specialized training to local law enforcement agencies located in the immediate vicinity of Napa State Hospital and Metropolitan State Hospital, as needed, in order to ensure both patient and local community safety. At a minimum, the training shall include information on how to identify a patient, procedures for notifying the state hospitals, and techniques for diffusing and appropriately controlling potentially difficult situations.
  10. The State Department of Mental Health shall consult with the Sheriff of the County of Napa and the Police Chief of the City of Napa in the development and ongoing modification of a security plan for Napa State Hospital. The department shall also consult a city official designated by the City of Norwalk.
  11. Notwithstanding Section 27.00, the State Department of Finance may submit a deficiency request if the state mental hospital population increases beyond the level for which the Legislature budgeted.
  12. Funds appropriated to accommodate projected hospital population levels in excess of those that actually materialize, if any, shall revert to the General Fund. However, the Director of Finance may approve an increase in expenditures that are not related to caseload for the state hospitals

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<p>through the redirection of funding that is reasonably believed not to be needed for accommodating projected hospital population levels if the approval is made in writing and filed with the Chairperson of the Joint Legislative Budget Committee and the chairperson of each house of the Legislature that considers appropriations not later than 30 days prior to the effective date of the approval, or prior to whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine. All notifications shall include (a) the reason for the proposed redirection of caseload funding to expenditures that are not related to caseload, (b) the approved amount, and (c) the basis of the director's determination that the funding is not needed for accommodating projected hospital population levels.</p>	
<p>4440-011-0814—For support of Department of Mental Health, for payment to Item 4440-011-0001, payable from the California State Lottery Education Fund... Provisions:</p>	464,000
<p>1. All funds received pursuant to Proposition 37 that are allocable to the Department of Mental Health pursuant to Section 8880.5 of the Government Code, and that are in excess of the amount appropriated in this item, are appropriated in augmentation of this item. These additional funds may be expended only upon written approval of the Director of Finance.</p>	
<p>4440-012-0001—For support of the State Hospitals (Proposition 98), Department of Mental Health ..... Schedule:</p>	3,400,000
<p>(1) 20.10-Long-Term Care Services— Lanterman-Petris-Short..... 3,400,000</p>	
<p>Provisions:</p>	
<p>1. The funds appropriated in this item are available to contract for the provision of education services for mental health patients on state hospital grounds.</p>	
<p>4440-016-0001—For support of Department of Mental Health, for Conditional Release Services ..... Schedule:</p>	18,627,000
<p>(1) 20-Long-Term Care Services ..... 18,627,000</p>	
<p>Provisions:</p>	
<p>1. The funds appropriated in this item shall be used to provide community services as provided in</p>	

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Section 4360 of the Welfare and Institutions Code. These funds shall support direct community services, as well as administrative and ancillary services related to the provision of direct services.

- 2. Upon order of the Director of Finance, and following 30-day notification to the Joint Legislative Budget Committee, the Controller shall transfer between this item and Items 4440-001-0001 and 4440-011-0001 those funds that are necessary for direct community services, as well as administrative and ancillary services related to the provision of direct services.
- 3. The State Department of Mental Health shall provide forensic conditional release services mandated either in Title 15 (commencing with Section 1600) of Part 2 or in Title 15 (commencing with Section 2960) of Article 3 of the Penal Code, through contracts with programs which integrate the supervision and treatment roles and providers selected consistent with Section 1615 of the Penal Code.
- 4. Of the funds appropriated in this item, it is intended that no funds shall be available for the payment of treatment services to persons on court visit from state hospitals to the community as designated in subdivision (a) of Section 4117 of the Welfare and Institutions Code.

4440-101-0001—For local assistance, Department of Mental Health..... 160,421,000  
 Schedule:

- (1) 10.25-Community Services—Other Treatment .....981,981,000
- (2) 10.40-Community Services—Adult System of Care ..... 7,772,000
- (3) 10.47-Community Services—Children’s Mental Health Services. 41,854,000
- (4) 10.85-AIDS ..... 1,500,000
- (5) 10.97-Community Services—Healthy Families..... 8,821,000
- (6) 97.20.004-Local Projects ..... 650,000
- (7) Reimbursements ..... -882,157,000

Provisions:

- 1. Augmentations to reimbursements in this item from the Office of Emergency Services for Disaster Relief are exempt from Section 28.00 of this act. The State Department of Mental Health shall

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provide written notification to the Joint Legislative Budget Committee describing the nature and planned expenditure of these augmentations when the amount received exceeds \$200,000.

- 2. It is the intent of the Legislature that local expenditures for mental health services for Medi-Cal eligible individuals serve as the match to draw down maximum federal financial participation to continue the Short-Doyle/Medi-Cal program.
- 3. Subject to the approval of the Supportive Housing Council, a portion of the funds appropriated by this item may be used for acquisition and rehabilitation, rehabilitation, or development of rental housing for program participants. The department may contract with the Department of Housing and Community Development for administration of this housing component. To facilitate implementation, and subject to approval of the Supportive Housing Council, the department may transfer funds appropriated for this provision to the California Housing Rehabilitation Fund (0939) to serve program participants through the Multifamily Housing Program as set forth in Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code.
- 4. Of the amount appropriated in this item, \$400,000 shall be allocated for a project in Nevada County to provide dual diagnosis treatment for individuals who are mentally ill and substance abusing. These funds shall be allocated to the county for a three-year period.
- 5. Of the amount appropriated in this item, \$250,000 shall be allocated to Asian American Recovery Services for a project to provide dual diagnosis treatment for individuals who are mentally ill and substance abusing. These funds shall be allocated for a three-year period.

4440-101-0311—For local assistance, Department of Mental Health, all funds that are transferred into the Traumatic Brain Injury Fund pursuant to subdivision (f) of Section 1464 of the Penal Code.....  
Schedule:

2,619,000

- (1) 10.87-Community Services—  
    Traumatic Brain Injury Projects.... 2,961,000
- (2) Reimbursements..... -342,000

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Provisions:

1. The State Department of Mental Health shall consult with constituency groups prior to allocation of the \$1,400,000 in one-time-only funds. These funds may be used for projects of statewide significance, such as data collection and evaluation, new program sites, and existing program sites, as deemed appropriate by the department.

4440-101-0890—	For local assistance, Department of Mental Health, payable from the Federal Trust Fund .....	57,189,000
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Schedule:

- |                                    |            |  |
|------------------------------------|------------|--|
| (1) 10.25-Community Services—Other |            |  |
| Treatment .....                    | 52,323,000 |  |
| (2) 10.75-Community Services—      |            |  |
| Homeless Mentally Disabled .....   | 4,866,000  |  |

Provisions:

1. The funds appropriated in this item are for assistance to local agencies in the establishment and operation of mental health services, in accordance with Division 5 (commencing with Section 5000) of the Welfare and Institutions Code.
2. The Department of Mental Health may authorize advance payments of federal grant funds on a monthly basis to the counties for grantees. These advance payments may not exceed one-twelfth of Section 2.00 of the individual grant award for the 2001–02 fiscal year.
3. Upon order of the Department of Finance, the Controller shall transfer such funds as are necessary between this item and Item 4440-001-0890.
4. Of the amount appropriated in this item, up to \$200,000 shall be used by the State Department of Mental Health to develop a comprehensive statewide plan on the prevention of suicide. Existing national or state model plans, such as the Surgeon General’s National Suicide Prevention Strategy, shall be considered in development of the plan. The department may use consultant services for this purpose. In order to ensure the involvement of diverse stakeholder participation, the department shall actively seek participation from suicide prevention organizations, the California Mental Health Planning Council, the California Mental Health Directors Association, other relevant government agencies or departments, and nonprofit organizations as deemed appropriate by

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the department. The plan shall be completed by no later than June 30, 2002.	
4440-102-0001—For local assistance, Department of Mental Health (Proposition 98) for early mental health services.....	15,000,000
4440-103-0001—For local assistance, Department of Mental Health, Program 10.25-Community Services: Other Treatment for Mental Health Managed Care . Provisions:	209,856,000
1. The allocation of funds appropriated in this item shall be determined based on a methodology developed by the State Department of Mental Health in consultation with a statewide organization representing counties. This methodology shall be based on a review of actual and projected expenditures for mental health services for Medi-Cal beneficiaries, by county.	
2. Of the amount appropriated in this item, \$8,000,000 shall be transferred to the Mental Health Managed Care Deposit Fund (Fund 0865).	
3. Upon order of the Director of Finance and agreement between the State Department of Mental Health and the State Department of Health Services, the State Controller shall transfer between this item and Item 4260-101-0001 any General Fund amount determined necessary to fully reflect the transfer of responsibility for administration of mental health services pursuant to the implementation of mental health managed care.	
4. Notwithstanding any other provision of law, the emergency regulations adopted pursuant to Section 14680 of the Welfare and Institutions Code to implement the second phase of Mental Health Managed Care as provided in Part 2.5 (commencing with Section 5775) of Division 5 of the Welfare and Institutions Code shall remain in effect until July 1, 2002, or until the regulations are made permanent, whichever occurs first, and shall not be subject to the repeal provisions of Section 11346.1 of the Government Code until that time.	
4440-111-0001—For local assistance, Department of Mental Health, for caregiver resource centers serving families of brain-damaged adults.....	12,247,000
4440-131-0001—For local assistance, Department of Mental Health, for services to special education pupils.....	12,334,000



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Provisions:	
1. In allocating to the counties funds for mental health services to pupils who are specified in accordance with Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code and the Individuals with Disabilities Education Act Section 602(a) Amendments of 1990, as defined in Section 300.5 of Title 34 of the Code of Federal Regulations, and who meet the requirements of Section 56026 of the Education Code and Sections 3030 and 3031 of Title 5 of the California Code of Regulations, the Department of Mental Health may allocate the funds based on the individual county's needs, in lieu of using the allocation method set forth in Welfare and Institutions Code Section 5701.	
4440-295-0001—For local assistance, Department of Mental Health, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or of Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	51,754,000
Schedule:	
(1) 98.01.049.877-Coroner's Costs (Ch. 498, Stats. 1977) .....	110,000
(2) 98.01.081.579-Short-Doyle Case Management (Ch. 815, Stats. 1979).....	0
(3) 98.01.103.678-Mentally Disordered Offender Recommitments (Ch. 1036, Stats. 1978).....	195,000
(4) 98.01.111.479-Not Guilty By Reason of Insanity (Ch. 1114, Stats. 1979).....	308,000
(5) 98.01.132.784-Short-Doyle Audits (Ch. 1327, Stats. 1984) .....	0
(6) 98.01.135.285-Residential Care Services (Ch. 1352, Stats. 1985)...	0
(7) 98.01.174.784-Services to Handicapped Students (Ch. 1747, Stats. 1984).....	46,944,000
(8) 98.01.076.295-Sexually Violent Predators (Chs. 762 and 763, Stats. 1995).....	4,197,000

Item		Amount
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Provisions:

1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amount therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.
3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001-02 fiscal year:
  - (2) Short-Doyle Case Management (Ch. 815, Stats. 1979)
  - (5) Short-Doyle Audits (Ch. 1327, Stats. 1984)
  - (6) Residential Care Services (Ch. 1352, Stats. 1985)

4440-301-0001—For capital outlay, Department of Mental Health .....		3,102,000
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Schedule:

- |  |  |         |
|--|--|---------|
| (1) 55.18.235-Atascadero: Construct Multipurpose Building—Preliminary plans..... |  | 632,000 |
|--|--|---------|

Item	Amount
(1.5) 55.18.260-Atascadero: Improve Perimeter and Roofline Security—Construction .....	956,000
(2.5) 55.35.305-Metropolitan: Construct School Building—Preliminary Plans.....	412,000
(4) 55.45.265-Patton: Install Alarm System in G, O, P and T Buildings—Preliminary plans, working drawings, and construction.....	126,000
(5) 55.45.270-Patton: Renovate Admissions Suite-EB Building—Preliminary plans and working drawings.....	194,000
(6) 55.10.205-Minor Projects .....	782,000
4440-301-0660—For capital outlay, Department of Mental Health, payable from the Public Buildings Construction Fund .....	349,287,000

Schedule:

- (1) 55.18.255-Sexually Violent Predator Facility—Construction .....349,287,000

Provisions:

1. In the event the bonds authorized for the project identified in Schedule (1) are not sold, the Department of Mental Health shall commit a sufficient portion of its support appropriation provided for in this Budget Act to repay any loans from the Pooled Money Investment Account. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until outstanding loans are repaid either through the sale of bonds or from an appropriation.

4440-495—Reversion, Department of Mental Health. As of June 30, 2001, the unencumbered balance of the appropriation provided in the following citation shall revert to the General Fund:

- (1) Item 4440-301-0001, Budget Act of 1999 (Ch. 50, Stats. 1999), 55.18.260—Atascadero: Improve Perimeter and Roofline Security—Preliminary plans, working drawings, and construction, as reappropriated by Item 4440-493, Budget Act of 2000 (Ch. 52, Stats. 2000).

Item	Amount
4440-496—Reversion, Department of Mental Health. As of June 30, 2001, the following amounts from the unencumbered balances of the appropriations provided in the following citation shall revert to the General Fund.	
(1) \$6,000,000 from Item 4440-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000) pertaining to Mobile Crisis Assistance Services.	
(2) \$500,000 from Item 4440-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000) pertaining to Dual Diagnosis for Underserved Populations.	
4700-001-0001—For support of Department of Community Services and Development .....	350,000
Schedule:	
(1) 47-Naturalization Services .....	350,000
4700-001-0853—For support of Department of Community Services and Development .....	140,000
Schedule:	
(1) 20-Energy Programs .....	140,000
4700-001-0890—For support of Department of Community Services and Development, payable from the Federal Trust Fund .....	9,233,000
Schedule:	
(1) 20-Energy Programs .....	8,545,000
(2) 40-Community Services .....	2,800,000
(3) 50.01-Administration .....	3,100,000
(4) 50.02-Distributed Administration ...	-3,100,000
(5) Reimbursements .....	-2,112,000
Provisions:	
1. On a federal fiscal year basis, the Department of Community Services and Development shall make the following program allocation for the community services block grant, as a percentage of the total block grant:	
(a) Administration .....	5 percent
2. Any unexpended federal funds from Item 4700-001-0890, Budget Act of 2000, shall be in augmentation of Item 4700-001-0890 of this act and not subject to the provisions of Section 28.00.	
4700-101-0001—For local assistance, Department of Community Services and Development .....	7,700,000
Schedule:	
(1) 40-Community Services .....	1,000,000
(2) 47-Naturalization Services .....	6,650,000
(3) 97.20.004-Local Projects .....	50,000

Item	Amount
<ul style="list-style-type: none"> <li>(a) Napa County Coalition for Economic Opportunity for Napa Valley Coalition of Non-Profit Agencies: Model Program for Non-Profit Coalition Training and Purchasing of Services (50,000)</li> </ul>	
Provisions:	
<ul style="list-style-type: none"> <li>1. The administrative expenses of the Department of Community Services and Development related to naturalization services provided under Schedule (2) are budgeted in Item 4700-001-0001 at a level not to exceed 5 percent of the total funds appropriated for that program.</li> </ul>	
4700-101-0853—For local assistance, Department of Community Services and Development .....	4,717,000
Schedule:	
(1) 20-Energy Programs.....	4,717,000
4700-101-0890—For local assistance, Department of Community Services and Development, for assistance to individuals and payments to service providers, payable from the Federal Trust Fund .....	112,053,000
Schedule:	
(1) 20-Energy Programs.....	63,685,000
(2) 40-Community Services .....	50,482,000
(3) Reimbursements.....	-2,114,000
Provisions:	
<ul style="list-style-type: none"> <li>1. On a federal fiscal year basis, the department shall make the following program allocations for the community services block grant as a percentage of the total block grant: <ul style="list-style-type: none"> <li>(a) Discretionary ..... 5 percent</li> <li>(b) Migrant and seasonal farm workers ..... 10 percent</li> <li>(c) Native American Indian programs ..... 3.9 percent</li> <li>(d) Community action agencies and rural community services .....76.1 percent</li> </ul> </li> </ul>	
All grantees under the community services block grant program shall be subject to standard state contracting procedures required under the program.	

Item	Amount
<ul style="list-style-type: none"> <li>2. Funds collected by the department from energy contractors as a result of overpayments shall be used for local assistance for energy programs, and funds collected from community service block grant (CSBG) contractors as a result of overpayments shall be used for local assistance for CSBG programs in 2001-02.</li> <li>3. Funds scheduled in Item 4700-101-0890 may be transferred to Item 4700-001-0890 for the administration of the Low Income Home Energy Assistance Programs, subject to approval of the Department of Finance.</li> <li>4. Any unexpended federal funds from Item 4700-101-0890, Budget Act of 2000, shall be in augmentation of Item 4700-101-0890 of this act and not subject to the provisions of Section 28.00.</li> </ul>	
5100-001-0001—For support of Employment Development Department, for payment to Item 5100-001-0870.....	30,514,000
Provisions:	
<ul style="list-style-type: none"> <li>2. Of the funds appropriated in this item, up to \$5,000,000 shall be used to provide grants to community organizations, including faith-based and secular organizations that are not owned or operated as pervasively sectarian institutions, and that have been limited in their ability to take advantage of this funding due to limited resources and a lack of experience in dealing with the competitive contracting process and the allocation processes currently in place at the local level, but which reach and serve the most difficult-to-serve and hardest-to-employ individuals. No pervasively sectarian religious organization is eligible for funds under this item, but a separate nonprofit entity or affiliate that is a tax-exempt organization under Section 501(c)(3) of the federal Internal Revenue Code, may apply for and receive grants under its own auspices. Grants shall be awarded using a process that shall include provisions regarding existing constitutional protections. Grants or contracts awarded under this section shall comply with Section 4 of Article I and Section 5 of Article XVI of the California Constitution, state and federal civil rights laws, and the First Amendment to the United States Constitution in regard to pervasively sectarian organizations.</li> </ul>	

Item	Amount
<p>These legal constraints include prohibitions on discrimination against beneficiaries and staff based on protected categories and the promoting of religious doctrine to advance sectarian beliefs. It is the intent of this item in funding these grants that the Employment Development Department assist recipient organizations in competing for ongoing funding from other public and private sources. In implementing this program, the department shall also ensure coordination with existing county programs. Of the funds set aside in this provision, the department may use up to \$250,000 for administrative expenses, subject to approval by the Department of Finance.</p>	
<p>5100-001-0184—For support of Employment Development Department, for payment to Item 5100-001-0870, payable from the Employment Development Department Benefit Audit Fund .....</p>	9,476,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.</li> </ol>	
<p>5100-001-0185—For support of Employment Development Department, for payment to Item 5100-001-0870, payable from the Employment Development Contingent Fund .....</p>	42,127,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. Funds appropriated in this item are in lieu of the amounts that otherwise would have been appropriated for administration pursuant to Section 1586 of the Unemployment Insurance Code.</li> <li>2. Notwithstanding the provisions of Item 9840-001-0494, the Director of Finance may authorize the creation of deficiencies pursuant to Section 11006 of the Government Code for the purposes of this item.</li> <li>3. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.</li> </ol>	
<p>5100-001-0514—For support of Employment Development Department, for payment to Item 5100-001-0870, payable from the Employment Training Fund .....</p>	83,800,000

Item

Amount

Provisions:

- 1. Notwithstanding subdivision (a) of Section 2.00 of this act, funds disencumbered from Employment Training Fund training contracts during 2001–02 are hereby appropriated for transfer to, and in augmentation of, this item for allocation by the Employment Training Panel for training contracts.
- 2. Any funds appropriated for the Employment Development Department, State-Local Cooperative Labor Market Information Program, if not expended by June 30, 2002, shall be made available to the Employment Training Fund for purposes of funding job training contracts.

5100-001-0588—For support of Employment Development Department, for payment to Item 5100-001-0870, payable from the Unemployment Compensation Disability Fund..... 152,434,000

Provisions:

- 1. The Employment Development Department shall submit on October 1, 2001, and April 20, 2002, to the Department of Finance for its review and approval, an estimate of expenditures for both the current and budget years, including the assumptions and calculations underlying Employment Development Department projections for expenditures from this item. The Department of Finance shall approve, or modify, the assumptions underlying all estimates within 15 working days of the due date. If the Department of Finance does not approve or modify in writing, the assumptions underlying all estimates within 15 working days of the due date, the Employment Development Department shall consider the assumptions and calculations approved as submitted. If the Department of Finance determines that the estimate of expenditures differs from the amount appropriated by this item, the Director of Finance shall so report to the Legislature. At the time the report is made, the amount of this appropriation shall be adjusted by the difference between this Budget Act appropriation and the approved estimate of the Department of Finance. Revisions reported pursuant to this provision are not subject to Section 28.00 of this act.
- 2. Notwithstanding the provisions of Item 9840-001-0988, the Director of Finance may authorize



Item	Amount
the creation of deficiencies pursuant to Section 11006 of the Government Code, for the purposes of this item.	
5100-001-0869—For support of state programs under the Job Training Partnership Act (JTPA) and the Workforce Investment Act (WIA), Employment Development Department, for Program 60—JTPA and 61—WIA, payable from the Consolidated Work Program Fund .....	218,776,000
Schedule:	
(1) 61-Workforce Investment Act (WIA) Program.....	173,776,000
(2) 62-National Emergency Grant Program.....	45,000,000
Provisions:	
1. Provision 1 of Item 5100-001-0588 also applies to this item.	
2. The Secretary of the California Health and Human Services Agency, with Department of Finance approval, and not sooner than 30 days after notification to the Joint Legislative Budget Committee, is authorized to transfer funds appropriated in this item to the California Workforce Investment Board, Federal Trust Fund, Item 5120-001-0890, to facilitate the implementation and operation of the Workforce Investment Act Program.	
4. The Employment Development Department, in collaboration with One-Stop partners, shall prepare a survey of One-Stop Career Centers to identify barriers to access for persons with physical and learning disabilities and for limited-English-speaking individuals, including (a) physical barriers to access to One-Stop Centers, and whether those barriers are in state-owned or rented/leased buildings; (b) assistive technology required to make One-Stop Center information available to persons with disabilities; (c) One-Stop staff training to serve persons with physical and learning disabilities or language barriers; and (d) One-Stop assessment tools, services, and materials specifically designed for persons with disabilities or language barriers.	
5100-001-0870—For support of Employment Development Department, payable from the Unemployment Administration Fund—Federal .....	522,206,000

Item	Amount
Schedule:	
(1) 10-Employment and Employment Related Services .....	214,339,000
(2) 21-Tax Collections and Benefit Payments .....	537,611,000
(3) 22-California Unemployment Insur- ance Appeals Board .....	59,350,000
(4) 30.01-General Administration .....	45,972,000
(5) 30.02-Distributed General Adminis- tration.....	-45,734,000
(6) 50-Employment Training Panel.....	75,871,000
(7) 61-Workforce Investment Act (WIA) Program.....	56,000
(8) Reimbursements.....	-28,796,000
(9) Amount payable from the General Fund (Item 5100-001-0001) .....	-30,514,000
(10) Amount payable from the Employ- ment Development Department Benefit Audit Fund (Item 5100- 001-0184) .....	-9,476,000
(11) Amount payable from the Employ- ment Development Contingent Fund (Item 5100-001-0185).....	-42,127,000
(12) Amount payable from the Em- ployment Training Fund (Item 5100-001-0514) .....	-83,800,000
(13) Amount payable from the Unem- ployment Compensation Disabil- ity Fund (Item 5100-001-0588) ..	-152,434,000
(14) Amount payable from Unem- ployment Fund—Federal (Item 5100-001-0871) .....	-16,885,000
(15) Amount payable from the School Employees Fund (Item 5100- 001-0908).....	-827,000
(16) Amount payable from the Em- ployment Development Conting- ent Fund (Sec. 1586, Unem- ployment Insurance Code) .....	-400,000
Provisions:	
1. Funds appropriated in this item are in lieu of the amounts that otherwise would have been appropriated pursuant to Section 1555 of the Unemployment Insurance Code.	
2. Provision 1 of Item 5100-001-0588 also applies to funds appropriated in this item for the Unemployment Insurance Program.	

Item	Amount
5100-001-0871—For support of the Employment Development Department, for payment to Item 5100-001-0870, payable from the Unemployment Fund—Federal.....	16,885,000
5100-001-0908—For support of Employment Development Department, for payment to Item 5100-001-0870, payable from the School Employees Fund ....	827,000
Provisions:	
1. Notwithstanding the provisions of Item 9840-001-0988, the Director of Finance may authorize the creation of deficiencies pursuant to Section 11006 of the Government Code, for the purposes of this item.	
2. Funds appropriated in this item are in lieu of the amounts that otherwise would have been appropriated for administration pursuant to Section 822 of the Unemployment Insurance Code.	
3. Provision 1 of Item 5100-001-0588 also applies to this item.	
5100-011-0184—For support of the Employment Development Department, the amount of the unencumbered balance exceeding \$1,000,000 in the Employment Development Department Benefit Audit Fund as of June 30, 2002, shall be transferred to the General Fund.	
5100-011-0185—For support of Employment Development Department payable from the Employment Development Contingent Fund. Notwithstanding any other provision of law, the State Controller shall transfer to the General Fund the amount, as determined by the Director of Finance, in the Employment Development Contingent Fund as of June 30, 2002, that is in excess of the \$1,000,000 reserve required by Section 1590 of the Unemployment Insurance Code.	
5100-011-0890—For support of Employment Development Department, payable from the Federal Trust Fund, for transfer to the Unemployment Administration Fund—Federal .....	(522,206,000)
5100-021-0890—For support of Employment Development Department, payable from the Federal Trust Fund, for transfer to the Consolidated Work Program Fund.....	(218,776,000)
5100-041-0890—For support of Employment Development Department, payable from the Federal Trust Fund, for transfer to the Unemployment Fund—Federal.....	(16,885,000)

Item	Amount
5100-101-0001—For local assistance, Employment Development Department.....	950,000
Schedule:	
(1) 67-At Risk Youth Demonstration Project.....	250,000
(2) 97.20.004-Local Projects .....	700,000
(a) Culver Palms Church of Christ: Culver Palms Life Skills Lab.....	(100,000)
(b) Glide Tech Memorial Church: Expanding and creating new information technology certification programs servicing welfare and low-income constituencies .....	(300,000)
(c) Women Advancing the Valley through Education, Economics, and Empowerment (WAVE): Resource Center for WAVE .	(100,000)
(d) Jewish Vocational Services Capital Campaign.....	(200,000)
5100-101-0588—For local assistance, Employment Development Department, for Program 21—Tax Collections and Benefit Payments, payable from the Unemployment Compensation Disability Fund....	2,456,301,000
Provisions:	
1. Notwithstanding Item 9840-001-0988, the Director of Finance may authorize the creation of deficiencies pursuant to Section 11006 of the Government Code for the purposes of this item.	
2. Funds appropriated in this item are in lieu of the amounts that otherwise would have been appropriated pursuant to Section 3012 of the Unemployment Insurance Code.	
3. Provision 1 of Item 5100-001-0588 also applies to this item.	

Item	Amount
5100-101-0869—For local assistance under Workforce Investment Act (WIA), Employment Development Department, Program 61-WIA Program, payable from the Consolidated Work Program Fund.....	446,593,000
Provisions:	
1. Provision 1 of Item 5100-001-0588 also applies to this item.	
5100-101-0871—For local assistance, Employment Development Department, for Program 21—Tax Collections and Benefit Payments, payable from the Unemployment Fund—Federal .....	2,555,831,000
Provisions:	
1. Funds appropriated in this item are in lieu of the amounts that would have otherwise been appropriated pursuant to Section 1521 of the Unemployment Insurance Code.	
2. Provision 1 of Item 5100-001-0588 also applies to this item.	
5100-101-0890—For local assistance, Employment Development Department, payable from the Federal Trust Fund, for transfer to the Consolidated Work Program Fund.....	(446,593,000)
5100-101-0908—For local assistance, Employment Development Department, for Program 21—Tax Collections and Benefit Payments, payable from the School Employees Fund .....	31,220,000
Provisions:	
1. Notwithstanding Item 9840-001-0988, the Director of Finance may authorize the creation of deficiencies pursuant to Section 11006 of the Government Code for the purposes of this item.	
2. Funds appropriated in this item are in lieu of the amounts that otherwise would have been appropriated for benefits pursuant to Section 822 of the Unemployment Insurance Code.	
3. Provision 1 of Item 5100-001-0588 also applies to this item.	
5100-111-0890—For local assistance, Employment Development Department, payable from the Federal Trust Fund, for transfer to the Unemployment Fund—Federal .....	(2,555,831,000)
5100-311-0690—For capital outlay, Employment Development Department. To prevent the loss of funds in the Employment Development Department Building Funds, the unencumbered balances of the funds deposited in the Employment Development Depart-	

Item	Amount
ment Building Fund shall be transferred to the Federal Unemployment Fund. Provisions:	
1. The Employment Development Department shall report to the Legislature by September 1, 2001, the amount of funds transferred pursuant to this item.	
5100-490—Reappropriation, Employment Development Department. Notwithstanding any other provision of law, the balance of the appropriations in the following citations is reappropriated for the purpose specified, and shall be available for encumbrance and expenditure until June 30, 2003:	
0579—Welfare-to-Work Fund	
(1) Item 5100-001-0579, Budget Act of 1998, (Ch. 324, Stats. 1998) in support of the Welfare-to-Work Program.	
(2) Item 5100-101-0579, Budget Act of 1998, (Ch. 324, Stats. 1998) for local assistance under the Welfare-to-Work grant.	
(3) Chapter 6, Statutes of 1998, for local assistance under the Welfare-to-Work grant.	
0890—Federal Trust Fund	
(1) Item 5100-031-0890, Budget Act of 1998, (Ch. 324, Stats. 1998) in support of the Welfare-to-Work Program.	
(2) Item 5100-131-0890, Budget Act of 1998, (Ch. 324, Stats. 1998) for local assistance under the Welfare-to-Work grant.	
(3) Chapter 6, Statutes of 1998, for local assistance under the Welfare-to-Work grant.	
5100-491—Reappropriation, Employment Development Department. Notwithstanding any other provision of law, the balance of the appropriations in the following citations is reappropriated for the purpose specified, and shall be available for encumbrance and expenditure until June 30, 2004:	
0579—Welfare-to-Work Fund	
(1) Item 5100-001-0579, Budget Act of 1999, (Ch. 50 Stats. 1999) in support of the Welfare-to-Work Program.	
(2) Item 5100-101-0579, Budget Act of 1999, (Ch. 50, Stats. 1999) for local assistance under the Welfare-to-Work grant.	

Item	Amount
0890—Federal Trust Fund	
(1) Item 5100-031-0890, Budget Act of 1999, (Ch. 50, Stats. 1999) in support of the Welfare-to-Work Program.	
(2) Item 5100-131-0890, Budget Act of 1999, (Ch. 50, Stats. 1999) for local assistance under the Welfare-to-Work grant.	
5120-001-0890—For support of the California Workforce Investment Board, payable from the Federal Trust Fund.....	4,752,000
Schedule:	
(1) 10-CA Workforce Investment Program.....	5,617,000
(2) Reimbursements.....	-865,000
Provisions:	
1. The Secretary of the Health and Human Services Agency, with the approvals of the California Workforce Investment Board and Department of Finance, and not sooner than 30 days after notification to the Joint Legislative Budget Committee, is authorized to transfer funds appropriated in this item to the Employment Development Department, Consolidated Work Program Fund, Item 5100-001-0869, to facilitate the implementation and operation of the Workforce Investment Act Program.	
2. The California Workforce Investment Board shall complete the following activities and report thereon to the concerned policy committees and the budget committees of the Legislature, no later than January 1, 2002:	
(a) Adoption of a recommended protocol for policy development and oversight of the Workforce Investment Act program, including clear definition of roles for the California Health and Human Services Agency, Employment Development Department, and the board. The report shall include the status of adoption of the protocol by policymakers.	
(b) A plan for distribution of the protocol among stakeholders so that employers, employees, educators, job training providers, and other stakeholders have access to the information, including information on how to seek change, when appropriate.	
(c) Adoption of a recommendation about where California statutes are in conflict with the new	

Item

Amount

Workforce Investment Act requirements, and where new law would be of assistance in fully redesigning California's workforce development system.

- 3. The California Workforce Investment Board shall review the Performance Based Accountability System and the required federal Workforce Investment Act reporting, and shall consider whether additional resources are needed to assure that the Performance Based Accountability System information is comprehensive, timely, available to appropriate stakeholders, and aligned with federal Workforce Investment Act reporting requirements. The board shall provide recommendations to the Employment Development Department and the California Health and Human Services Agency, and shall report to the Legislature by September 1, 2001, on the status of those recommendations.

5160-001-0001—For support of Department of Rehabilitation..... 47,519,000

Schedule:

- (1) 10-Vocational Rehabilitation Services.....320,287,000
- (2) 20-Habilitation Services ..... 2,331,000
- (3) 30-Support of Community Facilities 5,957,000
- (4) 40.01-Administration..... 22,956,000
- (5) 40.02-Distributed Administration ...-22,956,000
- (6) Reimbursements..... -7,926,000
- (7) Amount payable from the Vending Stand Account (Item 5160-001-0600)..... -3,360,000
- (8) Amount payable from the Federal Trust Fund (Item 5160-001-0890)..... -269,770,000

Provisions:

- 1. In order to participate in the County Mental Health Cooperative Programs, a county shall identify, in its joint proposal with a local office of the Department of Rehabilitation, cash and in-kind resources it shall make available for pre-vocational and other services to supplement vocational rehabilitation resources.
- 2. Upon order of the Director of Finance, the Controller shall transfer such funds as are necessary between this item and Item 4300-101-0001 to provide for the transportation costs to and from work



Item	Amount
<ul style="list-style-type: none"> <li>activity programs of clients who are receiving vocational rehabilitation services through the Vocational Rehabilitation/Work Activity Program (VR/WAP) Transition program.</li> </ul>	
<ul style="list-style-type: none"> <li>3. The department shall maximize its use of certified time as a match for federal vocational rehabilitation funds. To the extent that certified time is available, it shall be used in lieu of the General Fund moneys.</li> </ul>	
<ul style="list-style-type: none"> <li>4. Upon order of the Director of Finance, the Controller shall transfer the General Fund share of budgeted client costs as necessary between this item and Item 4300-101-0001 to provide for the net transfer of clients, resulting from program closures, between the Department of Rehabilitation and the Department of Developmental Services. The amount transferred shall be based on the amount budgeted per client by each department for the remainder of the fiscal year.</li> </ul>	
5160-001-0600—For support of Department of Rehabilitation, for payment to Item 5160-001-0001, payable from the Vending Stand Fund .....	3,360,000
5160-001-0890—For support of Department of Rehabilitation, for payment to Item 5160-001-0001, payable from the Federal Trust Fund .....	269,770,000
Provisions:	
<ul style="list-style-type: none"> <li>1. The amount appropriated in this item that is payable from federal Social Security Act funds for vocational rehabilitation services for SSI/SSDI recipients shall be expended only to the extent that funds received exceed the amount appropriated by Item 5160-101-0890 that is payable from the federal Social Security Act funds. It is the intent of the Legislature that first priority of federal Social Security Act funding be given to Independent Living Centers in the amount of federal Social Security Act funding appropriated by Item 5160-101-0890.</li> </ul>	
5160-101-0001—For local assistance, Department of Rehabilitation .....	107,093,000
Schedule:	
<ul style="list-style-type: none"> <li>(1) 10-Vocational Rehabilitation Services.....</li> <li>(2) 20-Habilitation Services .....</li> <li>(3) 30-Support of Community Facilities .....</li> </ul>	<ul style="list-style-type: none"> <li>587,000</li> <li>118,096,000</li> <li>13,458,000</li> </ul>

Item	Amount
(3.5) 97.20.004-Local Projects .....	350,000
(a) Accessible San Diego: Welcome Center for Disabled.....	(100,000)
(b) Marin Brain Injury Network (MBIN): Purchase manufactured buildings to be placed on College of Marin land.	(250,000)
(4) Reimbursements.....	-13,936,000
(5) Amount payable from Federal Trust Fund (Item 5160-101-0890).....	-11,462,000
Provisions:	
1. Upon order of the Director of Finance, the Controller shall transfer funds as are necessary between this item and Item 5160-001-0001 to provide the state's share of client service expenditures for habilitation clients who are eligible to become vocational rehabilitation clients.	
2. Upon order of the Director of Finance, the Controller shall transfer the General Fund share of budgeted client costs as necessary between this item and Item 4300-101-0001 to provide for the net transfer of clients, resulting from program closures, between the Department of Rehabilitation and the Department of Developmental Services. The amount transferred shall be based on the amount budgeted per client by each department for the remainder of the fiscal year.	
3. A loan may be made available from the General Fund to the Department of Rehabilitation not to exceed a cumulative total of \$4,135,000. The loan funds may be transferred to this item as required to meet cash-flow needs due to delays in collecting reimbursements from the Department of Developmental Services for costs associated with services provided under the Home and Community-Based Services Waiver, and are subject to the repayment provisions of Section 16351 of the Government Code.	
5160-101-0890—For local assistance, Department of Rehabilitation, for payment to Item 5160-101-0001, payable from the Federal Trust Fund.....	11,462,000

Item	Amount
5160-495—Reversion, Department of Rehabilitation. As of June 30, 2001, \$8,405,000 of the appropriation provided in the following citation shall revert to the fund balance of the fund from which the appropriation was made.	
(1) Item 9906-001-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
5170-001-0001—For support of State Independent Living Council .....	0
Schedule:	
(1) 10-State Council Services.....	429,000
(2) Reimbursements.....	-429,000
5175-001-0001—For support of Department of Child Support Services.....	10,024,000
Schedule:	
(1) 10-Child Support Services .....	29,644,000
(2) Amount payable from the Federal Trust Fund (Item 5175-001-0890).....	-19,620,000
5175-001-0890—For support of Department of Child Support Services, for payment to Item 5175-001-0001, payable from the Federal Trust Fund .....	19,620,000
5175-002-0001—For support of Department of Child Support Services.....	21,853,000
Schedule:	
(1) 10-Child Support Services .....	78,492,000
(2) Reimbursements.....	-122,000
(3) Amount payable from the Federal Trust Fund (Item 5175-002-0890).-	56,517,000
Provisions:	
1. Funds in this item shall be used for contracts and interagency agreements in the child support program, unless otherwise authorized by the Department of Finance no sooner than 30 days after providing notification in writing to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee, or no sooner than such lesser time as the chairperson of the committee, or his or her designee, may in each instance determine.	
2. Notwithstanding any other provision of law, the Department of Finance may augment this item to reimburse the Judicial Council for the increased costs associated with salary adjustments for child support commissioners and family law facilitators pursuant to Section 70141(e) of the Government Code, in the event such salary adjustments are	

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provided to superior court judges, no sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house of the Legislature that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine.	
5175-002-0890—For support of Department of Child Support Services, for payment to Item 5175-002-0001, payable from the Federal Trust Fund .....	56,517,000
Provisions:	
1. Provisions 1 and 2 of Item 5175-002-0001 also apply to this item.	
5175-101-0001—For local assistance, Department of Child Support Services .....	434,876,000
Schedule:	
(1) 10-Child Support Services .....	966,613,000
(a) 10.01-Child Support Administration.....	644,586,000
(b) 10.02-Child Support Incentives..	308,486,000
(c) 10.03-Child Support Automation ...	13,541,000
(2) Amount payable from the Federal Trust Fund (Item 5175-101-0890) .....	-176,237,000
(2.5) Amount payable from the Child Support Collections Recovery Fund (Item 5175-101-8004)....	-355,000,000
(3) Reimbursements .....	-500,000
Provisions:	
1. No funds appropriated in this item shall be encumbered unless every rule or regulation adopted and every child support services letter or similar instruction issued by the Department of Child Support Services that adds to the cost of the child support program is approved by the Department of Finance as to the availability of funds before it becomes effective. In making the determination as to availability of funds to meet the expenditures of a rule, regulation, or child support services letter that would increase the costs of the program, the Department of Finance shall consider the amount of the proposed increase on an annualized	

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basis, the effect the change would have on the expenditure limitations for the program set forth in this act, the extent to which the rule, regulation, or child support services letter constitutes a deviation from the premises under which the expenditure limitations were prepared, and any additional factors relating to the fiscal integrity of the program or the state's fiscal situation.

Notwithstanding Control Sections 27.00 and 28.00 of this act, the availability of funds contained in this item for child support program rules, regulations, or child support services letters that add to program costs funded from the General Fund in excess of \$500,000 on an annual basis, including those that are the result of federal regulations but excluding those that are (a) specifically required as a result of the enactment of a federal or state law, or (b) included in the appropriation made by this act, shall not be approved by the Department of Finance sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or such lesser time as the chairperson of the committee, or his or her designee, may in each instance determine. Funds appropriated in this item are for the child support program consisting of state and federal statutory law, regulations, and court decisions, if funds necessary to carry out those decisions are specifically appropriated in this act.

2. Notwithstanding any other provision of law, a loan not to exceed \$110,000,000 shall be made available from the General Fund, from funds not otherwise appropriated, to cover the federal share of costs of the program when the federal funds have not been received by this state prior to the usual time for transmitting that federal share to the counties of this state or to cover the federal share of child support collections for which the federal funds have been reduced prior to the collections being received from the counties. This loan from the General Fund shall be repaid when the federal share of costs for the program becomes available or when the collections are received from the counties.

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- 3. The Department of Finance may authorize the establishment of positions and transfer of amounts from this item to Item 5175-001-0001 in order to allow the state to perform the functions or oversee the functions of the local child support agency in the event a county fails to perform that function or is out of compliance with state performance standards.
- 4. It is the intent of the Legislature that the California Child Support Automation Project receive the highest commitment and priority of all of the state's child support automation activities.
- 5. Of the amount appropriated in this item, \$18,262,000 shall be available for approving funding for county specific automation projects for the enhancements to existing county child support automation system and for transitioning counties from existing legacy systems to one of the four selected consortia systems. The funds subject to this provision shall be available for expenditure by the Department of Child Support Services until June 30, 2004.
- 6. Of the amount appropriated in this item, the \$18,262,000 allocated for enhancements to the existing county child support automation systems shall not be expended until the Department of Finance approves the Advance Planning Document that is submitted to the federal Administration of Children and Families. In the event that any proposed enhancements are not approved for federal financial participation, the Department of Child Support Services shall submit a revised plan to the Department of Finance detailing how it will reprioritize projects to remain within existing General Fund expenditure authority.

5175-101-0890—For local assistance, Department of Child Support Services, for payment to Item 5175-101-0001, payable from the Federal Trust Fund..... 176,237,000  
 Provisions:

- 1. Provisions 1 and 5 of Item 5175-101-0001 also apply to this item.
- 2. The Department of Finance may authorize the establishment of positions and transfer of amounts from this item to Item 5175-001-0890 in order to allow the state to perform the functions or oversee the functions of the local child support agency in

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the event a county fails to perform that function or is out of compliance with state performance standards.	
3. Of the funds appropriated in this item, the Department of Child Support Services shall reimburse the Department of Social Services quarterly for the federal share of Foster Care Child Support Collections reported to the federal government.	
4. The Department of Child Support Services shall abate to Program 10.01, Child Support Administration, the federal share of child support collections received from the counties.	
5175-101-8004—For local assistance, Department of Child Support Services, for payment to Item 5175-101-0001, payable from the Child Support Collections Recovery Fund.....	355,000,000
Provisions:	
1. Notwithstanding any other provision of law, the Director of Finance may augment this appropriation, for the purposes of the Section 17702.5 of the Family Code, not sooner than 30 days after notification in writing of the necessity thereof is provided to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house of the Legislature that considers appropriations, or not sooner than whatever lesser time as the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine.	
5175-495—Reversion, Department of Child Support Services. As of June 30, 2001, \$6,149,000 of the appropriation provided in the following citation shall revert to the fund balance of the fund from which the appropriation was made.	
0001—General Fund	
(1) Item 5175-101-0001, (a) Child Support Services	
(2) 10.02 Child Support Incentives, of the Budget Act of 2000 (Ch. 52, Stats. 2000)	
5180-001-0001—For support of Department of Social Services .....	95,932,000
Schedule:	
(1) 16-Welfare Programs.....	71,965,500
(2) 25-Social Services and Licensing...	142,860,500
(3) 35-Disability Evaluation and Other Services.....	212,372,500
(4) 60.01-Administration.....	35,358,000
(5) 60.02-Distributed Administration ...	-35,358,000

Item	Amount
(6) Reimbursements.....	-19,364,000
(7) Amount payable from Foster Family Home and Small Family Home Insurance Fund (Item 5180-001-0131).....	-3,000,000
(8) Amount payable from the Federal Trust Fund (Item 5180-001-0890).....	-308,902,500
Provisions:	
1. The Department of Finance may authorize the transfer of funds from Schedule (2) of this item to Schedule (3), Program 25.45, of Item 5180-151-0001, Community Care Licensing, in order to allow counties to perform the facilities evaluation function.	
2. The Department of Finance may authorize the transfer of funds from Schedule (2) of this item to Schedule (1)(b), Program 25.25.020, of Item 5180-151-0001, Adoptions, in order to allow counties to perform the adoptions program function.	
3. Nonfederal funds appropriated in this item which have been budgeted to meet the state's Temporary Assistance for Needy Families maintenance-of-effort requirement established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may not be expended in any way that would cause their disqualification as a federally allowable maintenance-of-effort expenditure.	
4. The Continuing Care Contracts Branch shall retain an actuarial consultant to be available as needed. Notwithstanding paragraph (4) of subdivision (b) of Section 1778 of the Health and Safety Code, the State Department of Social Services may use no more than 20 percent of the fees collected pursuant to Chapter 10 (commencing with Section 1770) of Division 2 of the Health and Safety Code for overhead costs, facilities operation, and indirect department costs.	
5180-001-0131—For support of Department of Social Services, for payment to Item 5180-001-0001, for claim payments and the operation and maintenance of the Foster Family Home and Small Family Home Insurance Fund.....	3,000,000



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Provisions:	
1. The Department of Finance is authorized to approve expenditures from the unexpended balance available from prior years' appropriations in the Foster Family Home and Small Family Home Insurance Fund during the 2001-02 fiscal year, in those amounts made necessary by increases in either the payment of claims or the costs of operating and maintaining the Foster Family Home and Small Family Home Insurance Fund, which are within or in excess of amounts appropriated in this act for that year.	
<p style="margin-left: 40px;">If the Department of Finance determines that the estimate of expenditures will exceed the expenditures authorized for the 2001-02 fiscal year, the department shall notify the Legislature. Upon notification the amount of the limitation for the 2001-02 fiscal year shall be increased by the amount of such excess from the unexpended balance available from prior years' appropriations in the Foster Family Home and Small Family Home Insurance Fund.</p>	
5180-001-0270—For support of Department of Social Services, payable from the Technical Assistance Fund .....	2,711,000
5180-001-0271—For support of Department of Social Services, payable from the Certification Fund .....	1,187,000
5180-001-0279—For support of Department of Social Services, payable from the Child Health and Safety Fund .....	258,000
5180-001-0890—For support of Department of Social Services, for payment to Item 5180-001-0001, payable from the Federal Trust Fund .....	308,902,500
Provisions:	
1. The Department of Finance may authorize the transfer of federal funds from this item to Item 5180-151-0890 in order to allow counties to perform the adoptions program functions, and the facilities evaluation function in Community Care Licensing in the Department of Social Services.	
5180-011-0001—For transfer by the Controller to the Foster Family Home and Small Family Home Insurance Fund .....	2,034,000
Provisions:	
1. Provision 1 of Item 5180-001-0131 also applies to this item.	

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5180-011-0279—For transfer by the Controller from the Child Health and Safety Fund to the State Children’s Trust Fund.....	45,000
5180-011-0890—For transfer by the Controller from the Federal Trust Fund to the Foster Family Home and Small Family Home Insurance Fund .....	966,000
Provisions:	
1. Provision 1 of Item 5180-001-0131 also applies to this item.	
5180-101-0001—For local assistance, Department of Social Services .....	2,591,540,000
Schedule:	
(1) 16.30-CalWORKs.....	5,407,374,000
(a) 16.30.010-As- sistance Pay- ments .....	3,187,224,000
(b) 16.30.020-Ser- vices .....	955,892,000
(c) 16.30.030-Ad- ministration .....	419,178,000
(d) 16.30.040-Child Care .....	584,852,000
(e) 16.30.050- County Proba- tion Facilities...	201,413,000
(f) 16.30.060-Kin- GAP Program..	58,815,000
(2) 16.40-Foster Care.....	904,832,000
(3) 16.50-Adoption Assistance Pro- gram.....	303,267,000
(4) 16.55-Refugee Cash Assistance.....	4,951,000
(5) 16.60-Food Assistance Programs ...	58,272,000
(5.5) 97.20.004-Local Projects .....	3,782,000
(6) Reimbursements.....	-28,653,000
(7) Amount payable from the Emer- gency Food Assistance Program Fund (Item 5180-101-0122).....	-293,000
(8) Amount payable from the Employ- ment Training Fund (Item 5180- 101-0514).....	-61,650,000
(9) Amount payable from the Federal Trust Fund (Item 5180-101- 0890) .....	-4,000,342,000
Provisions:	
1. No funds appropriated in this item shall be en- cumbered unless every rule or regulation adopted and every all-county letter issued by the Depart-	

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ment of Social Services that adds to the cost of any program is approved by the Department of Finance as to the availability of funds before it becomes effective. In making the determination as to availability of funds to meet the expenditures of a rule, regulation, or all-county letter that would increase the costs of a program, the Department of Finance shall consider the amount of the proposed increase on an annualized basis, the effect the change would have on the expenditure limitations for the program set forth in this act, the extent to which the rule, regulation, or all-county letter constitutes a deviation from the premises under which the expenditure limitations were prepared, and any additional factors relating to the fiscal integrity of the program or the state's fiscal situation.

Notwithstanding Control Sections 27.00, 28.00 and 28.50 of this act, the availability of funds contained in this item for rules, regulations, or all-county letters that add to program costs funded from the General Fund in excess of \$500,000 on an annual basis, including those that are the result of a federal regulation but excluding those that are (a) specifically required as a result of the enactment of a federal or state law, or (b) included in the appropriation made by this act, shall not be approved by the Department of Finance sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or such lesser time as the chairperson of the committee, or his or her designee, may in each instance determine.

2. Notwithstanding Chapter 1 (commencing with Section 18000) of Part 6 of Division 9 of the Welfare and Institutions Code, a loan not to exceed \$500,000,000 shall be made available from the General Fund, from funds not otherwise appropriated, to cover the federal share of costs of a program(s) when the federal funds have not been received by this state prior to the usual time for transmitting that federal share to the counties of this state. This loan from the General Fund shall be repaid when the federal share of costs for the program or programs becomes available.

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3. The Department of Finance may authorize the transfer of amounts from this item to Item 5180-001-0001 in order to fund the cost of the administrative hearing process associated with changes in aid payments in the CalWORKs program.
4. The Department of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or any rule or regulation adopted and any all-county letter issued as a result of the enactment of a federal or state law, the adoption of a federal regulation, or the following of a court decision, during the 2001–02 fiscal year that are within or in excess of amounts appropriated in this act for that year.

If the Department of Finance determines that the estimate of expenditures will exceed the expenditures authorized for this item, the department shall so report to the Legislature. At the time as the report is made, the amount of the limitation shall be increased by the amount of the excess unless and until otherwise provided by law.

5. Notwithstanding Section 26.00 of this act, the CalWORKs funding for counties under Schedule (1)(b), 16.30.020-Services; Schedule (1)(c), 16.30.030-Administration; and Schedule (1)(d), 16.30.040-Child Care shall be made as a single allocation pursuant to Section 15204.2 of the Welfare and Institutions Code, except as otherwise provided by Sections 10553.2 and 15204.8. Notwithstanding Section 26.00 of this act, the Department of Finance is authorized to approve the transfer of funds between these CalWORKs components in order to reflect county expenditures. The Department of Social Services may retain up to 10 percent of the funds to be allocated pursuant to Sections 10553.2, 15204.2 and 15204.8 of the Welfare and Institutions Code for the purpose of augmenting local allocations based upon actual expenditures, but the department shall fully allocate those funds by June 30, 2002.
6. Nonfederal funds appropriated in this item which have been budgeted to meet the state's Temporary Assistance for Needy Families maintenance-of-effort requirement established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193)

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<p>may not be expended in any way that would cause their disqualification as a federally allowable maintenance-of-effort expenditure.</p>	
<p>7. In the event of declared disaster and upon county request, the State Department of Social Services may act in the place of any county and assume direct responsibility for the administration of eligibility and grant determination. Upon recommendation of the Director of Social Services, the Department of Finance may authorize the transfer of funds from Items 5180-101-0001 and 5180-101-0890, to Items 5180-001-0001 and 5180-001-0890, for this purpose.</p>	
<p>8. The State Department of Social Services shall submit semiannual reports to the Legislature on the amount spent by counties on substance abuse and mental health treatment services for CalWORKs recipients and the number of recipients receiving those services.</p>	
<p>9. Notwithstanding Section 26.00 of this act, the Department of Finance is authorized to approve the transfer of funds between Schedule (a)(1) 16.30.010-Assistance Payments, Schedule (a)(2) 16.30.020-Services, Schedule (a)(3) 16.30.030-Administration and Schedule (a)(4) 16.30.040-Child Care, in order to meet the Temporary Assistance for Needy Families maintenance-of-effort requirement.</p>	
<p>10. The State Department of Social Services shall make available to the Legislature before February 1, 2002, the following information:</p> <ul style="list-style-type: none"> <li>(a) Characteristics of families who have reached the federal TANF time limit in the 2001-02 fiscal year.</li> <li>(b) Characteristics of families likely to reach the state CalWORKs time limit in the 2002-03 fiscal year.</li> <li>(c) Promising strategies for assisting those families to self-sufficiency.</li> <li>(d) Recommendations for state or local actions to reduce the number of families that reach the CalWORKs time limit.</li> </ul>	
<p>11. The State Department of Social Services shall, by February 1, 2002, provide information to the Legislature that includes the following:</p> <ul style="list-style-type: none"> <li>(a) The amount of funds provided in the 2000-01 fiscal year from county Single Al-</li> </ul>	

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location funds for providing or contracting for services to meet the needs of CalWORKs participants who have suffered from domestic violence.

- (b) The amount of services or other resources provided by communities to meet the needs of CalWORKs participants who have suffered from domestic violence, when those services are a part of the CalWORKs individual service plan.
  - (c) Information, from available sources, about the extent to which these two sources meet the needs for domestic violence services in the CalWORKs participant population.
12. It is the intent of the Legislature to fully fund Stage I and Stage II child care services as a part of the CalWORKs program.
  13. It is the intent of the Legislature that the Employment Services portion of the single allocation pursuant to Section 15204.2 of the Welfare and Institutions Code shall be fully funded.
  14. Of the funds appropriated in this item, an amount not to exceed \$8,000,000 shall be available for the ongoing financial support of foster children, Independent Living Program services for youth beyond age 18, and implementation of an Internet-based Web application to facilitate foster youth access to their own personal history information upon the enactment of a statute establishing the program during the 2001–02 Regular Session.
  15. No later than 60 days after the receipt of fourth-quarter claims, the department shall allocate all funds appropriated or reappropriated to this item pursuant to subdivision (e) of Section 15204.3 of the Welfare and Institutions Code to the counties that are under equity with respect to the single allocation for the 2001–02 fiscal year, according to a methodology developed by the State Department of Social Services in consultation with the County Welfare Directors Association.
  16. Of the funds appropriated in this item, \$3,782,000 shall be for the following projects:
    - (a) CARECEN: Renovation of  
New Headquarters..... (100,000)

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(b) Catholic Charities of Los Angeles: Guadalupe Center in Canoga Park, Renovation.....	(150,000)
(c) Community Development Council of Orange County: New Food Delivery Trucks for Food Bank.....	(68,000)
(d) County of Sonoma: Valley of the Moon Children’s Home—Construction of New Facility ..	(250,000)
(e) County of Sonoma: Valley of the Moon Children’s Home—Construction of New Facility ..	(500,000)
(f) Feedback Foundation Anaheim: Capital Goods for Senior Food Bank.....	(100,000)
(g) Highlands Pre-school and Childcare Center, Infant Toddler Program for Working Poor	(50,000)
(h) People Assisting the Homeless (PATH) Los Angeles: Program Outreach.....	(75,000)
(i) Wellspring Women’s Center: Purchase of New Energy Efficient Heating Unit .....	(25,000)
(j) Pomona Valley Center for Community Development: After-School Care Program at the Pomona Valley Center for Community Development.....	(89,000)
(k) Latin American Civic Association: Headstart .....	(200,000)
(l) New Economics for Women: Construction of Community Educational Center for the La Posada Housing Project, New Economics for Women (NEW).	(250,000)
(m) City of Milpitas: Expansion of the Milpitas’ “stay and play” Program .....	(75,000)
(n) City of Burbank: Childcare Demonstration Project.....	(80,000)
(o) El Centro del Pueblo: For case management and after school services in conjunction with the family development network collaboration.....	(190,000)

Item	Amount
(p) Mid-Valley YMCA: Mid Valley YMCA Afterschool Childcare program.....	(50,000)
(q) Women’s Shelter of Long Beach: Transitional Shelter for Domestic Violence Victims & Families .....	(75,000)
(r) Toberman Settlement House: Capitol Development Program .	(50,000)
(s) Valley of the Moon: Children’s Home.....	(100,000)
(t) First A.M.E. Church: First A.M.E. Church Welfare-to-Work Program in Los Angeles .	(350,000)
(u) Mothers in Action: Mothers in Action Program in Los Angeles	(250,000)
(v) Valley of the Moon: Children’s Home .....	(100,000)
(w) Ward Family Life Programs: Domestic Violence and Health and Well-Being Programs.....	(250,000)
(x) Al Wooten, Jr. Heritage Center: Domestic Violence and Health and Well-Being Programs.....	(100,000)
(y) City of Springville: Springville Community Preschool and Childcare playground.....	(25,000)
(z) City of Oceanside: Middle School After School Programming.....	(50,000)
(aa) City of Twentynine Palms: Knott’s Sky Park pre-School..	(50,000)
(ab) Mexican American Opportunities Foundation: Cargo Van, Mexican American Opportunities Foundation.....	(30,000)
(ac) Clara Mateo Alliance, Inc.: Homeless Women and Children’s Day Service Center .....	(100,000)
5180-101-0122—For local assistance, Department of Social Services, for payment to Item 5180-101-0001, payable from the Emergency Food Assistance Program Fund.....	293,000
5180-101-0514—For local assistance, Department of Social Services, for payment to Item 5180-101-0001, payable from the Employment Training Fund.....	61,650,000



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5180-101-0890—For local assistance, Department of Social Services, for payment to Item 5180-101-0001, payable from the Federal Trust Fund .....	4,000,342,000
Provisions:	
1. Provisions 1, 4, 5, 7, and 15 of Item 5180-101-0001 also apply to this item.	
2. The Department of Finance may authorize the transfer of amounts from this item to Item 5180-001-0890 in order to fund the cost of the administrative hearing process associated with changes in aid payments in the CalWORKs program.	
3. The State Department of Social Services may transfer up to \$10,000,000 of the funds appropriated in this item for Program 16.30.040—CalWORKs Child Care, from the TANF block grant to the Social Services Block Grant (Title XX) pursuant to authorization in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). The Title XX funds shall be pooled with TANF funds appropriated in this item for CalWORKs Child Care, for the purpose of broadening access to federal Child and Adult Care Food Program benefits for low-income children in proprietary child care centers. This transfer shall occur only if the Director of Finance approves the pooling of Title XX funds with CCDF and/or TANF funds.	
5180-102-0001—For local assistance, Department of Social Services .....	25,430,000
Schedule:	
(1) 16.30.020-CalWORKs Services .....	25,430,000
Provisions:	
1. This appropriation shall be used to match federal Welfare-to-Work grant funds appropriated to the Employment Development Department. Notwithstanding Section 15204.2 of the Welfare and Institutions Code, funds that are provided to counties shall be separately allocated and expended in a manner which meets the federal Welfare-to-Work grant matching requirements.	
2. The Department of Social Services shall monitor Welfare-to-Work grant expenditures within the Employment Development Department and ensure that no funds appropriated in this item are expended in excess of the amount needed to meet the matching requirements of the federal Welfare-to-Work grant.	

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5180-111-0001—For local assistance, Department of Social Services .....	3,756,759,000
Schedule:	
(1) 16.70-SSI/SSP .....	2,841,924,000
(2) 25.15-IHSS.....	2,368,376,000
(a) 25.15.010-Servi- ces .....	2,202,660,000
(b) 25.15.020-Admin- istration.....	165,716,000
(3) Reimbursements .....	-1,416,844,000
(4) Amount payable from the Federal Trust Fund (Item 5180-111-0890) .....	-36,697,000

Provisions:

1. Provisions 1 and 4 of Item 5180-101-0001 also apply to this item.
2. Notwithstanding Chapter 1 (commencing with Section 18000) of Part 6 of Division 9 of the Welfare and Institutions Code, a loan not to exceed \$59,000,000 shall be made available from the General Fund from funds not otherwise appropriated, to cover the federal share or reimbursable share, or both, of costs of a program(s) when the federal funds or reimbursements (from the Health Care Deposit Fund or counties) have not been received by this state prior to the usual time for transmitting payments for the federal or reimbursable share of costs for this state. That loan from the General Fund shall be repaid when the federal share of costs for the program(s) becomes available, or in the case of reimbursements, subject to Section 16351 of the Government Code. County reimbursements also shall be subject to Section 16314 of the Government Code, which specifies the rate of interest. The department may offset a county's share of cost of the In-Home Supportive Services (IHSS) program against local assistance payments made to the county if the county fails to reimburse its share of cost of the IHSS program to the state.
3. The Department of Finance may authorize the transfer of amounts between this item and Item 5180-151-0001 in order to reflect modifications in the use of federal Title XX funds. The funds shall not be approved sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house

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<p>that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or such lesser time as the chairpersons of the committees, or their designees, may in each instance jointly determine.</p> <p>4. The State Department of Social Services shall provide technical assistance to counties to ensure that they maximize the receipt of federal funds for the In-Home Supportive Services Program, without compromising the quality of the services provided to In-Home Supportive Services recipients.</p> <p>5. It is the intent of the Legislature to urge members of the California delegation of the United States House of Representatives and the United States Senate to pursue full federal participation in the Cash Assistance Program for Immigrants (CAPI) program.</p>	
<p>5180-111-0890—For local assistance, Department of Social Services for payment to Item 5180-111-0001, payable from the Federal Trust Fund.....</p>	36,697,000
<p>Provisions:</p> <p>1. The Department of Finance may authorize the transfer of amounts between this item and Item 5180-151-0890, in order to reflect modifications in the use of federal Title XX funds. The funds shall not be approved sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or such lesser time as the chairpersons of the committees, or their designees, may in each instance jointly determine.</p>	
<p>5180-141-0001—For local assistance, Department of Social Services .....</p>	405,197,000
<p>Schedule:</p> <p>(1) 16.80-County Administration .....</p> <p>(2) 16.85-Automation Projects .....</p> <p>(3) Reimbursements.....</p> <p>(4) Amount payable from the Federal Trust Fund (Item 5180-141-0890) .....</p>	<p>727,916,000</p> <p>254,425,000</p> <p>-19,545,000</p> <p>-557,599,000</p>
<p>Provisions:</p> <p>1. Notwithstanding Chapter 1 (commencing with Section 18000) of Part 6 of Division 9 of the Welfare and Institutions Code, a loan not to exceed \$127,000,000 shall be made available from the</p>	

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- General Fund, from funds not otherwise appropriated, to cover the federal share of costs of a program(s) when the federal funds have not been received by this state prior to the usual time for transmitting that federal share to the counties of this state. This loan from the General Fund shall be repaid when the federal share of costs for the program or programs becomes available.
2. In the event of declared disaster and upon county request, the State Department of Social Services may act in the place of any county and assume direct responsibility for the administration of eligibility and grant determination. Upon recommendation of the Director of Social Services, the Department of Finance may authorize the transfer of funds from Items 5180-141-0001 and 5180-141-0890, to Items 5180-001-0001 and 5180-001-0890, for this purpose.
  3. Provision 1 of Item 5180-101-0001 also applies to this item.
  4. Pursuant to public assistance caseload estimates reflected in the annual Governor's Budget, the Department of Finance may approve expenditures in those amounts made necessary by changes in caseload that are in excess of amounts appropriated in this act. If the Department of Finance determines that the estimate of expenditures will exceed the expenditures authorized for this item, the department shall so report to the Legislature. At the time the report is made, the amount of the limitation shall be increased by the amount of the excess unless and until otherwise provided by law.
  5. Nonfederal funds appropriated in this item which have been budgeted to meet the state's Temporary Assistance for Needy Families maintenance-of-effort requirement established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may not be expended in any way that would cause their disqualification as a federally allowable maintenance-of-effort expenditure.
  6. Section 11.00 of this act shall apply to contracts entered into for the development and implementation of the Consortium IV, Interim Statewide Automated Welfare System, Los Angeles Eligibility, Automated Determination, Evaluation, and

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Reporting, and Welfare Client Data Systems consortia of the Statewide Automated Welfare System.	
7. Of the amount appropriated in this item, \$1,394,000 for Statewide Automated Welfare System Interim Statewide Automated Welfare System consortium planning shall not be encumbered until the Department of Information Technology reviews and approves the related special project report. These funds shall be made available for encumbrance upon approval by the Department of Finance based on the approved special project report. At the time that it approves the funds availability, the Department of Finance shall provide written notification to the chairperson of the fiscal committees of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.	
8. Of the amount appropriated in this item, \$4,500,000 for the Statewide Automated Welfare System Los Angeles Eligibility, Automated Determination, Evaluation, and Reporting consortium shall not be encumbered until the Department of Finance (DOF) reviews and approves of the additional information submitted, as required by the DOF support letter for the special project report, which specifies the new modifications proposed and the vendor's estimate of the funding needed to complete the proposed modifications. At the time that it approves the funds availability, DOF shall provide written notification to the chairperson of the fiscal committees of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.	
9. Notwithstanding Sections 27.00 and 28.00 of this act, upon request of the Department of Social Services, the Department of Finance may augment the amount available for expenditure in this item to pay costs associated with the replacement, support, or both of the mainframe systems used by the Interim Statewide Automated Welfare System Consortium not sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house of the Legislature that considers appropriations and the Chairperson of the Joint Legislative Budget Committee. The funds appropriated by this provision	

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shall be made available consistent with the amount approved by the Department of Finance based on its review of the special project report or equivalent document.

- 10. The State Department of Social Services shall submit a report to the fiscal and concerned policy committees of the Legislature that provides options for providing an automatic transitional food stamp benefit for former CalWORKs recipients for up to three months after the recipient leaves cash assistance. The proposal shall include the estimated administrative and California Food Assistance Program grant costs, the estimated additional food stamp benefits to California families, the effect on family ability to maintain independence, and any information available about the effective date of federal provision of the benefit. The report shall be available by March 1, 2002.

- 11. The State Department of Social Services and the Health and Human Services Data Center shall immediately notify fiscal and policy committees of the Legislature in the event that the timeframe for implementation of the Electronic Benefit Transfer program is delayed from the schedule made available to the Legislature in the spring of 2001.

5180-141-0890—For local assistance, Department of Social Services, for payment to Item 5180-141-0001, payable from the Federal Trust Fund..... 557,599,000

Provisions:

- 1. Provisions 2, 3, 4, 6, 7, 8, and 9 of Item 5180-141-0001 also apply to this item.

5180-151-0001—For local assistance, Department of Social Services..... 737,672,000

Schedule:

- (1) 25.25-Children’s Services..... 1,789,208,000
  - (a) 25.25.010-Child Welfare Services ..... 1,674,066,000
  - (b) 25.25.020-Adoptions.....89,159,000
  - (c) 25.25.030-Child Abuse Prevention .25,983,000
- (2) 25.35-Special Programs .....126,995,000
  - (a) 25.35.010-Specialized Services ..... 8,944,000

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(b) 25.35.020-Access Assistance for the Deaf.....	5,804,000
(c) 25.35.030-Maternity Care .....	600,000
(d) 25.35.040-Refugee Assistance Services .....	19,343,000
(e) 25.35.050-County Services Block Grant.....	92,304,000
(3) 25.45-Community Care Licensing .....	16,310,000
(4) Reimbursements.....	-57,772,000
(5) Amount payable from the Child Health and Safety Fund (Item 5180-151-0279) .....	-432,000
(6) Amount payable from the Federal Trust Fund (Item 5180-151-0890) .....	-1,136,637,000

Provisions:

1. Provision 1 of Item 5180-101-0001 also applies to this item.
2. Notwithstanding Chapter 1 (commencing with Section 18000) of Part 6 of Division 9 of the Welfare and Institutions Code, a loan not to exceed \$50,000,000 shall be made available from the General Fund from funds not otherwise appropriated, to cover the federal share of costs of a program(s) when the federal funds have not been received by this state prior to the usual time for transmitting that federal share to the counties of this state. That loan from the General Fund shall be repaid when the federal share of costs for the program(s) becomes available.
3. The Department of Finance may authorize the establishment of positions and transfer of amounts from this item to Item 5180-001-0001, in order to allow the state to perform the facilities evaluation function of Community Care Licensing in the event the counties fail to perform that function.
4. The Department of Finance may authorize the transfer of amounts between this item and Item 5180-111-0001 in order to reflect modifications in the use of Title XX funds. The funds shall not be approved sooner than 30 days after notification in writing of the necessity therefor to the chairperson

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of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or such lesser time as the chairpersons of the committees, or their designees, may in each instance jointly determine.

5. Nonfederal funds appropriated in this item which have been budgeted to meet the state's Temporary Assistance for Needy Families maintenance-of-effort requirement established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may not be expended in any way that would cause their disqualification as a federally allowable maintenance-of-effort expenditure.
6. Of the amount appropriated in this item, \$124,874,000 shall be provided to counties to fund additional child welfare service activities and shall be allocated based on child welfare services caseload and county unit costs. However no county shall receive less than \$100,000. These funds shall be expressly targeted for emergency response, family reunification, family maintenance and permanent placement services and shall be used to supplement, and shall not be used to supplant, child welfare services funds. A county is not required to provide a match of the funds received pursuant to this provision if the county appropriates the required full match for the county's child welfare services program exclusive of the funds received pursuant to this provision. These funds are available only to counties that have certified that they are fully utilizing the Child Welfare Services/Case Management System (CWS/CMS) or have entered into an agreed upon plan with the State Department of Social Services outlining the steps that will be taken to achieve full utilization. The department shall reallocate any funds that counties choose not to accept under this provision, to other counties based on the allocation formula specified in this provision.

The department, in collaboration with the County Welfare Directors Association and representatives from labor groups representing social workers, shall develop the definition of full utilization of the CWS/CMS, the method for measuring full utilization, the process for the state and counties to work together to move counties to-



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ward full utilization, and measurements of progress toward full utilization.	
7. In order to receive state funding for adult protective service programs, counties shall participate in the quarterly claims processing, payment, and reporting system developed by the Department of Social Services for the adult protective services program.	
8. Of the amount appropriated in this item, \$1,200,000 shall be provided to counties for the purpose of maintaining and operating Live Scan equipment in county welfare departments. The counties shall utilize this equipment to perform criminal background checks of relatives, foster parents, and others for whom criminal record checks are required when the county is considering a foster child placement. The State Department of Social Services shall allocate these funds to the counties to enable the most efficient use of the equipment. Counties shall not be required to provide a match for these funds if the funds are used exclusively for the maintenance and operation of Live Scan equipment in the Foster Care Program.	
9. The Department of Finance may authorize the establishment of positions and transfer of amounts from this item to Item 5180-001-0001, in order to allow the state to perform the adoptions function in the event that a county notifies the Department of Social Services that it intends to cease performing that function.	
10. Of the funds appropriated in this item, \$2,000,000 shall be for the pilot of the Internet based Health and Education Passport in the County of Los Angeles, to collect and maintain health and education records for children in the foster care system, as required by Section 16010 of the Welfare and Institution Code. Of this amount, the Department of Finance may transfer up to \$500,000 to Item 5180-001-0001 for support of the State Department of Social Services, to provide technical assistance in preparation of the Advance Planning Document, provide Independent Verification and Validation to ensure SACWIS compliance, and to ensure that the project meets federal and state guidelines and privacy requirements.	

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5180-151-0279—For local assistance, Department of Social Services, for payment to 5180-151-0001, payable from the Child Health and Safety Fund.....	432,000
5180-151-0890—For local assistance, Department of Social Services, for payment to Item 5180-151-0001, payable from the Federal Trust Fund.....	1,136,637,000
Provisions:	
1. Provisions 1, 3, 4, 6, 8, and 9 of Item 5180-151-0001 also apply to this item.	
5180-153-0001—For transfer by the State Controller, upon notification by the Department of Social Services, to the Transitional Housing for Foster Youth Fund .....	10,000,000
5180-401—The Director of Finance is authorized to approve transfers not to exceed \$153,043,000 from the federal Temporary Assistance for Needy Families (TANF) block grant to and in augmentation of the amount appropriated in Item 5180-101-0890 Program 16.30.040, CalWORKs child care, for expenditure by the State Department of Social Services, and to the federal Child Care and Development Fund (CCDF) as an augmentation to Item 6110-196-0890 for use by the State Department of Education for CalWORKs local assistance Stage II child care. The moneys transferred to the Department of Education shall be used only for direct services to Stage II child care recipients, and the Department of Education shall use other existing funds available for child care quality expenditures to meet the 4 percent quality requirement of federal law associated with CCDF expenditures. Prior to any fund transfers from TANF to CCDF, the Department of Education shall certify that the transfer will not require additional quality expenditures beyond the existing expenditures. Should additional quality expenditures be required as a result of a transfer pursuant to this provision, these transfers shall become TANF funds and shall not be transferred to the CCDF. In the event of a TANF transfer pursuant to this item, the Department of Education shall comply with existing TANF and CalWORKs regulations and reporting requirements. The Department of Finance shall provide written notification to the chairperson of the fiscal committees of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee at the time of the transfer.	

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5180-402—The Director of Finance is authorized to approve transfers of \$286,794,000 from the federal Temporary Assistance for Needy Families (TANF) block grant to the Child Care and Development Fund administered by the State Department of Education, and the entire amount so transferred shall be used for CalWORKs local assistance Stage II child care. The moneys transferred to the Department of Education shall be used only for direct services to Stage II child care recipients, and the Department of Education shall use other existing funds available for child care quality expenditures to meet the 4 percent quality requirement of federal law associated with CCDF expenditures. Prior to any fund transfers from TANF to CCDF, the Department of Education shall certify that the transfer will not require additional quality expenditures beyond the existing expenditures. Should additional quality expenditures be required as a result of a transfer pursuant to this provision, these transfers shall become TANF funds and shall not be transferred to the CCDF. In the event of a TANF transfer pursuant to this item, the Department of Education shall comply with existing TANF and CalWORKs regulations and reporting requirements. Provisions:

1. Upon request from the State Department of Education, and upon approval by the Director of Finance, the State Department of Social Services is authorized to transfer up to \$10,000,000 from the federal Temporary Assistance to Needy Families (TANF) block grant to the Social Services Block Grant (Title XX) pursuant to authorization in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104–193). These funds shall be provided to the State Department of Education, to be pooled with moneys in the Child Care and Development Fund (CCDF) TANF, or both, for the purpose of broadening access to federal Child and Adult Care Food Program benefits for low-income children in proprietary child care centers. The total amount to be transferred to the State Department of Education from Title XX and TANF combined shall not exceed \$286,794,000. In the event Title XX funds are provided to the State Department of Education pursuant to this provision, the State Department

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<p>of Education shall comply with all Title XX regulations and reporting requirements. The Department of Finance shall provide written notification to the chairperson of the fiscal committees of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee at the time of the transfer.</p>	
<p>5180-403—Upon request of the Secretary for Health and Human Services, the Director of Finance is authorized to approve transfers not to exceed \$30,123,000 from the Federal Temporary Assistance for Needy Families (TANF) block grant to and in augmentation of any program for which TANF funds have been appropriated in this act, only if the request (1) meets all of the conditions set forth in Section 28 of this act, or (2) is consistent with Provision 4 of Item 5180-101-0001. Any transfers pursuant to this paragraph shall require the respective legislative notification procedures set forth in Section 28 or Provision 4 of Item 5180-101-0001, whichever is applicable.</p>	
<p>5180-490—Reappropriation, Department of Social Services. Notwithstanding any other provision of law, the balances of the appropriations provided for in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in those appropriations, and shall be available for expenditure until June 30, 2002:</p> <p>0001—General Fund</p> <p>(1) The balance of the amount appropriated for construction of a child care facility in East Los Angeles in Item 5180-101-0001, Budget Act of 1999 (Ch. 50, Stats. 1999), as reappropriated by Item 5180-490, Budget Act of 2000 (Ch. 52, Stats. 2000), is reappropriated for transfer to and in augmentation of Item 5180-101-0001 of this act for completion of the child care facility in East Los Angeles.</p> <p>0890—Federal Funds</p> <p>(1) The balance of the \$3,000,000 appropriated to fund CalWORKs Support Services Outreach in Item 5180-101-0890 of the Budget Act of 2000 (Ch. 52, Stats. 2000), is reappropriated for transfer to and in augmentation of Item 5180-101-0890 of this act for continued outreach activities.</p>	

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(2) The balance of funds, up to \$6,265,000, appropriated for supplemental federal Chafee Foster Care Grants, in Item 5180-151-0890, Budget Act of 2000 (Ch. 52, Stats. 2000).	
5180-491—Reappropriation, Department of Social Services. Notwithstanding any other provision of law, the balance of the funds for the appropriations provided in the following citations are reappropriated for expenditure pursuant to Provision 1 and are available for expenditure until June 30, 2002:	
0001—General Fund	
(1) Item 5180-111-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(2) Item 5180-141-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(3) Item 5180-151-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
0890—Federal Trust Fund	
(1) Item 5180-111-0890, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(2) Item 5180-141-0890, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(3) Item 5180-151-0890, Budget Act of 2000 (Ch. 52, Stats. 2000)	
Provisions:	
1. It is the intent of this item to continue funding approved activities for the automation projects that, due to schedule changes, result in unexpended appropriations one year and the need for additional funding in the following year. Therefore, notwithstanding any other provision of law, the balance of the appropriations for these automation projects may, upon approval of the Department of Finance, be reappropriated for transfer to and in augmentation of the corresponding items in this act. The funds reappropriated by this provision shall be made available consistent with the amount approved by the Department of Finance and the Department of Information Technology based on an approved special project report or equivalent document not sooner than 30 days after providing notification in writing to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.	

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5180-492—Reappropriation, Department of Social Services. Notwithstanding any other provision of law, the balance of the appropriations in the following citations is reappropriated for the purpose specified, and shall be available for encumbrance and expenditure until June 30, 2004:

0001—General Fund

- (1) Item 5180-102-0001, Budget Act of 1998 (Ch. 324, Stats. 1998), as reappropriated by Item 5180-490, Budget Act of 2000 (Ch. 52, Stats. 2000), for local assistance under the federal Welfare-to-Work match.
- (2) Item 5180-102-0001, Budget Act of 1999 (Ch. 50, Stats. 1999), as reappropriated by Item 5180-490, Budget Act of 2000 (Ch. 52, Stats. 2000), for local assistance under the federal Welfare-to-Work match.
- (3) Item 5180-102-0001, Budget Act of 2000 (Ch. 52, Stats. 2000), for local assistance under the federal Welfare-to-Work match.

YOUTH AND ADULT CORRECTIONAL AGENCY

5240-001-0001—For support of the Department of Corrections..... 4,246,968,000

Schedule:

- (1) 21-Institution Program ..... 3,250,387,000
- (2) 22-Health Care Services Program.....663,783,000
- (3) 31-Community Correctional Program.....433,438,000
- (4) 41.01-Administration.....133,547,000
- (5) 41.02-Distributed Administration..... -133,547,000
- (6) Reimbursements.....-53,265,000
- (7) Amount payable from the Federal Trust Fund (Item 5240-001-0890). -1,974,000
- (8) Amount payable from the Inmate Welfare Fund (Item 5240-001-0917).....-45,401,000

Provisions:

- 1. Funds appropriated to accommodate projected institutional population levels in excess of those that actually materialize, if any, shall revert to the General Fund, except that the Director of Finance may approve an increase in expenditures that are not related to caseload for the Department of Cor-

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- rections through the redirection of funding that is reasonably believed not to be needed for accommodating projected institutional population levels if the approval is made in writing and filed with the Chairperson of the Joint Legislative Budget Committee and the chairperson of each house of the Legislature that considers appropriations not later than 30 days prior to the effective date of the approval, or prior to whatever lesser time the chairperson of the joint committee, or his or her designee, may in each instance determine. All notifications shall include (a) the reason for the proposed redirection of caseload funding to expenditures that are not related to caseload, (b) the approved amount, and (c) the basis of the director's determination that the funding is not needed for accommodating projected institutional population levels.
2. Funds appropriated to accommodate projected parole population levels in excess of those that actually materialize, if any, shall revert to the General Fund, except that the Director of Finance may approve an increase in expenditures that are not related to caseload for the Department of Corrections through the redirection of funding that is reasonably believed not to be needed for accommodating projected parole population levels if the approval is made in writing and filed with the Chairperson of the Joint Legislative Budget Committee and the chairperson of each house of the Legislature that considers appropriations not later than 30 days prior to the effective date of the approval, or prior to whatever lesser time the chairperson of the joint committee, or his or her designee, may in each instance determine. All notifications shall include (a) the reason for the proposed redirection of caseload funding to expenditures that are not related to caseload, (b) the approved amount, and (c) the basis of the director's determination that the funding is not needed for accommodating projected parole population levels.
  3. Any funds recovered as a result of audits of locally operated return-to-custody centers shall revert to the General Fund.
  4. When contracting with counties for vacant jail beds for any inmate under the jurisdiction of the

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Director of the Department of Corrections, the department shall not reimburse counties more than the average amount it costs the state to provide the same services in comparable state institutions. This restriction shall not apply to any existing contract, but shall apply to the extension or renewal of that contract. In addition, the total operational cost of incarcerating state inmates in lease county jail beds (which includes state costs, but is exclusive of one-time and capital outlay costs), shall not exceed the department's average cost for operating comparable institutions.

5. Notwithstanding any other provision of law, funds appropriated in Schedule (1) for McGee Training Facility rent payments may be transferred to Item 5240-003-0001 by the Controller, upon order of the Director of Finance, as necessary to provide rental payments on lease revenue bonds for the McGee Training Facility if a bond sale occurs.
6. Notwithstanding any other provision of law, but subject to providing 30 days' prior notification to the Joint Legislative Budget Committee, funds appropriated in Schedule (1) or (2), or both, of this item may be transferred to Item 5240-101-0001, Schedule (2), upon order of the Director of Finance, to provide funds for the reimbursement of counties for the cost of holding parole violators in local jail.
7. Notwithstanding any other provision of law, upon approval of the Department of Finance, the Department of Corrections may transfer, between Schedules (1), (2), and (3) of this item, up to 5 percent of the amounts appropriated in these schedules. Any transfer of funds appropriated in Schedules (1), (2), and (3) of this item exceeding 5 percent may occur not sooner than 30 days after notification thereof to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the fiscal committees of the Legislature.
8. Of the funds appropriated in this item, up to \$7,903,000 shall be available to the Department of Corrections only for the purpose of installing and implementing the Madrid Patient Information Management System at Pelican Bay State Prison. Any of these moneys not used for these purposes shall revert to the General Fund.



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9. In addition to the funds otherwise appropriated in this item, the sum of \$56,881,000 is hereby appropriated from the General Fund for the support of the Department of Corrections for the 2001–02 fiscal year. These moneys shall not be available unless and until the Department of Corrections produces a plan for delivering pharmaceutical services that implements the recommendations contained in the Department of Corrections pharmacy services assessment report. This plan shall be delivered to the Joint Legislative Budget Committee prior to June 30, 2002. The Director of Finance may authorize expenditure of the moneys specified in this provision no earlier than 30 days after notification in writing is provided to the chairperson of the fiscal committees and the Chairperson of the Joint Legislative Budget Committee.	
10. Of the funds appropriated in this item, \$36,600,000 shall be available only for overtime and temporary help expenditures for posted positions in order to reduce holiday and vacation leave credits, and for the costs related to filling authorized posted positions. The funding provided in this provision may also be converted for up to 504 permanent positions to be used exclusively for the reduction of holiday and vacation leave credits for posted positions upon the filling of excess vacant positions in the respective classifications.	
11. Of the amount appropriated in this item, \$750,000 shall be allocated by the Department of Corrections to fund a pilot program that tracks high-risk parolees using Global Positioning System technology pursuant to the provisions of Assembly Bill 1450 of the 2001–02 Regular Session. In the event that Assembly Bill 1450 is not enacted by June 30, 2002, the funds appropriated for this purpose shall revert to the General Fund.	
5240-001-0890—For support of the Department of Corrections, for payment to Item 5240-001-0001, payable from the Federal Trust Fund .....	1,974,000
5240-001-0917—For support of the Department of Corrections, for payment to Item 5240-001-0001, payable from the Inmate Welfare Fund .....	45,401,000
5240-003-0001—For support of the Department of Corrections for rental payments on lease revenue bonds .....	228,507,000

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Schedule:	
(1) Base Rent and Fees.....	262,857,000
(2) Insurance .....	1,382,000
(3) Reimbursements .....	-35,732,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
5240-101-0001—For local assistance, Department of Corrections.....	47,270,000
Schedule:	
(1) 21-Institution Program.....	15,132,000
(2) 31-Community Correctional Program.....	32,138,000
Provisions:	
1. The amount appropriated in this item is provided for the following purposes:	
a. To pay the transportation costs of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Division 3 (commencing with Section 3000) of the Welfare and Institutions Code and the Western Interstate Corrections Compact (Section 11190 of the Penal Code), in accordance with Section 26749 of the Government Code. Claims filed by local jurisdictions shall be filed within six months after the end of the month in which those transportation costs are incurred. Expenditures shall be charged to either the fiscal year in which the claim is received by the Controller or the fiscal year in which the warrant is issued by the Controller.	
Claims filed by local jurisdictions directly with the Controller may be paid by the Controller.	
b. To pay the expenses of returning fugitives from justice from outside the state, in accordance with Sections 1389, 1549, and 1557 of the Penal Code. Claims filed by local jurisdictions shall be filed within six months after the end of the month in which expenses are incurred, expenditures shall be charged to either the fiscal year in which the claim is received	

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by the Controller or the fiscal year in which the warrant is issued by the Controller, and any restitution received by the state for those expenses shall be credited to the appropriation of the year in which the Controller's receipt is issued.

Claims filed by local jurisdictions directly with the Controller may be paid by the Controller.

- c. To pay court costs and county charges, payable under Sections 4700.1, 4750 to 4755, inclusive, and 6005 of the Penal Code. Claims shall be filed by local jurisdictions within six months after the end of the month in which a service is performed by the coroner, a hearing is held on the return of a writ of habeas corpus, the district attorney declines to prosecute a case referred by the Department of Corrections, a judgment is rendered for a court hearing or trial, an appeal ruling is rendered for the trial judgment, or an activity is performed as permitted by these sections. Expenditures shall be charged to either the fiscal year in which the claim is received by the Controller or the fiscal year in which the warrant is issued by the Controller.

Claims filed by local jurisdictions directly with the Controller may be paid by the Controller.

- d. To reimburse counties for the cost of detaining state parolees pursuant to Section 4016.5 of the Penal Code. Claims shall be filed by local jurisdictions within six months after the end of the month in which the costs are incurred. Claims filed by local jurisdictions may not include booking fees, may not recover detention costs in excess of \$59 per day, and shall be limited to the detention costs for those days on which parolees are held subject only to a Department of Corrections request pursuant to subdivision (b) of Section 4016.5 of the Penal Code. Expenditures shall be charged to either the fiscal year in which the claim is received by the Department of Corrections or the fiscal year in which the warrant is issued.
- 2. Notwithstanding any other provision of law, upon 30-day prior notification to the Chairperson of the

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Joint Legislative Budget Committee, funds appropriated in Schedule (2) of this item may be transferred to Schedules (1) or (2), or both, of Item 5240-001-0001, upon order of the Director of Finance, to provide funds for the reimbursement of counties for the cost of holding parole violators in local jails or for the auditing or monitoring of local assistance costs.

5240-295-0001—For local assistance, Department of Corrections, for reimbursement, in accordance with the provisions on Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....

1,958,000

Schedule:

(1) 98.01.082.081-Prisoner Parental Rights (Ch. 820, Stats. 81) ..... 1,958,000

Provisions:

1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriation and the Chairperson of the Joint Legislative Budget Committee or his or her designee.

Item	Amount
5240-301-0001—For capital outlay, Department of Corrections .....	29,418,000
Schedule:	
(1) 61.01.001-Statewide: Budget Packages and Advance Planning .....	1,000,000
(2) 61.01.200-Statewide: Small Management Exercise Yards—Preliminary plans, working drawings, and construction .....	750,000
(4) 61.03.021-California Correctional Center, Susanville: Replace Antelope Camp Dorms, Phase I—Preliminary plans and working drawings .....	267,000
(5) 61.04.020-California Correctional Institution, Tehachapi: Replacement of Unit I Security Fence—Preliminary plans and working drawings .....	151,000
(7) 61.06.021-Deuel Vocational Institution, Tracy: Infirmary Heating, Ventilation and Air-Conditioning—Preliminary plans .....	69,000
(8) 61.07.021-Folsom State Prison, Represa: Construct Pretreatment System—Construction .....	955,000
(9) 61.08.025-California Institution for Men, Chino: Denitrification Plant—Construction .....	5,830,000
(10) 61.08.032-California Institution for Men, Chino: Drilling New Domestic Water Supply Well—Construction .....	681,000
(12.5) 61.09.031-California Medical Facility, Vacaville: Ambulatory Care Clinic—Preliminary plans and working drawings .....	282,000
(15) 61.10.049-California Men’s Colony, San Luis Obispo: Potable Water Treatment Facility Upgrade—Study .....	207,000
(17) 61.10.053-California Men’s Colony-East, San Luis Obispo: D-Quad Mental Health Services Building—Preliminary plans and working drawings .....	301,000
(22) 61.14.030-Minor Projects.....	7,600,000

Item	Amount
(23) 61.14.032-Minor Projects: Joint Venture.....	225,000
(24) 61.15.027-California Rehabilitation Center, Norco: Potable Water System Improvements—Preliminary plans and working drawings.	228,000
(26) 61.16.021-Sierra Conservation Center, Jamestown: Effluent Disposal Pipeline—Working drawings and construction .....	8,660,000
(28) 61.17.009-Avenal State Prison, Avenal: Receiving and Release Expansion—Preliminary plans and working drawings .....	100,000
(31) 61.31.002-Pleasant Valley State Prison, Coalinga: Bar Screen, Pre-lift Station—Preliminary plans and working drawings .....	172,000
(32) 61.47.001-California State Prison-Sacramento, Represa: Reconstruct Firing Range—Construction .....	1,118,000
(33) 61.47.002-California State Prison-Sacramento, Represa: Psychiatric Services Unit/Enhanced Outpatient Care, Phase II—Preliminary plans .	822,000

Provisions:

1. The funds appropriated in Schedule (1) are to be allocated by the Department of Corrections, upon approval by the Department of Finance, to develop design and cost information for new projects for which funds have not been previously appropriated, but for which preliminary plan funds, working drawings funds, or working drawings and construction funds are expected to be included in the 2002–03 or 2003–04 Governor’s Budget, and for which cost estimates or preliminary plans can be developed prior to legislative hearings on the 2002–03 and 2003–04 Governor’s Budgets, respectively. These funds may be used for all of the following: budget package development, environmental services, architectural programming, engineering assessments, schematic design, and preliminary plans. The amount appropriated in this item for that purpose will not be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future year.

Item	Amount
2. As used in this appropriation, studies shall include site studies and suitability reports, environmental studies, master planning, architectural programming and schematics.	
5240-301-0660—For capital outlay, Department of Corrections, payable from the Public Buildings Construction Fund .....	25,627,000
Schedule:	
(1) 61.10.047-California Men’s Colony, San Luis Obispo: Wastewater Collection Treatment Upgrade—Construction .....	25,627,000
Provisions:	
1. The State Public Works Board may issue lease revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the project authorized by this item.	
2. The State Public Works Board and the Department of Corrections may obtain interim financing for the project costs authorized in this item from any appropriate source including, but not limited to, Section 15849.1 of the Government Code and the Pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.	
3. The State Public Works Board may authorize the augmentation of the cost of construction of the project scheduled in this item pursuant to the board’s authority under Section 13332.11 of the Government Code. In addition, the State Public Works Board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing, including the payment of interest during construction of the project, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the project. This additional amount may include interest payable on any interim financing obtained.	
5240-401—If the bonds authorized for the projects scheduled in Item 5240-301-0660 of Section 2.00 of the Budget Act of 1997 (Ch. 282, Stats. 1997) are not sold, the Department of Corrections shall commit a sufficient portion of its support appropriation provided for in this act to repay any loans from the	

Item	Amount
Pooled Money Investment Account. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until outstanding loans are repaid either through the sale of bonds or from an appropriation.	
5240-402—In the event the bonds authorized for the Department of Corrections Headquarters Building project in Chapter 782 of the Statutes of 1998 are not sold, the Department of Corrections shall commit a sufficient portion of its support appropriation, as determined by the Department of Finance, which is provided for in this Budget Act to repay any interim financing. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until all interim financing is repaid either through the proceeds from the sale of bonds or from an appropriation.	
5240-490—Reappropriation, Department of Corrections. The balances of the appropriations provided in the following citations are reappropriated for the purposes, and subject to the limitations, unless otherwise specified, provided for in the appropriations: 0001-General Fund	
(1) Item 5240-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(13) 61.08.029-California Institution for Men, Chino: TB/HIV Housing Engineering Controls—Construction	
(15) 61.09.015-California Medical Facility, Vacaville: Unit V Modular Housing Replacement—Working drawings	
(18) 61.09.427-California State Prison, Solano, Vacaville: Correctional Treatment Center, Phase II—Construction	
(23) 61.10.051-California Men’s Colony—West San Luis Obispo: Central Kitchen Replacement—Construction	
(32) 61.15.035-California Rehabilitation Center, Norco: Replace Men’s Dorms (Phase II of VI)—Construction	
(40) 61.30.003-Centinela State Prison, Imperial: Recycling and Salvage Program—Working drawings	
(41.5) 61.35.004-Salinas Valley State Prison, Soledad: Water Treatment Plant Installation—Construction	



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- (44) 61.06.425-Deuel Vocational Institution, Tracy: Reception Center Screening and Evaluation—Construction
- (48) 61.09.426-California State Prison-Solano, Vacaville: Correctional Clinical Case Management—Construction
- (49) 61.11.425-Richard J. Donovan Correctional Facility, San Diego: Correctional Clinical Case Management and Reception Center Screening and Evaluation—Construction
- (50) 61.13.426-California Institution for Women, Frontera: Correctional Clinical Case Management and Enhanced Outpatient Care—Construction
- (51) 61.13.427-California Institution for Women, Frontera: Reception Center Screening and Evaluation—Construction
- (52) 61.15.425-California Rehabilitation Center, Norco: Correctional Clinical Case Management—Construction
- (53) 61.17.425-Avenal State Prison, Avenal: Correctional Clinical Case Management—Construction
- (54) 61.18.426-Mule Creek State Prison, Ione: Correctional Clinical Case Management and Enhanced Outpatient Care—Construction
- (59) 61.27.425-Wasco State Prison-Reception Center, Wasco: Reception Center Screening and Evaluation—Construction
- (65) 61.47.002-California State Prison Sacramento, Represa: Reconstruct Firing Range—Working drawings
- (2) Item 5240-302-0001, Budget Act of 1998 (Ch. 324, Stats. 1998), as reappropriated by Item 5240-490, Budget Act of 1999 (Ch. 50, Stats. 1999), and by Item 5240-490, Budget Act of 2000 (Ch. 52, Stats. 2000)
  - (1) 61.01.760-Humboldt Bay National Wildlife Refuge—Acquisition and construction
  - (2) 61.01.762-Allensworth Ecological Reserve—Acquisition and construction
  - (3) 61.01.763-Mayacama Mountains Sanctuary—Construction
  - (4) 61.01.764-Kern River Preserve—Acquisition and construction

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(5) 61.01.766-California City Desert Tortoise Natural Area—Acquisition	
(6) 61.01.767-Cowbird Trapping Program	
(7) 61.01.770-Program Management	
(8) 61.01.771-Starr Ranch Sanctuary—Acquisition and construction	
(9) 61.01.772-Paul Wattis Sanctuary—Acquisition and construction	
(10) 61.01.773-Burrowing Owl Habitat—Acquisition and construction	
(11) 61.01.774-Stanislaus River Parks—Acquisition and construction	
(3) Item 5240-301-0001, Budget Act of 1998 (Ch. 324, Stats. 1998), as reappropriated by Item 5240-490, Budget Act of 1999 (Ch. 50, Stats. 1999), and by Item 5240-490, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(27.1) 61.15.035-California Rehabilitation Center, Norco: Replace Men’s Dormitories—Construction	
0746-1986 Prison Construction Fund	
(4) Item 5240-301-746, Budget Act of 1995 (Ch. 303, Stats. 1995) as reappropriated by Item 5240-490, Budget Act of 1998	
(3) 61.10.200-California Men’s Colony, San Luis Obispo: Primary and Secondary Electrical Distribution Systems—Construction	
5240-492—Reappropriation, Department of Corrections.	
Notwithstanding any other provision of law, the balance of the appropriations provided in the following citations are reappropriated for the purposes provided for in the appropriations and shall be available for expenditure as cited below:	
0001—General Fund	
(1) Item 5240-001-0001 Provision (22), Budget Act of 2000 (Ch. 52, Stats. 2000). The balance of the \$10,000,000 amount appropriated in Schedule (a) of this item is reappropriated for the purpose of expanding the basic correctional officer academy at the McGee Training Facility from 10 weeks to 16 weeks. The funds in this item shall be available for expenditure until June 30, 2003. The funds in this item may be transferred to capital outlay. The transfer of funds shall only be for the purpose of providing funding for capital outlay costs associated with the expansion of the	

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McGee Training Facility to accommodate additional correctional officer cadets.	
(2) Item 5240-004-0001 Provision (1), Budget Act of 1998 as added by Chapter 502, Statutes of 1998 and reappropriated by Item 5240-492 Provision (2), Budget Act of 1999 (Ch. 50, Stats. 1999). The funds in this item shall be available for expenditure until June 30, 2002 (administrative segregation).	
5240-495—Reversion, Department of Corrections. Notwithstanding any other provision of law, as of June 30, 2001, the unencumbered balance of the appropriations provided in the following citations shall revert to the fund balance of the fund from which the appropriation was made:	
0001—General Fund	
Item 5240-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000), (23) 61.10.051 California Men's Colony-West, San Luis Obispo: Central Kitchen Replacement—Construction	
0660—Public Building Construction Fund	
Item 5240-301-0660, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(2) 61.06.425-Deuel Vocational Institution, Tracy: Reception Center Screening and Evaluation—Construction	
(3) 61.07.425-California State Prison-Sacramento, Represa: Correctional Clinical Case Management and Enhanced Outpatient Care—Construction	
(4) 61.08.425-California Institution for Men-Central, Chino: Correctional Clinical Case Management and Reception Center Screening and Evaluation Program—Construction	
(5) 61.08.427-California Institution for Men-Minimum, Chino: Correctional Clinical Case Management—Construction	
(6) 61.09.426-California State Prison-Solano, Vacaville: Correctional Clinical Case Management—Construction	
(7) 61.09.427-California State Prison-Solano, Vacaville: Correctional Treatment Center, Phase II—Construction	
(9) 61.11.425-Richard J. Donovan Correctional Facility, San Diego: Correctional Clinical Case Management and Reception Center Screening and Evaluation—Construction	

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(11) 61.13.426-California Institution for Women, Frontera: Correctional Clinical Case Management and Enhanced Outpatient Care—Construction	
(12) 61.13.427-California Institution for Women, Frontera: Reception Center Screening and Evaluation—Construction	
(15) 61.15.425-California Rehabilitation Center, Norco: Correctional Clinical Case Management—Construction	
(16) 61.17.425-Avenal State Prison, Avenal: Correctional Clinical Case Management—Construction	
(17) 61.18.426-Mule Creek State Prison, Ione: Correctional Clinical Case Management and Enhanced Outpatient Care—Construction	
(18) 61.18.427-Mule Creek State Prison, Ione: Correctional Treatment Center, Phase II—Construction	
(19) 61.21.425-California State Prison-Los Angeles County, Lancaster: Correctional Clinical Case Management and Enhanced Outpatient Care—Construction	
(20) 61.23.425-California State Prison-Corcoran, Corcoran: Correctional Clinical Case Management and Enhanced Outpatient Care—Construction	
(21) 61.26.425-Central California Women's Facility, Madera: Enhanced Outpatient Care and Reception Center Screening and Evaluation—Construction	
(22) 61.26.426-Central California Women's Facility, Madera: Correctional Clinical Case Management—Construction	
(23) 61.27.425-Wasco State Prison-Reception Center, Wasco: Reception Center Screening and Evaluation—Construction	
(24) 61.27.426-Wasco State Prison-Reception Center, Wasco: Correctional Clinical Case Management—Construction	
(25) 61.28.426-North Kern State Prison, Delano: Reception Center Screening and Evaluation—Construction	
(26) 61.28.427-North Kern State Prison, Delano: Correctional Clinical Case Management—Construction	

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(28) 61.30.426-Centinela State Prison, Imperial: Correctional Treatment Center, Phase II—Construction	
(29) 61.34.426-Ironwood State Prison, Blythe: Correctional Treatment Center, Phase II—Construction	
5430-001-0001—For support of the Board of Corrections .....	2,108,000
Schedule:	
(1) 11-Corrections Planning and Programs .....	583,000
(2) 14-Facilities Standards and Operations .....	1,857,000
(3) 21-Standards and Training for Local Officers .....	2,481,000
(4) 31.01-Administration.....	323,000
(5) 31.02-Distributed Administration ...	-323,000
(6) Reimbursements.....	-588,000
(7) Amount payable from the Corrections Training Fund (Item 5430-001-0170) .....	-2,225,000
5430-001-0170—For support of the Board of Corrections, for payment to Item 5430-001-0001, payable from Corrections Training Fund .....	2,225,000
5430-009-0001—For support of the Board of Corrections, for administrative costs related to Crime Prevention Act funding provided in Item 9210-101-0001 of this act. ....	275,000
5430-101-0001—For local assistance, Board of Corrections.....	650,000
Schedule:	
(1) Local Projects .....	650,000
(a) Lodi Police Department..... (350,000)	
(b) Galt Police Department..... (300,000)	
5430-101-0170—For local assistance, Board of Corrections, Program 21—Standards and Training for Local Officers, payable from the Corrections Training Fund .....	17,263,000
5430-102-0001—For local assistance, Board of Corrections.....	5,350,000
Schedule:	
(1) Local Projects .....	(5,350,000)
(a) Lodi Police Department.....(3,650,000)	

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(b) Galt Police Department.....	(1,700,000)
5430-108-0890—For local assistance, Board of Corrections, payable from Federal Trust Fund .....	22,431,000

Provisions:

1. Of the amount appropriated in this item and made available from the federal 2000 fiscal year Violent Offender Incarceration/Truth-in-Sentencing Grant Program, the Board of Corrections shall provide competitive grants to counties to build or expand, or both build and expand, juvenile detention facilities, as authorized.
2. (a) The Legislature finds and declares that exigent circumstances exist regarding the impact of the increasing number of juvenile offenders on public safety in California. Of the funds allocated to the state pursuant to the Federal Violent Crime Control and Law Enforcement Act (P.L. 103-322) and appropriated in this item, an amount not less than \$22,431,000 shall be used to address these circumstances through grants to counties.
- (b) The Legislature finds and declares that numerous county juvenile facilities throughout California are dilapidated and overcrowded, and construction and expansion of available bed capacity is critical. Capital construction and expansion are necessary to protect the life and safety of persons confined or employed in these facilities to avoid threatened closures or the imposition of court-ordered sanctions. There is an immediate need of \$400,000,000 to address the local juvenile facility housing crisis. The fast-rising number of juvenile offenders affects the efforts of law enforcement and threatens public safety throughout the state. The need to enhance public safety is particularly important to local jurisdictions that do not have adequate facilities to confine the increasing number of juvenile offenders. Notwithstanding the provisions of Chapters 324 and 339 of the Statutes of 1998 and Chapter 50 of the Statutes of 1999, the Legislature intends that these funds be used to support the construction or expansion of juvenile detention facilities that possess a site

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- assurance from the respective board of supervisors under all of the following conditions:
- (i) No county request may exceed a maximum state construction cost per bed rate of \$100,500.
  - (ii) Local entities shall match at least 25 percent of the grant.
  - (iii) Not more than 15 percent of this minimum match requirement shall be provided with in-kind resources.
3. For the grant programs identified in Provisions 1 and 2 of this item, the Board of Corrections shall establish funding schedules and procedures to ensure that, at a minimum, all the following are on file or updated as deemed necessary:
    - (a) Possession of a site assurance for the project or projects.
    - (b) Documentation of need for the project or projects.
    - (c) Adoption of a formal county plan to finance construction of the proposed project or projects.
    - (d) Submittal of a preliminary staffing plan for the project or projects.
    - (e) Submittal of architectural drawings, which shall be approved by the board for compliance with minimum juvenile detention facility standards and which shall be approved by the State Fire Marshal for compliance with fire and life safety requirements.
    - (f) Documentation that the facilities can be safely staffed and operated.
    - (g) Submittal by the county, or a group of counties acting together, of a plan that identifies the county continuum-of-care model for prevention, intervention, supervision, treatment, and incarceration of juvenile and adult offenders. The plan shall identify the manner in which the county will maximize all funding sources, including local criminal justice, local social services, federal and state programs, and education for providing appropriate services for juvenile and adult offenders.
  4. Of the funds allocated pursuant to Provisions 1 and 2 of this item, up to 3 percent may be transferred to support the administration, including

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technical assistance and oversight, of the implementation of these grant awards.

- 5. Notwithstanding any other provision of law, the funds appropriated in this item are available for expenditure until September 30, 2005.
- 6. No funding shall be awarded from this item to any county that is operating a juvenile detention facility that has been found to be unsuitable for the confinement of minors pursuant to Section 209 of the Welfare and Institutions Code unless the conditions that rendered the facility unsuitable have been remedied and the facility is a suitable place for confinement of minors at the time of the grant award, or unless the funding is used to enhance compliance with applicable juvenile detention facility standards in one or more existing juvenile detention facilities operated by the county.

5430-109-0890—For local assistance, Board of Corrections, Program 11, payable from the Federal Trust Fund .....

40,000,000

Provisions:

- 1. Of the amount appropriated in this item, up to \$6,000,000, or 15 percent of the Federal Violent Offender Incarceration/Truth-in-Sentencing funds allocated to the state for the federal 2001 fiscal year, may be allocated by the Board of Corrections to local governments through competitive grants to build or expand, or both build and expand, adult and juvenile detention facilities. Local entities shall be responsible for meeting the 25 percent match requirement.
- 2. The Legislature hereby declares that exigent circumstances exist regarding the impact of the increasing number of juvenile offenders on public safety in California and that, of the funds allocated to the state pursuant to the Federal Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-3-22) and appropriated by this item, not less than \$34,000,000 shall be used to address these circumstances through competitive grants to counties. The need to enhance public safety is particularly important for local jurisdictions that do not have adequate facilities to confine the increasing number of juvenile offenders. Therefore, the Legislature intends that these funds be used to support the construction or expansion of juvenile detention facilities of the appropriate security lev-



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- els, as defined by the Federal Violent Crime Control and Law Enforcement Act of 1994 and regulations adopted pursuant thereto, to ensure appropriate custody space for the confinement of the growing number of juvenile offenders.
3. For the grant programs identified in Provisions 1 and 2 of this item, the Board of Corrections shall establish minimum standards, funding schedules, and procedures which shall take into consideration, but not be limited to, the following:
    - (a) Possession of a site assurance for the project or projects.
    - (b) Documentation of need for the project or projects.
    - (c) Adoption of a formal county plan to finance construction of the proposed project or projects.
    - (d) Submittal of a preliminary staffing plan for the project or projects.
    - (e) Submittal of architectural drawings, which shall be approved by the board for compliance with minimum adult or juvenile detention facility standards and which shall also be approved by the State Fire Marshal for compliance with fire safety and life safety requirements.
    - (f) Documentation that the facilities can be safely staffed and operated.
    - (g) Demonstration that all appropriate steps to reduce overcrowding have been undertaken, including, but not limited to, efforts to implement a risk-based detention system or other appropriate detention assessment models.
  4. Notwithstanding the provisions of the Budget Act of 1998 (Ch. 324, Stats. 1998), Chapter 339 of the Statutes of 1998, and the Budget Act of 1999 (Ch. 50, Stats. 1999), the Legislature intends that these funds be used to support the construction or expansion of adult and juvenile detention facilities with a maximum state construction cost per juvenile bed rate not to exceed \$100,500. Local entities shall match at least 25 percent of the grant. Not more than 15 percent of this minimum match shall be provided with in-kind resources. The greater the percentage of matching funds that a county provides, the higher the priority the county shall be given for allocation of the funds.

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5. Of the funds allocated pursuant to Provisions 1, 2, and 7 of this item, up to 3 percent may be transferred, upon approval of the Department of Finance, to support the administration, including technical assistance and oversight, of the implementation of grant awards pursuant to Provisions 1 and 2.	
6. Notwithstanding any of the provision of law, the funds appropriated in this item are available for expenditure until September 30, 2006.	
7. If federal funds in the 2001 federal fiscal year in excess of the amount appropriated in this item are allocated to the state for facility construction pursuant to the Federal Violent Crime Control and Law Enforcement Act of 1994, those federal funds are hereby appropriated to the Board of Corrections for making grant awards, pursuant to Provisions 1 and 2 of this item. In that case, 15 percent of the additional funds shall be allocated pursuant to Provision 1 of this item and the balance shall be allocated pursuant to Provision 2 of this item.	
5430-128-0001—For Local Assistance, Board of Corrections, Program 11—Corrections Planning and Programs, for the Community Law Enforcement and Recovery Program .....	1,000,000
5430-295-0001—For local assistance, Board of Corrections, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or Executive order, for disbursement by the State Controller .....	1,737,000
Schedule:	
(1) 98.01.018.392-Mandates: Domestic Violence Treatment Services (Ch. 183, Stats. 1992).....	1,004,000
(2) 98.01.022.193-Mandates: Domestic Violence Treatment Program Approvals (Ch. 221, Stats. 1993).....	733,000
(3) 98.01.033.281-Mandates: Victims' Statements—Minors (Ch. 332, Stats. 1981) .....	0
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the ap-	

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appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.

2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriation and the Chairperson of the Joint Legislative Budget Committee or his or her designee.
3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001–02 fiscal year:
  - (3) Victims' Statements—Minors (Ch. 332, Stats. 1981)

5430-401—Notwithstanding Section 6045.4 of the Penal Code, Mentally Ill Offender Crime Reduction Grant funds, awarded pursuant to the Budget Act of 1998, shall be available for one additional year.

5430-490—Reappropriation, Board of Corrections. Notwithstanding any other provision of law, the balance of the appropriation provided in the following citation is reappropriated for the purposes provided for in the appropriation and shall be available for expenditure until September 30, 2003.

0001—General Fund

- (1) Chapter 353, Statutes of 2000 (Crime Prevention Act of 2000)

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5440-001-0001—For support of the Board of Prison Terms.....	1,000
Schedule:	
(1) Program 10.....	1,000
(2) Reimbursements.....	0
5450-001-0001—For support of the Youthful Offender Parole Board, Program 10.....	3,416,000
5460-001-0001—For support of the Department of the Youth Authority.....	299,703,000
Schedule:	
(1) 20-Institutions and Camps.....	313,750,000
(2) 30-Parole Services.....	52,110,000
(3) 40-Education Services.....	12,551,000
(4) 50.01-Administration.....	31,408,000
(5) 50.02-Distributed Administration .....	-29,400,000
(6) Reimbursements.....	-78,441,000
(7) Amount payable from the California State Lottery Education Fund—California Youth Authority (Item 5460-001-0831).....	-803,000
(8) Amount payable from the Federal Trust Fund (Item 5460-001-0890).....	-1,472,000
Provisions:	
1. Of the funds appropriated in Schedule (1), \$31,000 is provided for payment of energy service contracts in connection with the issuance of Public Works Board Energy Efficiency Revenue Bonds (State Pool Program), Series 1986A.	
2. Notwithstanding any other provision of law, the Director of Finance may authorize a loan from the General Fund to the Department of the Youth Authority for the purpose of meeting operational cash-flow obligations for the 2001–02 fiscal year. The loan shall not exceed the estimated amount of uncollected reimbursements pursuant to Chapter 6 of the Statutes of 1996, for the final quarter of any fiscal year in which the loan is to be provided.	
3. Of the amount appropriated in this item, \$400,000 shall be used for an interagency agreement with a state university or the selection of a contractor or contractors to compile a comprehensive mental health treatment assessment and implementation plan. The contract or agreement shall require that a final report be submitted to the Department of	

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<p>the Youth Authority by January 15, 2002, and include (a) a detailed assessment of the prevalence and incidence of mental health, sex offender, and drug and alcohol treatment needs within the current ward and parolee population, (b) a concrete proposal for screening and identifying ward and parolee treatment needs on an ongoing basis, (c) specific recommendations on the most appropriate treatment programs for the ward and parolee populations based on best practices nationwide, and (d) a detailed and prioritized plan for implementing cost-effective treatment services to comprehensively address the needs identified.</p> <p>4. Notwithstanding Section 10108 of the Public Contract Code or Section 1760.6 of the Welfare and Institutions Code, or any other provision of law, the Department of the Youth Authority may utilize ward labor or contract directly to complete construction of the projects, for which funding is appropriated in this act.</p>	
<p>5460-001-0831—For support of the Department of the Youth Authority, for payment to Item 5460-001-0001, payable from the California State Lottery Education Fund—California Youth Authority.....</p>	803,000
<p>Provisions:</p> <p>1. All funds received pursuant to Proposition 37 that are allocable to the Department of the Youth Authority pursuant to Section 8880.5 of the Government Code and that are in excess of the amount appropriated in this item, are hereby appropriated in augmentation of this item. Such additional funds may be expended only upon written approval of the Department of Finance.</p>	
<p>5460-001-0890—For support of the Department of the Youth Authority, for payment to Item 5460-001-0001, payable from the Federal Trust Fund .....</p>	1,472,000
<p>5460-003-0001—For support of the Department of the Youth Authority for rental payments on lease revenue bonds .....</p>	1,168,000
<p>Schedule:</p> <p>(1) Base Rental and Fees .....</p> <p>(2) Insurance .....</p>	<p>1,159,000</p> <p>9,000</p>
<p>Provisions:</p> <p>1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule</p>	

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shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
5460-011-0001—For support of the Department of the Youth Authority (Proposition 98) .....	39,135,000
Schedule:	
(1) 40-Education Services .....	39,135,000
5460-101-0001—For local assistance, Department of the Youth Authority .....	4,209,000
Schedule:	
(1) 20-Institutions and Camps .....	92,000
(2) 30-Parole Services.....	4,117,000
Provisions:	
1. Of the amount appropriated in this item, \$2,919,000 is provided for the following purposes:	
a. To pay the transportation costs of persons committed to the Department of the Youth Authority to or between its facilities, including the return of parole violators, provided that expenditures made under this item shall be charged to either the fiscal year in which the claim is received by the Controller or the fiscal year in which the warrant is issued by the Controller. However, claims shall be filed by local jurisdictions within six months after the end of the month in which the costs are incurred.	
b. To reimburse counties, pursuant to Section 1776 of the Welfare and Institutions Code, for the cost of the detention of Youth Authority parolees who are detained on alleged parole violations, provided that expenditures made under this item shall be charged to either the fiscal year in which the claim is received by the Controller or the fiscal year in which the warrant is issued by the Controller. However, claims shall be filed by local jurisdictions within six months after the end of the month in which the costs are incurred.	
5460-301-0001—For capital outlay, Department of the Youth Authority .....	7,907,000
Schedule:	
(1) 60.01.035-Statewide: Pre-Schematic/Master Planning Budget Packages and Advanced Planning. ....	250,000

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(3) 60.26.080-Northern California Youth Correctional Center: Correctional Treatment Center—Working drawings.....	301,000
(4) 60.26.135-N. A. Chaderjian Youth Correctional Facility: Personal Alarm System—Construction .....	1,226,000
(5) 60.26.140-N. A. Chaderjian Youth Correctional Facility: Construct 50 Bed Specialized Counseling Program—Preliminary plans.....	147,000
(7) 60.52.110-El Paso de Robles Youth Correctional Facility: Air-Conditioning-Education—Construction .....	1,487,000
(8) 60.54.115-Fred C. Nelles Youth Correctional Facility: Construct New Kitchen—Working drawings.	411,000
(10) 60.90.010-Minor Projects.....	4,085,000

Provisions:

1. The funds appropriated in Schedule (1) shall be allocated by the Department of the Youth Authority to develop design and cost information for new projects for which funds have not been previously appropriated, but for which preliminary plans funds, working drawings funds, or working drawing or construction funds are expected to be included in the Governor’s Budget for the 2002–03 or 2003–04 fiscal year, and for which cost estimates and/or preliminary plans can be developed prior to legislative hearings on the Governor’s Budget for the 2002–03 or 2003–04 fiscal year. These funds may be used for the following: budget package development, architectural programming, engineering assessments, schematic design, and preliminary plans. The amount appropriated in this item for these purposes shall not be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future year.
2. As used in this appropriation, studies shall include site studies and suitability reports, environmental studies, master planning, architectural programming and schematics.

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5460-490—Reappropriation, Department of the Youth Authority. Notwithstanding any other provision of law, the balances of the appropriations provided in the following citations are reappropriated for the purposes provided in the appropriations and shall be available for the expenditure as cited below: 0001—General Fund Item 5460-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(3) 60.56.125-Southern Youth Correctional Reception Center and Clinic: Specialized Counseling Program Beds—Working drawings	
(10) 60.52.110-El Paso de Robles Youth Correctional Facility: Air-Conditioning—Education—Working drawings	
(11) 60.54.080-Fred C. Nelles Youth Correctional Facility: Visitor’s Security Entrance/Visiting Hall—Construction	
(13) 60.54.110-Fred C. Nelles Youth Correctional Facility: Replace Taft Adjustment Center—Construction	
(16) 60.58.085-Ventura Youth Correctional Facility: Correctional Treatment Center—Construction	
5460-495—Reversion, Department of the Youth Authority. As of June 30, 2001, the unencumbered balance of the appropriation provided in the following citation shall revert to the balance in the fund from which the appropriation was made: 0796—1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund (1) Chapter 1327, Statutes of 1989	
5480-001-0001—For support of Commission on Correctional Peace Officers’ Standards and Training, Program 10 .....	2,219,000
5480-490—Reappropriation, Commission on Correctional Peace Officer Standards and Training. Notwithstanding any other provision of law, \$142,000 of the following appropriation is hereby reappropriated for increased facility operations costs in accordance with the purpose provided for in the appropriation and shall be available for expenditure until June 30, 2002: 0001—General Fund Item 5480-001-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	



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EDUCATION

6110-001-0001—For support of Department of Education ..... 51,519,000

Schedule:

- (1) 10-Instruction..... 57,754,000
- (2) 20-Instructional Support ..... 67,528,000
- (3) 30-Special Programs..... 41,399,000
- (4) 41.00-Executive Management and Special Services..... 8,197,000
- (5) 41.01-State Board of Education ..... 2,041,000
- (6) 42.01-Department Management and Special Services..... 28,313,000
- (7) 42.02-Distributed Department Management and Special Services.....-28,313,000
- (7.6) 97.20.004.001-Local Projects ..... 575,000
- (8) Reimbursements.....-16,315,000
- (9) Amount payable from Federal Trust Fund (Item 6110-001-0890) .... -109,660,000

Provisions:

- 1.5. An amount equal to or greater than the amount appropriated in Schedule (5) shall be available for support of the State Board of Education (SBE) and shall be directed to meet the policy priorities of its members. Of the amount appropriated in this schedule, \$130,000 is to be directly allocated to the SBE to provide for statutory oversight of charter schools approved by the SBE.
- 2. Notwithstanding Section 33190 of the Education Code, or any other provision of law, the State Department of Education shall expend no funds to prepare (a) a statewide summary of student performance on school district proficiency assessments or (b) a compilation of information on private schools with five or fewer pupils.
- 3. Notwithstanding any other provision of law, of the funds appropriated in this item, a minimum of \$2,500,000 shall be used to provide technical assistance and administrative support to the Healthy Start Program. A minimum of \$240,000 shall be used for final activities, including a program evaluation report of the Teen Pregnancy Prevention and Intervention Program, scheduled to sunset June 30, 2001, pursuant to Chapter 6.7 of Part 6 of Division 1 of the Education Code.

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<p>4. Funds appropriated in this item may be expended or encumbered to make one or more payments under a personal services contract of a visiting educator pursuant to Section 19050.8 of the Government Code, a long-term special consultant services contract, or an employment contract between an entity that is not a state agency and a person who is under the direct or daily supervision of a state agency, only if all of the following conditions are met:</p> <p>(a) The person providing service under the contract provides full financial disclosure to the Fair Political Practices Commission in accordance with the rules and regulations of the commission.</p> <p>(b) The service provided under the contract does not result in the displacement of any represented civil service employee.</p> <p>(c) The rate of compensation for salary and health benefits for the person providing service under the contract does not exceed by more than 10 percent the current rate of compensation for salary and health benefits determined by the Department of Personnel Administration for civil service personnel in a comparable position. The payment of any other compensation or any reimbursement for travel or per diem expenses shall be in accordance with the State Administrative Manual and the rules and regulations of the State Board of Control.</p> <p>5. Of the funds appropriated in this item, \$150,000 shall be used for the Gang Risk Intervention Program pursuant to Chapter 5 (commencing with Section 58700) of Part 31 of the Education Code.</p> <p>6. Of the funds appropriated in this item, \$285,000 shall be available in support of the Commission on Technology in Learning pursuant to Chapter 830 of the Statutes of 1999.</p> <p>7. The funds appropriated in this item may not be expended for any REACH program.</p> <p>8. The funds appropriated in this item may not be expended for the development or dissemination of program advisories, including, but not limited to, program advisories on the subject areas of reading, writing, and mathematics, unless explicitly authorized by the State Board of Education.</p>	

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9. Of the funds appropriated in this item, \$206,000 shall be available as matching funds for the State Department of Rehabilitation to provide coordinated services to disabled pupils. Expenditure of the funds shall be identified in the memorandum of understanding or other written agreement with the Department of Rehabilitation to ensure an appropriate match to federal vocational rehabilitation funds.	
10. Of the funds appropriated in this item, no less than \$4,735,000 is available for support of Child Care Services, including After School Programs pursuant to Chapters 318, 319, and 320 of the Statutes of 1998 (Program 30.10).	
11. Pursuant to Provision 8 of Item 6110-196-0001 of Section 2.00 of this act, the Department of Finance may transfer up to \$19,480,000 of federal funds to this item.	
12. Of the amount appropriated in Schedule (2), \$50,000 is for reporting the results of physical performance tests administered by school districts in the 2001–02 fiscal year pursuant to Chapter 6 (commencing with Section 60800) of Part 33 of the Education Code. The State Department of Education shall ensure that results comparing the performance of pupils in each school and district to national performance are reported to school district governing boards and shall submit a report of statewide results comparing the performance of California pupils to national performance to the Legislature and the Governor prior to November 1, 2002.	
13. Of the funds appropriated in this item, \$650,000 shall be allocated by the State Department of Education to an independent evaluator to assist school districts and county offices of education in developing data collection and analysis systems, and to perform an evaluation for the High-Risk First-Time Offenders Program pursuant to Article 1 (commencing with Section 47760) of Chapter 2 of Part 26.95 of the Education Code.	
14. Of the funds appropriated in Schedule (2), \$150,000 shall be available for the State Department of Education to contract for an independent project oversight consultant. The independent project oversight consultant shall submit quarterly project reports on the progress of the Cali-	

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- for California School Information Services System program to the Legislature, the Department of Finance, the Superintendent of Public Instruction, the State Board of Education, the Governor, the Legislative Analyst, and the Fiscal Crisis and Management Assistance Team beginning March 1, 2000, and continuing through the duration of the program implementation.
15. Of the funds appropriated in this item, \$500,000 shall be available for baseline data collection regarding English learners, and the ongoing costs of evaluating the services that English learners receive, including the costs of evaluating the program funded in Item 6110-125-0001.
  16. Of the amount appropriated in this item, \$1,905,000 is provided for the sole purpose of funding 16.5 positions and associated operating expenses and equipment costs related to implementation of the Public Schools Accountability Act, as established by Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code.
  17. Of the amount appropriated in this item, \$250,000 is provided for the purpose of contracting with an independent consultant for an evaluation of the implementation of the Public Schools Accountability Act, as established by Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code.
  18. Of the funds appropriated in Schedule (4) of this item, \$150,000 shall be available to allow the State Department of Education to contract with other state agencies to conduct audits of high-risk and community-based organizations. The State Department of Education shall submit a report to the Department of Finance no later than August 1, 2002, regarding the number of audits completed with these funds. The report shall also include the average amount of time required and funds expended per high-risk audit completed, and it shall include the methodology the State Department of Education used to determine which high-risk and community-based organizations were audited.
  19. Of the funds appropriated in Schedule (2) of this item, \$250,000 and three positions shall be available for the English Language and Literacy In-

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	tensive Program. Funding and positions for this program expire at the completion of the 2002–03 fiscal year.
20.	Of the funds appropriated in this item, \$360,000 is for the purpose of providing the STAR and HSEE programs each with two staff possessing psychometric and test development expertise. Encumbrance of these funds is contingent upon the redirection and reclassification of existing vacant and unfunded positions from elsewhere within the State Department of Education.
21.	Of the funds appropriated in this item, \$400,000 is for the purpose of funding two existing positions for the STAR Program and two existing positions for various other testing programs, including the HSEE, English Language Development, and Golden State Exams. These positions previously were funded through Goals 2000.
22.	Of the funds appropriated in this item, \$150,000 is provided solely for the purpose of funding existing positions from within the State Department of Education, to provide the Curriculum Commission with subject matter specialists.
23.	\$333,000 shall be provided to the Office of the Legislative Analyst for the purpose of funding the second year of a longitudinal evaluation of charter schools pursuant to Education Code section 47616.5.
24.5.	Of the funds appropriated in this item, \$100,000 shall be provided to the State Department of Education for an evaluation of the Kindergarten Readiness Pilot Program pursuant to Section 48005.45 of the Education Code. This funding shall be expended for purposes of developing a methodological research plan and a multiyear expenditure plan to be developed and approved by an advisory committee consisting of representatives from the office of the Legislative Analyst, the Department of Finance, the office of the Secretary for Education, and the Department of Education.
25.	Of the funds appropriated in this item, \$150,000 is to fund an evaluation of current procedures, develop recommendations to improve efficiency, and identify opportunities for technology

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- solutions for future consideration for the categorical apportionment systems. Similarly, this effort shall evaluate and identify opportunities to improve the timeliness, accuracy and consistency of the data collected for School Appropriation Limits through automation and linkages with various departmental processes and systems. A report on the progress of this effort shall be submitted to the Department of Finance on or before March 1, 2002. The report shall include a separate section identifying specific opportunities and recommendations related to the School Appropriation Limits.
26. Of the funds appropriated in this item, \$107,000 shall be available to fund one consultant position for maintenance of the High School Exit Exam workbook program. An additional \$106,000 shall be available on a one-time basis to contract for initial development activities.
  27. Of the funds appropriated in this item, up to \$1,000,000 shall be available for the purpose of creating an internet Web site that explains the standardized testing requirements for California elementary and secondary schools, provides sample questions and answers for use by pupils, parents, and the public, and provides continuous online access to test information. The State Board of Education shall issue a request for proposals to develop this Web site and shall approve one or more entities to provide this service. These entities must have a proven record of online standardized test preparation, have substantial experience in this area, and be capable of providing detailed reporting of Web site activity and usage to the State Board of Education.
  28. Of the funds appropriated in this item, \$400,000 is to contract for a review of proposals submitted by school districts that wish to participate in the Mathematics and Reading Professional Development Program. The selection of this contractor shall be subject to the approval of the State Board of Education.
  29. The Department of Finance may augment the appropriation in this item by \$175,000 for comparability activities associated with the third set of

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- CSIS data collections, provided such an augmentation is merited by the results of the CSIS data management study.
30. \$500,000 is appropriated on a one-time basis for the Model Curriculum for Human Rights and Genocide approved by the State Board of Education and for other appropriate genocide related curriculum and instructional materials, as identified by the State Department of Education, to be printed and distributed to all K–12 schools, districts, and county offices of education. If applicable, the Department of Education shall ensure that the model curriculum reflects an update of any currently confirmed research regarding the topics covered in the model curriculum.
  32. Upon 30-day written notification of the Chairperson of the Joint Legislative Budget Committee or his or her designee, the Department of Finance may augment the appropriation in this item by up to \$214,000 for the purpose of developing a feasibility study report and business plan for the redesign of Categorical Apportionment System.
  33. Of the funds appropriated in this item, \$210,000 shall be provided for activities to ensure the integrity of both the Standardized Testing and Reporting (STAR) and High School Exit Exams.
  34. Of the funds appropriated in Schedule (1) and Schedule (8) of this item, \$175,000 and two limited term positions shall be available for the CalWORKs Program. Funding and positions for this program shall expire at the completion of the 2002–03 fiscal year.
  35. \$125,000 of the funds appropriated in this item shall be used to fund one education consultant for the purpose of providing technical assistance to comply with additional mandates created by Chapter 587 of the Statutes of 1999.
  36. Upon 30-day written notification of the Legislature, the Department of Finance may augment the appropriation in this item by up to \$2,000,000 to pay for the Department of Education's state administration costs associated with its compliance with legal settlements related to various lawsuits.

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37. The funds appropriated in Schedule (7.6) of this item shall be allocated for the following local projects:	
(1) Department of Education: Weekend Parental Involvement Pilot Program .....	75,000
(2) Department of Education: Pupil Athletic Access and Safety Pro- gram Pilot Project.....	500,000
6110-001-0119—For support of Department of Educa- tion, Program 20.30-Administrative Services to local educational agencies, payable from the 1998 State School Facilities Fund .....	1,872,000
Provisions:	
1. Funds appropriated by this item are for support of the activities of the School Facilities Planning Di- vision and are to be used exclusively for activities related to local school construction, moderniza- tion, deferred maintenance, class size reduction facilities, and schoolsite acquisition.	
6110-001-0178—For support of the Department of Edu- cation, Program 20.30.003-Instructional Support, for the purpose of conducting schoolbus driver instruc- tor training as provided in Section 40070 of the Edu- cation Code, payable from the Driver Training Pen- alty Assessment Fund .....	1,106,000
6110-001-0231—For support of Department of Educa- tion, Program 20.10.045-Instructional Support, Cur- riculum Services-Health and Physical Education- Drug Free Schools, payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund.....	998,000
6110-001-0687—For support of Department of Educa- tion, for the California State Agency for Donated Food Distribution, Program 30.50-Donated Food Distribution, payable from the Donated Food Re- volving Fund.....	5,233,000
6110-001-0890—For support of Department of Educa- tion, for payment to Item 6110-001-0001, payable from the Federal Trust Fund .....	109,660,000
Provisions:	
1. The funds appropriated in this item include Fed- eral Vocational Education Act funds for the 2001–02 fiscal year to be transferred to commu- nity colleges by means of interagency agree- ments. These funds shall be used by community	



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colleges for the administration of vocational education programs.	
2. Of the funds appropriated in this item, \$96,000 is available to the Advisory Commission on Special Education for the in-state travel expenses of the commissioners and the secretary to the commission.	
3. Of the funds appropriated in this item, \$384,000 is available for programs for homeless youth and adults pursuant to the federal Stewart B. McKinney Act. The department shall consult with the State Departments of Economic Opportunity, Mental Health, Housing and Community Development, and Economic Development in operating this program.	
4. Of the funds appropriated in this item, up to \$364,000 shall be used to provide in-service training for special and regular educators and related persons, including, but not limited to, parents, administrators, and organizations serving severely disabled children. These funds are also to provide up to four positions for this purpose.	
5. Of the funds appropriated in this item, \$318,000 shall be used to provide training in culturally non-biased assessment and specialized language skills to special education teachers.	
6. Of the amount appropriated in this item, \$600,000 shall be used for the administration of the federal Public Charter School Program. For fiscal year 2001–02, one Education Program Consultant position shall support fiscal issues pertaining to charter schools, including development and implementation of the funding model pursuant to Chapter 34 of the Statutes of 1998.	
7. Of the funds appropriated in this item, \$932,000 shall be for the administration of the Federal Reading Excellence Act.	
8.5. Of the funds appropriated in this item, \$9,083,000 is from the Child Care and Development Block Grant Fund and includes \$158,000 for an interagency agreement with the Child Development Programs Advisory Committee. \$150,000 is available to increase the base resources for the child development audit workload. These funds are solely for travel expenses to facilitate the goal of conducting field audits on 10 percent of child care and develop-	

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- ment agencies consistent with Provision 8 of Item 6110-001-0890 of the Budget Act of 2000. The audits shall include sampling to determine the level of compliance with eligibility rules, accuracy of family fee determinations, and family fee collections. The State Department of Education shall provide a report to the Legislature and the Department of Finance by September 1, 2003, on fee and eligibility compliance rates and take steps to reduce compliance problems through sanctions and other remedies available in law.
9. Of the funds appropriated in this item, \$1,345,000 shall be used for administration of the Technology Literacy Challenge Grant Program. Of this amount:
    - (a) \$580,000 is available only for contracted technical support and evaluation services associated with the Technology Literacy Challenge Grant Program.
  10. Of the funds appropriated in this item, \$7,952,000 is for dispute resolution services, including mediation and fair hearing services, provided through contract for the Special Education Program.
  11. Of the amount provided in this item, \$843,000 is provided for staff for the Special Education Focused Monitoring Pilot Program to be established by the State Department of Education for the purpose of monitoring local education agency compliance with state and federal laws and regulations governing special education.
  12. Of the amount appropriated in this item, \$36,000 shall be used for the administration of the federal class size reduction grant program (Sec. 5, P.L. 106-25).
  13. Of the funds appropriated in this item, \$120,000 shall be used solely for the administration of the federal advance placement examination fee payment grant program for low-income pupils.
  14. Of the funds appropriated in this item, \$299,000 is for one redirected position and two visiting educator positions to assist with the allocation of federal funds received from the Federal Technology Literacy Challenge Grant.
  15. Of the funds appropriated in Schedule (2) of this item, \$3,000,000 shall be used solely for the pur-

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- poses of activities associated with ensuring that the High School Exit and standards-based STAR exams are aligned to the state-adopted standards. Encumbrance of these funds is contingent upon prior approval of an expenditure plan by the State Board of Education.
16. Of the funds appropriated in Schedule (2) of this item, \$300,000 shall be used solely for the purposes of contracting for a study to determine the reliability of the Golden State Exams. The choice of a contractor and the contents of the contract shall be subject to approval by the State Board of Education.
  17. Not sooner than 30 days after notification in writing to the chairpersons of the committee in each house of the Legislature that considers opportunities and the Chairperson of the Joint Legislative Budget Committee or his or her designee, the Department of Finance may transfer up to \$859,000 to this item from Schedule (1) of Item 6110-136-0890, to address activities associated with the implementation of corrective action plans and sanctions pursuant to federal law and, to the extent applicable, Article 3 (commencing with Section 52053) of Chapter 6.1 of Part 28 of the Education Code.
  18. Of the funds appropriated in this item, \$350,000 shall be available for the preparation, analysis, and production of the annual federal accountability reports, as required by the Carl D. Perkins Vocational Technical Education Act.
  19. Of the funds appropriated in this item, \$250,000 shall be allocated by the Department of Education to the California State University, San Bernardino, Center for the Study of Correctional Education, for special education monitoring of and technical assistance for the California Youth Authority pursuant to legislation as enacted during the 2001–02 Regular Session. If this legislation is not enacted, the \$250,000 shall be used for the purposes of implementing the inter-agency agreement between the Department of Education and the California Youth Authority, which shall be revised to require onsite, full reviews of each institution and each camp operated by the California Youth Authority once every two years and to require that the onsite, full re-

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views include, but not be limited to, observation of service delivery, file reviews, and interviews with wards, teachers, parents or surrogate parents, and institutional staff.	
20. The balance of unencumbered funds appropriated in subdivision (h) of Provision 7 of Item 6110-001-0890 of the Budget Act of 2000 (Ch. 52, Stats. 2000) shall remain available to the office of the Legislative Analyst for the purpose of providing an evaluation of charter schools pursuant to Chapter 34 of the Statutes of 2000.	
6110-001-0975—For support of Department of Education, Program 20.40.040-Library and Learning Resources, payable from the California Public School Library Protection Fund.....	15,000
Provisions:	
1. Subject to the conditions of Article 6 (commencing with Section 18175) of Chapter 2 of Part 6 of the Education Code, and based on increases in the funds deposited in the California Public School Library Protection Fund, the appropriation made in this item may be increased subject to the approval of the Department of Finance.	
6110-003-0001—For support of Department of Education, Program 20.30.020-Instructional Support, Standardized Account Code Structure .....	961,000
Provisions:	
1. The funds appropriated in this item shall be used only for the direct costs to administer the Standardized Account Code Structure program, pursuant to Education Code Section 42103.3, to assist any school district or county office of education in financial distress or bankruptcy, to make available standard fiscal, demographic, and performance data to policy decisionmakers, and for indirect costs for those programs at the rate approved by the United States Department of Education.	
6110-004-0001—For support of Department of Education, Program 20.60.020-Instructional Support, School Crime Report .....	1,515,000
Provisions:	
1. Of the funds appropriated in this item, \$658,000 shall be available to the State Department of Education for training and monitoring activities associated with the school crime reporting programs, including hate crimes and hate motivated inci-	

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dents pursuant to Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code and Sections 233, 32228, 32228.1, 44253.2, and 44253.3 of the Education Code. The funds described in this provision shall be used only for the direct costs to administer that school crime reporting program, and for indirect costs of the program at the rate approved by the United States Department of Education. The amount specified in this provision includes \$50,000 that shall be available for costs associated with the production of the school crime report.

- 2. Of the funds appropriated in this item, \$857,000 shall be allocated by the State Department of Education to the Butte County Office of Education pursuant to a contract entered into between the department and the Butte County Office of Education for the performance of other activities associated with the school crime reporting program identified in Provision 1.
- 3. The Legislative Analyst shall review the school crime reporting validation methodology used by the State Department of Education and its contractor and shall report to the Legislature no later than March 31, 2002, on the appropriateness of the methodology and any associated recommendations.

6110-005-0001—For support of Department of Education, as allocated by the Department of Education to the State Special Schools, Program 10.60.040 ..... 30,595,000

Schedule:

- (1) 10.60.040-Instruction..... 31,182,000
  - (a) 10.60.040.001-  
School for the  
Blind, Fremont.. 4,521,000
  - (b) 10.60.040.002-  
School for the  
Deaf, Fremont... 13,416,000
  - (c) 10.60.040.003-  
School for the  
Deaf, Riverside. 13,245,000
- (2) Reimbursements..... -587,000

Provisions:

- 1. The State Special Schools for the Deaf in Fremont and Riverside and the State Special School for the Blind in Fremont shall provide a four-week extended session.

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2. Of the amount appropriated in this item, up to \$13,000 is provided for payment of energy service contracts in connection with the issuance of Energy Conservation Efficiency Revenue Bonds.	
3. Of the amount appropriated in Schedule (c) of this item, \$1,121,000 shall be available on a one-time basis for the purpose of renovating 16 restrooms.	
4. Of the amount appropriated in Schedule (c) of this item, \$349,000 shall be available on a one-time basis for the purpose of installing air conditioning in the social hall.	
5. Of the amount appropriated in Schedule (c) of this item, \$159,000 shall be available on a one-time basis for the purpose of replacing nine hot water tanks.	
6110-006-0001—For support of Department of Education (Proposition 98), as allocated by the Department of Education to the State Special Schools.....	34,483,000
Schedule:	
(1) 10.60.040-Instruction, State Special Schools.....	39,370,000
(a) 10.60.040.001-School for the Blind, Fremont .....	4,911,000
(b) 10.60.040.002-School for the Deaf, Fremont .....	14,347,000
(c) 10.60.040.003-School for the Deaf, Riverside.....	11,198,000
(d) 10.60.040.007-Diagnostic Centers ...	8,914,000
(2) Reimbursements .....	-4,747,000
(3) Amount payable from the California State Lottery Education Fund (Item 6110-006-0814).....	-140,000
Provisions:	
1. On or before September 15 of each year, the superintendent of each State Special School shall report to each school district the number of pupils from that district who are attending a State Special School and the estimated payment due on behalf of the district for those pupils pursuant to Section 59300 of the Education Code. The Controller shall withhold from the State School Fund in the first principal apportionment of that fiscal year the amount due from each school district, as	

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<p>reported to the Controller by the Superintendent of Public Instruction. The amount withheld shall be transferred from the State School Fund to this item. The Superintendent of Public Instruction is authorized to adjust the estimated payments required after the close of the fiscal year by reporting to the Controller the information needed to make the adjustment. The payments by the Controller that result from this year-end adjustment shall be applied to the current year.</p> <ol style="list-style-type: none"> <li>2. The State Special Schools for the Deaf in Fremont and Riverside and the State Special School for the Blind in Fremont shall provide a four-week extended session.</li> <li>3. Of the amount appropriated in Schedule (b) of this item, \$1,000,000 shall be used for efforts to recruit and retain teachers at the State Special School for the Deaf in Fremont.</li> </ol>	
<p>6110-006-0814—For support of Department of Education, for payment to Item 6110-006-0001, payable from the California State Lottery Education Fund... Provisions:</p> <ol style="list-style-type: none"> <li>1. All funds received pursuant to Chapter 12.5 of Division 1 of Title 2 of the Government Code that are allocable to the State Special Schools pursuant to Section 8880.5 of the Government Code, and that are in excess of the amount appropriated in this item, are hereby appropriated in augmentation of this item.</li> </ol>	140,000
<p>6110-007-0001—For support of Department of Education, Program 20.20.010-Instructional Materials Management and Distribution—Curriculum Frameworks and Instructional Materials..... Provisions:</p> <ol style="list-style-type: none"> <li>1. Funds appropriated by this item shall be used only for direct costs to conduct biennial state adoptions of basic instructional materials pursuant to Section 60200 of the Education Code and for indirect costs for that purpose at the rate approved by the United States Department of Education.</li> </ol>	103,000
<p>6110-008-0001—For support of Department of Education, as allocated by the Department of Education to the State Special Schools for student transportation allowances, Program 10.60.040 ..... Provisions:</p> <ol style="list-style-type: none"> <li>1. Funds appropriated in this item are in lieu of funds that otherwise would be transferred from</li> </ol>	1,064,000

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the General Fund to Section A of the State School Fund in accordance with Sections 14007 and 41301.5 of the Education Code.	
6110-011-0001—For support of Department of Education, Program 10.10-School Apportionments, Principal Apportionments System..... Provisions:	803,000
1. The funds appropriated in this item shall be used for the rewrite of the Principal Apportionments System, and are subject to the stipulations of the Special Project Requests agreed to by the Department of Information Technology and the Department of Finance during the Spring of 2001. Under no circumstances may expenditures pursuant to this item exceed the funding levels agreed to in the Special Project Requests without approval of the Department of Finance.	
2. Any revision of the Principal Apportionments System shall allow for the capture of all charter school ADA and revenue in such a way that the data can be linked to the district in which the charter school resides, along with the district’s other apportionment-related data. By October 1st of 2001, the Department of Education shall provide to the Department of Finance a blended file of all charter school ADA and revenue aligned with the districts in which the charter schools reside along with the districts’ regular apportionment data provided as part of the P2 Revenue Limit File. By March 1st of 2002, the Department of Education shall provide to the Department of Finance a blended file of all charter school ADA and revenue aligned with the districts in which the charter schools reside along with the districts’ regular apportionment data provided as part of the P1 Revenue Limit File. It is the expectation that such reports will be provided annually, whether produced by the current or revised Principal Apportionments System.	
4. Any unexpended balances, as of June 30, 2001, for which expenditure authority was granted through Item 6110-011-0001 of the Budget Act of 2000 (Ch. 52, Stats. 2000) for the rewrite and redesign of the Principal Apportionments System shall continue to be available for the 2001–02 fiscal budget year for those same purposes and subject to the same conditions, and for purposes and	



Item	Amount
<p>conditions approved in the 3rd and 4th Special Project Reports approved during the 2000–01 fiscal year.</p>	
<p>6110-013-0001—For support of Department of Education, Program 10.10-Audit Resources .....</p>	475,000
<p>Provisions:</p>	
<p>1. The funds appropriated in this item shall be used only for the direct costs of the contracts for audits.</p>	
<p>2. Notwithstanding any other provision of law, no funds shall be expended from this item without prior approval from the Department of Finance.</p>	
<p>6110-015-0001—For support of Department of Education, Program 20.20.020-Instructional Materials Management and Distribution .....</p>	384,000
<p>Provisions:</p>	
<p>1. Funds appropriated in this item are for transfer by the Controller to the State Instructional Materials Fund, for allocation during the 2001–02 fiscal year pursuant to Article 3 (commencing with Section 60240) of Chapter 2 of Part 33 of the Education Code. These funds shall be transferred in amounts claimed by the Department of Education, for direct disbursement by the Department of Education from the State Instructional Materials Fund.</p>	
<p>6110-021-0001—For support, Department of Education, Program 30.20.005-Child Nutrition—Nutrition Education Projects .....</p>	606,000
<p>6110-101-0001—For local assistance, Department of Education (Proposition 98).....</p>	4,559,000
<p>Provisions:</p>	
<p>1. The funding in this item shall be allocated for the following local projects:</p>	
<p>(a) San Fernando Middle School: Renovation of the San Fernando Middle School Auditorium .....</p>	(500,000)
<p>(b) Mount Pleasant School District—National Hispanic University Lease Purchase Agreement.....</p>	(1,000,000)
<p>(c) Elk Grove Unified School District: Elk Grove Community Pool .....</p>	(50,000)
<p>(d) Fremont Elementary School, Santa Ana Unified School District: Fremont Elementary School playground equipment...</p>	(58,000)

Item	Amount
(e) Gilbert Elementary School, Garden Grove Unified School District: Gilbert Elementary School playground equipment.....	(110,000)
(f) Jackson Elementary School, Santa Ana Unified School District: Jackson Elementary School playground equipment .....	(80,000)
(g) Lennox School District: Purchase computers .....	(125,000)
(h) Rancho Cordova Elementary School: Rancho Cordova Elementary School playgrounds ...	(50,000)
(i) Rancho Cordova High School: Light fixtures .....	(25,000)
(j) Sunnyvale Elementary School District: Program funds for Project H.E.L.P.....	(100,000)
(k) Fremont Union High School District: Digital Divide Scholarship Program .....	(100,000)
(l) East Side Union High School District: Laptops for underachieving 9th graders.....	(50,000)
(m) Los Angeles Unified School District: Health clinic at San Fernando High School .....	(200,000)
(n) Merced Union High School District, Education Foundation: Construction of Golden Valley Pool .....	(250,000)
(o) Merced Union High School District: Buhach High School Aquatic Facility .....	(250,000)
(p) Ceres Unified School District: Ceres High School Performing Arts Center.....	(250,000)
(q) Alameda Unified School District: Woodstock Child Development Center.....	(100,000)
(r) East San Gabriel Valley Regional Occupational Program: East San Gabriel Valley Occupational Program and Technical Center .....	(75,000)

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(s) Alhambra Unified School District: Mark Keppel High School HVAC system repair and improvement.....	(250,000)
(t) Fremont Unified School District: Renovation of the Tak Fudenna Stadium .....	(50,000)
(u) Glendale Unified School District: Latino Student Initiative Program .....	(80,000)
(v) Glendale Unified School District: Middle School Technology Lab Program .....	(75,000)
(w) Verdugo Hills High School: Equipment .....	(31,000)
(x) Mountain Avenue Elementary School: Computers .....	(25,000)
(y) Pasadena Unified School District: Greening Project .....	(25,000)
(z) Long Beach Unified School District, Los Angeles County Office of Education Los Angeles COE (\$250,000 each to LBUSD and LACOE): Augmentation for specialized secondary schools: California Academy of Math and Science (CAMS) and Los Angeles County High School for the Arts (LACHSA) .....	(100,000)
(aa) Long Beach Unified School District: Request for matching funds for district's participation in Malcolm Baldrige National Quality Program.....	(50,000)
(ab) Sacramento City Unified School District: Didion/Lewis Park Multi-Use Recreational Center .....	(175,000)
(ac) Sacramento Unified School District: After School Arts and Education Program (Public/Private partnerships for arts education through Sacramento City Unified School District)...	(75,000)
(ad) Golden Valley Unified School District: Safe routes for travel to schools .....	(100,000)

Item	Amount
(ae) Simi Valley Unified School District: Joint-use tennis courts. (100,000)	
(af) Lennox Middle School: Lennox Middle School scholarship program .....	(50,000)
6110-101-0231—For local assistance, Department of Education, Program 20.10.045-Instructional Support, Curriculum Services—Health and Physical Education—Drug Free Schools, for county offices of education, payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund	3,800,000
6110-101-0349—For local assistance, Department of Education, Program 20.90-Instructional Support, for allocation to the Fiscal Crisis and Management Assistance Team for the purpose of administering the California School Information Services program, payable from the Educational Telecommunication Fund .....	11,566,000
Provisions:	
1. Notwithstanding Section 10554 of the Education Code, the Controller shall transfer from the General Fund the actual amount certified by the Superintendent of Public Instruction as reductions made to apportionments in the 2001–02 fiscal year for repayments of prior year excess apportionments identified pursuant to:	
(1) Repayments made pursuant to Chapter 789 of the Statutes of 1997.	
(2) Other audit settlements for excess apportionments identified as a result of audits, investigations, or inquiries.	
2. Notwithstanding any other provision of law, if there are insufficient funds in the Educational Telecommunications Fund to meet the operational needs of the local California School Information Services (CSIS) project, the CSIS project’s Chief Operating Officer shall notify the Department of Finance by providing an expenditure plan detailing the amount he or she projects will be required to meet those needs. The Department of Finance shall notify the Chairperson of the Joint Legislative Budget Committee, or his or her designee, of its intent to request that the Controller transfer the amount projected to be required to meet the projected operational needs of the local CSIS project from the Proposition 98 Reversion Account into the Educational Telecommunications Fund for al-	

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location pursuant to this item. The Controller shall transfer those funds not sooner than 30 days after this notification.	
6110-101-0814—For local assistance, Department of Education, Program 10.10-School Apportionment, for allocation by the Controller in accordance with Section 8880.5 of the Government Code as enacted by the voters in Proposition 37 at the November 1984 general election, payable from the California State Lottery Education Fund.....	826,447,000
Provisions:	
1. All funds received pursuant to Chapter 12.5 of Division 1 of Title 2 of the Government Code that are allocable to local education agencies that serve pupils in kindergarten or any of grades 1 to 12, inclusive, pursuant to Section 8880.5 of the Government Code, and that are in excess of the amount appropriated in this item, are hereby appropriated in augmentation of this item.	
6110-101-0890—For local assistance, Department of Education, Title VI of the Elementary and Secondary Education Act, payable from the Federal Trust Fund .....	40,769,000
Schedule:	
(1) 10-Instruction.....	40,490,000
(2) 20-Instructional support.....	279,000
Provisions:	
1. It is the intent of the Legislature that schools be encouraged to use the funds appropriated in this item to enhance, expand, and further the Public Schools Accountability Act of 1999, pursuant to Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code.	
6110-101-0975—For local assistance, Department of Education, Program 20.40.040-Library and Learning Resources, payable from the California Public School Library Protection Fund .....	158,845,000
Provisions:	
1. Subject to the conditions of Article 6 (commencing with Section 18175) of Chapter 2 of Part 11 of the Education Code, and based on increases in the funds deposited in the California Public School Library Protection Fund, the appropriation made in this item may be increased subject to the approval of the Department of Finance.	
2. The sum of \$158,500,000 shall be transferred to this item from Item 6110-149-0001 by the Con-	

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<p>troller pursuant to Section 18182 of the Education Code. These funds, as well as the funds appropriated in this item, shall be available to fund the acquisition of school library materials pursuant to Article 7 (commencing with Section 18180) of Chapter 2 of Part 11 of the Education Code.</p>	
<p>6110-102-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund .....</p>	10,000,000
<p>Provisions:</p>	
<p>1. The funds appropriated in this item shall be used to provide grants to charter schools that are located in low-income areas for the purposes of leasing facilities, contingent upon legislation to be enacted prior to January 1, 2002. The funds appropriated are intended to be offset by reductions to charter school funding as specified in the legislation, including, but not limited to, provisions pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8 of Division 4 of Title 2 of the Education Code or Section 47613.1 of the Education Code.</p>	
<p>6110-102-0231—For local assistance, Department of Education, Program 20.10.045-Instructional Support, Curriculum Services Health and Physical Education, Drug Free Schools, for local assistance, payable from the Health Education Account, Cigarette and Tobacco Products Surtax Fund .....</p>	23,244,000
<p>Provisions:</p>	
<p>1. On or before June 1, 2002, the State Department of Education shall report to the Joint Legislative Budget Committee on the amount of Tobacco-Use Prevention Education funds that it intends to transfer from the competitive grades 9–12 program to the formula grades 4–8 program in the 2001–02 fiscal year.</p>	
<p>6110-102-0890—For local assistance, Department of Education, Program 20.60.038-Learn and Serve America Program, payable from the Federal Trust Fund .....</p>	2,131,000
<p>6110-103-0001—For local assistance, Department of Education (Proposition 98), Program 10.10.001.005-School Apportionments for transfer to Section A of the State School Fund, for the purposes of Section 8152 of the Education Code.....</p>	15,852,000

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## Provisions:

1. Notwithstanding Section 8154 of the Education Code, or any other provision of law, the funds appropriated in this item shall be the only funds available for and allocated by the Superintendent of Public Instruction for the apprentice programs operated by school districts and county offices of education.
2. Notwithstanding Section 8152 of the Education Code, each 60-minute hour of teaching time devoted to each indentured apprentice enrolled in and attending classes of related and supplemental instruction as provided under Section 3074 of the Labor Code shall be reimbursed at the rate of \$4.86 per hour. For purposes of this provision, each hour of teaching time may include up to 10 minutes for passing time and breaks.
3. No school district or county office of education shall use funds allocated pursuant to this item to offer any new or expanded apprentice program unless the program has been approved by the Superintendent of Public Instruction.
4. The Superintendent of Public Instruction shall report to the Department of Finance and the Legislature not later than October 1, 2001, on the amount of funds expended for and the hours of related and supplemental instruction offered in the apprentice program during the 2000–01 fiscal year, with information to be provided by the school district, county office of education, program sponsor, and trade. Expenditure information shall distinguish between direct and indirect costs, including administrative costs funded for the State Department of Education, school districts, and county offices of education. In addition, the report shall identify the hours of related and supplemental instruction proposed for the 2000–01 and 2001–02 fiscal years by the school district, county office of education, program sponsor, and trade. As a condition of receiving funds for the apprenticeship program, school districts and county offices of education shall report to the Superintendent of Public Instruction the information necessary for the completion of this report.
5. Notwithstanding Article 8 (commencing with Section 8150) of Chapter 1 of Part 6 of the Education Code, or any other provision of law, the

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total number of hours eligible for state reimbursement in apprentice programs operated by school districts and county offices of education shall be limited to an amount equal to the amount of the total appropriation made in this item divided by the hourly rate specified in Provision 2. The Superintendent of Public Instruction shall have the authority to determine which apprentice programs, and which hours offered in those programs, are eligible for reimbursement.	
6110-103-0890—For local assistance, Department of Education, Program 41.20.030.003-Robert C. Byrd Honors Scholarship Program, payable from the Federal Trust Fund.....	4,994,000
6110-104-0001—For local assistance, Department of Education (Proposition 98), Program 10.10.011-School Apportionments—Remedial Supplemental Instruction Programs, for transfer to Section A of the State School Fund, for supplemental instruction and remedial programs.....	434,948,000
Schedule:	
(1) 10.10.011.008-School Apportionments, for Supplemental Instruction, Remedial, Grades 7–12 for the purposes of Section 37252 of the Education Code.....	165,555,000
(2) 10.10.011.009-School Apportionments, for Supplemental Instruction, Retained, Recommended for Retention, or At-Risk of Retention, Grades 2–9, for the purposes of Section 37252.5 of the Education Code.....	48,044,000
(3) 10.10.011.010-School Apportionments, for Supplemental Instruction, Low STAR, Grades 2–6, for the purposes of Section 37252.6 of the Education Code.....	17,322,000
(4) 10.10.011.011-School Apportionments, for Supplemental Instruction, Core Academic, Grades K–12, for the purposes of Section 37253 of the Education Code.....	204,027,000
Provisions:	
1. Notwithstanding any other provision of law, for the 2001–02 fiscal year the Superintendent of Public Instruction shall allocate a minimum of	



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- \$7,253 for supplemental summer school programs in each school district for which the prior fiscal year enrollment was less than 500 and that, in the 2001–02 fiscal year, offers at least 1,500 hours of supplemental summer school instruction. A small school district, as described above, that offers less than 1,500 hours of supplemental summer school offerings shall receive a proportionate reduction in its allocation. For the purpose of this provision, supplemental summer school programs shall be defined as programs authorized under paragraph (2) of subdivision (f) of Section 42239 of the Education Code as it read on July 1, 1999.
2. Of the funds appropriated in this item, \$16,373,000 is for the purpose of providing a cost-of-living adjustment (COLA) to supplemental instruction and remedial programs, in lieu of the amount that would otherwise be provided pursuant to statute.
  3. Notwithstanding any other provision of law, the Director of Finance may, to prevent deficiencies in any of the programs funded by the appropriation in this item, use the authority granted by Section 26.00 of this act to transfer funding between schedules of this item.
  4. Notwithstanding any other provision of law, the rate of reimbursement shall be \$3.38 per hour of supplemental instruction.
  5. Notwithstanding any other provision of law, the Department of Finance may transfer amounts between Items 6110-104-0001, 6110-204-0001, and 6110-205-0001 of this act in order to minimize deficiencies for any of the programs budgeted in those items.
  6. Notwithstanding Section 12.60 of the Budget Act, up to \$10 million of any unencumbered balance in this item as of June 30, 2002, shall be allocated to the State Department of Education for the purpose of funding supplemental instructional transportation costs in the 2002–03 fiscal year for Deciles 1 and 2 schools as defined by the 2000 Academic Performance Index pursuant to legislation enacted during the 2001–02 Regular Session. The Director of Finance shall notify the Joint Legislative Budget Committee of the amount of the unencumbered balance by August 1, 2002.

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6110-105-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund for the purposes of Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of the Education Code .....	360,031,000

Schedule:

- (1) 10.10.004-Instruction Program—  
School Apportionments, Regional  
Occupational Centers and  
Programs .....367,348,000
- (2) Reimbursements..... -7,317,000

Provisions:

1. Notwithstanding any other provision of law, the funds appropriated in this item are for transfer by the Controller to Section A of the State School Fund, in lieu of the amount that otherwise would be appropriated for transfer from the General Fund in the State Treasury to Section A of the State School Fund for the 2001–02 fiscal year pursuant to Sections 14002 and 14004 of the Education Code, in an amount as needed for apportionment pursuant to Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of the Education Code.
2. Funds appropriated in this item shall be apportioned by the Superintendent of Public Instruction pursuant to Article 1.5 (commencing with Section 52335) of Chapter 9 of Part 28 of the Education Code.
3. Because Chapter 482 of the Statutes of 1984 was chaptered after Chapter 268 of the Statutes of 1984, the Legislature’s intent regarding the eligibility of regional occupational centers and programs for incentive funding for a longer instructional year under Section 46200 of the Education Code was not carried out. It is the intent of the Legislature that regional occupational centers and programs not be eligible for that incentive funding.

Notwithstanding any other provision of law, the funds appropriated in this item may not be expended for the purposes of providing or continuing incentive funding for a longer instructional year pursuant to Section 46200 of the Education Code.

4. Notwithstanding any other provision of law, funds appropriated in this item for average daily atten-

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dance (ADA) generated by participants in welfare-to-work activities under the CalWORKs program established in Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code may be apportioned on an advance basis to local education agencies based on anticipated units of ADA if a prior application for this additional ADA funding has been approved by the Superintendent of Public Instruction.

5. Of the amount appropriated in this item, \$1,161,000 is to fund remedial education services for participants in welfare-to-work activities under the CalWORKs program.
6. Of the funds appropriated in this item, \$9,244,000 is provided for increases in average daily attendance at a rate of 2.74 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$13,414,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.
7. Indirect costs charged to Regional Occupational Centers and Programs may not exceed the school district or county office of education, as appropriate, prior year indirect cost rate as approved by the State Department of Education.

The indirect costs charged by the county office of education and school districts that provide Regional Occupational Centers and Programs services on behalf of the county office of education or a joint powers authority, when added together, may not exceed the indirect cost rate approved by the State Department of Education for the county office of education or the school district, whichever is higher.

Revenue limit funds apportioned to a county office of education or school district for Regional Occupational Centers and Programs must be expended on programs and services offered by the Regional Occupational Centers and Programs. The Regional Occupational Centers and Programs revenue limit may be apportioned directly to a joint powers authority.

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6110-106-0001—For local assistance, Department of Education (Proposition 98), for transfer by the Controller to Section A of the State School Fund, Program 20.30, West Contra Costa Facilities Payment. Provisions:	800,000
1. For allocation to the West Contra Costa Unified School District as specified by paragraph (1) of subdivision (a) of Education Code Section 41329.	
6110-107-0001—For local assistance, Department of Education (Proposition 98), Program 10.10-County Offices of Education Fiscal Oversight .....	5,223,000
Schedule:	
(1) 10.10.002-COE Oversight.....	1,500,000
(2) 10.10.005-FCMAT .....	2,548,000
(3) 10.10.012-Instruction—FCMAT: CSIS.....	250,000
(4) 10.10.013-Audit Appeal Panel .....	75,000
(5) 10.10.015-Interim Reporting .....	150,000
(6) 10.10.016-Staff Development.....	700,000
Provisions:	
1. The funds appropriated in Schedule (1) of this item are for the purposes provided in paragraph (1) of subdivision (a) of Section 29 of Chapter 1213 of the Statutes of 1991.	
2. Of the funds appropriated in Schedule (2) of this item:	
(a) \$2,000,000 shall be allocated by the Controller directly to a county office of education, selected pursuant to subdivision (a) of Section 42127.8 of the Education Code to oversee Fiscal Crisis and Management Assistance Team (FCMAT) responsibilities with respect to these funds, to meet the costs of participation under Section 42127.8 of the Education Code.	
(b) \$418,000 shall be allocated to FCMAT for the purpose of providing, through computer technology, financial and demographic information that is interactive and immediately accessible to all local education agencies to assist them in their decisionmaking process. To ensure a completely integrated system, this computer information should be developed in collaboration with the State Department of Education, and should be compatible with the hardware and software of the State Department of Education, so that this information	

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- may also assist state level policymakers in making comparable standardized financial information available to the local education agencies and the public.
- (c) \$130,000 shall be used for oversight of the Compton Unified School District, pursuant to Chapter 767 of the Statutes of 1997.
3. Of the funds appropriated in Schedule (3) of this item, \$250,000 shall be available to the FCMAT to pay for project management services for CSIS. These funds shall be used to supplement and not supplant other CSIS funds available for project management services.
  4. The funds appropriated in Schedule (5) of this item are for the increased responsibility of county offices of education for oversight of school districts with audit exceptions, districts with qualified or negative interim reports, districts that may be unable to meet financial obligations for the current or subsequent two years, or districts with disapproved budgets, as provided under Chapter 924 of the Statutes of 1993. Allocation of such funds shall be administered by the Fiscal Crisis and Management Assistance Team (FCMAT) on a reimbursement basis and all reimbursements shall be subject to the approval of both the Department of Finance and the State Department of Education.
  5. The amount appropriated in Schedule (5) shall be available for expenditure for the 2001–02 and 2002–03 fiscal years. Any unexpended balance as of September 1, 2002, shall be available through July 30, 2003, for staff development purposes, pursuant to Provision 6 of this item.
  6. Of the funds appropriated in Schedule (6) of this item, \$500,000 is for the purpose of providing staff development to local education agency school finance and business personnel, as provided in Section 42127.8 of the Education Code. The funds appropriated in Schedule (6) shall be allocated by the Controller directly to a county office of education selected pursuant to subdivision (a) of Section 42127.8 of the Education Code to oversee FCMAT's responsibilities with respect to these funds. \$200,000 of the funds appropriated in Schedule (6), is for the purpose of providing training that shall be developed and facilitated pursu-

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ant to Section 42127.8 of the Education Code to increase school district and school-level capacity to implement and manage site-based budgeting and decisionmaking governance structures.

7. The funds appropriated in this item shall be allocated in accordance with the above schedule unless a revision to the allocations contained herein has been approved by the Department of Finance. The Department of Finance may not authorize any such revision sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may in each instance determine.
8. The funds appropriated in Schedule (4) of this item are for the additional staff and resources needed for FCMAT to ensure that timely resolution of audit findings is achieved pursuant to the directives of Education Code Section 41344.
9. Notwithstanding any other provision of law, funds appropriated in Schedules (1), (2), (4), (5), and (6) of this item to a county office of education, selected pursuant to subdivision (a) of Section 42127.8 of the Education Code to oversee FCMAT responsibilities, shall be allocated by the State Controller directly to that county office of education as soon as possible but no later than 60 days after the enactment of the Budget Act. Funds appropriated in this item shall not be subject to grant allocation or review processes on the part of the State Department of Education nor the Superintendent of Public Instruction. The county office of education that receives these funds shall annually provide a report detailing past year expenditures, identifying the local education agencies (LEA) assisted with these funds and a summary of progress for each. Additionally, the report shall identify a plan for the proposed uses of the allocations in this item, identifying estimated expenditures for each LEA anticipated to be served. This report shall be submitted to the Department of Education and to the Department of Finance by October 1, 2001.

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6110-108-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.60.020.200-Tenth Grade Counseling pursuant to Section 48431.7 of the Education Code .....	10,919,000
Provisions:	
1. Of the funds appropriated in this item, \$149,000 is for the purpose of providing an adjustment for increases in enrollment at a rate of 1.44 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$407,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.	
6110-109-0001—For local assistance, Department of Education (Proposition 98), Program 20.60.020.007-Gang Risk Intervention Program pursuant to Chapter 5.5 (commencing with Section 58730) of Part 31 of Division 4 of Title 2 of the Education Code .....	3,000,000
6110-111-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Home to School Transportation, pursuant to Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of the Education Code and Small School District Transportation, pursuant to Article 4.5 (commencing with Section 42290) of Chapter 7 of Part 24 of the Education Code .....	506,974,000
Schedule:	
(1) 10.10.006-Pupil Transportation .....	502,566,000
(2) 10.10.008-Small School District Bus Replacement .....	4,408,000
Provisions:	
1. Of the funds appropriated in this item, \$6,739,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$18,889,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.	

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6110-112-0001—For local assistance, Department of Education (Proposition 98), for transfer by the Controller to Section A of the State School Fund, Program 20.60.017-Instructional Time and Staff Development Reform Program.....	224,157,000
Provisions:	
1. The funds appropriated in this item are available for the purposes of the Instructional Time and Staff Development Reform Program established by Article 7.5 (commencing with Section 44579) of Chapter 3 of Part 25 of the Education Code.	
2. Of the funds appropriated in this item, \$12,333,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent for the Instructional Time and Staff Development Reform Program, in lieu of the amount that would otherwise be provided pursuant to statute, resulting in a daily rate of \$293.42 for teachers and \$152.14 for classified paraprofessionals.	
3. It is the intent of the Legislature to fund deficiencies that may result in this program during the 2001–02 fiscal year.	
6110-112-0890—For local assistance, Department of Education, Program 20.60.036-Public Charter Schools, payable from the Federal Trust Fund.....	12,632,000
6110-113-0001—For local assistance, Department of Education (Proposition 98), for purposes of California’s pupil testing program.....	126,477,000
Schedule:	
(1) 20.70.030.001-Golden State Examination .....	14,937,000
(2) 20.70.030.004-Career Technical Assessment .....	843,000
(3) 20.70.030.005-Assessment Review and Reporting .....	3,781,000
(4) 20.70.030.006-STAR Program .....	65,643,000
(5) 20.70.030.007-English Language Development Assessment .....	14,474,000
(6) 20.70.030.008-High School Exit Examination.....	14,799,000
(7) 20.70.030.009-Test Development: STAR and High School Exit Exam	12,000,000
Provisions:	
1. The funds appropriated in this item shall be for the pupil testing programs authorized by Chapter 5 (commencing with Section 60600), Chapter 7 (commencing with Section 60810), and Chapter 8	



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- (commencing with Section 60850) of Part 33 of the Education Code.
2. The funds appropriated in Schedule (4) include funds for primary language tests administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of the Education Code.
  3. The funds appropriated in Schedule (5) shall be available for administration of an English language development test meeting the requirements of Chapter 7 (commencing with Section 60810) of Part 33 of the Education Code.
  4. The funds appropriated in Schedule (6) include funds for the administration of the HSEE pursuant to Chapter 8 (commencing with Section 60850) of Part 33 of the Education Code.
  5. Of the funds appropriated in this item, \$1,132,000 is for the purpose of providing an adjustment for increases in enrollment at a rate of 1.40 percent and \$3,797,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.
  6. The funds appropriated in Schedule (7) shall be available for test item development for the STAR and High School Exit Examination programs during the 2001–02 fiscal year. The test items developed with these funds shall make progress in aligning these exams with the State Board of Education-approved academic content standards and in ensuring that these exams are valid and reliable as measured by industry standards.
  9. It is the intent of the Legislature that the State Department of Education develop a plan to streamline existing programs to eliminate duplicative tests and minimize the instructional time lost to test administration. The State Department of Education shall ensure that all statewide tests meet industry standards for validity and reliability.
  10. The State Board of Education shall annually establish the amount of funding to be apportioned to school districts for the English Language Development Assessment and the High School Exit Examination. The amount of funding to be apportioned per test shall not be valid without the approval of the Department of Finance.

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6110-116-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.60.030-School Improvement Programs, pursuant to Chapter 6 (commencing with Section 52000) of Part 28 of the Education Code .....	418,471,000
Schedule:	
(1) 20.60.030.010-For the purposes of making allowances for kindergarten and grades 1 to 6, inclusive.....	348,129,000
(2) 20.60.030.020-For the purpose of making allowances for grades 7 to 12, inclusive .....	70,342,000
Provisions:	
1. From the funds appropriated in Schedule (2), the State Department of Education shall allocate \$31.71 per unit of average daily attendance (ADA) generated by pupils enrolled in grades 7 and 8 to those school districts that received School Improvement Grants in the 1989–90 fiscal year at a rate of \$30 per unit of ADA generated by pupils enrolled in grades 7 and 8.	
2. Of the funds appropriated in Schedule (1) of this item, \$687,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 0.21 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$12,971,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.	
3. Of the funds appropriated in Schedule (2) of this item, \$1,468,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 2.22 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$2,621,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.	
6110-117-0001—For local assistance, State Department of Education, Program 10.70-Vocational Education, in lieu of the amount that otherwise would be appropriated pursuant to subdivision (b) of Section 19632 of the Business and Professions Code .....	562,000

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Provisions:	
1. Of the funds appropriated in this item, \$50,000 shall be available to contract with the California Association of Student Councils for the purpose of providing leadership development and training to pupils in grades 3 to 12, inclusive.	
6110-119-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.40.060-Educational Services for Foster Youth pursuant to Chapter 11.3 (commencing with Section 42920) of Part 24 of the Education Code .....	8,464,000
Provisions:	
1. Of the funds appropriated in this item, \$113,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$315,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.	
6110-120-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund Program 20.40.100-Pupil Dropout Prevention Programs established pursuant to Article 6 (commencing with Section 52890) and Article 7 (commencing with Section 52900) of Chapter 12 of Part 28, Article 7 (commencing with Section 54720) of Chapter 9 of Part 29, and Chapter 3.5 (commencing with Section 58550) of Part 31 of, the Education Code .....	21,167,000
Provisions:	
1. The following provisions apply to pupil dropout prevention programs receiving funds pursuant to this item:	
(a) Prior to hiring an outreach consultant with funds appropriated in this item, a school or school district shall have adopted a plan, that includes a statement describing the specific duties of the outreach consultant and that has been approved by the Superintendent of Public Instruction. This duty statement shall require that the outreach consultant perform only activities that directly benefit “high-risk	

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- pupils” as defined in subdivision (c) of Section 54721 of the Education Code. Each outreach consultant shall receive no more than \$50,643 as annual compensation.
- (b) A school district or any school receiving funds for outreach consultants in schools with motivation and maintenance plans developed in accordance with Article 7 (commencing with Section 54720) of Chapter 9 of Part 29 of the Education Code, shall collect and report data to the Superintendent of Public Instruction on pupil dropouts, together with any other data deemed necessary by the superintendent for the evaluation of motivation and maintenance programs. The data shall be reported in a format to be determined by the superintendent. Whenever feasible, the superintendent shall collect this data through the California Basic Educational Data System (CBEDS).
- (c) Notwithstanding the schedule set forth in Section 58554 of the Education Code, (1) the maximum fee for an initial diagnosis prepared by an educational clinic under the terms of the contract entered into pursuant to Section 58553 or 58553.5 of the Education Code shall not exceed \$103.91 and may be expended for outreach and pupil and family counseling in addition to the initial diagnosis of entering pupils, and (2) the maximum fee for each instructional hour or fee for additional diagnosis provided under the terms of a contract entered into pursuant to Section 58553 or 58553.5 of the Education Code shall not exceed \$6.97 per hour.
2. Of the funds appropriated in this item, \$281,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$789,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.

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6110-122-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.40.090-Specialized Secondary Programs, pursuant to Chapter 6 (commencing with Section 58800) of Part 31 of the Education Code .....	4,967,000
Provisions:	
1. Of the funds appropriated in this item, \$1,500,000 shall be allocated to Specialized Secondary Programs established pursuant to Chapter 6 (commencing with Section 58800) of Part 31 of the Education Code prior to the 1991–92 fiscal year that operate in conjunction with the California State University.	
2. Of the funds appropriated in this item, \$66,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$185,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.	
6110-123-0001—For local assistance, Department of Education (Proposition 98), for implementation of the Public Schools Accountability Act, pursuant to Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code .....	517,970,000
Schedule:	
(1) 20.60.030.031-Immediate Intervention/Underperforming Schools Program.....	160,970,000
(2) 20.60.030.032-High Achieving/Improving Schools Program .....	157,000,000
(3) 20.60.030.034-Low-Performing Schools.....	200,000,000
Provisions:	
1. Funds appropriated in Schedule (1) are provided solely for the purpose of implementing the Immediate Intervention/Underperforming Schools Program, pursuant to Article 3 of Chapter 6.1 (commencing with Section 52053) of Part 28 of the Education Code. Of this amount, \$21,500,000 is for the purpose of providing planning grants of \$50,000 each to a third cohort of new schools, and the remainder is provided to fully fund implementation grants for the first and second cohorts of	

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schools that received planning grants under the program during the 1999–00 and 2000–01 fiscal years.	
2. Funds appropriated in Schedule (2) are provided solely for the purpose of implementing the Governor’s High Achieving/Improving Schools Program, pursuant to Article 4 of Chapter 6.1 (commencing with Section 52056) of Part 28 of the Education Code.	
3. Funds appropriated in Schedule (3) are provided solely for the purpose of implementing a low-performing school program, pursuant to legislation enacted during the 2001–02 Regular Session.	
6110-124-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 10.80.010-Gifted and Talented Pupil Program established pursuant to Chapter 8 (commencing with Section 52200) of Part 28 of the Education Code .....	54,679,000
Provisions:	
1. Of the funds appropriated in this item, \$727,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$2,037,000 is for the purpose of providing a cost-of-living adjustment (COLA) of 3.87 percent.	
6110-125-0001—For local assistance, Department of Education (Proposition 98), for English Language Learners Program 20.10.006-English Language Learners Student Assistance pursuant to Chapter 4 (commencing with Section 400) of Part 1 of the Education Code .....	53,200,000
6110-126-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.10.035-Miller-Unruh Basic Reading Act of 1965 (commencing with Section 54100) of Chapter 2 of Part 29 of the Education Code .....	28,362,000
Provisions:	
1. The State Department of Education shall establish a procedure to accept an application from any school district for participation in the Miller-Unruh Basic Reading Act of 1965 established pursuant to Chapter 2 (commencing with Section	

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54100) of Part 29 of the Education Code. This procedure shall provide first priority for any available funding to school districts with underperforming schools, consistent with Article 3 (commencing with Section 52053) of Chapter 6.1 of Part 28 of the Education Code, and with the lowest district base revenue limits. Whenever the number of reading specialist positions funded by the program is reduced in any school district, funds shall be reallocated to support an equivalent number of positions in another district or other districts.

- 2. Of the funds appropriated in this item, \$56,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 0.21 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$1,057,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.

6110-127-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.40.070-Opportunity Classes and Programs pursuant to Article 2.3 (commencing with Section 48643) of Chapter 4 of Part 27 of the Education Code.....  
Provisions:

2,453,000

- 1. Notwithstanding Section 48644 of the Education Code, funds allocated to school districts for the expansion of Opportunity Classes and Programs may not exceed \$507 per unit of average daily attendance (ADA), based on the additional enrollment in these classes and programs above the 1982–83 enrollment levels, expressed in terms of ADA. For purposes of making this allocation to opportunity programs, the Superintendent of Public Instruction shall use the following definition to express enrollment in opportunity programs: using total positive clock hours scheduled and attended during the year, 405 hours of opportunity program assignment equals one opportunity program ADA (405 hours is the product of a second principal apportionment divisor of 135 and three hours of attendance per day).
- 2. Of the funds appropriated in this item, \$63,000 is for the purpose of providing an adjustment for in-

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<p>creases in average daily attendance at a rate of 2.75 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$91,000 is for the purpose of providing a cost-of-living adjustment (COLA) of 3.87 percent for the Opportunity Classes and Programs established pursuant to Article 2.3 (commencing with Section 48643) of Chapter 4 of Part 27 of the Education Code.</p>	
6110-128-0890—For local assistance, Department of Education, Program 20.50.030-Eisenhower Professional Development, payable from the Federal Trust Fund .....	45,764,000
6110-129-0001—For local assistance, Department of Education, Program 41.00-Community Education-Intergenerational Programs.....	171,000
6110-130-0001—For local assistance, Department of Education, Program 20.60.100-Advancement via Individual Determination .....	12,300,000
Provisions:	
<p>1. Of the funds appropriated, \$1,300,000 is available for administration of the Advancement Via Individual Determination (AVID) centers and \$6,000,000 is available for competitive outreach grants to local education agencies for the AVID program. Notwithstanding any other provision of law, the remaining \$5,000,000 shall be used solely for the provision of Advanced Placement teacher training or tutoring services, pursuant to Section 52247 of the Education Code.</p>	
6110-131-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 10.30.051-American Indian Early Childhood Education Program established pursuant to Chapter 6.5 (commencing with Section 52060) of Part 28 of the Education Code .....	532,000
Provisions:	
<p>1. Of the funds appropriated in this item, \$7,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available</p>	



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<p>funds. Additionally, \$20,000 is for the purpose of providing a cost-of-living adjustment at the rate of 3.87 percent.</p>	
<p>6110-132-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Targeted Instruction Improvement Grant pursuant to legislation enacted during the 2001–02 Regular Session.....</p>	1,178,983,000
<p>6110-133-0001—For local assistance, Department of Education (Proposition 98), Program 10-Instruction, for allocation to local educational agencies.....</p>	100,000,000
<p>Provisions:</p>	
<p>1. The funds appropriated in this item, are for the purpose of providing a site-based teacher performance program for low-performing schools that exceed target performance goals established pursuant Article 2 (commencing with Section 52051) of Chapter 6.1 of Part 28 of the Education Code.</p>	
<p>6110-134-0001—For local assistance, Department of Education (Proposition 98), Program 10-Instruction, for allocation to local education agencies .....</p>	118,650,000
<p>Provisions:</p>	
<p>1. The funds appropriated in this item shall be for a teacher recruitment and retention block grant established pursuant to Section 44735 of Chapter 3.36 of Part 25 of the Education Code.</p>	
<p>6110-136-0001—For local assistance, Department of Education, Program 20, for stipends for teacher attendees of University of California Professional Teacher Development Programs .....</p>	54,000,000
<p>Schedule:</p>	
<p>(1) 20.10.009-English Language Learner Institute Stipends.....</p>	9,151,000
<p>(2) 20.60.140-Staff Development: Reading Institute Stipends.....</p>	18,300,000
<p>(3) 20.60.150-Staff Development: Governor’s Algebra Institute Stipends.</p>	2,302,000
<p>(4) 20.60.160-Staff Development: Math Specialist Institute Stipends.</p>	4,575,000
<p>(5) 20.60.170-Staff Development: Pre-Algebra/Algebra Institute Stipends</p>	1,372,000
<p>(6) 20.60.180-Staff Development: High School English Subject Matter Project Stipends .....</p>	10,980,000
<p>(7) 20.60.190-Staff Development: High School Math Subject Matter Project Stipends.....</p>	7,320,000

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Provisions:

1. Funds appropriated in Schedule (1) of this item are provided solely for stipends to teachers attending English Language Learner Institutes, as specified in Chapter 4 (commencing with Section 400) of Part 1 of the Education Code.
2. Funds appropriated in Schedules (2), (3), (4), (5), (6) and (7) of this item are available solely for stipends for pre-kindergarten and K–12 teachers attending Professional Development Programs operated by the University of California as specified in Article 2 (commencing with Section 99220) of Chapter 5 of Part 65 of the Education Code.
3. The funds appropriated in this item shall be transferred by the Controller to the University of California for the payment of stipends to teachers upon successful completion of the Professional Development Institutes. The institutes shall make payments directly to teachers.
4. Notwithstanding Section 26.00 of the 2001–02 Budget Act, and upon approval by the Department of Finance, the Department of Education may transfer funds between the schedules contained in this item for the purpose of accommodating unanticipated enrollment changes in the Professional Development Institutes.

6110-136-0890—For local assistance, Department of Education, payable from the Federal Trust Fund.....		1,174,443,000
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Schedule:

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|---|--|---------------|
| (1) 10.30.060-Title I-ESEA .....  |  | 1,134,044,000 |
| (2) 10.30.065-Stewart B. McKinney Homeless Children Education.....            |  | 4,358,000     |
| (3) 20.70.010-Instructional Support: Advanced Placement Fee Waiver..          |  | 3,060,000     |
| (4) 20.60.030.031-Immediate Intervention Underperforming Schools Program..... |  | 32,981,000    |

Provisions:

1. The State Department of Education, for the purposes of the assessment system required by Title 1 of the federal Improving America’s Schools Act of 1994, shall define a “program improvement school” as a school that ranks among the lowest in the state on the assessment used in the Standardized Testing and Reporting (STAR) Program, pursuant to Article 4 (commencing with Section

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<p>60640) of Chapter 5 of Part 33 of the Education Code. A school district may also identify a school that does not meet this criterion as a “program improvement school” during a fiscal year if 60 percent or more of the school’s pupils are performing, as determined by the district’s assessment system, below the standards adopted by the district.</p> <ol style="list-style-type: none"> <li>2. In administering the accountability system required by this item, the State Department of Education shall align the forms, processes, and procedures required of local educational agencies in a manner that they may be utilized for the purposes of implementing the Public School Accountability Act, as established by Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code, so that duplication of effort is minimized at the local level.</li> <li>3. Funds appropriated in Schedule (3) are for the purpose of providing grants to local education agencies to pay the fees incurred by low-income students to take advanced placement examinations. These funds may not be used for any other purpose without the approval of the Director of Finance. The Director of Finance shall not approve any such request prior to a 30-day written notification to the entities named in subdivision (d) of Section 28.00 of this act. Any such request shall include (1) certification by the Department of Education that funding from all sources designated for this purpose is sufficient to meet the projected demand for fee assistance and (2) a program and expenditure proposal not to exceed one year in duration.</li> <li>4. Of the amount appropriated in Schedule (3), \$1,500,000 in carryover funding is provided on a one-time basis for the purpose of providing grants to local education agencies to pay fees incurred by low-income students to take advanced placement examinations. These funds may not be used for any other purpose without the approval of the Director of Finance. The Director of Finance shall not approve any such request prior to a 30-day written notification to the entities named in subdivision (d) of Section 28.00 of this act. Any such request shall include a program and expenditure proposal not to exceed one year in duration.</li> </ol>	

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<ul style="list-style-type: none"> <li>5. Upon 30-day written notification of the Legislature, the Department of Finance may transfer up to \$859,000 as necessary from Schedule (1) of this Item, to Item 6110-001-0890, to address activities associated with the implementation of corrective action plans and sanctions pursuant to federal law and, to the extent applicable, Article 3 (commencing with Section 52053) of Chapter 6.1 of Part 28 of the Education Code.</li> <li>4. Funds appropriated in Schedule (4) of this item are provided for the sole purpose of funding implementation grants for federally funded schools participating in the Immediate Intervention Underperforming Schools Program, as established by Chapter 6.1 (commencing with Section 52053) of Part 28 of the Education Code.</li> </ul>	
<p>6110-139-0001—For local assistance, Department of Education (Proposition 98), Program 10.10-School Apportionments, Pupil Residency Verification .....</p> <p>Provisions:</p> <ul style="list-style-type: none"> <li>1. Funds appropriated in this item are for the purpose of assisting school districts that are adjacent to the international border with their pupil residency verification, consistent with the intent of Education Code Section 48204.6.</li> </ul>	162,000
<p>6110-141-0890—For local assistance, Department of Education, Program 10.30.010-Instruction, Title I of the Elementary and Secondary Education Act—Migrant Education, payable from the Federal Trust Fund .....</p> <p>Provisions:</p> <ul style="list-style-type: none"> <li>1. Of the funds appropriated in this item, \$7,100,000 is for the California Mini-Corps Program.</li> </ul>	116,585,000
<p>6110-142-0001—For local assistance, Department of Education, (Proposition 98), Program 20—Instructional Support for Secondary Schools Reading .....</p> <p>Provisions:</p> <ul style="list-style-type: none"> <li>1. The funds appropriated in this item shall be used for a competitive block grant program administered by the State Department of Education that allows local education agencies to apply for funds to provide professional development that includes coaching and other classroom support to school districts. Applicants are encouraged to collaborate with institutes of higher education in the development and delivery of professional development</li> </ul>	8,000,000

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<p>programs. The professional development shall address successful strategies, programs and models for improving reading instruction for pupils enrolled in grades 4 to 12, inclusive, who are reading below grade level.</p>	
<p>6110-142-0890—For Local Assistance, Department of Education, Goals 2000, payable from the Federal Trust Fund.....</p>	8,000,000
<p>Schedule:</p>	
<p>(a) 20.60.050—Student Academic Partnerships (Grades 1–6).....</p>	4,000,000
<p>(b) 20.60.191—Student Academic Partnerships (Grades 7–12).....</p>	4,000,000
<p>Provisions:</p>	
<p>1. The funds appropriated in Schedule (a) shall be used for competitive grants to local education agencies for preservice training, with highest priority for funding given to those agencies that propose to train and hire college students as academic tutors for pupils in kindergarten or any of grades 1 to 6, inclusive, in the academic areas of English-language arts and mathematics. For the purposes of these training activities, local education agencies shall be responsible for the day-to-day supervision of tutors, but the agencies may contract with higher education institutions to recruit, train and provide general oversight over placement in schools. Higher education institutions may permit tutors to receive academic credit for their related fieldwork experiences in lieu of pay.</p>	
<p>2. The funds appropriated in Schedule (b) shall be used for competitive grants to local education agencies for preservice training, with highest priority for funding given to those agencies that propose to train and hire college students as academic tutors for pupils in any of grades 7 to 12, inclusive, in the academic areas of English-language arts and mathematics. For the purposes of these training activities, local education agencies shall be responsible for the day-to-day supervision of tutors, but the agencies may contract with higher education institutions to recruit, train and provide general oversight over placement in schools. Higher education institutions may permit tutors to receive academic credit for their related fieldwork experiences in lieu of pay.</p>	

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6110-143-0001—For local assistance, Department of Education (Proposition 98), for allocation to local education agencies.....	2,000,000
Schedule:	
(1) 20.60.189-Student Academic Partnerships (Grades 1–6) .....	1,000,000
(2) 20.60.191-Student Academic Partnerships (Grades 7–12) .....	1,000,000
Provisions:	
1. The funds appropriated in Schedule (1) shall be used for competitive grants to local education agencies for preservice training, with highest priority for funding given to those agencies that propose to train and hire college students as academic tutors for pupils in kindergarten or any of grades 1 to 6, inclusive, in the academic areas of English-language arts and mathematics. For the purposes of these training activities, local education agencies shall be responsible for the day-to-day supervision of tutors, but the agencies may contract with higher education institutions to recruit, train and provide general oversight over placement in schools. Higher education institutions may permit tutors to receive academic credit for their related fieldwork experiences in lieu of pay.	
2. The funds appropriated in Schedule (2) shall be used for competitive grants to local education agencies for preservice training, with highest priority for funding given to those agencies that propose to train and hire college students as academic tutors for pupils in any of grades 7 through 12, inclusive, in the academic areas of English-language arts and mathematics. For the purposes of these training activities, local education agencies shall be responsible for the day-to-day supervision of tutors, but the agencies may contract with higher education institutions to recruit, train and provide general oversight over placement in schools. Higher education institutions may permit tutors to receive academic credit for their related fieldwork experiences in lieu of pay.	
6110-146-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 10.30.040-Demonstration Programs in Intensive Instruction pursuant to Chapter 4 (commencing with Section 58600) of Part 31 of the Education Code .....	6,097,000

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Provisions:	
1. Notwithstanding any other provision of law, funds appropriated in this item and allocated to support the instructional costs of demonstration programs established after June 30, 1986, may be allocated only to programs that demonstrate a significant departure from or variation of existing instructional practices. The State Department of Education shall establish criteria and guidelines necessary to ensure the implementation of this provision.	
2. Funds appropriated in this item may not be allocated to support the instructional costs of a demonstration program that has been in operation for a period of five or more years.	
3. The superintendent may retain up to 5 percent of funds appropriated in this item for the statewide dissemination of demonstration program materials by LEAs and for contracts with LEAs to provide technical assistance to demonstration program sites. Consistent with Section 58608 of the Education Code, new programs may be funded for a period of no more than four years.	
4. Of the funds appropriated in this item, \$81,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$227,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.	
6110-147-0001—For local assistance, Department of Education (Proposition 98), Program 20.50-Instructional Support: Reading Awards Program established by Article 2 (commencing with Section 53050) of the Education Code .....	4,750,000
Schedule:	
(1) 20.50.001-Reading Awards Program.....	4,000,000
(2) 20.50.002-California Reads Program.....	750,000
Provisions:	
1. The funds appropriated in Schedule (1) of this item shall be used for the Reading Awards Program established by Article 2 (commencing with	

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Section 53050) of Chapter 16 of Part 28 of the Education Code.	
2. The funds appropriated in Schedule (2) of this item shall be used for the California Reads Program.	
6110-149-0001—For transfer by the Controller to the Public Library Protection Fund, pursuant to Section 18182 of the Education Code (Proposition 98) .....	158,500,000
Provisions:	
1. Funds appropriated in this item shall be transferred to Item 6110-101-0975 to provide funding for the acquisition of school library materials pursuant to Article 7 (commencing with Section 18180) of Chapter 2 of Part 11 of the Education Code.	
6110-150-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, K–4 Classroom Libraries pursuant to Article 8 (commencing with Section 18200) of Chapter 2 of Part 11 of the Education Code .....	25,000,000
6110-151-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 10.30.050-American Indian Education Centers established pursuant to Article 6 (commencing with Section 33380) of Chapter 3 of Part 20 of the Education Code.....	3,654,000
Provisions:	
1. Of the funds appropriated in this item, \$49,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$136,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.	
6110-152-0001—For local assistance, Department of Education, Program 10.30.050-American Indian Education Centers pursuant to Article 6 (commencing with Section 33380) of Chapter 3 of Part 20 of the Education Code. ....	376,000
6110-156-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction to school districts, county offices of education, and other agencies for	



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	the purposes of Proposition 98 educational programs funded by this item, in lieu of the amount that otherwise would be appropriated pursuant to statute....	610,706,000
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Schedule:

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|-----|--|-------------|
| (1) | 10.50.010.001-Adult Education.....   | 574,705,000 |
| (2) | 10.50.010.008-Remedial education services for participants in the CalWORKs.....              | 18,293,000  |
| (3) | 10.50.010.009-Local Education Agencies—Education Services for participants in CalWORKs ..... | 26,447,000  |
| (4) | Reimbursements-CalWORKs .....  | -8,739,000  |

Provisions:

1. Credit for participating in adult education classes or programs may be generated by a special day class pupil only for days in which the pupil has met the minimum day requirements set forth in Section 46141 of the Education Code.
2. The funds appropriated in Schedule (2) constitute the funding for both remedial education and job training services for participants in the CalWORKs program (Art. 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code). Funds shall be apportioned by the Superintendent of Public Instruction for direct instructional costs only to school districts and Regional Occupational Centers and Programs (ROC/Ps) that certify that they are unable to provide educational services to CalWORKs recipients within their adult education block entitlement or ROC/P block entitlement, or both. However, of the funds appropriated by Schedule (3) of this item, an amount not to exceed \$10,000,000, as negotiated through an interagency agreement between the State Department of Education and the State Department of Social Services, shall be provided for Adult Education Programs, and ROC/Ps for the purposes of providing instructional and training supportive services for CalWORKs eligible members. These services shall include any of the following: (a) career and educational guidance and counseling; (b) training related assessment; (c) transportation to the classroom or worksite during training; (d) job readiness training and services; (e) job development and placement; (f) post employment support and followup to ensure job

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- retention; (g) coordination and referrals to other services provided through the State Department of Social Services, the Employment Development Department, the Local Workforce Investment Boards, community colleges, the Department of Rehabilitation, the Economic Development Agency, and other community resources; (h) curriculum and instruction development to provide short-term integrated programs leading to employment; (i) staff development costs resulting from policy development and training occurring between instructional staff and county welfare agencies in the coordination of the program; and (j) one-time excess program startup costs. Allocations shall be distributed by the Superintendent of Public Instruction as equal statewide dollar amounts, with no county receiving less than \$25,000, based on the number of CalWORKs eligible family members served in the county, and subject to the instructional and training support services needed annually by each agency as identified in the county CalWORKs Instruction and Job Training Plan required by Section 10200 of the Education Code.
3. Providers receiving funds under this item for adult basic education, English as a Second Language, and English as a Second Language-Citizenship for legal permanent residents, shall, to the extent possible, grant priority for services to immigrants facing the loss of federal benefits under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Citizenship and naturalization preparation services funded by this item shall include, to the extent consistent with applicable federal law, all of the following: (a) outreach services; (b) assessment of skills; (c) instruction and curriculum development; (d) professional development; (e) citizenship testing; (f) naturalization preparation and assistance; and (g) regional and state coordination and program evaluation.
  4. The funds appropriated in Schedules (2) and (3) of this item shall be subject to the following:
    - (a) The funds shall be used only for educational activities for welfare recipient students and those in transition off of welfare. The educational activities shall be limited to those de-

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- signed to increase self-sufficiency, job training, and work. These activities shall be carried on in accordance with each local education agency's plan approved and developed pursuant to Chapter 2 (commencing with Section 10200) of Part 7 of the Education Code. These funds shall be used to supplement and not supplant existing funds and services provided for welfare recipient students and those in transition off of welfare.
- (b) Notwithstanding any other provision of law, each local education agency's individual cap for adult education and regional occupational center and programs (ROC/P's), average daily attendance shall not be increased as a result of the appropriations made by this section.
  - (c) Funds may be claimed by local education agencies for services provided to welfare recipient students and those in transition off of welfare pursuant to this section only if all of the following occur:
    - (1) Each local education agency has met the terms of the interagency agreement between the State Department of Education and the Department of Social Services pursuant to Provision 2 of this item.
    - (2) Each local education agency has fully claimed its respective adult education or ROC/P average daily attendance cap for the current year.
    - (3) Each local education agency has claimed the maximum allowable funds available under the interagency agreement pursuant to Provision 2 of this item.
  - (d) Each local education agency shall be reimbursed at the same rate as it would otherwise receive for services provided pursuant to this item or pursuant to Item 6110-105-0001 of Section 2.00 of this act, and shall comply with the program requirements for adult education pursuant to Chapter 10 (commencing with Section 52500) of Part 28 of the Education Code, and ROC/P requirements pursuant to Article 1 (commencing with Section 52300) of, and Article 1.5 (commencing with Section

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52335) of, Chapter 9 of, Part 28 of the Education Code, respectively.

- (e) Notwithstanding any other provision of law, funds appropriated in this section for average daily attendance (ADA) generated by participants in the CalWORKs program may be apportioned on an advance basis to local education agencies based on anticipated units of ADA if a prior application for this additional ADA funding has been approved by the Superintendent of Public Instruction.
- (f) The Legislature finds the need for good information on the role of local education agencies in providing services to individuals who are eligible for or recipients of CalWORKs assistance. This information includes the extent to which local education programs serve public assistance recipients and the impact these services have on the recipients' ability to find jobs and become self-supporting.
- (g) The State Department of Education shall develop a data and accountability system to obtain information on education and job training services provided through state-funded adult education programs and regional occupational centers and programs. The system shall collect information on (1) program funding levels and sources; (2) the types and amounts of services provided to program participants; (3) characteristics of participants; and (4) pupil and program outcomes. The department shall work with the Department of Finance and Legislative Analyst in determining the specific data elements of the system and shall meet all information technology reporting requirements of the Department of Information Technology and the Department of Finance.
- (h) As a condition of receiving funds provided in Schedules (2) and (3) of this item or any other General Fund appropriation made to the State Department of Education specifically for education and training services to welfare recipient students and those in transition off of welfare, local adult education programs and regional occupational centers and programs shall collect program and participant data as described in this section and as required by

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the State Department of Education. The State Department of Education shall require that local providers submit to the state aggregate data for the period July 1, 2001, through June 30, 2002.

- (i) Funds appropriated in this item which have been budgeted to meet the state’s Temporary Assistance for Needy Families maintenance of effort requirement established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may not be expended in any way that would cause their disqualification as a federally allowable maintenance-of-effort expenditure.

- 5. Of the funds appropriated in this item \$14,340,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 2.50 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$22,754,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.
- 6. Up to \$5,000,000 of the unencumbered balance as of June 30, 2000, of Item 6110-156-0001, Budget Act of 2000 (Ch. 52, Stats 2000), shall be used first by the Superintendent of Public Instruction to increase the revenue limit by up to \$20 per average daily attendance for the 2001–02 year only.
- 7. The unencumbered balance of Item 6110-156-0001, Budget Act of 2000 (Ch. 52, Stats 2000), that remains after allocation under Provision 6 shall be available to the Superintendent of Public Instruction for reallocation on a one-time basis and in equal amounts per unit of average daily attendance to districts that are fully utilizing their adult educational allowances. Districts shall use these funds for one-time expenditures, including, but not limited to, expansion of enrollment on a one-time basis in English as a Second Language, citizenship, adult basic education, adults with disabilities, adult secondary education and vocational education.

6110-156-0890—For local assistance, Department of Education, Program 10.50.010.001-Adult Education, payable from the Federal Trust Fund.....

74,105,000

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Provisions:	
1. Of the funds appropriated in this item, \$12,570,000 shall be used for adult basic education for citizenship and naturalization services for legal permanent residents who are eligible for naturalization. Citizenship and naturalization services shall include, for this purpose, to the extent consistent with federal law, all of the following: (a) outreach services; (b) assessment of skills; (c) instruction and curriculum development; (d) professional development; (e) naturalization preparation and assistance; and (f) regional and state coordination and program evaluation. The providers of the citizenship and naturalization services, for the purposes of this provision, shall be those as defined by applicable federal law, and consistent with the state plan.	
2. Under any grant awarded by the State Department of Education under this item to a qualifying community-based organization to provide adult basic education in English as a Second Language and English as a Second Language-Citizenship classes, the department shall make an initial payment to the organization of 25 percent of the amount of the grant. In order to qualify for an advance payment, a community-based organization shall submit an expenditure plan and shall guarantee that appropriate standards of educational quality and fiscal accountability are maintained. In addition, reimbursement of claims shall be distributed on a quarterly basis. The State Department of Education shall withhold 10 percent of the final payment of a grant as described in this provision until all claims for that community-based organization have been submitted for final payment.	
3. (a) Notwithstanding any other provision of law, all nonlocal educational agencies (Non-LEA) receiving greater than \$300,000 pursuant to this item shall submit an annual organizational audit, as specified, to the State Department of Education, Office of External Audits. All audits shall be performed by one of the following: (1) a certified public accountant possessing a valid license to practice within California; (2) a member of the State Depart-	

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ment of Education's staff of auditors; or (3) in-house auditors, if the entity receiving funds pursuant to this item is a public agency, and if the public agency has internal staff that performs auditing functions and meets the tests of independence found in Standards for Audits of Governmental Organization, Programs, Activities and Functions issued by the Comptroller General of the United States.

The audit shall be in accordance with State Department of Education Audit guidelines and Office of Management and Budget Circular No. A-133, Audits of Institutions of Higher Education and Other Non-Profit Institutions.

Non-LEA entities receiving funds pursuant to this item shall submit the annual audit no later than six months from the end of the agency fiscal year. If, for any reason, the contract is terminated during the contract period, the auditor shall cover the period from the beginning of the contract through the date of termination.

Non-LEA entities receiving funds pursuant to this item shall be held liable for all State Department of Education costs incurred in obtaining an independent audit if the contractor fails to produce or submit an acceptable audit.

- (b) Notwithstanding any other provision of law, the State Department of Education shall annually submit to the Governor, Joint Legislative Budget Committee, and Joint Legislative Audit Committee limited scope audit reports of all subrecipients it is responsible for monitoring that receive between \$25,000 and \$300,000 of federal awards, and that do not have an organizational wide audit performed. These limited scope audits shall be conducted in accordance with the State Department of Education Audit guidelines and Office of Management and Budget, Circular No. A-133. The State Department of Education may charge audit costs to applicable federal awards, as authorized by OMB, Circular No. A-133 Section 230(b)(2).

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The limited scope audits shall include agreed-upon procedures engagements conducted in accordance with either AICPA generally accepted auditing standards or attestation standards, and address one or more of the following types of compliance requirements: allowed or unallowed activities; allowable costs and cost principles; eligibility; matching; level of effort; earmarking; and reporting.

The State Department of Education shall contract for the limited scope audits with a certified public accountant possessing a valid license to practice within the state or with an independent auditor.

4. On or before March 1, 2002, the State Department of Education shall report to the appropriate subcommittees of the Assembly Budget Committee and the Senate Budget and Fiscal Review Committee on the following aspects of the implementation of Title II of the federal Workforce Investment Act: (a) the makeup of those adult education providers that applied for competitive grants under Title II and those that obtained grants, by size, geographic location, and type (school district, community colleges, community-based organizations, other local entities); (b) the results of a mid-year report on the extent to which participating programs were able to meet planned performance targets; and (c) a breakdown of the types of courses (ESL, ESL citizenship, ABE, ASE) included in the performance targets of participating agencies. It is the intent of the Legislature that the Legislature and State Department of Education utilize the information provided pursuant to this provision to (a) evaluate whether any changes need to be made to improve the implementation of the accountability-based funding system under Title II and (b) evaluate the feasibility of any future expansion of the accountability-based funding system using state funds.
5. The State Department of Education shall expeditiously amend the “Workforce Investment Act, Title II, Adult Education and Family Literacy Act, California State Plan for 1999–2004” to rebench outcome measures for Department of Mental Health and Department of Developmental Ser-



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<p>vices clients so that they will continue to be eligible for adult education services in 2001–02 and beyond to the full extent authorized under federal law. The State Department of Education shall also consult with the Department of Mental Health, Department of Developmental Services, and Department of Finance for this purpose.</p>	
<p>6110-158-0001—For local assistance, Department of Education (Proposition 98), for transfer by the Controller to Section A of the State School Fund in lieu of the amount that otherwise would be appropriated pursuant to Section 41841.5 of the Education Code, Program 10.50.010.002-Adults in Correctional Facilities .....</p>	17,909,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. Notwithstanding Section 41841.5 of the Education Code, or any other provision of law, the amount appropriated in this item and any amount allocated for this program in this act shall be the only funds available for allocation by the Superintendent of Public Instruction to school districts or county offices of education for the Adults in Correctional Facilities program.</li> <li>2. Notwithstanding Section 41841.5 of the Education Code or any other provision of law, the amount appropriated in this item shall be allocated based upon prior-year rather than current-year expenditures.</li> <li>3. Notwithstanding any other provision of law, funding distributed to each local education agency (LEA) for reimbursement of services provided in the 2000–01 fiscal year for the Adults in Correctional Facilities program shall be limited to the amount received by that agency for services provided in the 1999–2000 fiscal year, as increased by \$423,000 for growth in services and \$550,000 for cost-of-living adjustments, not to exceed a total of \$17,909,000 for all programs. Funding shall be reduced or eliminated, as appropriate, for any LEA that reduces or eliminates services provided under this program in the 2000–01 fiscal year, as compared to the level of service provided in the 1999–2000 fiscal year. Any funds remaining as a result of those decreased levels of service shall be allocated to provide support for new programs in accordance with Section 41841.8 of the Education Code.</li> </ol>	

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4. Notwithstanding any other provision of law, funding distributed to each LEA for reimbursement of services provided in the 2001–02 fiscal year for the Adults in Correctional Facilities program shall be limited to the amount received by that agency for services provided in the 2000–01 fiscal year, as increased by \$448,000 for growth in services and \$718,000 for cost-of-living adjustments, not to exceed a total of \$19,076,000 for all programs. Funding shall be reduced or eliminated, as appropriate, for any LEA that reduces or eliminates services provided under this program in the 2001–02 fiscal year, as compared to the level of service provided in the 2000–01 fiscal year. Any funds remaining as a result of those decreased levels of service shall be allocated to provide support for new programs in accordance with Section 41841.8 of the Education Code.
5. Notwithstanding any other provision of law, funds appropriated by this item for growth in average daily attendance first shall be allocated to programs that are funded for 20 units or less of average daily attendance, up to a maximum of 20 additional units of average daily attendance per program.

6110-161-0001—For local assistance, Department of Education (Proposition 98), Program 10.60-Special Education Programs for Exceptional Children..... 2,607,658,000  
 Schedule:

- (1) 10.60.050.003-Special education instruction ..... 2,553,391,000
- (2) 10.60.050.080-Early Education Program for Individuals with Exceptional Needs ..... 68,662,000
- (3) Reimbursements for Early Education Program, Part C .....-14,395,000

Provisions:

1. Funds appropriated by this item are for transfer by the Controller to Section A of the State School Fund, in lieu of the amount that otherwise would be appropriated for transfer from the General Fund in the State Treasury to Section A of the State School Fund for the 2001–02 fiscal year pursuant to Sections 14002 and 41301 of the Education Code, for apportionment pursuant to Part 30 (commencing with Section 56000) of the Education Code, superseding all prior law.

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2. Of the funds appropriated in Schedule (1) of this item, \$10,107,000, plus the COLA, shall be available for the purchase, repair, and inventory maintenance of specialized books, materials, and equipment for pupils with low-incidence disabilities, as defined in Section 56026.5 of the Education Code.
3. Of the funds appropriated in Schedule (1) of this item, \$7,829,000, plus the COLA, shall be available for the purposes of vocational training and job placement for special education pupils through Project Workability I pursuant to Article 3 (commencing with Section 56470) of Chapter 4.5 of Part 30 of the Education Code. As a condition of receiving these funds, each local educational agency shall certify that the amount of non-federal resources, exclusive of funds received pursuant to this provision, devoted to the provision of vocational education for special education pupils shall be maintained at or above the level provided in the 1984–85 fiscal year. The Superintendent of Public Instruction may waive this requirement for local educational agencies that demonstrate that the requirement would impose a severe hardship.
4. Of the funds appropriated in Schedule (1) of this item, \$4,084,000, plus the COLA, shall be available for regional occupational centers and programs that serve pupils having disabilities, and \$68,974,000, plus the COLA, shall be available for regionalized program specialist services, including \$1,660,000 for small special education local plan areas (SELPAs) pursuant to Section 56836.24 of the Education Code.
5. Of the funds appropriated in Schedule (1), \$5,856,000, plus the COLA is provided for an adjustment for low-incidence disabilities, based on the results of the study required by Section 67 of Chapter 854 of the Statutes of 1997.
6. Of the funds appropriated in Schedule (1), \$1,000,000 is provided for extraordinary costs associated with single placements in nonpublic, nonsectarian schools, pursuant to Section 56836.21 of the Education Code.

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7. Of the funds appropriated in Schedule (1), a total of \$6,942,000 is available for equalization funding pursuant to Section 56836.14 of the Education Code.	
8. Of the funds appropriated in Schedule (1), a total of \$120,154,000, plus the COLA, is available to fully fund the costs of children placed in licensed children's institutions who attend nonpublic schools.	
9. Of the amount appropriated in Schedule (2) of this item, \$1,007,000, plus the COLA, shall be available for infant program growth units (ages birth—two years). Funds for infant units shall be allocated pursuant to Provision 11 of this item, with the following average number of pupils per unit:	
(a) For special classes and centers—16.	
(b) For resource specialist programs—24.	
(c) For designated instructional services—16.	
10. Notwithstanding any other provision of law, early education programs for infants and toddlers shall be offered for 200 days. Funds appropriated in Schedule (2) shall be allocated by the State Department of Education for the 2001–02 fiscal year to those programs receiving allocations for instructional units pursuant to Section 56432 of the Education Code for the Early Education Program for Individuals with Exceptional Needs operated pursuant to Chapter 4.4 (commencing with Section 56425) of Part 30 of the Education Code, based on computing 200-day entitlements. Notwithstanding any other provision of law, funds in Schedule (2) shall be used only for the purposes specified in Provisions 10 and 11 of this item.	
11. Notwithstanding any other provision of law, state funds appropriated in Schedule (2) of this item in excess of the amount necessary to fund the deficated entitlements pursuant to Section 56432 of the Education Code and Provision 10 of this item shall be available for allocation by the State Department of Education to local educational agencies for the operation of programs serving solely low-incidence infants and toddlers pursuant to Title 14 (commencing with Section 95000) of the Government Code. These funds shall be allocated to each local educational agency for each solely low-incidence child	

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- through age two in excess of the number of solely low-incidence children through age two served by the local educational agency during the 1992–93 fiscal year and reported on the April 1993, pupil count. These funds shall only be allocated if the amount of reimbursement received from the State Department of Developmental Services is insufficient to fully fund the costs of operating the Early Intervention Program, as authorized by Title 14 (commencing with Section 95000) of the Government Code.
12. The State Department of Education, through coordination with the SELPAs, shall ensure local interagency coordination and collaboration in the provision of early intervention services, including local training activities, child find activities, public awareness, and the family resource center activities.
  13. Of the amount provided in Schedule (1), \$122,866,000 is provided for a COLA at a rate of 3.87 percent.
  14. Of the amount provided in Schedule (2), \$2,549,000 is provided for a COLA at a rate of 3.87 percent.
  15. Of the funds appropriated in Schedule (1) of this item, \$97,874,000 shall be appropriated for the following priority sequence:
    - (a) The Superintendent of Public Instruction shall allocate the additional amount needed, if any, to augment the amounts appropriated in this item to ensure the full funding in the 2001–02 fiscal year of the equalization adjustments pursuant to Section 56836.14 of the Education Code.
    - (b) Of the remaining amount, the Superintendent of Public Instruction shall allocate any additional amount needed, if any, to augment the amounts appropriated in this item to ensure the full funding for the special disabilities adjustment pursuant to Section 56836.155 of the Education Code for the 2001–02 fiscal year.
    - (c) Of the remaining amount, the Superintendent of Public Instruction shall allocate 50 percent for the purposes of Section 56836.158 of the Education Code and the

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<p style="padding-left: 40px;">other 50 percent for the purposes of Section 56836.159 of the Education Code.</p> <p>16. Funds appropriated in this item are available for the sole purpose of funding 2001–02 special education program costs and shall not be used to fund any prior year adjustments, claims or costs.</p>	
<p>6110-161-0890—For local assistance, Department of Education, payable from the Federal Trust Fund, Program 10.60-Special Education Programs for Exceptional Children .....</p>	667,190,000
Schedule:	
(1) 10.60.050.012-Local Agency Entitlements, IDEA Special Education .....	545,340,000
(2) 10.60.050.013-State Agency Entitlements, IDEA Special Education.....	1,541,000
(3) 10.60.050.015-IDEA, Local Entitlements, Preschool Program .....	34,792,000
(4) 10.60.050.021-IDEA, Capacity Building, Special Education .....	43,828,000
(5) 10.60.050.030-PL 99-457, Preschool Grant Program .....	39,849,000
(6) 10.060.050.031-IDEA, State Improvement Grant, Special Education.....	1,840,000
Provisions:	
<p>1. If the funds for Part B of the federal Individuals with Disabilities Education Act that are actually received by the state exceed \$650,018,000, at least 95 percent of the funds received in excess of that amount shall be allocated for local entitlements and to state agencies with approved local plans. Five percent of the amount received in excess of \$650,018,000 may be used for state administrative expenses. If the funds for Part B of the federal Individuals with Disabilities Education Act that are actually received by the state are less than \$650,018,000, the reduction shall be taken in capacity building.</p> <p>2. The funds appropriated in Schedule (2) shall be distributed to state-operated programs serving disabled children from 3 to 21 years of age, inclusive. In accordance with federal law, the funds appropriated in Schedules (1) and (2) shall be distributed to local and state agencies on the basis of an equal amount per eligible, identified pupil.</p>	

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3. Of the funds appropriated in Schedule (4) of this item, up to \$1,000,000 may be used to fund licensed children's institution growth units pursuant to Section 56836.18 of the Education Code.	
4. Pursuant to Section 56427 of the Education Code, of the funds appropriated in Schedule (4) of this item, up to \$2,324,000 may be used to provide funding for infant programs, and may be used for those programs that do not qualify for funding pursuant to Section 56432 of the Education Code.	
5. Of the funds appropriated in Schedule (4) of this item, \$29,475,000 shall be allocated to local education agencies for the purposes of Project Workability I.	
6. Of the funds appropriated in Schedule (4) of this item, \$1,700,000 shall be used to provide specialized services to pupils with low-incidence disabilities, as defined in Section 56026.5 of the Education Code.	
7. Of the funds appropriated in Schedule (4) of this item, up to \$3,617,000 shall be used for a personnel development program. This program shall include state-sponsored staff development, local in-service components, bilingual, student study team, and core curriculum components. Of this amount, a minimum of \$2,500,000 shall be allocated directly to special education local plan areas. The local in-service programs shall include a parent training component and may include a staff training component. Use of these funds shall be described in the local plans. These funds may be used to provide training in alternative dispute resolution and the local mediation of disputes. All programs are to include evaluation components.	
8. Of the funds appropriated in Schedule (4) of this item, up to \$200,000 shall be used for research and training in cross-cultural assessments.	
9. Of the funds appropriated in Schedule (4) of this item, up to \$300,000 shall be used to develop and test procedures, materials, and training for alternative dispute resolution in special education.	
10. Of the funds appropriated by Schedule (5) for the Preschool Grant Program, \$1,228,000 shall be used for in-service training and shall include a parent training component and may, in addition, include a staff training program. These funds may be used to provide training in alter-	

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- native dispute resolution and the local mediation of disputes. This program shall include state-sponsored and local components.
11. Of the funds appropriated in this item, \$1,420,000 is available for local assistance grants in the third year of the Quality Assurance and Focused Monitoring Pilot Program to monitor local education agency compliance with state and federal laws and regulations governing special education. This funding level is to be used to continue the third year of facilitated reviews and, to the extent consistent with the key performance indicators developed by the State Department of Education, these activities focus on local education agencies identified by the United States Department of Education's Office of Special Education Programs.
  12. Of the funds appropriated in Schedule (4) of this item, \$2,372,000 shall be used to provide funding to assist in making systemic changes to improve results for children with disabilities through one or more of the following activities: teacher and administrator training, culturally and linguistically appropriate assessments, access to general curriculum, general education and special education collaboration, least restrictive environment, individualized education program development and assessments, transition services, and parental involvement and outreach.
  13. Notwithstanding the notification requirements listed in Section 26.00 (d) of this act, the Department of Finance is authorized to approve intra-schedule transfers of funds within this item submitted by the State Department of Education for the purposes of ensuring that special education funding provided in this item is appropriated in accordance with the statutory funding formula required by federal IDEA and the special education funding formula required pursuant to Chapter 7.2 (commencing with Section 56836) of Part 30 of Division 4 of Title 2 of the Education Code, without waiting 30 days, but shall provide a notice to the Legislature each time a transfer occurs.
  14. Of the funds appropriated in Schedule (4), up to \$1 million shall be available in fiscal year 2001-02 for a special education local plan area



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that may apply for emergency impaction funds under this provision and pursuant to Section 56836.18 of the Education Code in the event a court of appropriate jurisdiction orders or advises the closure of a nonpublic, nonsectarian school operating at a licensed children’s institution and the special education local plan area, in which the licensed children’s institution is located, is required to provide for special education and related services to individuals with exceptional needs who had been enrolled in the nonpublic, nonsectarian school at the time of closure. For pupils placed in the LCI/NPS pursuant to a court order, the special education local plan area shall be eligible to apply for reimbursement of actual costs under this provision for up to one-half of the costs per pupil for which the nonpublic, nonsectarian school was previously reimbursed in the most recent fiscal year for which data is available. This provision shall apply to a maximum of one nonpublic, nonsectarian school operating at a licensed children’s institution, and shall apply only to a school which closes as a result of a court order or advisory. Any special education local plan area receiving funds appropriated pursuant to this provision shall report to the State Department of Education, the Department of Finance, and the Legislative Analyst’s office by April 15, 2002, regarding the services provided to students through this pilot and the performance outcomes for students, including, but not limited to, a summary of STAR test scores for students and any alternate assessments used to measure the achievement of special education students.

- 15. Of the funds appropriated in Schedule (4) of this item, \$420,000 is provided for LCI and NPS mediated settlements covering fiscal years 1993–94 through 1996–97 and 2000–01 revisions to NPS/LCI claims by local education agencies.

6110-163-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 10.60.060.010—The Early Intervention for School Success Program established pursuant to Article 4.5 (commencing with Section 54685) of Chapter 9 of Part 29 of the Education Code .....

2,098,000

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Provisions:	
1. Of the funds appropriated in this item, \$28,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$78,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.	
6110-165-0001—For local assistance, Department of Education .....	7,022,000
Schedule:	
(1) 10.70-Vocational Education .....	20,868,000
(2) Reimbursements .....	-13,846,000
Provisions:	
1. \$13,846,000 of the funds appropriated in this item are for the purpose of the federal Workforce Investment Act.	
2. Notwithstanding any other provision of law, of the funds appropriated in this item, \$7,022,000 is available for the purpose of matching Workforce Investment Act funds available under Section 1602(b)(1) of Title 29 of the United States Code. The Superintendent of Public Instruction shall allocate these funds for the provision of education in conjunction with occupational skills training pursuant to Section 33117.5 of the Education Code in the following order of priority: (1) to persons participating in welfare-to-work activities under the CalWORKs program as described in Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code; and (2) to persons eligible for Workforce Investment Act program funds but not receiving assistance under the CalWORKs program.	
6110-166-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 10.70.070-Vocational Education, for the purpose of Article 5 (commencing with Section 54690) of Chapter 9 of Part 29 of the Education Code, Partnership Academies Program.....	22,051,000
Provisions:	
1. Of the funds appropriated in this item, \$2,337,000 shall fund nine planning grants, 25 first-year op-	

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<p>erational partnership academies (initially funded as planning grants in the 2000–01 fiscal year), and 16 second-year operational partnership academies (initially funded as first-year operational partnership academies in the 2000–01 fiscal year). Funding for these partnership academies shall be at the level prescribed in Section 54691 of the Education Code.</p> <ol style="list-style-type: none"> <li>2. Of the funds appropriated in this item, \$126,000 shall fund three first-year operational partnership academies to replace three operational partnership academies that closed during the 1999–00 school year. Funding for these partnership academies shall be at the level prescribed in Section 54691 of the Education Code.</li> <li>3. If there are any funds in this item that are not allocated for planning or operational grants, the State Department of Education may allocate those remaining funds as one-time grants to state-funded partnership academies to be used for one-time purposes.</li> <li>4. Of the funds appropriated in this item, \$1,440,000 shall continue to fund 20 partnership academies initially funded as planning grants in Provision 4 of Item 6110-166-0001 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999). The funds shall be for the purpose of funding 20 second-year operational partnership academies at the level prescribed in Section 54691 of the Education Code.</li> </ol>	
<p>6110-166-0890—For local assistance, Department of Education, Program 10.70-Vocational Education, payable from the Federal Trust Fund.....</p> <p>Provisions:</p> <ol style="list-style-type: none"> <li>1. The funds appropriated in this item include Federal Vocational Education Act funds for the 2001–02 fiscal year to be transferred to the community colleges by means of interagency agreements for the purpose of funding vocational education programs in community colleges.</li> <li>2. The State Board of Education and the Board of Governors of the California Community Colleges shall target funds appropriated by this item to provide services to persons participating in welfare-to-work activities under the CalWORKs program.</li> <li>3. The Superintendent of Public Instruction shall report, not later than February 1 of each year, to the</li> </ol>	130,445,000

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<p>Joint Legislative Budget Committee and the Director of Finance, describing the amount of carryover funds from this item, reasons for the carryover, and plans to reduce the amount of carryover.</p>	
<p>6110-167-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 10.70-Agricultural Vocational Education Incentive Program established pursuant to Article 7.5 (commencing with Section 52460) of Chapter 9 of Part 28 of the Education Code .....</p>	4,187,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li data-bbox="210 583 827 847">1. Of the funds appropriated in this item, \$56,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$156,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.</li> <li data-bbox="210 848 827 1402">2. As a condition of receiving funds appropriated in this item, a school district shall certify to the Superintendent of Public Instruction both of the following: <ol style="list-style-type: none"> <li data-bbox="245 965 827 1142">(a) Agricultural Vocational Education Incentive Program funds shall be expended for the items identified in its application, except that, in items of expenditure classification 4000, only the total cost of expenses shall be required and itemization shall not be required.</li> <li data-bbox="245 1144 827 1402">(b) The school district shall provide at least 50 percent of the cost of the items and costs from expenditure classification 4000, as identified in its application, from other funding sources. Nothing in this provision shall be construed to limit the authority of the Superintendent of Public Instruction to waive the local matching requirement established by subdivision (b) of Section 52461.5 of the Education Code.</li> </ol> </li> </ol>	
<p>6110-176-0890—For local assistance, Department of Education, Program 10.40.030-Emergency Immigrant Education, payable from the Federal Trust Fund .....</p>	41,191,000

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6110-177-0001—For local assistance, Department of Education (Proposition 98), Program 20.10.035-Local Arts Education Partnership Program .....	6,000,000
Provisions:	
1. The funds appropriated in this item shall be used for arts education programs conducted by local education agencies pursuant to guidelines developed by the State Department of Education and approved by the State Board of Education, as authorized by Chapter 5 (commencing with Section 8810) of Part 6 of the Education Code.	
6110-180-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.10.025-Institute for Computer Technology established pursuant to Article 8 (commencing with Section 52480) of Chapter 9 of Part 28 of the Education Code.....	555,000
Provisions:	
1. Of the funds appropriated in this item, not more than \$100,000 may be used to disseminate curriculum developed by the Institute for Computer Technology (Art. 8 (commencing with Sec. 52480), Ch. 9, Pt. 28, Ed.C.).	
2. Of the funds appropriated in this item, \$8,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$21,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent for the Institute for Computer Technology programs (Art. 8 (commencing with Sec. 52840), Ch. 9, Pt. 28, Ed. C.).	
6110-180-0890—For local assistance, Department of Education, Program 20.10.025-Educational Technology, payable from the Federal Trust Fund .....	54,873,000
Provisions:	
1. The funds appropriated in this item are for allocation to school districts that are awarded competitive grants pursuant to the federal Technology Literacy Challenge Grant Program. The State Board of Education shall review and approve any changes to the criteria and procedure used in the application and award of grant funds during the	

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<p>2000–01 fiscal year prior to the release by the Superintendent of Public Instruction of the application form to school districts.</p> <p>2. Notwithstanding Provision 1, of the funds appropriated in this item, \$850,000 is available to provide funding for the California Technology Assistance Project (CTAP) to help districts apply for and take full advantage of the Federal Technology Literacy Challenge grants.</p> <p>3. Notwithstanding Provision 1, of the funds appropriated in this item, \$300,000 is available to provide additional funding for the Technology Information Center for Information Leadership to assist districts and site administrators in improving the use of technology in teaching, learning, and school administration.</p>	
<p>6110-181-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund Program 20.10.025-Educational Technology programs funded pursuant to Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 and Chapter 3.34 (commencing with Section 44730) of Part 25 of the Education Code .....</p>	24,654,000
<p>Provisions:</p> <p>1. Of the funds appropriated in this item, \$322,000 is for the purpose of providing an adjustment for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$919,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.</p>	
<p>6110-181-0140—For local assistance, Department of Education, Program 20.10.055-Environmental Education, payable from the California Environmental License Plate Fund .....</p>	800,000
<p>6110-183-0890—For local assistance, Department of Education, Program 20.10.045-Health and Physical Education, Instructional Support—Safe and Drug Free Schools and Communities Act of 1994 (Public Law 103-382), payable from the Federal Trust Fund .....</p>	40,512,000
<p>Provisions:</p> <p>1. Local education agencies shall give priority in the expenditure of the funds appropriated by this item to create comprehensive drug and violence pre-</p>	

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vention programs that promote school safety, reduce the use of drugs, and create learning environments that are free of alcohol and guns and that support academic achievement for all pupils. In addition to preventing drug and alcohol use, prevention programs will respond to the crisis of violence in our schools by addressing the need to prevent serious crime, violence, and discipline problems. The Superintendent of Public Instruction shall (a) notify local education agencies of this policy, and (b) incorporate the policy into the department's compliance review procedures.	
6110-184-0001—For local assistance, Department of Education (Proposition 98), Program 20.10.025-Educational Technology Digital High School Program established pursuant to Article 4 (commencing with Section 52250) of Chapter 8.5 of Part 28 of the Education Code .....	76,000,000
Provisions:	
1. Notwithstanding the provisions of Education Code Section 52254(e), funds may be allocated to a county office or offices to provide statewide support and assistance as required by statute, upon approval of the Department of Finance.	
6110-185-0001—For local assistance, Department of Education (Proposition 98), for transfer by the Controller to the State Instructional Materials Fund, Program 20.20.020.002-Instructional Materials, Grades 9–12.....	35,827,000
Provisions:	
1. Of the amount appropriated in this item, \$696,000 is for the purpose of providing an adjustment for increase in average daily attendance at a rate of 2.06 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$1,335,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.	
6110-186-0001—For local assistance, Department of Education (Proposition 98), for transfer by the Controller to the Instructional Materials Fund, Program 20.20.020.001-Instructional Materials, Kindergarten and Grades 1–8 .....	137,013,000
Provisions:	
1. Of the amount appropriated in this item, \$852,000 is for the purpose of providing an adjustment for	

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<p>increases in average daily attendance at a rate of 0.65 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$5,105,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.</p>	
<p>6110-187-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, for a cost-of-living increase to be transferred to, in lieu of the amount that otherwise would be provided pursuant to statute, and in augmentation of, the respective appropriation by the Controller upon enactment in accordance with the following .....</p>	1,300,000
<p>Schedule:            (1) 10.10.011.005-School Apportionments, Continuation Schools (Section 42243.7 of the Education Code) .....</p>	
<p>Provisions:</p>	
<p>1. (a) Notwithstanding any other provision of law, the funds appropriated in Schedule (1) of this item for school apportionments to continuation schools shall be allocated on a dollar amount basis rather than as a percentage increase, and shall be allocated to any school district that operated a continuation high school in the 2000–01 fiscal year, without regard to whether that district’s program commenced on, after, or prior to July 1, 1978. The amount allocated to each school district shall be equal to the total amount appropriated by Schedule (1) of this item, divided by the total number of units of continuation high school average daily attendance (ADA) for the state at the second principal apportionment for the 2000–01 fiscal year, multiplied by the units of that ADA reported by the district for the second principal apportionment for the 2000–01 fiscal year.            (b) The total amount allocated pursuant to subdivision (a) of this provision shall not exceed the total amount of the funds appropriated in Schedule (1) of this item.</p>	



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6110-188-0001—For local assistance, Department of Education (Proposition 98), Program 10.10-School Apportionments Deferred Maintenance, for transfer to the State School Deferred Maintenance Fund .....	176,261,000
Provisions:	
1. The funds appropriated in this item shall be transferred to the State School Deferred Maintenance Fund and shall be available for funding applications received by the Department of General Services, Office of Public School Construction for the purpose of payments to school districts for deferred maintenance projects funded pursuant to Section 17584 of the Education Code.	
6110-190-0001—For local assistance, Department of Education (Proposition 98), Program 10.10-School Apportionments, Community Day Schools .....	41,377,000
Provisions:	
1. The funds appropriated in this item are for transfer to Section A of the State School Fund to reimburse costs incurred pursuant to Chapter 974 of the Statutes of 1995 as amended by Chapter 847 of the Statutes of 1998.	
2. Funds appropriated in this item shall not be available for the purposes of Section 41972 of the Education Code.	
3. Of the funds appropriated in this item, \$9,000,000 is for the purpose of providing growth to the program and \$1,542,000 is for the purpose of providing a cost-of-living adjustment (COLA) to community day schools, in lieu of the amount that would otherwise be provided pursuant to statute.	
6110-191-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.60.050.002-Beginning Teacher Support and Assessment System	104,640,000
Provisions:	
1. The funds appropriated in this item are for direct disbursement by the State Department of Education for the Beginning Teacher Support and Assessment System, as set forth in Article 4.5 (commencing with Section 44279.1) of Chapter 2 of Part 25 of the Education Code. These funds shall be expended only after development of a program and expenditure plan by the State Department of Education, and approval of the plan by the Department of Finance.	

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- 2. Funds appropriated in this item are for the purpose of providing grants to support 30,200 teachers through local Beginning Teacher Support and Assessment System Programs.
- 3. Of the funds appropriated in this item, \$3,798,000 is provided for cost-of-living adjustments (COLAs) at a rate of 3.87 percent, for a total per participant grant level of \$3,375.

6110-193-0001—For local assistance, State Department of Education (Proposition 98), for transfer to Section A of the State School Fund Program 20.60-Staff Development ..... 180,769,000

Schedule:

- (1) 20.60.010.001-Administrator Training and Evaluation Program ..... 5,109,000
- (2) 20.60.050.004-School Development Plans and Resource Consortia ..... 21,622,000
- (3) 20.60.070-Bilingual Teacher Training Program..... 1,740,000
- (4) 20.60.050.007-Staff Development: High School Coach Training ..... 1,000,000
- (5) 20.60.060-Instructional Support: Teacher Peer Review.....134,168,000
- (6) 20.60.110-Instructional Support: Improving School Effectiveness Reader Services for Blind Teachers 325,000
- (7) 20.60.112-Instructional Support: Advanced Placement Teacher Training..... 16,500,000
- (8) 20.60.113-Instructional support: Substitute Teacher Training Program..... 305,000

Provisions:

- 1. The funds appropriated in this item are for transfer by the Controller to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction to school districts, county offices of education, and other educational agencies for purposes of the Proposition 98 programs funded in this item, in lieu of the amounts otherwise provided for those programs by statute.
- 2. Notwithstanding any other provision of law, the amount appropriated in Schedule (1) shall be the maximum amount of Proposition 98 funds allocated for the purposes of the administrator training and evaluation program established pursuant

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- to Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25 of the Education Code. Funds appropriated in Schedule (1) include \$68,000 for the purpose of making adjustments for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$191,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.
3. Notwithstanding any other provision of law, the amount appropriated in Schedule (2) shall be the maximum amount allocated for the purposes of the school development plans authorized pursuant to Article 1 (commencing with Section 44670.1) of Chapter 3.1 of Part 25 of the Education Code and the resource agencies or consortiums designated pursuant to Article 2 (commencing with Section 44680) of Chapter 3.1 of Part 25 of the Education Code. Funds appropriated in Schedule (b) include \$287,000 for the purposes of making adjustments for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$805,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.
  4. Notwithstanding any other provision of law, the amount appropriated in Schedule (3) shall be the maximum amount allocated for the purposes of the Bilingual Teacher Training Assistance Program established by Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of the Education Code. Funds appropriated in Schedule (c) include \$24,000 for the purpose of making adjustments for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$65,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.
  5. The funds appropriated in Schedule (4) are for grants for high school coach training as set forth

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in Article 4.5 (commencing with Section 35179) of Chapter 2, of Part 21 of the Education Code.

- 6. The funds appropriated in Schedule (5) shall be allocated in accordance with Article 4.5 (commencing with Section 44500) of Part 25 of the Education Code. Funds appropriated in Schedule (5) include \$1,917,000 for the purpose of making adjustments for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$5,371,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.
- 7. Notwithstanding any other provision of law, the amount appropriated in Schedule (6) shall be the maximum amount allocated for the purposes of the Reader Service for Blind Teachers, for transfer to the Reader Employment Fund established by Section 45371 for the purposes of Section 44925 of the Education Code. Funds appropriated in Schedule (6) include \$4,000 for the purposes of making adjustments in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$12,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.
- 8. Notwithstanding any other provision of law, the amount appropriated in Schedule (7) shall be the maximum amount allocated for the purposes of providing Advanced Placement teacher training pursuant to Section 52247 of Chapter 8.3 of Part 28 of the Education Code.
- 9. The funds appropriated in Schedule (8) shall be for a program to provide substitute teachers with professional development training authorized by legislation enacted during the 2001–02 Regular Session.

6110-194-0001—For local assistance, Department of Education—Staff Development .....

Schedule:

3,201,000

- (1) 20.60.010.001-Administrator Training and Evaluation Program ..... 1,593,000

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(2) 20.60.010.002-Administrator Training and Evaluation Program, Web-based staff development projects (LINKS) .....	300,000
(3) 20.60.080-Exploratorium .....	1,503,000
(4) 20.60.125-Geography Education Alliances .....	105,000
(5) Reimbursements .....	-300,000
Provisions:	
1. The funds appropriated in this item are for transfer by the Controller to Section A of the State School Fund, for direct disbursement by the State Department of Education in lieu of the amount that otherwise would be appropriated for staff development pursuant to subdivision (a) of Section 74 of Chapter 894 of the Statutes of 1977.	
2. Notwithstanding any other provision of law, the amount appropriated in Schedule (1) of this item shall be the maximum amount allocated from the General Fund for the 2001-02 fiscal year for the purposes of the Administrator Training and Evaluation Program set forth in Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25 of the Education Code.	
3. The amount appropriated in Schedule (5) of this item is provided pursuant to a grant received from the State of Washington for development of a Web-based staff development project by the Santa Cruz County Office of Education.	
6110-195-0001—For local assistance, Department of Education (Proposition 98), Program 20.60.140-Staff Development: Teacher Improvement, Teacher Incentives National Board Certification .....	15,000,000
Provisions:	
1. Of the funds appropriated in this item, \$5,000,000 is for the purpose of providing incentive grants of \$10,000 to teachers for achieving certification from the National Board for Professional Teaching Standards pursuant to Chapter 2, Article 13 (commencing with Education Code Section 44395).	
2. Of the funds appropriated in this item, \$10,000,000 is for the purpose of providing incentive grants of \$20,000 to teachers that have achieved certification from the National Board for Professional Teaching Standards and agree to teach in a low performing school pursuant to	

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Chapter 2, Article 13 (commencing with Education Code Section 44395).	
6110-196-0001—For local assistance, Department of Education (Proposition 98), for transfer by the Controller to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction to school districts, county offices of education, and other agencies for the purposes of Proposition 98 educational programs funded in this item, in lieu of the amount that otherwise would be appropriated pursuant to statute.....	1,319,668,000
Schedule:	
(1) 30.10.010-Special Program, Child Development, Preschool Education .....	294,920,000
(2) 30.10.020-Child Care Services .	1,665,473,000
(a) 30.10.020.001-Special Program, Child Development, General Child Development Programs..	578,703,000
(b) 30.10.020.002-Special Program, Child Development, Community College Match-Required Center.....	2,979,000
(c) 30.10.020.004-Special Program, Child Development, Migrant Day Care .....	30,522,000
(d) 30.10.020.007-Special Program, Child Development, Alternative Payment Program.....	200,410,000
(e) 30.10.020.011-Special Program, Child Development, Alternative Payment Program-Stage 2 .....	522,207,000

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(f) 30.10.020.012-Special Program, Child Development, Alternative Payment Program-Stage 3 .....	214,326,000
(g) 30.10.020.008-Special Program, Child Development, Resource and Referral .....	15,524,000
(h) 30.10.020.009-Special Program, Child Development, Campus Child Care Tax Bailout .....	5,460,000
(i) 30.10.020.015-Special Program, Child Development, Extended Day Care.....	28,195,000
(j) 30.10.020.096-Special Program, Child Development, Allowance for Handicapped ...	1,463,000
(k) 30.10.020.106-Special Program, Child Development, California Child Care Initiative .....	250,000
(l) 30.10.020.901-Special Program, Child Development, Quality Improvement .....	60,134,000
(ll) 30.10.020.910-Special Program, HIPPY (per Provision 2(b) and (7)(d)) .....	(1,000,000)

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(m) 30.10.020.920-Special Program, Child Development, Local Planning Councils .....	5,300,000
(3) 30.10.070-Special Program, Child Development After School Programs .....	117,507,000
(4) 30.10.020.907-Special Program, Child Development, Minimum Wage Impact.....	5,367,000
(5) 30.10.020.908-Special Program, Child Development, Cost-of-Living Adjustments .....	45,026,000
(5.1) 30.10.020.017-Special Program Child Care Accreditation Project ..	4,697,000
(5.2) Reimbursements (Quality Accreditation Project).....	-4,697,000
(6) Amount Payable from the Federal Trust Fund (Item 6110-196-0890) .....	-808,625,000

Provisions:

1. (a) \$14,850,000 of the amount in Schedule (3) of this item is for expansion of the After School and Safe Neighborhoods Partnerships Program. Notwithstanding any other provision of law, the State Department of Education shall prioritize expansion funding allocations as follows:
  - (1) New middle schools where at least 50 percent of students are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.
  - (2) Increase grant caps for participating middle schools that have students on waiting lists to participate. Grant caps may be increased by the lesser of either 25 percent of the current grant cap or the proportion of children unserved by the program as measured by documented waiting lists as of January 1, 2001, compared to actual after school enrollment on that same date.
  - (3) New elementary schools where at least 50 percent of students are eligible for free or reduced-cost meals through the school



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lunch program of the United States Department of Agriculture.

- (4) Increase grant caps for participating elementary schools that have students on waiting lists to participate under the same limitations as paragraph (2) of this subdivision.

Further, in order to support student academic achievement, funds allocated to middle schools for expansion of the After School Learning and Safe Neighborhoods Partnerships Program shall only be available for programs meeting high academic quality standards. Criteria for judging the strength of academic quality for middle school applications shall be based on the following priority order: (1) programs offering tutoring and homework assistance in language arts and mathematics, coordinated with the school's academic program to assist student readiness in meeting the high school exit exam; (2) history and social science, or science. All academic components shall include supervision by staff meeting qualifications no less than that of an instructional aide and a staff to student ratio no greater than 20 students per staff.

- (aa) Of the amount appropriated in Schedule (3) of this item, \$14,850,000 is for expansion of a Before School component of the After School Learning and Safe Neighborhoods Partnerships Program. Expenditure of this money is contingent upon legislation to establish this new component.
- (aaa) In the event the State Department of Education anticipates that it will be unable to encumber all of the funds for expansion pursuant to subdivisions (a) and (aa) of this provision, \$2,000,000 of the anticipated savings shall be available for three year grants on a one-time basis for after school regional centers established pursuant to Chapter 318 of the Statutes of 1998 for the purpose of serving as a centralized resource for technical assistance and training on best practices for either or both, (1) the Before School component and (2) middle schools in areas such as program content and local financing, including establishment of long-

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- term partnership funds, staffing, and managing programs for accountability.
- (b) Of the amount appropriated in Schedule (1) of this item, \$23,799,000 is for the purpose of providing full-year funding for expansion of the half-day preschool program with priority given to funding allocations to underserved areas initiated with a \$23,799,000 augmentation in the Budget Act of 2000, as specified in Provision 1(aa) of Item 6110-196-0001 of Section 2.00 of Chapter 52, Statutes of 2000.
  - (c) Of the amount appropriated in Schedule (2)(a) of this item, \$40,000,000 is for the purpose of providing full-year funding for expansion of full-day, general child care for children ages 0–5 years old initiated with a \$40,000,000 augmentation in the Budget Act of 2000, as specified in Provision 1(b) of Item 6110-196-0001 of Section 2.00 of Chapter 52, Statutes of 2000.
  - (d) Of the amount appropriated in Schedule (2)(c) of this item, \$3,000,000 is for the purpose of providing full-year funding for expansion of migrant day care services initiated with a \$3,000,000 augmentation in the Budget Act of 2000, as specified in Provision 15 of Item 6110-196-0001 of Section 2.00 of Chapter 52, Statutes of 2000.
2. Notwithstanding Section 8278 of the Education Code, funds available for expenditure pursuant to Section 8278 of the Education Code shall be expended in the 2001–02 fiscal year pursuant to the following schedule:
- (a) The amount necessary for accounts payable pursuant to paragraph (1) of subdivision (b) of Section 8278 of the Education Code.
  - (b) \$5,000,000 in augmentation of Schedule (2) (I), Quality Improvement, for projects to improve the quality and availability of child care as specified in Provisions 7(d) and 7(e) of this item.
  - (c) Of the remaining funds available after meeting the requirements in (a) and (b) of this provision, \$1,732,000 shall be allocated for instructional materials and equipment for center-based programs and to improve resource lending libraries in resource and refer-

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ral programs, \$5,000,000 shall be allocated for facilities renovation and repair contracts necessary to meet health and safety standards and to comply with the federal Americans with Disabilities Act of 1990, and, up to \$32,508,000 shall be available for Stage 3 child care in accordance with Provision 9(b) of this item. Should additional amounts become available pursuant to Section 8278 beyond those specified herein, it is the intent of the Legislature that up to \$15,000,000 may be transferred to the Child Care Facilities Revolving Fund, of which \$5,000,000 may be used for the CalWORKs Center-Based Pilot. Additional amounts in excess of \$6,000,000 shall not be expended prior to approval of a plan by the Department of Finance pursuant to the notification requirements of Section 28 of this act.

- (d) The Controller shall establish an account entitled Section 8278 Expenditures in 1999 in 6110-196-0001, Program 30.10.060. Any unexpended General Fund balances as of June 30, 2001, or subsequent abatements, from those amounts listed in Schedules (1), (2)(a), (2)(b), (2)(c), (2)(d), (2)(g), (2)(h), (2)(i), (2)(j), (2)(k), (2)(l) and (2)(m) of this item, that are available pursuant to Section 8278 of the Education Code, shall be transferred to the account for the purpose of making expenditures pursuant to that section.
3. The State Department of Education shall report to the Joint Legislative Budget Committee and the Department of Finance, by March 31, 2002, the amount of child development funds, by program, that have been determined after audit to be unearned. The report shall include the settlement of claims payable by program from unearned contract fund balances. This provision includes both Federal Fund and General Fund contracts.
4. (a) Notwithstanding any other provision of law, alternative payment child care systems shall be subject to the rates established in the Regional Market Rate Survey of California child care and development providers for provider payments. The State Department of Education shall utilize a federal fund contract with the

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State Child Care Resource and Referral Network (Network) to conduct a market rate survey. It is the intent of the Legislature that the contract between the State Department of Education and the Network require that the summary report and analyses of changes in mean and ceiling rates, adjustment factors, and regional rates be forwarded to the Department of Finance along with the mean and ceiling rates. The contract shall also provide resources sufficient for the Network to respond to requests for related information by the Department of Finance. Any changes to the market rate limits, adjustment factors or regions are subject to the approval process for child care contract funding terms and conditions as specified in Section 8447 of the Education Code. When approved, those changes shall be utilized by the State Department of Education and the State Department of Social Services in various programs under the jurisdiction of both departments to determine limits of reimbursement to providers.

- (b) Notwithstanding any other provision of law, annual revisions to the family copayment schedule for child care and development programs are also subject to the approval process pursuant to Section 8447 of the Education Code and, when approved, shall be utilized by both the State Department of Education and Department of Social Services where applicable.
5. The funds appropriated in this item for campus child care tax bailout shall be allocated by the State Department of Education based on a schedule provided by the Chancellor of the California Community Colleges. The chancellor shall schedule the allocation of these funds to community college districts that levied child care permissive override taxes in the 1977–78 fiscal year pursuant to Sections 8329 and 8330 of the Education Code in an amount equal to the property tax revenues, tax relief subventions, and state aid required to be made available by the district to its child care and development program for the 1979–80 fiscal year pursuant to Section 30 of Chapter 1035 of the Statutes of 1979, increased by any cost-of-living

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<p>increases granted in subsequent fiscal years. These funds shall be used only for the purpose of community college child care and development programs.</p>	
<p>6. Notwithstanding any provision of law to the contrary, higher educational institutions may establish and maintain child development programs on or near their respective campuses with priority for services given to children of students of that campus. Those higher educational institutions under contract with the State Department of Education for child care and development services shall be subject to the rules and regulations adopted by the Superintendent of Public Instruction except where those rules and regulations differ with respect to the conditions specified for the community colleges in Provision 11 of Item 6870-101-0001.</p>	
<p>7. Funds in Schedule (2)(I), along with funds allocated pursuant to Provision 2(b) of this item, shall be reserved for activities to improve the quality and availability of child care, pursuant to the following:</p>	
<p>(a) \$2,230,000 is for the schoolage care and resource and referral earmark.</p>	
<p>(b) \$16,411,000 is for the infant and toddler earmark and shall be used for increasing the supply of quality child care for infants and toddlers. Of this amount, \$4,413,000 is available on a one-time basis. Of the remaining funds, up to \$8,998,000 is available for expenditure immediately and \$3,000,000 shall only be available after the Department of Education reports to the Department of Finance the 2002 federal fiscal year earmark requirement. It is intended that the earmark be funded at the minimum amount required under federal law with any discretionary funding remaining used to offset budget year expenditures in CalWORKs Stage 2 through budget revision approved by the Department of Finance. Notwithstanding any other provision of law, expenditure plans and contract provisions for awarding these funds shall give high, but not exclusive, priority to the development of new family day care home providers, especially those who offer care during nontraditional</p>	

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- hours such as weekends, evenings, and nights and who offer care for special needs children.
- (c) \$1,500,000 is for the five-year regional resource centers program initiated in the Budget Act of 1999 (Ch. 50, Stats. 1999) to develop capacity in underserved areas.
- (d) From the remaining funds including funds available pursuant to Provision 2(b) of this item, the following amounts shall be allocated for the following purposes: \$4,000,000 to train former CalWORKs recipients as child care teachers, \$2,000,000 in one-time funding to continue training and to develop, produce, and disseminate classroom curriculum linked to the prekindergarten learning and development guidelines developed pursuant to Section 8203.3 of the Education Code for child care centers; \$3,000,000 in one-time funding available through 2003–04 to adapt, produce and disseminate prekindergarten learning and development guidelines and related curriculum for all exempt and licensed family child care home providers; \$2,700,000 for contracting with the Department of Social Services for increased inspections of child care facilities, \$1,000,000 to continue the Family Child Care At Its Best training project, which, through an interagency agreement with the University of California at Davis Extension Program, provides child development training to licensed family child care home providers to enhance the quality and safety of licensed family child care homes, \$1,000,000 for Trustline registration workload (Ch. 3.35 (commencing with Sec. 1596.60), Div. 2, H. & S.C.); \$500,000 for health and safety training for licensed and exempt child care providers; \$320,000 for the Child Development Training Consortium, \$300,000 for the Health Hotline, \$300,000 to implement a technical assistance program to child care providers in accessing financing for renovation, expansion, and/or construction of child care facilities; and \$1,000,000 for the Home Instruction Program for Preschool Youngsters (HIPPY) for the districts in the amounts specified herein, contingent upon a written

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- agreement with the California HIPPY State Office by October 1, 2001, to provide evaluation, training, and technical assistance to local districts implementing HIPPY programs according to the HIPPY statewide capacity building design. The agreement shall specify implementation goals including starting date and participation levels as agreed to by both parties. In the event that a school district or county office of education does not substantially meet the implementation requirements specified in the written agreement by February 1, 2002, its share may be redistributed as determined by the Superintendent of Public Instruction and the California HIPPY State Office with the approval of the Department of Finance through notification of the Legislature through the Section 28.00 notification process. Funds shall be allocated under this provision, as follows: (1) Los Angeles Unified School District (\$100,000), (2) Los Angeles County Office of Education (\$100,000), (3) Santee School District (\$115,000), (4) San Diego Unified School District (\$340,000), (5) Contra Costa County Office of Education (\$75,000), (6) San Francisco Unified School District (\$100,000), (7) Santa Barbara Unified School District (\$85,000), and (8) Stanislaus County Office of Education (\$85,000).
- (e) The State Department of Education shall allocate \$425,000 to preschool education projects including, but not limited to, those operated by the public television stations in Redding, San Francisco, San Jose, Los Angeles, Fresno, and San Diego. Of this amount, the department shall allocate up to \$320,000 to public television stations in Redding, San Francisco, San Jose, and Los Angeles, based upon the satisfaction by the projects operated by the public television stations in each of those cities of all of the following criteria: (1) the 30-percent minimum match; (2) a plan that identifies the providers to be trained; (3) number of trainers to be trained; (4) the quality of the training offered; (5) linkages to the child care community; and (6) cost-effectiveness. The balance of the \$425,000

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identified in this subdivision shall be made available to support projects in Fresno and San Diego, based upon the determination by the State Department of Education of the satisfaction by the projects operated by the public television station in each of those cities of the criteria set forth in (1) to (6), inclusive, of this subdivision. As a condition of receiving funds as described in this subdivision in the 2001–02 fiscal year, each grantee that received funds in the 2000–01 fiscal year shall complete and submit to the State Department of Education, no later than March 1, 2002, an evaluation of the effectiveness of the project operated by the grantee in improving the quality of child care provided in the affected community.

- (f) \$30,000 shall be made available for a preschool public television project in Eureka.
  - (g) As required by federal law, the State Department of Education shall develop an expenditure plan that sets forth the final priorities and the reasons therefor if the final priorities are different from those approved in response to the reporting requirement contained in Provision 7(h) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000). This plan shall be submitted to the Department of Finance by September 1, 2001, and funds shall not be encumbered prior to approval of the plan by the Department of Finance. The State Department of Education shall coordinate with the Department of Social Services, the California Children and Families State Commission, and other applicable entities to identify annual statewide expenditures for quality enhancements which qualify for meeting federal requirements, and shall reference these expenditures in its biennial federal quality plans or any subsequent amendments.
  - (h) \$15,000,000 from the General Fund shall be for child care worker recruitment and retention programs as specified by Chapter 547, Statutes of 2000.
8. (a) If the federal funds available pursuant to Provision 10 of Item 6110-196-0001 of Section



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2.00 of the Budget Act of 1997 (Ch. 282, Stats. 1997) have not been transferred to Item 6110-001-0001 of Section 2.00 of this act by June 30, 2001, those funds shall be available in the 2001–02 fiscal year for (a) interim data reporting as approved by the Department of Finance, and, (b) for the same purposes and subject to the same conditions, including FSR development, and reporting requirements otherwise applicable to Item 6110-196-0001 and Item 6110-001-0890 of Section 2.00 of the Budget Act of 1997 (Ch. 282, Stats. 1997).

- (b) No later than August 31, 2001, the State Department of Education (SDE) shall convene a data collection task force composed of representatives of the SDE, the Legislative Analyst, the chairs and vice chairs of the appropriate fiscal and policy committees of the Legislature, the Department of Social Services, the Senate Office of Research, the Joint Legislative Audit Committee, the Department of Finance, child care providers, and other stakeholders as defined by the task force. The task force shall advise the SDE on the implementation of the interim data collection system and development and implementation of the long-term data collection system. The task force members shall provide advice concerning any associated feasibility study reports and requests for proposals, assist the SDE in designing systems that generate policy-relevant information, establish timelines for project completion, and monitor progress toward project completion. Any company or individual who participates in the task force or in an advisory capacity to the task force shall not be eligible to bid for the development of the system. In the development of this system, the SDE shall contract for a risk assessment of the project. The SDE shall provide copies of any status reports it is required to send to the United States Department of Health and Human Services, as well as any feasibility study reports and requests for proposals, to each of the task force participants. If the interim system and long-term system are not fully discussed in those reports, the SDE shall

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provide supplementary reports to the members of the task force on October 1, 2001, and March 1, 2002, regarding progress toward completion of the projects. It is the intent of the Legislature that the SDE take all necessary steps to comply with federal reporting requirements in a timely fashion.

- (c) The State Department of Education shall ensure that any long-term data collection system adopted by the department is able to collect the data specified by Provision 8(c)(6) of Item 6110-196-0001 of the Budget Act of 2000 (Ch. 52, Stats. 2000).
- (d) For purposes of ensuring adequate data for policy consideration, management of the current year budget, and development of the child care budget for the 2002–03 fiscal year, with special emphasis on CalWORKs case-load driven programs, it is the intent of the Legislature that the SDE utilize funds made available pursuant to subdivision (a) above for interim data collection to finance any surveys or sampling activities needed to augment state staff capabilities in meeting requirements specified herein and as clarified or amended by the Department of Finance. It is legislative intent that the SDE expedite any contracting necessary to fulfill the data requirements of this subdivision. It is recognized that the CalWORKs child care programs present unique challenges requiring the cooperation of the two implementing state agencies with the Department of Finance to annually determine a budgetary plan and to determine any midyear adjustments which may be advisable. Therefore, the following requirements shall apply:
  1. The State Department of Education shall maintain an improved allocation, contracting, and reimbursement system for CalWORKs Stage 2 and Stage 3 funding to ensure funds are distributed in proportion to statewide needs. These needs shall recognize attrition experience and family fees collected at the local level which shall be counted toward the funding available to meet those needs. The department shall

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- conduct monthly analyses of caseloads and expenditures and adjust agency contract maximum reimbursement amounts and allocations as necessary to ensure funds are distributed proportional to need. The department shall share monthly caseload analyses with the Department of Social Services.
2. The department shall provide quarterly reports on the sufficiency of funding for Stage 2 and Stage 3 to the Department of Finance and the Department of Social Services (DSS) and to the Legislative Analyst's office. The department shall provide caseloads, expenditures, allocations, unit costs, family fees, and other key variables and assumptions used in determining the sufficiency of state allocations. Detailed backup by month and on a county-by-county basis shall be provided to the DSS at least on a quarterly basis for comparisons with Stage 1 trends.
  3. Any request from the child care reserve shall be based on the information and analyses pursuant to the preceding paragraphs and shall be made jointly and coordinated with the DSS to eliminate duplication. In order to facilitate coordination, detailed backup by month and on a county-by-county basis, if different from quarterly data provided pursuant to the previous paragraph, shall be provided to the DSS to facilitate its analyses and comparison of overall CalWORKs caseloads and related child care needs.
  4. By September 15, 2001, and March 15, 2002, the department shall ensure that detailed caseload and expenditure data, through the most recent period for Stage 2 and Stage 3 along with all relevant assumptions, is provided to DSS to facilitate budget development and the May Revision, respectively. The detailed data provided shall include actual and projected monthly caseload from Stage 2 scheduled to time off of their transitional child care benefit from the last actual month reported

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- by agencies through the 2003–04 fiscal year as well as local attrition experience. DSS shall utilize data provided by the State Department of Education, including key variables from the prior fiscal year and the first two months of the 2001–02 fiscal year, to provide coordinated estimates in November 2001 for each of the three stages of care for preparation of the 2002–03 Governor’s Budget, and shall utilize data from the first two quarters of the 2001–02 fiscal year for preparation of the 2002 May Revision. DSS shall share its assumptions and methodology with SDE in the preparation of the 2002–03 Governor’s Budget.
5. As deemed necessary by the department for counties where there is more than one Alternative Payment Program participating in Stage 2 and Stage 3, county welfare departments shall participate jointly with the Alternative Payment Programs, as applicable, to jointly determine the amount of funds initially distributed to each Alternative Payment Program. However, the State Department of Education may adjust these allocations at any time for providers deemed by the State Department of Education to be on conditional status and shall adjust the allocations as necessary to ensure a distribution of funding proportional to each alternative payment provider’s documented need pursuant to the analysis specified in this provision.
  6. Upon request by the Department of Finance, the State Department of Education shall determine, through survey or mandatory reporting, and through use of consultant services as necessary, requested information (such as selected updates of data collected pursuant to Provision 8(c)(6) of the Budget Act of 2000 (Ch. 52, Stats. 2000)) which shall be provided to the Department of Finance for use in 2002–03 budget development.
  9. (a) The Department of Finance is authorized to augment the appropriation in this item for

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CalWORKs Stage 3 funding upon demonstration by the State Department of Education that additional funding is necessary to serve the caseload specified in Provision 9(b). The Department of Finance shall provide written notification to the chairperson of the fiscal committees of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee at the time such augmentation is approved.

- (b) Notwithstanding any other provision of law, the funds in Schedule (2)(f) for Stage 3 are reserved exclusively for continuing child care to: (1) former CalWORKs families who are working, have left cash aid and have exhausted their two-year eligibility for transitional services in either Stage 1 or 2 pursuant to subdivision (c) of Section 8351 or Section 8353 of the Education Code, respectively, but still meet eligibility requirements for receipt of subsidized child care services; and (2) families who received lump-sum diversion payments or diversion services under Section 11266.5 of the Welfare and Institutions Code and have spent two years in Stage 2 off of cash aid, but still meet eligibility requirements for receipt of subsidized child care services. The funds made available for CalWORKs Stage 3 child care pursuant to this item, Item 6110-485, and pursuant to Provision 2(c) of this item are on a one-time basis. The State Department of Education shall advise all Alternative Payment Providers to notify the Stage 3 caseload that subsidies are only extended through the 2001–02 fiscal year under current eligibility, subsidy, and family fee conditions.
- (c) Any families who have been continuously enrolled in Stage 3 slots funded through the original increment of \$60,000,000 initially funded in the Budget Act of 1997 (Ch. 282, Stats. 1997) from the Child Care and Development Block Grant are exempted from these restrictions, provided they continue to meet eligibility criteria for receipt of subsidized child care. However, Alternative Payment Providers shall continue to replace exempted families with

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- those meeting the eligibility requirements specified herein.
10. Nonfederal funds appropriated by this item which have been budgeted to meet the state's Temporary Assistance for Needy Families maintenance of effort requirement established pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may not be expended in any way that would cause their disqualification as a federally allowable maintenance of effort expenditure.
  11. In recognition of the extensive services currently provided to CalWORKs recipients, the increased level of services provided to these populations by resource and referral agencies as provided for in this item, and the economies of scale that occur as contract amounts have been multiplied since 1996-97, it is the intent of the Legislature that administrative and support services allowances for alternative payment contractors serving these populations be limited to no more than 25 percent of the direct cost of care payments to child care providers. Therefore, notwithstanding any other provision of law or regulation, the State Department of Education shall ensure that contract provisions conform to this intent for Stages 2 and 3 child care contracts funded through Schedules (2)(e) and (2)(f) of this item.
  12. Notwithstanding Section 26.00 of this act, the funds appropriated in Schedule (5) of this item, for child development cost-of-living adjustments, is for transfer to Schedules (1), (2)(a), (2)(b), (2)(c), (2)(d), (2)(g), (2)(h), (2)(i), (2)(j), and (2)(m) within this item. Upon application of the 2001-02 COLA, the maximum standard reimbursement rate shall not exceed \$27.44 per hour for General Child Care programs and \$17.51 per hour for State Preschool. Furthermore, the Community College Match, the Migrant Child Care, and the CalSAFE Child Care programs shall adhere to the maximum standard reimbursement rates as prescribed for the General Child Care programs. All other rates and adjustment factors shall be revised to conform. All contract maximum amounts shall be revised so

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that erosion of service capacity from the 2000–01 rates are restored.

- 13. The funds appropriated in Schedule (4) of this item for child care and development services minimum wage impact are to be transferred as general cost-of-living adjustments, notwithstanding Provision 12, to other schedules in this item as determined by the Department of Education through a Budget Revision as approved by the Department of Finance.
- 14. Of the funds in Schedule (2)(c) of this item, up to \$5,000,000 may be used to establish or continue a pilot Migrant Alternative Payment Network Program for central valley counties. This program shall comply with the requirements approved pursuant to Provision 18 of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1998 (Ch. 324, Stats. 1998).
- 15. Notwithstanding any other provision of law, it is the intent of the Legislature that unearned contract amounts from General Funds or Federal Funds appropriated for CalWORKs Stages 2 and 3 in any prior year be used to offset direct service costs in CalWORKs Stage 2 child care in the 2000–01 fiscal year and each year thereafter. Therefore, in order to account for these funds in determining the budget, the Department of Education shall disencumber any amounts in excess of a three-percent reserve of the original contract amount for each unaudited contract and shall provide a report by September 1, 2001, and April 1, 2002, of the available balances to the Department of Finance. The Department of Education shall ensure child care audits are closed out in a timely fashion to ensure savings are available in the fiscal year budget following initial appropriation.

6110-196-0890—For local assistance, Department of Education, for payment to Item 6110-196-0001, payable from the Federal Trust Fund ..... 808,625,000

Provisions:

- 1. Notwithstanding any other provision of law, the funds appropriated in this item, to the extent permissible under federal law, are subject to Section 8262 of the Education Code.

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2. The funds appropriated in this item include the federal Child Care and Development Block Grant and are contingent upon receipt of the federal grant.
3. Of the funds appropriated in this item, \$286,794,000 is from the transfer of funds from the federal Temporary Assistance for Needy Families (TANF) Block Grant administered by the State Department of Social Services to the federal Child Care and Development Block Grants (CCDBG) for Stage 2 child care. This amount may be increased by transfer from the CalWORKs child care reserve pursuant to Item 5180-401 of this act, except that funds shall not be first transferred to the Child Care Development Block Grant if those transfers result in an increase to the federal quality requirements beyond the level currently budgeted for quality activities.
4. Provision 9 of Item 6110-196-0001 also applies to this item.

6110-197-0001—For local assistance, Department of Education (Proposition 98), Program 20.60.100—Instructional Support-Improving School Effectiveness—Intersegmental Programs.....		1,956,000
Provisions:		

1. The funds appropriated by this item are for transfer by the Controller to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction to school districts, county offices of education, and other educational agencies for purposes of the Proposition 98 programs in this item, in lieu of the amounts otherwise provided in for those programs by statute.
2. Of the funds appropriated by this item, \$26,000 is for the purpose of making adjustments for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$72,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.

6110-198-0001—For local assistance, Department of Education (Proposition 98), for transfer by the Controller to Section A of the State School Fund, for allocation to school districts and county offices of edu-



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cation, in lieu of the amount that otherwise would be appropriated pursuant to statute.....	83,143,000
Schedule:	
(1) 20.60.220-CalSAFE Academic and Supportive Services.....	21,896,000
(2) 30.10.020-CalSAFE Child Care.....	39,814,000
(3) 20.60.221-All Services for Non-converting Pregnant Minor Programs .....	21,433,000
Provisions:	
1. Notwithstanding any other provision of law, a school district or county superintendent of schools operating, by October 1, 1999, a School Age Parent and Infant Development Program pursuant to Article 17 (commencing with Section 8390) of Chapter 2 of Part 6, a Pregnant Minors Program pursuant to Chapter 6 (commencing with Section 8900) of Part 6 and Section 2551.3, or a Pregnant and Lactating Students Program pursuant to Sections 49553 and 49559, or any combination thereof, that chooses to participate in the CalSAFE program shall have priority for CalSAFE program funding for an amount up to the dollar amount provided under those provisions in the fiscal year prior to participation in the CalSAFE program, provided an application is submitted and approved.	
2. The amounts in Schedules (1), (2), and (3) of this item are based on estimates of the amounts required by existing programs for operation of CalSAFE programs in 2001-02. By October 31, 2001, the Department of Education shall submit to the Department of Finance current Cal-SAFE expenditure data for 2000-01 and 2001-02 showing each agency's allocation and supporting detail including average daily attendance and child care attendance and enrollment data. The State Department of Education shall also provide estimates of average daily attendance and child care slots for 2002-03.	
3. Schedule (3) above is to provide funding for all child care, as well as both academic and supportive services for programs choosing to retain their Pregnant Minor Program revenue limit. Notwithstanding any other provision of law, the department shall compute allocations to these agencies using the respective agencies' 1998-99 Pregnant	

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<p>Minor Program revenue limits. Further, notwithstanding any other provision of law, programs which choose to retain their Pregnant Minor revenue limit rather than convert to the CalSAFE revenue limit must provide child care within the revenue limit funding for children of students comprising base year average daily attendance. To the extent additional units of average daily attendance are authorized by the department for growth for these agencies, academic and supportive services reimbursement for such growth shall be computed using the new CalSAFE revenue limit. Growth funding for the child care component shall be equal to the proportionate share of total child care costs for the specific agency's program as determined by dividing the authorized growth in student average daily attendance by the total authorized average daily attendance.</p>	
<p>6110-199-0001—For local assistance, Department of Education, Program 30.20—Child Nutrition .....</p>	700,000
<p>Provisions:  1. The one-time funds appropriated in this item shall be used for startup and expansion grants to allow community-based organizations and local government agencies to participate in the Summer Food Service Program pursuant to Section 49550.3 of the Education Code.</p>	
<p>6110-200-0001—For local assistance, Department of Education (Proposition 98), Program 20.60.037 Healthy Start Support Services for Children Act.....</p>	39,000,000
<p>Provisions:  1. The State Department of Education shall report to the Department of Finance by October 1, 2001, on the relative demand for, and quality of applications submitted for the 2001–02 funding cycle.</p>	
<p>6110-201-0001—For local assistance, Department of Education (Proposition 98).....</p>	1,000,000
<p>Schedule:  (1) 30.20-Child Nutrition ..... 1,800,000  (2) Reimbursements..... –800,000</p>	
<p>Provisions:  1. Notwithstanding any other provision of law, the amount appropriated in this item is for the purpose of providing grants to school districts and county superintendents of schools during the 2001–02 school year for school breakfast program startup grants pursuant to Section 49550.3</p>	

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<p>of the Education Code, and for nonrecurring expenses incurred by a school district or county office of education in initiating or expanding a Summer Food Service Program for children pursuant to Section 49547.5 of the Education Code following criteria developed by the State Department of Education.</p>	
<p>6110-201-0890—For local assistance, Department of Education, Program 30.20-Child Nutrition, payable from the Federal Trust Fund.....</p>	1,379,256,000
<p>Schedule:</p>	
<p>(1) 30.20.010—Child Nutrition.....</p>	1,353,506,000
<p>(2) 30.20.040—Summer Food Service Program.....</p>	25,750,000
<p>6110-202-0001—For local assistance, Department of Education .....</p>	12,515,000
<p>Schedule:</p>	
<p>(1) 30.20.010-Child Nutrition.....</p>	12,515,000
<p>Provisions:</p>	
<p>1. Funds appropriated in this item are for child nutrition programs pursuant to Section 41311 of the Education Code. Claims for reimbursement of meals pursuant to this appropriation shall be submitted no later than September 30, 2002, to be eligible for reimbursement.</p>	
<p>2. Notwithstanding any other provision of law, except as provided in this provision, funds appropriated in this item shall be available for allocation in accordance with Section 49536 of the Education Code, except that the allocation shall not be made based on all meals served, but based on the number of meals that are served and that qualify as free or reduced-price meals in accordance with Sections 49501, 49550, and 49552 of the Education Code.</p>	
<p>6110-202-0890—For local assistance, Department of Education, Program 10.10, New School Renovation Program, payable from the Federal Trust Fund.....</p>	133,603,000
<p>Provisions:</p>	
<p>1. Of the funds appropriated in this item, 75 percent is to be used for competitive grants to local education agencies for school renovation and repair activities, with highest priority funding given to high poverty schools, and rural local education agencies (LEAs). Funds appropriated in this item under this provision shall be available for funding</p>	

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<p>school renovation applications received by the Office of Public School Construction.</p> <p>2. Of the funds appropriated in this item, 25 percent shall be distributed to LEAs through competitive grant processes for either funding special education activities in accordance with Part B of the Federal Individuals with Disabilities Education Act (IDEA), or technology activities related to school renovation.</p> <p>3. Prior to expenditure of funds provided pursuant to this item, the State Department of Education shall submit an expenditure plan to the Department of Finance for review and approval, which may include up to 1 percent of the total grant award for state operations costs, as prescribed by the federal program requirements.</p> <p>4. The State Department of Education shall submit a report on the use of funds received by LEAs pursuant to this item to the Legislature, the Governor, and the Department of Finance, no later than December 31, 2002.</p>	
<p>6110-203-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 30.20.010-Child Nutrition Programs, established pursuant to Sections 41311, 49536, 49501, 49550, 49552, and 49559 of the Education Code .....</p>	70,963,000
<p>Provisions:</p> <p>1. Funds appropriated by this item shall be allocated pursuant to Section 41311 of the Education Code. Claims for reimbursement of meals pursuant to this allocation shall be submitted by school districts on or before September 30, 2002, to be eligible for reimbursement.</p> <p>2. Notwithstanding any other provision of law and except as otherwise provided in these provisions, funds designed for child nutrition programs by this item shall be allocated in accordance with Section 49536 of the Education Code; however, that the allocation shall be based not on all meals served, but on the number of meals that are served and that qualify as free or reduced-price meals in accordance with Sections 49501, 49550, and 49552 of the Education Code.</p> <p>3. Of the funds appropriated by this item, \$2,550,000 is for the purpose of providing adjust-</p>	

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<p>ments for increases in the projected number of meals. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rate to conform to available funds. Additionally, \$2,644,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.</p>	
<p>6110-204-0001—For local assistance, Department of Education (Proposition 98), Program 10.10.014, for transfer to Section A of the State School Fund, for 7th and 8th Grade Math Academies, pursuant to Chapter 17 (commencing with Section 53081) of Part 28 of the Education Code .....</p>	12,341,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. Notwithstanding any other provision of law, for the 2001–02 fiscal year the Superintendent of Public Instruction shall allocate a minimum of \$7,253 for intensive instructional algebra academies in each school district for which the prior fiscal year enrollment of pupils in grades 7–8 was greater than zero but less than 333 and that, in the 2001–02 fiscal year, offers at least 1,500 hours of supplemental algebra instruction pursuant to this item. A small school district, as described above, that offers less than 1,500 hours of supplemental summer school offerings shall receive a proportionate reduction in its allocation. For the purpose of this provision, intensive instructional algebra academies means programs authorized under Section 53082 of the Education Code.</li> <li>2. Notwithstanding any other provision of law, the rate of reimbursement shall be \$3.38 per hour of supplemental instruction.</li> <li>3. Notwithstanding any other provision of law, the Department of Finance may transfer amounts between Items 6110-104-0001, 6110-204-0001, and 6110-205-0001 of this act in order to minimize deficiencies for any of the programs budgeted in those items.</li> </ol>	
<p>6110-205-0001—For local assistance, Department of Education (Proposition 98), Program 10.10.140-Elementary School Intensive Reading Program, for transfer to Section A of the State School Fund, for programs pursuant to Section 42239.1 of the Education Code .....</p>	29,545,000

Item	Amount
Provisions:	
1. Notwithstanding any other provision of law, the rate of reimbursement shall be \$3.38 per hour of supplemental instruction.	
2. Notwithstanding any other provision of law, the Department of Finance may transfer amounts between Items 6110-104-0001, 6110-204-0001, and 6110-205-0001 of this act in order to minimize deficiencies for any of the programs budgeted in those items.	
6110-208-0001—For local assistance, Department of Education (Proposition 98), Program 20, for allocation to the Center for Civic Education.....	250,000
Provisions:	
1. The funds appropriated in this item are for the purpose of implementing a middle school and junior high school civic education program.	
6110-209-0001—For local assistance, State Department of Education (Proposition 98), Program 10.10.090.002-Teacher Dismissal Apportionments, for transfer to Section A of the State School Fund and allocation by the Controller for payment of claims received pursuant to Section 44944 of the Education Code .....	38,000
Provisions:	
1. Of the funds appropriated in this item, \$390 is for the purpose of making adjustments for increases in average daily attendance at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$1,400 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.	
6110-210-0001—For local assistance, State Department of Education, Program 10.10, One-time Fund.....	250,000,000
Provisions:	
1. The funds appropriated in this item shall be allocated to all school districts, county offices of education, and charter schools in the state on the basis of an equal amount per unit of average daily attendance, including average daily attendance attributable to regional occupational centers and programs and adult education programs, as reported on the second principal apportionment for the 2000–01 fiscal year, and average daily enrollment in preschool and childcare programs oper-	

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- ated on schoolsites. For the purpose of determining the average daily enrollment of children served by local education agencies in preschool and childcare development programs operated on schoolsites, the Superintendent of Public Instruction shall divide a local education agency's total number of child days of enrollment in these programs in the 2000–01 school year by 180 days to determine an average daily enrollment for the programs and allocate funds according to this average daily enrollment. Of the funds distributed for the purposes of this provision, each school district, county office of education, and charter school shall receive not less than \$14,000 for each schoolsite within its jurisdiction. Each school district, county office of education, and charter school has discretion to allocate these funds within its jurisdiction as each deems appropriate.
2. As a condition of receipt of funds provided in this item, school districts, county offices of education, and charter schools shall, in a local governing board resolution adopted in a regularly scheduled public meeting, identify energy conservation measures that result in a decrease in the amount of energy used by schools within the local education agency. The local governing board resolution shall also include a list of specific actions that will be carried out to achieve the reduction in energy use. Funds appropriated under this item may be used for energy conservation measures, increased energy costs, career/technical education one-time purposes, or any other one-time educational purpose.
  5. For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, \$123,161,000 of the appropriations made in this item shall be deemed to be "General Fund" revenues appropriated to school districts as defined in subdivision (c) of Section 41202 of the Education Code for the 1995–96 fiscal year and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B" as defined in subdivision (e) of Section 41202 of the Education Code, for the 1995–96 fiscal year.

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- 6. For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, \$126,839,000 of the appropriations made in this item shall be deemed to be “General Fund” revenues appropriated to school districts as defined in subdivision (c) of Section 41202 of the Education Code for the 1996–97 fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202 of the Education Code, for the 1996–97 fiscal year.

6110-211-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Program 20.60.036 for Categorical Programs for charter schools..... 41,434,000

Provisions:

- 1. Funds appropriated in this item are for the purpose of funding additional costs of categorical funding for charter schools pursuant to Article 2 of Chapter 6 of Part 26.8 of the Education Code (commencing with Section 47633).
- 2. The Department of Education shall provide an estimate of ADA expected to be claimed for this item for fiscal year 2002–03 to the Department of Finance by October 1, 2001, for use in developing the 2002–03 Governor’s Budget. The Department of Education shall provide an update of the estimate by March 31, 2002, for preparation of the May Revision.

6110-212-0001—For local assistance, Department of Education (Proposition 98), Program 20.60-High-Risk Youth Education and Public Safety Program... 18,000,000

Provisions:

- 1. The funds appropriated in this item are for transfer by the Controller to Section A of the State School Fund, for allocation by the State Department of Education to school districts and county offices of education for costs incurred for the High-Risk First-Time Offenders Program and the Transitioning High-Risk Youth Program pursuant to Article 1 (commencing with Section 47760) of Chapter 2 of Part 26.95 of the Education Code.



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6110-224-0001—For local assistance, Department of Education (Proposition 98), for transfer to Section A of the State School Fund, Year Round School Grant Program established pursuant to Article 3 (commencing with Section 42260) of Chapter 7 of Part 24 of the Education Code .....	81,383,000

Schedule:

- (1) 10.10.950.001-Implementation grants pursuant to Section 42262 of the Education Code ..... 1,398,000
- (2) 10.10.950.002-Operations grants.... 79,985,000

Provisions:

1. The following provisions govern funds appropriated for the Year Round School Grant Program (Art. 3 (commencing with Sec. 42260), Ch. 7, Pt. 24, Ed. C.):
  - (a) Applications for year-round school grants pursuant to Sections 42262 and 42263 of the Education Code shall be received annually by the Superintendent of Public Instruction no later than September 1 of the year for which payment is sought; applications received after that date may not be processed. If the funds available for a fiscal year are insufficient to fully fund all eligible grants pursuant to Sections 42262 and 42263 of the Education Code, the superintendent shall at that time provide all approved claims with a prorated share of the funds made available for those grants pursuant to this item.
  - (b) If a school district receives state reimbursement that is specifically attributable to the cost of operating schools on a year-round basis pursuant to a court-ordered or voluntary integration program, the district shall be eligible for any portion of the allowances for year-round school grants pursuant to Sections 42262 and 42263 of the Education Code for the 2001–02 fiscal year, but only to the extent that the district incurs costs in the 2001–02 fiscal year specifically attributed to operating schools on a year-round basis, as audited and approved by the Controller, that exceed claims submitted for state reimbursement and are deemed by the Controller to be allowable costs for that year-round operation pursuant to Sections 42243.6 and 42249 of the Educa-

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tion Code for the 2001–02 fiscal year. Funds may be distributed during the 2001–02 fiscal year pursuant to this provision. However, the Controller shall audit, and may make adjustments to, the funds distributed under this item in future years.

- 2. Of the funds appropriated in this item, \$1,082,000 is for the purpose of providing an adjustment for growth at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to conform to available funds. Additionally, \$3,032,000 is for the purpose of providing a cost-of-living adjustment at a rate of 3.87 percent.

6110-226-0001—For local assistance, Department of Education (Proposition 98)..... 14,608,000  
 Schedule:

- (1) 20.60.020.001-Partnership Minigrants/Safe School Planning .. 628,000
- (2) 20.60.020.012-Conflict Resolution . 280,000
- (3) 20.60.020.013-School Community Violence Prevention ..... 700,000
- (4) 20.60.020.008-School Community Policing ..... 10,000,000
- (5) 20.60.020.016-Safety Plans for New Schools ..... 3,000,000

Provisions:

- 1. The funds appropriated in Schedule (5) are available for developing School Safety Plans pursuant to Chapter 996 of the Statutes of 1999 and are to be allocated through an application process to be determined by the Department of Education.

6110-228-0001—For local assistance, Department of Education, for transfer to Section A of the State School Fund for allocation by the Controller (Proposition 98), Program 20.60.020.011-School Safety.... 72,087,000  
 Provisions:

- 1. Of the funds appropriated in this item, \$71,087,000 is available to fund block grants for middle and junior high schools and high schools that serve grades 8 to 12, inclusive, pursuant to Chapter 51, Statutes of 1999.
- 2. Of the funds appropriated in this item, \$1,000,000 shall be made available for County Offices of Education pursuant to Chapter 645, Statutes of 1999.

Item	Amount
6110-229-0001—For local assistance, Department of Education (Proposition 98), Program 20.60.090-Teacher Recruitment Centers.....	9,400,000
Provisions:	
1. These funds are to be allocated to the Sacramento County Office of Education to establish and oversee Teacher Recruitment Centers in five regions for the purpose of increasing the hiring of fully credentialed teachers in low-performing schools, pursuant to Chapter 3.44 (commencing with Section 44751) of the Education Code.	
6110-232-0001—For local assistance, Department of Education (Proposition 98) for transfer to Section A of the State School Fund, Program 10.26, Program to Reduce Class Size in Two Courses in Grade 9 pursuant to Chapter 6.8 (commencing with Section 52080) of Part 28 of the Education Code .....	145,185,000
Provisions:	
1. Of the funds appropriated in this item, \$4,165,000 is provided for cost-of-living adjustments (COLAs) at a rate of 3.87 percent.	
6110-233-0001—For local assistance, Department of Education .....	1,175,000
Provisions:	
1. The funds in this item shall be allocated for the following local projects:	
(a) Building Up Los Angeles: Girls Today Women Tomorrow Mentoring Program .....	(50,000)
(b) Soledad Enrichment Action, Inc.: Charter School Girls' Academy.....	(25,000)
(c) The National Hispanic University: Purchase and construction of 11-acre campus for the only National Hispanic University in the Southwest that celebrates 20th anniversary in 2001.....	(400,000)
(d) CHIME Institute for Children with Special Needs: Construction of healthy buildings .....	(100,000)
(e) Ocean Institute: Ocean Institute Education .....	(50,000)
(f) Communities in Schools: Lockeford Computers .....	(50,000)
(g) Save the Children: Save the Children's "Web of Support" ...	(500,000)

Item	Amount
6110-234-0001—For local assistance, Department of Education (Proposition 98), Program 10.25, for transfer by the Controller to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction for the Class Size Reduction Program pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28 of the Education Code.....	1,610,350,000
Provisions:	
1. Of the funds appropriated in this item, \$60,757,000 is provided for cost-of-living adjustments (COLAs) at a rate of 3.87 percent. Schools participating in Option One shall receive a per pupil rate of \$888. Schools participating in Option Two shall receive a per pupil rate of \$444.	
6110-234-0890—For local assistance, Department of Education, Program 10.27, for allocation to local educational agencies for the federal class size reduction program, payable from the Federal Trust Fund.	174,726,000
Provisions:	
1. The Superintendent of Public Instruction shall allocate funds to local educational agencies in accordance with the federal class size reduction program funding formula.	
2. Local educational agencies shall expend the funds appropriated in this item consistent with the federal Department of Education annual appropriations act and as modified by all relevant federal waiver decisions.	
3. To the maximum extent allowable by the federal class size reduction program, local educational agencies are strongly encouraged to reduce class sizes in up to two grade 10 classes, including one English course, to an average size of 20 pupils per certificated teacher.	
6110-235-0001—For local assistance, Department of Education (Proposition 98), Program 20.80 for transfer by the Controller to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction for supplemental grants pursuant to Sections 54761.2 and 54761.3 of the Education Code..	233,796,000
Provisions:	
1. Of the funds appropriated in this item, \$3,108,000 is for the purpose of providing an adjustment for growth at a rate of 1.40 percent. If growth funds are insufficient, the State Department of Education may adjust the per-pupil growth rates to con-	

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<p>form to available funds. Additionally, \$8,710,000 is for the purpose of providing a cost-of-living adjustment (COLA) at a rate of 3.87 percent.</p> <p>2. The funds appropriated in this item shall be allocated by the Superintendent of Public Instruction to participating school districts in accordance with a schedule maintained by the State Department of Education.</p>	
<p>6110-237-0001—For local assistance, Department of Education (Proposition 98)—Snow removal funding Provisions:</p> <p>1. Funds appropriated in this item are to reimburse school districts for their costs associated with snow removal activities, pursuant to claiming instructions developed by the Department of Education for this purpose.</p>	300,000
<p>6110-238-0001—For local assistance, Department of Education (Proposition 98)—Stadium lights for Cordova High School, Folsom-Cordova Unified School District.....</p>	40,000
<p>6110-240-0001—For local assistance, Department of Education (Proposition 98).....</p> <p>Schedule:</p> <p>(1) 10.80.030-Instruction: International Baccalaureate Program.....</p> <p>(2) 20.10-Instructional Support: Curriculum Services .....</p> <p>(3) 20.70-Instructional Support: Assessments.....</p> <p>Provisions:</p> <p>1. The funds appropriated in Schedule (1) of this item shall be for the International Baccalaureate Diploma Program authorized by Chapter 12.5 (commencing with Section 52920) of Part 28 of the Education Code.</p> <p>2. The funds appropriated in Schedule (2) of this item shall be for the College Preparation Partnership Program authorized by Chapter 8 (commencing with Section 60830) of Part 33 of the Education Code.</p> <p>3. The funds appropriated in Schedule (3) of this item shall be for grants for Advanced Placement examination fees as authorized by Chapter 8.3 (commencing with Section 52244) of Part 28 of the Education Code.</p>	12,550,000
	1,050,000
	10,000,000
	1,500,000

Item	Amount
6110-242-0001—For local assistance, Department of Education (Proposition 98), Program 20.60.106.....	33,000
Provisions:	
1. Funds appropriated in this item are for allocation to the California Association of Student Councils to expand student leadership activities.	
6110-243-0001—For local assistance, Department of Education (Proposition 98), Program 20.10-Instructional Support—Curriculum Services, for the purposes of the Academic Improvement and Achievement Act as specified in Chapter 12 (commencing with Section 11020) of Part 7 of the Education Code .....	5,000,000
6110-280-0001—For local assistance, Department of Education (Proposition 98), Program 20.40.100-High-Risk Youth.....	600,000
Provisions:	
1. The funds appropriated in this item are for allocation by the State Department of Education to the Los Angeles Unified School District for services to at-risk youth that participate in a program that meets the criteria specified in subdivision (a) of Section 41 of Chapter 299 of the Statutes of 1997.	
6110-295-0001—For local assistance, Department of Education (Proposition 98), for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the cost of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller.....	164,303,000
Schedule:	
(1) 98.01.003.677-Annual Parent Notification (Ch. 36, Stats. 1977, et al.) .....	3,585,000
(2) 98.01.007.778-Absentee Ballots-Schools (Ch. 77, Stats. 1978 and Ch. 920, Stats. 1994) .....	1,295,000
(3) 98.01.008.786-School Discipline Rules (Ch. 87, Stats. 1986) .....	1,726,000
(4) 98.01.009.894-Caregiver Affidavits (Ch. 98, Stats. 1994).....	387,000
(5) 98.01.016.093-School District of Choice Transfer and Appeals (Ch. 160, Stats. 1993) .....	10,207,000

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(6) 98.01.013.487-Pupil Suspensions: District Employee Reports (Ch. 134, Stats. 1987 et al.).....	1,022,000
(7) 98.01.016.193-Intradistrict Atten- dance (Ch. 161, Stats. 1993) .....	5,262,000
(8) 98.01.017.201-Interdistrict Atten- dance (Ch. 172, Stats. 1986) .....	1,789,000
(9) 98.01.017.286-Interdistrict Transfer Parent's Employment (Ch. 172, Stats. 1986) .....	1,111,000
(10) 98.01.048.675-Test Claims and Reimbursement Claims (Ch. 486, Stats. 1975) .....	11,856,000
(11) 98.01.049.801-Graduation Re- quirements (Ch. 498, Stats. 1983).	13,898,000
(12) 98.01.049.802-Notices of Truancy (Ch. 498, Stats. 1983) .....	7,975,000
(13) 98.01.049.803-Pupil Expulsions/ Expulsion Appeals (Ch. 498, Stats. 1983 et al.) .....	2,427,000
(14) 98.01.062.492-Schoolbus Safety (Ch. 624, Stats. 1992) .....	938,000
(15) 98.01.064.186-Open Meetings Act (Ch. 641, Stats. 1986) .....	3,395,000
(16) 98.01.066.878-Pupil Exclusions (Ch. 668, Stats. 1978) .....	387,000
(17) 98.01.078.192-Charter Schools (Ch. 781, Stats. 1992) .....	598,000
(18) 98.01.078.395-Investment Reports (Ch. 783, Stats. 1995) .....	157,000
(19) 98.01.079.980-PERS Death Ben- efits (Ch. 799, Stats. 1980).....	771,000
(20) 98.01.081.891-AIDS Prevention Instruction (Ch. 818, Stats. 1991).	3,118,000
(21) 98.01.096.175-Collective Bargain- ing (Ch. 961, Stats. 1975) .....	40,532,000
(22) 98.01.096.501-Pupil Classroom Suspension (Ch. 965, Stats. 1977).	1,794,000
(23) 98.01.096.577-Public Health Screenings (Ch. 965, Stats. 1977).	3,212,000
(24) 98.01.097.595-Physical Perform- ance Tests (Ch. 975, Stats. 1995)	1,176,000
(25) 98.01.101.184-Juvenile Court Records (Ch. 1011, Stats. 1984)...	336,000
(26) 98.01.110.784-Removal of Chemi- cals (Ch. 1107, Stats. 1984).....	1,302,000

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(27) 98.01.111.789-Law Enforcement Agency Notifications (Ch. 1117, Stats. 1989) .....	1,510,000
(28) 98.01.117.677-Immunization Records (Ch. 1176, Stats. 1977) ...	3,444,000
(29) 98.01.118.475-Habitual Truants (Ch. 1184, Stats. 1975) .....	5,397,000
(30) 98.01.121.391-Collective Bargaining Agreement Disclosures (Ch. 1213, Stats. 1991).....	271,000
(31) 98.01.125.375-Expulsion Transcripts (Ch. 1253, Stats. 1975).....	28,000
(32) 98.01.128.488-Pupil Suspensions: Parents Classroom Visits (Ch. 1284, Stats. 1988) .....	1,019,000
(33) 98.01.130.689-Notification to Teachers of Public Expulsion (Ch. 1306, Stats. 1989) .....	2,853,000
(34) 98.01.134.780-Scoliosis Screening (Ch. 1347, Stats. 1980) .....	2,242,000
(35) 98.01.139.874-PERS Unused Sick Leave Credit (Ch. 1398, Stats. 1974).....	3,191,000
(36) 98.01.146.389-School Accountability Report Cards (Ch. 1463, Stats. 1989) .....	2,115,000
(37) 98.01.160.784-School Crimes Reporting (Ch. 1607, Stats. 1984).....	1,557,000
(38) 98.01.165.984-Emergency Procedures (Ch. 1659, Stats. 1984) .....	14,229,000
(39) 98.01.167.584-School Testing-Physical Fitness (Ch. 1675, Stats. 1984).....	680,000
(40) 98.01.077.896-American Government Course Documents Requirements (Ch. 778, Stats. 1996) .....	202,000
(41) 98.01.030.995-Pupil Residency Verification and Appeals (Ch. 309, Stats. 1995) .....	219,000
(42) 98.01.058.897-Criminal Background Checks (Ch. 588, Stats. 1997).....	5,090,000

Provisions:

1. Except as provided in Provisions 2 and 3 of this item, allocations of funds shall be made by the Controller in accordance with the provisions of each statute or executive order that mandates the



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reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated by this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.

- 2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon approval of the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house of the Legislature which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.
- 3. Notwithstanding any other provision of law, the funds appropriated in Schedules (19) and (35) are for transfer to the Public Employees' Retirement System for reimbursement of costs incurred pursuant to Chapter 1398 of the Statutes of 1974 or Chapter 799 of the Statutes of 1980.

6110-301-0001—For capital outlay, Department of Education .....	2,568,000
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Schedule:

- California School for the Blind, Fremont:
  - (1) 80.60.025-Young Children's Housing—Construction ..... 351,000
- California School for the Deaf, Fremont:
  - (2) 80.75.020-Pupil Personnel Services—Construction ..... 2,124,000
- California School for the Deaf, Riverside:
  - (3) 80.80.010-Middle School Facility—Equipment ..... 93,000

6110-401—For maintenance of accounting records by the Controller's office and the Department of Education or any other agency maintaining such records, appropriations made in this act for agency 6110 (Department of Education) are to be recorded under agency 6100 (Department of Education).

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6110-402—Notwithstanding any provision of law to the contrary, no funds appropriated in this act, or by any act enacted prior to the enactment of this act, shall be, in the absence of a court order, deemed appropriated or available for expenditure for purposes of claims for vocational education average daily attendance arising from Section 46140 of the Education Code as it read prior to the enactment of Chapter 1230 of the Statutes of 1977.	
6110-403—In the event the bonds authorized for the Capital Area Plan project in Chapter 761, Statutes of 1997 are not sold, the Department of Education shall commit a sufficient portion of its support appropriation, as determined by the Department of Finance, which is provided for in this Budget Act to repay any interim financing. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until all interim financing is repaid either through the proceeds from the sale of bonds or from an appropriation.	
6110-485—Reappropriation (Proposition 98) Department of Education. The sum of \$566,020,000 is reappropriated from the Proposition 98 Reversion Account, for the following purposes:	
0001—General Fund	
(1) \$4,166,000 to the State Department of Education for the purpose of funding prior year Annual Parent Notification-Staff Development mandate claims pursuant to Chapter 929, Statutes of 1997.	
(3) \$12,005,000 for transfer by the Controller to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction to SELPAs to fully fund the 2000–01 Special Education average daily attendance increase.	
(5) \$846,000 to the State Department of Education, for transfer to Section A of the State School Fund, to fully fund the 1999–00 deficit in the child nutrition program.	
(6) \$1,281,000 to the State Department of Education, for transfer to Section A of the State School Fund to fully fund the 2000–01 deficit in the child nutrition program.	
(8) \$10,000,000 on a one-time basis to the State Department of Education for Regional Occupational Centers and Programs for equipment.	

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- (9) \$1,000,000 to the State Department of Education for allocation to FCMAT to provide professional management assistance to the Emery Unified School District.
- (10) \$200,000 to the State Department of Education for allocation to FCMAT to provide professional management assistance to school districts in West Contra Costa County.
- (11) \$500,000 to the State Department of Education for allocation to FCMAT for the purposes of implementing the Student Friendly Services through Technology project.
- (12) \$100,000 to the State Department of Education for the purpose of reimbursing districts for the cost of substitute educators pursuant to Section 44987.3 of the Education Code.
- (13) \$15,000,000 to the State Department of Education for allocation to schools pursuant to Article 2 (commencing with Section 51120) of Chapter 1.5 of Part 28 of the Education Code (Nell Soto Parent/Teacher Involvement Program).
- (15) \$62,505,000 as a contingency expenditure, to be authorized by the Department of Finance for transfer to the Controller as necessary for the reimbursement of state-mandated cost claims and interest submitted by school districts and county offices of education. These funds would be applied toward the minimum funding requirement for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution for the 2000–01 fiscal year.
- (16) \$23,939,000 to the State Department of Education for the purpose of funding prior year school crimes reporting mandate claims pursuant to Chapter 759 of the Statutes of 1992 and Chapter 410 of the Statutes of 1995.
- (17) \$75,318,000 to the State Department of Education for the purpose of funding ongoing mandates claims pursuant to the enactment of mandates claims legislation during the 2001–02 Regular Session.
- (18) \$4,500,000 for allocation to FCMAT for ongoing fiscal oversight of school districts pursuant to Provision 4.

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(19)	\$4,500,000 to the State Department of Education for allocation to the Fiscal Crisis and Management Assistance Team for costs associated with administration of the California School Information Services Project.
(20)	\$1,000,000 for allocation to the Fiscal Crisis and Management Assistance Team for the purpose of reviewing school district hiring practices, pursuant to Section 42127.85 of the Education Code.
(21)	\$15,000,000 to the State Department of Education for the Principal Training Program pursuant to legislation enacted during the 2001–02 Regular Session related to providing professional development training to administrators.
(22)	\$1,600,000 in one-time funding to the State Department of Education for the School Violence Reimbursement Project in the Grossmont Union High School District.
(23)	\$3,500,000 in one-time funding to the State Department of Education for the purpose of supporting sustainability and evaluation activities by existing Teenage Pregnancy Prevention Grant Program grantees that received funding in 2001–02 pursuant to Section 8922 of the Education Code. Funding shall be distributed proportionate to the funding received in 2000–01.
(24)	\$11,566,000 to the State Department of Education for the purpose of funding FCMAT’s implementation of the local California School Information Services Project.
(25)	\$635,000 to the State Department of Education for the Beginning Teacher Salary Program.
(26)	\$33,500,000 on a one-time basis to the State Department of Education for CalWORKs Stage 3 child care in accordance with Provision 9(b) of Item 6110-196-0001.
(27)	\$8,000,000 to be set aside on a one-time basis pursuant to legislation enacted during the 2001–02 Regular Session for career/technical education services.
(28)	\$26,468,000 on a one-time basis to the State Department of Education for the Year Round School Grant Program.
(29)	\$32,300,000 on a one-time basis to the State Department of Education for the purpose of

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(31) funding a current year augmentation for the K–3 Class Size Reduction Program. \$67,831,000 to the State Department of Education for transfer by the Controller to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction to school districts and county offices of education on the basis of an equal amount per unit of average daily attendance for the purpose of the Proposition 98 educational programs specified in subdivision (b) of Section 12.40 of this act.	
(32) \$110,000 on a one-time basis to the State Department of Education for grants to school districts and county offices of education pursuant to the gender equity train-the-trainer grant programs established pursuant to Section 224.5 of the Education Code.	
(33) \$10,000,000 to the State Department of Education for the allocation on a one-time basis to implement the High Tech High School Program pending enactment of legislation during the 2001–02 Regular Session.	
(34) \$400,000 to the State Department of Education for the purpose of funding supplemental instruction transportation pursuant to legislation enacted during the 2001–02 Regular Session.	
(35) \$35,000,000 for the purpose of limiting the PERS offset to K–12 revenue limit apportionments contingent on legislation enacted prior to January 1, 2002. Pending legislation will specify the method of funding distribution, the manner in which the appropriation will be included in the continuously appropriated K–12 revenue limit apportionment items, and will cap the amount of limitation to \$35,000,000 of the amount of offset that would otherwise be required.	
(36) \$2,250,000 to the State Department of Education to allocate to school districts for one-time costs associated with the English Language Development Test.	
(37) \$80,000,000 to the State Department of Education for the Mathematics and Reading Professional Development Program, pursuant to legislation enacted in the 2001–02 Regular Session.	

Item	Amount
(38)	\$3,000,000 on a one-time basis to the State Department of Education for Regional Occupational Centers and Programs for data collection pursuant to legislation enacted in the 2001–02 Regular Session.
(39)	\$5,000,000 to be set aside on a one-time basis for the purpose of funding legislation related to establishing the California Information Technology Career Academy Grant Initiative.
(40)	\$10,000,000 on a one-time basis to the State Department of Education to augment the School Safety Block Grant Program.
(41)	\$3,000,000 to the State Department of Education to contract for the development of the High School Exit Exam Workbooks.

Provisions:

1. The funds reappropriated in subdivision (24) of this item shall be transferred to FCMAT only if education telecommunications funds do not materialize.
3. The funds reappropriated in subdivision (12) of this item shall only be used to reimburse districts which request reimbursement pursuant to Section 44987.3 of the Education Code.
4. Of the funds reappropriated in subdivision (18) of this item, \$4,500,000 shall be allocated to FCMAT for purposes as follows:
  - (a) \$3,500,000 for the purposes of fully funding county office of education (COE) oversight activities pursuant to Chapter 1213 of the Statutes of 1991 and subsequent laws. These activities include, but are not limited to, conducting reviews, examinations, and audits of districts and providing written notifications of the results at least annually by county offices of education on the fiscal solvency of the districts with disapproved budgets, qualified or negative certifications, or, pursuant to Section 42127.6 of the Education Code, districts facing fiscal uncertainty. Written notifications of the results of these reviews, audits, and examinations shall be provided at least annually to the district governing board, the Superintendent of Public Instruction, the Director of Finance, and the Office of Secretary for Education.

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- (b) \$1,000,000 to fund reimbursement of COE activities pursuant to Provision 4 of Item 6110-107-0001 or for extraordinary costs of audits, examinations, or reviews of district budgets in cases where the COE has reason to believe fraud, misappropriation of funds, or other illegal fiscal practices require COE review. If the legislation is adopted in the 2001–02 legislative session regarding COE fiscal oversight activities, the funds in this provision may also be used for those purposes. Any unexpended funds provided under this paragraph may be allocated for the development and implementation of training in accordance with paragraph (2) of subdivision (d) of the Section 42127.8 of the Education Code.
- (c) The amounts in subdivision (a) of this provision shall be distributed by a formula to be adopted by FCMAT in consultation with the California County Superintendent Educational Services Association and approved by the Department of Finance and the Superintendent of Public Instruction. The amounts in subdivision (b) of this provision shall be distributed by FCMAT on an as-needed basis subject to approval by the Department of Finance and the Superintendent of Public Instruction.
7. The funds reappropriated in subdivision (22) of this item shall be allocated by the State Department of Education to the Grossmont Union High School District in San Diego County for the School Violence Reimbursement Project. The Grossmont Union High School District shall expend these funds to increase the ratio of adults to students on campus, including, but not limited to, school staff and faculty, community partners, school security personnel, school resource officers, and volunteers, and to fund a pilot program for a school violence prevention hotline to reduce the risks of acts of violence against students and staff. These funds may also be used to reimburse the Grossmont Union High School District for nonbudgeted expenses incurred during the separate school campus shootings within the district in 2001.

Item	Amount
<p>6110-486—Reappropriation, State Department of Education. Notwithstanding any other provision of law, the following specific balance is reappropriated from the following citation for the purpose specified, and shall be available for encumbrance and expenditure until June 30, 2002:</p> <p>0001—General Fund</p> <p>(1) \$4,000,000 or any unencumbered balance as of June 30, 2001, from Item 6110-181-0001, Budget Act of 2000 (Ch. 52, Stats. 2000). These funds shall be available for transfer to Section A of the State School Fund Program 20.10. 025-Educational Technology Staff Development Grades 4–8 pursuant to Chapter 3.34 (commencing with Section 44730) of Part 25 of the Education Code.</p>	
<p>6110-487—Reappropriation (Proposition 98) State Department of Education. Notwithstanding any other provision of law, the following specified balances are reappropriated from the following citations, for the purposes specified, and shall be available for encumbrance and expenditure until June 30, 2002:</p> <p>0001—General Fund</p> <p>(a) The balance of the unencumbered funds appropriated for the purpose of Chapter 6.10 (commencing with Section 52120) of Part 28 of the Education Code for the 1999–00 fiscal year shall be made available, on a one-time basis, to the State Department of Education to fund districts meeting the eligibility requirements specified in Section 52122.1 of the Education Code, at \$40,000 per new class started in the 2000–01 school year for which the district did not previously receive facility funding.</p> <p>(b) Funds allocated to school districts pursuant to this item shall be expended first for the purpose of facility-related costs associated with the implementation of Chapter 6.10 (commencing with Section 52120) of Part 28 of the Education Code for new classes started in the 2000–01 school year, and second for new classes started in the 1999–2000 school year.</p> <p>(c) School districts shall certify to the State Department of Education that the funds received pursuant to this item are expended solely for the purpose of facilities-related costs associated with the implementation of Chapter 6.10 (commencing</p>	



Item	Amount
<p>with Section 52120) of Part 28 of the Education Code for new classes started in either the 1999–2000 or 2000–01 school year for which the district did not previously receive facility funding.</p> <p>(d) Funds shall not be allocated to school districts pursuant to this item for the purpose of assisting school districts in implementing Option Two, as set forth in paragraph (2) of subdivision (b) of Section 52122 of the Education Code.</p> <p>(e) It is the intent of the Legislature that eligible teaching stations not funded from the funds allocated in this term, be funded from funds available from the Leroy F. Greene School Facilities Act of 1998 (Ch. 407, Stats. 1998).</p>	
<p>6110-490—Reappropriation, Department of Education. Notwithstanding any other provision of law, the following specified balances are reappropriated from the following citations, for the purpose specified, and shall be available for encumbrance and expenditure until June 30, 2002:</p> <p>(1) \$950,000, from Item 6110-001-0001 of the Budget Act of 2000 (Ch. 52, Stats. of 2000). These funds shall be used for the purposes of ensuring the legal defensibility of the High School Exit Examination, including its reliability and validity.</p> <p>(2) \$250,000 from the funds appropriated in Item 6110-001-0001 of the Budget Act of 2000 (Ch. 52, Stats. of 2000). These funds shall be used to contract with an independent consultant for an evaluation of the implementation of the Public Schools Accountability Act, as established by Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code.</p>	
<p>6110-494—Reappropriation, Department of Education. Notwithstanding any other provision of law, the following specified balances are reappropriated from the following citations, for the purposes specified, and shall be available for encumbrance and expenditure until June 30, 2002:</p> <p>Provisions:</p> <p>1. \$15,619,000 of the unliquidated federal fund balances from Schedules (b)(5.1) and (b)(5.2) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1998 (Ch. 324, Stats. 1998) shall be</p>	

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- available only for expenditure for CalWORKs Stage 2 slots.
2. Notwithstanding Section 8278 of the Education Code, \$10,250,000 of the unliquidated General Fund balances from Schedules (b)(5.1) and (b)(5.2) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1998 (Ch. 324, Stats. 1998) shall be available only for expenditure for CalWORKs Stage 2 slots.
  3. \$70,467,000 of the unliquidated federal fund balances from Schedules (b)(5.1) and (b)(5.2) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. of 1999) shall be available only for expenditure for CalWORKs Stage 2 slots.
  4. Notwithstanding Section 8278 of the Education Code, \$4,314,000 of the unliquidated General Fund balances from Schedules (b)(5.1) and (b)(5.2) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. of 1999) shall be available only for expenditure for CalWORKs Stage 2 slots.
  6. \$10,000,000 which was reappropriated by Item 6110-494, Provision 4(a), of the Budget Act of 2000 (Ch. 52, Stats. 2000) for the CalWORKs center-based pilot program, will continue to be available for temporary allocations to center-based child care contractors in 2001–02 subject to the same conditions stated in Provision 4(a) of Item 6110-494 of the Budget Act of 2000. However, the Department of Education shall update the report specified therein by March 31, 2002. Pursuant to Provision 2(c) of Item 6110-196-0001 of this act, up to an additional \$5,000,000 shall be available for the purposes stated in this paragraph.
- 6110-495—Reversion, Department of Education, Proposition 98. The following amounts shall revert to the Proposition 98 Reversion Account:
1. \$56,030,000 from Chapter 2 of the 1999 First Extraordinary Session.
  2. \$73,970,000 from Item 6110-104-0001 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999).
  3. \$67,500,000, or whatever lesser or greater amount reflects the remaining unencumbered balance after the reappropriation specified in Provision 5 of Item 6110-494, of the General Funds appropriated

Item	Amount
in Item 6110-196-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000) with the exception of Schedules (b)(5.1) and (b)(5.2) for CalWORKs child care programs.	
4. \$16,800,000 from Item 6110-125-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
5. \$16,000,000 from Item 6110-184-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
6. \$98,871,000 from Item 6110-104-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
7. \$15,261,000 or whatever greater or lesser amount reflects the unencumbered balance from Item 6110-204-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
8. \$53,868,000 or whatever greater or lesser amount reflects the unencumbered balance from Item 6110-205-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
9. \$50,000,000 from Item 6110-133-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
10. \$20,000,000, or whatever lesser or greater amount reflects the unencumbered balance of the appropriation specified in Item 6110-198-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
11. \$45,000,000 or whatever greater or lesser amount reflects the unencumbered balance or whatever greater or lesser amount reflects the unencumbered balance of the appropriation specified in Item 6110-232-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
12. \$2,500,000 or whatever greater or lesser amount reflects the unencumbered balance of the appropriation specified in Item 6110-158-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
13. \$17,700,000 or whatever greater or lesser amount reflects the unencumbered balance of the appropriation specified in Item 6110-156-0001 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999).	

Item	Amount
14. \$35,000,000 from Item 6110-112-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
15. \$10,000,000 from Schedule (e) 20.60.060—Instructional Support: Teacher Peer Review of Item 6110-193-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
16. \$17,500,000 from the balance of the Child Care Facilities Revolving Fund established pursuant to Section 8278.3 of the Education Code.	
17. \$7,000,000 or whatever greater or lesser amount reflects the unencumbered balance of the appropriation specified in Item 6110-212-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
6120-011-0001—For support of California State Library, Division of Libraries, and California Library Services Board .....	17,858,000
Schedule:	
(1) 10-State Library Services .....	16,226,000
(2) 20-Library Development Services..	4,424,000
(3) 30-Information Technology Services.....	1,004,000
(4) 40.01 Administration .....	1,813,000
(5) 40.02 Distributed Administration...	-1,813,000
(6) Reimbursements.....	-462,000
(7) Amount payable from the Federal Trust Fund (Item 6120-011-0890).	-3,334,000
Provisions:	
1. Of the amount appropriated in Schedule (1) of this item, \$429,000 is for one-time repair and maintenance costs of the Library and Courts II Building.	
2. Of the amount appropriated in this item, \$250,000 shall be used by the California Research Bureau, in consultation with the Senate Rules and Assembly Rules Committees, to contract with outside researchers to address public policy research questions.	
6120-011-0020—For support of the California State Library, Program 10-State Library Services, for support of the State Law Library, payable from the California State Law Library Special Account .....	797,000
Provisions:	
1. The Director of Finance may authorize the augmentation of the total amount available for expenditure under this item in the amount of revenue received by the State Law Library Special Account	

Item	Amount
<p>which is in addition to the revenue appropriated by this item or in the amount of funds unexpended from previous fiscal years, not sooner than 30 days after notification in writing to the chairpersons of the fiscal committees of each house and the Chairperson of the Joint Legislative Budget Committee.</p>	
6120-011-0890—For support of California State Library, for payment to Item 6120-011-0001, payable from the Federal Trust Fund.....	3,334,000
6120-011-6000—For support of California State Library, Program 20-Library Development Services-Office of Library Construction (Proposition 14), payable from the California Public Library Construction and Renovation Fund .....	2,127,000
6120-012-0001—For support of the California State Library for rental payments on lease revenue bonds... Schedule:	2,159,000
(1) Base Rental and Fees .....	2,484,000
(2) Insurance .....	15,000
(3) Reimbursements .....	-340,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
6120-013-0001—For support of California State Library, Program 10-State Library Services—Sutro Library Special Repairs Project .....	25,000
6120-101-0001—For local assistance, California State Library .....	410,000
Provisions:	
1. The funds appropriated in this item shall be allocated for local projects as follows:	
(a) City of Oakland: African-American Museum and Library .....	(100,000)
(b) City of La Canada-Flintridge: Joint Use Library for the City of La Canada-Flintridge and La Canada Unified School District. ....	(75,000)
(c) Westlake Village Library .....	(10,000)
(d) Agoura Hills Library .....	(10,000)
(e) City of Los Angeles: Woodland Hills Library .....	(15,000)

Item	Amount
(f) City of San Diego: Logan Heights Library .....	(100,000)
(g) Yuba County Library .....	(100,000)
6120-102-0001—For local assistance, California State Library, Program 20-Library Development Services—Library of California .....	3,988,000
Provisions:	
1. The funds appropriated in this item shall be allocated consistent with the provisions of Chapter 4.5 (commencing with Section 18800) of Part 11 of the Education Code.	
6120-150-0001—For local assistance, California State Library, for the California Civil Liberties Public Education Program .....	1,000,000
Provisions:	
1. The funds appropriated in this item shall be used to provide competitive grants pursuant to the provisions of Part 8.5 of Division 1 of the Education Code (EC 13000, et seq.).	
6120-160-0001—For local assistance, California State Library, Program 20-Library Development Services—California Newspaper Project.....	300,000
6120-211-0001—For local assistance, California State Library, Program 20-Library Development Services. Schedule:	21,120,000
(1) 20.10-California Literacy Campaign .....	4,090,000
(2) 20.20-Families for Literacy Program.....	1,384,000
(3) 20.30-Direct Loan and Interlibrary Loan Programs .....	12,145,000
(4) 20.40-Computerized Data Base pursuant to Section 18767 of the Education Code .....	275,000
(5) 20.50-California Library Services Act pursuant to Chapter 4 (commencing with Section 18700) of Part 11 of the Education Code.....	3,226,000
Provisions:	
1. Should the funds appropriated in Schedule (3) be insufficient to fully cover all transactions under the Direct Loan and Interlibrary Loan programs of the California Library Services Act, funding shall be prorated such that expenditures for the program are within the appropriation made in Schedule (3) of this item.	

Item	Amount
6120-211-0890—For local assistance, California State Library, Program 20-Library Development Services, payable from the Federal Trust Fund.....	12,518,000
6120-221-0001—For local assistance, California State Library Program 20-Library Development Services-Public Library Foundation Program.....	56,870,000
Provisions:	
1. Notwithstanding any other provision of law, for the 2001–02 fiscal year, the date on or before which the fiscal officer of each public library shall report to the State Librarian the information specified in Section 18023 of the Education Code shall be December 1, 2001.	
2. Notwithstanding any other provision of law, for the 2001–02 fiscal year, the date on or before which the Controller shall distribute funds to the fiscal officer of each public library as specified in Section 18026 of the Education Code shall be February 15, 2002.	
3. It is the intent of the Legislature that the funds appropriated in this item be allocated consistent with the provisions of Section 18025 of the Education Code.	
6255-001-0001—For support of California State Summer School for the Arts, Program 10.....	956,000
6330-001-0890—For support of the California Occupational Information Coordinating Committee, payable from the Federal Trust Fund .....	292,000
6360-001-0001—For support of the Commission on Teacher Credentialing .....	139,000
Schedule:	
(1) 10-Standards for Preparation and Licensing of Teachers .....	139,000
Provisions:	
1. Of the funds appropriated in this item, \$60,000 shall be available for administrative costs related to the California School Paraprofessional Teacher Training Program pursuant to Article 12 (commencing with Section 44390) of Chapter 2 of Part 25 of the Education Code.	
2. Of the funds appropriated in this item, \$79,000 is available for a position to maintain records of participants in the Governor’s Teaching Fellowships pursuant to Article 21 (commencing with Section 70000) of Chapter 2 of Part 42 of the Education Code.	

Item	Amount
6360-001-0407—For support of the Commission on Teacher Credentialing, payable from the Teacher Credentials Fund .....	16,387,000

Schedule:

- (1) 10-Standards for Preparation and Licensing of Teachers ..... 16,387,000
- (2) 10.40.010-Departmental Administration..... (3,797,000)
- (3) 10.40.020-Distributed Departmental Administration..... (-3,797,000)

Provisions:

1. The amount appropriated in this item may be increased based on increases in credential applications, increases in first-time credential applications requiring fingerprint clearance, unanticipated costs associated with certificate discipline cases, or unanticipated costs of litigation, subject to approval of the Department of Finance, not sooner than 30 days after notification in writing to the chairpersons of the fiscal committees of each house and the Chairperson of the Joint Legislative Budget Committee.
2. Notwithstanding Section 44234 of the Education Code, funds that are set aside for pending litigation costs shall not be considered part of the reserve of the Teacher Credentials Fund for purposes of subdivision (b) of Section 44234 of the Education Code.
3. Of the funds appropriated in Schedule (1) of this item, \$75,000 is for administration of the California Mathematics Initiative for Teaching program established by Article 13 (commencing with Section 44400) of Chapter 2 of Part 25 of the Education Code.
4. To ensure the Teacher Credentials Fund reserve remains at a prudent level, the Commission on Teacher Credentialing shall charge no more than \$55 for the issuance or renewal of a teaching credential.
6. Of the funds appropriated in Schedule (1) of this item, \$1,498,000 is for second-year costs of the Teacher Credentialing Service Improvement Project. Approval to use these funds is contingent upon the approval of the Department of Finance, and may be granted when the Commission on



Item	Amount
<p>Teacher Credentialing submits an approved Feasibility Study Report for the project, and is prepared to execute a contract for the project.</p> <p>6360-001-0408—For support of the Commission on Teacher Credentialing, payable from the Test Development and Administration Account, Teacher Credentials Fund.....</p>	9,622,000
Schedule:	
<p>(1) 10-Standards for Preparation and Licensing of Teachers .....</p>	9,622,000
Provisions:	
<p>1. The amount appropriated in this item may be increased for unanticipated costs of litigation, or for costs from increases in the number of examinees, subject to approval of the Department of Finance, not sooner than 30 days after notification in writing to the chairpersons of the fiscal committees of each house and the Chairperson of the Joint Legislative Budget Committee.</p> <p>2. Notwithstanding Section 44234 of the Education Code, funds that are set aside for pending litigation costs shall not be considered part of the reserve of the Teacher Credentials Fund for purposes of subdivision (b) of Section 44234 of the Education Code.</p>	
<p>6360-001-0890—For support of the Commission on Teacher Credentialing, payable from the Federal Trust Fund.....</p>	3,135,000
Schedule:	
<p>(1) 10-Standards for Preparation and Licensing of Teachers .....</p>	3,135,000
Provisions:	
<p>1. Of the funds appropriated in Schedule (1), \$2,147,000 is for state operations costs for the federal Teacher Quality Enhancement Grants for States and Partnerships authorized by Section 201 of the federal Higher Education Amendments of 1998 (20 U.S.C. Sec. 1022). These funds shall be expended only after development of an expenditure plan by the Commission on Teacher Credentialing, and approval of the plan by the Department of Finance.</p>	
<p>6360-002-0001—For transfer by the Controller to the Teacher Credentials Fund (0407).....</p>	2,850,000
Provisions:	
<p>1. Of the amount transferred in this item, \$1,650,000 is to be expended for a teacher credential fee buy-</p>	

Item	Amount
<ul style="list-style-type: none"> <li>out program pursuant to Article 2 (commencing with Section 44235) of Chapter 2 of Part 25 of the Education Code.</li> <li>2. Of the amount transferred in this item, \$1,200,000 is to be expended for the Teacher Credentialing Service Improvement Project, which is an information technology project to streamline the teacher credentialing process.</li> </ul>	
6360-101-0001—For local assistance, Commission on Teacher Credentialing (Proposition 98).....	57,041,000
Schedule:	
(1) 10-Standards for Preparation and Licensing of Teachers .....	57,041,000
Provisions:	
<ul style="list-style-type: none"> <li>1. Of the funds appropriated in this item, \$31,800,000 is for incentive grant funding to school districts and county offices of education participating in the alternative certification programs established pursuant to Article 11 (commencing with Section 44380) of Chapter 2 of Part 25 of the Education Code.</li> <li>2. Of the funds appropriated in this item, \$11,478,000 shall be available for grants and subventions to school districts and county offices of education participating in the California School Paraprofessional Teacher Training Program established pursuant to Article 12 (commencing with Section 44390) of Chapter 2 of Part 25 of the Education Code.</li> <li>3. Of the funds appropriated in this item, \$350,000 shall be used to reimburse county offices of education for costs associated with monitoring public schools and school districts for teacher misassignments. Funds shall be allocated on a basis determined by the commission. Districts and county offices receiving funds for credential monitoring will provide reasonable and necessary information to the commission as a condition of receiving these funds.</li> <li>4. Of the funds appropriated in this item, \$11,800,000 is for the California Pre-Internship Teaching Program, as set forth in Article 5.6 (commencing with Section 44305) of Chapter 2 of Part 25 of the Education Code.</li> <li>5. Of the funds appropriated in this item, \$1,613,000 is for the California Mathematics Initiative for Teaching program, established pursuant to</li> </ul>	

Item	Amount
Article 13 (commencing with Section 44400) of Chapter 2 of Part 25 of the Education Code.	
6360-101-0890—For local assistance, Commission on Teacher Credentialing, payable from the Federal Trust Fund.....	1,286,000
Schedule:	
(1) 10-Standards for Preparation and Licensing of Teachers .....	1,286,000
6420-001-0001—For support of California Postsecondary Education Commission .....	3,746,000
Schedule:	
(1) 100000-Personal Services .....	3,194,000
(2) 300000-Operating Expenses and Equipment .....	1,026,000
(3) Reimbursements .....	-133,000
(4) Amount payable from the Federal Trust Fund (Item 6420-001-0890). ..	-341,000
6420-001-0890—For support of California Postsecondary Education Commission, for payment to Item 6420-001-0001, payable from the Federal Trust Fund .....	341,000
6420-002-0001—For support of the California Postsecondary Education Commission.....	50,000
Provisions:	
1. The amount provided in this item shall be utilized to conduct a study of the higher educational needs of students in Superior California.	
6420-101-0001—For local assistance, California Postsecondary Education Commission, for Pipeline Program grants .....	119,000
6420-101-0890—For local assistance, California Postsecondary Education Commission, payable from the Federal Trust Fund .....	6,165,000
6440-001-0001—For support of University of California .....	3,217,468,000
Schedule:	
(1) Support .....	3,079,171,000
(2) Charles R. Drew Medical Program. ....	10,949,000
(3) Podiatry Program .....	857,000
(5) Acquired Immune Deficiency Syndrome (AIDS) Research .....	11,975,000
(6) Institute of Global Conflict and Cooperation.....	550,000
(7) Student Financial Aid.....	69,199,000
(8) Loan Repayments.....	5,105,000
(9) San Diego Supercomputer Center ..	4,000,000

Item	Amount
(11) Subject Matter Projects.....	35,062,000
(13) Local projects .....	600,000
Provisions:	
1. The appropriations made in this item are exempt from Section 31.00 of this act.	
2. None of the funds appropriated in this item may be expended to initiate major capital outlay projects by contract without prior legislative approval, except for cogeneration and energy conservation projects. Exempted projects shall be reported in a manner consistent with the reporting procedures in subdivision (d) of Section 28.00 of this act.	
3. The funds appropriated in Schedule (2) are for support of University of California program of clinical health sciences education, research, and public service, conducted in conjunction with the Charles R. Drew University of Medicine and Science, as provided for in Sections 1, 2, and 3 of Chapter 1140 of the Statutes of 1973. Of the amount appropriated, \$500,000 is contingent upon the provision by the University of California of an equal amount of matching funds from its own resources. The University of California shall ensure by adequate controls that funds appropriated by Schedule (2) are expended solely for the support of the program identified in that schedule.	
4. The funds appropriated in Schedule (3) are for support of a program of basic and clinical health science education and primary health care delivery research in the field of podiatry, University of California, to be conducted in conjunction with the California College of Podiatric Medicine as provided for in Sections 1 to 4, inclusive, of Chapter 1497 of the Statutes of 1974.	
5. Of the amount appropriated in Schedule (1), \$2,629,957 shall be available for expenditure only for support of the Northern and Southern Occupational Health Centers as established by a contract entered into with the Department of Industrial Relations pursuant to Section 50.8 of the Labor Code.	
6. The funds appropriated in Schedule (7) are for support of Program 45, Student Financial Aid, to provide financial aid to needy students attending the University of California, according to the nationally accepted needs analysis methodology.	

Item	Amount
7. Of the amount appropriated in Schedule (1), \$7,462,800 is for payment of energy service contracts in connection with the issuance of Public Works Board Energy Efficiency Revenue Bonds.	
8. Of the amount appropriated in Schedule (8), \$2,700,000 is for repayment of \$25,000,000 borrowed by the University of California for deferred maintenance in the 1994–95 fiscal year. It is the intent of the Legislature to annually provide funds for that repayment purpose through the 2009–10 fiscal year.	
9. Of the amount appropriated in Schedule (8), \$2,405,000 is for repayment of \$25,000,000 borrowed by the University of California for deferred maintenance in the 1995–96 fiscal year. It is the intent of the Legislature to annually provide funds for that repayment purpose through the 2010–11 fiscal year.	
10. Of the amount appropriated in Schedule (1), \$46,753,000 is provided for new and existing outreach programs that are aimed at improving the chances for pupils from a wide diversity of backgrounds to become eligible for the University of California, as follows:	
(a) The following amounts are for pupil academic development and school partnership programs and shall be matched on a one-to-one basis by the participating schools:	
(1) \$17,500,000 is for pupil academic development programs, including MESA, Puente, and the Early Academic Outreach Program, so that these programs may increase the number of pupils who participate in the programs and may offer services such as college admissions test preparation programs, fee waivers for Advance Placement tests, and an increased number of field trips for high school and middle school participants to visit college campuses.	
(2) \$10,000,000 is provided for K–12 school partnership programs to systematically reform partner schools in order to achieve long-term improvements in student success.	

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- (3) \$1,000,000 is provided for pupil academic development programs and K–12 partnership programs in the Central Valley.
- (b) \$4,500,000 is provided for services to community college students to promote transfer, particularly among community colleges with historically low transfer rates or a large proportion of disadvantaged students.
- (c) \$1,000,000 is provided for informational outreach to pupils, families, and K–12 teachers and counselors.
- (d) \$1,000,000 is provided for charter schools.
- (e) \$3,200,000 is provided for systemwide graduate and professional school outreach, to be matched by \$2,000,000 in university funds.
- (f) \$1,500,000 is provided for long-term evaluation of the effectiveness of outreach programs, including college graduation rates for pupils who participated in the K–12 programs, regardless of the college attended.
- (g) \$4,553,000 over and above any funds provided under (a)(1) is provided to support MESA programs.
- (h) \$2,500,000 is provided for recruitment and admissions efforts intended to yield immediate short-term results, including \$750,000 to support campus efforts to move toward comprehensive assessment of freshmen applications, \$1,000,000 for student-initiated outreach activities focused on recruitment and mentorships aimed at high school juniors and seniors, and \$750,000 for other high-yield recruitment activities such as campus visits, phone banks, mailings, and student prep events. Of the \$750,000 appropriated to support campus efforts to move toward comprehensive assessment of freshmen applications, funding shall be provided to campuses contingent on the elimination of the two-tiered admissions system and the establishment of a unitary admissions review process.
- 10.1. It is the intent of the Legislature that the university report on the use of outreach funding provided in this item. This report should in-

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- clude detailed information on the outcomes and effectiveness of outreach programs. The report should be submitted to the fiscal committee of each house of the Legislature by no later than March 15, 2002.
11. Of the funds appropriated in Schedule (1), \$500,000 shall be expended for the Center for Earthquake Engineering Research, contingent upon the center continuing to receive federal matching funds from the National Science Foundation.
  12. Of the funds appropriated by Schedule (1), \$800,000 shall be expended at the San Diego campus for research into the use of composite materials for transportation structures, contingent upon the campus continuing to receive federal matching funds. It is the intent of the Legislature that funding be provided through the 2002–03 fiscal year for this purpose.
  13. Of the funds appropriated in Schedule (1), \$500,000 shall be expended for viticulture and enology research contingent upon the receipt of an equal amount of private sector matching funds.
  14. Of the amount appropriated in Schedule (1), \$1,500,000 is for Arts Bridge programs that give university students scholarships to work as “artists in residence” in public schools. The University of California shall ensure that 75 percent of these efforts are targeted at underperforming schools.
  15. Of the amount appropriated in Schedule (1), \$1,500,000 is for Community Teaching Internships for Mathematics and Science programs. These programs shall provide stipends to juniors and seniors majoring in math, science, and engineering, who work in local public schools as teaching interns.
  16. Of the funds appropriated in Schedule (1), \$24,310,000 is for substance abuse research at the University of California, San Francisco campus in the Neurology Department.
  17. Of the amount appropriated in Schedule (1), \$2,000,000 is for the California State Summer School for Math and Science.
  18. Of the amount appropriated in Schedule (1), \$1,000,000 is for the Welfare Policy Research

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- Project, per Article 9.7 (commencing with Section 11526) of Chapter 2 of Part 3 of the Welfare and Institutions Code.
19. Of the amount appropriated in Schedule (1), \$1,000,000 shall be used for Lupus research at UC San Francisco.
  20. Of the amount appropriated in Schedule (1), \$2,000,000 shall be used to expand spinal cord injury research.
  21. Of the amount appropriated in Schedule (1), \$6,000,000 shall be used for UC Berkeley/UCLA to support the Multi-campus Research Unit for Labor Studies.
  23. Of the amount appropriated in Schedule (1), \$9,000,000 is to fund the Medical Investigation of Neurodevelopmental Disorders (MIND) Institute, including \$7,500,000 for research, of which at least \$4,000,000 is for genetic marker research.
  24. Of the amount appropriated in Schedule (1), \$32,000,000 is for Internet connectivity and network infrastructure to grades K–12 schools and county offices of education, and \$18,000,000 is available, on a one-time basis, for Internet2 connectivity and infrastructure for UC campuses.
  25. It is the intent of the Legislature that, of the amount appropriated in Schedule (1), \$21,000,000 is to provide full marginal cost funding for 3,422 Full Time Equivalent Students state-supported enrollment conversions associated with the University of California year-round operations 2001 summer term to be used to assist efforts to rapidly increase the overall number of students served in state-supported programs during the summer term. It is expected that the University of California will meet its 3,422 Full Time Equivalent Students enrollment conversion target for the summer of 2001 and will also have a minimum enrollment increase of 700 Full Time Equivalent Students in the summer of 2001. The university shall report to the Legislature by December 1, 2001, on whether the enrollment target has been achieved. If the University of California reports that the enrollment target was not achieved for the summer 2001 term, then a proportional amount of the \$21,000,000 equivalent to the proportion by



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which the University of California did not meet its enrollment target will be returned to the General Fund.

It is further the intent of the Legislature that the University of California provide a campus-by-campus five-year plan that includes summer enrollment targets at all University of California general campuses, reflecting rapid growth in each summer after 2001. At a minimum, this plan shall also identify the changes the University of California is making to its summer term in the following areas: incentives provided to increase summer enrollment, financial aid packages, student services, the breadth and quality of instruction, and faculty and nonfaculty compensation, duties, and employment standards. The University of California shall submit the plan to the fiscal committees of the Legislature no later than January 15, 2002.

26. Of the amount appropriated in Schedule (1), \$3,000,000 in one-time funds shall be used for Medical Marijuana Research.
27. Of the amount appropriated in Schedule (1), \$100,000 in one-time funds shall be used to establish the Walter H. Capps (WHC) Center for the Study of Religion and Public Life at the University of California Santa Barbara Campus.
28. Of the amount appropriated in Schedule (1), \$1,500,000 in one-time funds shall be used to establish the Silicon Valley Center, an off-campus center of University of California Santa Cruz Campus.
29. Of the amount appropriated in Schedule (1), \$5,000,000 shall be used to expand student retention services.
30. Of the amount appropriated in Schedule (1), \$5,000,000 shall be used for clinical teaching support at the university's medical centers, neuropsychiatric institutes, and dental clinics.
31. Of the amount appropriated in Schedule (1), \$1,000,000 shall be used for support of the UCLA Center for the Study of Latino Health and Culture.
32. Of the amount appropriated in Schedule (1), an additional \$1,500,000 is provided for system-wide graduate and professional school outreach, to be matched by \$1,500,000 in university funds.

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33. Notwithstanding any other provision of law, up to \$4,000,000 in unexpended funds of the funds appropriated in Schedule (a) of Item 6440-001-0001 of the Budget Act of 1999 (Ch. 50, Stats. 1999), is available for the university to establish an endowed chair in the Neurology Department for substance abuse research. It is the intent of the Legislature that, in any year, the unexpended funds from the substance abuse program be transferred to an endowment for the research.	
34. The funds appropriated in Schedule (13) of this item shall be allocated for the following local projects:	
(a) UC: UC Ag Research Center, Monterey .....	(200,000)
(b) University of California Los Angeles Advanced Policy Institute: Creation of Internet resource: "Living Independently in LA" .....	(100,000)
(c) University of California, San Francisco: Center for Lesbian Health Research.....	(100,000)
(d) University of California: UC Ag extension in Monterey County .....	(200,000)
6440-001-0007—For support of University of California, payable from the Breast Cancer Research Account .....	14,729,000
Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, the funds appropriated in this item shall be available for expenditure until June 30, 2004.	
6440-001-0046—For support of University of California, Institute of Transportation Studies, payable from the Public Transportation Account, State Transportation Fund .....	956,000
6440-001-0234—For support of the University of California, payable from the Research Account, Cigarette and Tobacco Products Surtax Fund.....	19,434,000
Provisions:	
1. The funds appropriated in this item are to be allocated for research regarding tobacco use, with an emphasis on youth and young adults, including, but not limited to, the effects of active and passive smoking, the primary prevention of to-	

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bacco use, nicotine addiction and its treatment, the effects of secondhand smoke, and public health issues surrounding tobacco use.	
2. Notwithstanding subdivision (a) of Section 2.00 of this act, the funds appropriated in this item are available for expenditure until June 30, 2004.	
6440-001-0308—For support of the University of California, payable from the Earthquake Risk Reduction Fund of 1996.....	1,500,000
Provisions:	
1. The funds appropriated in this item shall be expended for the Center for Earthquake Engineering Research, contingent upon the center continuing to receive federal matching funds from the National Science Foundation.	
6440-001-0321—For support of University of California, payable from the Oil Spill Response Trust Fund.....	1,300,000
Provisions:	
1. The funds appropriated in this item shall be available to support the Oiled Wildlife Care Network.	
6440-001-0814—For support of University of California, for allocation by the Controller in accordance with the provisions of Section 8880.5 of the Government Code as enacted by the voters in Proposition 37 at the November 1984 general election, payable from the California State Lottery Education Fund.....	21,996,000
Provisions:	
1. All funds received pursuant to Proposition 37 that are allocable to the University of California pursuant to Section 8880.5 of the Government Code, and that are in excess of the amount appropriated in this item are hereby appropriated in augmentation of this item.	
6440-001-0890—For support of University of California, payable from the Federal Trust Fund.....	5,000,000
Provisions:	
1. The funds appropriated in this item are for the federal Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) (20 U.S.C. 1070a-21 et. seq.). These funds are provided to the University of California as the fiscal agent for this intersegmental program.	
6440-001-0945—For support of the University of California, payable from the California Breast Cancer Research Fund.....	480,000

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Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, the funds appropriated in this item shall be available for expenditure until June 30, 2004.	
6440-002-0001—For support of University of California .....	(55,000,000)
Provisions:	
1. Notwithstanding Section 2.00 of this act, the funds appropriated in this item are not available for expenditure or encumbrance prior to July 1, 2002. Claims for these funds shall be submitted by the University of California on or after July 1, 2002, and before October 1, 2002.	
2. No reserve may be established by the Controller for this appropriation before July 1, 2002.	
6440-003-0001—For support of the University of California, for payments on lease-purchase bonds.....	99,619,000
Schedule:	
(1) Rental, insurance and administrative payments .....	101,515,000
(2) Reimbursements.....	-1,896,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
6440-004-0001—For support of University of California .....	11,900,000
Provisions:	
1. Funds shall be available for planning and startup costs associated with academic programs to be offered in the San Joaquin Valley and planning, startup costs, and ongoing support for the Merced campus, including the following: (a) site studies, infrastructure planning, community planning and development, long-range development plans, environmental studies, and other physical planning activities; (b) academic planning activities, support of academic program offerings prior to the opening of the new campus, and faculty recruitment; (c) the acquisition of instructional materials and equipment; and (d) ongoing operating support for faculty, staff, and other annual operating expense for the new campus.	

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2. Notwithstanding subdivision (a) of Section 2.00 of this act, funds appropriated in this item shall be available for expenditure until June 30, 2003.	
3. The University of California may enter into lease agreements with an option to purchase facilities in the Central Valley associated with the Merced Campus. The lease agreement with an option to purchase shall be submitted to the Department of Finance for review and concurrence prior to execution of the lease to ensure that the proposed lease is consistent with legislative intent. The submission of the lease shall also include an economic analysis detailing the cost benefit of the project.	
6440-011-0042—For transfer by the Controller from the State Highway Account, State Transportation Fund to the Earthquake Risk Reduction Fund of 1996 (0308) .....	(1,000,000)
6440-301-0001—For capital outlay, University of California .....	99,851,000
Schedule:	
Universitywide:	
(1) 99.00.055-Institutes for Science and Innovation—Preliminary plans, working drawings, construction and equipment .....	95,000,000
Davis Campus:	
(2.5) 99.03.300-Medical Investigation of Neurodevelopmental Disorders (MIND) Institutes Facilities—Construction .....	3,000,000
Merced Campus:	
(7) 99.11.030-Classroom and Office Building—Preliminary plans and working drawings .....	1,851,000
Provisions:	
1. The project identified in Schedule (1) in this item shall not be subject to the administrative oversight of the State Public Works Board notwithstanding Section 13332.11 of the Government Code or any other provision of law. Of the funds appropriated, \$20,000,000 is provided to support a fourth California Institute for Science and Innovation.	
2. Notwithstanding Section 2.00 of this act or any other provision of law, the funds for projects iden-	

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tified in Schedules (1) and (7) in this item are appropriated without regard to fiscal year, including any equipment phase appropriated for these projects.

- 3. Of the amount appropriated in Schedule (1) in this item, up to \$5,000,000 may be transferred to Item 6440-001-0001 for support of the California Institutes for Science and Innovation.
- 4. The project identified in Schedule (7) may utilize design-build construction consistent with University of California practices, policies, and procedures.
- 5. The allocation, encumbrance, or expenditure of the working drawing funds provided for the project identified in Schedule (7) is to be authorized not sooner than 30 days after notification in writing and receipt of preliminary planning documents for the aforementioned project by the chairperson of the committee in each house of the Legislature that consider appropriations, the chairpersons of the committees and appropriate subcommittees in each house that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee.
- 6. Should the physical site for the University of California, Merced Campus be moved or otherwise altered from the project site as approved by the Legislature in this Budget Act, none of the funds provided for in Schedule (7) may be expended for working drawings without the explicit approval of the chairpersons of the committees and appropriate subcommittees in each house that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee.

6440-301-0574—For capital outlay, University of California, payable from the Higher Education Capital Outlay Bond Fund of 1998 ..... 148,554,000

Schedule:

Universitywide:

- (1) 99.00.050-Northern Regional Library Facility, Phase 3—Working drawings ..... 1,033,000

Berkeley Campus:

- (2) 99.01.190-Seismic Safety Corrections, LeConte Hall—Construction 13,741,000

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San Francisco Campus:	
(3) 99.02.125-Parnassus Services Seismic Replacement Building—Construction .....	28,328,000
(4) 99.02.130-Health Sciences West Improvements, Phase 1—Preliminary plans .....	565,000
Davis Campus:	
(5) 99.03.205-Veterinary Medicine 3A—Working drawings and construction .....	7,011,000
Los Angeles Campus:	
(6) 99.04.125-Dance Building Seismic Renovation—Construction.....	14,297,000
(7) 99.04.205-Kinsey Hall Seismic Correction, Phase 2—Working drawings.....	805,000
(8) 99.04.220-Electrical Distribution System Expansion, Step 6B—Preliminary plans and working drawings.....	370,000
Riverside Campus:	
(9) 99.05.135-Physical Sciences 1—Workings drawings and construction .....	47,978,000
(10) 99.05.145-Batchelor Hall Seismic Upgrade—Working drawings and construction .....	3,399,000
(11) 99.05.150-Hinderaker Hall Seismic Upgrade—Working drawings and construction.....	879,000
(12) 99.05.155-Fawcett Lab, Sproul Hall and Life Sciences—Working drawings and construction.....	2,628,000
(13) 99.05.160-Engineering Building Unit 2—Preliminary plans and working drawings .....	3,058,000
(14) 99.05.165-Biological Sciences Building—Preliminary plans .....	596,000
San Diego Campus:	
(15) 99.06.305-Natural Sciences Building—Equipment.....	3,108,000
(16) 99.06.315-Engineering Building Unit 3B—Working drawings .....	2,154,000
(17) 99.06.320-Eleanor Roosevelt College Academic Facilities—Equipment .....	175,000

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(18) 99.06.325-Pharmaceutical Sciences Building—Preliminary plans	1,356,000
Santa Cruz Campus:	
(19) 99.07.085-Physical Sciences Building—Equipment.....	2,064,000
(20) 99.07.115-Film and Digital Media Renovations—Construction .....	4,218,000
(21) 99.07.125-Engineering Building—Preliminary plans and working drawings .....	3,795,000
Santa Barbara Campus:	
(22) 99.08.110-Life Sciences Building—Working drawings .....	1,145,000
Irvine Campus:	
(23) 99.09.110-Humanities/Fine Arts Facilities—Equipment .....	655,000
(24) 99.09.190-Arts Renovation and Seismic Improvements, Phase 2—Equipment.....	206,000
(25) 99.09.300-Natural Sciences Unit 1—Equipment.....	3,870,000
(26) 99.09.320-Rowland Hall Seismic Improvements—Preliminary plans and working drawings.....	1,120,000

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used: (a) to begin working drawings for a project for which preliminary plan funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990, or (e) to fund minor capital outlay projects.

No later than March 1, 2002, the University of California shall provide the Legislative Analyst with a progress report showing the identified sav-



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ings by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the University of California shall prepare a report showing (a) the identified savings by project and (b) the purpose for which the identified savings were used. This report shall be submitted to the Chair of the Joint Legislative Budget Committee and to the chairs of the fiscal committees in each house.

2. The funds provided under this item shall be available for expenditure only if the University of California requires the payment of prevailing wage rates by the contractors and subcontractors on all projects in this item and on all other capital outlay projects undertaken by the University of California that are funded using nonstate funds or are otherwise not financed with the funds appropriated in this item. This requirement shall represent a moratorium on granting further exceptions to paying prevailing wage until June 30, 2002.

6440-301-0658—For capital outlay, University of California, payable from the Higher Education Capital Outlay Bond Fund of 1996.

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used: (a) to begin working drawings for a project for which preliminary plan funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act, or (e) to fund minor capital outlay projects.

No later than March 1, 2002, the University of California shall provide the Legislative Analyst with a progress report showing the identified sav-

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ings by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the University of California shall prepare a report showing (a) the identified savings by project and (b) the purpose for which the identified savings were used. This report shall be submitted to the Chairperson of the Joint Legislative Budget Committee and to the chairs of the fiscal committees in each house.

6440-301-0660—For capital outlay, University of California payable from the Public Building Construction Fund .....	224,558,000
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San Francisco Campus:

(0.5) 99.02.131-San Francisco-Fresno Medical Center—Working drawings, construction, and equipment.	26,000,000
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Davis Campus:

(1) 99.03.300-Mind Institute Facilities—Construction .....	30,000,000
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Merced Campus:

(2) 99.11.005-Site Development and Infrastructure, Phase 1—Construction .....	37,012,000
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(3) 99.11.020-Science and Engineering Building—Construction and equipment .....	68,946,000
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(4) 99.11.025-Library/Information Technology Centers—Construction and equipment .....	52,600,000
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Riverside Campus:

(5) 99.05.140-Heckmann International Center for Management—Preliminary plans, working drawings, construction and equipment..	10,000,000
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Provisions:

1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the project authorized by this item.
2. The State Public Works Board and the University of California may obtain interim financing for the project costs authorized in this item from any appropriate source including, but not limited to, Section 15849.1 of the Government Code and the

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- Pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.
3. The State Public Works Board may authorize the augmentation of the cost of construction of the projects scheduled in this item pursuant to the board's authority under Section 13332.11 of the Government Code. In addition, the State Public Works Board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing including the payment of interest during construction of the project, the costs of financing a debt service fund, and the cost of the issuance of permanent financing for the project. This additional amount may include interest payable on any interim financing obtained.
  4. The allocation, encumbrance, or expenditure of the funds provided for projects identified in Schedules (2), (3), and (4) is to be authorized not earlier than 30 days after notification in writing and receipt of preliminary planning documents for the aforementioned projects by the chairperson of the committee in each house of the Legislature that considers appropriations, the chairpersons of the committees and appropriate subcommittees in each house that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee.
  5. The projects identified in Schedules (2), (3), and (4) may utilize design-build construction consistent with University of California practices, policies, and procedures.
  6. Should the physical site for the University of California, Merced Campus be moved or otherwise altered from the project site as approved by the Legislature in this Budget Act, none of the funds provided for in Schedules (2), (3), and (4) may be expended for working drawings or construction without the explicit approval of the chairpersons of the committees and appropriate subcommittees in each house that consider the State Budget and the Chairperson of the Joint Legislative Budget Committee.
  7. The allocation, encumbrance, or expenditure of the funds provided for the Heckmann International Center for Management identified in

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Schedule (5) is to be authorized not sooner than 30 days after notification in writing and receipt of a project by the chairperson of the committee in each house of the Legislature that considers appropriations, the chairpersons of the committees and the appropriate subcommittees in each house that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee.

6440-301-0705—For capital outlay, University of California, payable from the Higher Education Capital Outlay Bond Fund of 1992.

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used: (a) to begin working drawings for a project for which preliminary plan funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, or (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act.

No later than March 1, 2002, the University of California shall provide the Legislative Analyst with a progress report showing the identified savings by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the University of California shall prepare a report showing (a) the identified savings by project and (b) the purpose for which the identified savings were used. This report shall be submitted to the Chairperson of the Joint Legislative Budget Committee and to the chairs of the fiscal committees in each house.

6440-301-0782—For capital outlay, University of California, payable from the Higher Education Capital Outlay Bond Fund.

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Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used as follows: (a) to begin working drawings for a project for which preliminary plan funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, or (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990.

No later than March 1, 2002, the University of California shall provide the Legislative Analyst with a progress report showing the identified savings by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the University of California shall prepare a report showing (a) the identified savings by project and (b) the purpose for which the identified savings were used. This report shall be submitted to the Chair of the Joint Legislative Budget Committee and to the chairs of the fiscal committees in each house.

6440-301-0785—For capital outlay, University of California, payable from the 1988 Higher Education Capital Outlay Bond Fund.

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used: (a) to begin working drawings for a project for which preliminary plan funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program,

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(c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, or (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990.

No later than March 1, 2002, the University of California shall provide the Legislative Analyst with a progress report showing the identified savings by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the University of California shall prepare a report showing (a) the identified savings by project and (b) the purpose for which the identified savings were used. This report shall be submitted to the Chair of the Joint Legislative Budget Committee and to the chairs of the fiscal committees in each house.

6440-301-0791—For capital outlay, University of California, payable from the June 1990 Higher Education Capital Outlay Bond Fund.

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used: (a) to begin working drawings for a project for which preliminary plan funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings identified as potentially in need of seismic retrofitting, or (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990.

No later than March 1, 2002, the University of California shall provide the Legislative Analyst with a progress report showing the identified savings by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the University of California shall prepare a report showing

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(a) the identified savings by project and (b) the purpose for which the identified savings were used. This report shall be submitted to the Chair of the Joint Legislative Budget Committee and to the chairs of the fiscal committees in each house.	
6440-302-0574—For capital outlay, University of California, payable from the Higher Education Capital Outlay Bond Fund of 1998 .....	58,317,000
Schedule:	
Berkeley Campus:	
(1) 99.01.210-Stanley Hall Seismic Mitigation—Working drawings.....	2,157,000
Davis Campus:	
(2) 99.03.195-Sciences Laboratory Building—Construction.....	44,336,000
Santa Cruz Campus:	
(3) 99.07.120-Seismic Corrections, Phase 2—Working drawings and construction .....	4,522,000
Irvine Campus:	
(4) 99.09.315-GSM Building Seismic Improvements—Preliminary plans, working drawings, and construction .....	1,309,000
(5) 99.09.325-Natural Sciences Unit 2—Preliminary plans and working drawings.....	4,649,000
Agriculture and Natural Resources:	
(6) 99.10.045-Desert REC Laboratory and Office Facility—Preliminary plans, working drawings, and construction .....	1,344,000
Provisions:	
1. Notwithstanding Section 13332.11 of the Government Code or any other provision of law, the University of California may proceed with any phase of any project identified in the above schedule, including preparation of preliminary plans, working drawings, construction, or equipment purchase, without the need for any further approvals. Further, the project identified in Schedule 5 of this item may proceed utilizing design-build construction consistent with University of California practices, policies and procedures.	
2. The University of California shall complete each project identified in the above schedule within the total funding amount specified in the schedule for	

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that project. Notwithstanding Section 13332.11 of the Government Code or any other provision of law, the budget for any project to be funded from this item may be augmented by the University of California within the total appropriation made by this item, in an amount not to exceed 10 percent of the amount appropriated for that project. No funds appropriated by this item for equipment may be used for an augmentation under this provision, or be augmented from any other funds appropriated by this item. This condition does not limit the authority of the University of California to use non-state funds.

3. The University of California shall complete each project identified in the above schedule without any change to its scope. The scope of a project means, in this respect, the intended purpose of the project as determined by reference to the following elements of the budget request for that project submitted by the University of California to the Department of Finance: (a) the program elements related to project type, and (b) the functional description of spaces required to deliver the academic and supporting programs as approved by the Legislature.
4. Notwithstanding Section 2.00 of this act or any other provision of law, the appropriation made by this item is available for encumbrance during the 2001–02 and 2002–03 fiscal years, except that the funds appropriated for construction only must be bid during the 2001–02 fiscal year and will be available for expenditure through 2002–03 and that the funds appropriated for equipment purposes are available for encumbrance until June 30, 2004. For the purposes of encumbrance, funds appropriated for construction management and project contingencies purposes, as well as any bid savings, shall be deemed to be encumbered at the time a contract is awarded; these funds also may be used to initiate consulting contracts necessary for management of the project during the liquidation period. Any savings identified at the completion of the project also may be used during the liquidation period to fund the purposes described in Provision 2 and Provision 5.
5. Identified savings in a budget for a capital outlay project, as appropriated by this item, remaining



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after completion of a capital outlay project and upon resolution of all change orders and claims, may be used without further approval: (a) to augment projects consistent with Provision 2, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, (d) to proceed with the design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990, or (e) to fund minor capital outlay projects.

6. No later than December 1 of each year, the University of California shall submit a report outlining the expenditure for each project of the funds appropriated by this item to the Chair of the Joint Legislative Budget Committee, the chairs of the fiscal committees of each house, the Legislative Analyst, and the Director of Finance. The report also shall include the following elements: (a) a statement of the identified savings by project, and the purpose for which the identified savings were used; (b) a certification that each project as proceeding or as completed, has remained within its scope and the amount funded for that project under this item; and (c) an evaluation of the outcome of the project measured against performance criteria.
7. Notwithstanding Section 13332.11 of the Government Code or any other provision of law, the Stanley Hall seismic mitigation project on the Berkeley Campus shall not be subject to the administrative oversight of the State Public Works Board and shall not be eligible for any augmentation otherwise available under Section 13332.11 of the Government Code.

6440-401—University of California—Projects for the Institutes for Science and Innovation are authorized pursuant to Section 15820.21 of the Government Code, including:

- (a) Los Angeles and Santa Barbara Campuses-The California NanoSystems Institute.
- (b) San Diego and Irvine Campuses-The California Institute for Telecommunications and Information Technology.
- (c) San Francisco, Berkeley, and Santa Cruz Campuses-The California Institute for Bioengi-

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<p>neering, Biotechnology and Quantitative Biomedicine.</p> <p>(d) Berkeley, Davis, Merced and Santa Cruz Campuses—Center for Information Technology Research in the Interest of Society.</p>	
<p>6440-490—Reappropriation, University of California. Notwithstanding any other provision of law, the balances as of June 30, 2001, of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in the appropriations and shall be available for encumbrance and expenditure until June 30, 2002:</p> <p>0001—General Fund</p> <p>(1) Item 6440-001-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).</p> <p>Provisions:</p> <ol style="list-style-type: none"> <li>1. Of the funds reappropriated in this item from Item 6440-001-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000), \$15,000,000, none of which may be derived from the funding provided for the Professional Development Institutes, shall be available for deferred maintenance, special repair projects, and the replacement of instructional equipment. As of June 30, 2001, the balance of the funds from that item in excess of \$15,000,000 shall revert to the General Fund.</li> <li>2. The University of California shall report to the Department of Finance and the Joint Legislative Budget Committee the amount of the balance, on June 30, 2001, of Item 6440-001-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000), by September 30, 2001, and the expenditures made pursuant to this item by September 30, 2002.</li> </ol>	
<p>6440-491—Reappropriation, University of California. Notwithstanding any other provision of law, the balance of the appropriation provided in the following citation is reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in the appropriation:</p> <p>0574—Higher Education Capital Outlay Bond Fund of 1998</p> <p>Item 6440-301-0574, Budget Act of 2000 (Ch. 52, Stats. 2000), Santa Barbara Campus, (17) 99.08.100—Sewer System Renewal—Construction</p>	

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6440-495—Reversion, University of California. As of June 30, 2001, the amounts specified in the following citations shall revert to the fund balance of the fund from which the appropriation was made: 0574—Higher Education Capital Outlay Bond Fund of 1998	
(1) Item 6440-301-0574—Budget Act of 1999 (Ch. 50, Stats. 1999) Davis Campus:	
(4) 99.03.185-Life Sciences Alterations, Phase 1—Preliminary plans and working drawings .....	220,000
(2) Item 6440-301-0574—Budget Act of 2000 (Ch. 52, Stats. 2000) Davis Campus:	
(6) 99.03.185-Life Sciences Alterations, Phase 1—Construction .....	1,889,000
(7) 99.03.190-Electrical Improvements, Phase 2B—Construction.....	1,642,000
6600-001-0001—For support of Hastings College of the Law .....	15,115,000
Provisions:	
1. The appropriation made in this item is exempt from Section 31.00 of this act.	
2. Of the funds appropriated in this item, \$774,000 is for support of Program 40, Student Services, to provide financial aid to needy students attending the Hastings College of the Law, according to the nationally accepted needs analysis methodology.	
6600-001-0814—For support of Hastings College of the Law, for allocation by the Controller in accordance with the provisions of Section 8880.5 of the Government Code as enacted by the voters in Proposition 37 at the November 1984 general election, payable from the California State Lottery Education Fund...	148,000
Provisions:	
1. All funds received pursuant to Proposition 37 that are allocable to the Hastings College of the Law pursuant to Section 8880.5 of the Government Code, and that are in excess of the amount appropriated in this item are hereby appropriated in augmentation of this item.	
6600-490—Reappropriation, Hastings College of the Law. Notwithstanding any other provision of law, the balance, as of June 30, 2001, of the appropriation provided in the following citation is reappropriated	

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and shall be available for encumbrance and expenditure until June 30, 2002:

0001—General Fund

(1) Item 6600-001-0001, Budget Act of 2000 (Ch. 52, Stats. 2000).

Provisions:

- 1. The Hastings College of the Law shall report to the Department of Finance and the Joint Legislative Budget Committee the amount of the balance, on June 30, 2001, of Item 6600-001-0001 of the Budget Act of 2000 (Ch. 52, Stats. 2000), by September 30, 2001, and shall also report the expenditures made pursuant to this item by September 30, 2002.

6610-001-0001—For support of the California State University ..... 2,556,068,000

Schedule:

- (1) Support ..... 3,377,256,000
- (2) Reimbursements ..... -143,080,000
- (2.5) 555005-Local Projects ..... 910,000
- (3) Amount payable from the Higher Education Fees and Income, CSU Fund (Item 6610-001-0498).... -679,018,000

Provisions:

- 1. The appropriations made in this item are exempt from Section 31.00 of this act, except as otherwise provided by the applicable sections of the Government Code referred to in Section 31.00.
- 2. Of the amount appropriated in this item, \$814,000 is available for transfer to the California State University and Colleges Special Projects Fund pursuant to Section 25008.5 of the Public Resources Code, which allows state agencies to retain 50 percent of the financial benefits realized through energy savings projects.
- 3. Of the amount appropriated in this item, \$7,235,000 is provided for payment of energy service contracts in connection with the issuance of Public Works Board Energy Efficiency Revenue Bonds.
- 4. Of the amount appropriated in this item, \$350,000 is for transfer to the Affordable Student Housing Revolving Fund for the purpose of subsidizing interest costs in connection with bond financing for construction of affordable student housing at the Fullerton and Hayward Campuses in accordance

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- with Article 3 (commencing with Section 90085) of Chapter 8 of Part 55 of the Education Code.
5. Of the amount appropriated in this item, \$1,878,000 is for repayment of the \$17,000,000 financed for the California State University through a third party for deferred maintenance projects in the 1994–95 fiscal year. It is the intent of the Legislature to annually provide funds for that repayment purpose through the 2009–10 fiscal year.
  6. Of the amount appropriated in this item, \$2,309,000 is for repayment of the \$24,000,000 financed for the California State University through a third party for deferred maintenance projects in the 1995–96 fiscal year. It is the intent of the Legislature to annually provide funds for that repayment purpose through the 2010–11 fiscal year.
  7. Of the amount appropriated in this item, \$1,700,000 is for support of the converted Stockton Developmental Center into the Regional and Continuing Education Center at CSU, Stanislaus.
  8. Of the amount appropriated in this item, \$2,000,000 is provided to support the Bilingual Teacher Recruitment Program.
  9. Of the funds appropriated in this item, \$11,000,000 is provided for a teacher recruitment program to be operated by the California Center for Teaching Careers (CalTeach) including \$7,000,000 for in-state recruitment and \$2,000,000 for out-of-state recruitment. No later than September 1, 2001, the California State University shall submit a report to the Governor and the Legislature on the progress of its teacher-related advertising and outreach efforts, including coordination with the Teacher Recruitment Incentive Program and other teacher incentive programs established pursuant to Chapter 70, Statutes of 2000.
  10. Of the funds appropriated in Schedule (1), a minimum of \$15,000,000 shall be used to fund new and existing outreach programs that are aimed at improving the chances for K–12 pupils from a wide diversity of backgrounds to become eligible and prepared for the California State University. Of this total, \$5,000,000 is provided for faculty-to-faculty alliance with high school

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- teachers of English and mathematics, \$4,000,000 is provided for learning assistance programs in high school, and \$2,000,000 is provided for the Precollegiate Academic Development Program at the California State University, \$2,000,000 is for the California State University Educational Opportunity Program (Art. 6 (commencing with Sec. 89251), Ch. 2, Pt. 55, Ed. C.), and \$2,000,000 is for the California Academic Partnership Program (Ch. 11 (commencing with Sec. 11000), Pt. 7, Ed. C.).
11. Of the amount appropriated in this item, \$65,647,000 is provided for student financial aid grants, including \$48,285,000 for State University grants and \$17,362,000 for grants pursuant to the California State University Educational Opportunity Program. These financial aid funds shall be provided to needy students according to the nationally accepted needs analysis methodology.
  12. Of the amount appropriated in this item, \$21,000,000 is to provide 1,000 Governor's Teaching Fellowships, including \$1,000,000 to administer this program.
  13. Of the amount appropriated in this item, \$1,100,000 is for the development of 220 service learning courses. It is the intent of the Legislature to annually provide funds for this purpose through the 2003–04 fiscal year.
  14. It is the intent of the Legislature that \$12,400,000 appropriated to provide full marginal cost funding for 3,138 full-time equivalent student (FTES) state-supported enrollment conversions associated with the California State University year-round operations 2001 summer term be used to assist efforts to rapidly increase the overall number of students served in state-supported programs during the summer term. It is expected that the California State University will meet its 3,138 FTES enrollment conversion target for the summer of 2001 and will also have a minimum enrollment increase of 400 full-time equivalent (FTE) in summer 2001. The university shall report to the Legislature by December 1, 2001, on whether the enrollment target has been achieved. If the California State University reports that the enrollment target was not

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achieved for the summer 2001 term, then a proportional amount of the \$12,400,000 equivalent to the proportion by which the California State University did not meet its enrollment target shall be returned to the General Fund.

It is further the intent of the Legislature that the California State University provide a five-year plan that includes summer enrollment targets for each campus it expects to operate year round. At a minimum, this plan shall also identify the changes the California State University is making to its summer term in the following areas: incentives provided to increase summer enrollment, financial aid packages, student services, the breadth and quality of instruction, and faculty and nonfaculty compensation, duties, and employment standards. The California State University shall submit the plan to the chairperson of each fiscal committee of the Legislature no later than January 15, 2002.

- 15. Of the amount appropriated in Schedule (1), \$250,000 to expand the California State University Program for Education and Research in Biotechnology (CSUPERB) is to be distributed pursuant to legislation to be enacted.
- 16. Of the amount appropriated in Schedule (1), \$5,000,000 is to increase enrollments in the following high-cost academic programs: agriculture, biological sciences, computer science, engineering, and nursing.
- 17. The funds appropriated in Schedule (2.5) of this item shall be allocated for the following local projects:
  - (a) California State University of San Bernardino: Projects to establish the Water Resource Institute ..... (50,000)
  - (b) California State University: CSUPERB Biotechnology Center-Pasadena. These funds shall be used for final site assessment and development of the Pasadena Bioscience Innovation and Training Center, and for development of a pilot bioinnovation workforce training program. The California

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State University will provide an update to the Legislature on the progress of this project during the 2002–03 budget deliberations .....	(250,000)
(c) CSU: Portuguese Study Center.	(260,000)
(d) CSU, Stanislaus: Portuguese Studies .....	(250,000)
(e) San Francisco State University: Seeing Art at Work: Celebrating a Century of Labor Art in Northern California .....	(100,000)
6610-001-0498—For support of the California State University, for payment to Item 6610-001-0001, payable from the Higher Education Fees and Income, CSU Fund .....	679,018,000
Provisions:	
1. All funds received in the Higher Education Fees and Income, CSU Fund, that are in excess of the amount appropriated in this item are hereby appropriated in augmentation of this item.	
6610-001-0890—For support of the California State University, payable from the Federal Trust Fund .....	23,500,000
Provisions:	
1. All funds deposited in the Federal Trust Fund for the California State University for the purposes of this item and that are in excess of the amount appropriated in this item are hereby appropriated in augmentation of this item and are exempt from Section 28.00 of this act, pursuant to subdivision (a) of Section 89753 of the Education Code.	
6610-002-0001—For support of the California State University for transfer to and in augmentation of Item 6610-001-0001, for the purpose of providing direct costs and administrative overhead expenses for the Assembly, Senate, Executive and Judicial Fellows programs and the Center for California Studies .....	2,868,000
Schedule:	
(1) Center for California Studies— Fellows Program .....	546,000
(2) Center for California Studies— Other .....	41,000
(3) Assembly Fellows .....	563,000
(4) Senate Fellows .....	563,000
(5) Executive Fellows .....	562,000
(6) Judicial Fellows .....	406,000
(7) LegiSchool Project .....	125,000



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(8) Sacramento Semester Internship Program.....	62,000
6610-003-0001—For support of the California State University for payments on lease-purchase bonds.....	69,349,000
Schedule:	
(1) Rental, insurance and administrative payments .....	70,449,000
(2) Reimbursements.....	-1,100,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
6610-301-0574—For capital outlay, California State University, payable from the Higher Education Capital Outlay Bond Fund of 1998 .....	97,653,000
Schedule:	
(1) 06.48.315-Systemwide: Minor Capital Outlay Program—Preliminary plans, working drawings, and construction .....	16,128,000
(2) 06.50.059-Bakersfield: Telecommunications Infrastructure—Working drawings.....	276,000
(3) 06.51.005-Maritime Academy: Telecommunications Infrastructure—Working drawings and construction .....	2,077,000
(4) 06.56.091-Fresno: Telecommunications Infrastructure—Working drawings.....	655,000
(5) 06.62.087-Fullerton: Telecommunications Infrastructure—Working drawings.....	321,000
(6) 06.64.077-Hayward: Telecommunications Infrastructure, Phase II—Working drawings and construction.....	8,971,000
(7) 06.67.095-Humboldt: Telecommunications Infrastructure—Working drawings and construction.....	6,395,000
(8) 06.74.002-Monterey Bay: Telecommunications Infrastructure—Working drawings.....	420,000

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(9) 06.82.078-Northridge: University Instructional Equipment—Equipment .....	5,215,000
(10) 06.76.092-Sacramento: Telecommunications Infrastructure—Working drawings and construction.....	17,603,000
(11) 06.78.090-San Bernardino: Coachella Valley Center, Phase I—Equipment .....	903,000
(12) 06.80.152-San Diego: Telecommunications Infrastructure—Working drawings.....	300,000
(12.5) 06.82.084-Northridge: 1994 Earthquake Recovery FEMA Projects—Construction.....	9,000,000
(13) 06.84.094-San Francisco: Telecommunications Infrastructure—Working drawings.....	509,000
(14) 06.84.098-San Francisco: Renovate Hensil Hall (Seismic)—Equipment .....	635,000
(15) 06.86.112-San Jose: Telecommunications Infrastructure—Working drawings.....	296,000
(16) 06.96.109-San Luis Obispo: Telecommunications Infrastructure—Working drawings and construction.....	15,102,000
(17) 06.68.063-San Marcos: Academic II, Buildings 26/27 and 37—Equipment .....	5,578,000
(18) 06.68.066-San Marcos: Telecommunications Infrastructure—Working drawings.....	141,000
(19) 06.90.079-Sonoma: Remodel Salazar Building—Equipment.....	1,651,000
(20) 06.92.057-Stanislaus: Telecommunications Infrastructure—Working drawings and construction.....	5,477,000

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon

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resolution of all change orders and claims, may be used prior to the appropriation reversion date: (a) to begin working drawings for a project for which preliminary plans funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings identified as potentially in need of seismic retrofitting, (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990, (e) to fund minor capital outlay projects, or (f) feasibility studies for capital outlay.

No later than March 1, 2002, the California State University shall provide the Legislative Analyst with a progress report showing the identified savings, by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the California State University shall prepare a report showing the identified savings, by project, and the purpose for which the identified savings were used. This report shall be submitted to the Chairperson of the Joint Legislative Budget Committee and to the chairpersons of the fiscal committees in each house.

6610-301-0658—For capital outlay, California State University, payable from the Higher Education Capital Outlay Bond Fund of 1996.

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used prior to the appropriation reversion date: (a) to begin working drawings for a project for which preliminary plans funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that

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have been identified as potentially in need of seismic retrofitting, (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act, (e) to fund minor capital outlay projects, or (f) feasibility studies for capital outlay.

No later than March 1, 2002, the California State University shall provide the Legislative Analyst with a progress report showing the identified savings, by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the California State University shall prepare a report showing the identified savings, by project, and the purpose for which the identified savings were used. This report shall be submitted to the Chairperson of the Joint Legislative Budget Committee and to the chairpersons of the fiscal committees in each house.

6610-301-0705—For capital outlay, California State University, payable from the Higher Education Capital Outlay Bond Fund of 1992.

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used prior to the appropriation reversion date: (a) to begin working drawings for a project for which preliminary plans funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, or (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act.

No later than March 1, 2002, the California State University shall provide the Legislative Analyst with a progress report showing the identified savings, by project, and the purpose for which the identified savings were used.

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No later than November 1, 2002, the California State University shall prepare a report showing the identified savings, by project, and the purpose for which the identified savings were used. This report shall be submitted to the Chairperson of the Joint Legislative Budget Committee and to the chairpersons of the fiscal committees in each house.

6610-301-0782—For capital outlay, California State University, payable from the Higher Education Capital Outlay Bond Fund.

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used prior to the appropriation reversion date: (a) to begin working drawings for a project for which preliminary plans funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, or (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act.

No later than March 1, 2002, the California State University shall provide the Legislative Analyst with a progress report showing the identified savings, by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the California State University shall prepare a report showing the identified savings, by project, and the purpose for which the identified savings were used. This report shall be submitted to the Chairperson of the Joint Legislative Budget Committee and to the chairpersons of the fiscal committees in each house.

6610-301-0785—For capital outlay, California State University, payable from the 1988 Higher Education Capital Outlay Bond Fund.

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Provisions:

1. Identified savings in funds encumbered for construction contracts from this general obligation bond fund after completion of a capital outlay project, and upon resolution of all change orders and claims, may be used prior to the appropriation reversion date: (a) to begin working drawings for a capital outlay project for which preliminary plans funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, or (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act.

No later than March 1, 2002, the California State University shall provide the Legislative Analyst with a progress report showing the identified savings, by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the California State University shall prepare a report showing the identified savings, by project, and the purpose for which the identified savings were used. This report shall be submitted to the Chairperson of the Joint Legislative Budget Committee and to the chairpersons of the fiscal committees in each house.

6610-301-0791—For capital outlay, California State University, payable from the June 1990 Higher Education Capital Outlay Bond Fund.

Provisions:

1. Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used prior to the appropriation reversion date: (a) to begin working drawings for a project for which preliminary plans funds have been appropriated and the plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for

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inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings identified as potentially in need of seismic retrofitting, or (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990.

No later than March 1, 2002, the California State University shall provide the Legislative Analyst with a progress report showing the identified savings, by project, and the purpose for which the identified savings were used.

No later than November 1, 2002, the California State University shall prepare a report showing the identified savings, by project, and the purpose for which the identified savings were used. This report shall be submitted to the Chairperson of the Joint Legislative Budget Committee and to the chairpersons of the fiscal committees in each house.

6610-302-0574—For capital outlay, California State University, payable from the Higher Education Capital Outlay Bond Fund of 1998 ..... 127,347,000  
Schedule:

- (1) 06.50.060-Bakersfield: Classroom/Office Building III—Equipment ... 428,000
- (2) 06.50.061-Bakersfield: Computer and Telecommunications Center Facilities Renovation and Addition—Preliminary plans, working drawings, and construction..... 2,335,000
- (3) 06.52.106-Chico: Utility Infrastructure Expansion—Construction ..... 4,000,000
- (4) 06.56.092-Fresno: Science II Replacement Building—Preliminary plans, working drawings, and construction ..... 22,575,000
- (5) 06.62.088-Fullerton: Auditorium/Fine Arts Instructional Facility—Working drawings and construction..... 38,919,000
- (6) 06.76.095-Sacramento: Academic Information Resource Center—Preliminary plans, working drawings, and construction ..... 25,496,000

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(7) 06.78.089-San Bernardino: Science Building Renovation/Addition, Phase I Annex—Preliminary plans, working drawings, and construction.....	23,594,000
(8) 06.83.001-Channel Islands: Science Laboratory Facility—Preliminary plans, working drawings, and construction .....	10,000,000

Provisions:

1. Notwithstanding Section 13332.11 of the Government Code or any other provision of law, the California State University may proceed with any phase of any project identified in the above schedule, including preparation of preliminary plans, working drawings, construction, or equipment purchase, without the need for any further approvals.
2. The California State University shall complete each project identified in the above schedule within the total funding amount specified in the schedule for that project. Notwithstanding Section 13332.11 of the Government Code or any other provision of law, the budget for any project to be funded from the Higher Education Capital Outlay Bond Fund of 1998 may be augmented by the California State University within the total appropriation made by this item, in an amount not to exceed 10 percent of the amount appropriated for that project. No funds appropriated in this item for equipment may be used for an augmentation under this provision, or be augmented from any other funds appropriated by this item. This condition does not limit the authority of the California State University to use nonstate funds for these purposes.
3. The California State University shall complete each project identified in the above schedule without any change to its scope. The scope of a project means, in this respect, the intended purpose of the project as determined by reference to the following elements of the budget request for that project submitted by California State University to the Department of Finance: (a) the program elements related to project type, and (b) the functional de-



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- scription of spaces required to deliver the academic and supporting programs as approved by the Legislature.
4. Notwithstanding Section 2.00 of this act or any other provision of law, the appropriation made in this item is available for encumbrance during the 2001–02 and 2002–03 fiscal years, except that the funds appropriated for construction only must be bid during the 2001–02 fiscal year and will be available for expenditure through 2002–03, and funds appropriated for equipment purposes are available for encumbrance until June 30, 2004. For the purposes of encumbrance, funds appropriated for construction management and project contingencies purposes as well as any bid savings, shall be deemed to be encumbered at the time a contract for that purpose is awarded; these funds also may be used to initiate consulting contracts necessary for management of the project during the liquidation period. Any savings identified at the completion of the projects also may be used during the liquidation period to fund the purposes described in subdivisions (a), (b), (c), (d) and (e) of Provision 5.
  5. Identified savings in a budget for a capital outlay project, as appropriated by this item, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used: (a) to begin working drawings for a project for which preliminary plans have been approved by the State Public Works Board consistent with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings identified as potentially in need of seismic retrofitting, (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990, (e) to fund minor capital outlay projects, or (f) to fund feasibility studies for capital outlay.
  6. No later than March 1 of each year, the California State University shall submit a report detailing the expenditure for each project of the funds appropriated by this item to the Chair of the Joint Legislative Budget Committee, the chairs of the fiscal

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committees of each house, the Legislative Analyst, and the Director of Finance. The report also shall include the following elements: (a) a statement of the identified savings by project, and the purpose for which the identified savings were used; (b) a certification that each project as proceeding or as completed, has remained within its scope and the amount funded for that project under this item; and (c) an evaluation of the outcome of the project measured against performance criteria.

6610-490—Reappropriation, California State University. Notwithstanding any other provision of law, the balances of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in the appropriations and shall be available for expenditure until June 30, 2002:

0001—General Fund

(1) Item 6610-001-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)

Provisions:

1. Of the funds reappropriated in this item from Item 6610-001-0001, Budget Act of 2000 (Ch. 52, Stats. 2000), up to \$15,000,000 shall be available for the general support of the California State University. This \$15,000,000 limitation applies only to reappropriations generated from system-wide allocations. As of June 30, 2001, the balance generated from systemwide allocations in excess of \$15,000,000 shall revert to the General Fund.
2. The California State University shall, by September 30, 2001, report to the Department of Finance and the Joint Legislative Budget Committee the amount of the balance as of June 30, 2001, of Item 6610-001-0001 of the Budget Act of 2000 (Ch. 52, Stats. 2000), and a proposed expenditure plan for that balance. The California State University shall report by September 30, 2002, on the expenditures made pursuant to this item.

0498—Higher Education Fees and Income, CSU Fund

(1) Item 6610-001-0498, Budget Act of 2000 (Ch. 52, Stats. 2000).

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6610-491—Reappropriation, California State University. Notwithstanding any other provision of law, the balance of the appropriation provided in the following citation is reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in the appropriation: 0001—General Fund (1) Item 6610-301-0001, Budget Act of 2000 (Ch. 52, Stats. 2000) (6) 06.98.104—Pomona: Center for Animal and Veterinary Science Education, Phase 1A—Preliminary plans, working drawings, construction, and equipment. Provisions: 1. The funds reappropriated in this item from Item 6610-301-0001(6) of the Budget Act of 2000 (Ch. 52, Stats. 2000) shall only be utilized for preliminary plans, working drawings, construction, and equipment for the Phase 1A of 06.98.104—Pomona, Center for Animal and Veterinary Science Education (CAVSE) project. Reappropriation of this funding does not commit the state to fund additional phases of the CSU, Pomona CAVSE program beyond the Phase 1A facility project and does not commit the state to additional funding beyond the \$5.2 million cost of Phase 1A.	
6610-492—Extension of liquidation period, California State University. Notwithstanding any other provision of law, the following shall be available for liquidation until June 30, 2002: Item 6610-301-0658, Budget Act of 1996 (Ch. 162, Stats. 1996) California State University, Dominguez Hills. (6) 06.54.072-Central Plant Infrastructure Upgrade—Construction (\$765,000) California State University, San Diego. (22) 06.80.143-Science Laboratory Building—Construction (\$1,300,000).	
6610-495—Reversion, California State University. As of June 30, 2001, the unencumbered balance of the following appropriation shall revert to the Higher Education Capital Outlay Bond Fund of 1998: (1) Item 6610-302-0574, Budget Act of 1999 (Ch. 50, Stats. 1999) (4.5) 06.67.087-Humboldt State University: Behavior and Social Sciences Phase 1—Working drawings and construction.	

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6870-001-0001—For support of Board of Governors of the California Community Colleges (Proposition 98)	14,129,000

Schedule:

- |  |            |
|--|------------|
| (1) 10-Apportionments.....                   | 1,412,000  |
| (2) 20-Special Services and Operations ..... | 18,904,000 |
| (3) 30.01-Administration.....                | 5,459,000  |
| (4) 30.02-Administration—Distributed .....   | -5,459,000 |
| (4.5) 97.20.004-Local Projects .....         | 750,000    |
| (5) Reimbursements.....                      | -6,937,000 |

Provisions:

1. Funds appropriated in this item may be expended or encumbered to make one or more payments under a personal services contract of a visiting educator pursuant to Section 19050.8 of the Government Code, a long-term special consultant services contract, or an employment contract between an entity that is not a state agency and a person who is under the direct or daily supervision of a state agency, only if all of the following conditions are met:
  - (a) The person providing service under the contract provides full financial disclosure to the Fair Political Practices Commission in accordance with the rules and regulations of the commission.
  - (b) The service provided under the contract does not result in the displacement of any represented civil service employee.
  - (c) The rate of compensation for salary and health benefits for the person providing service under the contract does not exceed by more than 10 percent the current rate of compensation for salary and health benefits determined by the Department of Personnel Administration for civil service personnel in a comparable position. The payment of any other compensation or any reimbursement for travel or per diem expenses shall be in accordance with the State Administrative Manual and the rules and regulations of the Department of Personnel Administration.
2. Of the funds in Schedule (2) of this item, \$100,000 shall be available, on a one-time basis, for the California Community Colleges to contract with an independent consultant to collect

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baseline data for the Teacher and Reading Development Partnership funded in Schedule (7) of Item 6870-101-0001.	
3. Of the funds appropriated in Schedule (4.5) of this item, \$750,000 shall be available for the California Community Colleges to contract with an institution of higher education within California to operate a Community College Leadership Institute to coordinate education and training opportunities for community college faculty, classified staff, trustees, and administrators for leadership roles in California Community Colleges.	
6870-001-0574—For support of Board of Governors of the California Community Colleges, Program 20.40.010-Facilities Planning, payable from the Higher Education Capital Outlay Bond Fund of 1998.....	961,000
6870-001-0909—For support for the Board of Governors of the California Community Colleges, Program 20.30.020-Instructional Improvement and Innovation, payable from the Special Grant Cash Account of the Fund for Instructional Improvement Program	10,000
6870-001-0925—For support of Board of Governors of the California Community Colleges, Program 20.30.050-Economic Development, payable from the California Business Resources and Assistance Innovation Network Fund .....	14,000
6870-101-0001—For local assistance, Board of Governors of the California Community Colleges (Proposition 98).....	2,733,941,000
Schedule:	
(1) 10.10.010-Apportionments .....	1,703,182,000
(2) 10.10.020-Basic Skills, CalWORKs, Apprenticeship .....	47,211,000
(3) 10.10.030-Growth for Apportionment .....	106,841,000
(4) 10.10.040-Partnership for Excellence.....	307,600,000
(5) 20.10.005-Student Financial Aid Administration .....	18,149,000
(6) 20.10.010-Extended Opportunity Programs and Services and Special Services .....	93,439,000
(8) 20.10.020-Disabled Students.....	79,581,000
(10) 20.10.045-Special Services for CalWORKs Recipients.....	65,000,000

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(11) 20.10.060-Foster Care Education Program.....	1,866,000
(12) 20.10.070-Matriculation.....	76,289,000
(12.5) 20.20.015-Faculty and Staff Development.....	5,233,000
(13) 20.20.020-Academic Senate for the Community Colleges.....	497,000
(14) 20.20.040-Faculty and Staff Diversity.....	1,859,000
(15) 20.20.050-Part-Time Faculty Health Insurance.....	1,000,000
(19) 20.30.011-Telecommunications and Technology Infrastructure.....	44,300,000
(20) 20.30.012-California Virtual University.....	2,900,000
(21) 20.30.020-Instructional Improvement, for transfer to the Community Colleges Fund for Instructional Improvements.....	1,630,000
(21.5) 20.30.045-Fund for Student Success.....	16,218,000
(22) 20.30.050-Economic Development.....	50,172,000
(23) 20.30.070-Transfer Education and Articulation.....	3,974,000
(24) 20.40.025-Scheduled Maintenance/Special Repairs.....	49,000,000
(25) 20.40.035-Instructional Equipment and Library Materials Replacement.....	49,000,000
(26) 20.40.040-Hazardous Substances..	8,000,000
(27) 20.20.085-Cañada College Joint-Use Baccalaureate.....	1,000,000

Provisions:

1. The funds appropriated in Schedules (1), (2), (3), (4), (5), (6), (8), (10), (11), (12), (14), (15), (12.5), (19), (22), and (25) are for transfer by the Controller during the 2001–02 fiscal year to Section B of the State School Fund.
2. Of the funds appropriated in Schedule (1), Appropriations, up to \$100,000 is for a maintenance allowance, pursuant to regulations adopted by the board of governors. Up to \$500,000 is to reimburse colleges for the costs of federal aid repayments related to assessed fees for fee waiver recipients. This reimbursement only applies to

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students who completely withdraw from college before the census date.	
3. Notwithstanding any other provision of law, \$26,482,000 of the funds appropriated in Schedule (2) shall be for allocation to community college districts in the 2001–02 fiscal year for the purposes of funding FTES in courses in basic skills, including English-as-a-second-language courses and workforce preparation courses for newly legalized immigrants, to the extent the total FTES claimed by a district for the 2001–02 fiscal year exceeds the level of total FTES funded for that district in the 2001–02 fiscal year. The Chancellor of the California Community Colleges shall develop criteria for allocating these funds.	
4. (a) Of the amount appropriated in Schedule (2), up to \$12,729,000 shall be available as necessary upon certification by the Chancellor of the California Community Colleges for the purpose of funding community college-related and supplemental instruction pursuant to Section 3074 of the Labor Code as provided in Section 8152 of the Education Code. No community college district shall use funds available under this provision to offer any new apprenticeship training program or the expansion of any existing program unless the new program or expansion has been approved by the chancellor.	
(b) Notwithstanding Section 8152 of the Education Code, each 60-minute hour of teaching time devoted to each indentured apprentice enrolled in and attending classes of related and supplemental instruction as provided under Section 3074 of the Labor Code shall be reimbursed at the rate of four dollars and eighty-six cents (\$4.86) per hour. For purposes of this provision, each hour of teaching time may include up to 10 minutes for passing time and breaks.	
5. Notwithstanding any other provision of law, the funds appropriated in Schedule (3) of this item shall only be allocated for growth in FTES, on a district-by-district basis, as determined by the Chancellor of the California Community Colleges.	

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6. Funds provided in Schedule (4) are for the Partnership for Excellence Program established pursuant to Section 84754 of the Education Code. It is the intent of the Legislature that community college districts increase the level of instruction and student services provided to meet the system-wide goal for student transfer. The goal for the California Community Colleges is to increase the number of "transfer ready" students to provide enough applicants to increase by at least 6 percent annually the number of transfer students eligible to enroll at the University of California through the year 2005–06. The goal is also to increase the number of "transfer ready" students to provide enough eligible applicants to increase by at least 5 percent annually the number of transfer students eligible to enroll at the California State University through the year 2005–06.

Colleges accepting Partnership for Excellence funds shall, in connection with their transfer center planning process and annual updates, prepare a set of campus goals for annual change in transfer of eligible students through the 2005–06 academic year, a rationale for selecting those goals, and a plan for achieving those goals. These campus transfer goals, rationale, and plans shall be submitted to the Chancellor's Office of the California Community Colleges, as part of the annual update of the transfer center plan, no later than December 1, 2001. The Chancellor's Office of the California Community Colleges shall compile and submit campus transfer goals for annual change, the rationale for selecting those goals, and plans to achieve those goals to the Governor and the Legislature no later than February 1, 2002.

In administering the provisions of Sections 66734 and 84754 of the Education Code, the chancellor shall review the capacity and readiness of each community college district to meet the needs of students desiring to transfer. From within existing resources, the chancellor shall provide technical assistance to community college districts as necessary to assure that each community college district identifies options to use its local resources most effectively for providing reasonable opportunities to transfer for students served by the district. Technical assistance shall be pro-



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vided to any college with persistently low numbers or rates of transfer, with the goal that the number of transfers will increase by an average of 10 percent annually, as necessary to overcome these low numbers or rates by the 2004–05 academic year. On or before March 1, 2002, the chancellor shall provide a progress report to the Governor and the Legislature on this review and technical assistance, and, on or before April 15 of each year thereafter, shall report on progress each community college has made in increasing the number of transfers, along with campus expenditures on transfer-related activities, as part of the annual Partnership for Excellence report submitted to the Governor and the Legislature in accordance with paragraph (1) of subdivision (e) of Section 84754 of the Education Code.

7. Of the funds appropriated in Schedules (2) and (5), the funds not required for the 2001–02 fiscal year to meet the demand for the programs funded under those schedules shall be made available on a one-time basis for general apportionment under Schedule (1) of this item, provided that no transfer shall occur prior to May 15, 2002.
8. Of the funds provided in Schedule (5), \$11,000,000 shall be used to ensure that all eligible students have access to Cal-Grants. The chancellor shall allocate these funds by providing \$25,000 to each college, and distributing the remaining funds proportionally based on each individual college's respective share of total Pell Grant recipients.
9. Of the funds appropriated in Schedule (6), \$81,663,000 is for Extended Opportunity Programs and Services in accordance with Article 8 (commencing with Section 69640) of Chapter 2 of Part 42 of the Education Code. Of this amount \$6,000,000 represents an augmentation and may only be allocated to serve 10,000 additional students over the number served in the 1999–2000 fiscal year. Funds provided in this item for Extended Opportunity Programs and Services (EOPS) shall be available to students on all campuses within the California Community College system, including those students on new campuses or in new districts. \$11,775,000 is for funding, at all colleges, the Cooperative Agencies Re-

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- sources for Education (CARE) program in accordance with Article 4 (commencing with Section 79150) of Chapter 9 of Part 48 of the Education Code. The board of governors shall allocate funds on a priority basis and to local programs on the basis of need for student services.
10. Of the funds appropriated in Schedule (6), at least \$7,000,000 shall only be available to increase the amount of grants to students for purchasing books. In addition, these funds shall not supplant the amount of resources used for book grants by the community colleges in Extended Opportunity Programs and Services.
  11. (a) The funds appropriated in Schedule (8) are for local assistance for funding the excess direct instructional cost of providing special support services or instruction, or both, to disabled students enrolled at community colleges, and for state hospital programs.
    - (b) Of the amount appropriated in Schedule (8), \$3,945,000 shall be used to address deficiencies identified by the federal Office of Civil Rights (OCR) as follows:
      - (1) \$597,000 to provide access to print information to visually impaired students by creating and printing Braille versions of written materials.
      - (2) \$3,348,000 to provide accessibility to hearing impaired distance education students by having live and closed captioning on telecourses and other video and Internet related instructions.
    - (c) Of the amount appropriated in Schedule (8) at least \$943,000 shall be used for support of the High Tech Centers for activities including, but not limited to, training of district employees, staff and students in the use of specialized computer equipment for the disabled. All High Tech Centers shall meet standards developed by the chancellor's office. Colleges that receive these augmentations shall not supplant existing resources provided to the centers.
    - (d) Notwithstanding any other provision of law, of the funds appropriated in Schedule (8) of this item, \$1,529,000 shall be for state hospital adult education programs at the hospi-

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tals served by the Coast, Kern, and West Valley Community College Districts since the 1986–87 fiscal year. The amount provided includes the level of funding provided for these state hospital programs in the 1986–87 fiscal year, plus subsequent cost-of-living adjustments if provided. If adult education services at any of the three hospitals are not supported by the community colleges in the 2001–02 fiscal year, the associated funds shall, upon order of the Department of Finance, after 30 days' notice to the Chairperson of the Joint Legislative Budget Committee, be transferred to the State Department of Developmental Services (DDS). For any transfer of funds to DDS during the 2001–02 fiscal year, the Proposition 98 base funding levels for community colleges and DDS shall be adjusted accordingly.

12. The funds for the Fund for Student Success in Schedule (21.5), with the exception of the funds identified in subdivisions (c) and (d) of this provision, shall be used for competitive grants to increase student success based on an analysis of student outcomes. The funds used for these grants shall be available for a limited duration, after which colleges shall institutionalize the programs within their budgets. The chancellor shall develop criteria for allocation of the competitive grants. Of the funds appropriated in Schedule (21.5):
  - (a) \$1,000,000 shall be available for small planning grants of up to one year duration for innovative projects aimed at improving student success.
  - (b) \$8,985,000 shall be available for the initial year of two or three year innovative projects aimed at improving student success where the state share shall be no greater than 75% of the costs of the first year and no more than 25% in the last.
  - (c) Up to \$1,944,000 is for the Puente Project to support 75 colleges and is available if these funds are matched by \$100,000 of private funds and the participating community colleges and University of California campuses maintain their 1995–96 support level for the

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Puente Project. These funds will be subject to the same local match agreement as existing programs. These funds are not required to be allocated on a temporary basis and may be allocated on a permanent basis to support a Puente Project that meets the conditions of the Puente Project contract agreement. All funding shall be allocated directly to participating districts in accordance with their participation agreement.

- (d) Up to \$2,489,000 is for the Mathematics, Engineering and Science Achievement (MESA) Programs. These funds are not required to be allocated on a temporary basis and may be allocated on a permanent basis provided the conditions for receipt of funds continue to be met. For each dollar allocated, the recipient district shall provide one dollar in matching funds.
- (e) No less than \$1.8 million is reserved for maintaining middle college programs pursuant to the Governor's initiative. Of the funds provided herein, the chancellor shall have the discretion to extend the grant period beyond the normal pattern for the Fund for Student Success as necessary to meet the goals of the initiative.
- (f) With the exception of special part-time students at the community colleges pursuant to Section 48802 of the Education Code, student workload based on participation in the Middle College High School Program shall not be eligible for community college state apportionment.

As a condition of receipt of funds pursuant to subdivisions (a) and (b), colleges must submit to the chancellor's office a yearly report including: an expenditure plan, a progress report detailing number of students served, and the ability of the college to increase student success based on an analysis of student outcomes. It is the intent that the chancellor's office submit an annual report to the Legislature and Department of Finance by November 1, of each year. The report shall include an analysis of the programs funded at each campus, including the effects on student outcomes. The chancellor shall also identify any

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colleges which did not continue operation of the program after state funds have ceased and the reasons therefore.

13. The funds appropriated in Schedule (10) are for the purpose of assisting welfare recipient students and those in transition off of welfare to achieve long-term self-sufficiency through coordinated student services offered at community colleges including: work study; other educational related work experience; job placement services; child care services; and coordination with county welfare offices to determine eligibility and availability of services. All services funded in this schedule shall be for current CalWORKs recipients or prior CalWORKs recipients who are in transition off of cash assistance for no more than two years. Current cash assistance recipients may utilize these services until their initial educational objectives are met. Former recipients in transition off of cash assistance may utilize these services for a period of up to two years after leaving cash assistance subject to the conditions of this provision. These funds shall be used to supplement and not supplant existing funds and services provided for CalWORKs recipients attending community colleges. The chancellor shall develop an equitable method for allocating funds to all districts and colleges based on the relative numbers of CalWORKs recipients in attendance and shall allocate funds for the following purposes:
  - (a) Job placement.
  - (b) Coordination with county welfare offices and other local agencies, including local workforce investments boards.
  - (c) Curriculum development and redesign.
  - (d) Child care and work study.
  - (e) Instruction.
  - (f) Postemployment skills training and related skills.

Of the amount appropriated in Schedule (10) of this item, at least \$49,500,000 shall be allocated for the purposes identified in subdivision (a) and (d) of this provision and, of this amount, not less than \$15,000,000 shall be for child care. Funds utilized for subsidized child care shall be for children of CalWORKs recipients through

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campus-based centers or parental choice vouchers at rates and with rules consistent with those applied to related programs operated by the State Department of Education, including parental contribution schedules. Subsidized campus child care for CalWORKs recipients may be provided during the period they are engaged in qualifying state and federal work activities through attainment of their initial education and training plan and for up to three months thereafter or until the end of the academic year, whichever period of time is greater.

Funds utilized for work study shall be used solely for payments to employers that currently participate in campus-based work-study programs or are providing work experiences that are directly related to and in furtherance of student educational programs, provided that those payments may not exceed 75 percent of the wage for the work study positions; the employers shall pay at least 25 percent of the wage for the work study position. These funds may be expended only if the total hours of education, employment, and work study for the student are sufficient to meet both state and federal minimum requirements for qualifying work-related activities.

The balance of funds allocated for (a) and (d) of this provision shall provide either job placement, instructional services, work study or child care for CalWORKs students. Funds can be used to provide credit or noncredit classes for CalWORKs students if a district has committed all of its funded FTES and is unable to offer the additional instructional services to meet the demand for CalWORKs students. This determination shall be based on fall enrollment information. Districts shall make application to the chancellor's office by October 15. If the chancellor approves the use of funds for direct instructional workload, the chancellor's office shall submit a report to the Joint Legislative Budget Committee by November 15, 2001, that (a) identifies the enrollment of new CalWORKs students, (b) states whether and why additional classes were needed to accommodate the needs of CalWORKs students, and (c) sets forth an expenditure plan for the balance of funds.

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As a condition of receipt of the funds appropriated in Schedule (10), by the fourth week following the end of the semester or quarter term commencing in January 2002, each participating community college shall submit to the chancellor's office a report, in the format specified by the chancellor, in consultation with the Department of Social Services, that includes but may not be limited to the funded components, the number of hours of child care provided, average monthly enrollment of CalWORKs dependents served in child care, the number of work study hours provided, the hourly salaries and type of jobs, the number of students being case managed, the short-term programs available, student participation rates, and other outcome data. It is intended that, to the extent practical, reporting from colleges utilize data gathered for federal reporting requirements at the state and local level. Further, it is intended that the chancellor's office compile the information for annual reports to the Legislature, the Governor, the Legislative Analyst, and the Departments of Finance and Social Services by October 15 of each year as specified in the annual Budget Act.

First priority for expenditures of any funds appropriated in Schedule (10) shall be in support of current CalWORKs recipients. However, if caseloads are insufficient to fully utilize all of the funding in this schedule in a cost beneficial way, it is intended that up to \$10,000,000 may be allocated for providing postemployment services to former CalWORKs recipients who have been off of cash assistance for no longer than two years to assist them in upgrading skills, job retention, and advancement. Allowable services include direct instruction that cannot be funded under available growth funding, child care to support attendance in these classes consistent with this provision, job development and placement services, and career counseling and assessment activities which cannot be funded through other programs. Child care services may only be provided for periods commensurate with a student's need for postemployment training within the two-year transitional period.

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Prior to allocation of funds for post-employment services, the chancellor shall first secure the approval of the Department of Finance for the allocations; complete a cumulative report on the outcomes, activities, and cost-effectiveness of the program no later than October 15, 2001, in compliance with the Budget Acts of 1998, 1999, and 2000 (Ch. 324, Stats. 1998, Ch. 50, Stats. 1999 and Ch. 52, Stats. 2000) and this act, and shall provide the rationale and justification for the proposed allocation of postemployment services to districts for transitional students.

14. Of the funds appropriated in Schedule (2) \$8,000,000 is to fund additional fixed, variable, and one-time costs for providing support services and instruction for CalWORKs students which include but are not limited to: job placement and coordination; curriculum development and redesign; child care and work study; and instruction. As a condition for funding, colleges are required to submit a plan to the chancellor's office on how the funds will be utilized which shall be based on collaboration with county welfare offices about the services and instruction that is needed for CalWORKs recipients. The funds matched by federal TANF block grant funds and scheduled in Item 6870-111-0001(1) are also subject to all these same conditions.
15. Nonfederal funds appropriated in Schedules (2) and (10) of this item have been budgeted to meet the state's Temporary Assistance for Needy Families maintenance of effort requirement pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and may not be expended in any way that would cause their disqualification as a federally allowable maintenance of effort expenditure.
16. The funds in Schedule (11) of this item shall be allocated to provide foster parent training. Funds shall be allocated in such a manner as to ensure priority for training required by Section 1529.2 of the Health and Safety Code. Districts shall make services available to foster parents to satisfy the requirements of Section 1529.2 of the Health and Safety Code as a first priority. Re-



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maining funds may be used for services to foster child relative caretakers and for additional parenting skills, thereafter.

18. (a) The funds appropriated in Schedule (12) are for the purpose of student matriculation, as specified in Article 1 (commencing with Section 78210) of Chapter 2 of Part 48 of the Education Code.
- (b) Of the amount appropriated in Schedule (12), an amount equal to 15.64 percent of that amount shall be allocated to community college districts on a one-to-one matching fund basis to provide matriculation services to include, but not be limited to, orientation, assessment, and counseling for students enrolled in designated noncredit classes and programs who may benefit most, as determined by the Chancellor of the California Community Colleges pursuant to Sections 78216 to 78218, inclusive, of the Education Code.
21. (a) \$23,600,000 of the funds provided in Schedule (19) shall be for the purpose of providing allocations to all districts. It is the intent that colleges receiving these funds shall maintain all of the capabilities specified in the Budget Acts of 1996 through 2001 for the Telecommunications and Technology Infrastructure program. The funds appropriated in this item shall be allocated by the chancellor, shall not supplant existing funds used for technology and networking purposes, and shall be subject to established fiscal controls, annual reporting and accountability requirements specified by the chancellor. It is the intent that this allocation shall enable further development of networks. Therefore, colleges shall match maintenance and ongoing costs with other funds, after installation, for the following required purposes: (1) maintenance of communication lines, software and other costs associated with connecting to the collaborative California State University/California Community College telecommunications wide area network (4C Net); (2) video conference connectivity, transport,

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maintenance, and training; (3) local planning and development for improving library technology including library automation, connections to college local area networks and connections to external data bases; (4) digital satellite systems and the following optional purposes: (A) the development, expansion, and maintenance of local area networks both within and between buildings; (B) development, expansion, and maintenance of districtwide wide area networks for interconnecting multiple campuses and off-campus centers within a district; and (C) implementation of local technology applications that are intended to improve student learning and other services.

The chancellor shall allocate the \$23,600,000 by providing \$197,811 for each of the 109 colleges and \$45,000 for each of the 20 governing sites that are not colocated with the colleges. \$1,138,650 of that amount shall be used to fund three new colleges and three new district sites with one-time startup costs of \$289,775 per college and \$89,775 per district site. New colleges are not eligible for ongoing and one-time funds until accreditation. If accreditation does not occur in the 2001–02 year, the funds are to be distributed evenly among the remaining colleges. All provisions related to technology standards and telecommunication plans as specified in Provision 17(a) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1996 (Ch. 162, Stats. 1996) and Provision 14(a) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1997 (Ch. 282, Stats. 1997), shall apply.

- (b) \$12,700,000 of the funds provided in Schedule (19) of this item shall be for the purpose of supporting technical and application innovations and for coordination of activities that serve to maximize the utility of the technology investments of the community college system toward improving learning outcomes. Allocations shall be made by the chancellor, based on criteria and guidelines

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as developed by the chancellor, on a competitive basis through the RFA/RFP application process as follows:

- (1) At least \$700,000 shall be available for technical and application pilot projects that improve intercollege relationships in the areas of: (a) learning and instructional services; (b) student services; and (c) administrative services, however not more than 25 percent of the amount shall be allocated for this purpose.
- (2) All provisions as specified in Provision 17(b)(2) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1996 (Ch. 162, Stats. 1996) shall apply to Provision (1) above.
- (3) Not more than \$10,000,000 shall be available for centers to provide regional coordination for technical assistance and planning, cooperative purchase agreements, and faculty and staff development. All other provisions as specified in Provision 17(b)(3) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1996 (Ch. 162, Stats. 1996) shall apply. \$4.0 million is intended to fund the segment's share of upgrading the 4C Net backbone from an OC-3 to an OC-12 Network and shall be matched dollar for dollar by the CSU. If this condition is not met, the chancellor shall report the reasons the expenditure should still be made on any other use of the funds using the reporting provisions of the Section 28.00 process. \$2.3 million is for the development and implementation of a systemwide audio bridging and telephony capability of the 4C Net backbone to facilitate collaboration of faculty, students, and staff in instruction, student services, and shared governance activities.
- (4) \$2,000,000, or as much as necessary, shall be available for a statewide digital uplink for the purpose of delivering statewide satellite services to system

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- colleges and districts related to instruction, student support, and administration.
- (c) \$8,000,000 of the funds provided in Schedule (19), shall be for allocations to community college districts to fund faculty and staff training in the use of technology to assist learning (including distance education and online courses), expand access, and contribute to student success. The chancellor shall develop an allocation formula that reflects the number of faculty and provides a minimum grant for small sites. The disbursement of funds shall be contingent upon inclusion of a satisfactory staff development component by each district within its telecommunications and technology use plan, as specified by the chancellor. Districts may not use these funds to supplant existing training and staff development efforts related to technology; the chancellor shall ensure that these funds are used for additional training and development in the use of technology. The use of technology training allocations shall be included in reports required for this program.
- (d) The chancellor shall submit an annual report to the Legislative Analyst, the budget and fiscal committees of the Legislature, and the Department of Finance no later than November 1, 2001, identifying any changes to the standards developed pursuant to the control provisions for this program in the Budget Act of 1997 (Ch. 282, Stats. 1997), the status of the implementation of the telecommunication and technology infrastructure program to date and any additional needs, including the reasons therefore.
22. The funds provided in Schedule (20) of this item shall be available for grants to districts to fund California Virtual University distance education centers, for instructing faculty in teaching courses online, and other expenses for conversion of courses for distance education. The funds appropriated in this item shall not supplant existing funds and shall be subject to established fiscal controls, annual reporting and account-

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ability requirements specified by the chancellor. The chancellor shall develop criteria for the allocation of these funds. As a condition of receipt of the funds, colleges are required to submit to the chancellor's office reports in a format specified by the chancellor sufficient to document the value and productivity of this program including but not limited to numbers and nature of courses converted, and the amount of distance education instructional workload services provided as a result of these courses. It is intended that the chancellor's office further develop the reporting criteria for participating colleges and submit that for review along with an annual progress report on program implementation to the Legislative Analyst, Office of the Secretary for Education, and the Department of Finance no later than November 1, 2001, for review and comment.

23. Of the funds provided in Schedule (22) of this item for the Economic Development Program:
- (a) No more than \$17,536,000 shall be allocated for grants for regional business resources assistance and innovation Network Centers.
  - (b) No less than \$21,387,000 shall be allocated for Industry Driven Regional Education and Training Collaboratives. These grants shall be made on a competitive basis and the award amounts shall not be restricted to any predetermined limit, but rather shall be funded on their individual merits. Of this allocation, \$5,000,000 shall only be available for additional regional collaboratives to address information technology, nursing, and biotechnology, workforce development services. These funds shall not supplant the amount of resources used in the 2000–01 fiscal year for regional collaboratives in these service areas.
  - (c) No more than \$4,149,000 shall be allocated for statewide network leadership, organizational development, coordination, information and support services, or other program purposes.
  - (d) \$5 million shall be available for Job Development Incentive Training programs focused on job creation for public assistance recipients. Any annual savings from this

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- subdivision shall only be available for expenditure for one-time activities listed under subsection (j) of Section 88531 of the Education Code.
- (e) No more than \$2.1 million shall be allocated for Mexican International Trade Centers established pursuant to Section (a) of Ch. 959, Statutes of 1999.
  - (f) The following provisions apply to the expenditure of funds within subdivisions (a) and (b) above: Funds allocated for centers and regional collaboratives shall seek to maximize the use of state funds for subdivisions (g) through (j) of Section 88531 of the Education Code. Funds allocated to districts for purposes of subdivisions (g) and (i) of Section 88531 of the Education Code for performance-based training and student internships shall be matched by a minimum of one dollar of private business and industry funding for each one dollar of state funds. Funds allocated for purposes of subdivision (h) of Section 88531 of the Education Code for credit and noncredit instruction may be transferred to Schedules (1) or (3) to facilitate distribution at the chancellor's discretion. Any funds that become available from Network Centers due to savings, discontinuance or reduction of amounts shall first be made available for additional allocations in subdivision (b) above to increase the level of subsidized training otherwise available.
  - (g) Funds allocated by the board of governors under this provision shall not be used by community college districts to supplant existing courses or contract education offerings. The chancellor shall ensure that funds are spent only for expanded services and shall implement accountability reporting for districts receiving these funds to ensure that training, credit, and noncredit programs remain relevant to business needs. Programs that do not demonstrate continued relevance and support by business shall not be eligible for continued funding. The board of governors shall consider the level of involvement and financial commitments of business and

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- industry as primary factors in making awards. The chancellor shall incorporate grant requirements into its guidelines for audits of Economic Development grants.
24. Of the funds appropriated in Schedule (23), \$589,000 is for Project Assist, \$835,000 is for the California Articulation Number (CAN) system, \$550,000 is for faculty articulation workshops through fiscal year 2004–05, and \$2,000,000 is to be used for transfer grants designed to improved student success in transferring to the University of California and the California State University at community colleges with historically low rates of transfer to those institutions. The \$2,000,000 for transfer grants shall be administered by the Chancellor of the California Community Colleges and may be used to augment existing transfer centers or to establish transfer academies at community colleges with historically low rates of transfer to the University of California and the California State University.
  25. The funds appropriated in Schedule (24) of this item shall be distributed by the Chancellor of the California Community Colleges to community college districts on a project-by-project basis based on priority of need for the project. As a condition of receiving these funds, a district shall certify that it will increase its operations and maintenance spending from 1995–96 fiscal year actual levels by the amount of the allocation plus an amount to be provided from district discretionary funds equivalent to \$1 for each \$1 of state funds. The chancellor may waive all or a portion of the matching requirement, case by case, based upon a review of a district's financial condition. The question of whether a district has complied with its resolution shall be reviewed under the annual audit of that district.
  26. The funds appropriated in Schedule (25) are available for the purpose of providing community college districts with funds to replace high priority instructional equipment, and library materials. The Chancellor of the California Community Colleges shall allocate these funds on the basis that, for every \$3 of funds allocated from

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Schedule (25) of this item, the recipient district shall provide \$1 in matching funds. These funds shall not be used for personal services costs or operating expense.

Of the funds appropriated in Schedule (25), \$5 million is available only to institute competitive matching grants for workforce development instructional equipment based on the ability of the grant to leverage the best industry match, at a minimum \$1 industry for every \$2 allocated by the state. Up to 10% of these grants may be authorized for staff training in the use of new equipment.

27. Of the funds appropriated in Schedules (24), (25) and (26) of this item, the Chancellor of the California Community Colleges shall have the discretion to transfer funds among these schedules to fund the highest infrastructure priorities of the system. Funds from Schedules (24) and (26) of this item may be used to fund architectural barrier removal projects that meet the requirements of the federal Americans with Disabilities Act of 1990 and seismic retrofit projects limited to \$400,000. Districts that receive funds for architectural barrier removal projects shall provide a \$1 match for every \$1 provided by the state. The amounts in Schedules (24) and (26) shall be available for expenditure until June 30, 2003.
28. The funds appropriated in Schedule (27) of this item shall be allocated on a one-time basis to the San Mateo County Community College District for the Cañada College and California State University, San Francisco Partnership Project. Notwithstanding any other provision of law, a portion of the allocation may be redirected to provide capital outlay scope and equipment funding for the project upon the approval of the Director of Finance.
29. Pursuant to Sections 69648.5, 78216, and 84850 of the Education Code, the Board of Governors of the California Community Colleges may allocate funds appropriated in Schedules (6), (8), and (12) of this item by grant or contract, or through the apportionment process, to one or



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more districts for the purpose of providing program evaluation, accountability, monitoring, or program development services, as appropriate under the applicable statute.	
6870-101-0814—For local assistance, Board of Governors of the California Community Colleges, for allocation by the Controller in accordance with the provisions of Section 8880.5 of the Government Code as enacted by the voters in Proposition 37 at the November 1984 general election, payable from the California State Lottery Education Fund.....	137,163,000
Provisions:	
1. All funds received pursuant to Proposition 37 that are allocable to community college districts pursuant to Section 8880.5 of the Government Code, that are in excess of the amount appropriated in this item, are hereby appropriated in augmentation of this item.	
6870-101-0909—For local assistance, Board of Governors of the California Community Colleges, payable from the Community College Fund for Instructional Improvement .....	1,975,000
Schedule:	
(1) 20.30.021-Instructional Improvement Grants .....	1,630,000
(2) 20.30.022-Instructional Improvement Loans.....	345,000
6870-101-0925—For local assistance, Board of Governors of the California Community Colleges, Program 20.30.050-Economic Development, payable from California Business Resources and Assistance Innovation Network Fund .....	15,000
6870-101-0959—For local assistance, Board of Governors of the California Community Colleges, for Program 20.10.060-Student Services-Foster Parent Training Program, payable from the Foster Children and Parent Training Fund pursuant to Section 903.7 of the Welfare and Institutions Code .....	2,967,000
6870-102-0001—For local assistance, Board of Governors of the California Community Colleges.....	945,000
Provisions:	
1. The funds in this item shall be allocated for the following local projects:	
(a) City College of San Francisco: Support Funding for Phase 1 of the facility to be jointly used by	

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<ul style="list-style-type: none"> <li>City College and San Francisco State University for Teacher Preparation, Child Development and early Childhood Education, and Community Health ..... (300,000)</li> <li>(b) San Francisco Community College: Mission Campus ..... (200,000)</li> <li>(c) Santa Ana Community College: Phillips Hall renovation ..... (70,000)</li> <li>(d) Compton Community College: Compton Community College Stadium Retrofit ..... (150,000)</li> <li>(e) Hartnell Community College: Health Professions Skills Enhancement Program ..... (225,000)</li> </ul>	
6870-103-0001—For local assistance, Board of Governors of the California Community Colleges (Proposition 98), to allow selected community colleges to make the required lease-purchase payments.....	61,907,000
Schedule:	
(1) Rental and administration.....	64,886,000
(2) Reimbursements.....	-2,979,000
Provisions:	
1. The funds appropriated in this item are for transfer by the Controller during the 2001–02 fiscal year to Section B of the State School Fund.	
2. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
6870-111-0001—For local assistance, Board of Governors of the California Community Colleges.....	0
Schedule:	
(1) 10.20-CalWORKs Services Match .	8,000,000
(1.5) 20.10.015-AmeriCorps Program..	4,345,000
(2) 20.10.060-Foster Parent Training ...	6,589,000
(3) 20.30.030-Vocational Education.....	57,871,000
(4) Reimbursements.....	-76,805,000
Provisions:	
1. The amounts appropriated in Schedules (1) and (3) of this item are for transfer by the Controller to Section B of the State School Fund.	

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6870-295-0001—For local assistance, Board of Governors of the California Community Colleges, (Proposition 98), for reimbursement, in accordance with provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandate by statute or executive order, for disbursement by the Controller.....	1,691,000
Schedule:	
(1) 98.01.000.184—Health Fees (Ch. 1, Stats. 1984, 2nd Ex. Sess.).....	1,691,000
Provisions:	
1. Except as provided in Provision 2 of this item, allocation of funds appropriated in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated by this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.	
2. If the scheduled amount is insufficient to provide full reimbursement of costs, the State Controller may, upon written approval by the Director of Finance, augment those deficient amounts from the unencumbered balance of Item 6110-295-0001 of this act. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriation and the Chairperson of the Joint Legislative Budget Committee or his or her designee.	
6870-301-0574—For capital outlay, Board of Governors of the California Community Colleges to be allocated by the Board of Governors to community college districts for expenditure as set forth in the schedule below, payable from the 1998 Higher Education Capital Outlay Bond Fund .....	155,892,000

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Schedule:	
Systemwide	
(1) 40.01.002-Planning and Studies .....	108,000
Antelope Valley Community College District	
Antelope Valley College	
Allan Hancock Community College District	
Allan Hancock College	
(1.5) 40.02.112-Library/Media Tech Center—Preliminary plans.....	317,000
(2) 40.03.113-Technology Building— Equipment .....	403,000
Barstow Community College District	
Barstow College	
(3) 40.04.101-Library/Learning Re- source Center—Equipment .....	1,301,000
Butte Community College District	
Butte College	
(4) 40.05.105-Allied Health and Public Service—Equipment .....	1,556,000
(4.1) 40.05.106-Learning Resource Center—Preliminary plans.....	597,000
Cabrillo Community College District	
Cabrillo College	
(5) 40.06.108-Horticulture Facilities Replacement—Equipment .....	114,000
Cerritos Community College District	
Cerritos College	
(6) 40.07.113-Seismic Retrofit- Administration—Construction .....	1,200,000
(7) 40.07.114-Seismic Retrofit-Liberal Arts—Construction .....	1,003,000
(8) 40.07.115-Seismic Retrofit-Social Science—Construction .....	2,441,000
(9) 40.07.116-Seismic Retrofit- Metals—Preliminary plans and working drawings .....	104,000
(10) 40.07.117-Seismic Retrofit- Electronics—Preliminary plans and working drawings.....	68,000
(11) 40.07.118-Science and Math Com- plex-Life Safety—Preliminary plans and working drawings.....	1,214,000
Chaffey Community College District	
Chaffey College	
(12) 40.08.109-Science Building— Preliminary plans and working drawings.....	673,000

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Citrus Community College District	
Citrus College	
(13) 40.09.120-Math/Science Building Replacement—Preliminary plans and working drawings.....	788,000
Desert Community College District	
College of the Desert	
(14) 40.10.112-Seismic Retrofit-Dining Hall—Preliminary plans and working drawings.....	78,000
Compton Community College District	
Compton College	
(15) 40.12.107-Seismic Replacement/Expansion LRC—Equipment.....	2,007,000
(16) 40.12.109-Child Development Center—Equipment.....	262,000
Contra Costa Community College District	
Diablo Valley College	
(17) 40.13.218-Life Science Renovation—Working drawings and construction.....	8,730,000
(18) 40.13.219-Seismic Retrofit-Humanities Building—Preliminary plans, working drawings, and construction .....	894,000
(18.1) 40.13.220-Life Science Remodel for Laboratories—Preliminary plans.....	162,000
Los Medanos College	
(18.2) 40.13.313-Learning Resource Center—Preliminary plans.....	359,000
San Ramon Valley Center	
(18.3) 40.13.400-Phase 1 Buildings—Preliminary plans.....	723,000
El Camino Community College District	
El Camino College	
(19) 40.14.109-Science Complex Renovation (H&S)—Construction.	14,211,000
Foothill-DeAnza Community College District	
Foothill College	
(19.5) 40.15.206-Center for Innovation and Interactive Learning—Equipment .....	1,656,000
Gavilan Community College District	
Gavilan College	
(20) 40.17.104-Adaptive Physical Education—Equipment.....	95,000

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Glendale Community College District Glendale College	
(20.3) 40.18.122-Allied Health/ Aviation Lab—Preliminary plans..	340,000
Grossmont-Cuyamaca Community College District	
Cuyamaca College	
(20.5) 40.19.116-Science and Technol- ogy Mall—Preliminary plans.....	543,000
Grossmont College	
(21) 40.19.206-LRC Addition— Equipment .....	1,120,000
(21.1) 40.19.207-Science Building— Preliminary plans .....	397,000
Hartnell Community College District Hartnell College	
(21.5) 40.20.101-Library/Learning Re- source Center—Preliminary plans.	738,000
Kern Community College District Cerro Coso College	
(22) 40.22.214-Library/Media Center Addition—Equipment .....	2,076,000
Eastern Sierra Center	
(23) 40.22.502-Initial Buildings— Equipment .....	2,334,000
Lake Tahoe Community College District Lake Tahoe Community College	
(24) 40.23.110-Phase II Facilities, South—Equipment .....	416,000
(24.1) 40.23.111-Learning Resource Center—Preliminary plans.....	407,000
Long Beach Community College District Long Beach City College	
(25) 40.25.115-Replacement of Tech- nology Buildings—Preliminary plans and working drawings.....	737,000
(26) 40.25.116-Child Development Center—Working drawings and construction .....	3,840,000
Los Angeles Community College District East Los Angeles College	
(27) 40.26.105-Technology Building— Construction .....	16,269,000
Los Angeles City College	
(28) 40.26.204-Child Care Develop- ment Center—Preliminary plans and working drawings.....	404,000

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Los Angeles Mission College	
(28.5) 40.26.408-Child Development Center—Preliminary plans.....	300,000
Los Angeles Southwest College	
(29) 40.26.606-Seismic Replacement-Student Services—Equipment.....	438,000
(29.1) 40.26.607-Child Development Center—Preliminary plans.....	230,000
Los Angeles Trade-Tech College	
(30) 40.26.701-Building F Mechanical System Conversion—Preliminary plans, working drawings, and construction .....	955,000
(30.1) 40.26.702-Child Development Center—Preliminary plans.....	215,000
Los Angeles Valley College	
(30.2) 40.26.803-Health Science Building—Preliminary plans .....	661,000
West Los Angeles College	
(30.3) 40.26.905-Child Development Center—Construction.....	4,360,000
Los Rios Community College District	
American River College	
(30.4) 40.27.102-Learning Resource Center Expansion.....	343,000
Folsom Lake Center	
(31) 40.27.502-Instructional Facilities, Phase 1B—Working drawings .....	1,353,000
Mendocino Lake Community College District	
Mendocino Community College	
(32) 40.29.117-Science Building—Working drawings.....	267,000
Merced Community College District	
Merced College	
(33) 40.30.114-Interdisciplinary Academic Center—Working drawings.	301,000
Mira Costa Community College District	
Mira Costa College	
(34) 40.31.108-Learning and Information Hub—Equipment .....	2,143,000
Monterey Peninsula Community College District	
Monterey Peninsula College	
(35) 40.32.101-Library and Technology Center—Equipment.....	3,942,000
(36) 40.32.102-Plant Service Complex (H&S)—Preliminary plans, working drawings, and construction .....	2,280,000

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Mt. San Antonio Community College District	
Mt. San Antonio College	
(37) 40.33.111-Seismic Retrofit-Four Buildings—Preliminary plans and working drawings .....	178,000
(38) 40.33.112-Science Building Replacement—Preliminary plans and working drawings.....	1,485,000
Mt. San Jacinto Community College District	
Menifee Valley Center	
(39) 40.34.211-Learning Resource Center—Preliminary plans and working drawings .....	704,000
North Orange Community College District	
Cypress College	
(39.5) 40.36.100-Library/Learning Resource Center—Preliminary plans .	650,000
Fullerton College	
(40) 40.36.200-Library/Learning Resource Center—Preliminary plans and working drawings .....	1,384,000
(41) 40.36.201-Seismic Retrofit-Home-Fine Arts Building—Working drawings and construction.....	2,533,000
Palo Verde Community College District	
Palo Verde College	
(41.5) 40.37.102-Technology Building Phase 2—Preliminary plans.....	292,000
Palomar Community College District	
Palomar College	
(42) 40.38.113-High Tech Laboratory-Classroom Building—Working drawings.....	1,063,000
Rancho Santiago Community College District	
Santiago Canyon College	
(43) 40.41.118-Learning Resource Center—Working drawings .....	312,000
Santa Ana College	
(44) 40.41.119-Seismic Retrofit, Auto Diesel—Construction .....	718,000
(45) 40.41.120-Seismic Retrofit, Library—Construction.....	1,933,000
(46.1) 40.41.124-Physical Education Seismic Replacement/Expansion—Preliminary plans.....	225,000



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Riverside Community College District	
Riverside College	
(47) 40.44.101-Learning Resource Center—Construction.....	21,093,000
Moreno Valley Center	
(47.1) 40.44.207-Child Development Center—Preliminary plans.....	67,000
Norco Valley Center	
(47.2) 40.44.307-Child Development Center—Preliminary plans.....	76,000
San Bernardino Community College District	
San Bernardino Valley College	
(48) 40.46.205-Child Development Center—Working drawings and construction .....	3,040,000
(50) 40.46.210-Seismic Retrofit, Auditorium—Construction.....	3,479,000
(51) 40.46.211-Seismic Retrofit, Business Building—Construction .....	1,996,000
(52) 40.46.212-Seismic Retrofit Technical Building—Construction .....	843,000
(52.1) 40.46.213-Seismic Replacement, Campus Center—Working drawings.....	61,000
(52.2) 40.46.214-Seismic Replacement, Administration—Working drawings.....	91,000
San Diego Community College District	
District Office	
(53) 40.47.001-Seismic Retrofit District Headquarters Building—Construction .....	3,503,000
San Diego City College	
(54) 40.47.102-Indoor Gym/Physical Education—Equipment.....	403,000
Center City College	
(55) 40.47.501-Seismic Retrofit, Administration Building—Construction .....	2,599,000
San Francisco Community College District	
Mission Center	
(55.1) 40.48.106-Mission Center Building—Working drawings .....	190,000
Chinatown Center	
(55.2) 40.48.108-Chinatown Campus Building—Preliminary plans .....	1,334,000

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San Francisco City College	
(55.5) 40.48.102-Central Shops and Warehouse—Equipment .....	106,000
San Joaquin Delta Community College District	
San Joaquin Delta College	
(56) 40.49.106-Electrical System Infrastructure—Preliminary plans and working drawings.....	288,000
San Jose-Evergreen Community College District	
San Jose City College	
(57) 40.50.201-Learning Resource Center—Equipment.....	650,000
San Luis Obispo County Community College District	
Cuesta College	
(58) 40.51.111-Library Addition Reconstruction—Working drawings .....	450,000
(58.1) 40.51.112-Theater Arts Building—Preliminary plans .....	472,000
North County Center	
(59) 40.51.200-Initial Building-Science Cluster—Preliminary plans and working drawings .....	647,000
San Mateo County Community College District	
Cañada College	
(60) 40.52.101-Child Development Center—Equipment.....	207,000
College of San Mateo	
(61) 40.52.206-Seismic Retrofit-Student Services Building #6—Preliminary plans and working drawings.....	353,000
Skyline College	
(62) 40.52.307-Seismic Retrofit-Gym Building #3—Preliminary plans and working drawings.....	157,000
(63) 40.52.308-Seismic Retrofit-Building #7 and #8—Preliminary plans and working drawings.....	365,000
Santa Barbara Community College District	
Santa Barbara City College	
(63.5) 40.53.120-Gymnasium Remodel—Preliminary plans .....	163,000

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Santa Clarita Community College District College of the Canyons	
(64) 40.54.110-Performing Arts Center—Equipment.....	1,322,000
(65) 40.54.111-Seismic retrofit, Bonelli Center—Construction.....	1,684,000
Sequoias Community College District College of the Sequoias	
(66) 40.56.110-Multimedia Learning Resource Center—Working draw- ings .....	728,000
(66.1) 40.56.112-Science Center— Preliminary plans .....	471,000
Shasta-Tehama-Trinity Jt. Community College District Shasta College	
(66.5) 40.57.103-Library Addition— Preliminary plans .....	245,000
Siskiyou Joint Community College District College of the Siskiyou	
(67) 40.59.102-Districtwide Distance Learning—Equipment .....	285,000
Sonoma County Community College District Santa Rosa Junior College	
(67.5) 40.61.402-Learning Resource Center—Preliminary plans.....	1,199,000
Chabot-Las Positas Community College District Las Positas College	
(67.7) 40.62.215-Physical Education, Gymnasium Phase 1—Preliminary plans.....	461,000
Southwestern Community College District Southwestern College	
(68) 40.63.103-Learning Resource Center—Equipment.....	2,852,000
(68.1) 40.63.104-Child Development Center—Preliminary plans.....	227,000
State Center Community College District Madera County Educational Center	
(69) 40.64.302-Academic Facilities, Phase 1B—Working drawings .....	773,000
Reedley College	
(69.1) 40.64.400-Learning Resource Center Addition—Preliminary plans.....	187,000

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Ventura County Community College District	
Moorpark College	
(70.1) 40.65.109-Child Development Center—Preliminary plans.....	101,000
Victor Valley Community College District	
Victor Valley Community College	
(72) 40.66.115-Advanced Technology Complex—Working drawings.....	565,000
(73) 40.66.116-Seismic Retrofit-Auxiliary Gymnasium—Preliminary plans and working drawings .....	87,000
West Hills Community College District	
Kings County Center	
(73.5) 40.67.204-Phase 2B Classroom/Laboratories—Preliminary plans...	298,000
West Valley Mission Community College District	
Mission College	
(74) 40.69.207-Science and Technology Complex—Equipment .....	707,000
(74.1) 40.69.208-Main Building 3rd floor Reconstruction—Preliminary plans.....	213,000
Yosemite Community College District	
Columbia College	
(75) 40.70.103-Learning Resources/Media Technology Center—Equipment .....	571,000
Yuba Community College District	
Yuba College	
(76) 40.71.106-Adaptive Physical Education/Therapy Facility—Preliminary plans and working drawings.....	112,000
Woodland Center	
(77) 40.71.305-Science Building—Working drawings.....	221,000
Provisions:	
1. By September 30 of each year, the chancellor shall report to the Department of Finance identifying the projects, purposes and impact on the projects for which funds in Schedule (1) of this item were used.	
6870-301-0658—For capital outlay, Board of Governors of the California Community Colleges to be allocated by the Board of Governors to community college districts for expenditure as set forth in the	

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schedule below, payable from the 1996 Higher Education Capital Outlay Bond Fund .....	205,000
Schedule:	
Systemwide	
(1) 40.01.001-Seismic Retrofit Study—	
Preliminary plans .....	205,000
6870-485—Reappropriation (Proposition 98) California Community Colleges. The sum of \$126,325,000 is reappropriated from the Proposition 98 Reversion Account for the following purposes.	
0001-General Fund	
(1) \$3,153,000 to the California Community Colleges for the purpose of funding 2000–01 costs for the Part-Time Faculty Office Hours Program. Notwithstanding Education Code Section 87885, or any other provision of law, these funds shall provide up to 50 percent of the total costs (including state and local matching funds) of the compensation paid for office hours of part-time faculty. Furthermore, the use of these funds is contingent on the enactment of legislation to reinstate a 1:1 state-to-local matching ratio.	
(2) \$23,000,000 to the California Community Colleges for assisting colleges in covering a portion of their natural gas and electricity costs incurred during the 2000–01 fiscal year, or enhancing efficiency efforts. Funds shall be allocated to the chancellor’s office for distribution to districts in direct proportion to colleges’ actual energy expenditures in the 2000–01 fiscal year.	
(3) \$26,000,000 to the California Community Colleges to assist colleges in covering a portion of their increased natural gas and electricity costs incurred during the 2001–02 fiscal year or for enhancing conservation efforts. Funds shall be allocated to the chancellor’s office for distribution to individual colleges on a square-foot basis of owned or long-term leased space.	
(4) \$7,172,000 to the California Community Colleges for the purpose of funding 2001–02 costs for the Part-Time Faculty Office Hours Program. Of the funds provided, the use of \$4,672,000 is contingent upon the enactment of legislation to reinstate a 1:1 state-to-local matching radio.	
(5) \$57,000,000 to the California Community Colleges solely to increase compensation for part-time faculty from the amounts previously autho-	

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<p>rized. Funds shall be distributed to districts based on the total actual full-time equivalent students served in the previous fiscal year and include a small district factor as determined by the chancellor. These funds are to be used to assist districts in making part-time faculty salaries more comparable to full-time salaries for similar work, as determined by each district's local collective bargaining unit. These funds shall not supplant the amount of resources each district used to compensate part-time faculty or be used to exceed parity of each part-time faculty employed by each district with regular full-time faculty at the same district, as certified by the chancellor. If a district achieves parity, its allocation may be used for any other educational purpose.</p>	
<p>(6) \$10,000,000 to the California Community Colleges for the purpose of funding 2001-02 costs for the Community College Teacher and Reading Development Partnerships. Grants are designed to both encourage promising students to pursue careers in teaching through development of an articulated internship program with school districts and California State University institutions and to assist elementary school pupils to develop improved reading skills. Acceptance of grants shall constitute concurrence by the district to collect and provide all information specified by the chancellor. The board of governors shall implement the program in accordance with the plan approved by the Office of the Secretary for Education.</p>	
<p>6870-490—Reappropriation, California Community Colleges. The balances of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in those appropriations: 0574-Higher Education Capital Outlay Bond Fund of 1998, Item 6870-301-0574, Budget Act of 1999 (Ch. 50, Stats. 1999)</p>	
<p>Contra Costa Community College District Contra Costa College</p>	
<p>(13) 40.13.105-Child Development Center— Construction</p>	
<p>Los Medanos College</p>	
<p>(17) 40.13.311-Child Development Center— Construction</p>	

Item	Amount
Glendale Community College District Glendale College (24) 40.18.121-Science Building Renovation (H&S)—Construction	
Marin Community College District College of Marin (Kentfield Campus) (46) 40.28.206-Child Development Center— Construction	
San Mateo County Community College District Districtwide (70) 40.52.004-Seismic Upgrade Phase I— Preliminary plans and working drawings 0574—Item 6870-301-0574, Budget Act of 2000 (Ch. 52, Stats. 2000)	
Barstow Community College District Barstow College (3) 40.04.101-Library/Learning Resource Center— Construction	
Compton Community College District Compton College (10) 40.12.107-Seismic Replacement/Expansion LRC—Construction (11) 40.12.109-Child Development Center— Construction	
Grossmont-Cuyamaca Community College District Grossmont College (22) 40.19.206-LRC Addition—Construction	
Kern Community College District Cerro Coso College (24) 40.22.214-Library/Media Center Addition— Construction	
Los Angeles Community College District Los Angeles Southwest College (33) 40.26.606-Seismic replacement-Student Ser- vices—Construction	
Los Angeles Valley College (34) 40.26.802-Ventilation Phase II—Construction	
Mira Costa Community College District Mira Costa College (41) 40.31.108-Learning and Information Hub— Construction	
Monterey Peninsula Community College District Monterey Peninsula College (42) 40.32.101-Library and Technology Center— Construction	

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South Orange Community College District Saddleback College	
(52) 40.45.200-Building A Demolition and Replacement—Construction	
San Bernardino Community College District San Bernardino Valley College	
(53) 40.46.206-Seismic Replacement-Life Sciences Building—Construction	
(55) 40.46.208-Seismic Replacement-Learning Re- source Center—Construction	
(56) 40.46.209-Replace Art Building Seismic/ FEMA—Working drawings	
San Diego Community College District San Diego Community College	
(59.5) 40.47.102-Indoor Gym/Physical Education— Construction	
San Joaquin Delta Community College District San Joaquin Delta Community College	
(60.5) 40.49.105-Electron Microscopy Technology Center—Construction	
San Mateo County Community College District Districtwide	
(64) 40.52.004-Seismic Upgrade Phase I— Construction	
Santa Clarita Community College District College of the Canyons	
(68) 40.54.110-Performing Arts Center— Construction	
(69) 40.54.111-Seismic Retrofit, Bonelli Center— Working drawings	
Sequoias Community College District College of the Sequoias	
(71) 40.56.113-Seismic Retrofit, Administration Building—Construction	
Siskiyou Joint Community College District College of the Siskiyou	
(73) 40.59.102-Districtwide Distance Learning— Construction	
Ventura County Community College District Moorpark College	
(76) 40.65.108-Learning Resources and Telecom- munications Center—Construction	
Ventura College	
(77) 40.65.304-Learning Resource Center— Construction	



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Yosemite Community College District Columbia College (83) 40.70.103-Learning Resources/Media Technology Center—Construction 0658—Higher Education Capital Outlay Bond Fund of 1996, Item 6870-301-0658, Budget Act of 1997 (Ch. 282, Stats. 1997)	
Foothill-DeAnza Community College District Foothill College (25) 40.15.203-Child Care/Development Center (Health & Safety)—Construction Item 6870-301-0658, Budget Act of 1998 (Ch. 324, Stats. 1998)	
Foothill-DeAnza Community College District Foothill College (3.2) 40.15.203-Child Care/Development Center (Health & Safety)—Equipment 6870-495—Reversion, California Community Colleges (Proposition 98). The balance as of June 30, 2001, specified herein, of the appropriations provided for in the following citations shall revert to the Proposition 98 Reversion Account:	
(1) \$11,425,000, or whatever lesser or greater amount reflects the surplus in property taxes from the estimate used to calculate apportionments for the Budget Act of 2000, as certified by the Department of Finance, from Schedule (a) 10.10.010-Apportionments of Item 6870-101-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
(2) \$962,000 or whatever lesser or greater amount reflects the surplus in property taxes from the estimate used to calculate apportionments for the Budget Act of 1999, as certified by the Department of Finance, from Schedule (1) 10.10.010-Apportionments of Item 6870-101-0001 of Section 2.00 of the Budget Act of 1999 (Ch. 50, Stats. 1999).	
(3) \$363,000 or whatever lesser or greater amount reflects the surplus in oil and mineral fees from the estimate used to calculate apportionments for the Budget Act of 2000, as certified by the Department of Finance, from Schedule (1) 10.10.010-Apportionments of Item 6870-101-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	

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(4) \$10,000,000 from the appropriation specified in Schedule (7) 20.10.013-Teacher and Reading Development Partnership of Item 6870-101-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000).	
6870-497—Reversion, California Community College. As of June 30, 2001, the unencumbered balance of the appropriation provided in the following citations shall revert to the fund balance of the fund from which the appropriation was made: 0574-Higher Education Capital Outlay Bond Fund of 1998 Item 6870-301-0574, Budget Act of 1999 (Ch. 50, Stats. 1999)	
(19) 40.16.108-Fremont Newark Community College District, Ohlone College: Child Development Center—Construction	
(42) 40.26.905-Los Angeles Community College District, West Los Angeles College: Child Development Center—Working drawings and construction	
(60) 40.46.207-San Bernardino Community College District, San Bernardino Valley College: Seismic Replace Campus Center/Administration—Working drawings	
Item 6870-301-0574, Budget Act of 2000 (Ch. 52, Stats. 2000)	
(16) 40.16.108-Fremont Newark Community College District, Ohlone College: Child Development Center—Equipment	
(35) 40.26.905-Los Angeles Community College District, West Los Angeles College: Child Development Center—Equipment	
(54) 40.46.207-San Bernardino Community College District, San Bernardino Valley College: Seismic Replace Campus Center/Administration—Construction	
7980-001-0001—For support of Student Aid Commission.....	16,469,000
Schedule:	
(1) 15-Financial Aid Grants Program...	16,515,000
(2) 50-California Loan Program .....	1,453,000
(3) 80.01-Administration and Support Services .....	3,302,000
(4) 80.02-Distributed Administration and Support Services.....	-3,302,000
(5) Reimbursements.....	-1,499,000

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Provisions:

1. Of the amount in Schedule (1) of this item, \$1,500,000 shall be used to provide technical training, develop criteria, assist with workshops and forums, provide coordination, and disseminate information regarding the Cal Grant program. These resources are also to be used for printed materials in several different languages and computer and technological equipment that will be dedicated to training and administrative purposes. Of these funds, \$1 million shall be provided to create the College Corps Program, which shall provide funds to participating campuses from the University of California, California State University, California Community Colleges, and California Independent Colleges and Universities who award stipends to college students who work with California high schools to educate high school seniors about the new Cal Grant Program and help high school pupils fill out the necessary application forms for that program. The program shall target those high schools that have an Academic Performance Index (API) ranking in the lowest two deciles in the state.

7980-101-0001—For local assistance, Student Aid Commission.....	619,584,000
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Schedule:

- (1) 15-Financial Aid Grants Program...631,962,000
- (2) Reimbursements..... -5,925,000
- (3) Amount payable from the Federal Trust Fund (Item 7980-101-0890).. -6,453,000

Provisions:

1. Funds appropriated in Schedule (1) are for the purposes of all of the following:
  - (a) Awards in the Cal Grant Program under Chapter 1.7 and Article 3 (commencing with Section 69530) of Chapter 2 of Part 42 of the Education Code.
  - (b) Graduate fellowship renewal awards under former Article 9 (commencing with Section 69670) of Chapter 2 of Part 42 of the Education Code.
  - (c) Grants under Section 4709 of the Labor Code.
  - (d) California Student Opportunity and Access Program contract agreements under Article 4 (commencing with Section 69560) of Chapter 2 of Part 42 of the Education Code.

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- (e) The purchase of loan assumptions under Article 5 (commencing with Section 69612) of Chapter 2 of Part 42 of the Education Code. 6,500 warrants shall be issued to California students pursuant to the purchase of loan assumptions.
  - (f) Grants under the California State Work-Study Program, Article 18 (commencing with Section 69950) of Chapter 2 of Part 42 of the Education Code.
  - (g) The purchase of loan assumptions under Article 5.5 (commencing with Section 69618) of Chapter 2 of Part 42 of the Education Code.
  - (h) New and renewal Cal Grant awards in amounts not to exceed award levels comparable to those in effect for the 2000–01 award year except as otherwise provided by law.
  - (i) Notwithstanding any other provision of law, of the amount in this schedule, \$1,000,000 shall be used to conduct Cal Grant and financial aid outreach by providing funds for organizations to host financial aid workshops and forums to directly assist high schools and students and their families regarding the completion and submission of the Free Application for Federal Student Aid (FAFSA) form and information about the expanded Cal Grant Program. The workshops and forums shall target those high schools that have an Academic Performance Index (API) that ranks in the lowest two deciles in the state.
2. If federal trust funds for the 2001–02 fiscal year exceed budgeted levels, the funds appropriated shall, to the extent allowable by federal law, be reduced on a dollar-for-dollar basis.
  3. Eligibility for money appropriated by this item is limited to students who demonstrate financial need according to the nationally accepted needs analysis methodology, who meet other Student Aid Commission eligibility criteria, and whose income or family's gross income does not exceed \$78,842 for the purposes of determining recipients for the 2001–02 award year.
  5. Notwithstanding any other provision of law, the maximum award for new recipients attending private and independent institutions shall be \$9,703; the Cal Grant B subsistence award for all recipi-

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ents shall be \$1,551; the maximum Cal Grant C award for all recipients shall be \$2,592; and the Cal Grant C book and supply award for all recipients shall be \$576.	
7980-101-0890—For local assistance, Student Aid Commission, for payment to Item 7980-101-0001, payable from the Federal Trust Fund .....	6,453,000
7980-102-0001—For local assistance, Student Aid Commission (Proposition 98), for the California Student Opportunity and Access Program (Cal-SOAP) .....	990,000
7980-103-0001—For local assistance, Student Aid Commission.....	100,000
Provisions:	
1. The funds in this item shall be allocated for the following local project:	
(a) Jackie Robinson Foundation: College Scholarships for Minority Students .....	(100,000)
7980-495—Reversion, Student Aid Commission. The unencumbered balance as of June 30, 2001, of the appropriation provided in the following citation shall revert to the fund balance of the fund from which the appropriation was made.	
0001—General Fund	
(1) Item 7980-101-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	

GENERAL GOVERNMENT

8100-001-0001—For support of Office of Criminal Justice Planning .....	4,493,000
Schedule:	
(1) 20.01-Administration.....	3,348,000
(2) 20.02-Distributed Administration ...	-3,348,000
(3) 50-Criminal Justice Projects .....	15,922,000
(4) Reimbursements.....	-310,000
(5) Amount payable from the Local Public Prosecutors and Public Defenders Training Fund (Item 8100-001-0241).....	-68,000
(6) Amount payable from the Victim Witness Assistance Fund (Item 8100-001-0425) .....	-1,503,000
(7) Amount payable from the High Technology Theft Apprehension and Prosecution Program Trust Fund (Item 8100-001-0597).....	-968,000

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(8) Amount payable from the Federal Trust Fund (Item 8100-001-0890). -8,730,000	
8100-001-0241—For support of Office of Criminal Justice Planning, for payment to Item 8100-001-0001, payable from the Local Public Prosecutors and Public Defenders Training Fund.....	68,000
Provisions:	
1. Notwithstanding any other provision of law restricting the costs of administering individual programs, the full amount of this appropriation may be used by the Office of Criminal Justice Planning for administrative costs.	
8100-001-0425—For support of Office of Criminal Justice Planning, for payment to Item 8100-001-0001, payable from the Victim Witness Assistance Fund..	1,503,000
8100-001-0597—For support of Office of Criminal Justice Planning, for payment to Item 8100-001-0001, payable from the High Technology Theft Apprehension and Prosecution Program Trust Fund .....	968,000
Provisions:	
1. Funds appropriated in this item are for the High Technology Theft Apprehension and Prosecution Program, as established by Chapter 5.7 (commencing with Section 13848) of Title 6 of Part 4 of the Penal Code, as amended by Chapter 555, Statutes of 1998, and shall be deposited in the High Technology Theft Apprehension and Prosecution Program Trust Fund, established pursuant to Section 13848.4 of the Penal Code.	
8100-001-0890—For support of Office of Criminal Justice Planning, for payment to Item 8100-001-0001, payable from the Federal Trust Fund.....	8,730,000
8100-012-0001—For transfer by the Controller to the High Technology Theft Apprehension and Prosecution Program Trust Fund.....	932,000
Provisions:	
1. Funds appropriated in this item are for the High Technology Theft Apprehension and Prosecution Program, as established by Chapter 5.7 (commencing with Section 13848) of Title 6 of Part 4 of the Penal Code, as amended by Chapter 555, Statutes of 1998, and shall be deposited in the High Technology Theft Apprehension and Prosecution Program Trust Fund, established pursuant to Section 13848.4 of the Penal Code.	

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8100-012-0890—For transfer by the Controller from the Federal Trust Fund to the High Technology Theft Apprehension and Prosecution Program Trust Fund. Provisions:	36,000
1. Funds appropriated in this item are for the High Technology Theft Apprehension and Prosecution Program established by Chapter 5.7 (commencing with Section 13848) of Title 6 of Part 4 of the Penal Code, and shall be deposited in the High Technology Theft Apprehension and Prosecution Program Trust Fund, established pursuant to Section 13848.4 of the Penal Code.	
8100-101-0001—For local assistance, Office of Criminal Justice Planning.....	98,341,000
Schedule:	
(1) 50.20.102-Victims Legal Resources Center .....	173,000
(2) 50.20.151-Domestic Violence Program.....	1,460,000
(3) 50.20.152-Family Violence Prevention.....	194,000
(4) 50.20.301-Rape Crisis Program .....	101,000
(5) 50.20.351-Homeless Youth Project.....	883,000
(6) 50.20.352-Youth Emergency Telephone Referral .....	338,000
(7) 50.20.353-Child Sexual Abuse and Exploitation Program .....	3,000
(8) 50.20.354-Child Sexual Abuse Prevention and Training .....	672,000
(9) 50.30.501-California Community Crime Resistance Program, to be allocated pursuant to Chapter 5 (commencing with Section 13840) of Title 6 of Part 4 of the Penal Code.....	923,000
(10) 50.30.502-War on Methamphetamine .....	30,000,000
(11) 50.30.511-California Career Criminal Apprehension Program...	2,308,000
(12) 50.30.512-California Career Criminal Prosecution Program, to be allocated pursuant to Chapter 2.2 (commencing with Section 999b) of Title 6 of Part 2 of the Penal Code.....	3,987,000

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(13) 50.30.513-Major Narcotic Vendors Prosecution Program .....	2,641,000
(14) 50.30.514-Serious Habitual Offender .....	547,000
(15) 50.30.515-Vertical Prosecution of Statutory Rape .....	8,361,000
(16) 50.30.516-Elder Abuse Vertical Prosecution .....	2,000,000
(17) 50.30.521-Child Sexual Assault Prosecution Program .....	1,304,000
(18) 50.30.522-Evidentiary Medical Training .....	1,364,000
(19) 50.30.525-Child Justice Act .....	75,000
(20) 50.30.531-Vertical Defense .....	692,000
(20.5) 50.30.533-California Innocence Protection Program .....	800,000
(21) 50.30.541-Public Prosecutors and Public Defenders.....	29,000
(22) 50.30.651-Suppression of Drug Abuse in Schools Program .....	3,263,000
(23) 50.30.661-California Gang Violence Suppression Program.....	5,615,000
(24) 50.30.672-Multi-Agency Gang Enforcement Consortium.....	248,000
(25) 50.30.700-Special Projects—Public Safety .....	25,000,000
(26) 50.30.815-Rural Crime Prevention Program.....	3,541,000
(26.5) 97.20.004-Local Projects.....	4,593,000
(a) Brentwood Police Activities League: Purchase of Vans ..	(50,000)
(b) Child Abuse Abduction Resistance Education Services (CARES), Fresno: CARES Child Safety Education Services .....	(165,000)
(c) City of Gardena: Police Detective Vehicles .....	(250,000)
(d) City of San Gabriel: San Gabriel Police Department.....	(200,000)



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(e) City of Vallejo, Police Activities League: Purchase Van .....	(60,000)
(f) Orange County District Attorney's Office: High Tech Crime Unit .....	(250,000)
(g) Tariq Kamisa Foundation: Youth Violence Prevention Program .....	(500,000)
(h) City of Inglewood: Community Policing Training and Staffing Substation .....	(75,000)
(i) County of Alameda Sheriffs Department: MOMS (Maximizing Opportunities for Mothers to Succeed) .....	(800,000)
(j) City of Hayward: Police Facility Addition for Expansion of Youth & Family Services Bureau Counseling Services .....	(350,000)
(k) Orange County District Attorney's Office: Orange County Community Education Services .....	(125,000)
(l) Orange County District Attorney's Office: TracKRS .....	(125,000)
(m) Legal Aid Society of Santa Clara County: Domestic Violence Legal Resource Center .....	(100,000)

Item	Amount
(n) Glendale Police Department: Purchase of one van for the Glendale Police Department Police Activities League Program ...	(40,000)
(o) Lincoln Heights Chamber of Commerce: Anti-Graffiti and Street Maintenance Clean-Up.....	(10,000)
(p) West Valley PALS: West Valley Police Activities League (PALS).....	(200,000)
(q) Mid-Valley Jeopardy! Foundation, Inc.: Van Nuys Jeopardy! Program	(50,000)
(r) Cities of Hawthorne, Inglewood, and Gardena: Regional Police Helicopter.....	(75,000)
(s) Hollywood Police Activities League..	(75,000)
(t) City of Rialto Police Department: Police Activities League .....	(100,000)
(u) Adopt-a-Bike and Computer, Inc.: Computer Repair Program .....	(28,000)
(v) South Coast Ecumenical Council: Long Beach BLAST .....	(25,000)
(w) Long Beach Police Athletic League: Long Beach Police Athletic League program .....	(50,000)

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(x) Calles Project: Gang Prevention Project Equipment Procurement .....	(110,000)
(y) OK (Our Kids) Mentoring Pro- gram: OK (Our Kids) Mentoring Program Expan- sion.....	(100,000)
(z) Unity One: Unity 1 Gang Prevention Program in Los Angeles.....	(100,000)
(aa) Banning Police Department: Police Department Ex- pansion.....	(50,000)
(ab) City of Visalia: Visalia/PAL Mo- bile Recreation Unit .....	(55,000)
(ac) Juvenile Hall Aux- iliary of Contra Costa County: Field of Dreams ...	(100,000)
(ad) Devonshire PALS: Building for PALS Youth Center .....	(100,000)
(ae) City of Pacifica: Completion of the Pacifica Police Station.....	(175,000)
(af) Tulare County Dis- trict Attorney's Of- fice: Tulare County Gang Task Force Operations.....	(100,000)
(27) Reimbursements .....	-2,774,000

Provisions:

1. Notwithstanding any other provision of law, the Office of Criminal Justice Planning may provide advance payment of up to 25 percent of grant funds awarded to community-based, nonprofit organizations, cities, school districts, counties, and other units of local government that have demon-

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- strated cash-flow problems according to the criteria set forth by the Office of Criminal Justice Planning.
2. To maximize the use of program funds and demonstrate the commitment of the grantees to program objectives, the Office of Criminal Justice Planning shall require all grantees for funds from the Gang Violence Suppression-Curfew Enforcement Strategy program to provide local matching funds of at least 10 percent for the first and each subsequent year of operation. This match requirement applies to each agency that is to receive grant funds. An agency may meet its match requirements with an in-kind match, if approved by the Office of Criminal Justice Planning.
  4. Of the amount appropriated in this item, \$30,000,000 appropriated in Schedule 25 shall be available for competitive grants for the construction and upgrade of local crime laboratories and for the purchase of equipment for local crime laboratories. Grants can be used to repay local financing, including retirement of payment of debt service that has been expended since January 1, 2001, for the purpose of constructing, renovating, or expanding a local crime laboratory. Of the amount available, at least 25 percent shall be allocated for projects that would facilitate the immediate construction, renovation, or expansion; have an approved and acquired site; and have completed the environmental review by July 1, 2001.
  5. Of the amount appropriated in this item, \$800,000 appropriated in Schedule 20.5 shall be available for competitive grants for the California Innocence Protection Program. The OCJP shall make the funds available for the purpose of assisting convicted persons who are attempting to establish their actual innocence through the use of postconviction DNA testing. Grants shall only be used to represent indigent inmates convicted of a crime in a California court. Applications for funding provided pursuant to this item shall only be received from qualified nonprofit organizations meeting guidelines established by the American Bar Association for operating legal clinics using law students. It is the intent of the Legislature that funds provided to qualifying nonprofit organizations

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shall be made as soon as possible in the interest of justice and shall be disbursed within 60 days of receipt of an application for funding. In addition, county public defenders and private counsel providing legal assistance and representation in cases under this program may apply to OCJP for funding under this program.

Up to 40 percent of the funding shall be set aside for allocation to county public defenders or private counsel, and any of this amount not allocated by March 1 shall be made available to qualifying nonprofit organizations based on demonstrated need. For qualified nonprofit organizations receiving funding under this program, at least 25 percent of their total budget for these purposes must come from other sources, which may include in-kind contributions.

Funding for this program shall not be expended for the purpose of court-approved DNA forensic testing under Section 1405 of the Penal Code. Funding for this program shall not be used to supplant funding provided locally for indigent defense representation.

The OCJP shall develop criteria for the selection of private counsel receiving funding under this program in consultation with the directors of the California appellate projects. Selected private counsel shall be provided funding only on a reimbursement basis for actual costs associated with providing legal assistance and representation of clients under this program. Reimbursement guidelines shall be developed in consultation with the directors of the California appellate projects. The OCJP shall consider whether an applicant attorney may be appointed by the court from a county's indigent defense panel and shall limit eligibility for funding only to those activities allowed by this program but not funded locally.

An amount not to exceed 5 percent of the funding appropriated may be used for administrative expenses of the OCJP, including costs to reimburse the directors of the California appellate projects for their actual costs of providing consultation to implement this program.

Entities and attorneys receiving funding under this program shall report to the OCJP the number of requests received and the number of cases in

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which any of the following have occurred: (1) a preliminary investigation was conducted, (2) a full investigation was conducted and DNA testing was sought, (3) the appellant was represented in court proceedings or an attempt was made to vacate a conviction, and (4) an appellant's conviction was vacated or overturned as a direct result of the representation by the entity or attorney. The entities and attorneys shall also provide detailed expenditure reports semiannually and annually on the use of funds provided under this program. These semiannual and annual reports shall also list all staff positions supported by this funding and their compensation. The OCJP shall prepare and submit a report to the Joint Legislative Budget Committee on or before February 1, 2002, on the foregoing information for each entity receiving funding under this program.

8100-101-0241—For local assistance, Office of Criminal Justice Planning payable from the Local Public Prosecutors and Public Defenders Training Fund..... 792,000

Schedule:

(1) 50.30.541-Public Prosecutors and Public Defenders..... 792,000

Provisions:

1. Notwithstanding any other provision of law, the Office of Criminal Justice Planning may provide advance payment of up to 25 percent of grant funds awarded to community-based, nonprofit organizations, cities, school districts, counties, and other units of local government that have demonstrated cash-flow problems according to the criteria set forth by the Office of Criminal Justice Planning.

8100-101-0268—For local assistance, Office of Criminal Justice Planning..... 5,000,000

Schedule:

(1) 50.30.700-Special Projects—Public Safety ..... 5,000,000

Provisions:

1. Notwithstanding Section 13523 of the Penal Code, the funds appropriated in this item shall be used to provide one-time grants, on a competitive basis, to Regional Law Enforcement Training Centers for facility planning, renovation, or construction costs.

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8100-101-0425—For local assistance, Office of Criminal Justice Planning payable from the Victim Witness Assistance Fund .....	15,519,000
Schedule:	
(1) 50.20.101-Victim-Witness Assistance Program.....	10,871,000
(2) 50.20.301-Rape Crisis Program .....	3,670,000
(3) 50.20.353-Child Sexual Abuse and Exploitation Program .....	978,000
Provisions:	
1. Notwithstanding any other provision of law, the Office of Criminal Justice Planning may provide advance payment of up to 25 percent of grant funds awarded to community-based, nonprofit organizations, cities, school districts, counties, and other units of local government that have demonstrated cash-flow problems according to the criteria set forth by the Office of Criminal Justice Planning.	
8100-101-0597—For local assistance, Office of Criminal Justice Planning payable from the High Technology Theft Apprehension and Prosecution Program Trust Fund .....	13,518,000
Schedule:	
(1) 50.30.562-High Technology Theft Apprehension and Prosecution Program.....	13,518,000
Provisions:	
1. Funds appropriated in this item are for the High Technology Theft Apprehension and Prosecution Program, as established by Chapter 5.7 (commencing with Section 13848) of Title 6 of Part 4 of the Penal Code, as amended by Chapter 555, Statutes of 1998, and shall be deposited in the High Technology Theft Apprehension and Prosecution Program Trust Fund, established pursuant to Section 13848.4 of the Penal Code.	
2. All grantees receiving funds appropriated in this item shall be required to provide matching funds equal to 25 percent of the amount of grant funding received by them from the High Technology Theft Apprehension and Prosecution Program Trust Fund.	
4. Of the amount appropriated in this item, \$3,300,000 shall be allocated for high technology identity theft pilot projects consistent with the provisions of SB 222 (Torlakson). If SB 222 is not	

Item	Amount
enacted before June 30, 2002, the amount of \$3,300,000 shall revert to the General Fund.	
8100-101-0890—For local assistance, Office of Criminal Justice Planning payable from the Federal Trust Fund .....	163,518,000
Schedule:	
(1) 50.20.151-Domestic Violence Program.....	8,751,000
(2) 50.20.161-Violence Against Women Act .....	12,990,000
(2.5) 50.20.171-Rural Domestic Violence/Child Victimization .....	571,000
(3) 50.20.302-Rape Prevention .....	5,571,000
(4) 50.20.451-Victims of Crime Act (VOCA) .....	39,267,000
(5) 50.30.525-Child Justice Act.....	1,695,000
(6) 50.30.550-Byrne State/Local Law Enforcement Assistance.....	52,118,000
(7) 50.30.555-Residential Substance Abuse Treatment.....	6,545,000
(8) 50.30.556-Local Law Enforcement Block Grants .....	882,000
(9) 50.30.559-Peace Officer Protective Equipment .....	178,000
(10) 50.30.661-Gang Violence Suppression Program .....	1,005,000
(11) 50.30.701-Juvenile Justice and Delinquency Prevention .....	6,060,000
(12) 50.30.703-Community Delinquency Prevention Program.....	5,002,000
(13) 50.30.705-Juvenile Accountability Incentive.....	21,769,000
(14) 50.30.706-Juvenile Justice—Project Challenge.....	1,114,000
Provisions:	
1. Notwithstanding any other provision of law, the Office of Criminal Justice Planning may provide advance payment of up to 25 percent of grant funds awarded to community-based, nonprofit organizations, cities, school districts, counties, and other units of local government that have demonstrated cash-flow problems according to the criteria set forth by the Office of Criminal Justice Planning.	
2. Of the funds appropriated in this item, \$224,000 of the amount allocated for the Victims of Crime Act program (50.20.451) shall be provided for	



Item	Amount
support of the Office of Victims Services within the Department of Justice.	
8100-102-0001—For local assistance, Rural and Small County Law Enforcement Assistance Program.....	18,000,000
Schedule:	
(a) Alpine County.....	500,000
(b) Amador County .....	500,000
(c) Butte County.....	500,000
(d) Calaveras County .....	500,000
(e) Colusa County .....	500,000
(f) Del Norte County .....	500,000
(g) El Dorado County .....	500,000
(h) Glenn County .....	500,000
(i) Humboldt County .....	500,000
(j) Imperial County.....	500,000
(k) Inyo County.....	500,000
(l) Kings County.....	500,000
(m) Lake County .....	500,000
(n) Lassen County .....	500,000
(o) Madera County .....	500,000
(p) Marin County .....	500,000
(q) Mariposa County.....	500,000
(r) Mendocino County .....	500,000
(s) Merced County.....	500,000
(t) Modoc County .....	500,000
(u) Mono County.....	500,000
(v) Napa County.....	500,000
(w) Nevada County .....	500,000
(x) Placer County .....	500,000
(y) Plumas County.....	500,000
(z) San Benito County .....	500,000
(aa) San Luis Obispo County .....	500,000
(ab) Shasta County .....	500,000
(ac) Sierra County .....	500,000
(ad) Siskiyou County .....	500,000
(ae) Sutter County .....	500,000
(af) Tehama County.....	500,000
(ag) Trinity County.....	500,000
(ah) Tuolumne County.....	500,000
(ai) Yolo County.....	500,000
(aj) Yuba County .....	500,000
Provisions:	
1. Funds in this item shall be allocated to county sheriff departments to enhance law enforcement efforts in that county. These funds shall be used to supplement and not supplant existing services.	

Item	Amount
8100-112-0001—For transfer by the Controller to the High Technology Theft Apprehension and Prosecution Program Trust Fund .....	13,300,000
Provisions:	
1. Funds appropriated in this item are for the High Technology Theft Apprehension and Prosecution Program, as established by Chapter 5.7 (commencing with Section 13848) of Title 6 of Part 4 of the Penal Code, as amended by Chapter 555 of the Statutes of 1998, and shall be deposited in the High Technology Theft Apprehension and Prosecution Program Trust Fund, established pursuant to Section 13848.4 of the Penal Code.	
8100-112-0890—For transfer by the Controller from the Federal Trust Fund to the High Technology Theft Apprehension and Prosecution Program Trust Fund.	218,000
Provisions:	
1. Funds appropriated in this item are for the High Technology Theft Apprehension and Prosecution Program established by Chapter 5.7 (commencing with Section 13848) of Title 6 of Part 4 of the Penal Code, and shall be deposited in the High Technology Theft Apprehension and Prosecution Program Trust Fund, established pursuant to Section 13848.4 of the Penal Code.	
8100-295-0001—For local assistance, Office of Criminal Justice Planning, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	834,000
Schedule:	
(1) 98.01.124.992-Threats Against Peace Officers (Ch. 1249, Stats. 1992, and Ch. 666, Stats. 1995) ...	5,000
(2) 98.01.041.195-Crime Victims' Rights (Ch. 411, Stats. 1995) .....	829,000
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs	

Item	Amount
<p>in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.</p> <p>2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriation and the Chairperson of the Joint Legislative Budget Committee or his or her designee.</p>	
<p>8120-001-0268—For support of Commission on Peace Officer Standards and Training, payable from the Peace Officers’ Training Fund.....</p>	12,841,000
<p>Schedule:</p> <p>(1) 10-Standards ..... 6,883,000</p> <p>(2) 20-Training ..... 26,538,000</p> <p>(3) 30-Peace Officer Training..... 96,000</p> <p>(4) 40.01-Administration..... 4,379,000</p> <p>(5) 40.02-Distributed Administration ... -4,379,000</p> <p>(6) Reimbursements ..... -1,259,000</p> <p>(7) Amount payable from the Peace Officers’ Training Fund (Item 8120-011-0268) .....-17,861,000</p> <p>(8) Amount payable from the Peace Officers’ Training Fund (Item 8120-012-0268) ..... -1,556,000</p>	
<p>8120-011-0268—For support of Commission on Peace Officer Standards and Training, for payment to Item 8120-001-0268, payable from the Peace Officers’ Training Fund.....</p>	17,861,000
<p>Provisions:</p> <p>1. Funds appropriated in this item are to be used for contractual services in support of local training programs, pursuant to Section 13503(c) of the Penal Code.</p>	

Item	Amount
2. Funds may be transferred between this item and Item 8120-101-0268 to meet the needs of local training programs.	
8120-012-0268—For support of Commission on Peace Officer Standards and Training, for payment to Item 8120-001-0268, payable from the Peace Officers’ Training Fund.....	1,556,000
Provisions:	
1. The funds appropriated in this item are to be used for implementation of the “Tools for Tolerance” training program for law enforcement personnel operated by the Simon Wiesenthal Center-Museum of Tolerance. Eligibility to receive funds appropriated by this item as reimbursements is limited to law enforcement agencies authorized by law to receive training reimbursements from the Peace Officers’ Training Fund. Both sworn officers and nonsworn personnel who have contact with the public shall, at the discretion of the head of the law enforcement agency seeking reimbursement under this provision, be eligible for reimbursement, provided that the Museum of Tolerance gives priority to training sworn officers.	
8120-101-0268—For local assistance, Commission on Peace Officer Standards and Training, Program 30, for allocation to cities, counties, and cities and counties pursuant to Section 13523 of the Penal Code, payable from the Peace Officers’ Training Fund .....	28,274,000
Provisions:	
1. Funds may be transferred between this item and Item 8120-011-0268 to meet the needs of local training programs.	
2. The Director of Finance may authorize the augmentation of the total amount available for expenditure under this item in the amount of revenue received by the Peace Officers’ Training Fund that is in addition to the revenue appropriated by this item, not sooner than 30 days after notification in writing to the chairpersons of the respective fiscal committees and the Chairperson of the Joint Legislative Budget Committee or his or her designee.	
8120-102-0268—For local assistance, Commission on Peace Officer Standards and Training, Program 30, payable from the Peace Officers’ Training Fund .....	444,000
Provisions:	
1. Funds appropriated in this item are to be used for implementation of the “Tools for Tolerance”	

Item	Amount
<p>training program for law enforcement personnel operated by the Simon Wiesenthal Center-Museum of Tolerance. Eligibility to receive funds appropriated by this item as reimbursements is limited to law enforcement agencies authorized by law to receive training reimbursements from the Peace Officers' Training Fund. Both sworn officers and nonsworn personnel who have contact with the public shall, at the discretion of the head of the law enforcement agency seeking reimbursement under this provision, be eligible for reimbursement, provided that the Museum of Tolerance gives priority to training sworn officers.</p>	
<p>8120-295-0001—For local assistance, the Commission on Peace Officer Standards and Training, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or Executive order, for disbursement by the State Controller. ....</p>	6,781,000
<p>Schedule:</p>	
<p>(1) 98.01.024.695—Domestic Violence Arrest Policies and Standards (Ch. 246, Stats. 1995) .....</p>	6,781,000
<p>Provisions:</p>	
<ol style="list-style-type: none"> <li>1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandate costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.</li> <li>2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any</li> </ol>	

Item	Amount
<p>other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriation and the Chairperson of the Joint Legislative Budget Committee or his or her designee.</p>	
8140-001-0001—For support of State Public Defender..	11,812,000
Schedule:	
(1) 10-State Public Defender.....	11,812,000
Provisions:	
<ol style="list-style-type: none"> <li>1. Any federal funds received by the Office of the State Public Defender as reimbursements for legal services provided for capital cases shall revert to the unappropriated surplus of the General Fund.</li> </ol>	
8180-101-0001—For local assistance, Payment to Counties for Costs of Homicide Trials, for payment by the State Controller .....	7,500,000
Provisions:	
<ol style="list-style-type: none"> <li>1. This item is for payment to counties for costs of homicide trials pursuant to Sections 15201 to 15203, inclusive, of the Government Code, provided that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the Controller.</li> <li>2. The Controller shall reimburse counties for reasonable and necessary expenses incurred pursuant to Section 15202 of the Government Code except that reimbursements to a county shall not exceed: (a) for attorney services, an hourly rate equal to that county’s average hourly cost for public defenders, the hourly rate paid to appointed counsel, or the hourly rate charged state agencies by the Attorney General for attorney services, whichever rate is less; (b) for investigators, an hourly rate equal to that county’s average hourly cost for county-employed investigators or the hourly rate charged state agencies by the Attorney General for investigators, whichever rate is less; and (c) for expert witnesses, the hourly rate that the county generally pays for these services.</li> <li>3. Notwithstanding any other provisions of law, funds appropriated in this item shall be available for reimbursement of 100 percent of the costs incurred by the County of Shasta for the homicide trial of the People v. Benjamin Matthew Williams and James Tyler Williams.</li> </ol>	

Item	Amount
4. Notwithstanding any other provisions of law, funds appropriated in this item shall be available for reimbursement of 100 percent of the costs incurred by the County of San Luis Obispo for the homicide trial of the People v. Krebs.	
5. Notwithstanding any other provisions of law, funds appropriated in this item shall be available for reimbursement of 100 percent of the costs incurred by the County of Placer for the homicide trial of the People v. Arturo Juarez Suarez.	
8260-001-0001—For support of California Arts Council .....	2,997,000
Schedule:	
(1) 05-Arts in Education .....	161,000
(2) 10-Artists in Residence .....	1,067,000
(3) 20-Organizational Support Grants ..	1,408,000
(4) 25-Performing Arts Touring/ Presenting Program .....	405,000
(5) 30-Special Initiatives Program .....	155,000
(6) 40-Statewide Projects .....	623,000
(7) 45-California Challenge Program...	106,000
(8) 50.01-Administration .....	1,658,000
(9) 50.02-Distributed Administration ...	-1,658,000
(11) Reimbursements .....	-10,000
(12) Amount payable from the Graphic Design License Plate Account (Item 8260-001-0078) .....	-301,000
(13) Amount payable from the Federal Trust Fund (Item 8260-001-0890).	-617,000
8260-001-0078—For support of California Arts Council, for payment to Item 8260-001-0001, payable from the Graphic Design License Plate Account .....	301,000
8260-001-0890—For support of California Arts Council, for payment to Item 8260-001-0001, payable from the Federal Trust Fund.....	617,000
8260-101-0001—For local assistance, California Arts Council, for grants and subventions .....	27,565,000
Schedule:	
(1) 05-Arts in Education .....	10,000,000
(2) 10-Artists in Residence .....	3,774,000
(3) 20-Organizational Support Grants ..	10,373,000
(4) 25-Performing Arts Touring/ Presenting Program .....	842,000
(5) 30-Special Initiatives Program .....	500,000
(6) 40-Statewide Projects .....	2,676,000
(8) Reimbursements .....	-50,000

Item	Amount
(9) Amount payable from the Graphic Design License Plate Account (Item 8260-101-0078) .....	-550,000
Provisions:	
1. Funds appropriated for the Small- and Mid-size Organizations element and the Large Budget Organizations element of the Organizational Grants program shall not be expended unless the grant recipient provides at least a dollar-for-dollar cash match. No matching funds shall be required for grants to individual artists or for technical assistance.	
2. Of the funds appropriated in Schedule (3), \$1,900,000 is for the Multicultural Arts Development program. These funds shall be for culturally specific organizations or artists who have a demonstrated commitment to cultural art. This funding shall be limited to organizations that have traditionally not received significant grants from the California Arts Council.	
3. Grant funds may be provided to arts organizations through a fiscal intermediary as approved by the California Arts Council.	
4. It is the intent of the Legislature that capital outlay funds appropriated in Item 8260-102-0001 for the 1998-99 fiscal year and in Item 8260-103-0001 for the 1999-00 fiscal year may be used for the payment of liabilities arising from capital outlay expenditures incurred prior to July 1, 1998, and July 1, 1999, respectively.	
8260-101-0078—For local assistance, California Arts Council, for payment to Item 8260-101-0001, payable from the Graphic Design License Plate Account	550,000
8260-101-0890—For local assistance, California Arts Council, payable from the Federal Trust Fund .....	170,000
Schedule:	
(1) 10-Artists in Residence .....	74,000
(2) 25-Performing Arts Touring/ Presenting Program .....	12,000
(3) 40-Statewide Projects .....	84,000
Provisions:	
1. Any organization applying for a grant under the Large Budget Organizations element of the Organizational Grants program may not receive a grant under the Small- and Mid-size Organizations element of the Organizational Grants program.	



Item	Amount
<ul style="list-style-type: none"> <li>2. Any organization applying for a grant under the Small- and Mid-size Organizations element of the Organizational Grants program may not receive a grant under the Large Budget Organizations element of the Organizational Grants program.</li> <li>3. Funds appropriated for the Small- and Mid-size Organizations element and the Large Budget Organizations element of the Organizational Grants program shall not be expended unless the grant recipient provides at least a dollar-for-dollar cash match. No matching funds shall be required for grants to individual artists or for technical assistance.</li> <li>4. Grant funds may be provided to arts organizations through a fiscal intermediary as approved by the California Arts Council.</li> </ul>	
8260-102-0001—For local assistance, California Arts Council .....	5,000,000
Schedule:	
(1) 70-Cultural Institutions Program ....	5,000,000
Provisions:	
<ul style="list-style-type: none"> <li>1. Of the funds appropriated in this item, \$2,000,000 is for allocation to the Simon Wiesenthal Center, Museum of Tolerance to provide teacher training on tolerance and diversity to California educators in K–12 public schools. In making this appropriation, it is the intent of the Legislature to establish an ongoing system of local assistance for the Simon Wiesenthal Center, Museum of Tolerance.</li> <li>2. For purposes of this item, teacher training on tolerance and diversity may include programs designed to: a) build greater awareness among educators about issues of tolerance and diversity; b) expose working professionals to the dynamics of prejudice and discrimination that impede effective learning and threaten school safety; c) provide a broad range of multicultural viewpoints which may influence their relationship with co-workers, parents and pupils; d) explore ways of integrating the teaching of tolerance into the curriculum and infusing it into the ethos of the school community; and e) acquaint educators with the facilities and resources available at the Museum of Tolerance and the Simon Wiesenthal Center which can serve their needs.</li> <li>3. Of the funds appropriated in this item, \$3,000,000 is for allocation to the Simon Wiesenthal Center,</li> </ul>	

Item	Amount
Museum of Tolerance for the project, “Finding Our Families, Finding Ourselves.” Notwithstanding Section 2.00 of this act, funds appropriated for this project may be expended from July 1, 2001, to June 30, 2004, inclusive.	
8260-103-0001—For local assistance, California Arts Council, to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years.....	12,631,000
Schedule:	
(a) Local Projects .....	12,631,000
(1) 18th Street Arts Complex Santa Monica: Capital outlay.....	(450,000)
(2) Armenian Film Foundation: Armenian Film Foundation .....	(190,000)
(3) B Street Theatre, Sacramento: Children’s Theater of Sacramento, California .....	(250,000)
(4) City of Chino: Seventh Street Community Theatre Expansion Project.	(25,000)
(5) Community Redevelopment agency of the City of Los Angeles: NoHo Theater Arts District Marquis Project.....	(100,000)
(6) Grammy Foundation: Leonard Bernstein Center program expansion	(200,000)
(7) La Raza Galeria Posada, Sacramento: La Raza Galeria Posada Arts Education Programs.....	(50,000)
(8) New Conservatory Theater: Youth Theater Program...	(100,000)

Item	Amount
(9) San Fernando Valley Chinese Cultural Association, Chinese Heritage Foundation: Chinese Heritage Center .....	(250,000)
(10) City of Los Angeles: Children’s Museum .....	(1,000,000)
(11) County of Stanislaus: Gallo Performing Arts Center .....	(1,000,000)
(12) City of Los Angeles: Children’s Museum .....	(1,000,000)
(13) Centro Cultural de Mexico en Orange County: Cultural Arts Center.....	(36,000)
(14) Mexican Cultural Institute: Cultural and educational programs .....	(100,000)
(15) Kern Visual Arts Foundation: Graffiti Artist Program.	(10,000)
(16) City of Glendale: Glendale Police Department Memorial .....	(25,000)
(17) Santa Barbara Community Youth Performing Arts Center: Santa Barbara Junior High School Theater .....	(100,000)
(18) San Diego Maritime Museum: Education Pilot Project.....	(125,000)
(19) B’nai B’rith: Enlighten America ....	(25,000)

Item	Amount
(20) Hollywood Entertainment Museum: Educational Center for Entertainment Arts.....	(250,000)
(21) City of West Hollywood: Russian Cultural Center at Plummer Park.....	(55,000)
(22) Armand Hammer Museum: Renovation of the Armand Hammer Museum located on the UCLA campus.....	(750,000)
(23) The Jewish Museum San Francisco: Expansion and renovation of the Jewish Museum .....	(750,000)
(24) Dance Brigade: Renovation of three dance studios at the Dance Mission Theatre .....	(100,000)
(25) City of Rancho Cucamonga: Purchase of mobile stage unit for school and parks...	(25,000)
(26) City of Chino: Community Theatre expansion .....	(100,000)
(27) Skirball Cultural Center: Skirball Cultural Arts Center .....	(500,000)
(28) Valley Public Television, KVPT Channel 18/65: Purchase Eagles Lodge Building for office and production expansion .....	(15,000)
(29) The Mexican Museum .....	(500,000)

Item	Amount
(30) International Museum of Women: Construction of the International Museum of Women ...	(100,000)
(31) City of Palo Alto: Children's Theatre sound and light systems .....	(300,000)
(32) B Street Theater: The Children's Theater of California .....	(225,000)
(33) Capital Unity Council .....	(100,000)
(34) Sacramento Theater Company: Kids Write Plays ..	(100,000)
(35) Napa Valley Opera House: Napa Valley Opera House renovation .....	(100,000)
(36) The Natural History Museum of Los Angeles County: Seismic strengthening and historic preservation of the Natural History Museum of Los Angeles County .....	(250,000)
(37) Miners Cultural Center .....	(100,000)
(38) Tulare County: History of Transportation wing in the Mooney Grove Museum Complex.	(75,000)
(39) County of Riverside: Edward Dean Museum and Gardens Education Program .....	(50,000)
(40) Armenian Trade Group: Armenian Heritage Museum .	(200,000)

Item	Amount
(41) Fullerton Railway Plaza Association: Railway Museum, City of Fullerton...	(50,000)
(42) City of Williams: Sacramento Valley Museum restoration .....	(100,000)
(43) Western Center for Archeology and Paleontology.....	(2,500,000)
(44) High Desert Arts Foundation: High Desert Center for the Arts property acquisition.....	(75,000)
(45) Beverly Hospital Foundation .....	(100,000)
(46) Museum of Latin Art.....	(50,000)
(47) Fender Museum of the Arts Foundation: Fender Museum .....	(75,000)
Provisions:	
1. The Arts Council may release 100 percent of grant funds allocated for the Armenian Film Foundation upon the execution of the contract between the Arts Council and the grantee.	
8260-104-0001—For local assistance, California Arts Council .....	1,000,000
Provisions:	
1. Of the funds appropriated in this item, \$1,000,000 is for the 100th/442nd/MIS Memorial Foundation to continue and expand a comprehensive education program in California schools to educate teachers and students on the Japanese-American World War II experience.	
8260-105-0001—For local assistance, California Arts Council, to be available for expenditure during the 2001–02, 2002–03, and 2003–04 fiscal years.....	500,000
Schedule:	
(a) Local projects.....	500,000
(1) Italian Cultural Society of Sacramento: Italian Cultural Museum .....	(500,000)

Item	Amount
8260-111-0001—For local assistance, California Arts Council .....	759,000
Provisions:	
1. Funds appropriated for the California Challenge Program shall not be expended unless the grant recipient provides matching funds through new and increased private contributions based on criteria established by the California Arts Council specifically for this program.	
8260-490—Reappropriation, California Arts Council. Notwithstanding any other provision of law, the balances of the appropriations in the following citations are hereby reappropriated to the California Arts Council for the purposes and subject to the limitations, unless otherwise specified, provided for in those appropriations, and shall be available for expenditure until June 30, 2002:	
0001—General Fund	
(a) Item 8260-001-0001, Budget Act of 1998 (Ch. 324, Stats. 1998); the balance of the \$300,000 in Cultural Institutions Program. This \$300,000 was transferred from Item 8260-102-0001 Budget Act of 1998, Provision 6, and is reappropriated for the support and related expenses of administering and reporting on the expenditures made by specified museums.	
(b) Item 8260-001-0001, Budget Act of 1999 (Ch. 50, Stats. 1999); the balance of the \$200,000 in the Cultural Institutions Program. This \$200,000 was transferred from Item 8260-103-0001 Budget Act of 1999, Provision 5, and is reappropriated for the support and related expenses of administering and reporting on the expenditures made by specified museums.	
(c) Item 8260-001-0001, Budget Act of 2000, (Ch. 52, Stats. 2000); the balance of the \$250,000 in the Cultural Institutions Program. This \$250,000 is reappropriated for the support and related expenses of administering and reporting on the expenditures made by specific museums.	
8300-001-0001—For support of Agricultural Labor Relations Board .....	5,611,000
Schedule:	
(1) 10-Board Administration .....	2,371,000
(2) 20-General Counsel Administration .....	3,240,000

Item	Amount
(3) 30.01-Administrative Services .....	285,000
(4) 30.02-Distributed Administrative Services .....	-285,000
8320-001-0001—For support of Public Employment Re- lations Board .....	4,708,000
Schedule:	
(1) 11-Public Employment Relations ...	4,720,000
(2) Reimbursements .....	-12,000
8350-001-0001—For support of Department of Industrial Relations .....	157,214,000
Schedule:	
(1) 10-Regulation of Workers' Com- pensation Self-Insurance Plans .....	2,818,000
(2) 20-Conciliation of Employer-Em- ployee Disputes .....	2,217,000
(3) 30-Workers' Compensation Admin- istration .....	101,453,000
(4) 35-Industrial Medical Council .....	4,140,000
(5) 36-Commission on Health and Safety and Workers' Compensation	1,209,000
(6) 40-Prevention of Industrial Injuries and Deaths of California Workers.	74,823,000
(7) 50-Enforcement and Promulgation of Laws Relating to Wages, Hours, and Conditions of Employment, and Licensing and Adjudication....	44,749,000
(8) 60-Promotion, Development, and Administration of Apprenticeship and other On-the-Job Training .....	9,102,000
(9) 70-Labor Force Research and Data Dissemination .....	4,268,000
(10) 80-Payment of Claims, Wages, and Contingencies .....	23,942,000
(11) 94.01-Administration .....	25,535,000
(12) 94.02-Distributed Administration	-25,535,000
(13) Reimbursements .....	-3,406,000
(14) Amount payable from the Farm- workers Remedial Account (Item 8350-001-0023) .....	-27,000
(15) Amount payable from the Indus- trial Medicine Fund (Item 8350- 001-0079) .....	-1,750,000
(16) Amount payable from the Cal- OSHA Targeted Inspection and Consultation Fund (Item 8350- 001-0096) .....	-7,746,000



Item	Amount
(17) Amount payable from the Workers' Compensation Managed Care Fund (Item 8350-001-0132).....	-219,000
(18) Amount payable from the Industrial Relations Construction Industry Enforcement Fund (Item 8350-001-0216).....	-53,000
(19) Amount payable from the Workplace Health and Safety Revolving Fund (Item 8350-001-0222).....	-1,209,000
(20) Amount payable from the Workers' Compensation Administration Revolving Fund (Item 8350-001-0223).....	-18,726,000
(21) Amount payable from the Loss Control Certification Fund (Item 8350-001-0284) .....	-795,000
(22) Amount payable from the Asbestos Consultant Certification Account (Item 8350-001-0368).....	-334,000
(23) Amount payable from the Asbestos Training Approval Account (Item 8350-001-0369) .....	-241,000
(24) Amount payable from the Self-Insurance Plans Fund (Item 8350-001-0396) .....	-2,722,000
(25) Amount payable from the Elevator Safety Inspection Account (Item 8350-001-0452) .....	-7,315,000
(26) Amount payable from the Pressure Vessel Inspection Account (Item 8350-001-0453) .....	-3,538,000
(27) Amount payable from the Garment Manufacturers Special Account (Item 8350-001-0481) .....	-50,000
(28) Amount payable from the Employment Training Fund (Item 8350-001-0514).....	-3,158,000
(29) Amount payable from the Uninsured Employers' Account, Uninsured Employers' Fund (Item 8350-001-0571) .....	-23,881,000
(30) Amount payable from the Federal Trust Fund (Item 8350-001-0890).....	-27,296,000
(31) Amount payable from the Industrial Relations Unpaid Wage Fund (Item 8350-001-0913) .....	-957,000

Item	Amount
(32) Amount payable from the Workers' Compensation Administration Revolving Fund (Item 8350-015-0223).....	-495,000
(33) Amount payable from the Industrial Relations Unpaid Wage Fund (Sec. 96.6, Labor Code) .....	-500,000
(34) Amount payable from the Electrician Certification Fund (Item 8350-001-3002) .....	-1,788,000
(35) Amount payable from the Permanent Amusement Ride Safety Inspection Fund (Item 8350-001-3003).....	-1,767,000
(36) Amount payable from the Garment Industry Regulations Fund (Item 8350-001-3004) .....	-2,257,000
(37) Amount payable from the Apprenticeship Training Contribution Fund (Item 8350-001-3022).....	-1,277,000

Provisions:

1. Of the funds appropriated in this item, \$500,000 shall be available to assess the information needs for managing and tracking the Department of Industrial Relations workload. The assessment shall identify the (1) information and data base needs; (2) business processes and systems, including information technology, that are necessary to meet those information needs; (3) barriers that may prevent the department from implementing those systems, including, but not limited to, deficiencies and in information technology staffing and inability to fill existing information technology positions; and (4) actions necessary to implement departmental workload tracking systems. Following the assessment, the funds may also be used to develop a feasibility study report for a centralized case management system information technology project which shall, at a minimum, track enforcement cases and actions, produce reports, assist in identification of labor law violations, and assist in collection of penalties. In developing that centralized case management system, the Department of Industrial Relations shall work with the Department of Information Technology and the Department of Finance, and shall seek comment from the Legislative Analyst's office.

Item	Amount
8350-001-0023—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Farmworkers Remedial Account .....	27,000
8350-001-0079—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Industrial Medicine Fund.....	1,750,000
8350-001-0096—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Cal-OSHA Targeted Inspection and Consultation Fund .....	7,746,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.	
8350-001-0132—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Workers' Compensation Managed Care Fund .....	219,000
8350-001-0216—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Industrial Relations Construction Industry Enforcement Fund.....	53,000
8350-001-0222—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Workplace Health and Safety Revolving Fund .....	1,209,000
Provisions:	
1. Funds appropriated in this item are for the purpose of supporting the activities of the Commission on Health and Safety and Workers' Compensation within the Department of Industrial Relations, as established by Chapter 227 of the Statutes of 1993.	
8350-001-0223—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Workers' Compensation Administration Revolving Fund.....	18,726,000
8350-001-0284—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Loss Control Certification Fund.....	795,000
8350-001-0368—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Asbestos Consultant Certification Account.....	334,000

Item	Amount
8350-001-0369—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Asbestos Training Approval Account.	241,000
8350-001-0396—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Self-Insurance Plans Fund .....	2,722,000
8350-001-0452—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Elevator Safety Account .....	7,315,000
8350-001-0453—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Pressure Vessel Account .....	3,538,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Government Code Section 13332.18.	
8350-001-0481—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Garment Manufacturers Special Account .....	50,000
8350-001-0514—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Employment Training Fund .....	3,158,000
Provisions:	
1. Notwithstanding Section 1611 of, and Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3 of the Unemployment Insurance Code, \$3,158,000 from the interest earned from money in the Employment Training Fund shall be transferred by the State Controller to the Department of Industrial Relations for the support of the Division of Apprenticeship Standards.	
8350-001-0571—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Uninsured Employers' Account, Uninsured Employers' Fund .....	23,881,000
8350-001-0890—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Federal Trust Fund .....	27,296,000
8350-001-0913—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Industrial Relations Unpaid Wage Fund .....	957,000
Provisions:	
1. Notwithstanding any other provision of law, funds appropriated by this item shall be expended by the	

Item	Amount
Department of Industrial Relations Division of Labor Standards Enforcement to administer the Targeted Industries Partnership Program to increase enforcement and compliance in the agricultural, garment, and restaurant industries.	
2. It is the intent of the Legislature that the Targeted Industries Partnership Program result in increased enforcement of, and compliance by, the agricultural, garment, and restaurant industries regarding wages, hours, conditions of employment, licensing, registration, child labor laws and regulations.	
8350-001-3002—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Electrician Certification Fund .....	1,788,000
8350-001-3003—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Permanent Amusement Ride Safety Inspection Fund .....	1,767,000
8350-001-3004—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Garment Industry Regulations Fund..	2,257,000
8350-001-3022—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Apprenticeship Training Contribution Fund .....	1,277,000
8350-011-0001—For transfer by the Controller to the Uninsured Employers’ Account, Uninsured Employers’ Fund .....	18,603,000
8350-015-0223—For support of Department of Industrial Relations, for payment to Item 8350-001-0001, payable from the Workers’ Compensation Administration Revolving Fund .....	495,000
8350-295-0001—For local assistance, Department of Industrial Relations, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	1,467,000
Schedule:	
(1) 98.01.117.189-Peace Officer’s Cancer Presumption (Ch. 1171, Stats. 1989).....	748,000
(2) 98.01.156.882-Firefighter’s Cancer Presumption (Ch. 1568, Stats. 1982).....	719,000

Item	Amount
(3) 98.01.999.001-Personal alarm devices (8 Cal. Code Regs. Sec. 3401(c)).....	0
(4) 98.01.999.002-Structural and wildland firefighter safety clothing and equipment (8 Cal. Code Regs. Secs. 3401 to 3410, incl.).....	0

Provisions:

1. Except as provided in Provision 2 of this item, allocations of funds appropriated in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notification of the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.
3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001-02 fiscal year:
  - (3) Personal alarm devices (8 Cal. Code Regs. Sec. 3401(c)).
  - (4) Structural and wildland firefighter safety clothing and equipment (8 Cal. Code Regs. Secs. 3401 to 3410, incl.).

Item	Amount
8380-001-0001—For support of Department of Personnel Administration .....	7,650,000
Schedule:	
(1) 10-Policy Operations .....	4,796,000
(2) 20-Labor Relations.....	2,248,000
(3) 25-Legal .....	5,014,000
(4) 40.01-Administration.....	3,657,000
(5) 40.02-Distributed Administration ...	-3,251,000
(6) 54-Benefits Administration .....	15,134,000
(7) 56-Training and Development.....	3,644,000
(8) Reimbursements.....	-16,551,000
(9) Amount payable from the Flexelect Benefit Fund (Item 8380-001-0821).....	-767,000
(10) Amount payable from the Deferred Compensation Plan Fund (Item 8380-001-0915) .....	-6,274,000
8380-001-0821—For support of Department of Personnel Administration, for payment to Item 8380-001-0001, payable from the Flexelect Benefit Fund.....	767,000
8380-001-0915—For support of Department of Personnel Administration, for payment to Item 8380-001-0001, payable from the Deferred Compensation Plan Fund .....	6,274,000
8380-004-0001—For support of Department of Personnel Administration .....	22,340,000
Schedule:	
(1) 54-Benefits Administration .....	22,340,000
Provisions:	
1. Notwithstanding subdivision (a) of Section 2.00 of this act, the funds appropriated in this item are available for expenditure until January 1, 2005.	
8380-490—Reappropriation, Department of Personnel Administration. Notwithstanding any other provisions of law, as of June 30, 2001, the balance of the appropriations provided in the following citation is reappropriated for purposes provided for in that appropriation and shall be available for encumbrance and expenditure until June 30, 2002:	
0367—Indian Gaming Special Distribution Fund	
(1) Item 8380-001-0367, Budget Act of 2000 (Ch. 52, Stats. 2000).	
8385-001-0001—For support of California Citizens Compensation Commission, Program 10 .....	25,000

Item	Amount
8450-001-0001—For support of Workers’ Compensation Benefit Program, for payment of the additional compensation for subsequent injuries provided for by Article 5 (commencing with Section 4750) of Chapter 2 of Part 2 of Division 4 of the Labor Code.....	5,507,000
Schedule:	
(1) Payment of Claims.....	7,570,000
(2) Support, State Compensation Insurance Fund.....	379,000
(3) Prelitigation Expenses .....	170,000
(4) Support, Department of Industrial Relations .....	688,000
(5) Amount payable from Subsequent Injuries Moneys Account (Item 8450-001-0016) .....	-3,300,000
Provisions:	
1. This item shall not be construed as a limitation on funds appropriated by Item 8450-001-0016.	
2. The funds appropriated in this item shall not be available for expenditure at any time that funds appropriated by Item 8450-001-0016 are available for expenditure.	
3. At the end of the 2001–02 fiscal year, any expenditures made from the General Fund against this item shall be reduced by any amounts remaining available from the funds appropriated by Item 8450-001-0016.	
8450-001-0016—For payment of Workers’ Compensation Benefits for Subsequent Injuries, for payment to Item 8450-001-0001, payable from the Subsequent Injuries Moneys Account .....	3,300,000
Provisions:	
1. The Director of Finance may authorize the augmentation of the total amount available for expenditure under this item in the amount of revenue received by the Subsequent Injuries Moneys Account that is in addition to the amount appropriated by this item, not sooner than 30 days after notification in writing to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee. The director may authorize these augmentations only up to the amount required for payment of the additional compensation for subsequent injuries provided by Article 5 (commencing with Section	



Item	Amount
4750) of Chapter 2 of Part 2 of Division 4 of the Labor Code.	
8460-101-0001—For local assistance, Workers’ Compensation Benefits for Disaster Service Workers .....	663,000
Provisions:	
1. Funds appropriated by this item are for furnishing workers’ compensation to disaster service workers and their dependents, in accordance with Division 4 (commencing with Section 3200) of the Labor Code, including the reimbursement of the State Compensation Insurance Fund for the cost of services as adjusting agent, for the Governor’s Office of Emergency Services. The State Compensation Insurance Fund may draw from the State Treasury any funds appropriated by this item, without at the time presenting vouchers and itemized statements, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workers’ compensation and adjusting services are exempted from Section 925.6 of the Government Code. Reimbursement of the revolving fund for those expenditures shall be made upon presentation to the State Controller of an abstract or statement of the expenditures. The abstract or statement shall be in such form as the State Controller requires.	
8500-001-0152—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners Fund .....	2,118,000
Schedule:	
(1) 10-Board of Chiropractic Examiners .....	2,159,000
(2) Reimbursements .....	-41,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Government Code Section 13332.18.	
8510-001-0264—For support of Osteopathic Medical Board of California payable from the Osteopathic Medical Board of California Contingent Fund .....	889,000
Schedule:	
(1) 10-Osteopathic Medical Board of California .....	939,000
(2) Reimbursements .....	-50,000

Item	Amount
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Government Code Section 13332.18.	
8530-001-0290—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners’ Special Fund.....	1,184,000
Schedule:	
(1) 10.01 Support .....	545,000
(2) 10.02 Training.....	639,000
Provisions:	
1. The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Government Code Section 13332.18.	
8550-001-0191—For support of California Horse Racing Board, payable from the Fair and Exposition Fund .....	8,152,000
Schedule:	
(1) 10-California Horse Racing Board.	8,415,000
(2) Amount payable from the Racetrack Security Account, Special Deposit Fund (Item 8550-001-0942).....	-263,000
8550-001-0942—For support of California Horse Racing Board, for payment to Item 8550-001-0191, payable from the Racetrack Security Account, Special Deposit Fund .....	263,000
8550-011-0942—Notwithstanding paragraph (1) of subdivision (b) of Section 19641 of the Business and Professions Code, there is hereby transferred to the General Fund the unencumbered balance of the Racetrack Security Account, Special Deposit Fund, as of June 30, 2002 .....	(2,000,000)
8570-001-0001—For support of Department of Food and Agriculture .....	68,253,000
Schedule:	
(1) 11-Agricultural Plant and Animal, Pest and Disease Prevention .....	75,187,000
(2) 21-Marketing, Commodities, and Agricultural Services.....	20,466,000
(3) 31-Assistance to Fairs and County Agricultural Activities .....	2,472,000
(4) 41.01-Executive, Management, and Administrative Services.....	11,640,000

Item	Amount
(5) 41.02-Distributed Executive, Management, and Administrative Services.....	-10,351,000
(6) Reimbursements.....	-8,145,000
(7) Amount payable from the Department of Agriculture Account, Department of Agriculture Fund (Item 8570-001-0111).....	-13,244,000
(8) Amount payable from the Fair and Exposition Fund (Item 8570-001-0191).....	-3,119,000
(9) Amount payable from the Harbors and Watercraft Revolving Fund (Item 8570-001-0516) .....	-947,000
(10) Amount payable from the Agriculture Building Fund (Item 8570-001-0601).....	-1,360,000
(11) Amount payable from the Federal Trust Fund (Item 8570-001-0890).....	-3,969,000
(12) Amount payable from the Agricultural Pest Control Research Account (Item 8570-011-0112) .....	-5,000
(13) Amount payable from the Satellite Wagering Account (Item 8570-012-0192).....	-372,000

Provisions:

1. Funds appropriated to Schedule (1) from Item 8570-001-0111 are in lieu of the appropriation provided by subdivision (b) of Section 224 of the Food and Agricultural Code for emergency detection, eradication, or research of agricultural plant or animal pests or diseases. Any unencumbered balance of these funds shall be available for transfer to local assistance for payment to counties during the 2001-02 fiscal year, as provided in subdivision (c) of Section 224 of the Food and Agricultural Code. In addition, notwithstanding any other provision of law, up to an additional \$800,000 of the funds appropriated pursuant to subdivision (c) of Section 224 of the Food and Agricultural Code shall be available for use by the Department of Food and Agriculture for emergency projects to augment Schedule (a) of this item. The Secretary of Food and Agriculture may expend the funds identified in this provision with the approval of the Director of Finance. The funds

Item

Amount

that are so appropriated are not subject to Section 26.00, 27.00, 28.00, or 28.50 of this act.

- 2. Funds appropriated from Item 8570-001-0111 are in lieu of the appropriation provided by subdivision (a) of Section 224 of the Food and Agricultural Code. In addition, notwithstanding any other provision of law, of the funds appropriated pursuant to subdivision (c) of Section 224 of the Food and Agricultural Code, \$650,000 shall be available for use by the Department of Food and Agriculture for departmental overhead expenses.
- 3. Notwithstanding any other provision of law, of the funds appropriated pursuant to subdivision (c) of Section 224 of the Food and Agricultural Code, \$179,000 shall be available for use by the Department of Food and Agriculture for the County/State Liaison Director. The Secretary of Food and Agriculture may augment Schedule (c) of this item with the approval of the Director of Finance. The funds that are so appropriated are not subject to Section 26.00, 27.00, 28.00, or 28.50 of this act.
- 4. Of the funds appropriated in this item, \$800,000 is for the Central Valley Assessment Project. Notwithstanding Section 2.00 of this act, funds appropriated for this project may be expended from July 1, 2001, to June 30, 2004, inclusive. Funds for this project may not be encumbered or expended until the Department of Information Technology and Department of Finance approve the appropriate project initiation documents (special project report or feasibility study report).
- 5. New and renewed county work-plans for red imported fire ant eradication may include subcontracting relationships with private entities if the county board of supervisors determines by resolution that a subcontracting relationship is both effective and cost-efficient and the secretary finds that approval of the subcontracting relationship will not compromise program goals, such as consistency, authority, accountability, oversight, efficacy, safety, timeliness, and overall program costs.

8570-001-0111—For support of Department of Food and Agriculture, for payment to Item 8570-001-0001, payable from the Department of Agriculture Account, Department of Agriculture Fund .....

13,244,000

Item	Amount
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Government Code Section 13332.18.	
8570-001-0191—For support of Department of Food and Agriculture, for payment to Item 8570-001-0001, payable from the Fair and Exposition Fund.....	3,119,000
8570-001-0516—For support of Department of Food and Agriculture, for payment to Item 8570-001-0001, payable from the Harbors and Watercraft Revolving Fund .....	947,000
8570-001-0601—For support of Department of Food and Agriculture, for payment to Item 8570-001-0001, payable from the Agriculture Building Fund.....	1,360,000
Provisions:	
1. Funds appropriated in this item are in lieu of the appropriation made by Section 624 of the Food and Agricultural Code.	
8570-001-0890—For support of Department of Food and Agriculture, for payment to Item 8570-001-0001, payable from the Federal Trust Fund.....	3,969,000
Provisions:	
1. The Department of Finance may authorize the augmentation of this item in an amount not to exceed a cumulative total of \$1,500,000. Any augmentation pursuant to this provision shall be made only if the Department of Food and Agriculture has a valid federal contract or grant. These funds shall not be used for state or federal cooperative fruit fly eradication projects. The augmentations pursuant to this authority are not subject to Section 26.00 or 28.00 of this act.	
8570-002-0001—For support of Department of Food and Agriculture, Program 11, for sterile medfly release program in the Los Angeles Basin .....	8,690,000
8570-003-0001—For support of Department of Food and Agriculture for rental payments on lease revenue bonds .....	1,412,000
Schedule:	
(1) Base Rental and Fees .....	1,620,000
(2) Insurance .....	8,000
(3) Reimbursements.....	-216,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule	

Item	Amount
<p>shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.</p>	
<p>8570-003-0111—For support of Department of Food and Agriculture, for rental payments on lease revenue bonds, payable from the Department of Agriculture Account, Department of Agriculture Fund .....</p>	40,000
<p>Schedule:</p>	
<p>(1) Base Rental.....</p>	40,000
<p>Provisions:</p>	
<p>1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.</p>	
<p>8570-003-0601—For support of Department of Food and Agriculture, for rental payments on lease revenue bonds, payable from the Agriculture Building Fund.</p>	230,000
<p>Schedule:</p>	
<p>(1) Base Rental.....</p>	228,000
<p>(2) Insurance .....</p>	2,000
<p>Provisions:</p>	
<p>1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.</p>	
<p>8570-004-0001—For transfer by the Controller to the Pierce’s Disease Management Account (3010).....</p>	8,500,000
<p>Provisions:</p>	
<p>1. Of the funds appropriated in this item, \$8,900,000 shall be deposited in the Pierce’s Disease Management Account in the Food and Agricultural Fund and shall be available for expenditure without regard to fiscal year for the purpose of combating Pierce’s disease and its vectors.</p>	
<p>8570-005-0001—For support, Department of Food and Agriculture for the “Buy California” Program .....</p>	5,000,000
<p>Provisions:</p>	
<p>1. The funds appropriated in this item shall be available for expenditure upon enactment of legislation authorizing establishment of the “Buy California” Program.</p>	

Item	Amount
8570-011-0112—For support of Department of Food and Agriculture, for payment to Item 8570-001-0001, payable from the Agricultural Pest Control Research Account .....	5,000
Provisions:	
1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Government Code Section 13332.18.	
8570-011-0191—For transfer by the State Controller from the Fair and Exposition Fund to the General Fund, for health benefits for retired employees of district agricultural associations.....	(246,000)
8570-011-0890—For transfer by the Controller from the Federal Trust Fund to the Pierce’s Disease Management Account (3010) .....	4,926,000
Provisions:	
1. The funds appropriated in this item shall be deposited in the Pierce’s Disease Management Account in the Food and Agricultural Fund and shall be available for expenditure for the purpose of combating Pierce’s disease and its vectors.	
8570-012-0192—For support of Department of Food and Agriculture, for payment to Item 8570-001-0001, payable from the Satellite Wagering Account .....	372,000
8570-101-0001—For local assistance, Department of Food and Agriculture .....	10,530,000
Schedule:	
(1) 11-Agricultural Plant and Animal, Pest and Disease Prevention .....	10,530,000
(2) 31-Assistance to Fairs and County Agricultural Activities .....	1,333,000
(3) Amount payable from the Fair and Exposition Fund (Item 8570-101-0191).....	-950,000
(4) Amount payable from the General Fund (Item 8570-111-0001).....	-383,000
8570-101-0191—For local assistance, Department of Food and Agriculture, for payment to Item 8570-101-0001, payable from the Fair and Exposition Fund .....	950,000
Provisions:	
1. The funds appropriated in this item are for unemployment insurance at local fairs.	
2. The funds appropriated in this item are for the contributions, or the cost of benefits in lieu of contributions, payable from the Fair and Exposi-	

Item	Amount
<p>tion Fund to the Unemployment Fund by all entities conducting fairs, including county, district, combined county and district, and citrus fruit fairs receiving funds pursuant to Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code, as a result of unemployment insurance coverage pursuant to Section 605 of the Unemployment Insurance Code.</p>	
<p>8570-111-0001—For local assistance, Department of Food and Agriculture, for payment to Item 8570-101-0001 .....</p>	383,000
<p>Provisions:</p>	
<p>1. The funds appropriated in this item are also available for compensation for services performed for agricultural departments and are to be expended in accordance with the provisions of Sections 2221 to 2224, inclusive, of the Food and Agricultural Code.</p>	
<p>8570-301-0001—For capital outlay, Department of Food and Agriculture .....</p>	914,000
<p>Schedule:</p>	
<p>(2) 90.19.001-Hawaii Medfly Rearing Facility—Preliminary plans .....</p>	539,000
<p>(2.5) 90.19.020-New Greenhouse, University of California Riverside, Pierce’s Disease Control Program—Construction .....</p>	375,000
<p>8570-301-0042—For capital outlay, Department of Food and Agriculture, payable from the State Highway Account .....</p>	4,172,000
<p>Schedule:</p>	
<p>(1) 90.04.010-Relocation: Dorris Agriculture Inspection Station—Preliminary plans and working drawings .....</p>	672,000
<p>(2) 90.80.010-Relocation: Truckee Agriculture Inspection Station—Construction .....</p>	3,500,000
<p>8570-301-0660—For capital outlay, Department of Food and Agriculture, payable from the Public Buildings Construction Fund .....</p>	16,492,000
<p>Schedule:</p>	
<p>(1) 90.18.001-Relocation: Yermo Agriculture Inspection Station—Construction .....</p>	8,806,000



Item		Amount
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	(2) 90.80.010-Relocation: Truckee Agriculture Inspection Station— Construction .....	7,686,000
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Provisions:

1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the project authorized by this item.
2. The State Public Works Board and the Department of Food and Agriculture may obtain interim financing for the project costs authorized in this item from any appropriate source including, but not limited to, Section 15849.1 of the Government Code and the Pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.
3. The State Public Works Board may authorize the augmentation of the cost of construction of the projects scheduled in this item pursuant to the board's authority under Section 13332.11 of the Government Code. In addition, the State Public Works Board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing, including the payment of interest during construction of the project, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the project. This additional amount may include interest payable on any interim financing obtained.

8570-401—For support of Department of Food and Agriculture: Notwithstanding any other provision of law, \$2,900,000 of the funds appropriated pursuant to subdivision (c) of Section 224 of the Food and Agricultural Code shall be allocated to counties in a manner prescribed by the secretary for pest detection/trapping programs. These funds are intended to supplement funds available for pest detection/trapping in Item 8570-101-0001. As a condition of receiving these funds, counties shall not reduce their level of support from any other funds for pest detection/trapping programs. If a county declines to participate in a pest detection/ trapping program, or fails to conduct the program to the state's satisfaction, the secretary shall reduce, by the

Item	Amount
<p>amount that would otherwise be allocated to the county, funds available pursuant to subdivision (c) of Section 224 and other state allocations from Item 8570-101-0001. These funds are hereby appropriated to the Department of Food and Agriculture Item 8570-001-0001 for purposes of operating the pest detection/trapping programs in the counties.</p>	
<p>8570-402—For local assistance, Department of Food and Agriculture: The remaining funds available pursuant to subdivision (c) of Section 224 of the Food and Agricultural Code, after allocation in accordance with Item 8570-401 and Provisions 1 and 2 of Item 8570-001-0001, shall be apportioned to the counties as follows: In relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for agricultural programs that are supervised by the department and for pesticide use enforcement programs supervised by the Department of Pesticide Regulation. This item shall not be effective if a later enacted statute amends subdivision (c) of Section 224 of the Food and Agricultural Code.</p>	
<p>8570-403—For Department of Food and Agriculture. Notwithstanding any other provision of law, 30 days prior to the Department of Food and Agriculture's entering into interim financing or long-term financing, including bond agreements, pursuant to Article 9 (commencing with Section 19590) of Chapter 4 of Division 8 of the Business and Professions Code, the department shall submit a report to the Chairperson of the Joint Legislative Budget Committee with copies to the Chairpersons of Senate Budget and Fiscal Review Subcommittee Number 2, Assembly Ways and Means Subcommittee Number 3, the Senate Select Committee on Fairs and Rural Issues, and the Subcommittee on Fairs and Expositions of the Assembly Committee on Agriculture. The report shall list: (a) proposed individual satellite wagering expansion projects at fairs, (b) costs for constructing, operating, and maintaining individual satellite wagering projects, (c) net revenue projections for individual satellite wagering projects, and (d) projected effect on net Satellite Wagering Account revenue resulting from individual satellite wagering projects and satellite wagering-related projects. Additional notification is not required for financing proposals unless refinancing will result in the expenditure of</p>	

Item	Amount
additional funds, in which case the report shall include the above-requested information relating only to the new debt. Reporting shall be required only for satellite wagering projects that are funded by interim financing or long-term financing, including bond agreements.	
8620-001-0001—For support of Fair Political Practices Commission .....	2,721,000
Schedule:	
(1) 10.10-Local enforcement .....	1,131,000
(2) 10.20-Legal, technical assistance and state enforcement .....	1,590,000
8640-001-0001—For support of Political Reform Act of 1974, the following sums are appropriated to, and in augmentation of, the following agencies and officers for the administration, investigation and regulation of political campaigns, officials, and lobbyists.....	2,272,000
Schedule:	
(A) 10-Secretary of State .....	734,000
For transfer by the State Controller to Item 0890-001-0001 as follows:	
(1) Personal Services...	508,000
(2) Operating expenses and equipment.....	226,000
(B) 20-Franchise Tax Board .....	1,324,000
For transfer by the State Controller to Item 1730-001-0001 as follows:	
(3) 30-Political Reform Audit.....	1,324,000
(C) 30-Department of Justice .....	222,000
For transfer by the State Controller to Item 0820-001-0001 as follows:	
(7) 40-Criminal Law ...	80,000
(9) 50-Law Enforcement.....	142,000
(D) 40-Fair Political Practices Commission.....	(3,372,000)
(E) Reimbursements .....	-8,000
For transfer by the State Controller to Item 0890-001-0001(4)	
Provisions:	
1. The Controller shall transfer funds as specified above, including any allocations made by the Department of Finance, on January 1, 2002.	
8660-001-0001—For support of Public Utilities Commission, for payment to Item 8660-001-0462 .....	2,738,000

Item	Amount
8660-001-0042—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the State Highway Account, State Transportation Fund.....	2,544,000
8660-001-0046—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the Public Transportation Account, State Transportation Fund.....	2,357,000
8660-001-0412—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the Transportation Rate Fund .....	1,831,000
8660-001-0461—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the Public Utilities Commission Transportation Reimbursement Account.....	7,237,000
8660-001-0462—For support of Public Utilities Commission, payable from the Public Utilities Commission Utilities Reimbursement Account.....	65,629,000
Schedule:	
(1) 10-Regulation of Utilities .....	82,128,000
(1.5) 15-Universal Service Telephone Programs.....	1,234,968,000
(2) 20-Regulation of Transportation.....	13,969,000
(3) 30.01-Administration.....	17,581,000
(4) 30.02-Distributed Administration ...	-17,581,000
(5) Reimbursements.....	-12,728,000
(6) Amount payable from the General Fund (Item 8660-001-0001).....	-2,738,000
(7) Amount payable from the State Highway Account, State Transportation Fund (Item 8660-001-0042).	-2,544,000
(8) Amount payable from the Public Transportation Account, State Transportation Fund (Item 8660-001-0046).....	-2,357,000
(9) Amount payable from the Transportation Rate Fund (Item 8660-001-0412).....	-1,831,000
(10) Amount payable from the Public Utilities Commission Transportation Reimbursement Account (Item 8660-001-0461) .....	-7,237,000
(10.2) Amount payable from California High-Cost Fund-A Administrative Committee Fund (Item 8660-001-0464).....	-29,087,000

Item	Amount
(10.3) Amount payable from California High-Cost Fund-B Administrative Committee Fund (Item 8660-001-0470) .....	-842,738,000
(10.4) Amount payable from Universal Lifeline Telephone Service Trust Administrative Committee Fund (Item 8660-001-0471).....	-211,133,000
(10.5) Amount payable from Payphone Service Providers Committee Fund (Item 8660-001-0491) .....	-1,847,000
(10.6) Amount payable from California Teleconnect Fund Administrative Committee Fund (Item 8660-001-0493) .....	-150,163,000
(11) Amount payable from the Federal Trust Fund (Item 8660-001-0890).	-1,033,000
Provisions:	
1. The Public Utilities Commission shall require any public utility requesting a merger to reimburse the commission for those necessary expenses that the commission incurs in its consideration of the proposed merger.	
2. The Public Utilities Commission shall use funds appropriated in the item to complete and submit an expenditure plan to the Joint Legislative Budget Committee, the Department of Finance, the State Superintendent of Public Instruction, and the California Community Colleges Chancellor's office on or before August 1, 2001. The expenditure plan, as detailed in the provisions of Items 6110-210-0001 and 6870-485, shall take into account factors such as climate and service provider.	
8660-001-0464—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the California High-Cost Fund-A Administrative Committee Fund.....	29,087,000
Provisions:	
1. Of the amount appropriated in this item, up to \$163,000 shall be used by the Public Utilities Commission to fund administrative and staffing costs for the California High-Cost Fund-A Administrative Committee Program, subject to the approval of the Department of Finance and notification to the Joint Legislative Budget Committee.	

Item	Amount
8660-001-0470—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the California High-Cost Fund-B Administrative Committee Fund.....	842,738,000
Provisions:	
1. Of the amount appropriated in this item, up to \$163,000 shall be used by the Public Utilities Commission to fund administrative and staffing costs for the California High-Cost Fund-B Administrative Committee Program, subject to the approval of the Department of Finance and notification to the Joint Legislative Budget Committee.	
8660-001-0471—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the Universal Lifeline Telephone Service Trust Administrative Committee Fund.....	211,133,000
Provisions:	
1. Of the amount appropriated in this item, up to \$387,000, shall be used by the Public Utilities Commission to fund administrative and staffing costs for the Universal Lifeline Telephone Service Trust Administrative Committee Program, subject to the approval of the Department of Finance and notification to the Joint Legislative Budget Committee.	
8660-001-0491—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the Payphone Service Providers Committee Fund.....	1,847,000
Provisions:	
1. Of the amount appropriated in this item, up to \$1,206,000 shall be used by the Public Utilities Commission to fund administrative and staffing costs for the Payphone Service Providers Committee Program, subject to the approval of the Department of Finance and notification to the Joint Legislative Budget Committee.	
8660-001-0493—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the California Teleconnect Fund Administrative Committee Fund.....	150,163,000
Provisions:	
1. Of the amount appropriated in this item, up to \$163,000 shall be used by the Public Utilities Commission to fund administrative and staffing costs for the California Teleconnect Fund Admin-	

Item	Amount
<p>istrative Committee Program, subject to the approval of the Department of Finance and notification to the Joint Legislative Budget Committee.</p> <p>8660-001-0890—For support of Public Utilities Commission, for payment to Item 8660-001-0462, payable from the Federal Trust Fund .....</p>	1,033,000
<p>8660-003-0412—For support of Public Utilities Commission for rental payments on lease revenue bonds, payable from the Transportation Rate Fund .....</p> <p>Schedule:</p> <p>(1) Base Rental..... 149,000</p> <p>(2) Insurance ..... 1,000</p> <p>Provisions:</p> <p>1. The Controller shall transfer funds appropriated by this item according to a schedule to be provided in the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.</p>	150,000
<p>8660-003-0461—For support of Public Utilities Commission for rental payments on lease revenue bonds, payable from the Public Utilities Commission Transportation Reimbursement Account.....</p> <p>Schedule:</p> <p>(1) Base Rental and Fees ..... 550,000</p> <p>(2) Insurance ..... 4,000</p> <p>Provisions:</p> <p>1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.</p>	554,000
<p>8660-003-0462—For support of Public Utilities Commission for rental payments on lease revenue bonds, payable from the Public Utilities Commission Utilities Reimbursement Account .....</p> <p>Schedule:</p> <p>(1) Base Rental and Fees ..... 4,301,000</p> <p>(2) Insurance ..... 31,000</p> <p>Provisions:</p> <p>1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.</p>	4,332,000

Item	Amount
8665-001-9326—For support of the California Consumer Power and Conservation Financing Authority, payable from the California Consumer Power and Conservation Financing Authority Fund.....	10,000,000
Schedule:	
(a) 10-Administration.....	10,000,000
Provisions:	
1. Funds appropriated in this item are to be used to conduct activities pursuant to Chapter 10 of the Statutes of 2001 of the First Extraordinary Session and may be spent only upon approval by the Department of Finance. Amounts may be approved for expenditure on an allotment basis and shall be limited to the amounts needed to carry out operating and staffing plans approved by the Department of Finance. Approval of expenditures shall not occur any sooner than 30 days after notification of the Joint Legislative Budget Committee.	
8665-011-0001—For transfer, upon notification by the Department of Finance, to the California Consumer Power and Conservation Financing Authority Fund .....	(10,000,000)
Provisions:	
1. The appropriation in this item shall be available for loans to the California Consumer Power and Conservation Financing Authority Fund, as needed to finance approved expenditures in Item 8665-001-9326. These loans shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of the transfer and shall be repaid from revenues deposited in that fund pursuant to Chapter 10, Statutes of 2001 (First Extraordinary Session).	
8690-001-0001—For support of Seismic Safety Commission.....	980,000
Schedule:	
(1) 10-Seismic Safety Commission.....	1,215,000
(2) Reimbursements.....	-235,000
8700-001-0001—For support of California Victim Compensation and Government Claims Board .....	942,000
Schedule:	
(1) 11-Citizens Indemnification .....	53,901,000
(2) 12-Quality Assurance and Revenue Recovery Division .....	8,676,000
(3) 21-Disaster Relief Claim Program.....	19,000



Item	Amount
(4) 31-Civil Claims Against the State..	942,000
(5) 41-Citizens Benefiting the Public...	20,000
(6) 51.01-Administration.....	6,828,000
(7) 51.03-Executive Office.....	339,000
(8) 51.02-Distributed Administration Executive Office .....	-7,167,000
(9) Reimbursements.....	-19,000
(10) Amount payable from the Restitu- tion Fund (Item 8700-001-0214)...	-42,951,000
(11) Amount payable from the Federal Trust Fund (Item 8700-001- 0890).....	-19,626,000
(12) Amount payable from the Restitu- tion Fund (Item 8700-002-0214)...	-20,000

Provisions:

1. The California Victim Compensation and Government Claims Board shall not routinely notify all local agencies and school districts regarding its proceedings. However, for each of its meetings, the board shall notify all parties whose claims or proposals are scheduled for consideration and any party requesting notice of the proceedings.

8700-001-0214—For support of California Victim Compensation and Government Claims Board, for support services pursuant to Chapter 5 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code, for payment to Item 8700-001-0001, payable from the Restitution Fund ..... 42,951,000

Provisions:

1. It is the intent of the Legislature that local agencies which contract with the California Victim Compensation and Government Claims Board as part of joint powers agreements or criminal restitution compacts are reimbursed for their costs. Notwithstanding any other provision of law, the Department of Finance may authorize expenditure from the Restitution Fund in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity is provided to the chairperson of the committee in each house of the Legislature that considers appropriations, the chairpersons of the committees and the appropriate subcommittees in each house of the Legislature that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee.

Item	Amount
2. Of the amount appropriated in this item, \$125,000 shall be available to provide the resources needed to support the Victims of Crime Recovery Center pilot project pursuant to Section 13974.5 of the Government Code.	
3. Of the amount appropriated in this item, \$3,000,000 shall be available to establish three programs providing victim recovery resource and treatment services pursuant to Section 13974.9 of the Government Code.	
8700-001-0890—For support of California Victim Compensation and Government Claims Board for payment to Item 8700-001-0001, payable from the Federal Trust Fund .....	19,626,000
8700-002-0214—For support of California Victim Compensation and Government Claims Board for support services pursuant to subdivision (e) of Section 13973 of the Government Code, for payment to Item 8700-001-0001, payable from the Restitution Fund .....	20,000
8700-101-0001—For local assistance, California Victim Compensation and Government Claims Board for reimbursement of special election costs pursuant to Chapter 1102 of the Statutes of 1996, as amended by Chapter 790 of the Statutes of 1999 .....	1,104,000
Provisions:	
1. All expenses authorized and necessarily incurred in the preparation for and conduct of elections pursuant to Chapter 1102 of the Statutes of 1996, as amended by Chapter 790 of the Statutes of 1999, shall be reimbursed at a maximum rate of up to \$1.37 per registered voter or the actual amount claimed for nonconsolidated elections, whichever is less, and a maximum rate of up to \$0.66 per registered voter or the actual amount claimed for consolidated elections, whichever is less.	
2. The California Victim Compensation and Government Claims Board may approve claims of counties in which fewer than 20,000 registered voters were eligible to participate in a special election in amounts greater than the maximums specified in Provision 1.	
8700-295-0001—For local assistance, California Victim Compensation and Government Claims Board for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of	

Item	Amount
the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller.....	0
Schedule:	
(1) 98.01.112.377-Adult Felony Restitution (Ch. 1123, Stats. 1977).....	0
Provisions:	
1. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2000–01 fiscal year:	
(1) Adult Felony Restitution (Chapter 1123 of the Statutes of 1977).	
8770-001-0001—For support of Electricity Oversight Board, for payment to Item 8770-001-0462.....	750,000
Provisions:	
1. Of the amount appropriated in this item, \$750,000 shall only be available for expenditure upon enactment of legislation authorizing the Electricity Oversight Board to undertake specific activities regarding transmission and generation equipment outages.	
8770-001-0462—For support of the Electricity Oversight Board, payable from the Public Utilities Commission Utilities Reimbursement Account.....	2,960,000
Schedule:	
(1) 30-Administration .....	4,166,000
(2) Amount payable from the General Fund (Item 8770-001-0001).....	-750,000
(3) Amount payable from the Energy Resources Programs Account (Item 8770-001-0465) .....	-456,000
8770-001-0465—For support of the Electricity Oversight Board, for payment to Item 8770-001-0462, payable from the Energy Resources Programs Account .....	456,000
8780-001-0001—For support of Milton Marks “Little Hoover” Commission on California State Government Organization and Economy .....	846,000
Schedule:	
(1) 10-Milton Marks Commission on California State Government Organization and Economy.....	848,000
(2) Reimbursements.....	-2,000

Item	Amount
8800-001-0001—For support of Memberships in Interstate Organizations, to be allocated by the State Controller .....	1,793,000
Schedule:	
(1) 10-Council of State Governments .....	408,000
(2) 20-National Conference of State Legislatures .....	441,000
(3) 30-Western States Legislative Forestry Task Force.....	22,000
(4) 35-Pacific Fisheries Legislative Task Force.....	25,000
(5) 50-State and Local Legal Center....	8,000
(6) 60-National Governors' Association	157,000
(7) 80-Coastal States' Organization .....	14,000
(8) 90-Western Governors' Association.	36,000
(9) 91-National Center for State Courts	376,000
(10) 92-Western Interstate Commission for Higher Education .....	99,000
(11) 93-Interstate Compact for Education.....	132,000
(12) 94-For the Sake of the Salmon ....	75,000
8820-001-0001—For support of Commission on the Status of Women.....	431,000
Schedule:	
(1) 10-Administration, Legislation, Research and Information.....	433,000
(2) Reimbursements.....	-2,000
8830-001-0001—For support of California Law Revision Commission .....	659,000
Schedule:	
(1) 10-Law Revision Commission .....	674,000
(2) Reimbursements.....	-15,000
8840-001-0001—For support of California Commission on Uniform State Laws.....	146,000
8855-001-0001—For support of Bureau of State Audits, for transfer to the State Audit Fund.....	11,170,000
Schedule:	
(1) 10-State Auditor .....	11,205,000
(2) Reimbursements.....	-35,000
8860-001-0001—For support of Department of Finance .....	27,497,000
Schedule:	
(1) 10-Annual Financial Plan .....	17,058,000
(2) 20-Program and Information System Assessments .....	8,902,000
(3) 30-Supportive Data .....	11,102,000

Item	Amount
(4) 40.01-Administration.....	5,230,000
(5) 40.02-Distributed Administration ...	-4,755,000
(6) Reimbursements .....	-10,040,000
Provisions:	
1. The funds appropriated in this item for CALSTARS shall be transferred by the Controller, upon order of the Department of Finance, or made available by the Department of Finance as a reimbursement, to other items and departments for CALSTARS-related activities by the Department of Finance.	
2. The funds appropriated in this act for purposes of CALSTARS-related data-processing costs may be transferred between any items in this act by the Controller upon order of the Director of Finance. Any funds so transferred shall be used only for support of CALSTARS-related data-processing costs incurred.	
8860-025-0001—For support of Department of Finance, Program 25—School Attendance Audit Contract.....	3,000,000
Provisions:	
1. (a) The funds appropriated in this item shall be used to fund a contract with the Controller’s office to perform audits of school attendance records. The audits shall be limited to data pertaining to the prior three fiscal years.	
(b) Prior to conducting the audit, the Controller shall submit an audit plan to the Joint Legislative Budget Committee. The plan shall comply with American Institute of Certified Public Accountants (AICPA) generally accepted auditing standards and shall identify (1) the scope and limitations of the attendance audit, (2) the records that shall be retained and supplied by the local agency during the course of the audit, and (3) the state advisories or institutional memoranda describing the obligations of the local agencies subject to the audit.	
(c) It is the intent of the Legislature in providing for these audits that, except as provided in subdivision (d) of this provision, school district attendance audits shall be prospective in application only and shall not be retroactive in the imposition of any apportionment penalty.	
(d) The audits may be used to impose a retroactive apportionment penalty in cases of either	

Item	Amount
(1) an intentional act to defraud the State of California or (2) purposeful falsification of records.	
8885-001-0001—For support of Commission on State Mandates, Program 10.....	1,712,000
Provisions:	
1. The Commission on State Mandates shall provide, in applicable parameters and guidelines, as follows:	
(a) If a local agency or school district contracts with an independent contractor for the preparation and submission of reimbursement claims, the costs reimbursable by the state for that purpose shall not exceed the lesser of (1) 10 percent of the amount of the claims prepared and submitted by the independent contractor, or (2) the actual costs that necessarily would have been incurred for that purpose if performed by employees of the local agency or school district.	
(b) The maximum amount of reimbursement authorized by subdivision (a) may be exceeded only if the local agency or school district establishes, by appropriate documentation, that the preparation and submission of these claims could not have been accomplished without the incurring of the additional costs claimed by the local agency or school district.	
2. In the case where the commission receives one or more county applications for a finding of significant financial distress pursuant to Section 17000.6 of the Welfare and Institutions Code, and where the commission files a request under Section 27.00 of the Budget Act in order to carry out its duties with respect to those applications, then, notwithstanding the provisions of Section 17000.6 of the Welfare and Institutions Code, the time limit imposed on the commission to reach its preliminary and final decisions shall be tolled until such time as the commission has received spending authorization.	
8910-001-0001—For support of Office of Administrative Law .....	2,640,000
Schedule:	
(1) 10-Regulatory Oversight.....	2,780,000
(2) Reimbursements.....	-140,000

Item	Amount
8940-001-0001—For support of Military Department....	43,200,000
Schedule:	
(1) 10-Army National Guard.....	56,913,000
(2) 20-Air National Guard .....	12,809,000
(3) 30.01-Office of the Adjutant Gen- eral.....	7,129,000
(4) 30.02-Distributed Office of the Ad- jutant General .....	-7,129,000
(5) 35-Military Support to Civil Au- thority .....	2,929,000
(6) 40-Military Retirement .....	3,009,000
(7) 50-California Cadet Corps .....	1,678,000
(8) 55-California State Military Re- serve.....	233,000
(9) 65-California National Guard youth programs .....	15,821,000
(10) Reimbursements .....	-3,520,000
(11) Amount payable from the Armory Discretionary Improvement Ac- count (Item 8940-001-0485).....	-150,000
(12) Amount payable from the Federal Trust Fund (Item 8940-001- 0890) .....	-46,522,000
Provisions:	
1. No expenditures shall be made from the funds ap- propriated in this item as a substitution for per- sonnel, equipment, facilities, or other assistance, or for any portion thereof, that, in the absence of the expenditure, or of this appropriation, would be available to the Adjutant General of the State Military Forces, the California National Guard, or the California National Guard Reserve from the federal government.	
2. The funds appropriated in Schedule (6) shall be for military retirements, in accordance with Sec- tions 228 and 256 of the Military and Veterans Code.	
8940-001-0485—For support of Military Department, for payment to Item 8940-001-0001, payable from the Armory Discretionary Improvement Account.....	150,000
Provisions:	
1. No expenditures shall be made from this approp- riation until sufficient revenues or income from armories have been deposited into the State Treas- ury to the credit of the General Fund pursuant to subdivision (c) of Section 431 of the Military and Veterans Code.	

Item	Amount
8940-001-0890—For support of Military Department, for payment to Item 8940-001-0001, payable from the Federal Trust Fund .....	46,522,000
8940-301-0001—For capital outlay, Military Department.....	728,000
Schedule:	
(2) 70.12.020-Statewide Armory Facility Survey and Master Plan (Phase II)—Study .....	545,000
(7) 70.81.040-Los Alamitos Air Field Electrical Distribution System—Preliminary plans .....	183,000
Provisions:	
1. The funds appropriated in Schedule (7) may be used by the Department of the Military to contract with the United States Property and Fiscal Office for design, management, and construction services.	
8940-301-0604—For capital outlay, Military Department	600,000
Schedule:	
(1) 70.17.020-Fresno: Airways Avenue Military Vehicle Parking and Access Road—Acquisition .....	600,000
8940-301-0890—For capital outlay, Military Department, payable from the Federal Trust Fund .....	36,000
Schedule:	
(1) 70.10.100-Advanced Plans and Studies—Study and construction ..	36,000
8955-001-0001—For support of Department of Veterans Affairs.....	2,918,000
Schedule:	
(1) 10-Farm and Home Loans to Veterans .....	1,305,000
(2) 20-Veterans Claims and Rights .....	1,581,000
(3) 30-Care of Sick and Disabled Veterans.....	1,678,000
(4) 50.01-General Administration .....	3,061,000
(5) 50.02-Distributed General Administration.....	-3,061,000
(6) Reimbursements.....	-316,000
(7) Amount payable from the Veterans Service Office Fund (Item 8955-001-0083) .....	-25,000
(8) Amount payable from the Veterans' Farm and Home Building Fund of 1943 (Item 8955-001-0592).....	-1,305,000



Item	Amount
8955-001-0083—For support of Department of Veterans Affairs, for payment to Item 8955-001-0001, payable from the Veterans Service Office Fund .....	25,000
8955-001-0592—For support of Department of Veterans Affairs, for payment to Item 8955-001-0001, payable from the Veterans' Farm and Home Building Fund of 1943.....	1,305,000
8955-101-0001—For local assistance, Department of Veterans Affairs, for contribution to counties toward compensation and expenses of county veteran services offices, to be expended in accordance with Section 972 and following of the Military and Veterans Code .....	2,350,000
Schedule:	
(1) 20-Veterans Claims and Rights .....	3,188,000
(2) Reimbursements.....	-838,000
8955-101-0083—For local assistance, Department of Veterans Affairs, county veteran services offices, payable from the Veterans Service Office Fund .....	314,000
8955-103-0001—For local assistance, Department of Veteran's Affairs .....	100,000
Schedule:	
(1) Local Projects .....	100,000
(a) City of Torrance:	
City of Torrance	
Veteran's Memorial	
Wall.....	(100,000)
8955-301-0701—For capital outlay, Department of Veterans Affairs.....	12,000,000
Schedule:	
(1) 80.30.300-Veterans Home of California: Lancaster—Preliminary plans, working drawings, and construction.....	12,000,000
8960-011-0001—For support of Veterans' Home of California—Yountville .....	31,722,000
Schedule:	
(1) 30-Care of Sick and Disabled Veterans.....	66,083,000
(2) Reimbursements.....	-23,384,000
(3) Amount payable from the Federal Trust Fund (Item 8960-011-0890).....	-10,977,000
Provisions:	
1. A loan from the General Fund, in an amount not to exceed the level of reimbursements appropriated in Schedule (2) of this item, shall be made avail-	

Item	Amount
able to the Veterans' Home of California by the Controller to meet cash needs resulting from the delay in receipt of federal funds or reimbursements for medical services provided. The loan is short term, and shall be repaid within six months. Interest charges shall be waived pursuant to subdivision (e) of Section 16314 of the Government Code.	
2. Any loan authorized pursuant to this item shall require approval by the Department of Finance. Provisions 2, 3, and 4 of Item 9840-011-0001 shall also apply to any loan authorized pursuant to this item.	
3. Of the funds appropriated in Schedule (1), the amount of \$500,000 is available for special projects that provide a direct benefit to the members of the Veterans' Home of California at Yountville, including the maintenance of facilities used by members and the public. The Allied Council at the Veterans' Home of California may submit special project requests to the administrator for consideration. After consultation with the Allied Council, a budget for expenditure of these funds shall be approved by the administrator, and the Secretary of Veterans Affairs.	
8960-011-0890—For support of Veterans' Home of California—Yountville, for payment to Item 8960-011-0001, payable from the Federal Trust Fund.....	10,977,000
8960-301-0001—For capital outlay, Veterans' Home of California—Yountville .....	2,550,000
Schedule:	
(1) 80.20.280-Veterans Home Cemetery Restoration—Working drawings .....	110,000
(2) 80.20.290-Renovate Holderman Rehabilitation Activity Area—Construction .....	1,981,000
(3) 80.20.300-Renovate 1.25 Million Gallon Water Storage Tank and Transmission Line—Preliminary plans and working drawings .....	0
(3.5) 80.20.440-Remodel Recreation Center—Preliminary plans and working drawings .....	211,000
(4) 80.20.045-Minor Projects .....	248,000

Item	Amount
8960-490—Reappropriation, Veterans’ Home of California—Yountville. Notwithstanding any other provision of law, the balance of the \$1,600,000 appropriation in the following citation is reappropriated for the support costs associated with the Memorial Chapel project and subject to the limitations, unless otherwise specified, provided for in that appropriation, and shall be available for expenditure until June 30, 2002: 0001—General Fund Item 8960-011-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
8965-001-0001—For support of the Veterans’ Home of California—Barstow .....	15,254,000
Schedule:	
(1) 30-Care of Sick and Disabled Veterans .....	20,186,000
(2) Reimbursements.....	-2,656,000
(3) Amount payable from the Federal Trust Fund (Item 8965-001-0890).	-2,276,000
Provisions:	
1. A General Fund loan, in an amount not to exceed the level of reimbursements appropriated in Schedule (2) of this item, shall be made available to the Veterans’ Home of California by the Controller to meet cash needs resulting from the delay in receipt of federal funds or reimbursements for medical services provided. The loan is short term, and shall be repaid within six months. Interest charges shall be waived pursuant to subdivision (e) of Section 16314 of the Government Code.	
2. Any loan authorized pursuant to this item shall require approval by the Department of Finance. Provisions 2, 3, and 4 of Item 9840-011-0001 shall also apply to any loan authorized pursuant to this item.	
8965-001-0890—For support of the Veterans’ Home of California—Barstow, for payment to Item 8965-001-0001, payable from the Federal Trust Fund .....	2,276,000
8965-003-0001—For support of the Veterans’ Home of California—Barstow for rental payments on lease revenue bonds .....	1,119,000
Schedule:	
(1) Base Rental and Fees .....	1,129,000
(2) Insurance .....	60,000
(3) Reimbursements.....	-70,000

Item	Amount
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	
8965-401—The amount of the General Fund loan for cash-flow purposes pursuant to Provision 1 of Item 8965-001-0001, Budget Act of 1999 (Ch. 50, Stats. of 1999), will not be required to be repaid.	
8966-001-0001—For support of the Veterans’ Home of California—Chula Vista .....	10,385,000
Schedule:	
(1) 30-Care of Sick and Disabled Veterans.....	13,852,000
(2) Reimbursements .....	-1,758,000
(3) Amount payable from the Federal Trust Fund (Item 8966-001-0890). .....	-1,709,000
Provisions:	
1. A General Fund loan, in an amount not to exceed the level of reimbursements appropriated in Schedule (2) of this item, shall be made available to the Veterans’ Home of California by the Controller to meet cash needs resulting from the delay in receipt of federal funds or reimbursements for medical services provided. The loan is short term, and shall be repaid within six months. Interest charges shall be waived pursuant to subdivision (e) of Section 16314 of the Government Code.	
2. Any loan authorized pursuant to this item shall require approval by the Department of Finance. Provisions 2, 3, and 4 of Item 9840-011-0001 shall also apply to any loan authorized pursuant to this item.	
8966-001-0890—For support of the Veterans’ Home of California—Chula Vista, for payment to Item 8966-001-0001, payable from the Federal Trust Fund.....	1,709,000
8966-003-0001—For support of the Veterans’ Home of California—Chula Vista for rental payments on lease revenue bonds .....	1,430,000
Schedule:	
(1) Base Rental and Fees .....	1,402,000
(2) Insurance .....	28,000
Provisions:	
1. The Controller shall transfer funds appropriated in this item according to a schedule to be provided	

Item	by the State Public Works Board. The schedule shall be provided on a monthly basis or as otherwise might be needed to ensure debt requirements are met.	Amount
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9100-101-0001—	For local assistance, Tax Relief.....	613,419,000
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Schedule:

- |     |   |             |
|-----|---|-------------|
| (1) | 10-Senior Citizens' Property Tax Assistance.....        | 24,583,000  |
| (2) | 20-Senior Citizens' Property Tax Deferral Program ..... | 17,878,000  |
| (3) | 30-Senior Citizen Renters' Tax Assistance.....          | 115,989,000 |
| (4) | 50-Homeowners' Property Tax Relief .....                | 416,925,000 |
| (5) | 60-Subventions for Open Space.....                      | 38,000,000  |
| (6) | 90-Substandard Housing .....                            | 44,000      |

Provisions:

1. Schedule (1) is for property tax assistance to homeowner claimants in accordance with the Senior Citizens Property Tax Assistance and Postponement Law, as set forth in Part 10.5 (commencing with Section 20501) of Division 2 of the Revenue and Taxation Code.

Any unexpended balance in Schedule (1) may be used to make payments to senior citizen renter claimants under Schedule (3).

2. Schedule (2) is for property tax postponement and assistance to claimants in accordance with the Senior Citizens Property Tax Assistance and Postponement Law, as set forth in Part 10.5 (commencing with Section 20501) of Division 2 of the Revenue and Taxation Code. The appropriation made by this schedule shall be in lieu of the appropriation for the same purpose contained in Section 16100 of the Government Code.

3. Schedule (3) is for property tax assistance to renter claimants in accordance with the Senior Citizens Property Tax Assistance and Postponement Law, as set forth in Part 10.5 (commencing with Section 20501) of Division 2 of the Revenue and Taxation Code.

Any unexpended balance in Schedule (3) may be used to make payments to senior citizen homeowner claimants under Schedule (1).

4. Schedule (4) is for reimbursement to local taxing authorities for revenue lost by reason of the homeowners' property tax exemption granted

Item

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pursuant to subdivision (k) of Section 3 of Article XIII of the California Constitution. The appropriation made by this schedule shall be in lieu of the appropriation required pursuant to Section 25 of Article XIII of the California Constitution and the appropriation for the same purposes contained in Section 16100 or 16120 of the Government Code.

- 5. Schedule (5) is for providing reimbursement to local taxing authorities for revenue lost by reason of the assessment of open-space lands under Sections 423, 423.3, 423.4, and 423.5 of the Revenue and Taxation Code, and in accordance with Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code. The appropriation made by this schedule shall be in lieu of the appropriation for the same purpose contained in Section 16100 or 16140 of the Government Code.
- 6. Schedule (6) is for transfer by the Controller to the Local Agency Code Enforcement and Rehabilitation Fund, for the purpose of providing funds to defray costs incurred in the enforcement of local housing code provisions and to fund housing rehabilitation programs for persons and families of low and moderate income, as defined in Section 50093 of the Health and Safety Code, to be allocated to local agencies, prorated on the basis of their share of disallowed deductions that resulted from the agencies' proceedings. Notwithstanding Section 27 of this act, the Director of the Department of Finance, upon notification by the Franchise Tax Board, may revise the estimated appropriation of substandard housing abatement revenues to reflect the actual revenues received in 2000-01 pursuant to Sections 17299 and 24436.5 of the Revenue and Taxation Code.

This amount is in lieu of any statutory requirement.

9100-101-0046—For local assistance, Agricultural and Rural Relief Rebates Program, tax relief, sales and use tax rebates for diesel fuel for producing and harvesting agricultural products, payable from the Public Transportation Account, State Transportation Fund .....

8,000,000

Item	Amount
Provisions:	
1. The Director of Finance may augment the amount appropriated in this item if necessary to pay rebate claims, subject to the legislative notification and review provisions of Section 27.00 of this act.	
9100-102-0001—For local assistance, Agricultural and Rural Relief Rebates Program, tax relief .....	19,300,000
Schedule:	
(1) Liquefied petroleum gas for residential use .....	(5,500,000)
(2) Farm and forestry equipment and machinery .....	(13,000,000)
(3) Thoroughbred breeding stock .....	(800,000)
Provisions:	
1. The Director of Finance may shift funds between the amounts scheduled in this item as needed to pay tax rebates or augment the amount appropriated in this item if necessary to pay rebate claims, subject to the legislative notification and review provisions of Section 27.00 of this act.	
9100-295-0001—For local assistance, Tax Relief, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller.....	1,040,000
Schedule:	
(1) 98.01.124.277-Senior Citizens' Property Tax Deferral Program (Ch. 1242, Stats. 1977) .....	286,000
(2) 98.01.092.187-Countywide Tax Rates (Ch. 921, Stats. 1987).....	380,000
(3) 98.01.069.792-Allocation of Property Tax Revenue (Ch. 697, Stats. 1992).....	374,000
(4) 98.01.105.183-Senior Citizen's Mobilehome Property Tax Deferral (Ch. 1051, Stats. 1983) .....	0
(5) 98.01.004.887-Property Tax-Family Transfers (Ch. 48, Stats. 1987).....	0
Provisions:	
1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of	

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each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.

2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.
3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001–02 fiscal year:
  - (4) Senior Citizen’s Mobilehome Property Tax Deferral (Ch. 1051, Stats. 1983)
  - (5) Property Tax-Family Transfers (Ch. 48, Stats. 1987)

9210-101-0001—For local assistance, local government financing ..... 232,600,000  
 Provisions:

1. For allocation by the Controller to local jurisdictions for public safety and juvenile justice purposes, as determined by the Director of Finance pursuant to Chapter 6.7 (commencing with Section 30061) of Division 3 of Title 3 of the Government Code.
2. Notwithstanding any other provision of law, the funds appropriated in this item shall be available for expenditure until June 30, 2003. These funds shall be used to supplement and not supplant existing services.



Item	Amount
9210-103-0001—For local assistance, Local Government Financing. For assistance to redevelopment agencies, to be allocated by the State Controller.....	1,200,000
Provisions:	
1. The appropriation made in this item shall be in lieu of any appropriation required pursuant to Chapter 1.5 (commencing with Section 16110) of Part 1 of Division 4 of Title 2 of the Government Code.	
2. The Controller shall allocate funds appropriated in this item to redevelopment agencies that have pledged, pursuant to bond instruments and supporting documents, special supplemental subventions as security for payment of the principal and interest on bonds, and have demonstrated that gross tax increment revenues allocated to them in the 2000–01 fiscal year (as reported for inclusion in the Controller’s “Annual Report of Financial Transactions Concerning Community Redevelopment Agencies of California, Fiscal Year 2000–01”), less housing set-aside amounts not available for debt service, and less any reserve requirement deficiency existing as of December 31, 2001, would be insufficient to cover their maximum annual debt service requirements on bonds to which special supplemental subventions have been pledged. The amount allocated to any redevelopment agency shall not exceed the lesser of: (a) the amount that the redevelopment agency would otherwise be entitled to receive pursuant to paragraph (3) of subdivision (c) of Section 16111 of the Government Code, or (b) the amount required by the redevelopment agency to cover its maximum annual debt service requirements on bonds to which special supplemental subventions have been pledged, plus any reserve requirement deficiency existing as of December 31, 2001, less the amount of gross tax increment revenues allocated to it in the 2000–01 fiscal year, less housing set-aside amounts not available for debt service.	
3. If the allocation required pursuant to Provision 2 would exceed the amount of the appropriation in this item, the Controller shall prorate the allocation to those redevelopment agencies that meet the requirements of Provision 2.	
4. Notwithstanding Section 2.00 of this act, the Controller shall allocate up to 50 percent of the ap-	

Item	Amount
<p>appropriation in this item on or before December 31, 2001, and up to the remaining amount of the appropriation in this item on or before July 31, 2002. Expenditure of the amount to be allocated on July 31, 2002, shall be accounted by the Controller as an expenditure of the 2002–03 fiscal year.</p>	
<p>9210-105-0001—For local assistance, Local Government Financing, Local Services .....</p>	1,200,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. The funds appropriated in this item are for capital improvements for the display of American Indian archives protected by the federal government located in Balboa Park in the City of San Diego.</li> </ol>	
<p>9210-106-0001—For local assistance, Local Government Financing, law enforcement grants .....</p>	20,000,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. The funds appropriated in this item for allocation by the Controller shall be used for one-time grants to local law enforcement agencies for purchase of high-technology equipment.</li> <li>2. The funds shall be allocated to county sheriffs and city police chiefs in accordance with the proportionate share of the state’s total population that resides in each county, city, and city and county, as determined on the basis of the most recent January population estimate developed by the Department of Finance.</li> <li>3. By accepting the funds provided by this item, local entities agree to report in writing to the Department of Finance on or before August 15, 2001, or within two weeks after the Budget Act is signed, whichever is later. The report shall include, at a minimum, the following: how funds received in the 2000–01 fiscal year were spent, or if funds have not been expended, how funds are proposed to be expended and when; a description of the expenditures and how they will benefit public safety; a summary of the public safety budget for the most recent year available; and the signature of the county sheriff, or designee, city police chief, or designee, or special district administrator, or designee. The report may not exceed five pages in length.</li> <li>4. By accepting the funds provided by this item, local entities agree to report in writing to the Department of Finance on or before August 15, 2002, or within the two weeks after the Budget</li> </ol>	

Item

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Act is signed, which ever is later. The report shall include, at a minimum, the following: how funds received in the 2001–02 fiscal year were spent, or if funds have not been expended, how funds are proposed to be expended and when; a description of the expenditures and how they will benefit public safety; a summary of the public safety budget for the most recent year available; and the signature of the county sheriff, or designee, city police chief, or designee, or special district administrator, or designee. The report may not exceed five pages in length.

- 5. Local entities that receive funds pursuant to this item and that either do not agree to the reporting requirements in Provision 4 or do not report within the specified timeframes, shall return the grant moneys provided in the 2001–02 fiscal year to the Controller within 30 days after the due date of the report. Any returned funds shall revert to the General Fund.
- 6. Local entities that receive funds pursuant to this item and that do not report as required in Provision 5, shall repay the amount of the 2001–02 grant to the Controller within 30 days after the due date of the report. Any returned funds shall revert to the General Fund.

9210-107-0001—For local assistance, Local Government Financing .....	25,526,000
Schedule:	
(a) Local Projects .....	25,526,000
(1) City of Anaheim: Playground renovation in Anaheim. (250,000)	
(2) City of Banning: San Gorgonio Memorial Hospital Foundation .....	(800,000)
(3) City of Big Bear: Relocate Moonridge Zoo .....	(850,000)
(4) City of Brea: Retrofit American Legion Building in Brea .....	(195,000)

Item	Amount
(5) City of Citrus Heights: Civic Center Energy Conservation Retrofit Project.....	(150,000)
(6) City of Colton: Alternative Fuel Park and Ride Project...	(25,000)
(7) City of Colton: Restoration of Carnegie Public Library	(125,000)
(8) City of Fontana: Upgrades to the Civic Auditorium..	(50,000)
(9) City of Fontana: City Park.....	(709,000)
(10) City of Fountain Valley: Mile Square Park, Fountain Valley.....	(500,000)
(11) City of Fullerton: Playground equipment for Independence Park, Fullerton .....	(77,000)
(12) City of Fullerton: Replace illuminated street signs, Fullerton .....	(148,000)
(13) City of Fullerton: Convert Lions Field Lighting, Fullerton .....	(200,000)
(14) City of Fullerton: Convert Lighting at Leonard Andrews Tennis Court.....	(200,000)
(15) City of Fullerton: Installation of new traffic control system, Fullerton.....	(299,000)
(16) City of Hawthorne: Street Upgrade.....	(150,000)

Item	Amount
(17) City of Huntington Beach: Olympic Pool-National Aquatic Center .....	(490,000)
(18) City of La Habra: La Bonita Park Improvement, La Habra.....	(250,000)
(19) City of Laguna Hills: Community Center Paleontological Lobby, Laguna Hills .....	(150,000)
(20) City of Manhattan Beach: Manhattan Beach Pier Roundhouse Rehabilitation .....	(200,000)
(21) City of Merced: Merced Grandstands.....	(260,000)
(22) City of Merced: South Dos Palos Park, Merced.....	(333,000)
(23) City of Merced: Historic Merced Library .....	(1,435,000)
(24) City of Morgan Hill: Morgan Hill Wildlife Education Center .....	(250,000)
(25) City of Ontario: Library Expansion Project.....	(50,000)
(26) City of Orange: Mobile command post.....	(150,000)
(27) City of Orange: Landfill rehabilitation.....	(187,500)
(28) City of Redding: Redding Main Library .....	(1,000,000)
(29) City of Redlands: Shoppin' for Seniors.....	(300,000)

Item	Amount
(30) City of Rialto: Rialto Fire De- partment, New Ambulance .....	(50,000)
(31) City of Riverside: Riverside National Cemetery .....	(840,000)
(32) City of San Ber- nardino: Santa Fe Depot Area Plan ...	(100,000)
(33) City of San Diego: Encanto Commu- nity Fund, Inc., for Encanto Street Fair	(50,000)
(34) City of San Diego: Water for industry program phase II ..	(500,000)
(35) City of Santa Fe Springs: Purchase of four Zero-Emis- sion Electric Ve- hicles .....	(100,000)
(36) City of Santee: Parks & Recre- ation.....	(100,000)
(37) City of Signal Hill: Signal Hill Police Department, Complete Con- struction of Emer- gency Operations Center .....	(250,000)
(38) City of Stockton Fire Department: Medical Dispatch Center .....	(400,000)
(39) City of Valley Springs: New Hogan Lake Con- servatory .....	(2,000,500)
(40) City of Watson- ville: Watsonville Community Center	(250,000)
(41) City of Westmin- ster: Westminster MultiCultural Community Center	(200,000)

Item	Amount
(42) County of Los Angeles: Search and rescue services, LA County .....	(241,000)
(43) County of Marin: Detox Facility at Marin General Hospital (MGH), Construction .....	(250,000)
(44) County of Orange: Eli Home .....	(200,000)
(45) County of San Diego: Lakeside Elementary School District, Playground Equipment.....	(50,000)
(46) County of San Joaquin: San Joaquin Valley Water .....	(50,000)
(47) County of San Mateo: Creating a Water Connection at Sawyer Camp ..	(200,000)
(48) Diamond Bar: Summit Ridge Park .....	(250,000)
(49) Laguna Beach: Boys & Girls Club, Expansion Project, Laguna Beach.....	(60,000)
(50) LaVerne: LeRoy Haynes Center, LaVerne .....	(500,000)
(51) Monterey County: Hazardous Material Response Truck .....	(35,000)
(52) Monterey County: Natavidad Hospital	(250,000)
(53) Oceanside: Mission San Luis Rey, water from Oceanside .....	(280,000)

Item	Amount
(54) Pomona: Corporate Kids Cyber-Klub, Pomona .....	(100,000)
(55) Pomona: Bulkhead for Ganesha Park Pool, Pomona	(110,000)
(56) Pomona: Westmont Park, Pomona.....	(150,000)
(57) Pomona: JFK Park, Pomona.....	(210,000)
(58) Red Bluff: Cascade Theater.....	(250,000)
(59) Rio Vista: Public Dock, Rio Vista....	(98,000)
(60) Salinas: Ariel Childrens Theater, Salinas .....	(100,000)
(61) Salinas: Salinas Municipal Pool Upgrade .....	(150,000)
(62) Salinas: Symphony Center, Salinas .....	(185,000)
(63) Salinas: Senior Center, Greenfield .....	(250,000)
(64) Salinas: Senior Center, Salinas.....	(250,000)
(65) City of San Diego: Water for Industry Program, San Diego.....	(400,000)
(66) San Juan Capistrano: Seismic stabilization of Mission, San Juan Capistrano.....	(437,000)
(67) San Luis Rey: Seismic stabilization of Mission, San Luis Rey.....	(500,000)
(68) Seal Beach: Concrete Sheetpile Groin Repair Project, Seal Beach.....	(300,000)



Item	Amount
(69) Shasta County: Shasta State Fair...	(1,250,000)
(70) Sheriff of Los Angeles County: Los Angeles Homeless Center Planning Funds.....	(250,000)
(71) Walnut: Suzanne Park, Walnut.....	(300,000)
(72) Walnut: Community Center Facility, Walnut.....	(375,000)
(73) Whittier: Flomar Drive Drainage Project, Whittier ...	(460,000)
(74) City of Exeter: Exeter-A Festival of Arts.....	(45,000)
(75) Tulare County: Boys & Girls Club of Tulare .....	(150,000)
(76) City of Bakersfield: HVAC for the Fox Theater in Bakersfield .....	(250,000)
(77) County of Fresno: Hart Lake water supply pipeline .....	(411,000)
(78) City of Visalia: Visalia PAL purchase of Mobil Recreation Centers.....	(125,000)
(79) County of Kern: Kern County Tot Lot Replacement .	(259,000)
(80) City of Visalia: Visalia Garden Street Pedestrian Plaza.....	(100,000)
(81) City of Bakersfield: Energy efficient tree planting.	(100,000)

Item	Amount
(82) County of Fresno: Fresno Discovery Museum .....	(100,000)
(83) County of Contra Costa: Animal Shelter.....	(115,000)
(84) City of Cudahy: Volunteers on Pa- trol Program .....	(50,000)
(85) City of Downey: Downey Animal Shelter.....	(50,000)
(86) City of Artesia: Radio TV Artesia (RTA).....	(5,000)
(87) City of Rialto: Webcasting Pro- gram .....	(60,000)
(88) San Joaquin County Sheriff's Department: Equipment.....	(48,000)
(89) City of Tracy: Tracy Animal Shelter.....	(125,000)
(90) Weott Fire Pro- tection District.....	(26,000)
(91) City of Water- ford: Government Center Construc- tion .....	(100,000)
(92) City of Etna: Am- bulance.....	(42,000)
(93) Shasta County Fire Department: Shasta County Wildfire Adver- tisement Project....	(60,000)
(94) Coffee Creek Vol- unteer Fire Com- pany: Fire Hall Project.....	(40,000)
(95) County of Trinity: Hyampom Fire House Project.....	(50,000)

Item	Amount
<ul style="list-style-type: none"> <li>(96) Rancho Cordova Community &amp; Economic Development Corporation: Rancho Cordova Incorporation (50,000)</li> <li>(97) Castaic Area Town Council: Incorporation Study for the Town of Castaic ... (50,000)</li> </ul>	
Provisions:	
<ul style="list-style-type: none"> <li>1. The Controller may not allocate any funds provided in this item until the Director of Parks and Recreation does the following: (a) notifies the Controller that he or she has determined that the allocation is consistent with the provisions of state law, and (b) provides the Controller with the name and address of the recipient agency.</li> </ul>	
9210-108-0001—For local assistance, local government financing, law enforcement grants.....	10,000,000
Provisions:	
<ul style="list-style-type: none"> <li>1. The funds appropriated in this item are subject to Provisions 1 to 6, inclusive, of Item 9210-106-0001.</li> </ul>	
9210-110-0001—For local assistance, Local Government Financing .....	147,000
Provisions:	
<ul style="list-style-type: none"> <li>1. The funds appropriated in this item are for allocation by the Controller, by October 1, 2001, to counties that do not contain incorporated cities. The allocation to the affected counties shall be made in proportion to the population of those counties as of January 1, 2001.</li> </ul>	
9210-295-0001—For local assistance, Local Government Financing, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller .....	6,266,304
Schedule:	
<ul style="list-style-type: none"> <li>(1) 98.01.048.675-Test Claims and Reimbursement Claims (Ch. 486, Stats. 1975) .....</li> <li>(2) 98.01.064.186-Open Meetings Act Notices (Ch. 641, Stats. 1986).....</li> </ul>	 3,119,736 2,988,672

Item	Amount
(3) 98.01.084.578-Filipino Employee Surveys (Ch. 845, Stats. 1978).....	0
(4) 98.01.088.981-Lis Pendens (Ch. 889, Stats. 1981).....	0
(5) 98.01.098.084-Proration of Fines and Court Audits (Ch. 980, Stats. 1984).....	0
(6) 98.01.099.991-Rape Victim Counseling Ctr. Notices (Ch. 999, Stats. 1991).....	157,896
(7) 98.01.128.180-Involuntary Lien Notices (Ch. 1281, Stats. 1980)....	0
(8) 98.01.160.984-Domestic Violence Information (Ch. 1609, Stats. 1984).....	0
(9) 98.01.133.487-CPR Pocket Masks (Ch. 1334, Stats. 1987) .....	0

Provisions:

1. Except as provided in Provision 2 of this item, allocations of funds provided in this item to the appropriate local entities shall be made by the State Controller in accordance with the provisions of each statute or executive order that mandates the reimbursement of the costs, and shall be audited to verify the actual amount of the mandated costs in accordance with subdivision (d) of Section 17561 of the Government Code. Audit adjustments to prior year claims may be paid from this item. Funds appropriated in this item may be used to provide reimbursement pursuant to Article 5 (commencing with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.
2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.

Item	Amount
3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2001–02 fiscal year: (3) Filipino Employee Surveys (Ch. 845, Stats. 1978) (4) Lis Pendens (Ch. 889, Stats. 1981) (5) Proration of Fines and Court Audits (Ch. 980, Stats. 1984) (7) Involuntary Lien Notices (Ch. 1281, Stats. 1980) (8) Domestic Violence Information (Ch. 1609, Stats. 1984) (9) CPR Pocket Masks (Chapter 1334, Stats. 1987)	
9620-001-0001—For Payment of Interest on General Fund loans, upon order of the Director of Finance, for any General Fund loan .....	60,000,000
Provisions: <ol style="list-style-type: none"> <li>1. The Director of Finance, the Controller, and the State Treasurer shall satisfy any need of the General Fund for borrowed funds in a manner consistent with the Legislature’s objective of conducting General Fund borrowing in a manner that best meets the state’s interest. The state fiscal officers may, among other factors, take into consideration the costs of external versus internal borrowings and potential impact on other borrowings of the state.</li> <li>2. In the event that interest expenses related to internal borrowing exceed the amount appropriated by this item, there is hereby appropriated any amount necessary to pay the interest. Funds appropriated by this item shall not be expended prior to 30 days after the Department of Finance notifies the Joint Legislative Budget Committee of the amount(s) necessary or not sooner than such lesser time as the Chairperson of the Joint Legislative Budget Committee may determine.</li> </ol>	
9625-001-0001—For Interest Payments to the Federal Government arising from the federal Cash Management Improvement Act of 1990 .....	15,200,000
Provisions: <ol style="list-style-type: none"> <li>1. Expenditures from the funds appropriated by this item shall be made by the Controller, subject to</li> </ol>	

Item	Amount
<p>the approval of the Department of Finance, and shall be charged to the fiscal year in which the disbursement is issued.</p> <p>2. In the event that expenditures for interest payments to the federal government arising from the federal Cash Management Improvement Act of 1990 exceed the amount appropriated by this item, the Director of Finance may allocate an additional amount not to exceed \$10,000,000 over the amount appropriated by this item. This allocation shall be made no sooner than 30 days after notification to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the fiscal committees in each house.</p>	
<p>9625-001-0042—For Interest Payment to the Federal Government arising from the Cash Management Improvement Act of 1990, payable from the State Highway Account, State Transportation Fund.....</p>	500,000
<p>Provisions:</p> <p>1. Provision 1 of Item 9625-001-0001 also applies to this item.</p> <p>2. In the event that expenditures for interest payments to the federal government arising from the Cash Management Improvement Act of 1990 exceed the amount appropriated by this item, the Director of Finance may allocate an additional amount not to exceed \$1,000,000 over the amount appropriated by this item. This allocation shall be made no sooner than 30 days after notification to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the fiscal committees in each house.</p>	
<p>9625-001-0494—For Interest Payments to the Federal Government arising from the Cash Management Improvement Act of 1990, payable from the appropriate special fund.....</p>	1,000
<p>Provisions:</p> <p>1. Provision 1 of Item 9625-001-0001 and Provision 2 of Item 9625-001-0042 also apply to this item.</p>	
<p>9625-001-0988—For interest payments to the Federal Government arising from the Cash Management Improvement Act of 1990, payable from the appropriate nongovernmental cost fund .....</p>	1,000
<p>Provisions:</p> <p>1. Provision 1 of Item 9625-001-0001 and Provision 2 of Item 9625-001-0042 also apply to this item.</p>	

Item	Amount
9650-001-0001—For support of Health and Dental Benefits for Annuitants. For the state’s contribution for the cost of a health benefits plan and dental care premiums, for annuitants and other employees, in accordance with Sections 22825.7, 22828, 22829, and 22952 of the Government Code, which cost is not chargeable to any other appropriation.....	485,768,000
Schedule:	
(1) Health benefit premiums .....	436,223,000
(2) Dental care premiums .....	49,545,000
Provisions:	
1. The maximum transfer amounts specified in subdivision (c) of Section 26.00 of this act do not apply to this item.	
2. Notwithstanding Section 22819 of the Government Code or any other provision of law, annuitants and their family members who were employed by the California State University, and who become eligible for Part A and Part B of Medicare during the 2001–02 fiscal year, shall not be enrolled in a basic health benefits plan during the 2001–02 fiscal year. If the annuitant or family member is enrolled in Part A and Part B of Medicare, he or she may enroll in a supplement to the Medicare plan. This provision does not apply to employees and family members who are specifically excluded from enrollment in a supplement to the Medicare plan by federal law or regulation.	
3. The maximum monthly contribution for an annuitant’s health benefits plan shall be \$216 for a single enrollee, \$411 for an enrollee and one dependent, and \$525 for an enrollee and two or more dependents.	
9670-001-0001—For equity claims before the California Victim Compensation and Government Claims Board and for settlements and judgments in cases in which the state is represented by the Department of Justice for the administration and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees of state agencies, departments, boards, bureaus or commissions supported from the General Fund, for expenditure by the Department of Justice, subject to approval of the Department of Finance in its discretion.....	1,000

Item	Amount
Provisions:	
1. In the event that expenditures for purposes of Item 9670-001-0001 exceed the amount appropriated in this item, the Director of Finance may allocate sufficient amounts, not to exceed \$1,200,000, from the Special Fund for Economic Uncertainties to this item.	
2. There is hereby appropriated from each fund, other than the General Fund, an amount sufficient for payment of tort liability claims, settlements, compromises, and judgments against the state, its officers, servants and employees of state agencies, departments, boards, bureaus, or commissions arising from activities supported from that fund. No expenditure from any appropriation from a fund other than the General Fund for payment of tort liability claims, settlements, compromises, and judgments shall be made unless approved by the Department of Finance in its discretion.	
3. Expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	
4. Payment under this item is limited in amount to claims, settlements, compromises, and judgments which do not exceed \$70,000, exclusive of interest, and no payment from this item exceeding that amount shall be approved by the Department of Finance or made by the Department of Justice.	
5. No payment shall be approved by the Department of Finance or made by the Department of Justice from this item except in full and final satisfaction of the claim, settlement, compromise, or judgment upon which the payment is based.	
6. Funding for the payment of tort liability claims, settlements, compromises, and judgments which require the approval of the Director of Finance shall first be considered from within the affected agency, department, board, bureau, or commission's existing budgeted resources. Payment pursuant to this item (from the General Fund or funds other than the General Fund) shall be made only after the affected agency, department, board, bureau, or commission has demonstrated to the Department of Finance that insufficient funds are available for payment of all or a portion of the claim.	



Item	Amount
9670-015-0942—For transfer from the Smog Impact Fee Refund Account to the General Fund upon order of the Director of Finance .....	(96,406,000)
9670-401—For maintenance of accounting records by the State Controller’s office or any other agency maintaining these records, appropriations made in this act for Organization Code 9670 (Equity Claims of California Victim Compensation and Government Claims Board and Settlements and Judgments by Department of Justice) are to be recorded under Organization Code 9671 (Equity Claims of California Victim Compensation and Government Claims Board and Organization Code 9672 (Settlements and Judgments by Department of Justice).	
9840-001-0001—For Augmentation for Contingencies or Emergencies .....	2,000,000
Provisions:	
1. The funds appropriated for the augmentation for contingencies or emergencies are to be expended only on written authorization of the Department of Finance for contingencies or emergencies.	
2. Contingencies, within the meaning of these funds, are defined as proposed expenditures arising from unexpected conditions or losses for which no appropriation, or insufficient appropriation, has been made by law and which, in the judgment of the Director of Finance, constitute cases of actual necessity. Emergencies, within the meaning of this item, are defined as expenditures incurred in response to conditions of disaster or extreme peril which threaten the health or safety of persons or property within the state.	
3. Emergency and contingency expenditure authorizations and deficiency expenditure authorizations shall be limited to purposes which have been specifically approved by the Legislature in Budget Acts or other legislation, except that not more than \$500,000 of each fund may be expended for purposes for which no such specific prior authorizations exist.	
4. Authorizations for expenditures or deficiency expenditures arising from a contingency shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee, or no sooner than such lesser time as the committee, or its designee, may in each instance determine.	

Item		Amount
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5. For expenditure authorizations or deficiency expenditure authorizations arising from an emergency, the Director of Finance shall file with the Joint Legislative Budget Committee, within 10 days after approval, copies of all executive orders for emergency-related encumbrance or expenditure authorizations, stating the reasons for, and the amount of, all such authorizations, except that any emergency augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 2001–02 fiscal year for such program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairperson of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.
6. For purposes for which the Governor previously vetoed funding, allocation of funds or authorization for deficiency expenditures shall not be made under the emergency provisions.

9840-001-0494—For Augmentation for Contingencies or Emergencies, payable from unallocated special funds.....

1,500,000

Provisions:

1. Provisions 1, 2, 3, 4, 5, and 6 of Item 9840-001-0001 also apply to this item.
2. For the Augmentation for Contingencies or Emergencies, payable from special funds, there are appropriated from each special fund sums necessary to meet contingencies or emergencies, to be expended only on written authorization of the Director of Finance. No deficiencies shall be authorized by the Director of Finance in any appropriation of money from special funds made by this act for the 2001–02 fiscal year under the provisions of Section 11006 of the Government Code. Accounts, special accounts, and funds in the General Fund, that are treated as other governmental cost funds for accounting and budgeting purposes in accordance with Section 13303

Item	Amount
<p>of the Government Code, shall be considered to be special funds within the meaning of this item.</p> <p>9840-001-0988—For Augmentation for Contingencies or Emergencies, payable from unallocated nongovernmental cost funds .....</p>	1,500,000
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. Provisions 1, 2, 3, 4, 5, and 6 of Item 9840-001-0001 also apply to this item.</li> <li>2. For Reserve for Contingencies or Emergencies, payable from nongovernmental cost funds, there is appropriated from each nongovernmental cost fund that is subject to control or limited by this act, sums necessary to meet contingencies or emergencies, to be expended only on written authorization of the Director of Finance. No deficiencies shall be authorized by the Director of Finance in any appropriation of money from nongovernmental cost funds made by this act for the 2001–02 fiscal year under the provisions of Section 11006 of the Government Code.</li> </ol>	
<p>9840-011-0001—For Augmentation for Contingencies or Emergencies (Loans) .....</p>	(2,500,000)
<p>Provisions:</p> <ol style="list-style-type: none"> <li>1. This appropriation is for loans that may be made to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon terms and conditions for repayment as may be prescribed by the Department of Finance. Any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived.</li> <li>2. No loan shall be made which requires repayment from a future legislative appropriation.</li> <li>3. Authorizations for loans shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee, or no sooner than a lesser time which the committee, or its designee, may in each instance determine, except that this limit shall not apply if the Director of Finance states in writing to the Chairperson of the Joint Legislative Budget Committee the necessity and urgency for the loan which, in the judgment of the director, makes prior approval impractical.</li> <li>4. Within 10 days after approval, the Director of Finance shall file with the Joint Legislative Budget</li> </ol>	

Item	Amount
Committee copies of all executive orders for loans stating the reasons for, and the amount of, all of these authorizations.	
9840-490—Reappropriation, Augmentation for Contingencies or Emergencies. As of June 30, 2001, the balances of the appropriations made by Items 9840-001-0001, 9840-001-0494 and 9840-001-0988, Budget Act of 2000, are reappropriated and shall be available until June 30, 2002, and may be expended on written authorization of the Department of Finance issued on or before said date, for contingencies and emergencies, within the meaning of those items, occurring during the 2000–01 fiscal year.	
9860-301-0001—For unallocated capital outlay (10.10.010).....	2,000,000
Provisions:	
1. The funds appropriated in this item are to be allocated by the Department of Finance to state agencies to develop design and cost information for new projects for which funds have not been appropriated previously, but which are anticipated to be included in the 2002–03 or 2003–04 Governor’s Budget or 2003–04 five-year capital outlay plans. The amount appropriated in this item shall not be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
9905-495—Reversion, Information Technology Innovation Activities. The unencumbered balance, as of June 30, 2001, of the appropriation provided in the following citation shall revert to the balance in the fund from which the appropriation was made:	
0001—General Fund	
(1) Item 9905-001-0001, Budget Act of 2000 (Ch. 52, Stats. 2000)	
9908-490—Reappropriation, for janitorial/contract services. As of June 30, 2001, the balances of the appropriations made by Items 9908-001-0001, 9908-001-0494, and 9908-001-0988 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000) are reappropriated and shall be available until June 30, 2002, and may be expended on written authorization of the Department of Finance issued on or before that date, for janitorial/contract services, within the meaning of those items, occurring during the 2001–02 fiscal year.	

Item	Amount
9909-001-0001—For allocation by the Department of Finance, in support of federal Health Insurance Portability and Accountability Act (HIPAA) activities for applicant state agencies, departments, boards, commissions, or other entities of state government .....	13,165,000
Provisions:	
1. The Department of Finance shall make allocations from the funds appropriated by this item for the 2001–02 fiscal year for federal HIPAA activities of applicant state agencies, departments, boards, commissions, or other entities of state government. Requests containing information technology activities must be reviewed and approved by the Department of Information Technology before the Department of Finance allocates the funds.	
2. An allocation approved by the Department of Finance under this item shall be made not sooner than 30 days after written notification thereof is provided to the Chairperson of the Senate Committee on Budget and Fiscal Review, the Chairperson of the Assembly Budget Committee, and the Chairperson of the Joint Legislative Budget Committee or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee may determine.	
3. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the purposes of this item in excess of the \$13,165,000 appropriated by this item.	
4. Of the amount appropriated in this item, via executive order, \$8,375,500 shall be allocated to the State Department of Health Services, \$605,500 to the State Department of Mental Health, \$628,500 to the State Department of Developmental Services, \$2,045,000 to the California Health and Human Services Agency, and \$1,510,500 to the State Department of Alcohol and Drug Programs.	
9909-001-0494—For allocation by the Department of Finance in support of federal Health Insurance Portability and Accountability Act activities for applicant state agencies, departments, boards, commissions, or other entities of state government, payable from unallocated special funds .....	1,141,000

Item	Amount
Provisions:	
1. Provisions 1 and 2 of Item 9909-001-0001 of this act also apply to allocations authorized by this item.	
2. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the purpose of this item in excess of the amount appropriated.	
3. Of the amount appropriated in this item, pursuant to executive order, \$1,092,000 may be allocated to the State Department of Health Services and \$49,000 may be allocated to the Office of State-wide Health Planning and Development.	
9909-001-0890—For allocation by the Department of Finance, in support of the federal Health Insurance Portability and Accountability Act activities for applicant state agencies, departments, boards, commissions, or other entities of state government, payable from the Federal Trust Fund .....	32,588,000
Provisions:	
1. Provisions 1 and 2 of Item 9909-001-0001 of this act shall also apply to allocations authorized by this item.	
2. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for purposes of this item in excess of the \$32,588,000 appropriated in this item.	
3. Of the amount appropriated in this item, \$29,844,000 may be allocated, pursuant to executive order, to the State Department of Health Services, \$605,500 to the State Department of Mental Health, \$628,500 to the State Department of Developmental Services, and \$1,510,000 to the State Department of Alcohol and Drug Programs.	
9911-001-0001—For Utilities Costs, for allocation by the Department of Finance.....	64,195,000
Provisions:	
1. The Department of Finance shall make allocations from the funds appropriated in this item for the 2001–02 fiscal year to fund the increased costs related to various utilities such as natural gas and electricity.	
2. An allocation approved by the Department of Finance shall not be made sooner than 30 days after written notification thereof is provided to the Chairperson of the Joint Legislative Budget Com-	

Item	Amount
<p>mittee and the chairperson of the committee in each house of the Legislature that considers appropriations, or not sooner than whatever lesser time as the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine.</p> <p>3. Notwithstanding any other provision of law, the Director of Finance may augment this item for the purposes of this item in excess of the amount appropriated in this item not sooner than 30 days after notification in writing of the necessity thereof is provided to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house of the Legislature that considers appropriations, or not sooner than whatever lesser time as the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine.</p>	
<p>9911-001-0494—For Utilities Costs, for allocation by the Department of Finance, payable from unallocated special funds .....</p> <p>Provisions:</p> <p>1. Provisions 1, 2, and 3 of Item 9911-001-0001 shall also apply to allocations authorized by this item.</p>	1,000
<p>9911-001-0988—For Utilities Costs, for allocation by the Department of Finance, payable from unallocated governmental cost funds .....</p> <p>Provisions:</p> <p>1. Provisions 1, 2, and 3 of Item 9911-001-0001 shall also apply to allocations authorized by this item.</p>	1,000
<p>9913-001-0494—For allocation by the Department of Finance in support of increased rates charged by the Department of Justice for attorney services provided to state agencies, departments, boards, commissions or other entities of state government payable from unallocated special funds .....</p> <p>Provisions:</p> <p>1. The Department of Finance shall make allocations from the funds appropriated in this item for the 2001–02 fiscal year for increased rates charged by the Department of Justice for attorney services provided to applicable state entities. The requests must be reviewed and approved by the Department of Finance before funds can be allocated.</p>	1,000,000

Item	Amount
<ul style="list-style-type: none"> <li>2. An allocation approved by the Department of Finance under this item shall be made not sooner than 30 days after written notification thereof is provided to the Chairperson of the Senate Committee on Budget and Fiscal Review, the Chairperson of the Assembly Budget Committee, and the Chairperson of the Joint Legislative Budget Committee or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee may determine.</li> <li>3. Notwithstanding any other provision of law, the Director of Finance may augment this item in excess of the amount appropriated in this item.</li> </ul>	
<p>9913-001-0988—For allocation by the Department of Finance in support of increased rates charged by the Department of Justice for attorney services provided to state agencies, departments, boards, commissions or other entities of state government payable from unallocated nongovernmental cost funds.....</p>	1,000,000
<p>Provisions:</p> <ul style="list-style-type: none"> <li>1. The Department of Finance shall make allocations from the funds appropriated in this item for the 2001–02 fiscal year for increased rates charged by the Department of Justice for attorney services provided to applicable state entities. The requests must be reviewed and approved by the Department of Finance before funds can be allocated.</li> <li>2. An allocation approved by the Department of Finance under this item shall be made not sooner than 30 days after written notification thereof is provided to the Chairperson of the Senate Committee on Budget and Fiscal Review, the Chairperson of the Assembly Budget Committee, and the Chairperson of the Joint Legislative Budget Committee or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee may determine.</li> <li>3. Notwithstanding any other provision of law, the Director of Finance may augment this item in excess of the amount appropriated in this item.</li> </ul>	
<p>9914-001-0001—For postage rate increases .....</p>	3,000,000
<p>Provisions:</p> <ul style="list-style-type: none"> <li>1. The funds appropriated in this item shall be allocated by the Department of Finance to state agencies for postage rate increases. If necessary, allocation may be made to local assistance items.</li> </ul>	



Item	Amount
9914-001-0494—For postage rate increases, payable from unallocated special funds .....	3,500,000
Provisions:	
1. The funds appropriated in this item shall be allocated by the Department of Finance to state agencies for postage rate increases. If necessary, allocation may be made to local assistance items.	
9914-001-0988—For postage rate increases, payable from unallocated nongovernmental cost funds .....	2,000,000
Provisions:	
1. The funds appropriated in this item shall be allocated by the Department of Finance to state agencies for postage rate increases. If necessary, allocation may be made to local assistance items.	

GENERAL SECTIONS  
STATEWIDE

SEC. 3.00. Whenever herein an appropriation is made for support, it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency for which the appropriation is made.

Each item appropriating funds for salaries and wages includes the additional funds necessary to continue the payment of the amount of salaries in effect on June 30, 2001, for the state officers whose salaries are specified by statute.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs, and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provisions for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of the property.

Whenever herein an appropriation is made in accordance with a schedule set forth after the appropriation, the expenditures from that item for each category, program, or project included in the schedule shall be limited to the amount specified for that category, program, or project, except as otherwise provided in this act. Each schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to the schedules “category”, “program”, or “project” means a class of expenditure such as, but not limited to:

(a) “Personal services,” which shall include all expenditures for payment of officers and employees of the state, including: salaries and wages, workers’ compensation, compensation paid to employees on approved leave of absence on account of sickness, unemployment compensation benefits, insurance premiums for workers’ compensation coverage, industrial disability leave and payments, nonindustrial disability benefits and payments, the state’s contributions to the Public Employees’ Retirement Fund, the Teachers’ Retirement Fund, the University of California Retirement Fund to provide for that portion of retirement costs to be provided for Hastings College of the Law in Item 6600-001-0001 of this Budget Act, the Old Age and Survivors’ Insurance Revolving Fund, the Public Employees’ Contingency Reserve Fund, and the state’s cost of health benefits plans; but do not include compensation of independent contractors rendering personal services to the state under contract.

(b) “Operating expenses and equipment,” which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), departmental services (services provided by other organizational units within a department, including indirect distributed costs), and all other proper expenses.

(c) “Preliminary plans” are defined as a site plan, architectural floor plans, elevations, outline specifications, and a cost estimate. For each utility, site development, conversion and remodeling project, the drawings shall be sufficiently descriptive to accurately convey the location, scope, cost, and the nature of the improvement being proposed.

(d) “Working drawings” are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of these drawings.

(e) “Construction,” when used in connection with a capital outlay project, shall include all such related things as fixtures, installed equipment, auxiliary facilities, contingencies, project construction, management, administration and associated costs.

(f) “Minor projects” include planning, working drawings, construction, improvements, and equipment projects not specifically set forth in the schedule.

(g) “Programs” include all expenditures, regardless of category, required to carry out the objectives of the named activity.

For the purpose of further interpreting the meaning of the words, terms and phrases, and uniform codes used in the schedules, reference is hereby made to those documents entitled, “State of California Gov-

ernor's Budget for 2001–02," submitted by the Governor to the Legislature at the 2001 portion of the 2001–02 Regular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13300 and following of the Government Code, the Uniform Codes Manual, and the appropriate portions thereof. The Department of Finance shall establish interpretations necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to which appropriations are made under this act.

SEC. 3.50. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to the appropriation from which salaries and wages are paid: workers' compensation, compensation paid to employees on approved leave of absence on account of sickness, unemployment compensation benefits, industrial disability leave and payments, nonindustrial disability benefits and payments, the administrative costs of the Merit Award Program provided by Section 19823 of the Government Code, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20822 and 20824 of the Government Code, the state's contribution to the Teachers' Retirement Fund as provided by Sections 22950, 22951, and 23000 of the Education Code, the state's contribution to the Old Age and Survivors Insurance Revolving Fund as provided by Sections 20862 and 20863 of the Government Code, the state's contribution to the Old Age and Survivors Insurance Revolving Fund for payment of hospital insurance taxes imposed by the Internal Revenue Code, the state's contribution to the Public Employees' Contingency Reserve Fund, the state's contribution for the cost of health benefits plans as provided by Sections 22825.1, 22828 and 22829 of the Government Code, and the state's contribution for costs of other employee benefits and the administrative costs associated with the provision of benefits established by any state agency legally authorized to negotiate and set salary and benefit levels.

As of the effective date of this act, the state's contributions as provided by Sections 22825.1, 22828 and 22829 of the Government Code and for costs of any other employee benefits and the administrative costs associated with the provisions of these benefits established by any state agency legally authorized to negotiate and set salary and benefit levels for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20822, 20824, 20862, 20863, 22825.1, 22828, and 22829 of the Government Code and by Sections 22950, 22951, and 23000 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure that is not chargeable to an appropriation for support or other expenses as provided in this section. This transfer may be chargeable to such ap-

propriation for a previous fiscal year if there are no funds available from that fiscal year.

The Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20822, 20824, 20862, 20863, 22825.1, 22828, and 22829 of the Government Code, contributions required for payment of the hospital insurance tax, and upon certification by the Board of Administration of the Public Employees' Retirement System as required by Section 20826 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors Insurance Revolving Fund the amounts of contributions.

SEC. 3.60. (a) Notwithstanding any other provision of law, the employers' retirement contributions for the 2001–02 fiscal year that are chargeable to an appropriation made in this act, with respect to each state officer and employee who is a member of the Public Employees' Retirement System (PERS) and who is in that employment or office, including university members as provided by Section 20751 of the Government Code, shall be the percentage of salaries and wages by state member category as follows:

Miscellaneous, First Tier .....	4.166%
Miscellaneous, Second Tier.....	0.036%
State Industrial .....	0.350%
State Safety .....	12.923%
Highway Patrol .....	16.897%
Peace Officer/Firefighter .....	9.638%

The Department of Finance may adjust amounts in any appropriation item, or in any category thereof, in this act as a result of changes from amounts budgeted for employer contribution for 2001–02 fiscal year retirement benefits.

(b) Notwithstanding any other provisions of law, the Department of Finance shall require retirement contributions computed pursuant to subdivision (a) to be offset by the Controller with surplus funds in the Public Employees' Retirement Fund, employer surplus asset accounts.

(c) Notwithstanding any other provision of law, for purposes of calculating the "appropriations subject to limitation" as defined in Section 8 of Article XIII B of the California Constitution, the appropriations in this act shall be deemed to be the amounts remaining after the reductions required by subdivisions (a) and (b) are made.

SEC. 3.90. Notwithstanding any other provision of law, Non-Proposition 98 General Fund support appropriations in various state departments in this act may be reduced, as appropriate, to reflect a cumulative reduction of \$50,000,000.

The Director of Finance shall allocate the necessary reductions required by this section. The allocation shall be based on detailed plans submitted by the agency secretaries, and if no agency secretary, by the appropriate authority. The detailed plan shall be due to the Department of Finance in conjunction with the fall 2002–03 budget preparation process.

All reductions allocated by the Department of Finance pursuant to this section shall be specific reductions in positions or items of expenditure. The plan shall categorize each reduction as to whether it eliminates resources in excess of those needed to carry out programs effectively or whether the reduction will have a programmatic effect, in which case the plan shall identify that effect. A reduction may not be allocated to a general category, such as salary savings or general operating expenses.

The reductions allocated by the Department of Finance shall be reflected and identified in the 2002–03 Governor’s Budget. At the time that the 2002–03 Governor’s Budget is submitted to the Legislature, the Department of Finance shall provide a report to the Joint Legislative Budget Committee and the budget committee in each house identifying the reductions allocated to each department. For each reduction, the report shall identify the program or programs affected, how and when the reduction will be accomplished, and the effect of each reduction on program functions or services.

This section shall not apply to the following departments or specified appropriations, programs, or functions:

0110	Senate
0120	Assembly
0160	Legislative Counsel Bureau
0250	Judiciary
0820	Department of Justice (law enforcement)
0860	State Board of Equalization
1730	Franchise Tax Board
1760	Department of General Services (Governor’s Budget/legislative printing)
2720	Department of the California Highway Patrol
3540	Department of Forestry and Fire Protection (fire protection and State Fire Marshal)
3560	State Lands Commission
3600	Department of Fish and Game (peace officer/public safety/warden positions)
3790	Department of Parks and Recreations (public safety purposes)
4260	Department of Health Services (fraud, audits, and investigations)
4300	Department of Developmental Services (Centers)
4440	Department of Mental Health (Hospitals)
5100	Employment Development Department
5180	Department of Social Services (Community Care Licensing)
5240	California Department of Corrections (Institutions)
5460	Department of the Youth Authority (Institutions)
6110	Department of Education (State Special Schools)
6440	University of California
6600	Hastings College of the Law

6610	California State University
8380	Department of Personnel Administration (Rural Health Care Equity Program)
8960	Veteran's Home of California—Yountville
8965	Veteran's Home of California—Barstow
8966	Veteran's Home of California—Chula Vista
9600	General Obligation Bonds and Commercial Paper
9610	Lease-Revenue Notes and Bonds
9590, 9620, and 9625	Interest payments
9650 to 9914	Various nondepartmental appropriations Constitutional Officers

SEC. 4.00. Notwithstanding any other provision of law, the Department of Finance may adjust amounts in any appropriation item, or in any category thereof, to reduce General Fund, special fund, and non-governmental cost fund appropriations to reflect decreased departmental costs as a result of suspending the employer-paid 401(k) contribution for state employees excluded from collective bargaining.

SEC. 4.20. Notwithstanding any other provision of law, the employer's contributions to the Public Employees' Contingency Reserve Fund, as required by Section 22826 of the Government Code, shall be 0.5 percent of the gross health insurance premiums paid by the employer and employee for administrative expenses.

SEC. 4.40. Notwithstanding any other provision of law, the Department of Finance shall augment any special fund item of appropriation in Section 2.00 of this act, as appropriate, to fund the cost of payments to the Department of General Services for services provided by the e-Business Center related to Licensing, e-Marketplace, e-Jobs, and Online Bidding. An augmentation approved by the Department of Finance shall be made not sooner than 30 days after notification in writing to the Joint Legislative Budget Committee, or not sooner than a lesser time that the committee or its designee may in each instance determine. In order to receive an augmentation under this section, a fund shall have a sufficient reserve balance to cover the amount of the augmentation. In addition, in no case may a fee increase be imposed to support an augmentation pursuant to this section.

SEC. 4.60. Notwithstanding any other provision of law, the Department of Finance shall adjust any item of appropriation of this act, as appropriate, to fund the rent for state office buildings as adjusted by the Department of General Services establishment of a separate building rate for the Ronald Reagan Building and the recalculated statewide building rental rate based on the deletion of costs for the Ronald Reagan Building plus five cents per square foot per month to initiate the MARS special repair and recurring maintenance program, as required under Item 1760-001-0666.

SEC. 4.80. In the event bonds authorized for issuance by the State Public Works Board are not sold and interim financing costs have been

incurred, departments that have incurred those costs shall commit a sufficient portion of their support appropriations to repay such interim financing costs.

In the event Energy Efficiency Bonds authorized pursuant to Chapter 2.7 of Part 10b of Division 3 of Title 2 of the Government Code are not sold and interim financing costs have been incurred by participating community college districts and kindergarten through grade 12 districts, the Controller shall withhold from the annual apportionment of the State School Fund a sufficient portion of the participating district's apportionment to repay the interim financing costs. It is the intent of the Legislature that this commitment shall be included in future Budget Acts until outstanding loans are repaid either through the sale of bonds or from an appropriation.

SEC. 5.25. (a) Payment of the attorney fees specified below arising from actions in state courts against the state, its officers, and officers and employees of state agencies, departments, boards, bureaus, or commissions, shall be paid from items of appropriation in this act that support the state operations of the affected agency, department, board, bureau, or commission:

(1) state court actions filed pursuant to Section 1021.5 of the Code of Civil Procedure, the "private attorney general" doctrine, or the "substantial benefit" doctrine, or for

(2) writ of mandate actions filed pursuant to Section 10962 of the Welfare and Institutions Code.

(b) Expenditures pursuant to subdivision (a) shall be made by the State Controller, subject to the approval of the Department of Finance, and shall be charged to the fiscal year in which the disbursement is issued.

(c) No payment shall be made by the State Controller for expenditures pursuant to subdivision (a) except in full and final satisfaction of the claim, settlement, compromise, or judgment for attorney's fees incurred in connection with a single action.

(d) The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee, the Chairperson of the Senate Committee on Budget and Fiscal Review, and the Chairperson of the Assembly Budget Committee pursuant to Section 27.00 of this act when there are insufficient funds appropriated in this act in support of the state operations of the affected agency, department, board, bureau, or commission to satisfy the claim completely.

SEC. 5.40. (a) It is the intent of the Legislature that all amounts appropriated by this act to the following departments to implement the CALFED Bay-Delta Program shall be available for expenditure in accordance with the schedule of expenditures for the CALFED Bay-Delta Program, broken down by program element, as set forth in Item 3870 of the Supplemental Report to this act:

- (1) Item 0540—Secretary for Resources
- (2) Item 3480—Department of Conservation
- (3) Item 3540—Department of Forestry and Fire Protection

- (4) Item 3560—State Lands Commission
- (5) Item 3600—Department of Fish and Game
- (6) Item 3820—San Francisco Bay Conservation and Development Commission

- (7) Item 3860—Department of Water Resources
- (8) Item 3940—State Water Resources Control Board
- (9) Item 8570—Department of Food and Agriculture

(b) The amounts appropriated by this act to implement the CALFED Bay-Delta Program shall be available only for projects, activities, and purposes that are consistent with the CALFED Record of Decision, including the accompanying EIS/EIR previously certified by the state lead agency pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

(c) The amounts appropriated from accounts established under Division 24 (commencing with Section 78500) and Division 26 (commencing with Section 79000) of the Water Code shall be limited to the purposes provided for by those provisions.

(d) Notwithstanding Sections 26.00 and 28.50 of this act, the Director of Finance may, pursuant to a request by an affected agency specified in subdivision (a) of this section seeking the transfer and the CALFED Bay-Delta Program within the Department of Water Resources, or pursuant to a joint request of these agencies where more than one agency is affected, authorize a transfer of an amount that exceeds \$200,000 from an amount available for expenditure in one scheduled program element to one or more of the other scheduled elements. Any transfer may be authorized pursuant to this provision not sooner than 30 days after notification in writing of the transfer is provided to the chair of the fiscal committees in each house of the Legislature and the Chair of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chair of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine. The notification to the Legislature shall specify the justification for the transfer.

SEC. 6.00. No more than \$100,000 of the funds appropriated for support purposes under Section 2.00 or any other sections of this act may be encumbered for preliminary plans, working drawings, or construction of any project for the alteration of a state facility unless the Director of Finance determines that the proposed alteration is critical and that it is necessary to proceed using funds appropriated for support purposes. The maximum cost of any such project shall not exceed \$400,000, and any approved critical project costing more than \$100,000, but not greater than \$400,000, shall be reported to the Chairperson of the Joint Legislative Budget Committee or his or her designee, not less than 30 days prior to requesting bids for the project. The report shall detail those factors that make the project so critical that it must proceed using support funds.

SEC. 7.00. The sum of \$1,075,000 is hereby appropriated from the General Fund for allocation by the Director of Finance to the following departments for the costs associated with implementation of the



Dymally-Alatorre Bilingual Services Act: Department of Industrial Relations (\$400,000); Department of Social Services (\$350,000); Employment Development Department (\$300,000); California Unemployment Insurance Appeals Board (\$25,000).

SEC. 8.50. (a) In making appropriations to state agencies that are eligible for federal programs, it is the intent and understanding of the Legislature that applications made by the agencies for federal funds under federal programs shall be for the maximum amount allowable under federal law. Therefore, any amounts received from the federal government are hereby appropriated from federal funds for expenditure or for transfer to, and disbursement from, the State Treasury fund established for the purpose of receiving the federal assistance subject to any provisions of this act that apply to the expenditure of these funds, including Section 28.00 of this act.

(b) However, if federal funds for block grant programs assumed by the state or for any item receiving federal funds are reduced by more than 5 percent of the amount appropriated in this act, the Director of Finance shall notify the chairperson of the committee in each house which considers appropriations, and the Chairperson of the Joint Legislative Budget Committee, in writing within 30 days after notification by the federal government that federal funds have been reduced, and shall include an estimate of the amount of the available or anticipated federal funds, the 2001–02 fiscal year expenditures of each program affected by the reduction, the effect of reduced funding on service levels authorized by this act, and a plan of reduced expenditures for each program affected by the reduction. The plan shall be operational on an interim basis for up to 45 days pending legislative review, after which time the plan shall become permanent.

SEC. 8.51. Each state agency shall, by certification to the State Controller, identify the account within the Federal Trust Fund when charges are made against any appropriation made herein from the Federal Trust Fund.

SEC. 9.20. Notwithstanding Section 15860 of the Government Code, the amount of funds expended for administrative costs associated with any appropriation contained in this act for acquisition of property pursuant to the Property Acquisition Law shall be limited to the amount specified for those costs in the Supplemental Report of the Budget Act of 2001. Amounts for administrative costs may be augmented by no more than 5 percent by the State Public Works Board. Notwithstanding the foregoing, any amounts needed for administrative costs associated with acquisition through the condemnation authority of the State Public Works Board shall be provided through augmentation of the affected appropriations as authorized by existing law.

SEC. 9.30. In the event that federal courts issue writs of execution for the levy of state funds and such writs are executed, the State Controller shall so notify the Department of Finance. The Department of Finance shall then notify the State Controller of the specific appropriation or fund to be charged. Federal writs of execution for the levy

of state funds may only be charged against appropriations or funds having a direct programmatic link to the circumstances under which the federal writ was issued. If the appropriate department or agency no longer exists, or no linkage can be identified, the federal writ shall be charged to the unappropriated surplus of the General Fund. In the event that an appropriation in the act is made deficient by such a charge, funding augmentations must follow the regular budget processes including Section 27.00 of the Budget Act. However, the 30-day notification requirement is waived for payments mandated by federal courts.

SEC. 9.50. For minor capital outlay projects for which, pursuant to Sections 10108 and 10108.5 of the Public Contract Code, the services of the Department of General Services are not required and a state agency or department is authorized to carry out its own project, the amount of the unencumbered balance of the project shall be determined in accordance with Section 14959 of the Government Code. Upon receipt of bids for the project, an estimate of any amount necessary for the completion of the project, including supervision, engineering, and other items, if any, shall be deemed a valid encumbrance and shall be included with any other valid encumbrance in determining the amount of an unencumbered balance.

SEC. 11.00. (a) A state agency to which state funds are appropriated by one or more statutes, including this act, for an information technology project may not enter into one or more contracts, or agree to one or more contract amendments, in the 2001–02 fiscal year that result, in the aggregate, in an increase in the budgeted cost of the project exceeding five hundred thousand dollars (\$500,000), or 10 percent of the budgeted cost of the project, whichever is less, unless the approval of the Department of Finance is first obtained and written notification of that approval is provided by the department to the Chairperson of the Joint Legislative Budget Committee, and the chairperson of the budget committee of each house of the Legislature, not less than 30 days prior to the effective date of the approval, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may in each instance determine. Each notification required by this section shall (1) explain the necessity and rationale for the proposed contract or amendment, (2) identify the cost savings, revenue increase, or other fiscal benefit of the proposed contract or amendment, and (3) identify the funding source for the proposed contract or amendment.

(b) Subdivision (a) does not apply to a resulting increase in the budgeted cost of a project that is less than one hundred thousand dollars (\$100,000), or that is funded by an augmentation authorized pursuant to Section 26.00 of this act.

(c) The following definitions apply for the purposes of this section:

(1) “Budgeted cost of a project” means the total cost of the project as identified in the most recent feasibility study report, special project report, or equivalent document submitted to the Legislature in connection with its consideration of a bill that appropriated any state funding for that project.

(2) “State agency” means each agency of the state that is subject to both Chapter 7 (commencing with Section 11700) of Part 1 of, and Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of, Division 3 of Title 2 of the Government Code.

SEC. 11.11. In order to protect the privacy of state employees and ensure the security of the payment of public funds, all departments, boards, offices, and other agencies and entities of the state shall distribute pay warrants and direct deposit advices to employees in a manner that ensures that personal and confidential information contained on the warrants and direct deposit advices is protected from unauthorized access. The Department of Personnel Administration shall advise all departments, boards, offices, and other agencies and entities of state government of the requirements contained in this section.

SEC. 11.52. Notwithstanding any other provision of law, the State Controller shall transfer to the General Fund the unencumbered balance, as of June 30, 2001, from the Energy and Resources Fund.

SEC. 11.80. Notwithstanding Section 2.00 of this act, there is hereby appropriated \$30,000,000 to fund deficient appropriations from prior years for “costs mandated by the state” as defined in Government Code Section 17514 for local agencies (Section 17518). This funding shall be for reimbursement claims and costs pursuant to Government Code Sections 17560, 17561, 17561.5, 17561.6 and 17568. To allocate the \$30,000,000 appropriated in this section, the Department of Finance may augment any schedule in any mandate Budget Act item or local government claims bill to reimburse costs mandated by the state. The augmentations authorized pursuant to this section shall occur no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee, or no sooner than a lesser time that the committee, or its designee, may in each instance determine.

SEC. 12.00. For the purposes of Article XIII B of the California Constitution, there is hereby established a state “appropriations limit” of fifty-nine billion three hundred eighteen million dollars (\$59,318,000,000) for the 2001–02 fiscal year.

Any judicial action or proceeding to attack, review, set aside, void, or annul the “appropriations limit” for the 2001–02 fiscal year shall be commenced within 45 days of the effective date of this act.

SEC. 12.10. There is hereby appropriated from the General Fund the sum of forty-eight million dollars (\$48,000,000) to satisfy the state’s 2001–02 obligation pursuant to the Settlement Agreement in the case of *Craig Brown v. U.S. Department of Health and Human Services, et al.* (Ninth Circuit Appeal No. 99-16992). Upon direction of the Department of Finance, this amount may be augmented by up to one hundred forty-four million dollars (\$144,000,000) in order to provide full payment of the remaining balance of this obligation pursuant to the Settlement Agreement.

SEC. 12.30. There is hereby appropriated from the General Fund for transfer to the Special Fund for Economic Uncertainties by the Controller, upon order of the Director of Finance, an amount necessary

to bring the balance of this special fund up to the amount stated in the 2001–02 Final Change Book for the 2001–02 fiscal year ending balance in the Special Fund for Economic Uncertainties. The amount so transferred shall be reduced by the amount of excess revenues subject to Section 2 of Article XIII B of the California Constitution, as determined by the Director of Finance.

SEC. 12.32. (a) It is the intent of the Legislature that appropriations that are subject to Section 8 of Article XVI of the California Constitution be designated with the wording “Proposition 98.” In the event these appropriations are not so designated, they may be designated as such by the Department of Finance, where that designation is consistent with legislative intent, within 30 days after notification in writing of the proposed designation to the chairperson of the committee in each house of the Legislature that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or within a lesser time that the chairperson of the joint committee, or his or her designee, determines.

(b) Pursuant to the Proposition 98 funding requirements established in Chapter 2 (commencing with Section 41200) of Part 24 of the Education Code, the total appropriations for Proposition 98 for the 2001–02 fiscal year are \$32,070,332,906 or 43.7 percent of total General Fund revenues and transfers subject to the state appropriations limit. General Fund revenues appropriated for school districts are \$29,180,289,906 or 39.8 percent of total General Fund revenues and transfers subject to the state appropriations limit. General Fund revenues appropriated for community college districts are \$2,798,484,000 or 3.8 percent of total General Fund revenues and transfers subject to the state appropriations limit. General Fund revenues appropriated for other state agencies that provide direct elementary and secondary level education, as defined in Section 41302.5 of the Education Code, are \$91,559,000 or 0.1 percent of total General Fund revenues and transfers subject to the state appropriations limit. General Fund revenues appropriated for partial repayment of emergency loans are \$350,000,000 or 0.5 percent of total General Fund revenues and transfers subject to the state appropriations limit.

SEC. 12.40. (a) Notwithstanding any other provision of law, not more than 20 percent of the amount apportioned to any school district, county office of education, or other educational agency under the programs funded in this act that were funded in Item 6110-230-0001 of Section 2.00 of SB 160 of the 1999–00 Regular Session, as introduced on January 8, 1999, may be expended by that recipient for the purposes of any other program for which the recipient is eligible for funding under those items, except that the total amount of funding allocated to the recipient under this item that is expended by the recipient for the purposes of any of those programs shall not exceed 125 percent of the amount of state funding allocated pursuant to the appropriations to that recipient for those programs in this act for the 2001–02 fiscal year. Notwithstanding any other provision of law, for the 2001–02 fiscal year,

local education agencies may also use this authority to provide the funds necessary to initiate a conflict resolution program pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19 of the Education Code, and to continue to support following the three-to-five year state grant period, or to expand, a Healthy Start program pursuant to Chapter 5 (commencing with Section 8800) of Part 6 of the Education Code.

(b) The education programs that are eligible for the flexibility provided in subdivision (a) include the following items: Items 6110-108-0001, 6110-111-0001, 6110-114-0001, 6110-115-0001, 6110-116-0001, 6110-119-0001, 6110-120-0001, 6110-122-0001, 6110-124-0001, 6110-126-0001, 6110-127-0001, 6110-128-0001, 6110-131-0001, 6110-146-0001, 6110-151-0001, 6110-163-0001, 6110-167-0001, 6110-180-0001, 6110-181-0001, 6110-193-0001, 6110-197-0001, 6110-203-0001, 6110-224-0001, and 6110-209-0001 of this act.

(c) As a condition of receiving the funds provided for the programs identified in subdivision (b), local education agencies shall report to the State Department of Education by October 15, 2002, on any amounts shifted between these programs pursuant to the flexibility provided in subdivision (a). The Department of Education shall collect and provide this information to the Joint Legislative Budget Committee, chairs and vice chairs of the fiscal committees for education of the Legislature and the Department of Finance, by February 1, 2003.

SEC. 12.50. Notwithstanding any other provision of law, the Controller, upon order of the Director of Finance, shall transfer funds to Item 6110-211-0001 of this act from any of the Budget Act items for categorical programs identified in the Charter School Funding Model established pursuant to Chapter 78, Statutes of 1999. The transfers shall be based on the average daily attendance (ADA) calculations made by the Superintendent of Public Instruction, as specified in the Charter School Funding Model, and reported to the Director of Finance by October 1, 2002.

SEC. 12.60. It is the intent of the Legislature that education programs with voluntary participation be funded at statutorily authorized levels. Notwithstanding any other provision of law, the Controller, upon approval of the Director of Finance, shall transfer unobligated funds between any of the following voluntary participation programs to the extent needed to fully fund eligible participation. The Department of Finance shall notify the Joint Legislative Budget Committee of any transfers made under this control section. The items between which the Controller may transfer funds pursuant to this section are the following: Items 6110-104-0001, 6110-112-0001, 6110-121-0001, 6110-125-0001, 6110-158-0001, 6110-191-0001, 6110-193-0001, 6110-195, 0001, 6110-198-0001, 6110-204-0001, 6110-205-0001, 6110-232-0001, and 6110-234-0001.

SEC. 13.00. (a) Notwithstanding any other provision of law, expenditures under Item 0160-001-0001 of Section 2.00 of this act or any appropriation in augmentation of that item shall be exempt from Chap-

ter 7 (commencing with Section 11700) of Part 1 of, and Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of, Division 3 of Title 2 of the Government Code, Division 2 (commencing with Section 1100) of the Public Contract Code, and subdivision (a) of Section 713 of Title 2 of the California Code of Regulations, and may be expended as set forth in the Governor's Budget, or for other purposes, including expenditures for the number of positions in various classifications authorized by the Joint Rules Committee.

(b) Notwithstanding any other provision of law, the unencumbered balances as of June 30, 2002, of the appropriations made by Items 0160-001-0001 and 8840-001-0001 of the Budget Act of 2001 are re-appropriated and shall be available for encumbrance until June 30, 2003, for the same programs and purposes for which appropriations for these items have been made by this act.

(c) Notwithstanding any other provision of law, all money that is received as payment for the sale of services or personal property by the agency that has not been taken into consideration in the schedule of Item 0160-001-0001 or is in excess of the amount so taken into consideration is to be credited to that item and is hereby appropriated in augmentation of that item for the same programs and purposes for which appropriations for that item have been made by this act.

(d) Notwithstanding any other provision of law, the Legislative Counsel Bureau may convert or reclassify positions in the bureau, as deemed appropriate by the Legislative Counsel, for inclusion, or redesignation, in the career executive assignment band, to the extent that the total number of positions in the career executive band in the bureau does not exceed 3 percent of the positions in the bureau. Any position that is converted or reclassified shall not be subject to review or approval by the Department of Personnel Administration or State Personnel Board.

SEC. 14.00. (a) Notwithstanding any other provision of law, if the Director of the Department of Consumer Affairs determines in writing that there is insufficient cash in a special fund under the authority of a board, commission, or bureau of the department to make one or more payments currently due and payable, the director may order the transfer of moneys to that special fund, in the amount necessary to make the payment or payments, as a loan from a special fund under the authority of another board, commission, or bureau of the department. That loan shall be subject to all of the following conditions:

(1) No loan from a special fund shall be made that would interfere with the carrying out of the object for which the special fund was created.

(2) The loan shall be repaid as soon as there is sufficient money in the recipient fund to repay the amount loaned, but no later than a date 18 months after the date of the loan. Interest on the loan shall be paid from the recipient fund at the rate accruing during the loan period to moneys in the Pooled Money Investment Account.

(3) The amount loaned shall not exceed the amount that the appropriate board, commission, or bureau is statutorily authorized at the time of the loan to expend during the 2001–02 fiscal year from the recipient fund.

(4) The terms and conditions of the loan are approved, prior to the transfer of funds, by the Department of Finance pursuant to appropriate fiscal standards.

(b) (1) Notwithstanding any other provision of law, the Department of Consumer Affairs, during the 2001–02 fiscal year, may order the release of moneys from the clearing account in the Consumer Affairs Fund in an amount exceeding the amount advanced to the clearing account from a special fund within the department, as a loan to make one or more payments on behalf of that special fund that are currently due and payable. To the extent that the amount of moneys currently in the clearing account is insufficient to make the payment or payments on behalf of that special fund, the department may transfer additional moneys to the clearing account from any other special fund under the authority of a board, commission, or bureau of the department to include in the loan. A loan made to a special fund under this subdivision shall be subject to all of the following conditions:

(A) The loan shall not be made if it would reduce the amount advanced to the clearing account from another special fund, or the amount contained in that special fund, as applicable, to an extent that would interfere with the carrying out of the object for which that special fund was created.

(B) The loan shall be repaid as soon as there is sufficient money in the recipient fund to repay the amount loaned, but no later than a date 60 days after the date of the loan.

(C) The amount loaned shall not exceed the amount that the appropriate board, commission, or bureau is statutorily authorized at the time of the loan to expend during the 2001–02 fiscal year from the recipient fund.

(2) For purposes of this subdivision, the “clearing account” in the Consumer Affairs Fund is the account established in that fund, consisting of moneys advanced from the various special funds within the department, from which the Department of Consumer Affairs pays operating and other expenses of each special fund in an amount ordinarily not exceeding the amount advanced from that special fund.

(c) The Director of the Department of Consumer Affairs shall provide a report by March 1, 2002, on all loans initiated or repayments made pursuant to subdivision (a) or (b) within the preceding 12-month period to the chairperson of the budget committee, and the chairperson of the appropriate legislative oversight committee, of each house of the Legislature.

(d) At least 10 days prior to initiating a loan to be made pursuant to subdivision (a) or (b), the Director of the Department of Consumer Affairs shall provide written notification to the Joint Legislative Budget

Committee if either (1) any loan from any one fund exceeds \$200,000 or (2) the aggregate amount of loans from any one fund exceeds \$200,000.

SEC. 20.00. Of the \$20,000,000 appropriated in Item 9210-106-0001 of Section 2.00 of this act, the Controller shall allocate a minimum grant of \$20,000 to each city police chief, county sheriff, and to the Broadmoor Police Protection District within the County of San Mateo, the Bear Valley Community Services District and the Stallion Springs Community Services District within Kern County, the Lake Shastina Community Services District within Siskiyou County, and the Kensington Police Protection and Community Services District within Contra Costa County. Any funds remaining after the minimum grant allocation required by this section shall be allocated pursuant to the provisions of Item 9210-106-0001 of Section 2.00 of this act.

SEC. 24.00. For the 2001–02 fiscal year, the donations and oil and mineral revenues from federal lands that are deposited in the State School Fund shall be divided between Section A and Section B of the State School Fund, with 85 percent of these revenues to be credited to Section A of the fund exclusively for regular apportionments for school districts serving pupils in kindergarten or any of grades 1 to 12, inclusive, and 15 percent to Section B of the fund exclusively for community college district regular apportionments. The amounts accruing to the State School Fund under this section shall be disbursed fully before any General Fund transfers to Section A or Section B of the State School Fund are disbursed for regular apportionments.

SEC. 24.03. Notwithstanding any other provision of law, funds appropriated by Section 2.00, Section 8.50, Section 28.00, Section 28.50, or any other provision of this act may not be expended for the support of any program, network, or material, with the exception of instruction to pupils who are identified as deaf or hearing impaired pursuant to 34 C.F.R. 300.7(b) paragraphs (3) and (4), that promotes or uses reading instruction methodologies that emphasize contextual clues in lieu of fluent decoding.

SEC. 24.10. (a) Notwithstanding Section 1464 of the Penal Code or Section 41304 of the Education Code, the first one million one hundred six thousand dollars (\$1,106,000) received by the Driver Training Penalty Assessment Fund for the 2001–02 fiscal year shall be available for the purposes of Item 6110-001-0178 of Section 2.00 of this act. The amount retained by the Driver Training Penalty Assessment Fund for the purposes of Item 6110-001-0178 may be adjusted by the Department of Finance for actions pursuant to any control section of this act.

(b) After moneys are retained by the Driver Training Penalty Assessment Fund pursuant to subdivision (a), the Controller shall transfer any remaining balances to the General Fund.

(c) In no case may a fee increase be imposed as a result of the transfer pursuant to this section.

SEC. 24.60. (a) From the funds appropriated in Items 4300-003-0814, 4440-011-0814, 5460-001-0831, 6110-006-0814, 6110-101-



0814, 6440-001-0814, 6600-001-0814, and 6870-101-0814 of this act, the State Department of Developmental Services, the State Department of Mental Health, the Department of the Youth Authority, the State Special Schools, the Regents of the University of California, the Board of Directors of Hastings College of the Law, the Board of Trustees of the California State University, and community college districts through the Chancellor of the California Community Colleges shall report to the Governor and the Legislature no later than January 15, 2003, the amount of lottery funds that each entity received and the purposes for which those funds were expended in the 2001–02 fiscal year, including administrative costs, and proposed expenditures and purposes for expenditure for the 2002–03 fiscal year. If applicable, the amount of lottery funds received on the basis of adult education average daily attendance (ADA) and the amount of lottery funds expended for adult education also shall be reported.

(b) The State Department of Education shall conduct a survey of a representative sample of 100 local education agencies to determine the patterns of use of lottery funds in those agencies. The sample shall be drawn to include all local education agencies having more than 200,000 ADA and representative local education agencies randomly selected by size, range, type, and geographical dispersion. On or before May 15, 2002, the State Department of Education shall report to the Legislature and the Governor the results of the survey for the 2000–01 fiscal year.

SEC. 24.70. From the funds appropriated to the State Department of Education for local assistance, the department shall ensure that the expenditure of funds allocated to a local education agency (LEA), through a contract between the department and the LEA or through a grant from the department to the LEA, shall be subject to the LEA's fiscal accountability policies and procedures. If it is necessary for the LEA to establish a separate entity to complete the work scope of the contract or grant, the fiscal accountability policies and procedures for that entity shall be the same as those of the LEA, or amended only with the approval of both the superintendent of schools of the LEA and a fiscal representative of the department designated by the Superintendent of Public Instruction. Further, the department shall have the authority to provide for an audit of the expenditures under the contract or grant between the department and the LEA to verify conformance with appropriate fiscal accountability policies and procedures. The cost of the audit, if required, shall be charged to the audited contract or grant.

SEC. 25.10. (a) Upon the order of the Director of Finance, the Controller shall transfer to the General Fund a portion of the unencumbered balance, as of June 30, 2002, of the following funds:

0017	Fingerprint Fee Account
0022	State Emergency Telephone Number Account

(b) In no case may a fee increase be imposed as a result of redirecting the fees in this section.

SEC. 25.20. (a) One million dollars of the revenues, fees, and other resources designated for deposit in the Export Finance Fund (0809) shall be deposited in the General Fund for the 2001–02 fiscal year.

(b) In no case may a fee increase be imposed as a result of redirecting the fees in this section.

SEC. 26.00. (a) It is the intent of the Legislature, in enacting this section, to provide flexibility for the administrative approval of intraschedule transfers within individual items of appropriation in those instances where the transfers are necessary for the efficient and cost-effective implementation of the programs, projects, and functions funded by this act. No transfer shall be authorized under this section to either eliminate any program, project, or function, except when implementation is found to be no longer feasible in light of changing circumstances or new information, or establish any new program, project, or function.

(b) The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to which an appropriation is made by this act, authorize the augmentation of the amount available for expenditure in any schedule set forth for that appropriation, by making a transfer from any of the other designated programs, projects, or functions within the same schedule. No intraschedule transfer may be made under this section to fund any capital outlay purpose, regardless of whether budgeted in a capital outlay or a local assistance appropriation. Upon the conclusion of the 2001–02 fiscal year, the Director of Finance shall furnish the chairpersons of the committees in each house of the Legislature that consider appropriations and the budget, and the Chairperson of the Joint Legislative Budget Committee, with a report on all authorizations given pursuant to this section during that fiscal year.

(c) Intraschedule transfers of the amounts available for expenditure for a program, project, or function designated in any line of any schedule set forth for that appropriation by transfer from any of the other designated programs, projects, or functions within the same schedule shall not exceed, during any fiscal year:

(1) 20 percent of the amount so scheduled on that line for those appropriations made by this act that are \$2,000,000 or less.

(2) \$400,000 of the amount so scheduled on that line for those appropriations made by this act that are more than \$2,000,000 but equal to or less than \$4,000,000.

(3) 10 percent of the amount so scheduled on that line for those appropriations made by this act that are more than \$4,000,000.

(4) The Department of Transportation Highway Program shall be limited to a schedule change of 10 percent.

(d) Any transfer in excess of \$200,000 may be authorized pursuant to this section not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairperson of the committee in each house of the Legislature that considers appropriations and the

Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine.

(e) Any transfer in excess of the limitations provided in subdivision (c) may be authorized not sooner than 30 days after notification in writing of the necessity to exceed the limitations is provided to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee, may in each instance determine.

SEC. 27.00. (a) Approval by the Department of Finance of the creation of deficiencies pursuant to Section 11006 of the Government Code or approval to expend at rates that, in the opinion of the Director of Finance, will require a deficiency appropriation may be granted only in cases of actual necessity. It is the intent of the Legislature that authorization for deficiency spending under this section should be limited to cases of unanticipated expenses incurred in the operation of existing programs, where it is necessary to incur those expenses during the 2001–02 fiscal year. No deficiency authorization may be made under this section for any expenditure for capital outlay.

(b) The Director of Finance may not approve any deficiency authorization unless the approval is made in writing and filed with the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house that considers appropriations not later than 30 days prior to the effective date of the approval, or not sooner than whatever lesser time the chairperson of the joint committee, or his or her designee, may in each instance determine, except for an approval for an emergency expenditure. “Emergency expenditure,” for this purpose, means an expenditure incurred in response to conditions of disaster or extreme peril that threaten the health or safety of persons or property within the state. This notification requirement is not applicable to caseload increases in Medi-Cal, California Work Opportunity and Responsibility to Kids (CalWORKs), and Supplemental Security Income/State Supplementary Program (SSI/SSP). All notifications shall include: (1) the date a deficiency request was received by the Department of Finance, (2) the reason for the proposed deficiency, (3) the approved amount, and (4) the basis of the department’s determination that the expenditure for which the deficiency authorization is approved is required by a case of actual necessity.

(c) Approval for any emergency expenditure shall be made in writing and filed with the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house that considers appropriations not later than 10 days after the effective date of the approval. All notices shall state the reason for and the amount of the deficiency, together with the director’s determination that the expenditure for which the deficiency authorization is approved satisfies the criteria for emergency expenditures set forth in this section, and the basis for that determination.

(d) Each notification of deficiency or emergency expenditure shall include a determination by the Director of Finance as to whether the expenditure was considered in a legislative budget committee and formal action was taken to not approve the expenditure within the previous fiscal year.

(e) The Department of Finance shall provide copies of all requests from agencies to spend at rates that will result in a deficiency appropriation, in an aggregate amount for the 2001–02 fiscal year that exceeds five hundred thousand dollars (\$500,000), to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house that considers appropriations. The department shall submit these copies within 15 working days of receipt. The transmittal of this information to the Legislature shall not be construed by the requesting agency as approval of the deficiency request.

(f) The Department of Finance shall provide deficiency bill updates to the Chairperson of the Joint Legislative Budget Committee and the chairperson of the committee in each house that considers appropriations if requested by the Legislature or as deemed necessary by the Department of Finance.

SEC. 28.00. (a) It is the intent of the Legislature in enacting this section to provide flexibility for administrative approval of augmentations for the expenditure of unanticipated federal funds or other non-state funds in cases that meet the criteria set forth in this section. However, this section is not intended to provide an alternative budget process, and proposals for additional spending ordinarily should be considered in the annual State Budget or other state legislation.

(b) The Director of Finance may authorize the augmentation of the amount available for expenditure for any program, project, or function in the schedule set forth for any appropriation in this act or any additional program, project, or function in the amount of any additional, unanticipated funds that he or she estimates will be received by the state during the 2001–02 fiscal year from any agency of local government or the federal government, or from any other nonstate source, provided that the additional funding meets all of the following requirements:

(1) The funds will be expended for a purpose that is consistent with state law.

(2) The funds are made available to the state under conditions permitting their use only for a specified purpose, and the additional expenditure proposed under this section would apply to that specified funding purpose.

(3) Acceptance of the additional funding does not impose on the state any requirement to commit or expend new state funds for any program or purpose.

(4) The need exists to expend the additional funding during the 2001–02 fiscal year.

(c) The Director of Finance also may reduce any program, project, or function whenever he or she determines that funds to be received will be less than the amount taken into consideration in the schedule.

(d) Any augmentation or reduction that exceeds either (1) two hundred thousand dollars (\$200,000) or (2) 10 percent of the amount available for expenditure in the affected program, project, or function may be authorized not sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house of the Legislature that considers appropriations, the chairpersons of the committees, and the appropriate subcommittees, in each house that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine. With regard to any proposed augmentation, the notification shall state the basis for the determination by the Director of Finance that the augmentation meets each of the requirements set forth in subdivision (b). This notification requirement does not apply to federal funds related to caseload increases in Medical, California Work Opportunity and Responsibility to Kids (CalWORKs), and Supplemental Security Income/State Supplementary Program (SSI/SSP).

(e) Any personnel action that is dependent on funds subject to this section shall not be effective until after the provisions of this section have been complied with. Any authorization made pursuant to this section shall remain in effect for the period the director may determine in each instance, but in no event after June 30, 2002.

SEC. 28.50. (a) Except as otherwise provided by law, an officer, department, division, bureau, or other agency of the state may expend for the 2001–02 fiscal year all money received as reimbursement from another officer, department, division, bureau, or other agency of the state that has not been taken into consideration by this act or any other statute, upon the prior written approval of the Director of Finance. The Department of Finance may also reduce any reimbursement amount and related program, project, or function amount if funds received from another officer, department, division, bureau, or other agency of the state will be less than the amount taken into consideration in the schedule.

(b) For any expenditure of reimbursements or any transfer for the 2001–02 fiscal year that exceeds two hundred thousand dollars (\$200,000), the Director of Finance shall provide notification in writing of any approval granted under this section, not less than 30 days prior to the effective date of that approval, to the chairperson of the committee in each house of the Legislature that considers appropriations, the chairpersons of the committees and the appropriate subcommittees in each house of the Legislature that consider the State Budget, and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine. Increases to reimbursements are not reportable under this section if the funding for the other officer, department, division, bureau, or other agency of the state providing the reimbursement has already been ap-

proved by the Legislature. These adjustments are considered technical in nature and are authorized in Section 1.50 of this act.

SEC. 29.00. The Department of Finance shall calculate and publish a listing of total personnel-years and estimated salary savings for each department and agency. These listings shall be published by the Department of Finance at the same time as the publication of (a) the Governor's Budget, (b) the May Revision and (c) the Final Change Book.

(a) The listing provided at the time of the publication of the Governor's Budget shall contain estimates of personnel-years for the prior year, current year, and budget year.

(b) The listing provided at the time of publication of the May Revision shall contain estimates of personnel-years proposed for the budget year.

(c) The listing provided at the time of the publication of the Final Change Book shall contain estimates of personnel-years for the budget year just enacted.

SEC. 30.00. Section 13340 of the Government Code is amended to read:

13340. (a) Except as provided in subdivision (b), on and after July 1, 2002, no moneys in any fund that, by any statute other than a Budget Act, is continuously appropriated without regard to fiscal years, may be encumbered unless the Legislature, by statute, specifies that the moneys in the fund are appropriated for encumbrance.

(b) Subdivision (a) does not apply to any of the following:

(1) The scheduled disbursement of any local sales and use tax proceeds to an entity of local government pursuant to Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code.

(2) The scheduled disbursement of any transactions and use tax proceeds to an entity of local government pursuant to Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code.

(3) The scheduled disbursement of any funds by a state or local agency or department that issues bonds and administers related programs for which funds are continuously appropriated as of June 30, 2002.

(4) Moneys that are deposited in proprietary or fiduciary funds of the California State University and that are continuously appropriated without regard to fiscal years.

(5) The scheduled disbursement of any motor vehicle license fee revenues, including the General Fund appropriations made pursuant to Sections 11000 and 11000.1 of the Revenue and Taxation Code, to an entity of local government pursuant to the Vehicle License Fee Law (Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code).

SEC. 31.00. (a) The appropriations made by this act shall be subject, unless otherwise provided by law, to Section 13320 of, and Article

2.5 (commencing with Section 13332) of Chapter 3 of Part 3 of Division 3 of Title 2 of, the Government Code, requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

(b) The fiscal year budgets shall authorize, in the manner that the Department of Finance shall prescribe, all established positions whose continuance for the year is approved and all new positions. No new position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

(c) The Director of Finance, or his or her authorized designee, shall notify the Chairperson of the Joint Legislative Budget Committee within 30 days of authorizing any position not authorized for that fiscal year by the Legislature or any reclassification to a position with a minimum step per month of six thousand thirty-two dollars (\$6,032) as of July 1, 2001. He or she also shall report all transfers to blanket authorizations and the establishment of any permanent positions out of a blanket authorization.

(d) All positions administratively established pursuant to this section during the 2001–02 fiscal year shall terminate on June 30, 2002, except for those positions that have been (a) included in the Governor’s Budget for the 2002–03 fiscal year as proposed new positions, or (b) approved by the Department of Finance and reported to the Legislature after the 2002–03 Governor’s Budget submission to the Legislature. The positions identified in (a) and (b) above may be reestablished by the Department of Finance during the 2002–03 fiscal year, provided these positions are shown in the Governor’s Budget for the 2003–04 fiscal year as submitted to the Legislature, or in subsequent Department of Finance letters to the Legislature, and provided that these positions do not result in the establishment of positions deleted by the Legislature through the budget process for the 2002–03 fiscal year.

(e) No money in any 2001–02 fiscal year appropriation not appropriated for that purpose may be expended for increases in salary ranges or any other employee compensation action unless the Department of Finance certifies to the salary and other compensation-setting authority, prior to the adoption of the action, that funds are available to pay the increased salary or employee compensation resulting from the action. Prior to certification, the Department of Finance shall determine whether the increase in salary range or employee compensation action will require supplemental funding in the 2002–03 fiscal year. If the Department of Finance determines that supplemental funding will be required, no certification shall be issued unless notification in writing is given by the Department of Finance, at least 30 days before certification is made, to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or a lesser time which the chairperson of the joint committee, or his or her designee, determines.

(f) A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the De-

partment of Finance shall be sufficient evidence to the Controller that these expenditures comply with the provisions of this section.

SEC. 32.00. The officers of the various departments, boards, commissions, and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of these appropriations unless the consent of the Department of Finance is first obtained, and a certificate in writing is duly signed by the director of the department seeking authority for the expenditure, certifying the unavoidable necessity of the expenditure. Any indebtedness attempted to be created against the state in violation of this section shall be null and void, and shall not be allowed by the Controller nor paid out of any state appropriation. Any member of a department, board, commission, or institution who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, unless the consent of the Department of Finance and the director's signature on the certificate, as required by this section, are first obtained, shall be liable both personally and on his or her official bond for the amount of the indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm, or corporation to which the indebtedness is owing.

SEC. 33.00. If any item of appropriation in this act is vetoed, eliminated, or reduced by the Governor under Section 10 of Article IV of the California Constitution, while approving portions of this act, such veto, elimination, or reduction shall not affect the other portions of this act, and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act, and as if any reduced item of appropriation had not been reduced.

SEC. 34.00. If any portion of this act is held unconstitutional, that decision shall not affect the validity of any other portion of this act. The Legislature hereby declares that it would have passed this act, and each portion thereof, irrespective of the fact that any other portion be declared unconstitutional.

SEC. 36.00. This act, inasmuch as it provides for appropriations for the usual and current expenses of the state, shall, under the provisions of Section 8 of Article IV of the California Constitution, take effect immediately.

SEC. 37.00. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

This act makes appropriations and contains related provisions for support of state and local government for the 2001–02 fiscal year and provides for capital outlay appropriations in continuance of existing programs and to promote and sustain the economy of the state. It is imperative that these appropriations be made available for expenditure not later than July 1, 2001. It is therefore necessary that this act go into immediate effect.



INDEX BY BUDGET TITLE

SEC. 99.00. The following provides an index to the appropriations and related provisions of this act, by organization in alphabetical order, with the code number of the affected organization. The organization code is the first four numbers of any item number in this act. For ease of reference, the appropriation items in this act are organized in numerical order, and all of the appropriation items for any one organization are adjacent to one another.

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## INDEX FOR CONTROL SECTIONS

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## CHAPTER 107

An act relating to water.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. The Legislature finds and declares the following:

(a) Water is a scarce and precious natural resource. The intelligent and efficient use of water is, therefore, critical for the economic, social, and physical well-being of all Californians.

(b) On California's North Coast and, in particular, in Sonoma County, water plays a central role in issues involving agriculture, commercial fishing, sportfishing, land development, recreation, and Native American issues.

(c) The structure and authority of public agencies whose actions govern water-related decisions must reflect the values and priorities of the community-at-large.

(d) The most successful water agencies in California tend to be those that have board members that are directly elected to their positions.

(e) The responsibilities of the Sonoma County Flood Control and Water Conservation District, which was formed by the state in 1949 as a flood control agency, have expanded over the years to include water purveying, wastewater treatment, fisheries habitat restoration, and infrastructure development as necessary for those purposes.

(f) The Sonoma County Board of Supervisors, the existing governing board of the district, may or may not be the most appropriate entity for governing the district's broad range of responsibilities.

(g) The watershed impacted by the Sonoma County Flood Control and Water Conservation District includes waterways and water bodies in Humboldt County, Mendocino County, and on Indian tribal lands.

(h) Many interested parties who are impacted by the decisions and water diversions of the district have no voice in the district's decisionmaking process.

(i) A change in the governing structure of the district to more closely parallel that of other water agencies could allow the district to provide better responses to its ratepayer and stakeholder concerns.

SEC. 2. (a) Not later than March 1, 2002, the Office of the Legislative Analyst shall complete and submit to the Legislature a study concerning the operation of special district water agencies.

(b) For the purposes of this section, "special district water agencies" means special district water agencies enumerated in the Controller's

Special District Annual Report that provide water, water sanitation, flood control, or water conservation services.

(c) The study shall include all of the following components:

(1) A description of the forms of governance of special district water agencies in the state, including a discussion of the advantages and disadvantages of each form.

(2) With regard to special district water agencies whose governing boards are city council members or county board of supervisors, a discussion of the potential for conflicting goals resulting from the same governing body making both land use planning and water decisions.

(3) A discussion of the manner in which special district water agencies ensure that timely and accurate information is provided to their customers and other affected parties regarding all of the following:

(A) Urban water management planning.

(B) Large financial expenditures.

(C) Water supply, water treatment, or land use planning efforts with regional impacts that are undertaken by those agencies.

(4) Suggestions for ensuring that all interested parties have the opportunity to provide relevant information as part of the decisionmaking process used by the special district water agencies.

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## CHAPTER 108

An act to amend Section 6159 of the Government Code, relating to local government.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 6159 of the Government Code is amended to read:

6159. (a) As used in this section:

(1) "Credit card" means any card, plate, coupon book, or other credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

(2) "Card issuer" means any person, or his or her agent, who issues a credit card and purchases credit card drafts.

(3) "Cardholder" means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(4) "Draft purchaser" means any person who purchases credit card drafts.

(b) Subject to subdivision (c), a court, city, county, city and county, or other public agency may authorize the acceptance of a credit card for any of the following:

(1) The payment for the deposit of bail for any offense not declared to be a felony or for any court-ordered fee or fine. Use of a credit card pursuant to this paragraph shall include a requirement that the defendant be charged any administrative fee charged by the credit card company for the cost of the credit card transaction.

(2) The payment of a filing fee or other court fee.

(3) The payment of any towage or storage costs for a vehicle that has been removed from a highway, or from public or private property, as a result of parking violations.

(4) The payment of child, family, or spousal support, including reimbursement of public assistance, related fees, costs, or penalties, with the authorization of the cardholder.

(5) The payment for services rendered by any city, county, city and county, or other public agency.

(6) The payment of any fee, charge, or tax due a city, county, city and county, or other public agency.

(c) A court desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of the Judicial Council. A city desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of its city council. Any other public agency desiring to authorize the use of a credit card pursuant to subdivision (b) shall obtain the approval of the governing body that has fiscal responsibility for that agency. After approval is obtained, a contract may be executed with one or more credit card issuers or draft purchasers. The contract shall provide for all of the following:

(1) The respective rights and duties of the court, city, county, city and county, or other public agency and card issuer or draft purchaser regarding the presentment, acceptability, and payment of credit card drafts.

(2) The establishment of a reasonable means by which to facilitate payment settlements.

(3) The payment to the card issuer or draft purchaser of a reasonable fee or discount.

(4) Any other matters appropriately included in contracts with respect to the purchase of credit card drafts as may be agreed upon by the parties to the contract.

(d) The honoring of a credit card pursuant to subdivision (b) hereof constitutes payment of the amount owing to the court, city, county, city and county, or other public agency as of the date the credit card is

honored, provided the credit card draft is paid following its due presentment to a card issuer or draft purchaser.

(e) If any credit card draft is not paid following due presentment to a card issuer or draft purchaser or is charged back to the court, city, county, city and county, or other public agency for any reason, any record of payment made by the court, city, or other public agency honoring the credit card shall be void. Any receipt issued in acknowledgment of payment shall also be void. The obligation of the cardholder shall continue as an outstanding obligation as if no payment had been attempted.

(f) Notwithstanding Title 1.3 (commencing with Section 1747) of Part 4 of Division 3 of the Civil Code, a court, city, county, city and county, or any other public agency may impose a fee for the use of a credit card, not to exceed the costs incurred by the agency in providing for payment by credit card. These costs may include, but shall not be limited to, the payment of fees or discounts as specified in paragraph (3) of subdivision (c). Any fee imposed by a court pursuant to this subdivision shall be approved by the Judicial Council. Any fee imposed by any other public agency pursuant to this subdivision for the use of a credit card shall be approved by the governing body responsible for the fiscal decisions of the public agency.

(g) Fees or discounts provided for under paragraph (3) of subdivision (c) shall be deducted or accounted for prior to any statutory or other distribution of funds received from the card issuer or draft purchaser to the extent not recovered from the cardholder pursuant to subdivision (f).

(h) The Judicial Council may enter into a master agreement with one or more credit card issuers or draft purchasers for the acceptance and payment of credit card drafts received by the courts. Any court may join in any of these master agreements or may enter into a separate agreement with a credit card issuer or draft purchaser.

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## CHAPTER 109

An act to amend Sections 2881 and 2881.2 of, to add Section 270.1 to, and to repeal Section 2881.01 of, the Public Utilities Code, relating to public utilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 270.1 is added to the Public Utilities Code to read:

270.1. (a) Notwithstanding any other provision of law, the commission may authorize the trustee of the California High-Cost Fund-B Trust to transfer to the Deaf Equipment Acquisition Fund Trust (DEAF Trust) money sufficient to cover the costs of the program as specified in subdivision (a) of Section 278, including, but not limited to, all costs specified in subdivision (c) of Section 278. The amount of any transfer of money authorized may not exceed the cost of operating the program for six months. The commission shall also establish other terms of the transfer, as it determines to be appropriate.

(b) The commission shall reimburse the California High-Cost Fund-B Trust for any transfer of money to the DEAF Trust authorized pursuant to subdivision (a), with interest as determined by the commission.

(c) A sum equivalent to the amount of money transferred to the Deaf Equipment Acquisition Fund Trust (DEAF Trust) pursuant to subdivision (a) is hereby appropriated from the Deaf and Disabled Telecommunications Program Administrative Committee Fund to the commission, for allocation to the California High-Cost Fund-B Trust, for purposes of subdivision (b).

(d) Funds may not be transferred from the California High-Cost Fund-B Trust to the DEAF Trust pursuant to subdivision (a) after September 30, 2001.

(e) Commencing on October 1, 2001, and until a date not later than June 30, 2002, reimbursements made to the California High-Cost Fund-B Trust pursuant to subdivisions (b) and (c) shall be deposited in a separate memorandum account within the DEAF Trust, subject to the terms specified in subdivision (b).

(f) On July 1, 2002, any funds remaining in the DEAF Trust, inclusive of amounts deposited in the memorandum account for purposes of reimbursing the California High-Cost Fund-B Trust, shall revert to the General Fund in the State Treasury, with all amounts in the memorandum account reverting for the purpose of funding the California High-Cost Fund-B Trust account in the State Treasury rather than the DEAF Trust account in the State Treasury.

SEC. 2. Section 2881 of the Public Utilities Code is amended to read:

2881. (a) The commission shall design and implement a program to provide a telecommunications device capable of serving the needs of individuals who are deaf or hearing impaired, together with a single party line, at no charge additional to the basic exchange rate, to any

subscriber who is certified as an individual who is deaf or hearing impaired by a licensed physician and surgeon, audiologist, or a qualified state or federal agency, as determined by the commission, and to any subscriber that is an organization representing individuals who are deaf or hearing impaired, as determined and specified by the commission pursuant to subdivision (e). A licensed hearing aid dispenser may certify the need of an individual to participate in the program if that individual has been previously fitted with an amplified device by the dispenser and the dispenser has the individual's hearing records on file prior to certification.

(b) The commission shall also design and implement a program to provide a dual-party relay system, using third-party intervention to connect individuals who are deaf or hearing impaired and offices of organizations representing individuals who are deaf or hearing impaired, as determined and specified by the commission pursuant to subdivision (e), with persons of normal hearing by way of intercommunications devices for individuals who are deaf or hearing impaired and the telephone system, making available reasonable access of all phases of public telephone service to telephone subscribers who are deaf or hearing impaired. In order to make a dual-party relay system that will meet the requirements of individuals who are deaf or hearing impaired available at a reasonable cost, the commission shall initiate an investigation, conduct public hearings to determine the most cost-effective method of providing dual-party relay service to the deaf or hearing impaired when using a telecommunications device, and solicit the advice, counsel, and physical assistance of statewide nonprofit consumer organizations of the deaf, during the development and implementation of the system. The commission shall phase in this program, on a geographical basis, over a three-year period ending on January 1, 1987. The commission shall apply for certification of this program under rules adopted by the Federal Communications Commission pursuant to Section 401 of the federal Americans with Disabilities Act of 1990 (Public Law 101-336).

(c) The commission shall also design and implement a program whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled at no charge additional to the basic exchange rate. The certification, including a statement of medical need for specialized telecommunications equipment, shall be provided by a licensed physician and surgeon acting within the scope of practice of his or her license, or by a qualified state or federal agency as determined by the commission. The commission shall, in this connection, study the feasibility of, and implement, if determined to be feasible, personal



income criteria, in addition to the certification of disability, for determining a subscriber's eligibility under this subdivision.

(d) The commission shall establish a rate recovery mechanism through a surcharge not to exceed one-half of 1 percent uniformly applied to a subscriber's intrastate telephone service, other than one-way radio paging service and universal telephone service, both within a service area and between service areas, to allow providers of the equipment and service specified in subdivisions (a), (b), and (c), to recover costs as they are incurred under this section. The surcharge shall be in effect until January 1, 2006. The commission shall require that the programs implemented under this section be identified on subscribers' bills, and shall establish a fund and require separate accounting for each of the programs implemented under this section.

(e) The commission shall determine and specify those statewide organizations representing the deaf or hearing impaired that shall receive a telecommunications device pursuant to subdivision (a) or a dual-party relay system pursuant to subdivision (b), or both, and in which offices the equipment shall be installed in the case of an organization having more than one office.

(f) The commission may direct any telephone corporation subject to its jurisdiction to comply with its determinations and specifications pursuant to this section.

(g) The commission shall annually review the surcharge level and the balances in the funds established pursuant to subdivision (d). Until January 1, 2006, the commission shall be authorized to make, within the limits set by subdivision (d), any necessary adjustments to the surcharge to ensure that the programs supported thereby are adequately funded and that the fund balances are not excessive. A fund balance which is projected to exceed six months' worth of projected expenses at the end of the fiscal year is excessive.

(h) The commission shall prepare and submit to the Legislature, on or before December 31, 1988, and annually thereafter, a report on the fiscal status of the programs established and funded pursuant to this section and Sections 2881.1 and 2881.2. The report shall include a statement of the surcharge level established pursuant to subdivision (d) and revenues produced by the surcharge, an accounting of program expenses, and an evaluation of options for controlling those expenses and increasing program efficiency, including, but not limited to, all of the following proposals:

(1) The establishment of a means test for persons to qualify for program equipment or free or reduced charges for the use of telecommunication services.

(2) If and to the extent not prohibited under Section 401 of the federal Americans with Disabilities Act of 1990 (Public Law 101-336), the

imposition of limits or other restrictions on maximum usage levels for the relay service, which shall include the development of a program to provide basic communications requirements to all relay users at discounted rates, including discounted toll call rates, and, for usage in excess of those basic requirements, at rates which recover the full costs of service.

(3) More efficient means for obtaining and distributing equipment to qualified subscribers.

(4) The establishment of quality standards for increasing the efficiency of the relay system.

(i) In order to continue to meet the access needs of individuals with functional limitations of hearing, vision, movement, manipulation, speech and interpretation of information, the commission shall perform ongoing assessment of, and if appropriate, expand the scope of the program to allow for additional access capability consistent with evolving telecommunications technology.

SEC. 3. Section 2881.01 of the Public Utilities Code is repealed.

SEC. 4. Section 2881.2 of the Public Utilities Code is amended to read:

2881.2. (a) In addition to the requirements of Section 2881, the commission shall design and implement a program that shall provide for publicly available telecommunications devices capable of servicing the needs of the deaf or hearing impaired in existing buildings, structures, facilities, and public accommodations of the type specified in Section 4450 of the Government Code and Sections 19955.5 and 19956 of the Health and Safety Code, making available reasonable access of all phases of public telephone service to individuals who are deaf or hearing impaired. The commission shall direct the appropriate committee under its control to determine and specify locations within existing buildings, structures, facilities, and public accommodations in need of a telecommunications device and to contract for the procurement, installation, and maintenance of these devices. In the letting of the contract, the commission shall direct the committee to ensure consideration of for-profit and nonprofit corporations, including nonprofit corporations with demonstrated service to individuals who are deaf or hearing impaired and whose boards of directors and staff are made up of a majority of those individuals. The commission shall also direct the committee to seek the cooperation of the owners, managers, and tenants of the existing buildings, structures, facilities, and public accommodations that have been determined to be in need of a telecommunications device with regard to its installation and maintenance. The commission shall phase in this program over a reasonable period of time, beginning no later than January 1, 1998, giving priority to those existing buildings, structures, facilities, and

public accommodations determined by the commission, with the advice and counsel of statewide nonprofit consumer organizations for the deaf, to be of most importance and usefulness to the deaf or hearing impaired.

(b) The commission shall ensure that costs are recovered as they are incurred under this section, including any costs incurred by the owners, managers, or tenants of existing buildings, structures, facilities, and public accommodations, and shall utilize for this purpose the rate recovery mechanism established pursuant to subdivision (d) of Section 2881. The commission shall also establish a fund and require separate accounting for the program implemented under this section and, in addition, shall require that the surcharge utilized to fund the program not exceed two-hundredths of 1 percent, that it be combined with the surcharge required by subdivision (d) of Section 2881, and that it count toward the limits set by that subdivision. This surcharge shall be in effect until January 1, 2006.

(c) "Existing buildings, structures, facilities, and public accommodations," for the purposes of this section, means those buildings, structures, facilities, and public accommodations or parts thereof that were constructed or altered prior to January 26, 1993, or are otherwise not required by Section 303 of the federal Americans with Disabilities Act of 1990 (Public Law 101-336) (42 U.S.C. Sec. 12183) or any other section of that act and its implementing regulations and guidelines, to have a publicly available telecommunications device capable of serving the needs of the deaf or hearing impaired.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to reinstate a telephone surcharge that is needed in order to recover the costs for telecommunications devices capable of serving the needs of the deaf and hearing impaired and telecommunications equipment for the disabled, it is necessary for this act to take effect immediately as an urgency statute.

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## CHAPTER 110

An act to add Section 6210 to the Family Code, relating to domestic violence.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 6210 is added to the Family Code, to read:  
6210. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.

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## CHAPTER 111

An act to amend Sections 5246, 17306, 17400, 17500, 17704, and 17706 of, to add Sections 17402.1 and 17702.5 to, and to repeal Section 17501 of, the Family Code, to add and repeal Section 12092 of the Government Code, to amend Sections 11756.7 and 127280 of, and to add Section 1776.3 to, the Health and Safety Code, to amend Sections 19271 and 19272 of the Revenue and Taxation Code, to amend Sections 976.6, 1611.5, 10205, 10206, 10212.2, and 10214.5 of, and to add Division 7 (commencing with Section 14000) to, the Unemployment Insurance Code, to amend Sections 366, 366.1, 11203, 11372, 12251, 12306.1, 12500, 12501, 12550, 13002, 13004, 13006, 15204.3, 15204.8, 15763, 16501.1, 18930, 18938, 18940, and 19806 of, to add Sections 10851.5, 12306.21, 12502, 12550.1, and 12552.1 to, and to repeal Section 18257 of, the Welfare and Institutions Code, to amend Provision 8 of Item 5180-101-0001 of Section 2.00 of Chapter 52 of the Statutes of 2000 (Budget Act of 2000), and to amend Section 5 of Chapter 7 of the Statutes of 2001 (First Extraordinary Session), relating to health and welfare, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 5246 of the Family Code is amended to read:  
5246. (a) This section applies only to Title IV-D cases where support enforcement services are being provided by the local child support agency pursuant to Section 17400.

(b) In lieu of an earnings assignment order signed by a judicial officer, the local child support agency may serve on the employer a notice of assignment in the manner specified in Section 5232. An order/notice to withhold income for child support shall have the same force and effect as an earnings assignment order signed by a judicial officer. An order/notice to withhold income for child support, when used under this

section, shall be considered a notice and shall not require the signature of a judicial officer.

(c) Pursuant to Section 666 of Title 42 of the United States Code, the federally mandated order/notice to withhold income for child support shall be used for the purposes described in this section.

(d) If the underlying court order for support does not provide for an arrearage payment, or if an additional arrearage accrues after the date of the court order for support, the local child support agency may send an order/notice to withhold income for child support that shall be used for the purposes described in this section directly to the employer which specifies the updated arrearage amount and directs the employer to withhold an additional amount to be applied towards liquidation of the arrearages not to exceed the maximum amount permitted by Section 1673(b) of Title 15 of the United States Code.

(e) If the obligor requests a hearing, a hearing date shall be scheduled within 20 days of the filing of the request with the court. The clerk of the court shall provide notice of the hearing to the local child support agency and the obligor no later than 10 days prior to the hearing.

(1) If at the hearing the obligor establishes that he or she is not the obligor or good cause or an alternative arrangement as provided in Section 5260, the court may order that service of the order/notice to withhold income for child support be quashed. If the court quashes service of the order/notice to withhold income for child support, the local child support agency shall notify the employer within 10 days.

(2) If the obligor contends at the hearing that the payment of arrearages at the rate specified in the order/notice to withhold income for child support is excessive or that the total arrearages owing is incorrect, and if it is determined that payment of the arrearages at the rate specified in this section creates an undue hardship upon the obligor or that the withholding would exceed the maximum amount permitted by Section 1673(b) of Title 15 of the United States Code Annotated, the rate at which the arrearages must be paid shall be reduced to a rate that is fair and reasonable considering the circumstances of the parties and the best interest of the child. If it is determined at a hearing that the total amount of arrearages calculated is erroneous, the court shall modify the amount calculated to the correct amount. If the court modifies the total amount of arrearages owed or reduces the monthly payment due on the arrearages, the local child support agency shall serve the employer with an amended order/notice to withhold income for child support within 10 days.

(f) If an obligor's current support obligation has terminated by operation of law, the local child support agency may serve an order/notice to withhold income for child support on the employer which directs the employer to continue withholding from the obligor's earnings

an amount to be applied towards liquidation of the arrearages, not to exceed the maximum amount permitted by Section 1673(b) of Title 15 of the United States Code, until such time that the employer is notified by the local child support agency that the arrearages have been paid in full. The employer shall provide the obligor with a copy of the order/notice to withhold income for child support and a blank form that the obligor may file with the court to request a hearing to modify or quash the assignment with instructions on how to file the form and obtain a hearing date. The obligor shall be entitled to the same rights to a hearing as specified in subdivision (e).

(g) The local child support agency shall retain a copy of the order/notice to withhold income for child support and shall file a copy with the court whenever a hearing concerning the order/notice to withhold income for child support is requested.

(h) The local child support agency may transmit an order/notice to withhold income for child support and other forms required by this section to the employer through electronic means.

SEC. 2. Section 17306 of the Family Code is amended to read:

17306. (a) The Legislature finds and declares all of the following:

(1) While the State Department of Social Services has had statutory authority over the child support system, the locally elected district attorneys have operated their county programs with a great deal of autonomy.

(2) District attorneys have operated the child support programs with different forms, procedures and priorities, making it difficult to adequately evaluate and modify performance statewide.

(3) Problems collecting child support reflect a fundamental lack of leadership and accountability in the collection program. These management problems have cost California taxpayers and families billions of dollars.

(b) The director shall develop uniform forms, policies and procedures to be employed statewide by all local child support agencies. Pursuant to this subdivision, the director shall:

(1) Adopt uniform procedures and forms.

(2) Establish standard caseworker to case staffing ratios, adjusted as appropriate to meet the varying needs of local programs.

(3) Establish standard attorney to caseworker ratios, adjusted as appropriate to meet the varying needs of local programs.

(4) Institute a consistent statewide policy on the appropriateness of closing cases to ensure that, without relying solely on federal minimum requirements, all cases are fully and pragmatically pursued for collections prior to closing.

(5) Evaluate the best practices for the establishment, enforcement, and collection of child support, for the purpose of determining which

practices should be implemented statewide in an effort to improve performance by local child support agencies. In evaluating the best practices, the director shall review existing practices in better performing counties within California, as well as practices implemented by other state Title IV-D programs nationwide.

(6) Evaluate the best practices for the management of effective child support enforcement operations for the purpose of determining what management structure should be implemented statewide in an effort to improve the establishment, enforcement, and collection of child support by local child support agencies, including an examination of the need for attorneys in management level positions. In evaluating the best practices, the director shall review existing practices in better performing counties within California, as well as practices implemented by other state Title IV-D programs nationwide.

(7) Set priorities for the use of specific enforcement mechanisms for use by both the local child support agency and the Franchise Tax Board. As part of establishing these priorities, the director shall set forth caseload processing priorities to target enforcement efforts and services in a way that will maximize collections and avoid welfare dependency.

(8) Develop uniform training protocols, require periodic training of all child support staff, and conduct training sessions as appropriate.

(9) Review and approve annual budgets submitted by the local child support agencies to ensure each local child support agency operates an effective and efficient program that complies with all federal and state laws, regulations, and directives, including the directive to hire sufficient staff.

(c) The director shall submit any forms intended for use in court proceedings to the Judicial Council for approval at least six months prior to the implementation of the use of the forms.

(d) In adopting the forms, policies, and procedures, the director shall consult with the California Family Support Council, the California State Association of Counties, labor organizations, custodial and noncustodial parent advocates, child support commissioners, family law facilitators, and the appropriate committees of the Legislature.

(e) (1) Notwithstanding the provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, through June 30, 2002, the department may implement the applicable provisions of this division through family support division letters or similar instructions from the director.

(2) The department shall adopt regulations implementing the forms, policies, and procedures established pursuant to this section not later than July 1, 2002. The director may delay implementation of any of these regulations in any county for such time as the director deems necessary

for the smooth transition and efficient operation of a local child support agency, but implementation shall not be delayed beyond the time at which the transition to the new county department of child support services is completed. The department may adopt regulations to implement this division in accordance with the Administrative Procedure Act. The adoption of any emergency regulation filed with the Office of Administrative Law on or before January 1, 2003, shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, and safety or general welfare. These emergency regulations shall remain in effect for no more than 180 days.

SEC. 3. Section 17400 of the Family Code is amended to read:

17400. (a) Each county shall maintain a local child support agency, as specified in Section 17304, that shall have the responsibility for promptly and effectively establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders established by a court of competent jurisdiction, and determining paternity in the case of a child born out of wedlock. The local child support agency shall take appropriate action, including criminal action in cooperation with the district attorneys, to establish, modify, and enforce child support and, when appropriate, enforce spousal support orders when the child is receiving public assistance, including Medi-Cal, and, when requested, shall take the same actions on behalf of a child who is not receiving public assistance, including Medi-Cal.

(b) Notwithstanding Sections 25203 and 26529 of the Government Code, attorneys employed within the local child support agency may direct, control, and prosecute civil actions and proceedings in the name of the county in support of child support activities of the Department of Child Support Services and the local child support agency.

(c) Actions brought by the local child support agency to establish paternity or child support or to enforce child support obligations shall be completed within the time limits set forth by federal law. The local child support agency's responsibility applies to spousal support only where the spousal support obligation has been reduced to an order of a court of competent jurisdiction. In any action brought for modification or revocation of an order that is being enforced under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the effective date of the modification or revocation shall be as prescribed by federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent date.

(d) (1) The Judicial Council, in consultation with the department and representatives of the California Family Support Council, the Senate Committee on Judiciary, the Assembly Committee on Judiciary, and a legal services organization providing representation on child support



matters, shall develop simplified summons, complaint, and answer forms for any action for support brought pursuant to this section or Section 17404. The Judicial Council may combine the summons and complaint in a single form.

(2) The simplified complaint form shall provide the defendant with notice of the amount of child support that is sought pursuant to the guidelines set forth in Article 2 (commencing with Section 4050) of Chapter 2 of Part 2 of Division 9 based upon the income or income history of the defendant as known to the local child support agency. If the defendant's income or income history is unknown to the local child support agency, the complaint shall inform the defendant that income shall be presumed in an amount that results in a court order equal to the minimum basic standard of adequate care for Region I provided in Sections 11452 and 11452.018 of the Welfare and Institutions Code unless information concerning the defendant's income is provided to the court. The complaint form shall be accompanied by a proposed judgment. The complaint form shall include a notice to the defendant that the proposed judgment will become effective if he or she fails to file an answer with the court within 30 days of service. Except as provided in paragraph (2) of subdivision (a) of Section 17402, if the proposed judgment is entered by the court, the support order in the proposed judgment shall be effective as of the first day of the month following the filing of the complaint.

(3) (A) The simplified answer form shall be written in simple English and shall permit a defendant to answer and raise defenses by checking applicable boxes. The answer form shall include instructions for completion of the form and instructions for proper filing of the answer.

(B) The answer form shall be accompanied by a blank income and expense declaration or simplified financial statement and instructions on how to complete the financial forms. The answer form shall direct the defendant to file the completed income and expense declaration or simplified financial statement with the answer, but shall state that the answer will be accepted by a court without the income and expense declaration or simplified financial statement.

(C) The clerk of the court shall accept and file answers, income and expense declarations, and simplified financial statements that are completed by hand provided they are legible.

(4) (A) The simplified complaint form prepared pursuant to this subdivision shall be used by the local child support agency or the Attorney General in all cases brought under this section or Section 17404.

(B) The simplified answer form prepared pursuant to this subdivision shall be served on all defendants with the simplified complaint. Failure

to serve the simplified answer form on all defendants shall not invalidate any judgment obtained. However, failure to serve the answer form may be used as evidence in any proceeding under Section 17432 of this code or Section 473 of the Code of Civil Procedure.

(C) The Judicial Council shall add language to the governmental summons, for use by the local child support agency with the governmental complaint to establish parental relationship and child support, informing defendants that a blank answer form should have been received with the summons and additional copies may be obtained from either the local child support agency or the superior court clerk.

(e) In any action brought or enforcement proceedings instituted by the local child support agency pursuant to this section for payment of child or spousal support, an action to recover an arrearage in support payments may be maintained by the local child support agency at any time within the period otherwise specified for the enforcement of a support judgment, notwithstanding the fact that the child has attained the age of majority.

(f) The county shall undertake an outreach program to inform the public that the services described in subdivisions (a) to (c), inclusive, are available to persons not receiving public assistance. There shall be prominently displayed in every public area of every office of the agencies established by this section a notice, in clear and simple language prescribed by the Director of Child Support Services, that the services provided in subdivisions (a) to (c), inclusive, are provided to all individuals, whether or not they are recipients of public assistance.

(g) (1) In any action to establish a child support order brought by the local child support agency in the performance of duties under this section, the local child support agency may make a motion for an order effective during the pendency of that action, for the support, maintenance, and education of the child or children that are the subject of the action. This order shall be referred to as an order for temporary support. This order shall have the same force and effect as a like or similar order under this code.

(2) The local child support agency shall file a motion for an order for temporary support within the following time limits:

(A) If the defendant is the mother, a presumed father under Section 7611, or any father where the child is at least six months old when the defendant files his or her answer, the time limit is 90 days after the defendant files an answer.

(B) In any other case where the defendant has filed an answer prior to the birth of the child or not more than six months after the birth of the child, then the time limit is nine months after the birth of the child.

(3) If more than one child is the subject of the action, the limitation on reimbursement shall apply only as to those children whose parental

relationship and age would bar recovery were a separate action brought for support of that child or those children.

(4) If the local child support agency fails to file a motion for an order for temporary support within time limits specified in this section, the local child support agency shall be barred from obtaining a judgment of reimbursement for any support provided for that child during the period between the date the time limit expired and the motion was filed, or, if no motion is filed, when a final judgment is entered.

(5) Except as provided in Section 17304, nothing in this section prohibits the local child support agency from entering into cooperative arrangements with other county departments as necessary to carry out the responsibilities imposed by this section pursuant to plans of cooperation with the departments approved by the Department of Child Support Services.

(6) Nothing in this section shall otherwise limit the ability of the local child support agency from securing and enforcing orders for support of a spouse or former spouse as authorized under any other provision of law.

(h) As used in this article, “enforcing obligations” includes, but is not limited to, (1) the use of all interception and notification systems operated by the department for the purposes of aiding in the enforcement of support obligations, (2) the obtaining by the local child support agency of an initial order for child support that may include medical support or that is for medical support only, by civil or criminal process, (3) the initiation of a motion or order to show cause to increase an existing child support order, and the response to a motion or order to show cause brought by an obligor parent to decrease an existing child support order, or the initiation of a motion or order to show cause to obtain an order for medical support, and the response to a motion or order to show cause brought by an obligor parent to decrease or terminate an existing medical support order, without regard to whether the child is receiving public assistance, (4) the response to a notice of motion or order to show cause brought by an obligor parent to decrease an existing spousal support order when the child or children are residing with the obligee parent and the local child support agency is also enforcing a related child support obligation owed to the obligee parent by the same obligor, and (5) the transfer of child support delinquencies to the Franchise Tax Board under subdivision (c) of Section 17500 in support of the local child support agency.

(i) As used in this section, “out of wedlock” means that the biological parents of the child were not married to each other at the time of the child’s conception.

(j) (1) The local child support agency is the public agency responsible for administering wage withholding for current support for

the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(2) Nothing in this section shall limit the authority of the local child support agency granted by other sections of this code or otherwise granted by law, except to the extent that the law is inconsistent with the transfer of delinquent child support to the Franchise Tax Board.

(k) In the exercise of the authority granted under this article, the local child support agency may intervene, pursuant to subdivision (b) of Section 387 of the Code of Civil Procedure, by ex parte application, in any action under this code, or other proceeding in which child support is an issue or a reduction in spousal support is sought. By notice of motion, order to show cause, or responsive pleading served upon all parties to the action, the local child support agency may request any relief that is appropriate that the local child support agency is authorized to seek.

(l) The local child support agency shall comply with all regulations and directives established by the department that set time standards for responding to requests for assistance in locating noncustodial parents, establishing paternity, establishing child support awards, and collecting child support payments.

(m) As used in this article, medical support activities that the local child support agency is authorized to perform are limited to the following:

(1) The obtaining and enforcing of court orders for health insurance coverage.

(2) Any other medical support activity mandated by federal law or regulation.

(n) (1) Notwithstanding any other law, venue for an action or proceeding under this division shall be determined as follows:

(A) Venue shall be in the superior court in the county that is currently expending public assistance.

(B) If public assistance is not currently being expended, venue shall be in the superior court in the county where the child who is entitled to current support resides or is domiciled.

(C) If current support is no longer payable through, or enforceable by, the local child support agency, venue shall be in the superior court in the county that last provided public assistance for actions to enforce arrearages assigned pursuant to Section 11477 of the Welfare and Institutions Code.

(D) If subparagraphs (A), (B), and (C) do not apply, venue shall be in the superior court in the county of residence of the support obligee.

(E) If the support obligee does not reside in California, and subparagraphs (A), (B), (C), and (D) do not apply, venue shall be in the superior court of the county of residence of the obligor.

(2) Notwithstanding paragraph (1), if the child becomes a resident of another county after an action under this part has been filed, venue may remain in the county where the action was filed until the action is completed.

(o) The local child support agency of one county may appear on behalf of the local child support agency of any other county in an action or proceeding under this part.

SEC. 4. Section 17402.1 is added to the Family Code, to read:

17402.1. (a) Each local child support agency shall, on a monthly basis, remit to the department both the federal and state public assistance child support payments received pursuant to Section 17402.

(b) The department shall promulgate regulations to implement this section.

SEC. 5. Section 17500 of the Family Code is amended to read:

17500. (a) In carrying out its obligations under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the local child support agency shall have the responsibility for promptly and effectively collecting and enforcing child support obligations.

(b) The local child support agency is the public agency responsible for administering wage withholding for the purposes of Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.).

(c) The local child support agency shall transfer child support delinquencies to the Franchise Tax Board for collection purposes in the form and manner and at the time prescribed by the Franchise Tax Board. Collection shall be made by the Franchise Tax Board in accordance with Section 19271 of the Revenue and Taxation Code. For purposes of this subdivision, "child support delinquency" means an arrearage or otherwise past due amount that accrues when an obligor fails to make any court-ordered support payment when due, which is more than 60 days past due, and the aggregate amount of which exceeds one hundred dollars (\$100).

(1) If a child support delinquency exists at the time a case is opened by the local child support agency, the responsibility for the collection of the child support delinquency shall be transferred to the Franchise Tax Board no later than 30 days after receipt of the case by the local child support agency.

(2) The transfer of child support delinquencies required by this subdivision is in support of the local child support agency for purposes of efficient and effective child support enforcement and shall not in any manner transfer any responsibilities the local child support agency may have and any responsibilities the Department of Child Support Services may have as the Title IV-D agency.

SEC. 6. Section 17501 of the Family Code is repealed.

SEC. 7. Section 17702.5 is added to the Family Code, to read:

17702.5. (a) The Child Support Collections Recovery Fund is hereby created in the State Treasury, and shall be administered by the department for the purposes specified in subdivision (c).

(b) Except as otherwise provided in this section, the fund shall consist of both of the following:

(1) All public moneys transferred by public agencies to the department for deposit into the fund, as permitted under Section 304.30 of Title 45 of the Code of Federal Regulations or any other applicable federal statutes.

(2) Any interest that accrues on amounts in the fund.

(c) Upon appropriation by the Legislature, all moneys in the fund shall be used to make payments or advances to local child support agencies of the federal share of administrative payments for costs incurred pursuant to this article.

(d) Upon repeal of this section, the Legislature intends that any moneys remaining in the fund shall be returned to the federal agency that provides federal financial participation to the department.

SEC. 8. Section 17704 of the Family Code is amended to read:

17704. (a) For the 1998–99 fiscal year the department shall pay to each county a child support incentive payment. Every county shall receive the federal child support incentive. A county shall receive the state child support incentive if it elects to do both of the following:

(1) Comply with the reporting requirements of Section 17600 while federal financial participation is available for collecting and reporting data.

(2) Comply with federal and state child support laws and regulations, or has a corrective action plan certified by the department pursuant to Section 17702. The combined federal and state incentive payment shall be 13.6 percent of distributed collections. If the amount appropriated by the Legislature for the state incentives is less than the amount necessary to satisfy each county's actual incentives pursuant to this section, each county shall receive its proportional share of incentives.

(b) (1) Beginning July 1, 1999, the department shall pay to each county a child support incentive for child support collections. Every county shall receive the federal child support incentive. The combined federal and state incentive payments shall be 13.6 percent of distributed collections. In addition to the federal child support incentive, each county may also receive a state child support incentive. Subject to subdivision (c), a county shall receive the state child support incentive if it elects to do both of the following:

(A) Comply with the reporting requirements of Section 17600 while federal financial participation is available for collecting and reporting data.

(B) Be in compliance with federal and state child support laws and regulations, or have a performance improvement plan certified by the department pursuant to Section 17702.

(2) (A) For purposes of paragraph (1), the federal incentive component shall be each county's share of the child support incentive payments that the state receives from the federal government, based on the county's collections.

(B) (i) Effective July 1, 1999, and annually thereafter, state funds appropriated for child support incentives shall first be used to fund the administrative costs incurred by local child support agencies in administering the child support program, excluding automation costs as set forth in Section 10085 of the Welfare and Institutions Code, after subtracting all federal financial participation for administrative costs and all federal child support incentives received by the state and passed on to the local child support agencies. The department shall allocate sufficient resources to each local child support agency to fully fund the remaining administrative costs of its budget as approved by the director pursuant to paragraph (9) of subdivision (b) of Section 17306, subject to the appropriation of funding in the annual Budget Act. No later than January 1, 2000, the department shall identify allowable administrative costs that may be claimed for reimbursement from the state, which shall be limited to reasonable amounts in relation to the scope of services and the total funds available. If the total amount of administrative costs claimed in any year exceeds the amount appropriated in the Budget Act, the amount provided to local child support agencies shall be reduced by the percentage necessary to ensure that projected General Fund expenditures do not exceed the amount authorized in the Budget Act.

(ii) Effective July 1, 2001, and annually thereafter, after allowable administrative costs are funded under clause (i), the department shall use any remaining incentive funds appropriated from the prior fiscal year which are hereby reappropriated to implement an incentive program that rewards up to 10 local child support agencies in each year, based on their performance or increase in performance on one or more of the federal performance standards set forth in Section 458 of the federal Social Security Act (42 U.S.C. Sec. 658), or state performance standards set forth in subdivision (a) of Section 17602, as determined by the department. The department shall determine the number of local agencies that receive state incentive funds under this program, subject to a maximum of 10 agencies and shall determine the amount received by each local agency based on the availability of funds and each local child support agency's proportional share based on the performance standard or standards used.

(iii) Any funds received pursuant to this subdivision shall be used only for child support enforcement activities.

(c) (1) Beginning October 1, 1999, any county whose performance on one or more of the federal performance standards set forth in Section 458 of the federal Social Security Act (42 U.S.C. Sec. 658), or the state performance standards set forth in subdivision (a) of Section 17602, as determined by the department, is in the bottom quartile of all counties and whose rate of improvement over the prior year is less than the rate of improvement of the top quartile of counties in terms of their rates of improvement shall receive its state incentive only upon accepting technical assistance from the department, as set forth in paragraph (2).

(2) The department, in consultation with experts from other counties, as appropriate, shall conduct a program review of the county's child support program, which shall include a review of the county's management practices, and provide technical assistance. If the county chooses to receive its state incentives under this section, the county shall comply with the recommendations of this review.

(d) Each county shall continue to receive its federal child support incentive funding whether or not it elects to participate in the state child support incentive funding program.

(e) The department shall provide incentive funds pursuant to this section only during any fiscal year in which funding is provided for that purpose in the Budget Act.

SEC. 9. Section 17706 of the Family Code is amended to read:

17706. It is the intent of the Legislature to encourage counties to elevate the visibility and significance of the child support enforcement program in the county. To advance this goal, effective July 1, 2000, the counties with the 10 best performance standards pursuant to clause (ii) of subparagraph (B) of paragraph (2) of subdivision (b) of Section 17704 shall receive an additional 5 percent of the state's share of those counties' collections that are used to reduce or repay aid that is paid pursuant to Article 6 (commencing with Section 11450) or Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code. The counties shall use the increased recoupment for child support-related activities that may not be eligible for federal child support funding under Section IV-D of the Social Security Act, including, but not limited to, providing services to parents to help them better support their children financially, medically, and emotionally.

SEC. 11. Section 12092 is added to the Government Code, to read:

12092. (a) This section shall be known, and may be cited, as the California Low Income Home Energy Assistance Program. The California Low Income Home Energy Assistance Program may be referred to as the California LIHEAP.

(b) The Department of Community Services and Development shall implement the California LIHEAP.



(c) The California LIHEAP shall be separate from the federal Low-Income Home Energy Assistance Program Block Grant provided for pursuant to the Low-Income Home Energy Assistance Act of 1981, as amended (42 U.S.C. Sec. 8621, et seq.), which is administered by the Department of Community Services and Development pursuant to Sections 16367.5 to 16367.9, inclusive.

(d) The California LIHEAP established pursuant to this section is separate from and independent of the California LIHEAP established in Chapter 7 of the Statutes of 2001, First Extraordinary Session.

(e) Services provided by the California LIHEAP shall be designed to do both of the following:

(1) Increase energy conservation and reduce demand for energy services in low-income households.

(2) Ensure that the most vulnerable households cope with high energy costs.

(f) The California LIHEAP shall include weatherization and conservation services, energy crisis intervention services, and cash assistance payments.

(g) (1) Persons eligible for the California LIHEAP shall be limited to households with incomes that do not exceed the greater of either of the following:

(A) An amount equal to 60 percent of the state median income.

(B) An amount equal to 80 percent of the median income of the county in which the household is located.

(2) In no area shall households whose income is greater than 250 percent of the federal poverty level for the state be eligible.

(3) Notwithstanding paragraphs (1) and (2), licensed community care facilities serving six or fewer adults or children shall be eligible for weatherization and energy education under California LIHEAP.

(h) The department shall examine the penetration of other energy programs, including, but not limited to, those provided by federal grant funds obtained pursuant to the federal LIHEAP, utility companies, and other parties, to identify the adequacy of services to all of the following:

(1) Elderly persons.

(2) Disabled persons.

(3) Limited-English-speaking persons.

(4) Migrant and seasonal farmworkers.

(5) Households with very young children.

(i) The California LIHEAP funds shall be distributed in grant form by the department so as to ensure that vulnerable populations have comparable access to energy programs.

(j) The department shall ensure that services under the California LIHEAP are delivered subject to all of the following requirements:

(1) The department shall establish reasonable limits for expenditures, including up to 15 percent for outreach and training for consumers.

(2) Grantee agencies shall do special outreach to vulnerable households, including outreach to senior centers, independent living centers, welfare departments, regional centers, and migrant and seasonal farmworkers.

(3) Grantee agencies shall be required to coordinate with other low-income energy programs, and to demonstrate plans for using all energy resources efficiently for maximum outreach to low-income households.

(4) Grantee agencies shall spend the maximum feasible amount of the California LIHEAP funds for weatherization assistance, but in no event shall less than 50 percent of the funds available to the grantee be spent for weatherization purposes. The balance shall be used for cash assistance and energy crisis intervention. The department shall provide grantees with maximum flexibility to use energy crisis and cash assistance funds to resolve energy crises for households and to serve the maximum number of households. Cash assistance payments may be used as a supplement to federal LIHEAP cash assistance payments.

(k) The department shall do all of the following in addition to administering the program:

(1) Explore, with grantee agencies, standards for determining effective, efficient intake procedures, and procedures to combine outreach for federal, state, and utility low-income energy programs into a single intake process.

(2) Report to the policy and budget committees of the Legislature on the extent to which increased flexibility in weatherization measures and flexibility in cash assistance and crisis intervention payments have increased service and reduced energy demand. If barriers to flexibility exist, the report shall identify those barriers.

(3) Report to the policy and budget committees of the Legislature on the number of recipients of service, the number of grantees providing service, categories of expenditure, estimated impact of funds on energy demand, estimated unmet need, and plans for automated and routine reporting of this information.

(l) The department shall distribute funds in the 2001–02 fiscal year as follows:

(1) Funds shall be distributed to have maximum possible impact on reducing energy demand immediately.

(2) First priority shall be to distribute funds through community-based programs with which the department has existing contracts.

(3) If additional capacity is needed beyond the existing network, or if vulnerable populations cannot be served within the existing contracts,

the department may develop a request for proposal process to solicit additional grantees.

(m) The department shall limit administrative costs to not more than 2 1/2 percent of the funds expended. For the purposes of this subdivision, "administrative costs" means personnel and overhead costs associated with the implementation of each measure or program. However, "administrative costs" does not include costs associated with the marketing or evaluation of a measure or program.

(n) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 12. Section 1776.3 is added to the Health and Safety Code, to read:

1776.3. (a) The Continuing Care Contracts Branch of the department shall enter and review each continuing care retirement community in the state at least once every three years to augment the branch's assessment of the provider's financial soundness.

(b) During its facility visits, the branch shall consider the condition of the facility, whether the facility is operating in compliance with applicable state law, and whether the provider is performing the services it has specified in its continuing care contracts.

(c) The branch shall issue guidelines that require each provider to adopt a comprehensive disaster preparedness plan, update that plan at least every three years, submit a copy to the department, and make copies available to residents in a prominent location in each continuing care retirement community facility.

(d) The branch shall respond within 15 business days to residents' rights, service-related, and financially related complaints by residents, and shall furnish to residents upon request and within 15 business days any document or report filed with the department by a continuing care provider, except documents protected by privacy laws.

(e) The branch shall annually review, summarize and report to the director on the work of the Continuing Care Contracts Advisory Committee, including any issues arising from its review of the condition of any continuing care retirement community or any continuing care retirement community provider, and including any recommendations for actions by the committee, the department, or the Legislature to improve oversight of continuing care retirement community.

SEC. 13. Section 11756.7 of the Health and Safety Code is amended to read:

11756.7. (a) The department shall, in partnership with the County Alcohol and Drug Program Administrators' Association of California, collaborate with providers, constituency groups, and other interested parties, to develop and test a comprehensive, client-centered system of

care that is outcome-based and addresses the devastating costs of substance abuse to individuals, families, and communities.

(b) Key elements of the system of care may include:

(1) Definition of services.

(2) Automation of state, county, and provider data collection and capacity management system.

(3) Quality assurance standards.

(4) Assessment and outcome measures.

(c) Involvement in the testing of the various system of care components shall be voluntary for counties and their contract providers. Providers within the selected counties that volunteer and are approved by the county alcohol and drug program administrator shall meet the criteria for application and participation and coordinate services through their county alcohol and drug program administrator. The department shall establish criteria, in partnership with the County Alcohol and Drug Program Administrators' Association of California, and in consultation with providers, constituency groups, and other interested parties.

(d) The department, in consultation with the County Alcohol and Drug Program Administrators' Association of California, may establish terms and conditions, which may include, but need not be limited to, incentives for participation that establish alternate means to satisfy accountability, reporting, or other requirements otherwise required by this division.

(e) The department shall commence planning and implementing the tests on or after January 1, 1999, with the counties that have volunteered to participate in the system of care. The department, in partnership with the County Alcohol and Drug Program Administrators' Association of California, shall report annually to the Legislature during budget hearings as to the status of the tests.

(f) The outcome of the tests shall include automation linkages for the state, counties, and providers, and recommendations for service system improvements.

(g) Findings and recommendations shall be prepared by the department, in partnership with the County Alcohol and Drug Program Administrators' Association of California, and reported to the Legislature by July 1, 2001.

(h) The department shall seek federal funding to support the testing and evaluation of key system elements.

(i) By January 1, 2003, the department shall provide the appropriate committees of the Legislature with a written report on options on how to apply the pilot program developed under this section on a statewide basis. The report shall contain options for redesigning the operation of state and local alcohol and drug programs that reflect the definition of services, quality assurance standards, automation of data collection,

capacity management and assessment, and outcome measures developed pursuant to this section.

(j) This section shall become inoperative on July 1, 2003, and shall be repealed on January 1, 2004, unless a later enacted statute, that is enacted before January 1, 2004, deletes or extends those dates.

SEC. 14. Section 127280 of the Health and Safety Code, as amended by Section 2 of Chapter 735 of the Statutes of 1998, is amended to read:

127280. (a) Every health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, except a health facility owned and operated by the state, shall be charged a fee of not more than 0.035 percent of the health facility's gross operating cost for the provision of health care services for its last fiscal year ending prior to the effective date of this section. Thereafter the office shall set for, charge to, and collect from all health facilities, except health facilities owned and operated by the state, a special fee, that shall be due on July 1, and delinquent on July 31 of each year beginning with the year 1977, of not more than 0.035 percent of the health facility's gross operating cost for provision of health care services for its last fiscal year that ended on or before June 30 of the preceding calendar year. Each year the office shall establish the fee to produce revenues equal to the appropriation made in the annual Budget Act, to pay for the functions required to be performed by the office and the California Health Policy and Data Advisory Commission, pursuant to this chapter, Article 2 (commencing with Section 127340) of Chapter 2, or Chapter 1 (commencing with Section 128675) of Part 5, and to pay for any other health-related programs administered by the office.

Health facilities that pay fees shall not be required to pay, directly or indirectly, the share of the costs of those health facilities for which fees are waived.

(b) The California Health Data and Planning Fund is hereby established within the office for the purpose of receiving and expending fee revenues collected pursuant to this chapter.

(c) Any amounts raised by the collection of the special fees provided for by subdivision (a) of this section that are not required to meet appropriations in the Budget Act for the current fiscal year shall remain in the California Health Data and Planning Fund and shall be available to the office and the commission in succeeding years when appropriated by the Legislature in the annual Budget Act or another statute, for expenditure under the provisions of this chapter, and Chapter 1 (commencing with Section 128675) of Part 5 and shall reduce the amount of the special fees that the office is authorized to establish and charge.

(d) No health facility liable for the payment of fees required by this section shall be issued a license or have an existing license renewed unless the fees are paid. New, previously unlicensed health facilities shall be charged a pro rata fee to be established by the office during the first year of operation.

The license of any health facility, against which the fees required by this section are charged, shall be revoked, after notice and hearing, if it is determined by the office that the fees required were not paid within the time prescribed by subdivision (a).

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

SEC. 15. Section 127280 of the Health and Safety Code, as added by Section 3 of Chapter 735 of the Statutes of 1998, is amended to read:

127280. (a) Every health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, except a health facility owned and operated by the state, shall each year be charged a fee established by the office consistent with the requirements of this section.

(b) Every freestanding ambulatory surgery clinic as defined in Section 128700 shall each year be charged a fee established by the office consistent with the requirements of this section.

(c) The fee structure shall be established each year by the office to produce revenues equal to the appropriation made in the annual Budget Act or another statute to pay for the functions required to be performed by the office and the California Health Policy and Data Advisory Commission pursuant to this chapter, Article 2 (commencing with Section 127340) of Chapter 2, or Chapter 1 (commencing with Section 128675) of Part 5, and to pay for any other health-related programs administered by the office. The fee shall be due on July 1 and delinquent on July 31 of each year.

(d) The fee for a health facility that is not a hospital, as defined in subdivision (c) of Section 128700, shall be not more than 0.035 percent of the gross operating cost of the facility for the provision of health care services for its last fiscal year that ended on or before June 30 of the preceding calendar year.

(e) The fee for a hospital, as defined in subdivision (c) of Section 128700, shall be not more than 0.035 percent of the gross operating cost of the facility for the provision of health care services for its last fiscal year that ended on or before June 30 of the preceding calendar year.

(f) (1) The fee for a freestanding ambulatory surgery clinic shall be established at an amount equal to the number of ambulatory surgery data records submitted to the office pursuant to Section 128737 for encounters in the preceding calendar year multiplied by not more than fifty cents (\$0.50).

(2) (A) For the calendar year 2002 only, a freestanding ambulatory surgery clinic shall estimate the number of records it will file pursuant to Section 128737 for the calendar year 2002 and shall report that number to the office by March 12, 2002. The estimate shall be as accurate as possible. The fee in the calendar year 2002 shall be established initially at an amount equal to the estimated number of records reported multiplied by fifty cents (\$0.50) and shall be due on July 1 and delinquent on July 31, 2002.

(B) The office shall compare the actual number of records filed by each freestanding clinic for the calendar year 2002 pursuant to Section 128737 with the estimated number of records reported pursuant to subparagraph (A). If the actual number reported is less than the estimated number reported, the office shall reduce the fee of the clinic for calendar year 2003 by the amount of the difference multiplied by fifty cents (\$0.50). If the actual number reported exceeds the estimated number reported, the office shall increase the fee of the clinic for calendar year 2003 by the amount of the difference multiplied by fifty cents (\$0.50) unless the actual number reported is greater than 120 percent of the estimated number reported, in which case the office shall increase the fee of the clinic for calendar year 2003 by the amount of the difference, up to and including 120 percent of the estimated number, multiplied by fifty cents (\$0.50), and by the amount of the difference in excess of 120 percent of the estimated number multiplied by one dollar (\$1).

(g) There is hereby established the California Health Data and Planning Fund within the office for the purpose of receiving and expending fee revenues collected pursuant to this chapter.

(h) Any amounts raised by the collection of the special fees provided for by subdivisions (d), (e), and (f) that are not required to meet appropriations in the Budget Act for the current fiscal year shall remain in the California Health Data and Planning Fund and shall be available to the office and the commission in succeeding years when appropriated by the Legislature in the annual Budget Act or another statute, for expenditure under the provisions of this chapter, Article 2 (commencing with Section 127340) of Chapter 2, and Chapter 1 (commencing with Section 128675) of Part 5, or for any other health-related programs administered by the office, and shall reduce the amount of the special fees that the office is authorized to establish and charge.

(i) (1) No health facility liable for the payment of fees required by this section shall be issued a license or have an existing license renewed unless the fees are paid. A new, previously unlicensed, health facility shall be charged a pro rata fee to be established by the office during the first year of operation.

(2) The license of any health facility, against which the fees required by this section are charged, shall be revoked, after notice and hearing,

if it is determined by the office that the fees required were not paid within the time prescribed by subdivision (c).

(j) This section shall become operative on January 1, 2002.

SEC. 16. Section 19271 of the Revenue and Taxation Code is amended to read:

19271. (a) (1) For purposes of this article:

(A) "Child support delinquency" means a delinquency defined in subdivision (c) of Section 17500 of the Family Code.

(B) "Earnings" may include the items described in Section 5206 of the Family Code.

(2) At least 20 days prior to the date that the Franchise Tax Board commences collection action under this article, the Franchise Tax Board shall mail notice of the amount due to the obligated parent at the last known address and advise the obligated parent that failure to pay will result in collection action. If the obligated parent disagrees with the amount due, the obligated parent shall be instructed to contact the local child support agency to resolve the disagreement.

(b) (1) (A) Except as otherwise provided in subparagraph (B), when a delinquency is transferred to the Franchise Tax Board pursuant to subdivision (c) of Section 17500 of the Family Code, the amount of the child support delinquency shall be collected by the Franchise Tax Board in any manner authorized under the law for collection of a delinquent personal income tax liability. Notwithstanding Sections 5208 and 5246 of the Family Code, the issuance of an order and levy under Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure in the manner provided for earnings withholding orders for taxes is hereby authorized until the California Child Support Automation System is operational in all 58 California counties. When the California Child Support Automation System is operational in all 58 counties, any levy or other withholding of earnings of an employee by the Franchise Tax Board to collect an amount pursuant to this section shall be made in accordance with Sections 5208 and 5246 of the Family Code. Any other law providing for the collection of a delinquent personal income tax liability shall apply to any child support delinquency transferred to the Franchise Tax Board in the same manner and with the same force and effect and to the full extent as if the language of those laws had been incorporated in full into this article, except to the extent that any provision is either inconsistent with a provision of this article or is not relevant to this article.

(B) When a delinquency is transferred to the Franchise Tax Board, or at any time thereafter, if the obligated parent owes a delinquent personal income tax liability, the Franchise Tax Board shall not engage in, or shall cease, any involuntary collection action to collect the delinquent



personal income tax liability, until the child support delinquency is paid in full. At any time, however, the Franchise Tax Board may mail any other notice to the taxpayer for voluntary payment of the delinquent personal income tax liability if the Franchise Tax Board determines that collection of the delinquent personal income tax liability will not jeopardize collection of the child support delinquency. However, the Franchise Tax Board may engage in the collection of a delinquent personal income tax liability if the obligor has entered into a payment agreement for the child support delinquency and is in compliance with that agreement, and the Franchise Tax Board determines that collection of the delinquent personal income tax liability would not jeopardize payments under the child support payment agreement.

(C) For purposes of subparagraph (B):

(i) "Involuntary collection action" includes those actions authorized by Section 18670, 18670.5, 18671, or 19264, by Article 3 (commencing with Section 19231), or by Chapter 5 (commencing with Section 706.010) of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

(ii) "Delinquent personal income tax liability" means any taxes, additions to tax, penalties, interest, fees, or other related amounts due and payable under Part 10 (commencing with Section 17001) or this part.

(iii) "Voluntary payment" means any payment made by obligated parents in response to any notice for voluntary payment mailed by the Franchise Tax Board.

(2) Any compensation, fee, commission, expense, or any other fee for service incurred by the Franchise Tax Board in the collection of a child support delinquency authorized under this article shall not be an obligation of, or collected from, the obligated parent. A transferred child support delinquency shall be final and due and payable to the State of California upon written notice to the obligated parent by the Franchise Tax Board.

(3) For purposes of administering this article:

(A) This chapter and Chapter 7 (commencing with Section 19501) shall apply, except as otherwise provided by this article.

(B) Any services, information, or enforcement remedies available to a local child support agency or the Title IV-D agency in collecting child support delinquencies or locating absent or noncustodial parents shall be available to the Franchise Tax Board for purposes of collecting child support delinquencies under this article, including, but not limited to, any information that may be disclosed by the Franchise Tax Board to the California Parent Locator Service under Section 19548. However, in no event shall the Franchise Tax Board take any additional enforcement remedies if a court has ordered an obligor to make scheduled payments

on a child support arrearages obligation and the parent is in compliance with that order.

(C) A request by the Franchise Tax Board for information from a financial institution shall be treated in the same manner and to the same extent as a request for information from a local child support agency referring to a support order pursuant to Section 17400 of the Family Code for purposes of Chapter 20 (commencing with Section 7460) of Division 7 of Title 1 of the Government Code (relating to governmental access to financial records), notwithstanding any other provision of law which is inconsistent or contrary to this paragraph.

(D) The amount to be withheld in an order and levy to collect child support delinquencies under Article 4 (commencing with Section 706.070) of Chapter 5 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure is the amount required to be withheld pursuant to an earnings withholding order for support under Section 706.052 of the Code of Civil Procedure.

(E) Nothing in this article shall be construed to modify the tax intercept provisions of Article 8 (commencing with Section 708.710) of Chapter 6 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure.

(c) Interest on the delinquency shall be computed pursuant to Section 685.010 of the Code of Civil Procedure.

(d) (1) In no event shall a collection under this article be construed to be a payment of income taxes imposed under this part.

(2) In the event an obligated parent overpays a liability imposed under this part, the overpayment shall not be credited against any delinquency collected pursuant to this article. In the event an overpayment of a liability imposed under this part is offset and distributed to a local child support agency pursuant to Sections 12419.3 and 12419.5 of the Government Code or Section 708.740 of the Code of Civil Procedure, and thereby reduces the amount of the referred delinquency, the local child support agency shall immediately notify the Franchise Tax Board of that reduction, unless the Franchise Tax Board directs otherwise.

(e) (1) The Franchise Tax Board shall administer this article, in conjunction with regulations adopted by the Department of Child Support Services in consultation with the Franchise Tax Board, including those set forth in Section 17306 of the Family Code.

(2) The Franchise Tax Board may transfer to or allow a local child support agency to retain a child support delinquency for a specified purpose for collection where the Franchise Tax Board determines, pursuant to regulations established by the Department of Child Support Services, that the transfer or retention of the delinquency for the purpose so specified will enhance the collectibility of the delinquency. The Franchise Tax Board, with the concurrence of the Department of Child

Support Services, shall establish a process whereby a local child support agency may request and shall be allowed to withdraw, rescind, or otherwise recall the transfer of an account that has been transferred to the Franchise Tax Board.

(f) Except as otherwise provided in this article, any child support delinquency transferred to the Franchise Tax Board pursuant to this article shall be treated as a child support delinquency for all other purposes, and any collection action by the local child support agency or the Franchise Tax Board with respect to any delinquency referred pursuant to this article shall have the same priority against attachment, execution, assignment, or other collection action as is provided by any other provision of state law.

(g) Except as otherwise specifically provided in subparagraph (B) of paragraph (1) of subdivision (b), the child support collection activities authorized by this article shall not interfere with the primary mission of the Franchise Tax Board to fairly and efficiently administer the Revenue and Taxation Code for which it is responsible.

(h) Information disclosed to the Franchise Tax Board shall be considered information that may be disclosed by the Franchise Tax Board under the authority of Section 19548 and may be disseminated by the Franchise Tax Board accordingly for the purposes specified in Sections 17505 and 17506 of the Family Code (in accordance with, and to the extent permitted by, Section 17514 of the Family Code and any other state or federal law).

(i) A local child support agency may not apply to the Department of Child Support Services for an exemption from the transfer of responsibilities and authorities to the Franchise Tax Board under the Family Code or participation under Section 19271.6.

(j) Except in those cases meeting the specified circumstances described in the regulations or in accordance with the process prescribed in paragraph (2) of subdivision (e), a local child support agency shall not request or be allowed to retain, withdraw, rescind, or otherwise recall the transfer of a child support delinquency transferred to the Franchise Tax Board.

SEC. 17. Section 19272 of the Revenue and Taxation Code is amended to read:

19272. (a) Any child support delinquency collected by the Franchise Tax Board, including those amounts that result in overpayment of a child support delinquency, shall be deposited in the State Treasury, after clearance of the remittance, to the credit of the Special Deposit Fund and distributed as specified by interagency agreement executed by the Franchise Tax Board and the Department of Child Support Services, with the concurrence of the Controller. Notwithstanding Section 13340 of the Government Code, all moneys

deposited in the Special Deposit Fund pursuant to this article are hereby continuously appropriated, without regard to fiscal years, for purposes of making distributions.

(b) When a child support delinquency, or any portion thereof, has been collected by the Franchise Tax Board pursuant to this article, the local child support agency or other IV-D agency enforcing the order shall be notified that the delinquency or some portion thereof has been collected and shall be provided any other necessary relevant information requested.

(c) The referring local child support agency shall receive credit for the amount of collections made pursuant to the referral, including credit for purposes of the child support enforcement incentives pursuant to Section 17704 of the Family Code. Collection costs incurred by the Franchise Tax Board shall be paid by federal reimbursement with any balance to be paid from the General Fund.

(d) For collections made pursuant to a referral for administrative enforcement or an interstate case, the IV-D agency in this state shall receive credit for the amount of collections made pursuant to the referral and shall receive the applicable federal child support enforcement incentives.

SEC. 18. Section 976.6 of the Unemployment Insurance Code is amended to read:

976.6. In addition to other contributions required by this division, every employer, except an employer defined by Section 676, 684, or 685, and except an employer that has elected an alternate method of financing its liability for unemployment compensation benefits pursuant to Article 5 (commencing with Section 801), or Article 6 (commencing with Section 821) of Chapter 3, shall pay into the Employment Training Fund contributions at the rate of 0.1 percent of wages specified in Section 930. The contributions shall be collected in the same manner and at the same time as any contributions required under Sections 977 and 977.5.

SEC. 19. Section 1611.5 of the Unemployment Insurance Code is amended to read:

1611.5. Notwithstanding Section 1611, the Legislature may appropriate from the Employment Training Fund sixty-one million six hundred fifty thousand dollars (\$61,650,000) in the Budget Act of 2001 to fund the local assistance portion of welfare-to-work activities under the CalWORKs program, provided for pursuant to Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, as administered by the State Department of Social Services.

SEC. 20. Section 10205 of the Unemployment Insurance Code is amended to read:

10205. The panel shall do all of the following:

(a) Establish a three-year plan that shall be updated annually, based on the demand of employers for trained workers, changes in the state's economy and labor markets, and continuous reviews of the effectiveness of panel training contracts. The initial three-year plan shall be submitted to the Governor and the Legislature not later than January 1, 1994. The initial update of the plan shall be submitted not later than July 1, 1994, and annual updates of the plan thereafter shall be submitted not later than July 1 of each year. In carrying out this section, the panel shall review information in the following areas:

(1) Labor market information, including the state-local labor market information program in the Employment Development Department, and economic forecasts.

(2) Evaluations of the effectiveness of training as measured by increased security of employment for workers and benefits to the California economy.

(3) The demand for training by industry, type of training, and size of employer.

(4) Changes in skills necessary to perform jobs, including changes in basic literacy skills.

(5) Changes in the demographics of the labor force and the population entering the labor market.

(6) Proposed expenditures by other agencies of federal Workforce Investment Act funds and other state and federal training and vocational education funds on eligible participants.

(b) The panel shall maintain a system to continuously monitor economic and other data required under this plan. If this data changes significantly during the life of the plan, the plan shall be amended by the panel. Each plan shall include all of the following:

(1) The panel's objectives with respect to the criteria and priorities specified in Section 10200 and the distribution of funds between new-hire training and retraining.

(2) The identification of specific industries, production and quality control techniques, and regions of the state where employment training funds would most benefit the state's economy and plans to encourage training in these areas, including specific standards and a system for expedited review of proposals that meet the standards.

(3) A system for expedited review of proposals that are substantially similar with respect to employer needs, training curriculum, duration of training, and costs of training, in order to encourage the development of proposals that meet the needs identified in paragraph (2).

(4) The panel's goals and operational objectives with respect to meeting the needs of small employers.

(5) The research objectives of the panel that contribute to the effectiveness of this chapter in benefiting the economy of the state as a whole.

(6) A priority list of skills that are in such short supply that employers are choosing to not locate or expand their businesses in the state or are importing labor in response to these skills shortages.

(c) Solicit proposals and write contracts on the basis of proposals made directly to it. Contracts for the purpose of providing employment training may be written with any of the following:

(1) An employer or group of employers.

(2) A training agency.

(3) A local workforce investment board with the approval of the appropriate local elected officials in the local workforce investment area.

(4) A grant recipient or administrative entity selected pursuant to the federal Workforce Investment Act of 1998, with the approval of the local workforce investment board and the appropriate local elected officials.

These contracts shall be in the form of fixed-fee performance contracts. Notwithstanding any provision of law to the contrary, contracts entered into pursuant to this chapter shall not be subject to competitive bidding procedures. Contracts for training may be written for a period not to exceed 24 months for the purpose of administration by the panel and the contracting employer or any group of employers acting jointly or any training agency for the purpose of providing employment training.

(d) Fund training projects that best meet the priorities identified annually. In doing so, the panel shall seek to facilitate the employment of the maximum number of eligible participants.

(e) Establish minimum standards for the consideration of proposals, which shall include, but not be limited to, the identification of employers who have been contacted by the contractor and who have provided reasonable assurance that they will employ successful trainees, the number of jobs available, the skill requirements for the identified jobs, the projected cost per person trained, hired, and retained in employment, the wages paid successful trainees upon placement, and the curriculum for the training. No proposal shall be considered or approved that proposes training for employment covered by a collective bargaining agreement unless the signatory labor organization agrees in writing.

(f) Develop a process by which local workforce investment boards may apply for marketing resources for the purpose of identifying local employers that have training needs that reflect the priorities of the panel. The panel may delegate its authority to approve contracts for training to local workforce investment boards, provided that no contract approved exceeds fifty thousand dollars (\$50,000) per project without prior

approval of the panel and all contracts meet the provisions of this chapter and are consistent with the annual priorities identified by the panel.

(g) Ensure the provision of adequate fiscal and accounting controls for, monitoring and auditing of, and other appropriate technical and administrative assistance to, projects funded by this chapter.

(h) Provide for evaluation of projects funded by this chapter. The evaluations shall assess the effectiveness of training previously funded by the panel to improve job security and stability for workers, and benefit participating employers and the state's economy, and shall compare the wages of trainees in the 12-month period prior to training as well as the 12-month period subsequent to completion of training, as reflected in the department's unemployment insurance tax records. Individual project evaluations shall contain a summary description of the project, the number of persons entering training, the number of persons completing training, the number of persons employed at the end of the project, the number of persons still employed three months after the end of the project, the wages paid, the total costs of the project, and the total reimbursement received from the Employment Training Fund.

(i) Report annually to the Legislature, by November 30, on projects operating during the previous state fiscal year. These annual reports shall provide separate summaries of all of the following:

(1) Projects completed during the year, including their individual and aggregate performance and cost.

(2) Projects not completed during the year, briefly describing each project and identifying approved contract amounts by contract and for this category as a whole, and identifying any projects in which funds are expected to be disencumbered.

(3) Projects terminated prior to completion and the reasons for the termination.

(4) A description of the amount, type, and effectiveness of literacy training funded by the panel.

(5) Results of complete project evaluations.

In addition, based upon its experience in administering job training projects, the panel shall include in these reports policy recommendations concerning the impact of job training and the panel's program on economic development, labor-management relations, employment security, and other related issues.

(j) Conduct ongoing reviews of panel policies with the goal of developing an improved process for developing, funding, and implementing panel contracts as described in this chapter.

(k) Expedite the processing of contracts for firms considering locating or expanding businesses in the state, as determined by the Trade and Commerce Agency, in accordance with the priorities for

employment training programs set forth in subdivision (b) of Section 10200.

(l) Coordinate and consult regularly with business groups and labor organizations, the California Workforce Investment Board, the State Department of Education, the office of the Chancellor of the California Community Colleges, the Employment Development Department, and the Trade and Commerce Agency.

(m) Adopt by regulation procedures for the conduct of panel business, including the scheduling and conduct of meetings, the review of proposals, the disclosure of contacts between panel members and parties at interest concerning particular proposals, contracts or cases before the panel or its staff, the awarding of contracts, the administration of contracts, and the payment of amounts due to contractors. All decisions by the panel shall be made by resolution of the panel and any adverse decision shall include a statement of the reason for the decision.

(n) Adopt regulations and procedures providing reasonable confidentiality for the proprietary information of employers seeking training funds from the panel if the public disclosure of that information would result in an unfair competitive disadvantage to the employer supplying the information. The panel may not withhold information from the public regarding its operations, procedures, and decisions that would otherwise be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(o) Review and comment on the budget and performance of any program, project, or activity funded by the panel utilizing funds collected pursuant to Section 976.6.

SEC. 21. Section 10206 of the Unemployment Insurance Code is amended to read:

10206. (a) The panel may allocate money in the fund for any of the following purposes:

(1) Reimbursement of reasonable training costs, and administrative costs incurred by contractors. In making a determination of costs to be reimbursed under this paragraph, the panel may allocate funds in accordance with any of the following methods:

(A) For purposes of providing simplified fixed-fee performance contracts, a flat rate per hour for categories of training that are substantially similar with respect to content, methodology, and duration, as determined by the panel, not to exceed the reasonable and normal costs for the training. The panel shall periodically adjust the standardized rates established pursuant to this paragraph to reflect changes in training costs.

(B) A complete review of the proposal and its costs, including a budget listing the planned costs of training, including personnel, fringe



benefits, equipment, supplies, fees for consulting or administrative services, and other costs attributable to training; the services provided by subcontractors; the length and complexity of the training; the method of training; the wages and occupations following training; whether the trainees are new hires or retrainees; and the cost of similar training that the panel has funded previously. The cost of administration shall not exceed 15 percent of the training costs under this paragraph, except that for new hire training the panel may fund administrative costs of up to 25 percent of the training cost.

(C) The panel may modify the specific requirements of this paragraph as they apply to employers or contractors proposing projects that involve training for a significant number of small employers in the same project.

(D) A contractor is prohibited from utilizing any funds earned or paid as advances or progress payments for the purpose of making payments to any other individual or entity, either directly or indirectly, for costs incurred as a finder's fee or for other compensation related to the predevelopment or development phase of a training program, which is based on a percentage of the preliminary or final panel award to the contractor for the training project.

(2) (A) Costs of program administration incurred under this chapter. These costs shall be reviewed annually by the Department of Finance and the Legislature and determined through the normal budgetary process.

(B) The panel's administrative costs, exclusive of the cost of administering Section 976.6, shall not exceed 15 percent of the total amount annually appropriated for expenditure by the panel. Expenditures for marketing, research, and evaluations provided under the contract to the panel that otherwise would have been provided directly by the panel shall not be included in this limitation.

(3) Service related to the purposes of this chapter provided by the Small Business Development Centers pursuant to an interagency agreement with the Trade and Commerce Agency.

(b) For all training contracts, the panel shall establish requirements for in-kind contributions by either the contractor or the employer that reflect a substantial commitment on the part of the contractor or the employer to the value of the training. In developing these requirements, the panel shall take into account the ability of the contractor or the employer, because of size or financial condition, to make any contribution, and the ability of the Employment Training Fund to meet the demand for training authorized by this chapter. In developing policies regarding in-kind contributions, the panel shall hold public hearings.

SEC. 22. Section 10212.2 of the Unemployment Insurance Code is amended to read:

10212.2. (a) The panel shall prepare a budget covering necessary administrative costs of the panel. The budget shall not be subject to change by the director except as agreed to by the panel. In the event that agreement cannot be reached, the Secretary of the California Health and Human Services Agency shall attempt to reach a mutual agreement. In the event a mutual agreement cannot be reached, the final decision shall rest with the Governor.

(b) The director shall furnish at the request of the panel equipment, supplies, and housing unless specified otherwise in this code, and nonpersonal and housekeeping services required by the panel and shall perform any other mechanics of administration as the panel and the director may agree upon.

SEC. 23. Section 10214.5 of the Unemployment Insurance Code is amended to read:

10214.5. (a) The panel may allocate up to 10 percent of the annually available training funds for the purpose of funding special employment training projects that improve the skills and employment security of frontline workers, as defined in subdivision (a) of Section 10200. Notwithstanding any other provision of this chapter, participants in these projects are not required to meet the eligibility criteria set forth in paragraph (1) of subdivision (a) of Section 10200 or subdivision (c) of Section 10201.

(b) The panel shall, on an annual basis, identify industries and occupations that shall be priorities for funding under this section. Training shall be targeted to frontline workers who earn at least the state average weekly wage.

(c) The panel may waive the minimum wage provisions pursuant to subdivision (f) of Section 10201 for projects in regions of the state where the unemployment rate is significantly higher than the state average, and may waive the employment retentions provisions specified in subdivision (f) of Section 10209 and instead require that the trainee has been retained in employment for a minimum of 90 days out of 120 consecutive days after the end of training with no more than three employers.

(d) The panel shall adopt minimum standards for consideration of proposals to be funded pursuant to this section.

(e) The panel may select contracts funded under this section based on competitive bidding.

(f) It is the intent of the Legislature in providing the authority for these projects that the panel allocate these funds in a manner consistent with the objectives of this chapter as provided in Section 10200.

SEC. 24. Division 7 (commencing with Section 14000) is added to the Unemployment Insurance Code, to read:

## DIVISION 7. CALIFORNIA WORKFORCE INVESTMENT ACT

## CHAPTER 1. GENERAL PROVISIONS

14000. (a) The Legislature finds and declares that California should deliver comprehensive workforce preparation services to jobseekers, students, and employers through a system of one-stop career centers.

(b) Universal access to services should be available to residents of the state regardless of income, education, employment barriers, or other eligibility requirements, to the extent allowed by the federal Workforce Investment Act (29 U.S.C. Sec. 2801 et seq.).

(c) Given California's diverse population, each one-stop career center should have the capacity to provide the appropriate services to the full range of languages and cultures represented in the community served by the one-stop career center.

14002. (a) The Legislature finds and declares that screening designed to detect unidentified disabilities, including learning disabilities, improves workforce preparation and enhances the use of employment and training resources.

(b) Section 134(d)(2) of the federal Workforce Investment Act (29 U.S.C. Sec. 2864(d)(2)) allows for the use of funds for initial assessment of skill levels, aptitudes, abilities and support services, and Section 134(d)(3) of that act (29 U.S.C. Sec. 2864(d)(3)) allows for comprehensive and specialized assessments of skill levels and service needs, including, but not limited to, diagnostic testing and the use of other assessment tools and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

(c) The Legislature encourages one-stop career centers to maximize the use of Workforce Investment Act resources and other federal and state workforce development resources for screening designed to detect unidentified disabilities, and if indicated, appropriate diagnostic assessment.

SEC. 25. Section 366 of the Welfare and Institutions Code is amended to read:

366. (a) (1) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:

(A) The continuing necessity for and appropriateness of the placement.

(B) The extent of the agency's compliance with the case plan in making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child.

(C) Whether the child has other siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(i) The nature of the relationship between the child and his or her siblings.

(ii) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(iii) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(iv) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(v) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(vi) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(D) The extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care.

(2) The court shall project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption, legal guardianship, or in another planned permanent living arrangement. The court shall consider and determine if there is a substantial probability of the child's return to his or her parent's safe home prior to the next six-month status review hearing pursuant to Section 11203.

(b) Subsequent to the hearing, periodic reviews of each child in foster care shall be conducted pursuant to the requirements of Sections 366.3 and 16503.

(c) If the child has been placed out of state, each review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall also address whether the out-of-state placement continues to be the most appropriate placement selection and in the best interests of the child.

(d) A child shall not be placed in an out-of-state group home, or remain in an out-of-state group home, unless the group home is in compliance with Section 7911.1 of the Family Code.

SEC. 26. Section 366.1 of the Welfare and Institutions Code is amended to read:

366.1. Each supplemental report required to be filed pursuant to Section 366 shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department social worker has considered child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered those services to qualified parents if appropriate under the circumstances.

(b) What plan, if any, for the return and maintenance of the child in a safe home is recommended to the court by the county welfare department social worker and whether there is a substantial probability of the child's return to his or her parent's safe home prior to the next six-month status review hearing pursuant to Section 11203.

(c) Whether the subject child appears to be a person who is eligible to be considered for further court action to free the child from parental custody and control.

(d) What actions, if any, have been taken by the parent to correct the problems that caused the child to be made a dependent child of the court.

(e) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(1) The nature of the relationship between the child and his or her siblings.

(2) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(3) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(4) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(5) The impact of the sibling relationships on the child's placement and planning for legal permanence.

The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships including, but not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

SEC. 28. Section 10851.5 is added to the Welfare and Institutions Code, to read:

10851.5. (a) Notwithstanding Section 10851, each county shall retain all records that are necessary to determine the number of months each adult recipient has received aid subject to the time limits provided in Section 11454 and Section 608(a)(7) of Title 42 of the United States Code. The county shall retain the records for the period of time established by the department by regulation.

(b) Each county shall provide case record information to the department's automated system for tracking the period of time a recipient has received aid. Each county shall provide information, as determined by the department, to the department's automated system that is sufficient to allow reliable determinations of the number of months each adult recipient of aid has received aid for purposes of Section 11454 and Section 608(a)(7) of Title 42 of the United States Code. The department shall, pursuant to the adoption of emergency regulations, specify the case record information that each county shall provide under this section.

(c) Notwithstanding subdivision (b), if a county cannot provide sufficient information to the automated system, the county shall maintain the information in a nonautomated format, and shall promptly provide that information to any county requesting this information to accurately determine time on aid and enforce time limits.

(d) Any county that fails to provide information required by subdivision (b) or (c) shall be subject to the following:

(1) To the extent that the failure to provide or maintain reliable time clock information results in an audit exception, the costs associated with that exception shall be passed on to the county responsible for the exception unless the county can demonstrate that the costs would have been incurred if the county had provided the information in subdivision (b). In such a case, this amount shall be applied as a reduction in the county's single allocation under Section 15204.2.

(2) Increased program costs resulting from a court order requiring the department to provide additional months of eligibility to any adult aid recipient due to the failure to reliably determine the number of months each adult recipient has received aid for purposes of Section 11454 shall be passed on to the county responsible for the failure unless the county can demonstrate that the costs would have been incurred if the county had provided the information required in subdivision (b). The county's single allocation under Section 15204.2 shall be reduced by an amount of the increased program costs resulting from a court order that is proportionate to the responsible county's caseload.

(e) The department, by regulation, shall establish good cause standards and an appeal process.

(f) In any fiscal year in which a county is assessed a cost under subdivision (d), the county shall expend additional funds to replace any reduction in the single allocation resulting from the penalty.

(g) The department shall adopt regulations to implement this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The initial adoption of any emergency regulations and one re-adoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. The initial emergency regulations and one re-adoption of those regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations.

SEC. 30. Section 11203 of the Welfare and Institutions Code is amended to read:

11203. (a) During those times as the federal government provides funds for the care of a needy relative with whom a needy child or needy children are living, aid to the child or children for any month includes aid to meet the needs of that relative, if money payments are made with respect to the child or children for that month, and if the relative is not receiving aid under Chapters 3 (commencing with Section 12000) or 5 (commencing with Section 13000) of this part or Part A of Title XVI of the Social Security Act for that month. Needy relatives under this chapter include only natural or adoptive parents, the spouse of a natural or adoptive parent, and other needy caretaker relatives.

(b) (1) The parent or parents shall be considered living with the needy child or needy children for a period of up to 180 consecutive days of the needy child's or children's absence from the family assistance unit and the parent or parents shall be eligible for services under this chapter including services funded under Sections 15204.2 and 15204.8 if all of the following conditions are met:

(A) The child has been removed from the parent or parents and placed in out-of-home care.

(B) When the child was removed from the parent or parents, the family was receiving aid under this section.

(C) The county has determined that the provision of services under this chapter including services funded under Sections 15204.2 and 15204.8, is necessary for reunification.

(2) For purposes of this subdivision, the parent or parents shall not be eligible for any payment of aid under Section 11450.

(c) The department shall revise its state Temporary Assistance for Needy Families plan to incorporate the provisions of subdivision (b) and to incorporate the good cause exception provisions authorized by

paragraph (10) of subsection (a) of Section 608 of Title 42 of the United States Code with respect to cases where reunification occurs after 180 consecutive days from the date of the removal of the child or children from the home.

SEC. 33. Section 11372 of the Welfare and Institutions Code is amended to read:

11372. (a) Notwithstanding any other provision of law, the Kinship Guardianship Assistance Payment Program implemented under this article is exempt from the provisions of Chapter 2 (commencing with Section 11200) of Part 3, except Sections 11253.5, and 11265.8, as long as these exemptions would not jeopardize federal financial participation in the payment.

(b) A person who is a kinship guardian under this article, and who has met the requirements of Section 361.4, shall be exempt from Chapter 4.6 (commencing with Section 10830) of Part 2 governing the statewide fingerprint imaging system. A guardian who is also an applicant for or a recipient of benefits under the CalWORKs program, Chapter 2 (commencing with Section 11200) of Part 3, or the Food Stamp program, Chapter 10 (commencing with Section 18900) of Part 6 shall comply with the statewide fingerprint imaging system requirements applicable to those programs.

(c) Any exemptions exercised pursuant to this section shall be implemented in accordance with Section 11369.

SEC. 35. Section 12251 of the Welfare and Institutions Code is amended to read:

12251. As used in this article, and Article 7 (commencing with Section 12300), the term "social services" includes in-home supportive services, protective services, and children's out-of-home care services as such services are defined by the department in order to secure maximum federal financial participation. Availability of these services shall be based upon the eligibility criteria set forth by the department and shall include, at a minimum, provision for eligibility based on income and linkage to other public assistance programs. Nothing in this section shall be construed as limiting eligibility for protective services and children's out-of-home care services on the basis of income and linkage to other public assistance programs, to the extent these services are not presently limited on these bases.

SEC. 36. Section 12306.1 of the Welfare and Institutions Code is amended to read:

12306.1. (a) When any increase in provider wages or benefits is negotiated or agreed to by a public authority or nonprofit consortium under Section 12301.6, then the county shall use county-only funds to fund both the county share and the state share, including employment taxes, of any increase in the cost of the program, unless otherwise



provided for in the annual Budget Act or appropriated by statute. No increase in wages or benefits negotiated or agreed to pursuant to this section shall take effect unless and until, prior to its implementation, the department has obtained the approval of the State Department of Health Services for the increase pursuant to a determination that it is consistent with federal law and to ensure federal financial participation for the services under Title XIX of the federal Social Security Act, and unless and until all of the following conditions have been met:

(1) Each county has provided the department with documentation of the approval of the county board of supervisors of the proposed public authority of nonprofit consortium rate, including wages and related expenditures. The documentation shall be received by the department before the department and the State Department of Health Services may approve the increase.

(2) Each county has met department guidelines and regulatory requirements as a condition of receiving state participation in the rate.

(b) Any rate approved pursuant to subdivision (a) shall take effect commencing on the first day of the month subsequent to the month in which final approval is received from the department. The department may grant approval on a conditional basis, subject to the availability of funding.

(c) The state shall pay 65 percent, and each county shall pay 35 percent, of the nonfederal share of wage and benefit increases negotiated by a public authority or nonprofit consortium pursuant to Section 12301.6 and associated employment taxes, only in accordance with subdivisions (d) to (f), inclusive.

(d) (1) The state shall participate as provided in subdivision (c) in wages up to seven dollars and fifty cents (\$7.50) per hour and individual health benefits up to sixty cents (\$0.60) per hour for all public authority or nonprofit consortium providers. This paragraph shall be operative for the 2000–01 fiscal year and each year thereafter unless otherwise provided in paragraphs (2), (3), (4), and (5), and without regard to when the wage and benefit increase becomes effective.

(2) The state shall participate as provided in subdivision (c) in a total of wages and individual health benefits up to nine dollars and ten cents (\$9.10) per hour, if wages have reached at least seven dollars and fifty cents (\$7.50) per hour. Counties shall determine, pursuant to the collective bargaining process provided for in subdivision (c) of Section 12301.6, what portion of the nine dollars and ten cents (\$9.10) per hour shall be used to fund wage increases above seven dollars and fifty cents (\$7.50) per hour or individual health benefit increases, or both. This paragraph shall be operative for the 2001–02 fiscal year and each fiscal year thereafter, unless otherwise provided in paragraphs (3), (4), and (5).

(3) The state shall participate as provided in subdivision (c) in a total of wages and individual health benefits up to ten dollars and ten cents (\$10.10) per hour, if wages have reached at least seven dollars and fifty cents (\$7.50) per hour. Counties shall determine, pursuant to the collective bargaining process provided for in subdivision (c) of Section 12301.6, what portion of the ten dollars and ten cents (\$10.10) per hour shall be used to fund wage increases above seven dollars and fifty cents (\$7.50) per hour or individual health benefit increases, or both. This paragraph shall be operative commencing with the next state fiscal year for which the May Revision forecast of General Fund revenue, excluding transfers, exceeds by at least 5 percent, the most current estimate of revenue, excluding transfers, for the year in which paragraph (2) became operative.

(4) The state shall participate as provided in subdivision (c) in a total of wages and individual health benefits up to eleven dollars and ten cents (\$11.10) per hour, if wages have reached at least seven dollars and fifty cents (\$7.50) per hour. Counties shall determine, pursuant to the collective bargaining process provided for in subdivision (c) of Section 12301.6, what portion of the eleven dollars and ten cents (\$11.10) per hour shall be used to fund wage increases or individual health benefits, or both. This paragraph shall be operative commencing with the next state fiscal year for which the May Revision forecast of General Fund revenue, excluding transfers, exceeds by at least 5 percent, the most current estimate of revenues, excluding transfers, for the year in which paragraph (3) became operative.

(5) The state shall participate as provided in subdivision (c) in a total cost of wages and individual health benefits up to twelve dollars and ten cents (\$12.10) per hour, if wages have reached at least seven dollars and fifty cents (\$7.50) per hour. Counties shall determine, pursuant to the collective bargaining process provided for in subdivision (c) of Section 12301.6, what portion of the twelve dollars and ten cents (\$12.10) per hour shall be used to fund wage increases above seven dollars and fifty cents (\$7.50) per hour or individual health benefit increases, or both. This paragraph shall be operative commencing with the next state fiscal year for which the May Revision forecast of General Fund revenue, excluding transfers, exceeds by at least 5 percent, the most current estimate of revenues, excluding transfers, for the year in which paragraph (4) became operative.

(e) (1) On or before May 14 immediately prior to the fiscal year for which state participation is provided under paragraphs (2) to (5), inclusive, of subdivision (d), the Director of Finance shall certify to the Governor, the appropriate committees of the Legislature, and the department that the condition for each subdivision to become operative has been met.

(2) For purposes of certifications under paragraph (1), the General Fund revenue forecast, excluding transfers, that is used for the relevant fiscal year shall be calculated in a manner that is consistent with the definition of General Fund revenues, excluding transfers, that was used by the Department of Finance in the 2000–01 Governor’s Budget revenue forecast as reflected on Schedule 8 of the Governor’s Budget.

(f) Any increase in overall state participation in wage and benefit increases under paragraphs (2) to (5), inclusive, of subdivision (d), shall be limited to a wage and benefit increase of one dollar (\$1) per hour with respect to any fiscal year. With respect to actual changes in specific wages and health benefits negotiated through the collective bargaining process, the state shall participate in the costs, as approved in subdivision (c), up to the maximum levels as provided under paragraphs (2) to (5), inclusive, of subdivision (d).

SEC. 37. Section 12306.21 is added to the Welfare and Institutions Code, to read:

12306.21. (a) Notwithstanding any other provision of law, for the 2001–02 fiscal year, the state shall pay 65 percent and each county shall pay 35 percent of the nonfederal share of any increase to individual provider wages a county chooses to grant, up to 5.31 percent above the statewide minimum wage.

(b) This section shall not apply to providers who are employees of a public authority or nonprofit consortium pursuant to Section 12301.6.

(c) This section shall become operative on July 1, 2001.

SEC. 38. Section 12500 of the Welfare and Institutions Code is amended to read:

12500. (a) The purpose of this chapter is to provide payment to meet the needs of recipients under Chapter 3 (commencing with Section 12000), under emergency or special circumstances in the event that the federal government makes no provision for that category payment or in the event that the payment from the federal government program is lost, stolen, or likely to be delayed beyond four days.

(b) The payments provided for under this chapter are also available to the recipients of programs provided for under Article 7 (commencing with Section 12300) of Chapter 3 and Chapter 10.3 (commencing with Section 18937) of Part 6.

SEC. 39. Section 12501 of the Welfare and Institutions Code is amended to read:

12501. (a) To the extent permitted by federal law, payments made pursuant to this chapter for special circumstances shall be excluded in determining the income of an individual for the purposes of the federal supplemental security income program and the state supplementary payment program administered by the Commissioner of Social Security and shall be considered as assistance based on need and furnished by the

state as described in Section 1616(a) of Title XVI of the Social Security Act.

(b) Payments made pursuant to this chapter for special circumstances shall be excluded in determining the income of an applicant for or recipient of benefits under the program provided for under Article 7 (commencing with Section 12300) of Chapter 3 and Chapter 10.3 (commencing with Section 18937) of Part 6.

SEC. 39.5. Section 12502 is added to the Welfare and Institutions Code, to read:

12502. There shall not be additional income and resource limits for the program provided for under this chapter other than those applicable to the categorical program mentioned in Section 12500 that provides eligibility for the program provided for in this chapter.

SEC. 40. Section 12550 of the Welfare and Institutions Code is amended to read:

12550. (a) For the purposes of this article, "special circumstances" means those which are not common to all recipients and which arise out of need for certain goods or services, and physical infirmities or other conditions peculiar, on a nonrecurring basis, to the individual's situation. Special circumstances shall include purchase, repair, and replacement of essential household furniture, equipment, or clothing, necessary moving expenses, required housing repairs, and unmet shelter needs, subject to limits set by the department.

(b) This section shall become operative on July 1, 1998.

SEC. 41. Section 12550.1 is added to the Welfare and Institutions Code, to read:

12550.1. (a) Effective July 1, 2001, and notwithstanding any other provision of law, the following benefits shall be provided under this article:

(1) The maximum amount for purchase, repair, or modification of housing or to prevent foreclosures or for relocation expenses shall be one thousand five hundred dollars (\$1,500).

(2) The maximum amount of payment for the purchase, repair or replacement of equipment, including appliances, shall be six hundred dollars (\$600).

(3) The maximum amount of payment for the purchase, repair, or replacement of bedding and mattresses shall be three hundred dollars (\$300).

(4) The maximum amount of payment for the purchase, repair, or replacement of clothing shall be two hundred fifty dollars (\$250).

(b) The department may adopt emergency regulations to implement this section.

SEC. 42. Section 12552.1 is added to the Welfare and Institutions Code, to read:

12552.1. (a) A county may transfer funds received for the implementation of this chapter from its administrative allocation to its benefit allocation for the purposes of providing additional benefits to clients to the extent that administrative savings are achieved.

(b) This section shall become operative on July 1, 2001.

SEC. 43. Section 13002 of the Welfare and Institutions Code is amended to read:

13002. From the funds described in Section 13001 each county shall receive three allocations. The first allocation shall be for support of Child Welfare Services as defined in Chapter 5 (commencing with Section 16500 of Part 4). This allocation shall be known as the Child Welfare Services Grant. The second allocation shall be for support of protective services for adults, and other services directed at the five national goals specified in Section 13003. This allocation shall be known as the County Services Block Grant. The third allocation shall be for in-home supportive services administration. The notice of such action must be provided at least seven days prior to the meeting at which such action is to be taken. Such notice shall be provided in the same manner as the county provides notice for its regularly scheduled meetings. Funds from the Child Welfare Services Grant and the County Services Block Grant and the in-home supportive services administration allocations shall be available only when matched by county funds pursuant to the provisions of Part 1.5 (commencing with Section 10100).

SEC. 44. Section 13004 of the Welfare and Institutions Code is amended to read:

13004. Counties, in expending the County Services Block Grant allocation shall provide protective services for adults pursuant to Section 12251.

SEC. 45. Section 13006 of the Welfare and Institutions Code is amended to read:

13006. Regulations promulgated by the department relating to protective services for adults shall provide counties with maximum flexibility in determining the type and level of services and use of funds for such services.

SEC. 46. Section 15204.3 of the Welfare and Institutions Code is amended to read:

15204.3. (a) Beginning in the 2000–01 fiscal year, allocation of funds provided under Section 15204.2 shall be made, in the case of funds for benefits administration and employment services, based on projected county costs and subject to funds appropriated in the annual Budget Act for operating the CalWORKs program under Chapter 2 (commencing with Section 11200). By November 1, 1999, the department and the County Welfare Directors Association shall jointly develop the specific

components of this budgeting methodology, including a process for ensuring that costs funded under the methodology are reasonable and consistent with the requirements of this chapter. It is the intent of the Legislature that limited-term housing assistance be considered as part of the cost-based allocation methodology, where appropriate.

(b) Beginning in the 2002–03 fiscal year, funding in support of all components of the CalWORKs program and all state programs funded with federal Temporary Assistance for Needy Families funding shall be based on a budgeting methodology developed by the department in consultation with the counties, the California State Association of Counties, the County Welfare Directors Association, and other stakeholders, and subject to funds appropriated in the annual Budget Act for administration of the CalWORKs program under Chapter 2 (commencing with Section 11200). In developing the new methodology, the department shall consider, among other factors, the availability of state and federal funds, projected caseload, and the need for basic supportive and employment services. The department shall submit the new methodology to the policy and fiscal committees of both houses of the Legislature by November 15, 2001.

(c) Beginning in the 2002–03 fiscal year, any adjustments to the county CalWORKs single allocations, determined pursuant to Section 15204.2, for funding overlaps pertaining to both United States Department of Labor Welfare-to-Work Grant funds and state matching funds, shall reflect the most recent available data regarding the expenditures of those funds that offset the funds that counties would have otherwise spent from the CalWORKs single allocations.

(d) In the 1997–98 fiscal year, additional funds for welfare-to-work administration above GAIN allocation in the 1996–97 fiscal year shall be distributed among the counties with two-thirds allocated to all counties based on each county's share of adults aided under Chapter 2 (commencing with Section 11200). The remaining one-third shall be allocated among only those counties that in the prior year received an allocation per average aided adult at a level less than the statewide average, and shall be distributed among those counties so that they each receive the same overall allocation per average aided adult for welfare-to-work administration.

(e) For purposes of this section, and subject to funds appropriated in the annual Budget Act, no county shall receive less for employment services than what was received in the 1997–98 fiscal year allocation for welfare-to-work administration unless a county projects that its cost will be less than its 1997–98 fiscal year allocation for employment services.

(f) (1) In the 2001–02 fiscal year, the sum of three million five hundred eighty-seven thousand dollars (\$3,587,000) in state matching funds for federal welfare-to-work block grant funds appropriated by

Item 5180-101-0001 of the Budget Act of 2001 is for the purpose specified in paragraph (3).

(2) (A) No later than 30 days after the receipt of fourth-quarter claims submitted by counties in accordance with this section, the department shall determine the amount of unspent funds appropriated for the 2000–01 fiscal year for the CalWORKs single allocation and the CalWORKs mental health and substance abuse allocations. The department shall also determine the amount of those funds that were appropriated from the General Fund and the amount that was appropriated from the Federal Trust Fund.

(B) The amount determined pursuant to subparagraph (A) to have been appropriated from the General Fund shall be reappropriated to Item 5180-101-0001 of the Budget Act of 2001.

(C) The amount determined pursuant to subparagraph (A) to have been appropriated from the Federal Trust Fund shall be reappropriated to Item 5180-101-0890 of the Budget Act of 2001.

(3) No later than 60 days after the receipt of fourth-quarter claims, all funds appropriated to Item 5180-101-0001 and Item 5180-101-0890 of the Budget Act of 2001 pursuant to this subdivision shall be allocated to the counties that are under equity with respect to the single allocation (excluding child care and Cal-Learn) for the 2001–02 fiscal year, according to a methodology developed by the Department, in consultation with the County Welfare Directors Association.

SEC. 47. Section 15204.8 of the Welfare and Institutions Code is amended to read:

15204.8. (a) The Legislature may appropriate annually in the Budget Act funds to support services provided pursuant to Sections 11325.7 and 11325.8.

(b) Funds appropriated pursuant to subdivision (a) shall be allocated to the counties separately and shall be available for expenditure by the counties for services provided during the budget year. A county may move funds between the two accounts during the budget year for expenditure if necessary to meet the particular circumstances in the county. Any unexpended funds may be retained by each county for expenditure for the same purposes during the succeeding fiscal year. By November 20, 1998, each county shall report to the department on the use of these funds.

(c) Beginning January 10, 1999, the Department of Finance shall report annually to the Legislature on the extent to which funds available under subdivision (a) have not been spent and may reallocate the unexpended balances so as to better meet the need for services.

(d) No later than September 1, 2001, the department in consultation with relevant stakeholders, which may include the County Welfare Directors Association, the California Association of Mental Health

Directors, and the County Alcohol and Drug Program Administrators Association, shall develop the allocation methodology for these funds, including the specific components to be considered in allocating the funds.

SEC. 48. Section 15763 of the Welfare and Institutions Code is amended to read:

15763. (a) Each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, seven days per week, to reports of abuse of an elder or a dependent adult, for the purpose of providing immediate intake or intervention, or both, to new reports involving immediate life threats and to crises in existing cases. The program shall include policies and procedures to accomplish all of the following:

(1) Provision of case management services that include investigation of the protection issues, assessment of the person's concerns, needs, strengths, problems, and limitations, stabilization and linking with community services, and development of a service plan to alleviate identified problems utilizing counseling, monitoring, followup, and reassessment.

(2) Provisions for emergency shelter or in-home protection to guarantee a safe place for the elder or dependent adult to stay until the dangers at home can be resolved.

(3) Establishment of multidisciplinary teams to develop interagency treatment strategies, to ensure maximum coordination with existing community resources, to ensure maximum access on behalf of elders and dependent adults, and to avoid duplication of efforts.

(b) (1) A county shall respond immediately to any report of imminent danger to an elder or dependent adult residing in other than a long-term care facility, as defined in Section 9701 of the Welfare and Institutions Code, or a residential facility, as defined in Section 1502 of the Health and Safety Code. For reports involving persons residing in a long-term care facility or a residential care facility, the county shall report to the local long-term care ombudsman program. Adult protective services staff shall consult, coordinate, and support efforts of the ombudsman program to protect vulnerable residents. Except as specified in paragraph (2), the county shall respond to all other reports of danger to an elder or dependent adult in other than a long-term care facility or residential care facility within 10 calendar days or as soon as practicably possible.

(2) An immediate or 10-day in-person response is not required when the county, based upon an evaluation of risk, determines and documents that the elder or dependent adult is not in imminent danger and that an immediate or 10-day in-person response is not necessary to protect the health or safety of the elder or dependent adult.



(3) Until criteria and standards are developed to implement paragraph (2), the county's evaluation pursuant to paragraph (2) shall include and document all of the following:

(A) The factors that led to the county's decision that an in-person response was not required.

(B) The level of risk to the elder or dependent adult, including collateral contacts.

(C) A review of previous referrals and other relevant information as indicated.

(D) The need for intervention at the time.

(E) The need for protective services.

(4) On or before April 1, 2001, and annually thereafter, the State Department of Social Services shall submit a report to the Legislature regarding the number of cases, by county, out of the total number of cases reported to the counties, that were determined not to require an immediate or 10-day in-person response pursuant to paragraph (2), and the disposition of those cases.

(c) A county shall provide case management services to elders and dependent adults who are determined to be in need of adult protective services for the purpose of bringing about changes in the lives of victims and to provide a safety net to enable victims to protect themselves in the future. Case management services shall include the following, to the extent services are appropriate for the individual:

(1) Investigation of the protection issues, including, but not limited to, social, medical, environmental, physical, emotional, and developmental.

(2) Assessment of the person's concerns and needs on whom the report has been made and the concerns and needs of other members of the family and household.

(3) Analysis of problems and strengths.

(4) Establishment of a service plan for each person on whom the report has been made to alleviate the identified problems.

(5) Client input and acceptance of proposed service plans.

(6) Counseling for clients and significant others to alleviate the identified problems and to implement the service plan.

(7) Stabilizing and linking with community services.

(8) Monitoring and followup.

(9) Reassessments, as appropriate.

(d) To the extent resources are available, each county shall provide emergency shelter in the form of a safe haven or in-home protection for victims. Shelter and care appropriate to the needs of the victim shall be provided for frail and disabled victims who are in need of assistance with activities of daily living.

(e) Each county shall designate an adult protective services agency to establish and maintain multidisciplinary teams including, but not limited to, adult protective services, law enforcement, home health care agencies, hospitals, adult protective services staff, the public guardian, private community service agencies, public health agencies, and mental health agencies for the purpose of providing interagency treatment strategies.

(f) Each county shall provide tangible support services, to the extent resources are available, which may include, but not be limited to, emergency food, clothing, repair or replacement of essential appliances, plumbing and electrical repair, blankets, linens, and other household goods, advocacy with utility companies, and emergency response units.

SEC. 49. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(b) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers as appropriate in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care. A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided. If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) When out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most familylike and the most appropriate setting that is available and in close proximity to the parent's home, consistent with the selection of the environment best suited to meet the child's special needs and best interest, or both. The selection shall consider, in order of priority, placement with relatives, tribal

members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(d) A written case plan shall be completed within 30 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(e) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social service agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5.

(5) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) When out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) When out-of-home services are used, or when parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(9) When out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002.

(10) When out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. When out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(13) When the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(g) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to,

the court shall order that the child or the child's siblings, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. Nothing in this section shall be construed to require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and his or her siblings.

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services Case Management System is implemented on a statewide basis.

(i) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

SEC. 50. Section 18257 of the Welfare and Institutions Code is repealed.

SEC. 52. Section 18930 of the Welfare and Institutions Code is amended to read:

18930. (a) The State Department of Social Services shall establish a Food Assistance Program to provide assistance for those persons described in subdivision (b). The department shall enter into an agreement with the United States Department of Agriculture to use the existing federal Food Stamp Program coupons for the purposes of administering this program. Persons who are members of a household receiving food stamp benefits under this chapter or under Chapter 10 (commencing with Section 18900), and are receiving CalWORKs benefits under Chapter 2 (commencing with Section 11200) of Part 3 on September 1, 1998, shall have eligibility determined under this chapter without need for a new application no later than November 1, 1998, and the beginning date of assistance under this chapter for those persons shall be September 1, 1998.

(b) (1) Except as provided in paragraphs (2), (3), and (4) and Section 18930.5, noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person's immigration status meets the eligibility criteria of the federal Food Stamp Program in effect on August 21, 1996, but he or she is not eligible for federal food stamp benefits solely due to his or her immigration status under Public Law 104-193 and any subsequent amendments thereto.

(2) Noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person is a battered immigrant spouse or child or the parent or child of the battered immigrant, as described in Section 1641(c) of Title 8 of the United States

Code, as amended by Section 5571 of Public Law 105-33, or if the person is a Cuban or Haitian entrant as described in Section 501(e) of the federal Refugee Education Assistance Act of 1980 (Public Law 96-122).

(3) An applicant who is otherwise eligible for the program but who entered the United States on or after August 22, 1996, shall be eligible for aid under this chapter only if he or she is sponsored and one of the following apply:

(A) The sponsor has died.

(B) The sponsor is disabled as defined in subparagraph (A) of paragraph (3) of subdivision (b) of Section 11320.3.

(C) The applicant, after entry into the United States, is a victim of abuse by the sponsor or the spouse of the sponsor if the spouse is living with the sponsor.

(4) An applicant who is otherwise eligible for the program but who entered the United States on or after August 22, 1996, who does not meet one of the conditions of paragraph (3), shall be eligible for aid under this chapter beginning on October 1, 1999.

(5) The applicant shall be required to provide verification that one of the conditions of subparagraph (A), (B), or (C) have been met.

(6) For purposes of subparagraph (C) of paragraph (2), abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:

(A) Police, government agency, or court records or files.

(B) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.

(C) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

(D) Physical evidence of abuse.

(7) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in writing in the case file that the applicant is credible.

(c) In counties approved for alternate benefit issuance systems, that same alternate benefit issuance system shall be approved for the program established by this chapter.

(d) (1) To the extent allowed by federal law, the income, resources, and deductible expenses of those persons described in subdivision (b) shall be excluded when calculating food stamp benefits under Chapter 10 (commencing with Section 18900).

(2) No household shall receive more food stamp benefits under this section than it would if no household member was rendered ineligible pursuant to Title IV of Public Law 104-193 and any subsequent amendments thereto.

(e) This section shall become operative on September 1, 1998.

SEC. 53. Section 18938 of the Welfare and Institutions Code is amended to read:

18938. (a) (1) Subject to paragraphs (2) and (3), an individual, upon application, shall be eligible for the program established pursuant to Section 18937 if his or her immigration status meets the eligibility criteria of the Supplemental Security Income/State Supplementary Program for the Aged, Blind, and Disabled (SSI/SSP) in effect on August 21, 1996, but he or she is not eligible for SSI/SSP benefits solely due to his or her immigration status under Title IV of Public Law 104-193 and any subsequent amendments thereto.

(2) An applicant who is otherwise eligible for the program, but who entered the United States on or after August 22, 1996, shall be eligible for aid under this chapter only if he or she is sponsored and one of the following conditions is met:

(A) The sponsor has died.

(B) The sponsor is disabled, as defined in subparagraph (A) of paragraph (3) of subdivision (b) of Section 11320.3.

(C) The applicant, after entry into the United States, is a victim of abuse by the sponsor or the spouse of the sponsor if the spouse is living with the sponsor.

(3) An applicant who is otherwise eligible for the program but who entered the United States on or after August 22, 1996, and who does not meet one of the conditions of paragraph (2) shall be eligible for aid under this chapter beginning on October 1, 1999.

(4) The applicant shall be required to provide verification that one of the conditions of subparagraphs (A), (B), or (C) of paragraph (2) has been met.

(5) (A) For purposes of subparagraph (C) of paragraph (2), abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:

(i) Police, government agency, or court records or files.

(ii) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.



(iii) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

(iv) Physical evidence of abuse.

(B) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in the case file that the applicant is credible.

(b) The department shall periodically redetermine the eligibility of each individual.

(c) The department shall take all steps necessary to qualify any benefits paid under this section to be eligible for reimbursement as federal Interim Assistance including requiring a repayment agreement.

SEC. 54. Section 18940 of the Welfare and Institutions Code is amended to read:

18940. (a) Except as otherwise provided in this chapter, the federal and state laws and regulations governing the SSI/SSP program shall also govern the program provided for under this chapter.

(b) Federal deeming rules and exemptions governing the SSI/SSP program, including all federal and state laws and regulations designed to protect SSI/SSP recipients and their resources, shall also govern the program provided for under this chapter, except that for immigrants described in paragraph (3) of subdivision (a) of Section 18938 who do not meet exemptions from deeming, the period for deeming of a sponsor's income and resources shall be 10 years from the date of the sponsor's execution of the affidavit of support or the date of the immigrant's arrival in the United States, whichever is later.

(c) Notwithstanding any other provision in this chapter, immigrants who are victims of abuse by their sponsor or sponsor's spouse shall be exempt from deeming. Abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse is also provided. Additional evidence may include, but is not limited to, the following:

(1) Police, government agency, or court records or files.

(2) Documentation from a domestic violence program, or from a legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.

(3) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

(4) Physical evidence of abuse.

(5) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in writing in the case file that the applicant is credible.

SEC. 55. Section 19806 of the Welfare and Institutions Code is amended to read:

19806. (a) An independent living center shall not be required to provide any matching funds through private contributions as a condition of receiving state funds except to acquire state incentive funds.

(b) Each independent living center, except those centers which have been both established and maintained using federal funding under Title VII(c) of the federal Rehabilitation Act of 1973 as amended as their primary base grant, as determined by the department, shall receive to the extent funds are appropriated by the Legislature, at least two hundred thirty-five thousand dollars (\$235,000) in base grant funds allocated by the department. The department shall allocate to those centers with Title VII(c) base grant funds of less than two hundred thirty-five thousand dollars (\$235,000) an amount that, when combined with the Title VII(c) grant, equals two hundred thirty-five thousand dollars (\$235,000).

(c) State funds may be replaced by reimbursements under the Supplemental Security Disability Insurance and the Supplemental Security Income programs provided for under Titles II and XVII of the Federal Social Security Act, Subchapter II (commencing with Section 401) and Subchapter XVII (commencing with Section 1381) of Chapter 7 of Title 42 of the United States Code to the extent appropriated by the Legislature and allocated by the department to independent living centers under this chapter. Beginning with the 1998–99 fiscal year, and each year thereafter, to the extent these funds from the Social Security Act are not appropriated by the Legislature as were appropriated in the 1997–98 fiscal year, an amount equal to the combined state and federal fund allocation to independent living centers in the Budget Act of 1997 shall be appropriated to, and allocated by, the department to independent living centers under this chapter.

(d) (1) Available state incentive funds shall be allocated at the beginning of each fiscal year based upon the average amount of private contributions received by the independent living center in the second and third preceding fiscal years.

(2) The maximum amount of incentive funds that may be allocated to any independent living center in any single fiscal year shall be computed as follows:

(A) “Pool One” is defined as 60 percent of all state incentive funds. “Pool Two” is defined as 40 percent of all state incentive funds. Each independent living center shall be entitled to an equal portion of Pool One, not to exceed the amounts raised pursuant to paragraph (1).

(B) Incentive funds from Pool One not used after the initial allocation pursuant to subparagraph (A) shall be added to Pool Two for allocation among all centers that had unmatched private contributions after distribution of Pool One funds. Pool Two funds shall be awarded in

direct proportion to each center's percentage of the total remaining unmatched private contributions raised by those independent living centers.

(3) For the purpose of determining eligibility for state incentive funds, any independent living center that uses a fiscal year other than the state fiscal year may elect to use a different fiscal year so long as the closing date of the fiscal year so elected does not precede the closing date of the equivalent state fiscal year by more than 11 months.

(4) The amount of private contributions claimed by an independent living center for each fiscal year shall be verified by the department by utilizing appropriate financial records including, but not limited to, independent audits. Audits may be performed by the department up to three years from the close of the fiscal year during which state incentive funds were received by the independent living center being audited.

(5) State incentive funds that are not distributed to independent living centers shall not be allocated or retained by the department for distribution as state incentive funds in later fiscal years.

(e) For purposes of this section:

(1) "Private funds" does not include any funds originating from any entity of the federal, state, city, or county government or any political subdivision thereof. Notwithstanding the provisions of this section, fees from any source for services provided may be included as private contributions by an independent living center for purposes of determining its allocation of incentive funds.

(2) "State incentive funds" means state funds appropriated by the Legislature for purposes of this chapter, except those funds allocated by the department pursuant to subdivisions (b) and (g) of this section.

(f) Any funds allocated under this chapter to any independent living center, other than as part of the initial allocation for each fiscal year, shall be made by contract amendment. Any contract amendment shall require the provision of services in addition to those required by the contract being amended. All those services required by contract amendment shall not be performed prior to the date the contract amendment is approved by the state.

(g) To the extent funds are appropriated by the Legislature for the purpose of providing assistive technology services described in subdivision (d) of Section 19801, three hundred thousand dollars (\$300,000) of those funds shall be allocated to the nonprofit contractor selected by the Department of Rehabilitation to coordinate delivery of assistive technology services and the remainder shall be allocated equally among independent living centers. The nonprofit contractor shall provide statewide assistive technology information and referral and serve as a resource to the independent living centers' assistive technology service programs.

(h) To the extent funds are appropriated by the Legislature, after allocation of base grant and incentive funds and assistive technology funds, remaining funds shall be allocated by the department among independent living centers on the basis of the ratio of the total of the general population in an independent living center's geographic service areas as compared to the total of the general population in all independent living centers geographic services area statewide. The department shall adopt regulations for the distribution of population funds by June 30, 1999.

SEC. 56. Provision 8 of Item 5180-101-0001 of Section 2.00 of Chapter 52 of the Statutes of 2000 (Budget Act of 2000) is amended to read:

8. Of the funds appropriated in Schedule (a)(2), 16.30.020—Services, no amount shall be for payment of county incentives authorized by Section 10544.1 of the Welfare and Institutions Code.

SEC. 57. Section 5 of Chapter 7 of the Statutes of 2001 (First Extraordinary Session) is amended to read:

Sec. 5. In order to achieve a total reduction in peak electricity demand of not less than 2,585 megawatts, the sum of seven hundred eight million nine hundred thousand dollars (\$708,900,000) is hereby appropriated from the General Fund to the Controller for allocation according to the following schedule:

(a) In order to achieve a reduction in peak electricity demand and meet urgent needs of low-income households, two hundred forty-six million three hundred thousand dollars (\$246,300,000) for allocation by the Public Utilities Commission for the customers of electric and gas corporations subject to commission jurisdiction, to be expended in the following amounts:

(1) Fifty million dollars (\$50,000,000) to encourage the purchase of energy efficient equipment, and retirement of inefficient appliances and improvements in the efficiency of high-efficiency heating, ventilating, and air-conditioning (HVAC) equipment insulation or other efficiency measures. Any funds expended pursuant to this paragraph for the purchase of refrigerators, air-conditioning equipment, and other similar residential appliances shall be expended pursuant to the following criteria:

(A) Priority for the expenditure of funds shall be given for the purchase or retirement of those appliances in low- and moderate-income

households, and for the replacement of the oldest and least efficient appliances.

(B) Any retirement of residential equipment and appliances undertaken pursuant to this paragraph shall be undertaken in a manner that protects public health and the environment. Nothing in this paragraph affects the requirements of Article 10.1 (commencing with Section 25211) of Chapter 6.5 of Division 20 of the Health and Safety Code and Chapter 3.5 (commencing with Section 42160) of Part 3 of Division 30 of the Public Resources Code.

(2) One hundred million dollars (\$100,000,000) to provide immediate assistance to electric or gas utility customers enrolled in, or eligible to be enrolled in, the California Alternative Rates for Energy (CARE) program established pursuant to Section 739.1 of the Public Utilities Code. Funds appropriated pursuant to this paragraph shall be expended to increase and supplement CARE discounts and to increase enrollment in the CARE program. These funds shall be available to assist those customers enrolled or eligible for CARE who are on payment arrangements or have current or pending overdue notices due to increases in energy rates. Not more than 10 percent of the funds appropriated in this subdivision shall be allocated for mass marketing to increase enrollment. The funding provided in this subdivision is intended to supplement, but not replace, surcharge-generated revenues utilized to fund the CARE program.

(3) Twenty million dollars (\$20,000,000) to augment funding for low-income weatherization services provided pursuant to Section 2790 of the Public Utilities Code, and to fund other energy efficient measures to assist low-income energy users.

(4) Sixteen million three hundred thousand dollars (\$16,300,000) for high-efficiency and ultra-low-polluting pump and motor retrofits for oil or gas, or both, producers and pipelines. For the purposes of this paragraph, "ultra low polluting" means retrofit equipment which exceeds the requirements for best available control technology within the air district in which the pump or motor is located.

(5) Sixty million dollars (\$60,000,000) to provide incentives to encourage replacement of low-efficiency lighting with high-efficiency lighting systems.

(b) In order to achieve a reduction in peak electricity demand, two hundred eighty-two million six hundred thousand dollars (\$282,600,000) to the State Energy Resources Conservation and Development Commission (hereafter the Energy Commission), to be expended in the following amounts for the following purposes:

(1) Sixty million dollars (\$60,000,000) for allocation by the Energy Commission to locally owned public utilities for energy efficiency, peak demand reduction, and low-income assistance measures in the service

areas of the locally owned public utilities analogous to those measures and programs funded in the service areas of the electric and gas corporations subject to the jurisdiction of the Public Utilities Commission pursuant to subdivision (a).

To the extent that any of the funds allocated to the locally owned public utilities are used to encourage the purchase of energy efficiency equipment and retirement of inefficient appliances and improvements in the efficiency of high-efficiency heating, ventilating, and air-conditioning (HVAC) equipment insulation, and other efficiency measures, funds expended pursuant to this paragraph for the purchase of refrigerators, air-conditioning equipment, and other similar residential appliances shall be expended pursuant to the following criteria:

(i) Priority for expenditure of funds shall be given for the purchase of those appliances in low- and moderate-income households, and for the replacement of the oldest and least efficient appliances.

(ii) Any retirement of residential equipment and appliances undertaken pursuant to this paragraph shall be undertaken in a manner that protects public health and the environment. Nothing in this paragraph affects the requirements of Article 10.1 (commencing with Section 25211) of Chapter 6.5 of Division 20 of the Health and Safety Code and Chapter 3.5 (commencing with Section 42160) of Part 3 of Division 30 of the Public Resources Code.

(2) Thirty-five million dollars (\$35,000,000) to implement programs to improve demand-responsiveness in heating, ventilation, air-conditioning, lighting, advanced metering of energy usage, and other systems in buildings. Of the amount appropriated pursuant to this paragraph, ten million dollars (\$10,000,000) shall be used to encourage the purchase and installation of advanced metering and telemetry equipment for agricultural and water pumping customers in order to improve load management and demand responsiveness techniques particularly applicable to this sector.

(3) Thirty-five million dollars (\$35,000,000) to implement a low-energy usage building materials program, and other measures to lower air-conditioning usage in schools, colleges, universities, hospitals, and other nonresidential buildings. These funds shall not be available for community college facilities if Assembly Bill No. 29 of the First Extraordinary Session is enacted, becomes effective, and provides funding for energy efficiency measures to the community college from the Proposition 98 Reversion Account.

(4) Fifty million dollars (\$50,000,000) to implement a program to encourage third parties to implement innovative peak demand reduction measures.

(A) Of the amount appropriated pursuant to this paragraph, ten million dollars (\$10,000,000) shall be used for the California

Agricultural Pump Energy Program to facilitate the efficiency testing of existing agricultural water pumps and to provide incentives for the retrofitting of pumps to increase efficiency as necessary. Up to one million dollars (\$1,000,000) of those funds shall be used for grants to local public agencies to enhance and expedite the testing of agricultural water pumps.

(B) Of the amount appropriated pursuant to this paragraph, not more than one million dollars (\$1,000,000) shall be expended by the commission to fund one-time startup costs for innovative voluntary programs to reduce air emissions through energy conservation and related actions pursuant to programs authorized by law in effect on the effective date of this act.

(5) Seventy-five million dollars (\$75,000,000) to implement programs to reduce peak load electricity usage, encourage biogas digestion power production technologies, enhance conservation and encourage the use of alternative fuels, including, but not limited to in-state natural gas resources for the agricultural and water pumping sector. These funds shall be allocated by the Energy Commission, in the form of rebates or grants, in the following amounts for the following purposes:

(A) Forty-five million dollars (\$45,000,000) to encourage the purchase of high-efficiency electrical agricultural equipment, installed, on or after January 1, 2001, and incentives for overall electricity conservation efforts. Eligible equipment shall include, but not be limited to, lighting, refrigeration, or cold storage equipment. Any agricultural energy conservation incentive program shall recognize the increased demand due to currently reduced water supply conditions.

(B) Fifteen million dollars (\$15,000,000) to offset the costs of retrofitting existing natural gas powered equipment to burn alternative fuels, including, but not limited to, in-state produced "non-spec" or "off-spec" natural gas.

(C) Fifteen million dollars (\$15,000,000) in grants to be used for pilot projects designed to encourage the development of biogas digestion power production technologies.

(i) Ten million dollars (\$10,000,000) of these funds shall be used to provide grants for the purpose of encouraging the development of manure methane power production projects on California dairies.

(ii) Five million dollars (\$5,000,000) of these funds shall be used to provide grants to reduce peak usage in southern California by revision of system operations to produce replacement energy as a byproduct of the anaerobic digestion of biosolids and animal wastes.

(6) Ten million dollars (\$10,000,000) to provide incentives for installation of light-emitting diode (LED) traffic signals.

(7) Seven million dollars (\$7,000,000) to implement a program to teach school children about energy efficiency in the home and at school.

(8) Ten million dollars (\$10,000,000) for incentives for the retrofit of existing distributed generation owned and operated by municipal water districts to replace diesel and natural gas generation with cleaner technology that reduces oxides of nitrogen emissions. Funds expended pursuant to this paragraph shall be expended exclusively for retrofit equipment that meets or exceeds the requirements for best available control technology within the air district in which the distributed generation owned and operated by a municipal water district is located, or with standards adopted by the state Air Resources Board pursuant to Section 41514.9 of the Health and Safety Code upon the effective date of those standards. Technologies eligible pursuant to this paragraph include natural gas reciprocating engines, microturbines, fuel cells, and wind and solar energy renewable technologies.

(9) Six hundred thousand dollars (\$600,000) for four personnel-years to improve the ability of the Energy Commission to provide timely and accurate assessments of electricity and natural gas markets.

(c) Except for funds expended to implement programs established pursuant to Section 25555 of the Public Resources Code, for which the Public Utilities Commission or the Energy Commission has adopted and published guidelines pursuant to that section, funds appropriated pursuant to subdivisions (a) and (b) shall be expended pursuant to guidelines adopted by each commission. The guidelines shall be exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of the Division 3 of Title 2 of the Government Code and shall do all of the following:

(1) Establish cost effectiveness criteria for programs funded. Within 10 days from the date of the adoption of criteria pursuant to this paragraph, each commission shall provide a copy of the criteria to the Chairperson of the Legislative Budget Committee, to the chairpersons of the appropriate policy and fiscal committees of both houses of the Legislature, and to the Governor.

(2) Limit administrative costs to not more than 2<sup>1</sup>/<sub>2</sub> percent of the amount of the funds expended. For the purposes of this paragraph, "administrative costs" means commission personnel and overhead costs associated with the implementation of each measure or program. However, "administrative costs" does not include costs associated with marketing or evaluation of a measure of a program, including any two-year limited positions, as approved by the Department of Finance, necessary to implement the programs.

(3) Allow reasonable flexibility to shift funds among program categories in order to achieve the maximum feasible amount of energy



conservation, peak load reduction, and energy efficiency by the earliest feasible date.

(4) Establish matching fund criteria that, except for funds appropriated pursuant to paragraphs (2) and (3) of subdivision (a), ensure that entities eligible to receive funds appropriated pursuant to subdivisions (a) and (b) pay an appropriate share of the cost of acquiring or installing measures to achieve the maximum feasible amount of energy conservation, peak load reduction, and energy efficiency by the earliest feasible date.

(5) Establish mechanisms and criteria that ensure that funds expended pursuant to this section through electric and gas corporations are not seized by the creditors of those corporations in the event of a bankruptcy. In implementing this paragraph, the commissions shall adopt mechanisms such as the segregation of funds by the electric or gas corporation, the holding of those funds in trust until they are expended, and the reversion of funds to the General Fund in the event of bankruptcy.

(6) Establish tracking and auditing procedures to ensure that funds are expended in a manner consistent with this act.

(d) Within six months of the effective date of this section, each commission shall contract for an independent audit of the expenditures made pursuant to subdivisions (a) and (b) for the purpose of determining whether the funds achieved demonstrable energy peak demand reduction while limiting administrative costs associated with expenditures made pursuant to those subdivisions. Within one year of the effective date of this section, each commission shall submit the audit prepared pursuant to this paragraph to the Chairperson of the Joint Legislative Budget Committee, to the chairpersons of the appropriate policy and fiscal committees of both houses of the Legislature, and to the Governor.

(e) Ten million dollars (\$10,000,000) to the Department of Consumer Affairs to implement a public awareness program to reduce peak electricity usage. Any public awareness program to reduce peak electricity usage conducted by the Department of Consumer Affairs after November 30, 2001, shall be conducted pursuant to a contract in accordance with Article 4 (commencing with Section 10335) of Chapter 2 of the Public Contract Code. The department shall ensure that the program includes the use of nontraditional mass media, including, but not limited to, the use of community based organizations, mass media in different languages, and media targeted to low-income and ethnically diverse communities.

(f) Fifty million dollars (\$50,000,000) to the Department of General Services to be expended for the purposes of implementing Chapter 3.5 (commencing with Section 4240) of Division 5 of Title 1 of the Government Code. The department shall limit its administrative costs to not more than 2<sup>1</sup>/<sub>2</sub> percent of the funds expended. For the purposes

of this paragraph, "administrative costs" means personnel and overhead costs associated with implementation of each measure or program. However, "administrative costs" does not include costs associated with marketing or evaluation of a measure or program.

(g) One hundred twenty million dollars (\$120,000,000) to the Department of Community Services and Development for the purpose of supplementing the Low-Income Home Energy Assistance Program (LIHEAP). The department may also use these funds for the purposes of increasing participation in the LIHEAP program. The department shall use funds appropriated pursuant to this paragraph in the following manner:

(1) The department shall implement a California Low-Income Home Energy Assistance Program (LIHEAP). Services provided by California's LIHEAP shall be designed to do both of the following:

(A) Increase energy conservation and reduce demand for energy services in low-income households.

(B) Assure that the most vulnerable households cope with high energy costs.

(2) The program shall include weatherization and conservation services, energy crisis intervention services, and cash assistance payments.

(3) (A) Eligibility for California LIHEAP shall include households with incomes that do not exceed the greater of either of the following:

(i) An amount equal to 60 percent of the state median income.

(ii) An amount equal to 80 percent of the county median income.

(B) In no area shall eligibility be provided to households whose income is greater than 250 percent of the federal poverty level for this state.

(C) Notwithstanding subparagraphs (A) and (B), licensed community care facilities serving six or fewer adults or children shall be eligible for weatherization and energy education under California LIHEAP.

(4) The department shall examine the penetration of other energy programs, including, but not limited to, those provided through federal LIHEAP, utility companies, and other parties, to identify the adequacy of services to elderly persons, disabled persons, limited-English-speaking persons, migrant and seasonal farmworkers and households with very young children. California LIHEAP funds shall be distributed so as to ensure that vulnerable populations have comparable access to energy programs.

(5) The department shall ensure that services under California LIHEAP are delivered using all of the following requirements:

(A) The department shall establish reasonable limits for expenditures, including up to 15 percent for outreach and training for consumers.

(B) Grantee agencies shall do special outreach to vulnerable households, including outreach to senior centers, independent living centers, welfare departments, regional centers, and migrant and seasonable farmworkers.

(C) Grantee agencies shall be required to coordinate with other low-income energy programs, and to demonstrate plans for using all energy resources efficiently for maximum outreach to low-income households.

(D) Grantee agencies shall spend the maximum feasible amount of California LIHEAP funds for weatherization assistance, but in no event less than 50 percent of the funds available by grantee. The balance shall be used for cash assistance and energy crisis intervention. The department shall provide grantees with maximum flexibility to use energy crisis and cash assistance funds to resolve energy crisis for households and to serve the maximum number of households. Cash assistance payments may be used as a supplement to federal LIHEAP cash assistance payments.

(6) The department shall do the following in addition to administering the program:

(A) Explore, with grantee agencies, standards for determining effective, efficient intake, and procedures to combine outreach for federal, state, and utility low-income energy programs into a single intake process.

(B) Report to the policy and budget committees of the Legislature on the extent to which increased flexibility in weatherization measures and flexibility in cash assistance and crisis intervention payments have increased service and reduced energy demand. If barriers to flexibility exist, the report should identify those barriers.

(C) Report to the policy and budget committees of the Legislature on the number of recipients of service, the number of grantees providing service, categories of expenditure, estimated impact of funds on energy demand, estimated unmet need, and plans for automated reporting of this information routinely.

(7) For any funds distributed in 2001, the department shall distribute funds as follows:

(A) Funds shall be distributed to have maximum possible impact on reducing energy demand immediately.

(B) First priority shall be to distribute funds through community-based programs with whom it has existing contracts.

(C) If additional capacity is needed beyond the existing network, or if vulnerable populations cannot be served within the existing contracts,

the department may develop and RFP process to solicit additional grantees.

(8) The department shall limit administrative costs to not more than 2<sup>1</sup>/<sub>2</sub> percent of the funds expended. For the purposes of this paragraph, "administrative costs" means personnel and overhead costs associated with the implementation of each measure or program. However, "administrative costs" does not include costs associated with the marketing or evaluation of a measure or program.

(h) Each state agency receiving funds appropriated pursuant to this section shall ensure, where appropriate, not less than 85 percent of the funds shall be expended for direct rebates, purchases, direct installations, buy-downs, loans, or other incentives that will achieve reductions in peak electricity demand and improvements in energy efficiency.

(i) On or before January 1, 2002, each state agency receiving funds appropriated pursuant to this section shall provide quarterly reports to the Chairperson of the Joint Legislative Budget Committee, to the chairpersons of the appropriate policy and fiscal committees of both houses of the Legislature, and to the Governor, which include all of the following information:

(1) The amount of funding expended.

(2) The measures, programs, or activities that were funded.

(3) A description of the effectiveness of the measures, programs, or activities funded in reducing peak electricity demand and improving energy efficiency, as measured in kilowatthours of electricity reduced per dollar expended.

(j) To the extent that local government entities may apply for, and receive funds pursuant to this section, and to the extent they otherwise qualify for the funds, federally recognized California Indian tribes may apply for funds appropriated pursuant to this section on behalf of their tribal members, and the applications shall be considered on their merits. Each commission shall ensure that its efforts to provide public information on programs funded pursuant to this section shall include outreach to California Indian tribes.

SEC. 58. By October 1, 2001, the State Department of Social Services shall establish a process whereby county welfare departments may request funds from the Temporary Assistance for Needy Families reserve as described in Item 5180-403 of the Budget Act of 2001, for CalWORKs program services and administration.

SEC. 59. The Bureau of State Audits shall submit on or before January 1, 2003, to the appropriate committees and the fiscal committees of both houses of the Legislature an audit of the Statewide Fingerprint Imaging System of the State Department of Social Services. The audit shall address the level of fraud detected through the system, the level of

fraud deterrence resulting from the system, whether the system deters eligible applicants, especially immigrant populations, from applying for public benefits, and the cost effectiveness of the system.

SEC. 60. (a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), through June 30, 2002, the State Department of Social Services may implement the applicable provisions of this act through all county letter or similar instructions from the director.

(b) The director shall adopt regulations, as otherwise necessary, to implement the applicable provisions of this act no later than July 1, 2002. Emergency regulations to implement the changes made by this act to Sections 366, 366.1, 11203, and 16501.1 of the Welfare and Institutions Code may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and one readoption of those emergency regulations shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall each remain in effect for no more than 180 days.

SEC. 61. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 62. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the necessary statutory changes to implement the Budget Act of 2001 at the earliest possible time, it is necessary that this act take effect immediately.

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## CHAPTER 112

An act to amend Sections 70, 714, 1050, 1051, 1055, 1055.5, 1056, 1057, 1058, 1059, 1060, 3055, 3682, 3684, 3700, 3701, 4336, 4654, 4657, 4753, 6596, 7149, 7149.1, 7149.4, 7180, 7181, 7182, 7183, 7184, 7186, 7700, and 13005 of, to add Sections 16, 1055.1, 1055.6, 1061, 3055.1, 3682.1, 3682.2, 3700.1, 3700.2, 6596.1, 7149.15, 7149.45, 7180.1, 7181.1, 7182.1, 7183.1, 7184.1, 7186.1, and 7360.1 to, to add, repeal, and add Section 7149.05 of, to repeal Sections 3034, 3701.5, and 7146 of, and to repeal and add Sections 1053, 7149.8, and 7360 of, the Fish and Game Code, and to amend Item 3790-001-0392 of Section 2.00 of the Budget Act of 2001, relating to resources, and making an appropriation therefor.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 16 is added to the Fish and Game Code, to read:

16. "Affix" means physically attached to or imprinting an electronic validation to a license document.

SEC. 2. Section 70 of the Fish and Game Code is amended to read:

70. "Resident" means any person who has resided continuously in the State of California for six months or more immediately prior to the date of his application for a license or permit, any person on active military duty with the Armed Forces of the United States or auxiliary branch thereof, or any person enrolled in the Job Corps established pursuant to Section 2883 of Title 29 of the United States Code.

SEC. 3. Section 714 of the Fish and Game Code is amended to read:

714. (a) In addition to Section 3031, 3031.2, 7149, or 7149.2 and notwithstanding Section 3037, the department shall issue lifetime sportsman's licenses pursuant to this section. A lifetime sportsman's license authorizes the taking of birds, mammals, fish, reptiles, or amphibia anywhere in this state in accordance with law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted pursuant to this code. A lifetime sportsman's license is not transferable. A lifetime sportsman's license does not include any special tags, stamps, or other entitlements.

(b) A lifetime sportsman's license may be issued to residents of this state, as follows:

(1) To a person 62 years of age or over upon payment of a fee of six hundred dollars (\$600) in 1998.

(2) To a person 40 years of age or over and less than 62 years of age upon payment of a fee of eight hundred ninety dollars (\$890) in 1998.

(3) To a person 10 years of age or over and less than 40 years of age upon payment of a fee of nine hundred ninety dollars (\$990) in 1998.

(4) To a person less than 10 years of age upon payment of a fee of six hundred dollars (\$600) in 1998.

(5) The department shall establish the fee for each license authorized under this section in 1999 and subsequent years. The license fee shall not be less than the fee authorized in 1998, and the fee shall not exceed the cost of a license if the license fee was adjusted pursuant to Section 713 with the base year of 1998.

(c) Nothing in this section requires a person under the age of 16 to obtain a license to take fish, reptiles, or amphibia for purposes other than profit or to obtain a license to take birds or mammals except as required by law.

(d) Nothing in this section exempts an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sporthunting or sport fishing.

(e) Upon payment of a fee of three hundred ten dollars (\$310), a person holding a lifetime hunting license or lifetime sportsman's license shall be issued annually one deer tag pursuant to subdivision (a) of Section 4332 and five wild pig tags issued pursuant to Section 4654.

(f) Upon payment of a fee of two hundred dollars (\$200), a person holding a lifetime hunting license or lifetime sportsman's license shall be entitled annually to the privileges afforded to a person holding a state duck stamp or validation issued pursuant to Section 3700 or 3700.1 and an upland game bird stamp or validation issued pursuant to Section 3682 or 3682.1.

SEC. 4. Section 1050 of the Fish and Game Code is amended to read:

1050. (a) All licenses, permits, tags reservations, and other entitlements authorized by this code shall be prepared and issued by the department.

(b) The commission shall determine the form of all licenses, permits, tags, reservations, and other entitlements and the method of carrying and displaying all licenses, and may require and prescribe the form of applications therefor and the form of any contrivance to be used in connection therewith.

(c) Whenever any provision of this code provides for a permit, license, tag, reservation, application, or other entitlement, the commission shall, in accordance with the provision, prescribe the terms and conditions under which the permit, license, tag, reservation, application, or other entitlement shall be issued and the department shall issue the permit, license, tag, reservation, application, or other

entitlement in accordance therewith and with the applicable provisions of law.

(d) Whenever this code does not specify whether a fee is to be collected, or does not specify the amount of a fee to be collected for the issuance of any license, tag, permit, application, reservation, or other entitlement, the commission may establish a fee or the amount thereof by regulation. The commission may also provide for the change in the amount of the fee in accordance with Section 713. However, no fee may exceed the reasonable costs incurred by the department in implementing and administering the program or activity to which the license, tag, permit, application, reservation, or other entitlement is related.

(e) Whenever this code provides for a license, tag, permit, reservation, or other entitlement, the commission may establish a nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) sufficient to pay the department's costs for issuing the license, tag, permit, reservation, or other entitlement and may adjust the application fee in accordance with Section 713.

SEC. 5. Section 1051 of the Fish and Game Code is amended to read:

1051. Licenses of each class shall be uniquely numbered. Every license shall contain its expiration date and the fee for which it is issued. If no fee is either required by this code or established by the commission pursuant to Section 1050, the license shall so indicate.

SEC. 6. Section 1053 of the Fish and Game Code is repealed.

SEC. 7. Section 1053 is added to the Fish and Game Code, to read:

1053. No person shall obtain more than one license, permit, reservation, or other entitlement of the same class, or more than the number of tags authorized by statute or regulation for the same license year, except under one of the following conditions:

(a) Licenses issued pursuant to paragraphs (3) and (4) of subdivision (a) of Section 7149 and subdivision (b) of Section 7149 and paragraphs (4) and (5) of subdivision (a) of Section 3031.

(b) The loss or destruction of an unexpired license, tag, permit, reservation, or other entitlement as certified by the applicant's signed affidavit and proof, as determined by the department, that the original license, tag, permit, reservation, or other entitlement was issued, and payment of a base fee of five dollars (\$5), adjusted pursuant to Section 713, not to exceed the fee for the original entitlement.

SEC. 8. Section 1055 of the Fish and Game Code is amended to read:

1055. (a) The department may authorize any person, except a commissioner, officer, or employee of the department, to be a license agent to issue licenses, permits, reservations, tags, and other entitlements. The department may consign licenses, permits,



reservations, tags, and other entitlements to license agents without receiving payment therefor, upon application of the license agent and upon the giving of a bond or assigning a certificate of deposit, payable to the department, as provided in this article. It may not consign any licenses, permits, reservations, tags, or other entitlements to any license agent who fails to submit the report required by subdivision (a) of Section 1055.5 within one month and 20 days following the last day of that calendar month or who otherwise fails to fully comply with Section 1055.5.

(b) A license agent authorized pursuant to subdivision (a) shall add a handling charge to the fees prescribed in this code or in regulations adopted pursuant to this code for licenses, permits, reservations, tags, and other entitlements issued by the license agent in an amount that is 5 percent of the face value of the item rounded to the nearest five cents (\$0.05).

(c) The handling charge added pursuant to subdivision (b) shall be incorporated into the total amount collected for issuing any license, permit, reservation, tag, and other entitlement, but the handling charge may not be included when determining license fees in accordance with Section 713. License agents may issue any license, permit, reservation, tag, and other entitlement for any amount up to 10 percent less than the fee prescribed in this code or in regulations adopted pursuant to this code. The license agent shall remit to the department the full amount of the fees as prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements issued.

(d) The handling charge required by subdivision (b) is the license agent's only compensation for services. The license agent shall not make any other additional fee or charge for issuing licenses, permits, reservations, tags, and other entitlements authorized pursuant to this section.

(e) The department may designate a nonprofit organization, organized pursuant to the laws of this state, or the California chapter of a nonprofit organization, organized pursuant to the laws of another state, as a license agent for the sale of lifetime licenses issued pursuant to Sections 714, 3031.2, and 7149.2. These licenses may be sold by auction or by other methods and are not subject to the fee limitations prescribed in this code. An agent authorized to issue lifetime sport fishing licenses, lifetime hunting licenses, and lifetime sportsman's licenses under this subdivision is exempt from subdivisions (b) and (d). The license agent shall remit to the department all revenue derived from the sale of the lifetime licenses.

(f) In order to facilitate the prompt remittance of fees and more accurate accounting of licenses, permits, reservations, tags, and other

entitlements provided for issuance to license agents, the department may provide them in books containing licenses, permits, reservations, tags, or other entitlements that do not exceed the total fees for 20 resident sport fishing licenses. This subdivision does not apply to nonresident licenses and nonresident tags.

(g) At any single business location, a license agent shall issue all items from a single book before commencing to issue licenses, permits, reservations, tags, or other entitlements of the same series from another book.

(h) The department, alternatively, may provide for the issuance of licenses, permits, reservations, tags, or other entitlements to authorized license agents and shall collect at the time the documents are provided an amount equal to the fees for all licenses, permits, reservations, tags, and other entitlements provided. Any license agent who pays the fees for licenses, permits, reservations, tags, or other entitlements provided is exempt from subdivisions (a) and (e) of Section 1055.5 and Sections 1056 and 1059. Any licenses, permits, reservations, tags, or other entitlements provided pursuant to this subdivision that remain unissued at the end of the license year may be returned to the department, within 60 days of their expiration date, for refund or credit, or a combination thereof.

(i) License agents shall return all unissued and expired licenses, permits, reservations, tags, and other entitlements to the department within one month and 20 days following the last day of the license year. Any license agent who does not comply with this section shall not be provided additional licenses, permits, reservations, tags, and other entitlements until the unissued and expired licenses, permits, reservations, tags, and other entitlements have been returned to the department. In addition, any unissued and expired license, permit, reservation, tag, or other entitlement that is not returned within 60 days following the last day of the license year shall be billed to the license agent. Licenses, permits, reservations, tags, and other entitlements may be returned for credit after the 60 days; however, the license agent shall pay interest and penalties on the returned licenses, permits, reservations, tags, and other entitlements as prescribed in subdivision (b) of Section 1059. No credit may be allowed after six months following the last day of the license year.

(j) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 9. Section 1055.1 is added to the Fish and Game Code, to read:

1055.1. (a) The department may authorize any person, except a commissioner, officer, or employee of the department, to be a license

agent to issue any license, permit, reservation, tag, or other entitlement upon the department's approval of an application.

(b) A license agent authorized pursuant to subdivision (a) shall add a handling charge to the fees prescribed in this code or in regulations adopted pursuant to this code for any license, permit, reservation, tag, and other entitlement issued by the license agent in an amount that is 5 percent of the face value of the item rounded to the nearest five cents (\$0.05).

(c) The handling charge added pursuant to subdivision (b) shall be incorporated into the total amount collected for issuing the license, permit, reservation, tag, and other entitlement, but the handling charge shall not be included when determining license fees in accordance with Section 713. A license agent may issue any license, permit, reservation, tag, or other entitlement for any amount up to 10 percent less than the fee prescribed in this code or in regulations adopted pursuant to this code. The license agent shall remit to the department the full amount of the fees as prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements issued.

(d) The handling charge required by subdivision (b) is the license agent's only compensation for services. The license agent shall not make any other additional fee or charge for issuing any license, permit, reservation, tag, or other entitlement authorized pursuant to this section.

(e) The department may designate a nonprofit organization, organized pursuant to the laws of this state, or the California chapter of a nonprofit organization, organized pursuant to the laws of another state, as a license agent for the sale of lifetime licenses issued pursuant to Sections 714, 3031.2, and 7149.2. These licenses may be sold by auction or by other methods and are not subject to the fee limitations prescribed in this code. An agent authorized to issue lifetime sport fishing licenses, lifetime hunting licenses, and lifetime sportsman's licenses under this subdivision is exempt from subdivisions (b) and (d). The license agent shall remit to the department all revenue derived from the sale of the lifetime licenses.

(f) The department, alternatively, may provide for the issuance of licenses, permits, reservations, tags, or other entitlements to authorized license agents and shall collect at the time the documents are provided an amount equal to the fees for all licenses, permits, reservations, tags, or other entitlements provided. Any license agent who pays the fees for licenses, permits, reservations, tags, or other entitlements provided is exempt from subdivisions (a) and (d) of Section 1055.6 and Sections 1056 and 1059. Any licenses, permits, reservations, tags, and other entitlements provided pursuant to this subdivision that remain unissued at the end of the license year may be returned to the department, within

60 days of their expiration date, for refund or credit, or a combination thereof.

(g) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 10. Section 1055.5 of the Fish and Game Code is amended to read:

1055.5. (a) Except as provided in subdivision (c) or (d), each license agent authorized pursuant to Section 1055 shall remit to the department the fees prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements issued in each calendar month not later than 20 days following the last day of that calendar month. The transmittal of the fees to the department shall be accompanied with an accounting report on forms provided by the department of all licenses, permits, reservations, tags, and other entitlements received, issued, remaining on hand, reported lost under subdivision (b), and returned to the department during the preceding month.

(b) A license agent shall report any losses of licenses, permits, reservations, tags, or other entitlements, or any part or all of the fees received for them, to the department on or before the end of the next business day of the department.

(c) A license agent is not required to remit the fees for a book of licenses, permits, reservations, tags, or other entitlements in any month if, on the last day of the preceding month, all items in that single book provided for issuance at a single business location are not issued. If, however, all items in that book are issued, the license agent shall remit the fees for that book and transmit the accounting report in accordance with the requirements of this section.

(d) The license agent may retain not more than fifteen cents (\$0.15) of the fee received for each Colorado River special use stamp issued pursuant to Section 7180 as compensation for services. The license agent shall remit to the department the fees prescribed by Section 7180, less any amounts retained under this subdivision, for all Colorado River special use stamps issued. The license agent shall remit the net fees with an accounting report as prescribed in subdivision (a).

(e) Except as provided in subdivision (c), any fee remittance and accounting report not transmitted to the department within 30 days following the last day of each calendar month is delinquent, and fees due are subject to interest and penalties prescribed in subdivision (b) of Section 1059. Interest and penalties shall be computed beginning 21 days following the last day of the calendar month in which the fees were collected.

(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 11. Section 1055.6 is added to the Fish and Game Code, to read:

1055.6. (a) Except as provided in subdivision (b), each license agent authorized pursuant to Section 1055.1 shall remit to the department the fees prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements by electronic means, such as electronic fund transfer. In order to facilitate the prompt remittance of revenues, the department is authorized to withdraw funds from the separate bank account of the license agent required by Section 1057, including adjustments, by electronic transfer. License agents shall ensure that the total fees required for all licenses, permits, reservations, tags, or other entitlements necessary to perform the electronic transfer are available on the date specified by the license agent contract.

(b) A license agent shall report to the department on or before the end of the next business day of the department any losses of fees received from the issuing of licenses, permits, reservations, tags, or other entitlements.

(c) The license agent may retain not more than fifteen cents (\$0.15) of the fee received for each Colorado River special use validation issued pursuant to Section 7180.1 as compensation for services. The license agent shall remit to the department the fees prescribed by Section 7180.1, less any amounts retained under this subdivision, for all Colorado River special use validations issued. The license agent shall remit the net fees as prescribed in subdivision (a).

(d) Except as provided in subdivision (b), any fees not transmitted or made available to the department within seven days following the due date as specified by the department are delinquent, and delinquent fees are subject to interest and penalties prescribed in subdivision (b) of Section 1059. Interest and penalties shall be computed beginning one day following the due date as specified by the department.

(e) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 12. Section 1056 of the Fish and Game Code is amended to read:

1056. (a) Every person authorized to issue licenses, permits, reservations, tags, and other entitlements pursuant to Section 1055 or 1055.1 may be required to execute, in favor of the department, a bond or certificate of deposit, payable to the department, in a sum determined by the department. The bond or certificate of deposit shall secure the

accurate accounting and payment to the department of the funds collected and the performance of the duties imposed upon the license agent by this article.

(b) Any license agent who fails to transmit the fees or accounting reports required by Section 1055.5 or 1055.6 not later than 60 days following the due date as specified by the department may be bonded pursuant to subdivision (a) in order to continue as a license agent.

SEC. 13. Section 1057 of the Fish and Game Code is amended to read:

1057. All fees collected from issuing any license, permit, reservation, tag, and other entitlement shall be kept in a separate bank account, at all times belong to the state, and not be commingled with other funds of the license agent.

SEC. 14. Section 1058 of the Fish and Game Code is amended to read:

1058. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state shall have a preferred claim against the license agent, receiver, or trustee for all moneys owing the state for the issuing of licenses, permits, reservations, tags, and other entitlements as provided in this code and shall not be estopped from asserting that claim by reason of the commingling of funds or otherwise.

SEC. 15. Section 1059 of the Fish and Game Code is amended to read:

1059. (a) The failure or refusal of any license agent to account for licenses, permits, reservations, tags, and other entitlements, or any fees received from their issuance as required by Section 1055.5 or 1055.6 or upon demand by an authorized representative of the department is a misdemeanor.

(b) In addition to subdivision (a), any license agent who fails to remit fees to the department on or before the date required by Section 1055.5 or 1055.6 shall pay interest and penalties prescribed for sales and use taxes and, except as otherwise provided in this code, the department shall collect amounts owing under the procedures prescribed for sales and use taxes provided in Chapter 5 (commencing with Section 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of Division 2 of the Revenue and Taxation Code, insofar as they may be applicable, and for those purposes, "board" means the department.

SEC. 16. Section 1060 of the Fish and Game Code is amended to read:

1060. (a) The department or its authorized employees may accept from any bonded license agent an affidavit for settlement on its account in lieu of licenses, permits, reservations, tags, and other entitlements that have been lost or destroyed. The affidavits shall show the value and

classification of the licenses, permits, reservations, tags, and other entitlements, their serial numbers, and the causes of loss or destruction.

(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements that are issued through the Automated License Data System.

SEC. 17. Section 1061 is added to the Fish and Game Code, to read:

1061. (a) A person may purchase a license voucher as a gift for a licensee when the licensee's complete and accurate personal information, as defined in regulation, is not provided by the license buyer at the time of purchase.

(b) A license purchase voucher may be purchased for the following items only:

(1) Annual licenses issued pursuant to paragraphs (1), (2), and (3) of subdivision (a) of Section 3031 and paragraphs (1) and (2) of subdivision (a) and subdivision (b) of Section 7149.

(2) Authorizations issued pursuant to Sections 3682, 3682.1, 3700, 3700.1, 4332, 4654, 4751, 6596, 6596.1, 7149.4, 7149.45, 7149.8, 7360, 7360.1, and 7380.

(c) A license purchase voucher entitles the holder of the voucher to redeem it for the specific annual license, privilege, and license year for which it was purchased.

(d) A license purchase voucher shall expire and be considered void if not redeemed within the license year for which it was purchased.

(e) A license purchase voucher may be issued and redeemed by any person authorized by the department to issue licenses.

(f) The license agent handling fee, as provided under subdivision (b) of Section 1055 and subdivision (b) of Section 1055.1, shall only apply to the sale of the license purchase voucher.

(g) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 18. Section 3034 of the Fish and Game Code is repealed.

SEC. 19. Section 3055 of the Fish and Game Code is amended to read:

3055. (a) Any person who applies for a hunting license and qualifies for the license through the issuance of a certificate of completion of a course in hunter safety, principles of conservation, and sportsmanship as provided by this article, shall obtain a hunter safety instruction validation stamp. The hunter safety instruction validation stamp shall be issued by license agents for a base fee of two dollars (\$2), as adjusted under Section 713, in the same manner as resident hunting licenses. The validation stamp shall be affixed to the certificate of completion. A certificate of competence issued by this state prior to

January 1, 1990, shall be accepted as equivalent to a certificate of completion issued by this state after January 1, 1990.

(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 20. Section 3055.1 is added to the Fish and Game Code, to read:

3055.1. (a) Any person who applies for a hunting license and qualifies for the license through the issuance of a certificate of completion of a course in hunter safety, principles of conservation, and sportsmanship as provided by this article, shall obtain a hunter safety instruction validation. The hunter safety instruction validation shall be issued by license agents for a base fee of two dollars (\$2), as adjusted under Section 713, in the same manner as resident hunting licenses. The validation shall be affixed to the certificate of completion. A certificate of competence issued by this state prior to January 1, 1990, shall be accepted as equivalent to a certificate of completion issued by this state after January 1, 1990.

(b) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 21. Section 3682 of the Fish and Game Code is amended to read:

3682. (a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any upland game bird species without first procuring an upland game bird stamp, and having the stamp permanently affixed to his or her valid hunting license.

(b) Upland game bird stamps may be obtained from the department, or a licensed agent authorized pursuant to Section 1055, for a fee of six dollars and twenty-five cents (\$6.25), adjusted pursuant to Section 713.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 22. Section 3682.1 is added to the Fish and Game Code, to read:

3682.1. (a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any upland game bird species without first procuring an upland game bird hunting validation, as provided in subdivision (b), and having the validation affixed to his or her valid hunting license.

(b) Upland game bird hunting validations may be obtained from the department or a licensed agent authorized pursuant to Section 1055.1 for



a fee of six dollars and twenty-five cents (\$6.25), adjusted pursuant to Section 713.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 23. Section 3682.2 is added to the Fish and Game Code, to read:

3682.2. (a) Upon full implementation of the Automated License Data System, the department shall continue to prepare, or have prepared, upland game bird stamps depicting upland game birds.

(b) Any person who obtains an upland game bird hunting validation pursuant to Section 3682.1 is entitled, upon request, to receive an upland game bird stamp at no additional charge.

(c) Any person may purchase an upland game bird stamp for a fee of six dollars and twenty-five cents (\$6.25), as adjusted pursuant to Section 713.

(d) Possession of an upland game bird stamp obtained pursuant to this section does not entitle the holder to take any upland game bird species.

SEC. 24. Section 3684 of the Fish and Game Code is amended to read:

3684. All funds derived from the sale of upland game bird hunting validations and upland game bird stamps shall be deposited in the Fish and Game Preservation Fund and shall be expended solely for the purposes specified in Section 3685. The department shall maintain the internal accountability necessary to ensure that all restrictions and requirements pertaining to the expenditure of revenues received pursuant to this section are met.

SEC. 25. Section 3700 of the Fish and Game Code is amended to read:

3700. (a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any migratory game bird, except jacksnipe, coots, gallinules, western mourning doves, white-winged doves, and band-tailed pigeons, without first procuring either an open edition or a Governor's edition state duck stamp, as provided in subdivisions (b) and (c), and having the state duck stamp in his or her possession while taking those birds.

(b) State duck stamps, open edition, shall be sold for a fee of ten dollars (\$10) by the department and by license agents, who are authorized by the department pursuant to Section 1055, in the same manner as hunting licenses.

(c) State duck stamps, Governor's edition, may be printed and sold on a bid basis, beginning at a minimum bid, as determined by the department or its representative.

(d) The commission shall determine the form of the state duck stamp.

(e) The department may prepare and sell artwork, posters, and other promotional materials related to the sale of duck stamps or waterfowl hunting and conservation.

(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 26. Section 3700.1 is added to the Fish and Game Code, to read:

3700.1. (a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any migratory game bird, except jacksnipe, coots, gallinules, western mourning doves, white-winged doves, and band-tailed pigeons, without first procuring a state duck hunting validation as provided in subdivision (b), and having that validation in his or her possession while taking those birds.

(b) State duck hunting validations shall be sold for a fee of ten dollars (\$10) by the department and by license agents, who are authorized by the department pursuant to Section 1055.1, in the same manner as hunting licenses.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 27. Section 3700.2 is added to the Fish and Game Code, to read:

3700.2. (a) Upon full implementation of the Automated License Data System, the department shall continue to prepare, or have prepared, state duck stamps depicting migratory waterfowl.

(b) Any person who obtains a duck hunting validation pursuant to Section 3700.1 is entitled, upon request, to receive a state duck stamp, open edition, at no additional charge.

(c) Any person may purchase a state duck stamp, open edition, for a fee of ten dollars (\$10).

(d) State duck stamps, Governor's edition, may be printed and sold on a bid basis, beginning at a minimum bid, as determined by the department or its representative.

(e) The commission shall determine the form of the state duck stamp.

(f) Possession of a state duck stamp obtained pursuant to this section does not entitle the holder to take any migratory bird, as defined in Section 3700.1.

(g) The department may prepare and sell artwork, posters, and other promotional materials related to the sale of duck stamps or waterfowl hunting and conservation.

SEC. 28. Section 3701 of the Fish and Game Code is amended to read:

3701. All funds derived from the sale of state duck hunting validations and state duck stamps, and related items authorized by subdivision (e) of Section 3700 or subdivision (g) of Section 3700.2, shall be deposited in the State Duck Stamp Account in the Fish and Game Preservation Fund to permit separate accountability for the receipt and expenditure of these funds. An amount not to exceed 6 percent of the amount annually deposited in the account may be used for administrative overhead related to the use of those funds and for implementation of the federal Migratory Bird Harvest Program.

SEC. 29. Section 3701.5 of the Fish and Game Code is repealed.

SEC. 30. Section 4336 of the Fish and Game Code is amended to read:

4336. The holder of a deer tag shall carry the tag while hunting deer, and upon the killing of any deer, shall immediately fill out the tag and permanently mark the date of the kill. The deer tag shall be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached during the open season and for 15 days thereafter. The holder of the deer tag shall immediately, upon harvesting a deer, notify the department in a manner specified by the commission.

Except as otherwise provided by this code or regulation adopted pursuant to this code, possession of any untagged deer is a violation of this section.

SEC. 31. Section 4654 of the Fish and Game Code is amended to read:

4654. (a) Any resident of this state, 12 years of age or older, who possesses a valid hunting license, may procure the number of wild pig tags corresponding to the number of wild pigs that may legally be taken by one person during the license year upon payment of a base fee of one dollar and fifty cents (\$1.50), as adjusted under Section 713 for each wild pig tag.

(b) Any nonresident, 12 years of age or older, who possesses a valid California nonresident hunting license, may procure the number of wild pig tags corresponding to the number of wild pigs that may legally be taken by one person during the license year upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713, for each wild pig tag.

SEC. 32. Section 4657 of the Fish and Game Code is amended to read:

4657. The holder of a wild pig tag shall keep the tag in his or her possession while hunting wild pig. Prior to the taking of any wild pig, the holder of a wild pig tag shall write or otherwise affix his or her hunting license number to the wild pig tag. Upon the killing of any wild pig, the date of the kill shall be clearly marked by the holder of the tag on the tag. Prior to transporting the pig, a tag shall be attached to the carcass by the holder of the tag. The holder of the wild pig tag shall

immediately, upon harvesting a pig, notify the department in a manner specified by the commission.

SEC. 33. Section 4753 of the Fish and Game Code is amended to read:

4753. The holder of a bear tag shall carry the tag while hunting bear, and upon the killing of any bear shall immediately fill out the tag and punch out clearly the date of the kill. One part of the tag shall be immediately attached to the ear of the bear and kept attached during the open season and for 15 days thereafter. The holder of the bear tag shall immediately, upon harvesting a bear, notify the department in a manner specified by the commission. Possession of any untagged bear is a violation of this section.

SEC. 34. Section 6596 of the Fish and Game Code is amended to read:

6596. (a) In addition to a valid California fishing license issued pursuant to Section 7149 and any other applicable license stamp issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for purposes other than for profit shall have permanently affixed to his or her fishing license, except a sport fishing license issued pursuant to paragraph (4) of subdivision (a) of Section 7149, an ocean fishing enhancement stamp. A license stamp issued under this subdivision shall be issued for the following fees:

(1) A stamp for a sport fishing or sport ocean fishing license, two dollars and fifty cents (\$2.50). Sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149 are not subject to this requirement.

(2) A stamp for each single day sport ocean fin fishing license issued pursuant to subdivision (c) of Section 7149, fifty cents (\$0.50). Sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149 are not subject to this requirement.

(b) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement stamp issued for that vessel that has not been suspended or revoked.

(c) Any person who takes, possesses aboard a boat, or lands any white sea bass for commercial purposes, south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement stamp issued to that person that has not been suspended or revoked.

(d) The fee for a commercial ocean fishing enhancement stamp is twenty-five dollars (\$25).

(e) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 35. Section 6596.1 is added to the Fish and Game Code, to read:

6596.1. (a) In addition to a valid California fishing license issued pursuant to Section 7149.05 and any other applicable license validation issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for purposes other than for profit shall have permanently affixed to his or her fishing license, except a sportfishing license issued pursuant to paragraph (4) of subdivision (a) of Section 7149.05, an ocean fishing enhancement validation. A license validation issued under this subdivision shall be issued for the following fees:

(1) A validation for a sport fishing or sport ocean fishing license, two dollars and fifty cents (\$2.50). Sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149.05 are not subject to this requirement.

(2) A validation for each single day sport ocean fin fishing license issued pursuant to subdivision (c) of Section 7149.05, fifty cents (\$0.50). sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149.05 are not subject to this requirement.

(b) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement validation issued for that vessel that has not been suspended or revoked.

(c) Any person who takes, possesses aboard a boat, or lands any white sea bass for commercial purposes south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement validation issued to that person that has not been suspended or revoked.

(d) The fee for a commercial ocean fishing enhancement validation is twenty-five dollars (\$25).

(e) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 36. Section 7146 of the Fish and Game Code is repealed.

SEC. 37. Section 7149 of the Fish and Game Code, as amended by Section 5 of Chapter 247 of the Statutes of 1998, is amended to read:

7149. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for two consecutive designated calendar days, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one two-day license issued for different two-day periods may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of a calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean finfishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license stamps shall be issued by authorized license agents in the same manner as sportfishing licenses, and no compensation may be paid to the authorized license agent for issuing the stamps except as provided in Section 1055.

(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

(g) This section shall remain in effect until January 1, 2002, and as of that date is repealed unless a later enacted statute, which is enacted on or before January 1, 2002, deletes or extends that date.

SEC. 38. Section 7149 of the Fish and Game Code, as added by Section 6 of Chapter 247 of the Statutes of 1998, is amended to read:

7149. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for one designated day, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of a calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean finfishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license stamps shall be issued by authorized license agents in the same manner as sportfishing licenses, and no compensation may be paid to the authorized license agent for issuing the stamps except as provided in Section 1055.

(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

(g) This section shall become operative on January 1, 2002.

SEC. 39. Section 7149.05 is added to the Fish and Game Code, to read:

7149.05. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for two consecutive designated calendar days, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one two-day license issued for different two-day periods may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the privilege to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of one calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean finfishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.



(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license validations shall be issued by authorized license agents in the same manner as sportfishing licenses, and no compensation may be paid to the authorized license agent for issuing the validations except as provided in Section 1055.

(f) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

(g) This section shall remain in effect until January 1, 2002, and as of that date is repealed unless a later enacted statute, which is enacted on or before January 1, 2002, deletes or extends that date.

SEC. 40. Section 7149.05 is added to the Fish and Game Code, to read:

7149.05. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for one designated day, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the privilege to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of one calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean fin fishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license validations shall be issued by authorized license agents in the same manner as sportfishing licenses, and no compensation shall be paid to the authorized license agent for issuing the validations except as provided in Section 1055.1.

(f) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

(g) This section shall become operative on January 1, 2002.

SEC. 41. Section 7149.1 of the Fish and Game Code is amended to read:

7149.1. (a) A person holding a valid resident sport ocean fishing license issued under subdivision (b) of Section 7149 may upgrade this license to an annual resident sportfishing license, as described in paragraph (1) of subdivision (a) of Section 7149, by obtaining a resident sportfishing license upgrade stamp.

(b) The department or an authorized license agent shall issue a resident sportfishing license upgrade stamp upon payment of the fee for that stamp. The upgrade stamp fee shall be equal to the difference in the fee determined pursuant to paragraph (1) of subdivision (a) of Section 7149 and the fee determined under subdivision (b) of Section 7149.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 42. Section 7149.15 is added to the Fish and Game Code, to read:

7149.15. (a) A person holding a valid resident sport ocean fishing license issued under subdivision (b) of Section 7149.05 may upgrade this license to an annual resident sportfishing license, as described in paragraph (1) of subdivision (a) of Section 7149.05, by obtaining a resident sportfishing license upgrade validation.

(b) The department or an authorized license agent shall issue a resident sportfishing license upgrade validation upon payment of the fee for that validation. The upgrade validation fee shall be equal to the difference in the fee determined pursuant to paragraph (1) of subdivision

(a) of Section 7149.05 and the fee determined under subdivision (b) of Section 7149.05.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 43. Section 7149.4 of the Fish and Game Code is amended to read:

7149.4. (a) It is unlawful for any person to fish with two rods without first obtaining a second-rod sportfishing stamp, in addition to a valid California sportfishing license and any applicable stamp issued pursuant to Section 7149.05, and having that stamp affixed to his or her valid sportfishing license. A person who has a valid second-rod sportfishing license stamp attached to his or her valid sportfishing license may fish in inland lakes and reservoirs with two rods in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(b) The department or an authorized license agent shall issue a second-rod sportfishing stamp upon payment of a base fee of seven dollars and fifty cents (\$7.50) during the 1995 calendar year and subsequent years, as adjusted under Section 713.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 44. Section 7149.45 is added to the Fish and Game Code, to read:

7149.45. (a) It is unlawful for any person to fish with two rods without first obtaining a second-rod sportfishing validation, in addition to a valid California sportfishing license and any applicable validation issued pursuant to Section 7149.05, and having that validation affixed to his or her valid sportfishing license. A person who has a valid second-rod sport fishing validation affixed to his or her valid sportfishing license may fish in inland lakes and reservoirs with two rods in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(b) The department or an authorized license agent shall issue a second-rod sportfishing validation upon payment of a base fee of seven dollars and fifty cents (\$7.50) during the 1995 calendar year and subsequent years, as adjusted under Section 713.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 45. Section 7149.8 of the Fish and Game Code is repealed.

SEC. 46. Section 7149.8 is added to the Fish and Game Code, to read:

7149.8. (a) It is unlawful for any person to take abalone from ocean waters without first obtaining, in addition to a valid California sportfishing license and any applicable license validation issued pursuant to Section 7149 or 7149.05, and Sections 7150 and 7151, an abalone report card and having that report card in his or her possession while taking abalone.

The department or an authorized license agent shall issue an abalone report card upon payment of a fee of twelve dollars (\$12).

SEC. 47. Section 7180 of the Fish and Game Code is amended to read:

7180. (a) Any person taking fish or amphibia for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters, except canals, drains, or ditches used to transport water used for irrigation or domestic purposes, shall have in his or her possession a valid sportfishing license issued by either the State of Arizona or State of California.

(b) In addition to either of the licenses, a person taking fish or amphibia as indicated shall have in his or her possession a Colorado River special use stamp. If he or she is a person having in his or her possession a valid California sportfishing license he or she shall have an Arizona special use stamp to fish legally the waters described above. If he or she is a person having in his or her possession a valid Arizona sportfishing license, he or she shall have a California special use stamp to fish legally the waters described above.

(c) A special use stamp, when accompanied by the proper license, permits fishing in any portion of those waters, and permit fishermen to enter the waters from any point.

The fee for a Colorado River special use stamp is three dollars (\$3).

(d) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 48. Section 7180.1 is added to the Fish and Game Code, to read:

7180.1. (a) Any person taking fish or amphibia for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters, except canals, drains, or ditches used to transport water used for irrigation or domestic purposes, shall have in his or her possession a valid sportfishing license issued by either the State of Arizona or State of California.

(b) In addition to either of the licenses, a person taking fish or amphibia as indicated shall have in his or her possession a Colorado River special use validation. If he or she is a person having in his or her possession a valid California sportfishing license, he or she shall have an Arizona special use validation to fish legally the waters described

above. If he or she is a person having in his or her possession a valid Arizona sportfishing license, he or she shall have a California special use validation to fish legally the waters described above.

(c) A special use validation, when accompanied by the proper license, permits fishing in any portion of those waters, and permit fishermen to enter the waters from any point. The fee for a Colorado River special use validation is three dollars (\$3).

(d) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 49. Section 7181 of the Fish and Game Code is amended to read:

7181. (a) A person fishing from the shore in the waters of the Colorado River located in Arizona or California shall have in his or her possession a valid sportfishing license issued by the state that has jurisdiction over that shore. That shoreline fishing does not require a Colorado River special use stamp as long as the fisherman remains on the shore and does not embark on the water. Any person, however, having in his or her possession a valid Arizona sportfishing license and a California special use stamp may fish from the shore in the waters of the Colorado River, or adjacent waters, except canals, drains, and ditches used to transport water used for irrigation or domestic purposes, located in California, without a sportfishing license issued by the State of California.

(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 50. Section 7181.1 is added to the Fish and Game Code, to read:

7181.1. (a) A person fishing from the shore in the waters of the Colorado River located in Arizona or California shall have in his or her possession a valid sportfishing license issued by the state that has jurisdiction over that shore. That shoreline fishing does not require a Colorado River special use validation as long as the fisherman remains on the shore and does not embark on the water. Any person, however, having in his or her possession a valid Arizona sportfishing license and a California special use validation may fish from the shore in the waters of the Colorado River, or adjacent waters, except canals, drains, and ditches used to transport water used for irrigation or domestic purposes, located in California without a sport fishing license issued by the State of California.

(b) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 51. Section 7182 of the Fish and Game Code is amended to read:

7182. (a) Arizona Colorado River special use stamps shall be issued by California authorized license agents under the supervision of the department in the same manner as sportfishing licenses are issued, and California sportfishing licenses and California Colorado River special use stamps shall be issued by Arizona license dealers under the supervision of the Arizona Game and Fish Commission.

(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 52. Section 7182.1 is added to the Fish and Game Code, to read:

7182.1. (a) Arizona Colorado River special use validations shall be issued by California authorized license agents under the supervision of the department in the same manner as sportfishing licenses are issued, and California sportfishing licenses and California Colorado River special use validations shall be issued by Arizona license dealers under the supervision of the Arizona Game and Fish Commission.

(b) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 53. Section 7183 of the Fish and Game Code is amended to read:

7183. (a) The Arizona Game and Fish Commission shall handle California sportfishing licenses and California special use stamps and issue them to Arizona license dealers. Prior to August 31 of each year, that commission shall make an audit report and send a remittance for those sales to the California Department of Fish and Game.

(b) The California Department of Fish and Game shall handle Arizona special use stamps and issue them to California license dealers. Prior to August 31 of each year, that department shall make an audit report and send a remittance for those sales to the Arizona Game and Fish Commission.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 54. Section 7183.1 is added to the Fish and Game Code, to read:

7183.1. (a) The Arizona Game and Fish Commission shall handle California sportfishing licenses and California special use validations and issue them through Arizona license dealers. Prior to August 31 of each year, that commission shall make an audit report and send a

remittance for those issued to the California Department of Fish and Game.

(b) The California Department of Fish and Game shall handle Arizona special use validations and issue them through California license dealers. Prior to August 31 of each year that department shall make an audit report and send a remittance for those issued to the Arizona Game and Fish Commission.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 55. Section 7184 of the Fish and Game Code is amended to read:

7184. (a) An Arizona special use stamp is valid from January 1 to December 31, inclusive, of each year, to coincide with the period for which a California sportfishing license is issued.

(b) A California special use stamp is valid for one year to coincide with the period for which an Arizona fishing license is issued.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 56. Section 7184.1 is added to the Fish and Game Code, to read:

7184.1. (a) An Arizona special use validation is valid from January 1 to December 31, inclusive, of each year, to coincide with the period for which a California sportfishing license is issued.

(b) A California special use validation is valid for one year to coincide with the period for which an Arizona fishing license is issued.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 57. Section 7186 of the Fish and Game Code is amended to read:

7186. (a) When the director determines from the Secretary of State that copies of the law of the State of Arizona have been received by the Secretary of State which provides for an Arizona resident sportfishing license valid for a period of less than one year, a California special use stamp valid for the same period as the Arizona resident sportfishing license may be issued for a fee of one dollar (\$1).

(b) If Arizona issues a resident sportfishing license for a term less than one year for the purpose of changing to a calendar year license from a fiscal year license, that license shall be deemed to be a license upon substantially the same terms and conditions as are provided for the issuance of California licenses to licensees of the State of Arizona for the purposes of Section 7185.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 58. Section 7186.1 is added to the Fish and Game Code, to read:

7186.1. (a) When the director determines from the Secretary of State that copies of the law of the State of Arizona have been received by the Secretary of State that provides for an Arizona resident sportfishing license valid for a period of less than one year, a California special use validation valid for the same period as the Arizona resident sportfishing license may be issued for a fee of one dollar (\$1).

(b) If Arizona issues a resident sportfishing license for a term less than one year for the purpose of changing to a calendar year license from a fiscal year license, that license shall be deemed to be a license upon substantially the same terms and conditions as are provided for the issuance of California licenses to licensees of the State of Arizona for the purposes of Section 7185.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 59. Section 7360 of the Fish and Game Code is repealed.

SEC. 60. Section 7360 is added to the Fish and Game Code, to read:

7360. (a) It is unlawful for any person to take striped bass in any sport fishery without first obtaining, in addition to a valid California sportfishing license and any applicable stamp issued pursuant to Section 7149, a striped bass stamp and having that stamp affixed to his or her valid sportfishing license.

(b) The department or an authorized license agent shall issue a striped bass stamp upon payment of a fee of three dollars and fifty cents (\$3.50).

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 61. Section 7360.1 is added to the Fish and Game Code, to read:

7360.1. (a) It is unlawful for any person to take striped bass in any sport fishery without first obtaining, in addition to a valid California sportfishing license and any applicable validation issued pursuant to Section 7149.05, a striped bass validation and having that validation affixed to his or her valid sportfishing license.

(b) The department or an authorized license agent shall issue a striped bass validation upon payment of a fee of three dollars and fifty cents (\$3.50).



(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 62. Section 7700 of the Fish and Game Code is amended to read:

7700. As used in this chapter:

(a) "Reduction plant" means any plant used in the reduction or conversion of fish into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products or byproducts.

(b) "Packer" means any person canning fish or preserving fish by the common methods of drying, salting, pickling, smoking, cold packing, or vacuum packing.

(c) "Fish offal" means the heads, viscera, and other parts of fish taken off in preparing for canning, preserving, packing, and preparing for consumption in a fresh state.

(d) "Stamp," except where otherwise specified, includes an electronic validation of privileges issued to the licensee.

SEC. 63. Section 13005 of the Fish and Game Code is amended to read:

13005. (a) Notwithstanding Section 13001, the money collected from fees for lifetime sportsman's licenses under Section 714, lifetime hunting licenses under Section 3031.2, and lifetime sportfishing licenses under Section 7149.2 shall be deposited as follows:

(1) Twenty dollars (\$20) for each lifetime license issued shall be deposited in the Fish and Game Preservation Fund for use in accordance with Section 711.

(2) The balance of the fees shall be deposited in the Lifetime License Trust Account which is hereby created in the Fish and Game Preservation Fund. Except as provided in this section, that principal amount of the money in the account from the fee for a lifetime license shall not be used, except for investment.

(b) The money in the Lifetime License Trust Account may be transferred and invested through the Surplus Money Investment Fund and all interest shall accrue to the account pursuant to subdivision (g) of Section 16475 of the Government Code.

(c) (1) Each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to the current amount of the annual resident hunting and the sportfishing license fee times the number of lifetime sportsman's licenses in force and effect on July 1 of that year.

(2) Each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to the current amount of the annual resident sportfishing license fee

times the number of lifetime sportfishing licenses in force and effect on July 1 of that year.

(3) Each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to the current annual resident hunting license fee times the number of lifetime hunting licenses in force and effect that are held by hunters 16 years of age or older on July 1 of that year. In addition, each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to the current junior hunting license fee times the number of lifetime hunting licenses in full force and effect that are held by hunters who are under 16 years of age on July 1 of that year.

(4) Upon receipt of the fee prescribed by subdivision (f) of Section 7149.2, the department shall transfer into the appropriate account within the Fish and Game Preservation Fund an amount equal to one second-rod stamp or validation issued pursuant to Section 7149.4 or Section 7149.45, one ocean fishing enhancement stamp or validation issued pursuant to paragraph (1) of subdivision (a) of Section 6596 or paragraph (1) of subdivision (a) of Section 6596.1, one striped bass stamp or validation issued pursuant to Section 7360 or Section 7360.1, one steelhead trout catch report-restoration card issued pursuant to Section 7380, and one salmon punch card issued pursuant to regulations adopted by the commission. Each year the department shall transfer from the Lifetime License Trust Account to the appropriate account within the Fish and Game Preservation Fund an amount equal to the number of persons holding the additional privileges prescribed in subdivision (f) of Section 7149.2 in force and effect on January 1 of that year times the current fee for the ocean fishing enhancement stamp, steelhead trout catch report-restoration card, striped bass stamp, and salmon punch card. In addition, each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to 20 percent of the number of persons holding the additional fishing privileges prescribed in subdivision (f) of Section 7149.2 multiplied by the current fee for the second-rod fishing stamp.

(5) Upon receipt of the fee prescribed by subdivision (e) of Section 714, the department shall transfer into the appropriate account within the Fish and Game Preservation Fund an amount equal to one deer tag issued pursuant to subdivision (a) of Section 4332 and five wild pig tags issued pursuant to Section 4654. Each year the department shall transfer from the Lifetime License Trust Account to the appropriate account within the Fish and Game Preservation Fund an amount equal to the number of persons holding the additional privileges prescribed in subdivision (e) of Section 714 in force and effect on July 1 of that year times the current

fee for a deer tag issued pursuant to subdivision (a) of Section 4332 and five wild pig tags issued pursuant to Section 4654.

(6) Upon receipt of the fee prescribed by subdivision (f) of Section 714, the department shall transfer into the appropriate account within the Fish and Game Preservation Fund an amount equal to one state duck stamp or hunting validation issued pursuant to Section 3700 or 3700.1 and one upland game bird stamp or hunting validation issued pursuant to Section 3682 or 3682.1. Each year the department shall transfer from the Lifetime License Trust Account to the appropriate account within the Fish and Game Preservation Fund an amount equal to the number of persons holding the additional privileges prescribed in subdivision (f) of Section 714 in force and effect on July 1 of that year times the current fee for state duck hunting validations issued pursuant to subdivision (a) of Section 3700 and upland game bird hunting validations issued pursuant to Section 3682.

SEC. 64. Item 3790-001-0392 of Section 2.00 of the Budget Act of 2001, as proposed to be added by Senate Bill No. 739, as amended July 14, 2001, is amended to read:

Item	Amount
3790-001-0392—For support of Department of Parks and Recreation, payable from the State Parks and Recreation Fund . . . . .	57,005,000
Schedule:	
(1) For support of the Department of Parks and Recreation . . . . .	272,852,000
(2) Reimbursements . . . . .	-11,958,000
(3) Less funding provided by capital outlay . . . . .	-1,744,000
(4) Amount payable from the General Fund (Item 3790-001-0001) . . .	-130,272,000
(5) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3790-001-0005)	-23,729,000
(6) Amount payable from the California Environmental License Plate Fund (Item 3790-001-0140) . . .	-113,000

(7) Amount payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Item 3790-001-0235) . . . . .	-13,028,000
(8) Amount payable from the Off-Highway Vehicle Trust Fund (Item 3790-001-0263) . . . . .	-21,484,000
(9) Amount payable from the Winter Recreation Fund (Item 3790-001-0449) . . . . .	-284,000
(10) Amount payable from the Harbors and Watercraft Revolving Fund (Item 3790-001-0516) . . . . .	-620,000
(11) Amount payable from the State Parks System Deferred Maintenance Account (Item 3790-001-0646) . . . . .	-10,000,000
(12) Amount payable from the Federal Trust Fund (Item 3790-001-0890)	-2,915,000
(13) 97.20.004-Local Projects . . . . .	300,000

## Provisions:

1. Of the funds appropriated by this act from the General Fund and special funds, other than the Off-Highway Vehicle Trust Fund and bond funds, to the Department of Parks and Recreation for local assistance grants to local agencies, the department may allocate an amount not to exceed 1.5 percent of each project's allocation to provide for the department's costs to administer these grants.
2. It is the intent of the Legislature that salaries, wages, operating expenses, and positions associated with implementing specific Department of Parks and Recreation capital outlay projects continue to be funded through capital outlay appropriations, and that these funds and related position authority should also be reflected in the department's state operations budget in the Governor's Budget and Budget Bill with an offsetting payable from the capital outlay appropriations.
3. To protect the public interest in, receiving lease payments on the concessions at Old Town State Historic Park involving provision of food, beverages, and lodging (the "Concessions") without interruption due to the economic effects of

a labor dispute, the Department of Parks and Recreation (“Agency”) shall require that, in order to be considered a qualified bidder for the Concessions, each prospective concessionaire shall sign a valid labor peace agreement with any labor organization which has informed the Agency that it seeks to represent the Concession Employees, which does the following: (a) prohibits the labor organization and its members from engaging in any picketing, work stoppages, boycotts, or any other economic interference with the Concessions for as long as the state has a financial interest in the Concessions; (b) provides that for as long as the state has a financial interest in the Concessions, all disputes between the concessionaire and the labor organization relating to employment conditions or the negotiation thereof shall be submitted to final and binding arbitration; and (c) provides that any operations at the Concessions involving the use of Concession Employees, which are conducted by contractors, subcontractors, tenants, or subtenants of the concessionaire, shall be done under valid agreements containing the same provisions as specified above. “Concession Employees” as used herein means all nonmanagerial employees engaged in work related to food, beverage, or lodging in all or any part of the Concessions.

4. Each provision of this item shall be operative to the extent the provision does not violate Section 9 of Article IV of the California Constitution.

SEC. 65. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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## CHAPTER 113

An act to amend Sections 14536, 14552.2, 14556.1, and 14556.6 of, and to add and repeal Sections 14556.7, 14556.8, and 14556.9 of, the Government Code, and to amend Sections 7102 and 7104 of the Revenue and Taxation Code, relating to transportation, making an

appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 14536 of the Government Code is amended to read:

14536. (a) The annual report shall include an explanation and summary of major policies and decisions adopted by the commission during the previously completed state and federal fiscal year, with an explanation of any changes in policy associated with the performance of its duties and responsibilities over the past year.

(b) The annual report may also include a discussion of any significant upcoming transportation issues anticipated to be of concern to the public and the Legislature.

(c) The annual report submitted to the Legislature for the years 2001 to 2008, inclusive, shall include all of the following:

(1) A summary and discussion of loans and transfers authorized pursuant to Sections 14556.7 and 14556.8.

(2) A summary and discussion on the cash-flow and project delivery impact of those loans and transfers.

(3) A summary of any guidance provided to the department pursuant to Section 14556.7.

SEC. 2. Section 14552.2 of the Government Code is amended to read:

14552.2. "Eligible Project" means the federally funded portion of any highway or other transportation project that has been designated for accelerated construction by the commission, including, but not limited to, any of the following:

(a) Toll bridge seismic retrofit projects.

(b) Projects approved for funding under the Traffic Congestion Relief Act of 2000 (Ch. 4.5 (commencing with Section 14556)).

(c) Projects programmed under the current adopted State Transportation Improvement Program or the current State Highway Operation and Protection Program.

SEC. 3. Section 14556.1 of the Government Code is amended to read:

14556.1. For purposes of this chapter, the following terms shall have the following meanings, unless expressly stated otherwise:

(a) "Commission" is the California Transportation Commission.

(b) "Department" is the Department of Transportation.

(c) “Fund” or “TCRF” is the Traffic Congestion Relief Fund created under this chapter.

(d) “Program” is the Traffic Congestion Relief Program established under this chapter.

SEC. 4. Section 14556.6 of the Government Code is amended to read:

14556.6. The purpose of this article is to relieve traffic congestion, provide additional funding for local street and road deferred maintenance, and provide additional transportation capacity in high growth areas of the state. The Traffic Congestion Relief Fund is intended to contribute five billion three hundred thirteen million nine hundred thousand dollars (\$5,313,900,000), above the traditional transportation funding provided by the state, towards the funding of projects listed in Article 5 (commencing with Section 14556.40) and the deferred maintenance program authorized in Section 2182 of the Streets and Highways Code. This funding commitment is intended to be combined with other state, local, federal, and private funds to complete and operate the transportation improvements identified in Article 5 (commencing with Section 14556.40). Funds needed to meet the contribution commitment described in this section are intended to be provided as follows:

(a) The sum of one billion five hundred million dollars (\$1,500,000,000) from the General Fund, as appropriated by Section 20 of Chapter 91 of the Statutes of 2000, to the fund.

(b) The sum of five hundred million dollars (\$500,000,000) from the transfer of the sales and use tax on motor vehicle fuel during the 2000–01 fiscal year, as required under Section 7102 of the Revenue and Taxation Code, as amended by Section 10 of Chapter 91 of the Statutes of 2000.

(c) The sum of six hundred seventy-eight million dollars (\$678,000,000) is intended to be provided in each of four successive fiscal years, commencing with the 2003–04 fiscal year, plus the sum of six hundred one million nine hundred thousand dollars (\$601,900,000) in the 2007–08 fiscal year, from the Transportation Investment Fund.

SEC. 5. Section 14556.7 is added to the Government Code, to read:

14556.7. (a) To provide adequate cash for projects, including, but not limited to, projects in the State Transportation Improvement Program, the State Highway Operation and Protection Program, and the Traffic Congestion Relief Program, and for the support of the department, the department may transfer funds as short-term loans among and between the State Highway Account in the State Transportation Fund, the Transportation Investment Fund in the State Treasury, the Public Transportation Account in the State Transportation Fund and the Traffic Congestion Relief Fund (TCRF), subject to those terms and conditions that the Director of Finance may impose upon

those transfers. When loan balances authorized in this subdivision are outstanding, the Director of Transportation shall report the amounts of loans outstanding with respect to each fund or account as of the last business day of each quarter to the commission. The commission shall monitor the cash-flow loan program authorized in this section and shall provide guidance to the department to ensure that sufficient resources will be available for all projects and all other authorized expenditures from each fund or account so as to not delay any authorized expenditure.

(b) For the purposes of this section, a “short-term loan” is a transfer that is made subject to the following conditions:

(1) That any amount loaned is to be repaid in full to the fund or account from which it was loaned during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.

(2) That loans shall be repaid whenever the funds are needed to meet cash expenditure needs in the loaning fund or account.

(c) This section shall become inoperative on July 1, 2008, and, as of January 1, 2009, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 14556.8 is added to the Government Code, to read:

14556.8. (a) (1) To the extent necessary to provide adequate cash to fund projected expenditures under this chapter, the Director of Finance may authorize, by executive order, the transfer of not more than one hundred million dollars (\$100,000,000), as an interest free loan, from the Motor Vehicle Account in the State Transportation Fund to the TCRF, and the transfer of any available funds, as an interest free loan, from the General Fund to the TCRF. Loans from the Motor Vehicle Account may be made no sooner than July 1, 2004, and shall be repaid no later than July 1, 2007. The Director of Finance shall not authorize a loan from the Motor Vehicle Account, and shall promptly require the repayment of any outstanding balance owed to that account, if the funds are needed in the account to make expenditures authorized in the annual Budget Act and by any other appropriations made by the Legislature.

(2) To provide cash needed for expenditures on projects listed in Section 14556.40, the Legislature may authorize loans from the Public Transportation Account or the State Highway Account to the TCRF through the annual Budget Act. The Legislature may also authorize the State Highway Account to expend funds on behalf of projects listed in Section 14556.40 and those expenditures shall constitute a loan to the TCRF. Loans from the Public Transportation Account shall not exceed a cumulative total of two hundred eighty million dollars (\$280,000,000)



and loans from the State Highway Account shall not exceed a cumulative total of one hundred eighty million dollars (\$180,000,000).

(b) The Director of Finance shall order the repayment of the loans authorized under this section under those terms and conditions that the director deems appropriate, upon determining that there are adequate funds available for that purpose in the TCRF and that repayment will not jeopardize the availability of money needed to fund approved and projected expenditures under this chapter. All loans from the Public Transportation Account shall be repaid by June 30, 2008, and all loans from the State Highway Account shall be repaid by June 30, 2007. Upon the request of the commission or the Director of Finance, the department shall provide a report, for purposes of this paragraph, projecting the cash needs of the projects approved under this chapter.

(c) (1) Money in the TCRF derived from the General Fund and not currently needed for expenditures on the projects listed in Section 14556.40 may be transferred to the General Fund through the annual Budget Act.

(2) Upon making a determination that funds in the TCRF are not adequate to support expected cash expenditures for the listed projects, the Director of Finance, by executive order, shall require that funds transferred to the General Fund under paragraph (1) be repaid to the TCRF. All these loans shall be repaid no later than June 30, 2006.

(d) Funds transferred to the TCRF under this section shall be used for purposes consistent with any restrictions on uses of those funds imposed under the California Constitution or by statute. The department shall identify specific projects to which those funds may properly be applied and shall propose that application of funds to the commission. The commission shall designate projects to receive those funds through the processes described in Article 3 (commencing with Section 14556.10) and Article 4 (commencing with Section 14556.25). The department shall report periodically to the commission and the Department of Finance on the expenditure of those funds.

(e) This section shall become inoperative on July 1, 2008, and, as of January 1, 2009, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Section 14556.9 is added to the Government Code, to read:

14556.9. (a) The department shall submit quarterly and annual reports to the Joint Legislative Budget Committee, and to the fiscal and policy committees of the Legislature that consider transportation issues, on all loans and transfers authorized pursuant to Sections 14556.7 and 14556.8 for the most recent reporting period. The reports shall summarize amounts loaned and repaid during the reporting period and any outstanding balances at the end of the reporting period. The annual

report required under this section shall be delivered to the Legislature by March 1 of each year and shall include information on and a discussion of the impact of all loans and transfers on project expenditures for each affected program. Additionally, the annual report shall include the amount of loans outstanding as of the end of the reporting period and any actual or projected impacts of those loan balances on funds projected to be used for projects in the latest State Transportation Improvement Program fund estimate required pursuant to subdivision (a) of Section 14525.

(b) This section shall become inoperative on July 1, 2008, and, as of January 1, 2009, is repealed, unless a later enacted statute that is enacted before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 7102 of the Revenue and Taxation Code, as added by Section 11 of Chapter 91 of the Statutes of 2000, is amended to read:

7102. The money in the fund shall, upon order of the Controller, be drawn therefrom for refunds under this part, credits or refunds pursuant to Section 60202, and refunds pursuant to Section 1793.25 of the Civil Code, or be transferred in the following manner:

(a) (1) All revenues, less refunds, derived under this part at the  $4\frac{3}{4}$ -percent rate, including the imposition of sales and use taxes with respect to the sale, storage, use, or other consumption of motor vehicle fuel which would not have been received if the sales and use tax rate had been 5 percent and if motor vehicle fuel, as defined for purposes of the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301)), had been exempt from sales and use taxes, shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and shall be transferred quarterly to the Public Transportation Account, a trust fund in the State Transportation Fund.

(A) For the 2001–02 fiscal year, those transfers may not be more than eighty-one million dollars (\$81,000,000) plus one-half of the amount computed pursuant to this paragraph that exceeds eighty-one million dollars (\$81,000,000).

(B) For the 2002–03 fiscal year, those transfers may not be more than thirty-seven million dollars (\$37,000,000) plus one-half of the amount computed pursuant to this paragraph that exceeds thirty-seven million dollars (\$37,000,000).

(2) All revenues, less refunds, derived under this part at the  $4\frac{3}{4}$ -percent rate, resulting from increasing, after December 31, 1989, the rate of tax imposed pursuant to the Motor Vehicle Fuel License Tax Law on motor vehicle fuel, as defined for purposes of that law, shall be transferred quarterly to the Public Transportation Account, a trust fund in the State Transportation Fund.

(3) All revenues, less refunds, derived under this part at the  $4\frac{3}{4}$ -percent rate from the imposition of sales and use taxes on fuel, as defined for purposes of the Use Fuel Tax Law (Part 3 (commencing with Section 8601)) and the Diesel Fuel Tax Law (Part 31 (commencing with Section 60001)), shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and shall be transferred quarterly to the Public Transportation Account, a trust fund in the State Transportation Fund.

(4) All revenues, less refunds, derived under this part from a rate of more than  $4\frac{3}{4}$  percent pursuant to Sections 6051.1 and 6201.1 for the period December 1, 1989, to June 5, 1990, inclusive, shall be transferred to the Disaster Relief Fund created by Section 16419 of the Government Code.

(5) All revenues, less refunds, derived under this part from a rate of more than  $4\frac{3}{4}$  percent pursuant to Sections 6051.1 and 6201.1 for the period June 6, 1990, to December 31, 1990, inclusive, which is attributable to the imposition of sales and use taxes with respect to the sale, storage, use, or other consumption of tangible personal property other than fuel, as defined for purposes of the Use Fuel Tax Law (Part 3 (commencing with Section 8601)), shall be transferred to the Disaster Relief Fund created by Section 16419 of the Government Code.

(6) All revenues, less refunds, derived under this part from a rate of more than  $4\frac{3}{4}$  percent pursuant to Sections 6051.1 and 6201.1 for the period June 6, 1990, to December 31, 1990, inclusive, which is attributable to the imposition of sales and use taxes with respect to the sale, storage, use, or other consumption of fuel, as defined for purposes of the Use Fuel Tax Law (Part 3 (commencing with Section 8601)), shall be transferred to the Disaster Relief Fund created by Section 16419 of the Government Code.

(7) All revenues, less refunds, derived under this part from the taxes imposed pursuant to Sections 6051.2 and 6201.2 shall be transferred to the Sales Tax Account of the Local Revenue Fund for allocation to cities and counties as prescribed by statute.

(8) All revenues, less refunds, derived under this part from the taxes imposed pursuant to Sections 6051.6 and 6201.6 shall be transferred to the Interim Public Safety Account in the Local Public Safety Fund created in Section 30051 of the Government Code for allocation to counties as prescribed by statute.

(9) All revenues, less refunds, derived from the taxes imposed pursuant to Section 35 of Article XIII of the California Constitution shall be transferred to the Public Safety Account in the Local Public Safety Fund created in Section 30051 of the Government Code for allocation to counties as prescribed by statute.

(10) An amount equal to all revenues, less refunds, derived under this part at a  $4\frac{3}{4}$  percent rate for the period between January 1, 1994, and July 1, 1994, from the increase in sales and use tax revenue attributable to the increase in the rate of the federal motor vehicle fuel tax between January 1, 1993, and the rate in effect on January 1, 1994, shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and an amount equal to that amount, but not exceeding seven million five hundred thousand dollars (\$7,500,000) shall be transferred from the Retail Sales Tax Fund to the Small Business Expansion Fund created by Article 5 (commencing with Section 14030) of Chapter 1 of Part 5 of Division 3 of Title I of the Corporations Code.

(b) The balance shall be transferred to the General Fund.

(c) The estimates required by subdivision (a) shall be based on taxable transactions occurring during a calendar year, and the transfers required by subdivision (a) shall be made during the fiscal year that commences during that same calendar year. Transfers required by paragraphs (1), (2), and (3) of subdivision (a) shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and shall be made quarterly.

(d) Notwithstanding the designation of the Public Transportation Account as a trust fund pursuant to subdivision (a), the Controller may use the Public Transportation Account for loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. The loans shall be repaid with interest from the General Fund at the Pooled Money Investment Account rate.

(e) The Legislature may amend this section, by statute passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, if the statute is consistent with, and furthers the purposes of this section.

(f) This section shall become operative on June 30, 2001.

SEC. 9. Section 7104 of the Revenue and Taxation Code is amended to read:

7104. (a) The Transportation Investment Fund (hereafter the fund) is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, the money in the fund is continuously appropriated without regard to fiscal years for disbursement in the manner and for the purposes set forth in this section.

(b) All of the following shall occur on a quarterly basis:

(1) The State Board of Equalization, in consultation with the Department of Finance, shall estimate the amount that is transferred to the General Fund under subdivision (b) of Section 7102 that is attributable to revenue collected for the sale, storage, use, or other consumption in this state of motor vehicle fuel, as defined in Section 7304.

(2) The State Board of Equalization shall inform the Controller, in writing, of the amount estimated under paragraph (1).

(3) Commencing with the 2003–04 fiscal year, the Controller shall transfer the amount estimated under paragraph (1) from the General Fund to the fund.

(c) For each quarter during the period commencing on July 1, 2003, and ending on June 30, 2008, the Controller shall make all of the following transfers and apportionments from the funds identified for transfer under paragraph (2) of subdivision (b) in the following order:

(1) To the Traffic Congestion Relief Fund created in the State Treasury by Section 14556.5 of the Government Code, the sum of one hundred sixty-nine million five hundred thousand dollars (\$169,500,000), except that the transfer for the final quarter shall be ninety-three million four hundred thousand dollars (\$93,400,000), for a total transfer of three billion three hundred thirteen million nine hundred thousand dollars (\$3,313,900,000).

(2) To the Public Transportation Account, a trust fund in the State Transportation Fund, 20 percent of the amount remaining after the transfer required under paragraph (1). Funds transferred under this paragraph shall be appropriated by the Legislature as follows:

(A) To the Department of Transportation, 50 percent for purposes of subdivision (a) or (b) of Section 99315 of the Public Utilities Code.

(B) To the Controller, 25 percent for allocation pursuant to Section 99314 of the Public Utilities Code. Funds allocated under this subparagraph shall be subject to all of the provisions governing funds allocated under Section 99314 of the Public Utilities Code.

(C) To the Controller, 25 percent for allocation pursuant to Section 99313 of the Public Utilities Code. Funds allocated under this subparagraph shall be subject to all of the provisions governing funds allocated under Section 99313 of the Public Utilities Code.

(3) To the Department of Transportation for expenditure for programming for transportation capital improvement projects subject to all of the provisions governing the State Transportation Improvement Program, 40 percent of the amount remaining after the transfer required under paragraph (1), except that in the 2006–07 and 2007–08 fiscal years, the transfer shall be 80 percent of the amount remaining after the transfer required under paragraph (1).

(4) To the Controller for apportionment to the counties, including a city and county, 20 percent of the amount remaining after the transfer required under paragraph (1), except that in the 2006–07 and 2007–08 fiscal years, no transfer may be made under this paragraph. Funds transferred under this paragraph shall be allocated in accordance with the following formulas:

(A) Seventy-five percent of the funds payable under this paragraph shall be apportioned among the counties in the proportion that the number of fee-paid and exempt vehicles that are registered in the county bears to the number of fee-paid and exempt vehicles registered in the state.

(B) Twenty-five percent of the funds payable under this paragraph shall be apportioned among the counties in the proportion that the number of miles of maintained county roads in each county bears to the total number of miles of maintained county roads in the state. For the purposes of apportioning funds under this subparagraph, any roads within the boundaries of a city and county that are not state highways shall be deemed to be county roads.

(5) To the Controller for apportionment to cities, including a city and county, 20 percent of the amount remaining after the transfer required under paragraph (1), except that in the 2006–07 and 2007–08 fiscal years, no transfer may be made under this paragraph. Funds transferred under this paragraph shall be apportioned among the cities in the proportion that the total population of the city bears to the total population of all the cities in the state.

(d) Funds received under paragraph (4) or (5) of subdivision (c) shall be deposited as follows in order to avoid the commingling of those funds with other local funds:

(1) In the case of a city, into the city account that is designated for the receipt of state funds allocated for transportation purposes.

(2) In the case of a county, into the county road fund.

(3) In the case of a city and county, into a local account that is designated for the receipt of state funds allocated for transportation purposes.

(e) Funds allocated to a city, county, or city and county under paragraph (4) or (5) of subdivision (c) shall be used only for street and highway maintenance, rehabilitation, reconstruction, and storm damage repair. For purposes of this section, the following terms have the following meanings:

(1) “Maintenance” means either or both of the following:

(A) Patching.

(B) Overlay and sealing.

(2) “Reconstruction” includes any overlay, sealing, or widening of the roadway, if the widening is necessary to bring the roadway width to the desirable minimum width consistent with the geometric design criteria of the department for 3R (reconstruction, resurfacing, and rehabilitation) projects that are not on a freeway, but does not include widening for the purpose of increasing the traffic capacity of a street or highway.

(3) “Storm damage repair” is repair or reconstruction of local streets and highways and related drainage improvements that have been damaged due to winter storms and flooding, and construction of drainage improvements to mitigate future roadway flooding and damage problems, in those jurisdictions that have been declared disaster areas by the President of the United States, where the costs of those repairs are ineligible for emergency funding with Federal Emergency Relief (ER) funds or Federal Emergency Management Administration (FEMA) funds.

(f) (1) Cities and counties shall maintain their existing commitment of local funds for street and highway maintenance, rehabilitation, reconstruction, and storm damage repair in order to remain eligible for the allocation of funds pursuant to paragraph (4) or (5) of subdivision (c).

(2) In order to receive any allocation pursuant to paragraph (4) or (5) of subdivision (c), the city or county shall annually expend from its general fund for street, road, and highway purposes an amount not less than the annual average of its expenditures from its general fund during the 1996–97, 1997–98, and 1998–99 fiscal years, as reported to the Controller pursuant to Section 2151 of the Streets and Highways Code. For purposes of this paragraph, in calculating a city’s or county’s annual general fund expenditures and its average general fund expenditures for the 1996–97, 1997–98, and 1998–99 fiscal years, any unrestricted funds that the city or county may expend at its discretion, including vehicle in-lieu tax revenues and revenues from fines and forfeitures, expended for street and highway purposes shall be considered expenditures from the general fund. One-time allocations that have been expended for street and highway purposes, but which may not be available on an ongoing basis, including revenue provided under the Teeter Plan Bond Law of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code, may not be considered when calculating a city’s or county’s annual general fund expenditures.

(3) For any city incorporated after July 1, 1996, the Controller shall calculate an annual average of expenditure for the period between July 1, 1996, and December 31, 2000, that the city was incorporated.

(4) For purposes of paragraph (2), the Controller may request fiscal data from cities and counties in addition to data provided pursuant to Section 2151, for the 1996–97, 1997–98, and 1998–99 fiscal years. Each city and county shall furnish the data to the Controller not later than 120 days after receiving the request. The Controller may withhold payment to cities and counties that do not comply with the request for information or that provide incomplete data.

(5) The Controller may perform audits to ensure compliance with paragraph (2) when deemed necessary. Any city or county that has not complied with paragraph (2) shall reimburse the state for the funds it

received during that fiscal year. Any funds withheld or returned as a result of a failure to comply with paragraph (2) shall be reallocated to the other counties and cities whose expenditures are in compliance.

(6) If a city or county fails to comply with the requirements of paragraph (2) in a particular fiscal year, the city or county may expend during that fiscal year and the following fiscal year a total amount that is not less than the total amount required to be expended for those fiscal years for purposes of complying with paragraph (2).

(7) The allocation made under paragraph (4) or (5) of subdivision (c) shall be expended not later than the end of the fiscal year following the fiscal year in which the allocation was made, and any funds not expended within that period shall be returned to the Controller and shall be reallocated to the other cities and counties pursuant to the allocation formulas set forth in paragraph (4) or (5) of subdivision (c).

(g) The Los Angeles County Metropolitan Transportation Authority shall give first priority for using its share of the funds made available under subparagraphs (B) and (C) of paragraph (2) of subdivision (c) to providing the levels of bus service mandated under the consent decree entered into by the authority on October 29, 1996, in the case of Labor/Community Strategy Center, et al. v. Los Angeles County Metropolitan Transportation Authority.

(h) For the purpose of allocating funds under paragraph (4) or (5) of subdivision (c) to counties, cities, and a city and county, the Controller shall use the most recent population estimates prepared by the Demographic Research Unit of the Department of Finance. For a city that incorporated after January 1, 1998, that does not appear on the most recent population estimates prepared by the Demographic Research Unit, the Controller shall use the population determined for that city under Section 11005.3 of the Revenue and Taxation Code.

(i) This section shall become inoperative on the date that all encumbrances incurred for the projects funded under paragraph (3) of subdivision (c) have been liquidated or on June 30, 2008, whichever date is later, and as of the January 1 immediately following that date is repealed.

SEC. 10. (a) For each of the 2001–02 and 2002–03 fiscal years, there is hereby appropriated from the State Highway Account in the State Transportation Fund to the Controller 40 percent of the amount obtained by subtracting one hundred sixty-nine million five hundred thousand dollars (\$169,500,000) from the amount reported to the Controller under paragraph (2) of subdivision (b) of Section 7104 of the Revenue and Taxation Code during each of those fiscal years.

(b) The Controller shall apportion the funds appropriated under this section to cities, counties, and cities and counties in accordance with



paragraphs (4) and (5) of subdivision (c) of Section 7104 of the Revenue and Taxation Code.

(c) Funds received by a city, county, or city and county under this section are subject to the requirements imposed under subdivisions (d), (e), (f), and (h) of Section 7104 of the Revenue and Taxation Code.

SEC. 11. If this act is enacted and becomes operative prior to June 30, 2001, Section 8 shall not become operative until June 30, 2001.

SEC. 12. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide, at the earliest possible time, for the preservation of funds in the General Fund for the purpose of balancing the state budget for the 2000–01 fiscal year, and to make related statutory revisions in order to refinance the Traffic Congestion Relief Act of 2000, it is necessary that this act take effect immediately.

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## CHAPTER 114

An act to amend Sections 51452 and 51455 of the Health and Safety Code, relating to housing.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 51452 of the Health and Safety Code is amended to read:

51452. (a) The School Facilities Fee Assistance Fund is hereby established in the State Treasury and, notwithstanding Section 13340 of the Government Code, all money in the fund is continuously appropriated to the Department of General Services for the purposes of this chapter. All repayments of disbursed funds pursuant to this chapter or any interest earned from the investment in the Surplus Money Investment Fund or any other moneys accruing to the fund from whatever source shall be returned to the fund and is available for allocation by the California Housing Finance Agency to programs established pursuant to this chapter.

(b) The following amounts are hereby appropriated from the General Fund to the School Facilities Fee Assistance Fund for administrative costs and to make payments to purchasers of newly constructed

residential structures and housing sponsors of housing developments pursuant to this chapter from that fund by fiscal year as follows:

- (1) Twenty million dollars (\$20,000,000) in the 1998–99 fiscal year.
- (2) Forty million dollars (\$40,000,000) in the 1999–2000 fiscal year.
- (3) Forty million dollars (\$40,000,000) in the 2000–01 fiscal year.
- (4) Forty million dollars (\$40,000,000) in the 2001–02 fiscal year.

(c) The funds shall be distributed to each program in proportion to the original total amounts available for each program as follows:

(1) Twenty-eight million dollars (\$28,000,000) shall be available for the program set forth in paragraph (1) of subdivision (a) of Section 51451, except that any funds not expended within 18 months of their appropriation and availability may also be available for programs set forth in paragraphs (2) and (3) of subdivision (a) of Section 51451.

(2) Twenty-eight million dollars (\$28,000,000) shall be available for the program set forth in paragraph (2) of subdivision (a) of Section 51451, except that any funds not expended within 18 months of their appropriation and availability may also be available for the program set forth in paragraph (3) of subdivision (a) of Section 51451.

(3) Fifty-two million dollars (\$52,000,000) shall be available for the program set forth in paragraph (3) of subdivision (a) of Section 51451.

(4) Fifty-two million dollars (\$52,000,000) shall be available for the program set forth in subdivision (b) of Section 51451.

(d) Reservations received on or after January 1, 2002, for participation in the programs authorized by Section 51451 shall not be honored by the California Housing Finance Agency. As of that date, any unobligated amounts remaining in the School Facilities Fee Assistance Fund after the transfer made pursuant to Item 1760-115-0101 of Section 2.00 of the Budget Act of 2001 shall be transferred to the General Fund.

(e) Any right to receive repayments of assistance provided for by Section 51451 shall be an asset of the School Facilities Fee Assistance Fund. Any assistance provided for by Section 51451 that is reserved but not ultimately paid, or is repaid to the California Housing Finance Agency, shall be remitted to the Department of General Services for deposit into the General Fund.

SEC. 2. Section 51455 of the Health and Safety Code is amended to read:

51455. (a) Except as provided in subdivision (b), Sections 51450, 51451, 51452, and 51454 shall not be operative on and after January 1, 2002.

(b) The School Facilities Fee Assistance Fund established by Section 51452 and the programmatic authority necessary to operate the programs authorized by Section 51451 shall continue on and after January 1, 2002, only with respect to any repayment obligation

pertaining to that assistance or to any regulatory agreement imposed as a condition of that assistance.

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## CHAPTER 115

An act to amend Section 1174.3 of, and to repeal Sections 221, 270, 1012.5, and 1167.25 of, the Code of Civil Procedure, to amend Sections 65460.2, 65917, and 68086 of, to repeal Sections 14035.1, 14045, 14680.8, 65083, 65913.5, and 69845.6 of, to repeal Article 2 (commencing with Section 11805) of Chapter 8 of Part 1 of Division 3 of Title 2 of, and to repeal Chapter 1 (commencing with Section 15290) of Part 6.6 of Division 3 of Title 2 of, the Government Code, to amend Section 43840 of, to repeal Sections 32354, 43841, 43841.5, and 50502.5 of, to repeal Article 11 (commencing with Section 1339.51) of Chapter 2 of Division 2 of, and to repeal Article 11.6 (commencing with Section 25242.5) of Chapter 6.5 of Division 20 of, the Health and Safety Code, to repeal Section 4612 of the Labor Code, to amend Sections 14114 and 14119 of, to repeal Sections 1348.5, 2053.3, 5020, 6247, 13823.20, and 14113 of, to repeal Chapter 2.67 (commencing with Section 1000.30) of Title 6 of Part 2 of, and to repeal Chapter 10.3 (commencing with Section 13894.5) of Title 6 of Part 4 of, the Penal Code, to repeal Section 48695 of, and to repeal Chapter 10.7 (commencing with Section 25920) of Division 15 of, the Public Resources Code, to repeal Sections 2802.5, 4764.1, 4764.2, 4764.3, and 4764.4 of the Vehicle Code, to amend Section 11265.5 of, to repeal Sections 729.11, 1760.3, 14115.6, 14133.61, 16515, 18600, 18919, and 18920 of, to repeal Article 2 (commencing with Section 18210) of Chapter 3 of Part 6 of Division 9 of, to repeal Chapter 1 (commencing with Section 8016) of Division 8 of, and to repeal Chapter 13 (commencing with Section 18990) of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to pilot projects.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

- SECTION 1. Section 221 of the Code of Civil Procedure is repealed.
- SEC. 2. Section 270 of the Code of Civil Procedure is repealed.
- SEC. 3. Section 1012.5 of the Code of Civil Procedure is repealed.
- SEC. 4. Section 1167.25 of the Code of Civil Procedure is repealed.
- SEC. 5. Section 1174.3 of the Code of Civil Procedure is amended to read:

1174.3. (a) Unless a prejudgment claim of right to possession has been served upon occupants in accordance with Section 415.46, any occupant not named in the judgment for possession who occupied the premises on the date of the filing of the action may object to enforcement of the judgment against that occupant by filing a claim of right to possession as prescribed in this section. A claim of right to possession may be filed at any time after service or posting of the writ of possession pursuant to subdivision (a) or (b) of Section 715.020, up to and including the time at which the levying officer returns to effect the eviction of those named in the judgment of possession. Filing the claim of right to possession shall constitute a general appearance for which a fee shall be collected as provided in Section 72056 of the Government Code. Section 68511.3 of the Government Code applies to the claim of right to possession. An occupant or tenant who is named in the action shall not be required to file a claim of right to possession to protect that occupant's right to possession of the premises.

(b) The court issuing the writ of possession of real property shall set a date or dates when the court will hold a hearing to determine the validity of objections to enforcement of the judgment specified in subdivision (a). An occupant of the real property for which the writ is issued may make an objection to eviction to the levying officer at the office of the levying officer or at the premises at the time of the eviction.

If a claim of right to possession is completed and presented to the sheriff, marshal, or other levying officer, the officer shall forthwith (1) stop the eviction of occupants at the premises, and (2) provide a receipt or copy of the completed claim of right of possession to the claimant indicating the date and time the completed form was received, and (3) deliver the original completed claim of right to possession to the court issuing the writ of possession of real property.

(c) A claim of right to possession is effected by any of the following:

(1) Presenting a completed claim form in person with identification to the sheriff, marshal, or other levying officer as prescribed in this section, and delivering to the court within two court days after its presentation, an amount equal to 15 days' rent together with the appropriate fee or form for proceeding in forma pauperis. Upon receipt of a claim of right to possession, the sheriff, marshal, or other levying officer shall indicate thereon the date and time of its receipt and forthwith deliver the original to the issuing court and a receipt or copy of the claim to the claimant and notify the plaintiff of that fact. Immediately upon receipt of an amount equal to 15 days' rent and the appropriate fee or form for proceeding in forma pauperis, the court shall file the claim of right to possession and serve an endorsed copy with the notice of the hearing date on the plaintiff and the claimant by first-class mail. The court issuing the writ of possession shall set and hold a hearing on the

claim not less than five nor more than 15 days after the claim is filed with the court.

(2) Presenting a completed claim form in person with identification to the sheriff, marshal, or other levying officer as prescribed in this section, and delivering to the court within two court days after its presentation, the appropriate fee or form for proceeding in forma pauperis without delivering the amount equivalent to 15 days' rent. In this case, the court shall immediately set a hearing on the claim to be held on the fifth day after the filing is completed. The court shall notify the claimant of the hearing date at the time the claimant completes the filing by delivering to the court the appropriate fee or form for proceeding in forma pauperis, and shall notify the plaintiff of the hearing date by first-class mail. Upon receipt of a claim of right to possession, the sheriff, marshal, or other levying officer shall indicate thereon the date and time of its receipt and forthwith deliver the original to the issuing court and a receipt or copy of the claim to the claimant and notify the plaintiff of that fact.

(d) At the hearing, the court shall determine whether there is a valid claim of possession by the claimant who filed the claim, and the court shall consider all evidence produced at the hearing, including, but not limited to, the information set forth in the claim. The court may determine the claim to be valid or invalid based upon the evidence presented at the hearing. The court shall determine the claim to be invalid if the court determines that the claimant is an invitee, licensee, guest, or trespasser. If the court determines the claim is invalid, the court shall order the return to the claimant of the amount of the 15 days' rent paid by the claimant, if that amount was paid pursuant to paragraphs (1) or (3) of subdivision (c), less a pro rata amount for each day that enforcement of the judgment was delayed by reason of making the claim of right to possession, which pro rata amount shall be paid to the landlord. If the court determines the claim is valid, the amount equal to 15 days' rent paid by the claimant shall be returned immediately to the claimant.

(e) If, upon hearing, the court determines that the claim is valid, then the court shall order further proceedings as follows:

(1) If the unlawful detainer is based upon a curable breach, and the claimant was not previously served with a proper notice, if any notice is required, then the required notice may at the plaintiff's discretion be served on the claimant at the hearing or thereafter. If the claimant does not cure the breach within the required time, then a supplemental complaint may be filed and served on the claimant as defendant if the plaintiff proceeds against the claimant in the same action. For the purposes of this section only, service of the required notice, if any notice is required, and of the supplemental complaint may be made by

first-class mail addressed to the claimant at the subject premises or upon his or her attorney of record and, in either case, Section 1013 shall otherwise apply. Further proceedings on the merits of the claimant's continued right to possession after service of the Summons and Supplemental Complaint as prescribed by this subdivision shall be conducted pursuant to this chapter.

(2) In all other cases, the court shall deem the unlawful detainer Summons and Complaint to be amended on their faces to include the claimant as defendant, service of the Summons and Complaint, as thus amended, may at the plaintiff's discretion be made at the hearing or thereafter, and the claimant thus named and served as a defendant in the action shall answer or otherwise respond within five days thereafter.

(f) If a claim is made without delivery to the court of the appropriate filing fee or a form for proceeding in forma pauperis, as prescribed in this section, the claim shall be immediately deemed denied and the court shall so order. Upon the denial of the claim, the court shall immediately deliver an endorsed copy of the order to the levying officer and shall serve an endorsed copy of the order on the plaintiff and claimant by first-class mail.

(g) If the claim of right to possession is denied pursuant to subdivision (f), or if the claimant fails to appear at the hearing or, upon hearing, if the court determines that there are no valid claims, or if the claimant does not prevail at a trial on the merits of the unlawful detainer action, the court shall order the levying officer to proceed with enforcement of the original writ of possession of real property as deemed amended to include the claimant, which shall be effected within a reasonable time not to exceed five days. Upon receipt of the court's order, the levying officer shall enforce the writ of possession of real property against any occupant or occupants.

(h) The claim of right to possession shall be made on the following form:

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address):   ATTORNEY FOR (Name):	TELEPHONE NO.	FOR COURT USE ONLY
NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF: DEFENDANT:		
CLAIM OF RIGHT TO POSSESSION AND NOTICE OF HEARING		
		CASE NUMBER:
(For levying officer use only) Completed form was received on Date: _____ Time: _____ By: _____		

Complete this form only if ALL of these statements are true:

1. You are NOT named in the accompanying form called Writ of Possession.
2. You occupied the premises on or before the date the unlawful detainer (eviction) action was filed. (The date is in the accompanying Writ of Possession.)
3. You still occupy the premises.

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify):
2. I reside at (street address, unit no., city and ZIP code):
3. The address of "the premises" subject to this claim is (address):
4. On (insert date): , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is in the accompanying Writ of Possession.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).

8. I was not named in the Writ of Possession.
9. I understand that if I make this claim of possession, a court hearing will be held to decide whether my claim will be granted.
10. (Filing fee) To obtain a court hearing on my claim, I understand that after I present this form to the levying officer I must go to the court and pay a filing fee of \$ \_\_\_\_\_ or file with the court "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees within 2 court days, the court will immediately deny my claim.
11. (Immediate court hearing unless you deposit 15 days' rent) To obtain a court hearing on my claim, I understand I must also present a copy of this completed complaint form or a receipt from the levying officer. I also understand the date of my hearing will be set immediately if I do not deliver to the court an amount equal to 15 days' rent.

I am filing my claim in the following manner (check the box that shows how you are filing your claim. Note that you must deliver to the court a copy of the claim form or a levying officer's receipt):

- a.  I presented this claim form to the sheriff, marshal, or other levying officer, and within two court days I shall deliver to the court the following: (1) a copy of this completed claim form or a receipt, (2) the court filing fee or form for proceeding in forma pauperis, and (3) an amount equal to 15 days' rent; or
- b.  I presented this claim form to the sheriff, marshal, or other levying officer, and within two court days I shall deliver to the court (1) a copy of this completed claim form or a receipt, and (2) the court filing fee or form for proceeding in forma pauperis.

**IMPORTANT:** Do not take a copy of this claim form to the court unless you have first given the form to the sheriff, marshal, or other levying officer.

(To be completed by the court.)

Date of Hearing:                      Time:                      Dept. or Div.:                      Room:  
 Address of court:

**NOTICE:** If you fail to appear at this hearing you will be evicted without further hearing.




12. Rental agreement. I have (check all that apply to you):

- a.  an oral rental agreement with the landlord.
- b.  a written rental agreement with the landlord.
- c.  an oral rental agreement with a person other than the landlord.
- d.  a written rental agreement with a person other than the landlord.
- e.  other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

.....  \_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE OF CLAIMANT)

NOTICE: If your claim to possession is found to be valid, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

## NOTICE TO OCCUPANTS

YOU MUST ACT AT ONCE IF ALL THE FOLLOWING ARE TRUE:

- (1) You are not named, in the accompanying form called Writ of Possession;
- (2) You occupied the premises on or before the date the unlawful detainer (eviction) action was filed; and
- (3) You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM

- (1) Before the date of eviction at the sheriff's or marshal's office located at:  
(address)
- (2) OR at the premises at the time of the eviction. (Give this form to the officer who comes to evict you.)

If you do not complete and submit this form (and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee), YOU WILL BE EVICTED along with the parties named in the writ.

After this form is properly filed, A HEARING WILL BE HELD to decide your claim. If you do not appear at the hearing, you will be evicted without a further hearing.

SEC. 6. Article 2 (commencing with Section 11805) of Chapter 8 of Part 1 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 7. Section 14035.1 of the Government Code, as amended by Section 1 of Chapter 25 of the Statutes of 1992, is repealed.

SEC. 8. Section 14045 of the Government Code is repealed.

SEC. 9. Section 14680.8 of the Government Code is repealed.

SEC. 10. Chapter 1 (commencing with Section 15290) of Part 6.6 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 11. Section 65083 of the Government Code is repealed.

SEC. 12. Section 65460.2 of the Government Code is amended to read:

65460.2. A city or county may prepare a transit village plan for a transit village development district that addresses the following characteristics:

(a) A neighborhood centered around a transit station that is planned and designed so that residents, workers, shoppers, and others find it convenient and attractive to patronize transit.

(b) A mix of housing types, including apartments, within not more than a quarter mile of the exterior boundary of the parcel on which the transit station is located.

(c) Other land uses, including a retail district oriented to the transit station and civic uses, including day care centers and libraries.

(d) Pedestrian and bicycle access to the transit station, with attractively designed and landscaped pathways.

(e) A rail transit system that should encourage and facilitate intermodal service, and access by modes other than single occupant vehicles.

(f) Demonstrable public benefits beyond the increase in transit usage, including all of the following:

(1) Relief of traffic congestion.

(2) Improved air quality.

(3) Increased transit revenue yields.

(4) Increased stock of affordable housing.

(5) Redevelopment of depressed and marginal inner-city neighborhoods.

(6) Live-travel options for transit-needy groups.

(7) Promotion of infill development and preservation of natural resources.

(8) Promotion of a safe, attractive, pedestrian-friendly environment around transit stations.

(9) Reduction of the need for additional travel by providing for the sale of goods and services at transit stations.

(10) Promotion of job opportunities.

(11) Improved cost-effectiveness through the use of the existing infrastructure.

(12) Increased sales and property tax revenue.

(13) Reduction in energy consumption.

(g) Sites where a density bonus of at least 25 percent may be granted pursuant to specified performance standards.

(h) Other provisions that may be necessary, based on the report prepared pursuant to subdivision (b) of former Section 14045, as enacted by Section 3 of Chapter 1304 of the Statutes of 1990.

SEC. 13. Section 65913.5 of the Government Code is repealed.

SEC. 14. Section 65917 of the Government Code is amended to read:

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

SEC. 15. Section 68086 of the Government Code is amended to read:

68086. (a) The following provisions apply in superior court:

(1) In addition to any other trial court fee required in civil cases, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for the services of an official reporter on the first and each succeeding judicial day those services are required.

(2) All parties shall deposit their pro rata shares of these fees with the clerk of the court at the beginning of the second and each succeeding day's court session.

(3) For purposes of this section, "one-half day" means any period of judicial time during either the morning or afternoon court session.

(4) The costs for the services of the official reporter shall be recoverable as taxable costs at the conclusion of trial.

(5) The Judicial Council shall adopt rules to ensure all of the following:

(A) That parties are given adequate and timely notice of the availability of an official reporter.

(B) That if an official reporter is not available, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter, the costs therefore recoverable as provided in paragraph (4).

(C) That if the services of an official pro tempore reporter are utilized pursuant to this section, no other charge will be made to the parties.

(b) The following provisions apply in municipal court:

(1) In addition to any other trial court fee required in civil cases, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for official reporting services on the first and each succeeding judicial day those services are required.

(2) All parties shall deposit their pro rata shares of these fees with the clerk of the court at the beginning of the second and each succeeding day's court session.

(3) For purposes of this section, "one-half day" means any period of judicial time during either the morning or afternoon court session.

(4) The costs for the official reporting services shall be recoverable as taxable costs at the conclusion of trial.

(5) The Judicial Council shall adopt rules to ensure all of the following:

(A) That litigants receive adequate information about any change in the availability of official reporting services.

(B) That if official reporting services are not available, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter, the costs therefore recoverable as provided in paragraph (4).

(C) That if the services of a pro tempore reporter are utilized because official reporting services are unavailable, no other charge will be made to the parties for recording the proceeding.

SEC. 16. Section 69845.6 of the Government Code is repealed.

SEC. 17. Article 11 (commencing with Section 1339.51) of Chapter 2 of Division 2 of the Health and Safety Code is repealed.

SEC. 18. Article 11.6 (commencing with Section 25242.5) of Chapter 6.5 of Division 20 of the Health and Safety Code is repealed.

SEC. 19. Section 32354 of the Health and Safety Code is repealed.

SEC. 20. Section 43840 of the Health and Safety Code is amended to read:

43840. (a) The Legislature finds and declares that emission of air pollutants from motor vehicles is a major contributor to air pollution within the State of California and, therefore, declares its policy to encourage the testing of various types of vehicle fuels, which would contribute substantially to the protection and preservation of the public health and well-being.

(b) The Legislature further finds and declares that programs to expand the use of alcohols as substitutes for gasoline and other petroleum-based fuels can offer significant environmental benefits while reducing the nation's dependence on imported crude oil.

(c) The Legislature further finds and declares that pure alcohol fuels burn cleanly and that motor vehicles fueled with alcohol can be modified

at reasonable cost to burn alcohol fuels without decreasing efficiency and without creating air quality problems.

SEC. 21. Section 43841 of the Health and Safety Code is repealed.

SEC. 22. Section 43841.5 of the Health and Safety Code is repealed.

SEC. 23. Section 50502.5 of the Health and Safety Code is repealed.

SEC. 24. Section 4612 of the Labor Code is repealed.

SEC. 25. Chapter 2.67 (commencing with Section 1000.30) of Title 6 of Part 2 of the Penal Code is repealed.

SEC. 26. Section 1348.5 of the Penal Code is repealed.

SEC. 27. Section 2053.3 of the Penal Code is repealed.

SEC. 28. Section 5020 of the Penal Code is repealed.

SEC. 29. Section 6247 of the Penal Code is repealed.

SEC. 30. Section 13823.20 of the Penal Code is repealed.

SEC. 31. Chapter 10.3 (commencing with Section 13894.5) of Title 6 of Part 4 of the Penal Code is repealed.

SEC. 32. Section 14113 of the Penal Code is repealed.

SEC. 33. Section 14114 of the Penal Code is amended to read:

14114. (a) First priority shall be given to programs that provide community education, outreach, and coordination, and include creative and effective ways to translate the recommendations of the California Commission on Crime Control and Violence Prevention into practical use in one or more of the following subject areas:

(1) Parenting, birthing, early childhood development, self-esteem, and family violence, to include child, spousal, and elderly abuse.

(2) Economic factors and institutional racism.

(3) Schools and educational factors.

(4) Alcohol, diet, drugs, and other biochemical and biological factors.

(5) Conflict resolution.

(6) The media.

(b) At least three of the programs shall do all of the following:

(1) Use the recommendations of the California Commission on Crime Control and Violence Prevention and incorporate as many of those recommendations as possible into its program.

(2) Develop an intensive community-level educational program directed toward violence prevention. This educational component shall incorporate the commission's works "Ounces of Prevention" and "Taking Root," and shall be designed appropriately to reach the educational, ethnic, and socioeconomic individuals, groups, agencies, and institutions in the community.

(3) Include the imparting of conflict resolution skills.

(4) Coordinate with existing community-based, public and private, programs, agencies, organizations, and institutions, local, regional, and statewide public educational systems, criminal and juvenile justice

systems, mental and public health agencies, appropriate human service agencies, and churches and religious organizations.

(5) Seek to provide specific resource and referral services to individuals, programs, agencies, organizations, and institutions confronting problems with violence and crime if the service is not otherwise available to the public.

(6) Reach all local ethnic, cultural, linguistic, and socioeconomic groups in the service area to the maximum extent feasible.

SEC. 34. Section 14119 of the Penal Code is amended to read:

14119. (a) The Office of Criminal Justice Planning shall promote, organize, and conduct a series of one-day crime and violence prevention training workshops around the state. The Office of Criminal Justice Planning shall seek participation in the workshops from ethnically, linguistically, culturally, educationally, and economically diverse persons, agencies, organizations, and institutions.

(b) The training workshops shall have all of the following goals:

(1) To identify phenomena which are thought to be root causes of crime and violence.

(2) To identify local manifestations of those root causes.

(3) To examine the findings and recommendations of the California Commission on Crime Control and Violence Prevention.

(4) To focus on team building and interagency cooperation and coordination toward addressing the local problems of crime and violence.

(5) To examine the merits and necessity of a local crime and violence prevention effort.

(c) There shall be at least three workshops.

SEC. 35. Chapter 10.7 (commencing with Section 25920) of Division 15 of the Public Resources Code is repealed.

SEC. 36. Section 48695 of the Public Resources Code is repealed.

SEC. 37. Section 2802.5 of the Vehicle Code is repealed.

SEC. 38. Section 4764.1 of the Vehicle Code is repealed.

SEC. 39. Section 4764.2 of the Vehicle Code is repealed.

SEC. 40. Section 4764.3 of the Vehicle Code is repealed.

SEC. 41. Section 4764.4 of the Vehicle Code is repealed.

SEC. 42. Section 729.11 of the Welfare and Institutions Code is repealed.

SEC. 43. Section 1760.3 of the Welfare and Institutions Code is repealed.

SEC. 44. Chapter 1 (commencing with Section 8016) of Division 8 of the Welfare and Institutions Code is repealed.

SEC. 45. Section 11265.5 of the Welfare and Institutions Code is amended to read:

11265.5. (a) (1) The department may, subject to the requirements of federal regulations and Section 18204, conduct three pilot projects, to be located in the Counties of Los Angeles, Merced, and Santa Clara, upon approval of the department and the participating counties. The pilot projects shall test the reporting systems described in subparagraphs (A), (B), and (C) of paragraph (4).

(2) (A) The pilot project conducted in Los Angeles County shall test one or both reporting systems described in subparagraphs (A) and (B) of paragraph (4). The pilot project population for each test shall be limited to 10,000 cases.

(B) The pilot projects in the other counties shall test one of the reporting systems described in subparagraph (A) or (C) of paragraph (4) and shall be limited to 2,000 cases per project.

(3) (A) The pilot projects shall be designed and conducted according to standard scientific principles, and shall be in effect for a period of 24 months.

(B) The projects may be extended an additional year upon the approval of the department.

(C) The projects shall be designed to compare the monthly reporting system with alternatives described in paragraph (4) as to all of the following phenomena:

(i) Administrative savings resulting from reduced worker time spent in reviewing monthly reports.

(ii) The amount of cash assistance paid to families.

(iii) The rate of administrative errors in cases and payments.

(iv) The incidence of underpayments and overpayments and the costs to recipients and the administering agencies of making corrective payments and collecting overpayments.

(v) Rates at which recipients lose eligibility for brief periods due to failure to submit a monthly report but file new applications for aid and thereafter are returned to eligible status.

(vi) Cumulative benefits and costs to each level of government and to aid recipients resulting from each reporting system.

(vii) The incidence of, and ability to, prosecute fraud.

(viii) Ease of use by clients.

(ix) Case errors and potential sanction costs associated with those errors.

(4) The pilot projects shall adopt reporting systems providing for one or more of the following:

(A) A reporting system that requires families with no income or whose only income is comprised of old age, survivors, or disability insurance benefits administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42 of the United States Code, and with no recent work history to report changes in circumstances that affect



eligibility and grant amount as changes occur. These changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported shall be provided to recipients of aid along with benefit payments each month.

(B) A reporting system that permits families with no income or whose only income is comprised of old age, survivors, or disability insurance benefits administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42 of the United States Code, and with no changes in eligibility criteria, to report electronically monthly, using either an audio response or the food stamp on-line issuance and recording system, or a combination of both. Adequate instruction and training shall be provided to county welfare department staff and to recipients who choose to use this system prior to its implementation.

(C) A reporting system that requires all families to report changes in circumstances that affect eligibility and grant amount as changes occur. The changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported, shall be provided to recipients of aid along with benefit payments each month.

(b) (1) The participating counties shall be responsible for preparing federal demonstration project proposals, to be submitted by the department, upon the department's review and approval of the proposals, to the federal agency on the counties' behalf. The development, operation, and evaluation of the pilot projects shall not result in an increase in the state allocation of county administrative funds.

(1.5) Each pilot county shall prepare and submit quarterly reports, annual reports, and a final report to the department.

(2) Each quarterly report shall be submitted no later than 30 calendar days after the end of the quarter.

(3) Each annual report shall be submitted no later than 45 days after the end of the year.

(4) (A) Each pilot county shall submit a final report not later than 90 days following completion of the pilot projects required by this section.

(B) (i) As part of the final report, the pilot counties shall prepare and submit evaluations of the pilot projects to the department.

(ii) Each evaluation shall include, but not be limited to, an analysis of the factors set forth in paragraph (3) of subdivision (a) compared to each other and the current reporting systems in both the AFDC and Food Stamp programs. The final evaluations shall be prepared by an independent consultant or consultants contracted with for that purpose prior to the commencement of the projects.

(C) The department shall review and approve the evaluations submitted by the pilot counties and shall submit them to the appropriate policy and fiscal committees of the Legislature.

(c) The department may terminate any or all of the pilot projects implemented pursuant to this section after a period of six months of operation if one or more of the pilot counties submits data to the department, or information is otherwise received, indicating that the pilot project or projects are not cost-effective or adversely impact recipients or county or state operations based on the factors set forth in subparagraph (C) of paragraph (3) of subdivision (a).

(d) The pilot projects shall be implemented only upon receipt of the appropriate federal waivers.

SEC. 46. Section 14115.6 of the Welfare and Institutions Code is repealed.

SEC. 47. Section 14133.61 of the Welfare and Institutions Code is repealed.

SEC. 48. Section 16515 of the Welfare and Institutions Code is repealed.

SEC. 49. Article 2 (commencing with Section 18210) of Chapter 3 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 50. Section 18600 of the Welfare and Institutions Code is repealed.

SEC. 51. Section 18919 of the Welfare and Institutions Code is repealed.

SEC. 52. Section 18920 of the Welfare and Institutions Code is repealed.

SEC. 53. Chapter 13 (commencing with Section 18990) of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

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## CHAPTER 116

An act to amend Section 48915 of the Education Code, relating to pupil expulsion.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Gun-Free Schools Act of 1994, contained in Part F (commencing with Section 8921) of Subchapter XIV of Chapter 70 of Title 20 of the United States Code, requires each state receiving

Elementary Secondary Education Act (ESEA) funds to have in effect a state law requiring expulsion from school, for not less than one year, a student who is determined to have brought a weapon to school.

(b) The term “weapon” is defined in the Gun-Free Schools Act of 1994 to include explosives (20 U.S.C. Sec. 8921(b)(4); 18 U.S.C. Sec. 921(a)(3)).

(c) In August of 2000, the State Department of Education was notified that state law does not currently require mandatory expulsion of a pupil who brings an explosive to school and therefore may be in violation of the Gun-Free Schools Act of 1994.

(d) Failure to comply with the Gun-Free Schools Act of 1994 has the potential to jeopardize over 1 billion dollars in federal funds.

SEC. 2. Section 48915 of the Education Code is amended to read:

48915. (a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:

(1) Causing serious physical injury to another person, except in self-defense.

(2) Possession of any knife or other dangerous object of no reasonable use to the pupil.

(3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.

(4) Robbery or extortion.

(5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

(b) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:

(1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of

a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.

(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

(d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

(1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.

(2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.

(3) Is not housed at the schoolsite attended by the pupil at the time of suspension.

(e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (j), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:

(1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.

(2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

(f) The governing board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study which meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that

the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.

(g) As used in this section, “knife” means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3<sup>1</sup>/<sub>2</sub> inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.

(h) As used in this section, the term “explosive” means “destructive device” as described in Section 921 of Title 18 of the United States Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act implements a federal law or regulation and results only in costs mandated by the federal government, within the meaning of Section 17556 of the Government Code.

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## CHAPTER 117

An act to add and repeal Section 65863.13 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 65863.13 is added to the Government Code, to read:

65863.13. (a) An owner shall not be required to provide a notice prior to prepayment as required by Section 65863.10 if, upon prepayment, all of the following conditions are contained in a regulatory agreement that has been recorded against the property:

(1) No tenant who resides in the development on the effective date of prepayment shall be involuntarily displaced on a permanent basis as a result of the prepayment, unless the tenant has breached the terms of the lease.

(2) The owner shall accept and fully utilize all renewals of project-based assistance under Section 8 of the United States Housing Act of 1937, if available, and if that assistance is at a level to maintain the project's fiscal viability. The property shall be deemed fiscally viable

if the rents permitted under the terms of the assistance are not less than the regulated rent levels established pursuant to subparagraph (A) of paragraph (6).

(3) The owner shall accept all enhanced Section 8 vouchers, if the tenants receive them, and all other Section 8 vouchers for future vacancies.

(4) The owner shall not terminate a tenancy at the end of a lease term without demonstrating a breach of the lease.

(5) The owner may, in selecting eligible applicants for admission, utilize criteria that permit consideration of the amount of income, as long as the owner adequately considers other factors relevant to an applicant's ability to pay rent.

(6) (A) For units that have project-based Section 8 assistance upon the effective date of prepayment and subsequently become unassisted by any form of Section 8 assistance, rents shall not exceed 30 percent of 60 percent of the area median income. If any form of Section 8 assistance is or becomes available, rent and occupancy levels shall be set in accordance with federal regulations for the Section 8 program.

(B) For unassisted units and units that do not have project-based Section 8 assistance upon the effective date of prepayment and subsequently remain unassisted or become unassisted by any form of Section 8 assistance, rents shall not exceed the greater of (i) 30 percent of 50 percent of the area median income, or (ii) for projects insured under Section 241(f) of the National Housing Act, the regulated rents, expressed as a percentage of area median income. If any form of Section 8 assistance is or becomes available, rent and occupancy levels will be set in accordance with federal regulations governing the Section 8 program.

(b) As used in this section, "regulatory agreement" means an agreement with a governmental agency for the purposes of any governmental program, which agreement applies to the development that would be subject to the notice requirement in Section 65863.10.

(c) Section 65863.11 shall not apply to any development for which the owner is exempt from the notice requirements of Section 65863.10 pursuant to this section.

(d) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to clarify the law to allow pending preservation projects to qualify for the second round of 2001 bond allocations awarded by the

California Debt Limit Allocation Committee, it is necessary that this act take effect immediately.

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CHAPTER 118

An act to add Section 25608.3 to the Corporations Code, to amend Sections 8277.5 and 8277.6 of the Education Code, to add Section 58750 to the Food and Agricultural Code, to amend Sections 15399.21, 75003, 75102, 75103, 75502, 75600.5, 75601, and 75602 of, to add Sections 1156.1 and 68203.1 to, and to add and repeal Section 14612 of, the Government Code, to amend Section 17021 of the Health and Safety Code, to amend Section 1012.3 of the Military and Veterans Code, and to amend Sections 270, 274, 275, 276, 277, 278, 279, and 280 of the Public Utilities Code, relating to fiscal affairs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 25608.3 is added to the Corporations Code, to read:

25608.3. (a) Notwithstanding Sections 25608 and 25608.1, the commissioner may set any fee under those sections at an amount below the maximum fee set forth in those sections. The commissioner shall set the fee for the upcoming fiscal year on or about June 1 of each year, except that for the six-month period of January 1, 2002, through June 30, 2002, and for the 2002–03 fiscal year, the commissioner, on January 1, 2002, shall, in a reasonable and prudent manner, reduce any fee under Sections 25608 and 25608.1 by an amount below the maximum fee set forth in those sections. For the fiscal year commencing on July 1, 2003, and thereafter, the commissioner shall establish the level of fees adequate to cover anticipated costs, including the maintenance of a prudent reserve, but not to exceed the maximum fees that may be levied under Sections 25608 and 25608.1. If, for the fiscal year commencing on July 1, 2003, or thereafter, the commissioner fails to set the fee for the upcoming fiscal year on or before June 1, then the fee for the next fiscal year shall be the fee that was in effect for the current fiscal year.

(b) In carrying out this section, the commissioner shall reduce or suspend fees to achieve no more than a 25-percent fund balance in the State Corporations Fund by June 30, 2007, and thereafter.

(c) The department shall report by February 1, 2002, to the Chair of the Joint Legislative Budget Committee and the chairs of the budget committees on the fees to be reduced and the projected revenue and fund balance impact on the State Corporations Fund through the 2006–07 fiscal year. Each year from 2002 through 2007, the department shall submit a status update report by November 1 on the fees reduced, the revenue and fund balance impact in the prior fiscal year, and the projected revenue and fund balance impact through the 2006–07 fiscal year.

SEC. 2. Section 8277.5 of the Education Code is amended to read:

8277.5. (a) For purposes of this section “department” means the Department of Housing and Community Development.

(b) Subject to appropriation in the annual Budget Act, the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund are hereby established in the State Treasury. The Superintendent of Public Instruction may transfer state funds appropriated for child care facilities enhancement and the proceeds derived from any future sales of tax-exempt child care and development facilities bonds into these funds.

(c) Notwithstanding Section 13340 of the Government Code, all moneys in the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund, including any interest on loans made from the fund, or loan repayments to the fund, are hereby continuously appropriated to the department for carrying out the purposes of this section and Section 8277.6, respectively. Any loan repayment or interest resulting from investment or deposit of moneys in these funds shall be deposited in the applicable fund, notwithstanding Section 16305.7 of the Government Code. Moneys in the funds 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.

(d) (1) Moneys deposited in the Child Care and Development Facilities Loan Guaranty Fund shall be used for the purpose of guaranteeing private sector loans to sole proprietorships, partnerships, proprietary and nonprofit corporations, and local public agencies for the purchase, development, construction, expansion, or improvement of licensed child care and development facilities, and for the purpose of administering the guarantees of these loans. The loan guarantees shall be made by the department or by a public or private entity approved by the department, in accordance with the priorities established by the department, as described in Section 8277.6. The full faith and credit of the State of California is not pledged to the Child Care and Development Facilities Loan Guaranty Fund and the state is not liable for loan defaults



that exceed the amount of funds deposited with the Child Care and Development Facilities Loan Guaranty Fund.

(2) A loan guarantee made pursuant to this section may not exceed 80 percent of the principal and interest amount of a private sector loan guaranteed by the fund and shall be used only to guarantee a private sector loan for the purchase, development, construction, expansion, or improvement of facilities described in Section 8277.6 and for related equipment and fixtures, but shall not be used primarily to refinance an existing loan or for working capital, supplies, or inventory. A loan guarantee for improvements shall be limited to those improvements necessary, as determined by the department, for any of the following purposes:

- (A) To obtain, maintain, renew, expand, or revise a child care license.
- (B) To make necessary health and safety improvements.
- (C) To make seismic improvements.
- (D) To provide access for disabled children.
- (E) To expand upon or preserve existing child care operations.

(3) The aggregate amount of outstanding loan guarantees shall not exceed four times the amount in the Child Care and Development Facilities Loan Guaranty Fund.

(4) A loan guarantee made pursuant to this section shall be for the term of the loan or 20 years, whichever is less. Security for the guaranteed loan may include a deed of trust, personal guarantees of shareholders and partners in the case of proprietary borrowers, or other reasonably available collateral. These liens may be subordinated to other liens. Default provisions and other terms shall be reasonable and designed to obtain prompt and full repayment of the guaranteed loan by the borrower. Reasonable loan guarantee fees and points may be charged to applicants and borrowers by any public or private entity approved by the department, as described in regulations adopted by the department.

(5) A loan guarantee made pursuant to this section shall only be granted if the applicant agrees to provide child care in a facility for a period of 20 years or the term of the guaranteed loan, whichever is less.

(6) A loan guarantee made pursuant to this section terminates 120 days after the lender's receipt of notice that the recipient has either ceased making payments or providing child care in the facility for which the loan was made, or both, unless the lender takes action to accelerate the loan. If a family day care provider ceases to operate, but retains its three-year license, the provider shall give notice to the department and the lending institution of its intention to resume offering child care services for the term of its license, or shall provide notice of its intention to cease providing child care services. The Child Care and Development Facilities Loan Guaranty Fund is not liable for a default occurring after the loan guarantee has ended.

(e) (1) Moneys deposited in the Child Care and Development Facilities Direct Loan Fund shall be used for the purpose of making subordinated loans directly or through a public or private entity approved by the department to sole proprietorships, partnerships, proprietary and nonprofit corporations, and local public agencies for the purchase, development, construction, expansion, or improvement of licensed child care and development facilities, and for the purpose of administering these loans. Loans shall be made in accordance with the priorities established by the department as set forth in Section 8277.6. The full faith and credit of the State of California is not pledged to the Child Care and Development Facilities Direct Loan Fund and the state is not liable for loan defaults that exceed the amount of funds deposited in the Child Care and Development Facilities Direct Loan Fund.

(2) A loan made pursuant to this section may not exceed 75 percent of the total amount of investment for the purchase, development, expansion, or improvement of eligible child care and development facilities as described in Section 8277.6 and for related equipment and fixtures, but may not be used primarily to refinance an existing loan, for working capital, for supplies, or for inventory. A loan made pursuant to this section may not exceed 20 percent of the total amount of investment if the same facility is also utilizing a loan guarantee pursuant to subdivision (c). Investment for purposes of this paragraph means the total cost paid or incurred by the applicant in constructing, renovating, or acquiring a facility. A loan for improvements shall be limited to those improvements necessary, as determined by the department, for any of the following purposes:

- (A) To obtain, maintain, renew, expand, or revise a child care license.
- (B) To make necessary health and safety improvements.
- (C) To make seismic improvements.
- (D) To provide access for disabled children.
- (E) To expand upon or preserve existing child care operations.

(3) The term of a loan made pursuant to this section may not exceed 30 years. Security for the loan may include a deed of trust, personal guarantees of shareholders and partners in the case of proprietary borrowers, or other reasonably available collateral. These liens may be subordinated to other liens. The payment provisions, late charges, and other terms may vary based on the ability of the borrower to repay the loan, but shall be reasonable and designed to obtain prompt and full repayment of the loan by the borrower. A direct loan shall bear simple interest at the rate of 3 percent per annum on the unpaid principal balance. Reasonable loan fees and points may be charged to applicants and borrowers, as described in regulations adopted by the department. The department may permit a loan to be assumed by an otherwise

qualified borrower who agrees to continue to provide child care for the balance of the original term of the loan.

(f) Funds appropriated for the purposes of this section and Section 8277.6 shall be made from funds that are not designated as meeting the state's minimum funding obligation under Section 8 of Article XVI of the California Constitution.

SEC. 3. Section 8277.6 of the Education Code is amended to read:

8277.6. (a) For purposes of this section "department" means the Department of Housing and Community Development.

(b) The department shall administer the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund. The department may administer the funds directly, through interagency agreements with other state agencies, through contracts with public or private entities, or through any combination thereof. If the department determines that a public or private entity is capable of making child care and development facilities loans or loan guarantees, the department may delegate the authority to review and approve those loans or guarantees to the public or private entity. The department is authorized to enter into an interagency agreement with the Trade and Commerce Agency to carry out the purposes of this section and Section 8277.5 by utilizing the services of small business financial development corporations established pursuant to Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of the Corporations Code. Toward this end, the department is authorized to transfer funds from the Child Care and Development Facilities Direct Loan Fund to the California Economic Development Grant and Loan Fund established by Section 15327 of the Government Code and to transfer funds from the Child Care and Development Facilities Loan Guaranty Fund to the Small Business Expansion Fund established by Section 14030 of the Corporations Code. Those funds shall be deposited into a Child Care Direct Loan Fund Account and a Child Care Loan Guaranty Fund Account hereby established in the respective funds. Notwithstanding anything to the contrary in Chapter 1 (commencing with Section 15310) of Part 6.7 of Division 3 of Title 2 of the Government Code and Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of the Corporations Code, the funds in these accounts shall be administered in compliance with the requirements of this section and Section 8277.5.

(c) Eligible applicants for the loan guaranty program and the direct loan program shall include, but not be limited to, sole proprietorships, partnerships, proprietary and nonprofit corporations, and local public agencies that are responsible for contracting with or providing licensed child care and development services. Eligible facilities shall include licensed full-day and part-day child care and development facilities and

licensed large family day care homes as described in Section 1597.465 of the Health and Safety Code, and licensed small family day care home as described in Section 1597.44 of the Health and Safety Code.

(d) Loan guarantees and direct loans for family child care homes shall not be made for the purpose of purchasing a home or any real property.

(e) The State Department of Education shall provide input regarding program priorities that shall be considered in the funding of applications by the department. These priorities shall include, but are not limited to, the following:

(1) Geographic priorities based on the extent of need for child care and development supply-building efforts in different parts of the state.

(A) Not less than 30 percent of the loan guarantee and direct loan obligations shall benefit providers located in rural areas, as defined in subparagraph (B). If the amount of qualified applications from rural providers is insufficient to satisfy this requirement, the excess capacity reserved for rural providers may be made available to other qualified applications according to the policies and procedures of the department. The remaining 70 percent of funds shall be available to rural or urban areas and other priorities in accordance with this subdivision.

(B) For purposes of subdivision (a), rural communities are defined by any county with fewer than 400 residents per square mile.

(2) Age priorities based on the extent of need for child care and development supply-building efforts for children of different age groups.

(3) Income priorities shall include families transitioning to work or other lower income families. For purposes of this section, "lower income" shall have the same meaning as "income eligible" as set forth in Section 8263.1.

(4) Program priorities based on the extent of facilities needs among specific kinds of providers, including those that contract to administer state and federally funded child care and development programs administered by the State Department of Education, providers who have lost classrooms due to class size reduction or other state or local initiatives, or providers that need to expand to meet the needs of a child care initiative for recipients of aid under Chapter 3 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program.

(f) The program priorities shall reflect input from representatives of diverse sectors of the child care and development field, financial institutions, local planning councils, the Child Development Programs Advisory Committee, and the State Department of Social Services for purposes of identifying communities with high percentages of recipients of aid under Chapter 3 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor

program, who need child care to meet work requirements. As part of its annual report to the Legislature, required pursuant to Section 50408 of the Health and Safety Code, the department shall assess and report, after consultation with the State Department of Education, on the performance, effectiveness, and fiscal standing of the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund. The report shall include information on the number of defaults, the types of facilities in default, and a review of the adequacy of the set-aside for rural areas specified in paragraph (1) of subdivision (e).

(g) The department shall adopt regulations and establish priorities, forms, policies and procedures for implementing and managing the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund and making the loan guarantees and direct loans authorized hereunder consistent with priorities provided by the State Department of Education. To the extent feasible, the department shall use applicant fees and points to cover its administrative costs. The department may utilize an amount of money from the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund, as appropriate, for reasonable administrative costs in any given fiscal year. Unless an appropriation for administrative costs is made in the annual Budget Act that exceeds the following limits, administrative expenditures shall not exceed 3 percent of the amount appropriated to each fund in the Budget Act of 1997.

(h) (1) The department shall adopt regulations to efficiently and effectively implement the microenterprise loan program described in this subdivision, including, but not limited to, the following:

(A) Making loans available from the Child Care and Development Facilities Direct Loan Fund to local microenterprise loan funds and other lenders who may relend the funds in appropriate amounts to eligible small family day care home providers described in Section 1597.44 of the Health and Safety Code, large family day care home providers described in Section 1597.465 of the Health and Safety Code, and licensed child care and development facilities that serve up to 35 children.

(B) Authorizing a specified amount of guarantees of small loans by local microenterprise loan funds and other lenders serving eligible small family day care home providers described in Section 1597.44 of the Health and Safety Code, large family day care home providers described in Section 1597.465 of the Health and Safety Code, and licensed child care and development facilities that serve up to 35 children.

(2) Notwithstanding anything to the contrary in this section or Section 8277.5, a loan made pursuant to this subdivision shall not be

made for less than five thousand dollars (\$5,000) or for more than fifty thousand dollars (\$50,000) and shall not be subject to the 75-percent investment restriction contained in paragraph (2) of subdivision (e) of Section 8277.5.

(i) The department may adopt regulations for the purposes of this section as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the purposes of the Administrative Procedure Act, including Section 11349.6 of the Government Code, the adoption of the regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare, notwithstanding subdivision (e) of Section 11346.1 of the Government Code. Notwithstanding subdivision (e) of Section 11346.1, any regulation adopted pursuant to this section shall not remain in effect more than 180 days unless the department complies with all provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, as required by subdivision (e) of Section 11346.1 of the Government Code.

SEC. 3.5. Section 58750 is added to the Food and Agricultural Code, to read:

58750. (a) There is within the Department of Food and Agriculture a public and private collaboration known as the "Buy California Program." The purposes of the program are to encourage consumer nutritional and food awareness and to foster purchases of high-quality California agricultural products.

(b) Pursuant to Section 58749, and in accordance with the provisions of this chapter, the secretary may issue and make effective a marketing agreement and be advised by those elements of the production agriculture and food processing industry willing to participate in the program via co-funding or in-kind contributions in a manner defined under the agreement.

(c) The department shall report to the Legislature on January 1, 2002, and each successive January 1 while this section is operative, regarding its expenditures, progress, and ongoing priorities with this program.

(d) The Buy California Account is created in the Food and Agriculture Fund and, notwithstanding Section 13340 of the Government Code, is continuously appropriated for purposes of this section.

SEC. 4. Section 1156.1 is added to the Government Code, to read:

1156.1. (a) Any eligible employee may elect to participate in the State Employees' Pretax Parking Payroll Deduction Program. The program shall be administered by the Department of Personnel Administration. An amount equivalent to the value of the parking, to the extent permitted by Internal Revenue Code Section 132, shall be

excluded from the gross income of the employee, in lieu of a portion of the employee's compensation, and shall be transmitted to the State Employees' Pretax Parking Fund. Each eligible employee electing to participate in the program, for the period that he or she is enrolled as a participant in the program, shall be subject to the applicable federal law and regulations and related state administrative regulations adopted by the Department of Personnel Administration.

(b) For purposes of this section, an "eligible employee" means any of the following:

(1) A "state employee," as defined in Section 3513.

(2) An "excluded employee," as defined in Section 3527.

(3) An officer or employee of the State of California in the executive branch of government who is not a state civil service employee pursuant to Part 2 (commencing with Section 18500) of Division 5 of Title 2.

(c) There is in the State Treasury the State Employees' Pretax Parking Fund which, notwithstanding Section 13340, is continuously appropriated without regard to fiscal years to the Department of Personnel Administration for expenditure to implement the State Employees' Pretax Parking Payroll Deduction Program. The fund shall consist of the amounts received from employee compensation excluded from gross income and transmitted to the State Employees' Pretax Parking Fund pursuant to subdivision (a).

SEC. 5. Section 14612 is added to the Government Code, to read:

14612. (a) The department shall commit itself to achieve improved levels of performance, as specified in this section, by focusing its efforts on enhancing the value of the services it delivers.

(b) The department shall commit itself to providing (1) services that the Legislature or Governor requires state agencies to purchase from the department, and (2) services that state agencies are not required to purchase from the department, but that the department can provide on a cost-competitive basis.

(c) Notwithstanding any other provision of law, the director of the department or his or her designee, in lieu of the Director of Finance, may approve DGS Form 22 and DGS Form 220, including the extension of time to expend transferred funds, the transfer of funds from one work order to another, and the Return of Funds Document.

(d) Notwithstanding Chapter 3 (commencing with Section 13940) of Part 4, the director of the department or his or her designee may approve "relief from accountability" for debts owed to the department up to five thousand dollars (\$5,000) when the department determines it cannot collect the debts or when the cost of collection exceeds the amount of the debt.

(e) Notwithstanding Section 2807 of the Penal Code, the director of the department or his or her designee may procure goods from the private

sector even though the goods may be available from the Prison Industry Authority, when in his or her discretion, it is cost beneficial to do so and if the director or his or her designee continues to include the authority in soliciting quotations for goods.

(f) Notwithstanding subdivision (a) of Section 948 and Section 965, the director of the department or his or her designee, in lieu of the Director of Finance, may certify funds for payment of all legal settlements and tort claims for which the department already has sufficient expenditure authority and funds without the need for augmentation.

(g) Notwithstanding Chapter 7 (commencing with Section 14850) or Section 14901, no agency is required to use the Office of State Publishing for its printing needs and the Office of State Publishing may offer printing services to both state and other public agencies, including cities, counties, special districts, community college districts, the California State University, the University of California, and agencies of the United States government. When soliciting bids for printing services from the private sector, all state agencies shall also solicit a bid from the Office of State Publishing when the project is anticipated to cost more than five thousand dollars (\$5,000).

(h) Notwithstanding Section 14851, the Office of State Publishing may accept paid advertisements in state publications or in publications promoting an Office of State Publishing supported project or program, except that the Office of State Publishing may not accept or publish any paid political advertising.

(i) Notwithstanding Section 965.2, the director of the department or his or her designee, in lieu of the Director of Finance, may certify funds for payment for all legal court settlements for projects funded from the Architecture Revolving Fund, if a sufficient fund balance exists in the work order to pay the claim and the payment does not require a budget augmentation to complete the project.

(j) Notwithstanding Section 14957, the director of the department or his or her designee, in lieu of the Director of Finance, may approve the deposit of checks directly into the Architecture Revolving Fund. The department shall notify the Department of Finance within 30 days of the date that the department makes such a deposit.

(k) This section shall remain operative only until the effective date of the Budget Act of 2002 or June 30, 2002, whichever occurs later, and, as of January 1, 2003, is repealed, unless a later enacted statute that is enacted before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 15399.21 of the Government Code is amended to read:



15399.21. This chapter is repealed as of January 1, 2004, unless a later enacted statute that is enacted on or before January 1, 2004, deletes or extends that date.

SEC. 7. Section 68203.1 is added to the Government Code, to read:

68203.1. (a) Operative January 2, 2002, the salary of the position of Chair of the Judicial Council and the position of a presiding judge of a superior court which has 15 or more judges, and the positions of the administrative presiding justices of the Courts of Appeal, shall be increased by that amount which is produced by multiplying the salary of each of these judicial offices by 4 percent; and the salary for the position of a presiding judge of a superior court, which has four to 14 judges, shall be increased by that amount which is produced by multiplying the salary of that judicial office by 2 percent.

(b) A judge or justice who no longer serves in the position of an administrative presiding justice or a presiding judge of a superior court shall receive only the salary in effect for judges or justices of his or her court.

SEC. 8. Section 75003 of the Government Code is amended to read:

75003. "Salary" means the compensation received by a judge as the emolument of the office of judge, and as limited by Section 75075.02, but, except as provided by Section 75076.2, does not include any additional compensation received by reason of designation as a judge pro tempore, assignment by the Chairperson of the Judicial Council, or the additional compensation pursuant to Section 68203.1.

SEC. 9. Section 75102 of the Government Code is amended to read:

75102. Except as provided in Section 75103.3, the Controller shall at the end of each month commencing with the salary for the month of July 1964 deduct 8 percent from the monthly salary, not including the additional compensation pursuant to Section 68203.1, of each Justice of the Supreme Court and of the courts of appeal and of the portion paid by the state of the monthly salary of each judge of the superior court and shall cause this amount to be paid into the Judges' Retirement Fund.

SEC. 10. Section 75103 of the Government Code is amended to read:

75103. Except as provided in Section 75103.3, the auditor of each county shall deduct 8 percent from the portion paid by a county of the monthly salary, not including the additional compensation pursuant to Section 68203.1, of each judge of the superior and municipal court and cause this amount to be paid into the Judges' Retirement Fund.

SEC. 11. Section 75502 of the Government Code is amended to read:

75502. (a) "Judge" means a justice of the Supreme Court or of a court of appeal, or a judge of a superior court, municipal court, or justice court who is first elected or appointed to judicial office on or after

November 9, 1994, and is not a member of the Judges' Retirement System pursuant to Chapter 11 (commencing with Section 75000). A retired judge does not acquire status as a judge for the purposes of this chapter by reason of designation as a temporary judge of, or assignment by the Chairperson of the Judicial Council to, any of these courts.

A former member of the Judges' Retirement System under Section 75002 who withdrew his or her contributions upon leaving office, and who takes judicial office on or after November 9, 1994, becomes a member of the system existing under Chapter 11 (commencing with Section 75000) and does not become a member of the Judges' Retirement System II. No person shall be a member of the Judges' Retirement System II who is or ever has been a member of the Judges' Retirement System pursuant to Chapter 11 (commencing with Section 75000).

(b) "System" means the Judges' Retirement System II established by this chapter.

(c) "Service" means the period of time a judge received a salary and made contributions to the system by reason of holding office as a judge of any one or more of the courts of this state specified in subdivision (a), computed in years and fractions of years.

(d) "Final compensation" means the average monthly salary of a judge during the 12 months immediately preceding his or her retirement from or otherwise leaving judicial office and as limited by Section 75572.

(e) "Benefit factor" means the percentage used in calculating a judge's monthly retirement allowance under Section 75522.

(f) "Contributions" means the accumulated deductions from the judge's salary under Sections 75601 and 75602. References to payment to a judge of his or her contributions or to the determination of a judge's and spouse's shares in the contributions include both the contributions and interest thereon at the rates determined by the Board of Administration of the Public Employees' Retirement System.

(g) "Salary" means the compensation received by a judge as the emolument of the office of judge, but does not include any additional compensation received by reason of designation as a temporary judge or assignment by the Chairperson of the Judicial Council or the additional compensation pursuant to Section 68203.1.

(h) "Board" means the Board of Administration of the Public Employees' Retirement System.

(i) "Fund" or "retirement fund" means the Judges' Retirement System II Fund established pursuant to Section 75600.

SEC. 12. Section 75600.5 of the Government Code is amended to read:

75600.5. (a) The Controller shall at the end of each month ascertain the aggregate amount of the annual salaries, not including the additional compensation pursuant to Section 68203.1, of all judges covered by the Judges' Retirement System II, and out of the General Fund he or she shall transfer monthly into the Judges' Retirement System II Fund a sum equal to 18.8 percent of one-twelfth of the aggregate amount of those salaries.

(b) As of June 30 of the first year this chapter is in effect, and annually thereafter, the board shall make an actuarial investigation into the fund's experience, the ages of member judges, and other facts necessary to determine the actuarial soundness of the fund. Based on its investigation, the board shall determine the state contribution necessary to maintain or restore the actuarial soundness of the fund, stated as a percentage of judges' salaries.

(c) The state's contribution as fixed under this chapter shall be adjusted thereafter from time to time in the annual Budget Act according to the following method. As part of the proposed budget submitted pursuant to Section 12 of Article IV of the California Constitution, the Governor shall include the contribution rate submitted by the board pursuant to subdivision (b). The Legislature shall adopt the contribution rate and authorize the appropriation in the Budget Act.

SEC. 13. Section 75601 of the Government Code is amended to read:

75601. Except as provided in Section 75605, the Controller shall at the end of each month deduct 8 percent from the monthly salary, not including the additional compensation pursuant to Section 68203.1, of each justice of the Supreme Court and of the courts of appeal and of the portion paid by the state of the monthly salary of each judge of the superior court and shall cause this amount to be paid into the Judges' Retirement System II Fund.

SEC. 14. Section 75602 of the Government Code is amended to read:

75602. Except as provided in Section 75605, the Controller or the auditor of each county shall deduct 8 percent from the portion paid by a county, or the Controller and the auditor, if appropriate, of the monthly salary, not including the additional compensation pursuant to Section 68203.1, of each judge of the superior and municipal court and cause this amount to be paid into the Judges' Retirement System II Fund.

SEC. 15. Section 17021 of the Health and Safety Code is amended to read:

17021. (a) Except as provided in Sections 17021.5 and 17021.6, local use zone requirements, local fire zones, property line, source of water supply and method of sewage disposal requirements are hereby specifically and entirely reserved to the local jurisdictions.

(b) Notwithstanding any other provision of law, with respect to a building permit, grading permit, or other approval from a city or county building department for the rehabilitation of real property improvements that are or will be employee housing for agricultural employees, or from a city or county health department for the operation, construction, or repair of a water system or waste disposal system servicing employee housing for agricultural employees, all of the following processing requirements shall apply:

(1) The local building or health department shall have up to 60 calendar days to approve or deny a complete application or permit request accompanied by applicable fees, or a shorter time period if required by the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code). An application or permit request may be denied on procedural grounds only if the denial occurs within 30 calendar days and the denial includes an itemization of the procedural defects. An application or permit request may be denied on substantive grounds if the denial includes an itemization of all substantive defects.

(2) If the application or permit request is not approved or denied by the local building or health department within the period prescribed by paragraph (1), then the Department of Housing and Community Development may approve the application or permit request if it determines that the plans are consistent with all applicable building codes and health and safety requirements. At that time, the applicant may initiate any work consistent with the application or permit approved pursuant to this subdivision. Upon completion of the work, any other state or local agency shall accept the improvements as if they had been approved by the local building or health department. However, if that other local agency identifies any defects that would have resulted in that agency's disapproval of the improvements or plans thereto, those defects may be identified by the agency and shall be corrected by the applicant. The local building or health department shall inspect the plans and improvements prior to and during rehabilitation and issue a certificate of completion if the work is consistent with the plans and all applicable building codes and health and safety requirements.

(c) Nothing in this section shall be construed to exempt an application or permit request from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) For purposes of this section, "agricultural employee" has the same meaning specified in subdivision (b) of Section 1140.4 of the Labor Code.

(e) The Department of Housing and Community Development may recover from a local building or health department costs incurred to

review an application or permit request in compliance with paragraph (2) of subdivision (b). The amount recoverable may not exceed the applicable plan check fee published by the International Conference of Building Officials.

SEC. 16. Section 1012.3 of the Military and Veterans Code is amended to read:

1012.3. Members of the home shall pay fees and charges as determined by the department, except that the total of the individual member's fees and charges for any fiscal year shall not be greater than as set forth in the following schedule:

(a) Forty-seven and one-half percent of the member's annual income, or one thousand two hundred dollars (\$1,200) per month, for residential care, whichever is less.

(b) Sixty-five percent of the member's annual income, or two thousand three hundred dollars (\$2,300) per month, for intermediate care, whichever is less.

(c) Seventy percent of the member's annual income, or two thousand five hundred dollars (\$2,500) per month, for skilled nursing care, whichever is less.

SEC. 17. Section 270 of the Public Utilities Code is amended to read:

270. (a) The following funds are hereby created in the State Treasury:

(1) The California High-Cost Fund-A Administrative Committee Fund.

(2) The California High-Cost Fund-B Administrative Committee Fund.

(3) The Universal Lifeline Telephone Service Trust Administrative Committee Fund.

(4) The Deaf and Disabled Telecommunications Program Administrative Committee Fund.

(5) The Payphone Service Providers Committee Fund.

(6) The California Teleconnect Fund Administrative Committee Fund.

(b) Moneys in the funds may only be expended pursuant to this chapter and upon appropriation in the annual Budget Act.

(c) Moneys in each fund may not be appropriated, or in any other manner transferred or otherwise diverted, to any other fund or entity. Notwithstanding any other provision of this chapter, short-term loans between the funds may be authorized in the annual Budget Act.

SEC. 18. Section 274 of the Public Utilities Code is amended to read:

274. The commission may on its own order, whenever it determines it to be necessary, conduct financial audits of the revenues required to be

collected and submitted to the commission for each of the funds specified in Section 270. The commission may on its own order, whenever it determines it to be necessary, conduct compliance audits on the compliance with commission orders with regard to each program subject to this chapter. The commission shall conduct a financial and compliance audit of program-related costs and activities at least once every three years. The first three-year period for a financial and compliance audit commences on July 1, 2002. The second and subsequent three-year periods for financial audits commence three years after the completion of the prior financial audit. The second and subsequent three-year periods for compliance audits commence three years after the completion of the prior compliance audit. The commission may contract with the Bureau of State Audits or the Department of Finance for all necessary auditing services. All costs for audits shall be paid from the fund that supports the activities of the board audited and shall be subject to the availability of money in that fund.

SEC. 19. Section 275 of the Public Utilities Code is amended to read:

275. (a) There is hereby created the California High-Cost Fund-A Administrative Committee, which is an advisory board to advise the commission regarding the development, implementation, and administration of a program to provide for transfer payments to small independent telephone corporations providing local exchange services in high-cost rural and small metropolitan areas in the state to create fair and equitable local rate structures, as provided for in Section 739.3, and to carry out the program pursuant to the commission's direction, control, and approval.

(b) All revenues collected by telephone corporations in rates authorized by the commission to fund the program specified in subdivision (a) shall be submitted to the commission pursuant to a schedule established by the commission. Commencing on October 1, 2001, and continuing thereafter, the commission shall transfer the moneys received, and all unexpended revenues collected prior to October 1, 2001, to the Controller for deposit in the California High-Cost Fund-A Administrative Committee Fund. All interest earned by moneys in the fund shall be deposited in the fund.

(c) Moneys appropriated from the California High-Cost Fund-A Administrative Committee Fund to the commission shall be utilized exclusively by the commission for the program specified in subdivision (a), including all costs of the board and the commission associated with the administration and oversight of the program and the fund.

SEC. 20. Section 276 of the Public Utilities Code is amended to read:

276. (a) There is hereby created the California High-Cost Fund-B Administrative Committee, which is an advisory board to advise the commission regarding the development, implementation, and administration of a program to provide for transfer payments to telephone corporations providing local exchange services in high-cost areas in the state to create fair and equitable local rate structures, as provided for in Section 739.3, and to carry out the program pursuant to the commission's direction, control, and approval.

(b) All revenues collected by telephone corporations in rates authorized by the commission to fund the program specified in subdivision (a) shall be submitted to the commission pursuant to a schedule established by the commission. Commencing on October 1, 2001, and continuing thereafter, the commission shall transfer the moneys received, and all unexpended revenues collected prior to October 1, 2001, to the Controller for deposit in the California High-Cost Fund-B Administrative Committee Fund. Any transfers of money from the California High-Cost Fund-B Trust to the Deaf Equipment Acquisition Fund Trust prior to October 1, 2001, shall not be required to be transferred to the Controller for deposit in the California High-Cost Fund-B Administrative Committee Fund prior to July 1, 2002.

(c) Moneys appropriated from the California High-Cost Fund-B Administrative Committee Fund to the commission shall be utilized exclusively by the commission for the program specified in subdivision (a), including all costs of the board and the commission associated with the administration and oversight of the program and the fund.

SEC. 21. Section 277 of the Public Utilities Code is amended to read:

277. (a) There is hereby created the Universal Lifeline Telephone Service Trust Administrative Committee, which is an advisory board to advise the commission regarding the development, implementation, and administration of a program to ensure lifeline telephone service is available to the people of the state, as provided for in Article 8 (commencing with Section 871) of Chapter 4 of Part 1 of Division 1, and to carry out the program pursuant to the commission's direction, control, and approval.

(b) All revenues collected by telephone corporations in rates authorized by the commission to fund the program specified in subdivision (a) shall be submitted to the commission pursuant to a schedule established by the commission. Commencing on October 1, 2001, and continuing thereafter, the commission shall transfer the moneys received, and all unexpended revenues collected prior to October 1, 2001, to the Controller for deposit in the Universal Lifeline

Telephone Service Trust Administrative Committee Fund. All interest earned by moneys in the fund shall be deposited in the fund.

(c) Moneys appropriated from the Universal Lifeline Telephone Service Trust Administrative Committee Fund to the commission shall be utilized exclusively by the commission for the program specified in subdivision (a), including all costs of the board and the commission associated with the administration and oversight of the program and the fund.

SEC. 22. Section 278 of the Public Utilities Code is amended to read:

278. (a) (1) There is hereby created the Deaf and Disabled Telecommunications Program Administrative Committee, which is an advisory board to advise the commission regarding the development, implementation, and administration of programs to provide specified telecommunications services and equipment to persons in this state who are deaf or disabled, as provided for in Sections 2881, 2881.1, and 2881.2, and to carry out the programs pursuant to the commission's direction, control, and approval.

(2) In addition to the membership qualifications established by the commission pursuant to subdivision (a) of Section 271, the commission shall establish qualifications for persons to serve as members of the Deaf and Disabled Telecommunications Program Administrative Committee to achieve appropriate representation by the consumers of telecommunications services for the deaf and disabled.

(b) All revenues collected by telephone corporations in rates authorized by the commission to fund the programs specified in subdivision (a) shall be submitted to the commission pursuant to a schedule established by the commission. Commencing on July 1, 2002, and continuing thereafter, the commission shall transfer the moneys received, and all unexpended revenue collected prior to July 1, 2002, to the Controller for deposit in the Deaf and Disabled Telecommunications Program Administrative Committee Fund. All interest earned by moneys in the fund shall be deposited in the fund. In addition, those revenues that are collected pursuant to subdivision (d) of Section 2881 shall be accounted for separately, as required by subdivision (b) of Section 2881.2, and deposited in the fund created by the commission pursuant to subdivision (b) of Section 2881.2.

(c) Moneys appropriated from the Deaf and Disabled Telecommunications Program Administrative Committee Fund to the commission shall be utilized exclusively by the commission for the program specified in subdivision (a), including all costs of the board and the commission associated with the administration and oversight of the program and the fund.



SEC. 23. Section 279 of the Public Utilities Code is amended to read:

279. (a) There is hereby created the Payphone Service Providers Committee, which is an advisory board to advise the commission regarding the development, implementation, and administration of programs to educate payphone service providers, ensure compliance with the commission's requirements for payphone operations, and educate consumers on matters related to payphones, as provided for in commission Decision 90-06-018, and to provide for the placement of telecommunications devices capable of servicing the needs of the deaf or the hearing impaired in existing buildings and public accommodations, as specified in subdivision (a) of Section 2881.2.

(b) All revenues collected by telephone corporations in rates authorized by the commission to fund the programs specified in subdivision (a) shall be submitted to the commission pursuant to a schedule established by the commission. Commencing on October 1, 2001, and continuing thereafter, the commission shall transfer the moneys received, and all unexpended revenues collected prior to October 1, 2001, to the Controller for deposit in the Payphone Service Providers Committee Fund. All interest earned by moneys in the fund shall be deposited in the fund.

(c) Moneys appropriated from the Payphone Service Providers Committee Fund to the commission shall be utilized exclusively by the commission for the program specified in subdivision (a), including all costs of the board and the commission associated with the administration and oversight of the program and the fund.

SEC. 24. Section 280 of the Public Utilities Code is amended to read:

280. (a) There is hereby created the California Teleconnect Fund Administrative Committee, which is an advisory board to advise the commission regarding the development, implementation, and administration of a program to advance universal service by providing discounted rates to qualifying schools, libraries, hospitals, health clinics, and community organizations, consistent with Chapter 278 of the Statutes of 1994, and to carry out the program pursuant to the commission's direction, control, and approval.

(b) All revenues collected by telephone corporations in rates authorized by the commission to fund the program specified in subdivision (a) shall be submitted to the commission pursuant to a schedule established by the commission. Commencing on October 1, 2001, and continuing thereafter, the commission shall transfer the moneys received, and all unexpended revenues collected prior to October 1, 2001, to the Controller for deposit in the California

Teleconnect Fund Administrative Committee Fund. All interest earned by moneys in the fund shall be deposited in the fund.

(c) Moneys appropriated from the California Teleconnect Fund Administrative Committee Fund to the commission shall be utilized exclusively by the commission for the program specified in subdivision (a), including all costs of the board and the commission associated with the administration and oversight of the program and the fund.

SEC. 25. Notwithstanding any other provision of law, the Department of Housing and Community Development may implement, interpret, and make specific the changes made to Sections 8277.5 and 8277.6 of the Education Code by this act through guidelines that shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.

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

In order to make necessary changes that are needed to implement the Budget Act of 2001, it is necessary for this act to take effect immediately.

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## CHAPTER 119

An act to amend Section 830.5 of the Penal Code, relating to peace officers.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 830.5 of the Penal Code is amended to read:

830.5. The following persons are peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under Sections 8597, 8598, and 8617 of the Government Code. Except as specified in this section, these peace officers may carry firearms only if authorized and under those terms and conditions specified by their employing agency:

(a) A parole officer of the Department of Corrections or the Department of the Youth Authority, probation officer, deputy probation officer, or a board coordinating parole agent employed by the Youthful Offender Parole Board. Except as otherwise provided in this

subdivision, the authority of these parole or probation officers shall extend only as follows:

(1) To conditions of parole or of probation by any person in this state on parole or probation.

(2) To the escape of any inmate or ward from a state or local institution.

(3) To the transportation of persons on parole or probation.

(4) To violations of any penal provisions of law which are discovered while performing the usual or authorized duties of his or her employment.

(5) To the rendering of mutual aid to any other law enforcement agency.

For the purposes of this subdivision, "parole agent" shall have the same meaning as parole officer of the Department of Corrections or of the Department of the Youth Authority.

Any parole officer of the Department of Corrections, the Department of the Youth Authority, or the Youthful Offender Parole Board is authorized to carry firearms, but only as determined by the director on a case-by-case or unit-by-unit basis and only under those terms and conditions specified by the director or chairperson. The Department of the Youth Authority shall develop a policy for arming peace officers of the Department of the Youth Authority who comprise "high-risk transportation details" or "high-risk escape details" no later than June 30, 1995. This policy shall be implemented no later than December 31, 1995.

The Department of the Youth Authority shall train and arm those peace officers who comprise tactical teams at each facility for use during "high-risk escape details."

(b) A correctional officer employed by the Department of Corrections or any employee of the Department of the Youth Authority having custody of wards or the Inspector General of the Youth and Adult Correctional Agency or any internal affairs investigator under the authority of the Inspector General or any employee of the Department of Corrections designated by the Director of Corrections or any correctional counselor series employee of the Department of Corrections or any medical technical assistant series employee designated by the Director of Corrections or designated by the Director of Corrections and employed by the State Department of Mental Health to work in the California Medical Facility or employee of the Board of Prison Terms designated by the Secretary of the Youth and Adult Correctional Agency or employee of the Department of the Youth Authority designated by the Director of the Youth Authority or any superintendent, supervisor, or employee having custodial responsibilities in an institution operated by

a probation department, or any transportation officer of a probation department.

(c) The following persons may carry a firearm while not on duty: a parole officer of the Department of Corrections or the Department of the Youth Authority, a correctional officer or correctional counselor employed by the Department of Corrections or any employee of the Department of the Youth Authority having custody of wards or any employee of the Department of Corrections designated by the Director of Corrections. A parole officer of the Youthful Offender Parole Board may carry a firearm while not on duty only when so authorized by the chairperson of the board and only under the terms and conditions specified by the chairperson. Nothing in this section shall be interpreted to require licensure pursuant to Section 12025. The director or chairperson may deny, suspend, or revoke for good cause a person's right to carry a firearm under this subdivision. That person shall, upon request, receive a hearing, as provided for in the negotiated grievance procedure between the exclusive employee representative and the Department of Corrections, the Department of the Youth Authority, or the Youthful Offender Parole Board, to review the director's or the chairperson's decision.

(d) Persons permitted to carry firearms pursuant to this section, either on or off duty, shall meet the training requirements of Section 832 and shall qualify with the firearm at least quarterly. It is the responsibility of the individual officer or designee to maintain his or her eligibility to carry concealable firearms off duty. Failure to maintain quarterly qualifications by an officer or designee with any concealable firearms carried off duty shall constitute good cause to suspend or revoke that person's right to carry firearms off duty.

(e) The Department of Corrections shall allow reasonable access to its ranges for officers and designees of either department to qualify to carry concealable firearms off duty. The time spent on the range for purposes of meeting the qualification requirements shall be the person's own time during the person's off-duty hours.

(f) The Director of Corrections shall promulgate regulations consistent with this section.

(g) "High-risk transportation details" and "high-risk escape details" as used in this section shall be determined by the Director of the Youth Authority, or his or her designee. The director, or his or her designee, shall consider at least the following in determining "high-risk transportation details" and "high-risk escape details": protection of the public, protection of officers, flight risk, and violence potential of the wards.

(h) "Transportation detail" as used in this section shall include transportation of wards outside the facility, including, but not limited to, court appearances, medical trips, and interfacility transfers.

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## CHAPTER 120

An act to add Section 31522.4 to the Government Code, relating to county retirement systems.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 31522.4 is added to the Government Code, to read:

31522.4. (a) In a county in which the board of retirement or both the board of retirement and the board of investment have appointed personnel pursuant to Sections 31522.1 and 31522.2, the respective board or boards may elect to appoint assistant administrators, persons next in line of authority to assistant administrators, chief legal officers, chief deputy legal officers, chief investment officers, and investment officers next in line of authority to chief investment officers as provided for in this section. These positions designated by the board or boards shall not be subject to county charter, civil service, or merit system rules. The persons appointed shall be county employees and their positions shall be included in the salary ordinance or salary resolution adopted by the board of supervisors for the compensation of county officers and employees. The persons appointed shall be directed by, shall serve at the pleasure of, and may be dismissed at the will of, the appointing board or boards. Specific charges, a statement of reasons, or good cause shall not be required as a basis for dismissal of the persons so appointed by the appointing board or boards.

(b) This section shall not apply to any person who was an assistant administrator, person next in line of authority to an assistant administrator, chief legal officer, chief deputy legal officer, chief investment officer, or investment officer next in line of authority to a chief investment officer and was included in the county civil service or was subject to merit system rules on December 31, 2001, unless that person consents to make this section applicable to him or her.

(c) This section shall only apply to a county of the first class, as defined by Section 28020, as amended by Chapter 1204 of the Statutes

of 1971, and Section 28022, as amended by Chapter 43 of the Statutes of 1961.

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CHAPTER 121

An act to amend Sections 2189.5, 2189.6, 3101, 3102, 3692, 3793.1, 4911, and 4911.1 of, and to add Section 3698.8 to, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 2189.5 of the Revenue and Taxation Code is amended to read:

2189.5. Every tax on personal property and improvements, located upon or appurtenant to a leasehold estate for the production of gas, petroleum or other hydrocarbon substances from beneath the surface of the earth, and belonging to the owner of the leasehold estate, may be secured by the leasehold estate, when, in the opinion of the assessor, the leasehold estate is of sufficient value to constitute security for the payment of all taxes upon that personal property or improvements and upon that leasehold estate. In the event of delinquency in the payment of that tax, the personal property, improvements, and leasehold estate shall be subject to seizure and sale in the same manner as provided for the seizure and sale of unsecured personal property, in Sections 2951 to 2962, inclusive, at any time within three years after the delinquency. Suit may be brought against an assessee of those taxes in the event of delinquency in the payment thereof.

If the tax thereon remains unpaid at the time set for the declaration of default for delinquent taxes, the tax together with any penalty and costs as may have accrued thereon while on the secured roll shall be transferred to the unsecured roll.

Those taxes that are delinquent at the time the amendment to this section, enacted at the 1973-74 Regular Session, goes into effect may also be transferred to the current unsecured roll.

SEC. 2. Section 2189.6 of the Revenue and Taxation Code is amended to read:

2189.6. Improvements that constitute component parts of a water distribution system located in whole or in part on property assessed to a person other than the assessee of the land on which they are located shall be assessed as improvements on the secured roll. However, those

assessments shall not be a lien on the land on which those improvements are located and that fact shall be noted on the secured roll.

If the tax thereon is unpaid when any installment of secured taxes becomes delinquent, the tax collector may use the same collection procedures available for the collection of taxes on the unsecured roll.

If the tax thereon remains unpaid at the time set for the declaration of default for delinquent taxes, the tax together with any penalty and costs that may have accrued thereon while on the secured roll shall be transferred to the unsecured roll.

SEC. 3. Section 3101 of the Revenue and Taxation Code is amended to read:

3101. If any unsecured tax, interest, or penalty imposed under this part is not paid by the last day of the month succeeding the delinquency date, the official collecting taxes on the unsecured roll may file, no sooner than 10 days after the mailing of the notice required in subdivision (b), in the office of the clerk of the court, without fee, a certificate specifying as follows:

(a) The fact that a notice of intent to file the certificate had been sent, by registered mail, to the assessee, at his or her last known address, not less than 10 days prior to the date of the certificate.

(b) The fact that the notice required in subdivision (a) set forth the following information:

(1) The name of the assessee.

(2) The description of the property assessed.

(3) The assessed value of the property.

(4) The fact that judgment will be sought in the amount of the tax, penalty, and interest that is unpaid at the time of the filing of the certificate.

(5) The fact that, upon the issuance and recordation of that judgment, additional penalties will continue to accrue at the rate prescribed by law, and that any bond premium posted or other costs to enforce the judgment shall be an added charge.

(6) The fact that a recording fee in the amount set forth in Section 27361.3 of the Government Code will be required to be paid for the purpose of the recordation of any satisfaction of the judgment lien.

(c) The name of the assessee.

(d) The amount for which judgment is to be entered.

(e) The fact that the county has complied with all provisions of this part in the computation and the levy of the tax, penalty, and interest.

(f) The fact that a request is therein made for the issuance and entry of judgment against the assessee.

SEC. 4. Section 3102 of the Revenue and Taxation Code is amended to read:

3102. The clerk of the court immediately upon the filing of the certificate shall enter a judgment for the county against the assessee in the amount of the tax, penalty, and interest set forth in the certificate. The clerk of the court may file the judgment in a looseleaf book entitled "County Unsecured Property Tax Judgments."

SEC. 5. Section 3692 of the Revenue and Taxation Code is amended to read:

3692. (a) The tax collector shall attempt to sell tax-defaulted property as provided in this chapter within four years of the time that the property becomes subject to sale for nonpayment of taxes unless by other provisions of law the property is not subject to sale. If there are no acceptable bids at the attempted sale, the tax collector shall attempt to sell the property at intervals of no more than six years until the property is sold.

(b) When oil, gas, or mineral rights are subject to sale for nonpayment of taxes, the tax collector may offer the interest at minimum bid to the holders of outstanding interests where the interest subject to sale is a partial interest or, where the interest subject to sale is a complete and undivided interest, to the owner or owners of the property to which the oil, gas, or mineral rights are appurtenant.

(c) When parcels that are rendered unusable by their size, location, or other conditions are subject to sale for nonpayment of taxes, the tax collector may offer the parcel at a minimum bid to owners of contiguous parcels. The tax collector shall require that the successful bidder request the assessor and the planning director to combine the unusable parcel with his or her own parcel as a condition of sale.

(d) Sealed bid sale procedures shall be used when offers are made pursuant to subdivision (b) or (c), and the property shall be sold to the highest eligible bidder. The offers shall remain in effect for 30 days or until notice is given pursuant to Section 3702, whichever is later.

(e) The Notice of Power to Sell Tax-Defaulted Property, Notice of Power and Intent to Sell Tax-Defaulted Property, Notice to the Board of Supervisors, and Notice of Intended Sale of Tax-Defaulted Property shall indicate that any parcel remaining unsold may be reoffered within a 90-day period and any new parties of interest shall be notified in accordance with Section 3701. This subdivision shall not apply to properties sold pursuant to Chapter 8 (commencing with Section 3771).

SEC. 6. Section 3698.8 is added to the Revenue and Taxation Code, to read:

3698.8. The tax collector, upon the recommendation of county counsel, may remove a parcel from the tax sale if it is deemed the removal is in the best interest of the county. The tax collector shall notify the controller, in writing, whenever a parcel is removed from a tax sale.



SEC. 7. Section 3793.1 of the Revenue and Taxation Code is amended to read:

3793.1. (a) The sales price of any property sold under this article shall include, at a minimum, the amounts of all of the following:

(1) All defaulted taxes and assessments, and all associated penalties and costs.

(2) Redemption penalties and fees incurred through the month of the sale.

(3) All costs of the sale.

(b) If the property or property interests have been offered for sale under the provisions of Chapter 7 (commencing with Section 3691) at least once and no acceptable bids therefor have been received, the tax collector may, in his or her discretion and with the approval of the board of supervisors or that board's designee, offer that property or those interests at a minimum price that the tax collector deems appropriate.

(c) The board of supervisors, or its designee, may permit a nonprofit organization to purchase property or property interests by way of installment payments.

SEC. 8. Section 4911 of the Revenue and Taxation Code is amended to read:

4911. (a) If an assessee or agent of the assessee, by mistake, pays the tax on other than the property intended and by substantial evidence convinces the tax collector that the payment was intended for another property, the tax collector shall cancel the credit on the unintended property and transfer the payment to the property intended as prescribed in this article at any time before a guaranty or certificate of title issues respecting the unintended property and before two years have elapsed since the date of payment.

(b) If through no fault of the assessee or agent of the assessee, a tax payment is credited to property other than the property intended and the taxpayer by substantial evidence convinces the tax collector that the payment should have been credited to another property, the tax collector shall cancel the credit on the unintended property and transfer the payment to the property intended as prescribed in this article at any time before a guaranty or certificate of title issues respecting the unintended property and before two years have elapsed since the date of the payment.

(c) If any person mistakenly pays an amount of tax and there is no property of that person in the county to which that payment properly applies, the tax collector shall, by being convinced upon substantial evidence that the payment was a mistake, cancel the payment and return the amount paid to that person.

SEC. 9. Section 4911.1 of the Revenue and Taxation Code is amended to read:

4911.1. (a) If through no fault of the assessee or agent of the assessee a tax payment is credited to property other than the property intended and after a guaranty or certificate of title issues respecting the unintended property, the taxpayer by substantial evidence convinces the tax collector that the payment should have been credited to another property, the tax collector shall transfer the payment in full to the property intended, and shall cancel the credit on the unintended property. In the event a transfer of payment is made, the person owning the unintended property immediately before issuance of the guaranty or certificate of title shall be personally liable for the amount so transferred that shall be collected in the manner specified for the collection of taxes on the unsecured roll.

(b) If any person mistakenly pays an amount of tax on a property after a guaranty of certificate of title has been issued and there is no other property of that person in the county to which that payment properly applies, the tax collector shall, upon being convinced upon substantial evidence that the payment was a mistake, cancel the payment and return the amount paid to that person. Upon cancellation of the payment, the person owning the property immediately before issuance of the guaranty or certificate of title shall be personally liable for the subject tax amount, which shall be collected in the manner specified for the collection of taxes on the unsecured tax roll.

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## CHAPTER 122

An act to add and repeal Section 24177.5 of the Health and Safety Code, relating to medical experiments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 24177.5 is added to the Health and Safety Code, to read:

24177.5. (a) This chapter shall not apply to any medical experimental treatment that benefits a patient subject to a life-threatening emergency if all of the following conditions are met:

(1) Care is provided in accordance with the procedures and the additional protections of the rights and welfare of the patient set forth in Part 50 of Title 21 of, and Part 46 of Title 45 of, the Code of Federal Regulations, in effect on January 1, 1997.

(2) The patient is in a life-threatening situation necessitating urgent intervention and available treatments are unproven or unsatisfactory.

(3) The patient is unable to give informed consent as a result of the patient's medical condition.

(4) Obtaining informed consent from the patient's legally authorized representatives is not feasible before the treatment must be administered. The proposed investigational plan shall define the length of time of the potential therapeutic window based on scientific evidence, and the investigator shall commit to attempting to contact a legally authorized representative for each subject within that length of time and, if feasible, to asking the legally authorized representative contacted for consent within that length of time rather than proceeding without consent.

(5) There is no reasonable way to identify prospectively the individuals likely to become eligible for participation in the clinical investigation.

(6) Valid scientific studies have been conducted that support the potential for the intervention to provide a direct benefit to the patient. Risks associated with the investigation shall be reasonable in relation to what is known about the medical condition of the potential class of subjects, the risks and benefits of standard therapy, if any, and what is known about the risks and benefits of the proposed intervention or activity.

(b) Nothing in this section is intended to relieve any party of any other legal duty, including, but not limited to, the duty to act in a nonnegligent manner.

(c) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

California law must be amended to comply with federal regulations that allow the use of a new drug or device where the patient is unable to consent due to a life-threatening emergency in order to improve medical intervention and patient outcomes. In order to save as many lives as possible of people who are in life-threatening emergency medical situations, it is necessary that this act take effect immediately.

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## CHAPTER 123

An act to add Section 65051.5 to the Government Code, and to add Section 33492.114 to the Health and Safety Code, relating to community development.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 65051.5 is added to the Government Code, to read:

65051.5. If the City of Tustin, the Tustin Community Redevelopment Agency, or any agency or political subdivision of either, intends to or does acquire title to any real property that lies within the boundaries of the former Marine Corps Air Station-Tustin, then notwithstanding any other provision of law, including Chapter 4.9 (commencing with Section 65995), which the Legislature hereby finds and declares shall not relieve the City of Tustin or the Tustin Community Redevelopment Agency of their duties under Division 13 (commencing with Section 21000) of the Public Resources Code to fully mitigate all adverse environmental effects associated with the buildout of the Reuse Plan for MCAS-Tustin by designating adequate schoolsites at the former base to alleviate impacts on the Santa Ana Unified School District and the Rancho Santiago Community College District, neither the City of Tustin, nor the Tustin Community Redevelopment Agency, and none of their respective agencies and political subdivisions, may grant or issue any land use or other approvals, in the form of any general plan amendments, specific plans, zoning ordinances, redevelopment plans, development agreements, subdivision maps, or other development permits or entitlements, to allow any persons or entities to develop any commercial, residential, or other land uses on all or any portion of any real property at the Marine Corps Air Station-Tustin that the City of Tustin, the Tustin Community Redevelopment Agency, or any agency or political subdivision of either, intends to or does acquire from any source, unless those approvals require, as conditions of approval and mitigation measures for allowing the development of those land uses, the conveyance, or the irrevocable offer to dedicate, without charge, to the Santa Ana Unified School District and the Rancho Santiago Community College District, for purposes of constructing and operating a K-14 facility, (a) fee title to a 100-acre parcel of contiguous land situated within that portion of the Marine Corps Air Station-Tustin that falls within the existing boundaries of the Santa Ana Unified School District and the Rancho Santiago Community College District and

includes all or some portions of the real property referred to as Parcels 4, 5, 6, 7, 8, and 14 as shown on Figure 2-3 of the approved Reuse Plan for the Marine Corps Air Station-Tustin, or (b) fee title to a portion of the Marine Corps Air Station-Tustin that consists of a portion of land that is approved in writing by the Santa Ana Unified School District and the Rancho Santiago Community College District and that does not include any property designated in the Marine Corps Air Station-Tustin Base Reuse Plan for any other public entity or nonprofit organization, including, without limitation, the County of Orange, the Orange County Sheriff-Coroner, and the Orange County Rescue Mission, but excluding the South Orange County Community College District. Those conditions of approval and mitigation measures shall require that the conveyance or offer to dedicate that 100-acre parcel to those districts shall be made within 12 months of the date on which the City of Tustin, the Tustin Community Redevelopment Agency, or any agency or political subdivision of either, first acquires that property from any source. The requirements of this section shall be deemed satisfied upon the conveyance of the property, described in (a) or (b), to the Santa Ana Unified School District and the Rancho Santiago Community College District. Prior to conveyance of this property, the Santa Ana Unified School District and the Rancho Santiago Community College District shall agree upon a legal description of the property. Notwithstanding any other provision of law, for purposes of Article 7 (commencing with Section 1240.610) of Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure, use of land for classroom facilities, including, but not limited to, educational or training programs, by the Santa Ana Unified School District or the Rancho Santiago Community College District shall be irrebuttably presumed to be a more necessary public use than any other use at Marine Corps Air Station-Tustin. This section shall apply retroactively to all land use or other approvals relating to the Marine Corps Air Station-Tustin that are granted or issued by the City of Tustin, the Tustin Community Redevelopment Agency, or any agency or political subdivision of either, on or after January 1, 2001. Any such land use or other approvals granted or issued by any of these entities that do not comply with this section shall be invalid and of no force or effect.

SEC. 2. Section 33492.114 is added to the Health and Safety Code, to read:

33492.114. If the City of Tustin, the Tustin Community Redevelopment Agency, or any agency or political subdivision of either, intends to or does acquire title to any real property that lies within the boundaries of the former Marine Corps Air Station-Tustin, then notwithstanding any other provision of law, including Section 33607.5, neither the City of Tustin, nor the Tustin Community Redevelopment Agency, and none of their respective agencies and political subdivisions

may grant or issue any land use or other approvals, in the form of any general plan amendments, specific plans, zoning ordinances, redevelopment plans, development agreements, subdivision maps, or other development permits or entitlements, to allow any persons or entities to develop any commercial, residential, or other land uses on all or any portion of any real property at the Marine Corps Air Station-Tustin that the City of Tustin, the Tustin Community Redevelopment Agency, or any agency or political subdivision of either, intends to or does acquire from any source, unless those approvals require, as conditions of approval and mitigation measures for allowing the development of those land uses, the conveyance, or the irrevocable offer to dedicate, without charge, to the Santa Ana Unified School District and the Rancho Santiago Community College District, for purposes of constructing and operating a K-14 facility, (a) fee title to a 100-acre parcel of contiguous land situated within that portion of the Marine Corps Air Station-Tustin that falls within the existing boundaries of the Santa Ana Unified School District and the Rancho Santiago Community College District and includes all or some of the real property referred to as Parcels 4, 5, 6, 7, 8, and 14 as shown on Figure 2-3 of the approved Reuse Plan for the Marine Corps Air Station-Tustin, or (b) fee title to a portion of the Marine Corps Air Station-Tustin that consists of a portion of land that is approved in writing by the Santa Ana Unified School District and the Rancho Santiago Community College District and that does not include any property designated in the Marine Corps Air Station-Tustin Base Reuse Plan for any other public entity or nonprofit organization, including, without limitation, the County of Orange, the Orange County Sheriff-Coroner, and the Orange County Rescue Mission, but excluding the South Orange County Community College District. Those conditions of approval and mitigation measures shall require that the conveyance or offer to dedicate that 100-acre parcel to those districts shall be made within 12 months of the date on which the City of Tustin, the Tustin Community Redevelopment Agency, or any agency or political subdivision of either, first acquires that property from any source. The requirements of this section shall be deemed satisfied upon the conveyance of the property, described in (a) or (b), to the Santa Ana Unified School District and the Rancho Santiago Community College District. Prior to conveyance of this property, the Santa Ana Unified School District and the Rancho Santiago Community College District shall agree upon a legal description of the property. Notwithstanding any other provision of law, for purposes of Article 7 (commencing with Section 1240.610) of Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure, use of land for classroom facilities, including, but not limited to, educational and training programs, by the Santa Ana Unified School District or the Rancho Santiago Community

College District shall be irrebuttably presumed to be a more necessary public use than any other use at the Marine Corps Air Station-Tustin. This section shall apply retroactively to all land use or other approvals relating to the Marine Corps Air Station-Tustin that are granted or issued by the City of Tustin, the Tustin Community Redevelopment Agency, or any agency or political subdivision of either, on or after January 1, 2001. Any such land use or other approvals granted or issued by any of these entities that do not comply with this section shall be invalid and of no force or effect.

SEC. 3. The Legislature finds and declares that the City of Tustin has taken the position that current state law prohibits the city from designating new schoolsites for the Santa Ana Unified School District and the Rancho Santiago Community College District as conditions of approval for the development of new land uses at the Marine Corps Air Station-Tustin. The Legislature further finds and declares that it is necessary to adopt this special legislation in order to (a) remove any perceived impediments to providing land for adequate schoolsites for those districts under the unique circumstances presented by the Reuse Plan for the Marine Corps Air Station-Tustin and (b) reaffirm the fact that the development of any new land uses at the Marine Corps Air Station-Tustin shall be and remain subject to the land use regulations of this state. The Legislature further finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the City of Tustin and the Tustin Community Redevelopment Agency. The facts constituting the special circumstances are:

The City of Tustin has submitted to the Department of the Navy the Marine Corps Air Station-Tustin Base Reuse Plan that does not allocate property to the Santa Ana Unified School District or to the Rancho Santiago Community College District, and has taken the position that the Department of Education's approvals of their public benefit conveyance requests are invalid. Nevertheless, the City of Tustin has allocated property in the Marine Corps Air Station-Tustin Base Reuse Plan to other school districts whose public benefit conveyances were also approved by the Department of Education. Regardless of the ultimate validity or invalidity of the Department of Education's approvals of the public benefit conveyance requests, the reuse of the Marine Corps Air Station-Tustin provides a unique opportunity to help the Santa Ana Unified School District and the Rancho Santiago Community College District address conditions of severe overcrowding and mitigate the student generation impacts upon those districts that will occur as a result of the redevelopment of the Marine Corps Air Station-Tustin pursuant to the Reuse Plan of the City of Tustin. Public

education is a fundamental community need that outweighs the need for additional commercial development in the region. These unique circumstances require the City of Tustin to convey property to the Santa Ana Unified School District and the Rancho Santiago Community College District so that these legitimate and crucial community needs may be met as a result of the closure of the Marine Corps Air Station-Tustin.

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## CHAPTER 124

An act to add Section 33210.5 to the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 33210.5 is added to the Health and Safety Code, to read:

33210.5. (a) As used in this section, the following terms have the following meanings:

(1) "Joint Redevelopment Plan" means the Redevelopment Plan for the Alameda County-City of San Leandro Redevelopment Project, adopted pursuant to this part by the City of San Leandro by ordinance dated July 12, 1993, as amended.

(2) "Joint Project Area" means the redevelopment project area established by the Joint Redevelopment Plan, which includes territory within both the City of San Leandro and the unincorporated territory of the County of Alameda.

(b) The Legislature finds and declares all of the following:

(1) Pursuant to Section 33213, the Board of Supervisors of the County of Alameda has authorized the redevelopment of the portion of the Joint Project Area within its territorial limits by the San Leandro Redevelopment Agency pursuant to the Joint Redevelopment Plan.

(2) Since adoption of the Joint Redevelopment Plan, the San Leandro Redevelopment Agency has exercised powers granted in this part in the entire Joint Project Area.

(c) By ordinance, the legislative bodies of the City of San Leandro and the County of Alameda may designate the Alameda County Redevelopment Agency to exercise exclusively any of the powers granted under this part, including, but not limited to, the power of



eminent domain, within that portion of the Joint Project Area within the unincorporated territory of the County of Alameda.

(d) Notwithstanding subdivision (c), by ordinance, the legislative bodies of the City of San Leandro and the County of Alameda may further declare that insofar as it is necessary or convenient for the San Leandro Redevelopment Agency to continue to exercise certain specified powers granted under this part within or for the portion of the Joint Project Area within the unincorporated territory of the County of Alameda, including, but not limited to, those relating to the receipt of tax increment revenue, the San Leandro Redevelopment Agency shall continue to exercise those powers.

(e) For the purposes of this part, the legislative body of the community with respect to actions taken by the San Leandro Redevelopment Agency pursuant to the Joint Redevelopment Plan shall mean the City Council of the City of San Leandro, and the legislative body of the community with respect to actions taken by the Alameda County Redevelopment Agency pursuant to the Joint Redevelopment Plan shall mean the Board of Supervisors of the County of Alameda.

(f) No action taken in accordance with and in furtherance of this section shall affect the calculation of tax increment revenue to be allocated pursuant to Section 33670 or Section 33676 in effect at the time of the adoption of the Joint Redevelopment Plan or the validity of any agreement entered into by the San Leandro Redevelopment Agency with an affected taxing entity pursuant to Section 33401 in effect at the time of execution of that agreement.

(g) The legislative body of the County of Alameda may amend, by ordinance, the Joint Redevelopment Plan without any further action of the legislative body, redevelopment agency, or planning commission of the City of San Leandro. Any amendment adopted pursuant to this subdivision shall affect only property within that portion of the Joint Project Area within the unincorporated territory of Alameda County and shall otherwise be processed in accordance with the applicable procedures and requirements of this part for such an amendment.

(h) The legislative body of the City of San Leandro may amend, by ordinance, the Joint Redevelopment Plan without any further action of the legislative body, redevelopment agency, or planning commission of the County of Alameda. Any amendment adopted pursuant to this subdivision shall affect only property within that portion of the Joint Project Area within the City of San Leandro and shall otherwise be prepared and processed in accordance with the applicable procedures and requirements of this part for such an amendment.

(i) The legislative body of the City of San Leandro and the legislative body of the County of Alameda shall not take any action pursuant to this section until the San Leandro Redevelopment Agency files with the

Controller a corrected report required by Section 33080.1 for the 1999–2000 fiscal year.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the San Leandro Redevelopment Agency. The facts constituting the special circumstances are:

In 1993, the County of Alameda authorized the San Leandro Redevelopment Agency to exercise redevelopment powers within its territorial limits. The County of Alameda now desires to exercise those powers but there are no provisions within the Community Redevelopment Law to allow for that division of authority. This special act is needed to create those procedures.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the City of San Leandro and the County of Alameda to fulfill the purposes of the Joint Redevelopment Plan, as defined in Section 1 of this act, it is necessary that this act take effect immediately.

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## CHAPTER 125

An act to amend Section 1559.110 of the Health and Safety Code, to amend Sections 11400, 16522, and 16522.1 of, to add Sections 11403.1, 11403.2, 11403.3, 11403.4, and 16011 to, to repeal Section 16522.3 of, and to repeal Article 6 (commencing with Section 11460.1) of Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 1559.110 of the Health and Safety Code is amended to read:

1559.110. (a) Except as specified in subdivision (e), the State Department of Social Services shall license community care facilities participating in transitional housing placement programs, as designated in Sections 11400 and 16522 of the Welfare and Institutions Code.

(b) Transitional housing placement programs shall provide supervised housing services to persons who are at least 16 years of age and not more than 18 years of age, except as provided in Section 11403 of the Welfare and Institutions Code, and who meet all of the following conditions:

(1) Meet the requirements of Section 11401 of the Welfare and Institutions Code.

(2) Are in out-of-home placement under the supervision of the county department of social services or the county probation department.

(3) Are participating in, or have successfully completed, an independent living program.

(c) A transitional housing placement program may also serve any person less than 21 years of age who is receiving aid under Section 11403.1 of the Welfare and Institutions Code.

(d) Transitional housing placement program services shall include any of the following:

(1) Programs in which one or more participants in the program live in an apartment, single-family dwelling, or condominium with an adult employee of the provider.

(2) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by the provider located in a building in which one or more adult employees of the provider reside and provide supervision.

(3) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by a provider under the supervision of the provider if the State Department of Social Services provides approval.

(e) A transitional housing placement facility that serves only eligible youth over 18 years of age who have emancipated from the foster care system shall not be subject to subdivision (a), provided the facility has been certified to provide transitional housing services by the appropriate county social services or probation department, and has obtained a local fire clearance. No later than June 30, 2002, the department shall establish certification standards and procedures in consultation with the County Welfare Directors Association, the California Youth Connection, the county probation departments, and provider representatives. The certification standards shall include, but not be limited to, a criminal background check of transitional housing providers and staff.

(f) (1) The department shall adopt regulations to govern transitional housing placement facilities licensed pursuant to this section.

(2) The regulations shall be age-appropriate and recognize that youth who are about to emancipate from the foster care system should be subject to fewer restrictions than those who are younger. At a minimum, the regulations shall provide for both of the following:

(A) Require programs that serve youth who are both in and out of the foster care system to have separate rules and program design, as appropriate, for these two groups of youth.

(B) Allow youth who have emancipated from the foster care system to have the greatest amount of freedom possible in order to prepare them for self-sufficiency.

SEC. 2. Section 11400 of the Welfare and Institutions Code is amended to read:

11400. For the purposes of this article, the following definitions shall apply:

(a) "Aid to Families with Dependent Children-Foster Care (AFDC-FC)" means the aid provided on behalf of needy children in foster care under the terms of this division.

(b) "Case plan" means a written document that, at a minimum, specifies the type of home in which the child shall be placed, the safety of that home, and the appropriateness of that home to meet the child's needs. It shall also include the agency's plan for ensuring that the child receive proper care and protection in a safe environment, and shall set forth the appropriate services to be provided to the child, the child's family, and the foster parents, in order to meet the child's needs while in foster care, and to reunify the child with the child's family. In addition, the plan shall specify the services that will be provided or steps that will be taken to facilitate an alternate permanent plan if reunification is not possible.

(c) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.

(d) "Family home" means the family residency of a licensee in which 24-hour care and supervision are provided for children.

(e) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.

(f) "Foster care" means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting.

(g) "Foster family agency" means any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.

(h) "Group home" means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision, as required by paragraph (1) of subdivision (a) of Section 1502 of the Health and Safety Code.

(i) "Periodic review" means review of a child's status by the juvenile court or by an administrative review panel, that shall include a consideration of the safety of the child, a determination of the continuing need for placement in foster care, evaluation of the goals for the placement and the progress toward meeting these goals, and development of a target date for the child's return home or establishment of alternative permanent placement.

(j) "Permanency planning hearing" means a hearing conducted by the juvenile court in which the child's future status, including whether the child shall be returned home or another permanent plan shall be developed, is determined.

(k) "Placement and care" refers to the responsibility for the welfare of a child vested in an agency or organization by virtue of the agency or organization having (1) been delegated care, custody, and control of a child by the juvenile court, (2) taken responsibility, pursuant to a relinquishment or termination of parental rights on a child, (3) taken the responsibility of supervising a child detained by the juvenile court pursuant to Section 319 or 636, or (4) signed a voluntary placement agreement for the child's placement; or to the responsibility designated to an individual by virtue of his or her being appointed the child's legal guardian.

(l) "Preplacement preventive services" means services which are designed to help children remain with their families by preventing or eliminating the need for removal.

(m) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse of any of these persons even if the marriage was terminated by death or dissolution.

(n) "Voluntary placement" means an out-of-home placement of a child by (1) the county welfare department after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as

an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.

(o) "Voluntary placement agreement" means a written agreement between either the county welfare department, a licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following:

(1) The legal status of the child.

(2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed.

(p) "Original placement date" means the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child or the date on which an agency assumed responsibility for a child due to termination of parental rights, relinquishment, or voluntary placement.

(q) "Transitional housing placement facility" means either of the following:

(1) A community care facility licensed by the State Department of Social Services pursuant to Section 1559.110 of the Health and Safety Code to provide transitional housing opportunities to persons at least 16 years old, and not more than 18 years old unless they satisfy the requirements of Section 11403, who are in out-of-home placement under the supervision of the county department of social services or the county probation department, and who are participating in an independent living program.

(2) A facility certified to provide transitional housing services pursuant to subdivision (e) of Section 1559.110 of the Health and Safety Code.

(r) "Transitional housing placement program" means a program that provides supervised housing opportunities to eligible youth pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4.

SEC. 3. Section 11403.1 is added to the Welfare and Institutions Code, to read:

11403.1. (a) (1) The Legislature finds and declares that former foster youth are a vulnerable population at risk of homelessness, unemployment, welfare dependency, incarceration, and other adverse outcomes if they exit the foster care system unprepared to become self-sufficient. Unlike many young individuals 18 years of age who can depend on family for ongoing support while they complete postsecondary education or develop career opportunities, emancipating foster youth have their primary source of support, AFDC-Foster Care payments, terminated at 18 years of age and are then dependent on their own resources for self-support. Some foster youth are not able to complete high school or other education or training programs due to

ongoing trauma from the parental abuse or neglect and gaps in their educational attainment stemming from the original removal and subsequent changes in placement.

(2) Completion of an educational or training program is an essential, minimum skill needed by foster youth in order to be competitive in today's economy.

(3) It is therefore the intent of the Legislature to create, for counties that opt to participate, the Supportive Transitional Emancipation Program (STEP) in which emancipated foster youth shall be eligible to receive support while participating in an educational or training program, or any activity consistent with their transitional independent living plan up to 21 years of age.

(b) A person who meets all of the following conditions shall be eligible to receive aid under this section:

(1) The person either was in foster care and emancipated upon reaching the age limitations specified in Section 11401 or received aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) and emancipated upon reaching the age limitations specified in Section 11363.

(2) The person is participating in an educational or training program, or any activity consistent with his or her transitional independent living plan.

(3) The person is under 21 years of age.

(4) The person has emancipated from a county that is participating in the STEP program.

(c) Aid under this section shall be provided pursuant to a transitional independent living plan mutually agreed upon by the emancipated foster youth and the county welfare or probation department or independent living program coordinator, which shall be reviewed annually. The youth participating in STEP has the responsibility to inform the county of changes to the conditions in the agreed-upon plan that affect payment of aid, including changes in address, living circumstances, and the educational or training program.

(d) For purposes of this section "emancipated foster youth" means a person who meets the eligibility criteria in subdivision (b).

(e) (1) In determining the amount of aid under this section, the rate provided to the youth shall be equivalent to the basic rate provided to a foster family home provider pursuant to Section 11461.

(2) If the emancipated youth remains in placement, payment shall be made to the care provider, including a transitional housing placement program, at a rate equivalent to the basic rate provided to a foster family home provider pursuant to Section 11461.

(f) Unless otherwise provided by federal law, receipt of aid under this section shall not be considered income either for purposes of eligibility

for services provided in other federal or state programs, or for grants that may be provided by an institution of higher education, including, but not limited to, Cal Grants or other grants or fee waivers.

(g) (1) Aid under this section shall be provided to eligible youth who have emancipated from a county that elects to participate under this section.

(2) Each participating county welfare department shall notify all foster youth in that county, including those receiving Kin-GAP, ages 16 to 19 years, inclusive, of the existence of the program prescribed by this section.

(h) The department shall seek any federal funds available for implementation of this section, including, but not limited to, funds available under Title IV of the Social Security Act (42 U.S.C. Sec. 601 et seq.). Implementation of this section shall not, however, be contingent upon receipt of any federal funding. The department shall seek any waiver from the Secretary of the United States Department of Health and Human Services that is necessary to implement this section.

(i) Funding shall be subject to the sharing ratios specified in subdivision (c) of Section 15200.

(j) This section shall be operative on January 1, 2002.

SEC. 4. Section 11403.2 is added to the Welfare and Institutions Code, to read:

11403.2. (a) The following persons shall be eligible for transitional housing placement program services provided pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4:

(1) Any minor at least 16 years of age and not more than 18 years of age, except as provided in Section 11403, who is eligible for AFDC-Foster Care benefits under this chapter and who meets the requirements in Section 16522.2.

(2) Any person less than 21 years of age who is receiving aid under Section 11403.1, and has emancipated from a county that has elected to participate in a transitional housing placement program for youths who are at least 18 years of age and under 21 years of age, as described in subdivision (r) of Section 11400, provided he or she has not received services under this paragraph for more than a total of 24 months, whether or not consecutive.

(b) Payment on behalf of an eligible person receiving transitional housing services shall be made to the transitional housing placement program pursuant to the conditions and limitations set forth in Section 11403.3.

SEC. 5. Section 11403.3 is added to the Welfare and Institutions Code, to read:

11403.3. (a) (1) Subject to subdivision (b), a transitional housing placement program, as defined in Section 11400, that provides



transitional housing services to an eligible youth in a facility licensed pursuant to subdivision (a) of Section 1559.110 of the Health and Safety Code, shall be paid a monthly rate that is 75 percent of the average foster care expenditures for foster youth 16 to 18 years of age, inclusive, in group home care in the county in which the program operates.

(2) Subject to subdivision (c), a transitional housing placement program, as defined in Section 11400, that provides transitional housing services to an eligible youth in a facility certified pursuant to subdivision (e) of Section 1559.110 of the Health and Safety Code, shall be paid a monthly rate that is 70 percent of the average foster care expenditures for foster youth 16 to 18 years of age, inclusive, in group home care in the county in which the program operates.

(b) Payment to a transitional housing placement program for transitional housing services provided to a person described in paragraph (1) of subdivision (a) of Section 11403.2 shall be subject to the following conditions:

(1) An amount equal to the base rate, as defined in subdivision (d), shall be paid for transitional housing services provided.

(2) Any additional amount payable pursuant to subdivision (a) shall be contingent on both of the following:

(A) The availability of moneys in the Transitional Housing for Foster Youth Fund established in Section 11403.4 to pay the state share of cost of the additional amount.

(B) Election by the county placing the youth in the transitional housing placement program to participate in the costs of the additional amount, pursuant to subdivision (g).

(c) (1) Payment to a transitional housing placement program for transitional housing services provided to a person receiving aid under Section 11403.1 shall be subject to the following conditions:

(A) An amount payable pursuant to Section 11403.1 shall be paid for transitional housing services provided.

(B) Any additional amount payable pursuant to subdivision (a) to a transitional housing placement program for services provided to a person described in paragraph (2) of subdivision (a) of Section 11403.2 shall be paid contingent on both of the following:

(i) The availability of moneys in the Transitional Housing for Foster Youth Fund established in Section 11403.4 to pay the state share of cost of the additional amount.

(ii) Election by the county from which the person has emancipated to participate in the costs of the additional amount, pursuant to subdivision (g).

(2) The department may limit new participants into transitional housing placement programs if costs for this subdivision are projected

to exceed moneys available in the Transitional Housing for Foster Youth Fund established in Section 11403.4.

(d) (1) As used in this section, "base rate" means the rate a transitional housing placement program was approved to receive on June 30, 2001. If a program commences operation after this date, the base rate shall be the rate the program would have received if it had been operational on June 30, 2001.

(2) Notwithstanding subdivision (a), no transitional housing placement program with an approved rate on July 1, 2001, shall receive a lower rate than its base rate.

(e) Any reductions in payments to a transitional housing placement program pursuant to the implementation of paragraph (2) of subdivision (b) or subparagraph (B) of paragraph (1) of subdivision (c) shall not preclude the program from acquiring from other sources, additional funding necessary to provide program services.

(f) The department shall develop, implement, and maintain a ratesetting system schedule for transitional housing placement programs pursuant to subdivisions (a) to (d), inclusive.

(g) Funding for the rates payable under this section shall be subject to the sharing ratios specified in subdivision (c) of Section 15200.

SEC. 6. Section 11403.4 is added to the Welfare and Institutions Code, to read:

11403.4. (a) The Transitional Housing for Foster Youth Fund is hereby created in the State Treasury for the purposes specified in this section.

(b) Except as otherwise limited by this section, the fund shall consist of all of the following:

(1) All public moneys transferred into the fund.

(2) Any interest that accrues on amounts in the fund.

(c) All moneys in the fund shall be used for the purpose of costs incurred pursuant to paragraph (2) of subdivision (b) or subparagraph (B) of paragraph (1) of subdivision (c) of Section 11403.3.

(d) Notwithstanding Section 13340 of the Government Code, moneys in the fund are continuously appropriated, without regard to fiscal years, for the purposes specified in subdivision (c).

SEC. 7. Article 6 (commencing with Section 11460.1) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 8. Section 16011 is added to the Welfare and Institutions Code, to read:

16011. (a) Subject to the conditions prescribed by this section, Los Angeles County may pursue the development and evaluation of a pilot Internet-based health and education passport system. The system shall be known as the Passport System. The Passport System shall collect and maintain health and education records for foster children under the

supervision of the county social services or probation department, as required by Section 16010. The Passport System shall initially be conducted as a limited pilot project in a subset of Los Angeles County, and upon successful evaluation, may be expanded statewide.

(1) Los Angeles County shall be responsible for the planning, development, and implementation of the Passport System. Los Angeles County is responsible for the development of the advance planning document (APD) as prescribed by federal regulations, requesting funding consistent with the child welfare services program. The APD shall include, but not be limited to, the design of an interface between the web-based Passport System and the Child Welfare Services/Case Management System (CWS/CMS) so that information entered into the Passport System shall automatically and permanently reside in the CWS/CMS. In addition, the APD shall include the scope of the pilot project, the evaluation plan pursuant to subdivisions (b) and (d), and the county shall address a plan for compliance with pertinent provisions in state and federal law requiring that privacy of confidential information be maintained.

(2) The department shall review and, upon approval by the appropriate state agencies, shall transmit the APD to the federal Department of Health and Human Services. The department shall facilitate assistance as appropriate to gain federal approval of the APD. Implementation of the pilot system shall be contingent upon federal approval of the APD and of the request for federal funding consistent with the child welfare services program. It shall also be contingent upon assurance by the United States Secretary of Health and Human Services that the federal funding for the CWS/CMS shall not be adversely impacted by the development and implementation of the Passport System. If the department is unable to gain federal approval of the pilot project by January 1, 2003, authorization for the pilot project established by this section shall cease.

(3) The Passport System shall provide real-time access to health, mental health, and educational information by health and mental health care providers, educators, licensed or approved foster care givers, and local agency staff in order to improve the accuracy and reliability of information necessary to ensure receipt of appropriate services for children in foster care, to improve health and educational outcomes, and to reduce and eliminate the risk of inadequate treatment by service providers, multiple immunizations, other severe health and education problems, and death.

(4) The Passport System shall meet all the operational and administrative needs of local participating agencies; be scalable and flexible to interface with and integrate data from multiple Los Angeles County and other county departments and state agencies that provide

services to children, using data matching algorithms that provide a high level of confidence and reliability; maximize the use and availability of information in a secured and reliable environment; allow relevant county staff, health, mental health, education providers, and licensed or approved foster care givers to update or view appropriate data through a web-enabled application via the Internet; contain fire walls and safeguards to ensure that only authorized persons inquire and update only those cases which they have been authorized to access; and to ensure the integrity and confidentiality of the system.

(b) Prior to commencement of the pilot project, Los Angeles County, in consultation with the department, shall develop a pilot evaluation plan subject to approval by the department and the United States Secretary of Health and Human Services. The plan shall include, but is not limited to, identification of measurable objectives, and benefits that the pilot project is expected to achieve, the methodology, and plan criteria for evaluating the pilot project.

(c) The pilot plan shall include a strategy to incentivize health, mental health, and educational providers servicing foster children to utilize and update the Internet-based system.

(d) Implementation of the interface between the Internet-based Passport System and the CWS/CMS shall be contingent upon approval of federal reimbursement consistent with the child welfare services program. Funding shall be subject to the sharing ratios that apply to the administration of child welfare services programs. Any funds appropriated for this purpose not expended in the 2001–02 fiscal year shall be available for the purposes of this section as expenditure in subsequent years. After one year of operation of the pilot project, Los Angeles County shall complete a pilot evaluation as described in the pilot evaluation plan. The results of the evaluation shall be provided to the chairpersons of the fiscal and policy committees of each house of the Legislature, the Chairperson of the Joint Legislative Budget Committee, and the Department of Finance.

SEC. 9. Section 16522 of the Welfare and Institutions Code is amended to read:

16522. (a) The State Department of Social Services shall adopt regulations to govern county transitional housing placement programs that provide supervised housing services to persons at least 16 years of age and not more than 18 years of age, except as provided in Section 11403, and who meet all of the following conditions:

- (1) Meet the requirements of Section 11401.
- (2) Are in out-of-home placement under the supervision of the county department of social services or the county probation department.
- (3) Are participating in, or have successfully completed an independent living program.

(b) A transitional housing program may also serve any person under 21 years of age who is receiving aid under Section 11403.1.

(c) The department may structure statewide implementation of transitional housing placement programs on a phased-in basis.

(d) Transitional housing placement program services shall include any of the following:

(1) Programs in which one or more participants in the program live in an apartment, single-family dwelling, or condominium with an adult employee of the provider.

(2) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by the provider located in a building in which one or more adult employees of the provider reside and provide supervision.

(3) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by a provider under the supervision of the provider if the State Department of Social Services provides approval.

(e) The regulations shall be age-appropriate and recognize that youth who are about to emancipate from the foster care system should be subject to fewer restrictions than those who are younger. At a minimum, the regulations shall provide for both of the following:

(1) Require programs that serve youth who are both in and out of the foster care system to have separate rules and program design, as appropriate, for these two groups of youth.

(2) Allow youth who have emancipated from the foster care system to have the greatest amount of freedom possible in order to prepare them for self-sufficiency.

SEC. 10. Section 16522.1 of the Welfare and Institutions Code is amended to read:

16522.1. In order to be licensed pursuant to Section 1559.110 of the Health and Safety Code, an applicant shall obtain certification from the county department of social services or the county probation department that the facility program provides all of the following:

(a) (1) Admission criteria for participants in the program, including, but not limited to, consideration of the applicant's age, previous placement history, delinquency history, history of drug or alcohol abuse, current strengths, level of education, mental health history, medical history, prospects for successful participation in the program, and work experience. Youth who are wards of the court described in Section 602 and youth receiving psychotropic medications shall be eligible for consideration to participate in the program, and shall not be automatically excluded due to these factors.

(2) The department shall review the admission criteria to ensure that the criteria are sufficient to protect participants and that they do not discriminate on the basis of race, gender, sexual orientation, or disability.

(b) Strict employment criteria that include a consideration of the employee's age, drug or alcohol history, and experience in working with persons in this age group.

(c) A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed in long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.

(d) A detailed plan for monitoring the placement of persons under the licensee's care.

(e) A contract between the participating person and the licensee that specifically sets out the requirements for each party, and in which the licensee and the participant agree to the requirements of this article.

(f) An allowance to be provided to each participant in the program. In the case of a participant living independently, this allowance shall be sufficient for the participant to purchase food and other necessities.

(g) A system for payment for utilities, telephone, and rent.

(h) Policies regarding all of the following:

(1) Education requirements.

(2) Work expectations.

(3) Savings requirements.

(4) Personal safety.

(5) Visitors including, but not limited to, visitation by the placement auditor pursuant to subdivision (d).

(6) Emergencies.

(7) Medical problems.

(8) Disciplinary measures.

(9) Child care.

(10) Pregnancy.

(11) Curfew.

(12) Apartment cleanliness.

(13) Use of utilities and telephone.

(14) Budgeting.

(15) Care of furnishings.

(16) Decorating of apartments.

(17) Cars.

(18) Lending or borrowing money.

(19) Unauthorized purchases.

(20) Dating.

(21) Grounds for termination that may include, but shall not be limited to, illegal activities or harboring runaways.

(i) Apartment furnishings, and a policy on disposition of the furnishings when the participant completes the program.

(j) Evaluation of the participant's progress in the program and reporting to the independent living program and to the department regarding that progress.

(k) A linkage to the federal Job Training and Partnership Act (29 U.S.C. Sec. 1501 et seq.) program administered in the local area to provide employment training to eligible participants.

SEC. 11. Section 16522.3 of the Welfare and Institutions Code is repealed.

SEC. 12. The Legislature finds and declares that there is no mandate contained in this act that will result in costs incurred by a local agency for a new program or higher level of service that will require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 13. (a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, through June 30, 2002, the State Department of Social Services may implement the applicable provisions of this act through an all-county letter or similar instructions from the director.

(b) (1) The director shall adopt regulations, as otherwise necessary, to implement the applicable provisions of this act no later than July 1, 2002. Emergency regulations to implement the applicable provisions of this act may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

(2) Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The initial regulations and the first readoption of the emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall each remain in effect for no more than 180 days.

SEC. 14. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the necessary statutory changes to implement the Budget Act of 2001 at the earliest possible time, it is necessary that this act take effect immediately.

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CHAPTER 126

An act to amend Sections 12035, 12036, and 12071 of the Penal Code, relating to firearms.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 12035 of the Penal Code is amended to read: 12035. (a) As used in this section, the following definitions shall apply:

(1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.

(2) "Loaded firearm" has the same meaning as set forth in subdivision (g) of Section 12031.

(3) "Child" means a person under 18 years of age.

(4) "Great bodily injury" has the same meaning as set forth in Section 12022.7.

(5) "Locked container" has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) (1) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the first degree" if he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.

(2) Except as provided in subdivision (c), a person commits the crime of "criminal storage of a firearm of the second degree" if he or she keeps any loaded firearm within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereby causes injury, other than great bodily injury, to himself,



herself, or any other person, or carries the firearm either to a public place or in violation of Section 417.

(c) Subdivision (b) shall not apply whenever any of the following occurs:

(1) The child obtains the firearm as a result of an illegal entry to any premises by any person.

(2) The firearm is kept in a locked container or in a location that a reasonable person would believe to be secure.

(3) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(4) The firearm is locked with a locking device that has rendered the firearm inoperable.

(5) The person is a peace officer or a member of the Armed Forces or National Guard and the child obtains the firearm during, or incidental to, the performance of the person's duties.

(6) The child obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of another person, or persons.

(7) The person who keeps a loaded firearm on any premise that is under his or her custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(d) Criminal storage of a firearm is punishable as follows:

(1) Criminal storage of a firearm in the first degree, by imprisonment in the state prison for 16 months, or two or three years, by a fine not exceeding ten thousand dollars (\$10,000), or by both that imprisonment and fine; or by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(2) Criminal storage of a firearm in the second degree, by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(e) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated this section when deciding whether to prosecute an alleged violation. It is the Legislature's intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This subdivision shall not otherwise restrict, in any

manner, the factors that a district attorney may consider when deciding whether to prosecute alleged violations of this section.

(f) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, no arrest of the person for the alleged violation of this section shall occur until at least seven days after the date upon which the accidental shooting occurred.

In addition to the limitation contained in this subdivision, a law enforcement officer shall consider the health status of a child who suffers great bodily injury as the result of an accidental shooting prior to arresting a person for a violation of this section, if the person to be arrested is the parent or guardian of the injured child. The intent of this subdivision is to encourage law enforcement officials to delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or is in a similarly critical medical condition.

(g) (1) The fact that the person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of this section shall be considered a mitigating factor by a district attorney when he or she is deciding whether to prosecute the alleged violation.

(2) In any action or trial commenced under this section, the fact that the person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of this section, shall be admissible.

(h) Every person licensed under Section 12071 shall post within the licensed premises the notice required by paragraph (7) of subdivision (b) of that section, disclosing the duty imposed by this section upon any person who keeps a loaded firearm.

SEC. 2. Section 12036 of the Penal Code is amended to read:

12036. (a) As used in this section, the following definitions shall apply:

(1) "Locking device" means a device that is designed to prevent the firearm from functioning and when applied to the firearm, renders the firearm inoperable.

(2) "Child" means a person under the age of 18 years.

(3) "Off-premises" means premises other than the premises where the firearm was stored.

(4) "Locked container" has the same meaning as set forth in subdivision (d) of Section 12026.2.

(b) A person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premises that are under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to that

firearm without the permission of the child's parent or legal guardian and the child obtains access to that firearm and thereafter carries that firearm off-premises, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) A person who keeps any firearm within any premises that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance whether occurring on school grounds or elsewhere, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding five thousand dollars (\$5,000), or by both that imprisonment and fine.

(d) A pistol, revolver, or other firearm capable of being concealed upon the person that a child gains access to and carries off-premises in violation of this section shall be deemed "used in the commission of any misdemeanor as provided in this code or any felony" for the purpose of subdivision (b) of Section 12028 regarding the authority to confiscate firearms and other deadly weapons as a nuisance.

(e) This section shall not apply if any one of the following circumstances exists:

(1) The child obtains the pistol, revolver, or other firearm capable of being concealed upon the person as a result of an illegal entry into any premises by any person.

(2) The pistol, revolver, or other firearm capable of being concealed upon the person is kept in a locked container or in a location that a reasonable person would believe to be secure.

(3) The pistol, revolver, or other firearm capable of being concealed upon the person is locked with a locking device that has rendered the firearm inoperable.

(4) The pistol, revolver, or other firearm capable of being concealed upon a person is carried on the person within such a close range that the individual can readily retrieve and use the firearm as if carried on the person.

(5) The person is a peace officer or a member of the Armed Forces or National Guard and the child obtains the pistol, revolver, or other firearm capable of being concealed upon the person during, or incidental to, the performance of the person's duties.

(6) The child obtains, or obtains and discharges, the pistol, revolver, or other firearm capable of being concealed upon the person in a lawful act of self-defense or defense of another person or persons.

(7) The person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(f) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the district attorney shall consider, among other factors, the impact of the injury or death on the person alleged to have violated this section when deciding whether to prosecute the alleged violation. It is the Legislature's intent that a parent or guardian of a child who is injured or who dies as the result of an accidental shooting shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner or where similarly egregious circumstances exist. This subdivision shall not otherwise restrict, in any manner, the factors that a district attorney may consider when deciding whether to prosecute alleged violations of this section.

(g) If the person who allegedly violated this section is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, no arrest of the person for the alleged violation of this section shall occur until at least seven days after the date upon which the accidental shooting occurred.

In addition to the limitation contained in this subdivision, a law enforcement officer shall consider the health status of a child who suffers great bodily injury as the result of an accidental shooting prior to arresting a person for a violation of this section, if the person to be arrested is the parent or guardian of the injured child. The intent of this subdivision is to encourage law enforcement officials to delay the arrest of a parent or guardian of a seriously injured child while the child remains on life-support equipment or is in a similarly critical medical condition.

(h) (1) The fact that the person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of this section shall be considered a mitigating factor by a district attorney when he or she is deciding whether to prosecute the alleged violation.

(2) In any action or trial commenced under this section, the fact that the person who allegedly violated this section attended a firearm safety training course prior to the purchase of the firearm that is obtained by a child in violation of this section, shall be admissible.

(i) Every person licensed under Section 12071 shall post within the licensed premises the notice required by paragraph (7) of subdivision (b) of that section, disclosing the duty imposed by this section upon any person who keeps any firearm.

SEC. 3. Section 12071 of the Penal Code is amended to read:

12071. (a) (1) As used in this chapter, the term “licensee,” “person licensed pursuant to Section 12071,” or “dealer” means a person who has all of the following:

(A) A valid federal firearms license.

(B) Any regulatory or business license, or licenses, required by local government.

(C) A valid seller’s permit issued by the State Board of Equalization.

(D) A certificate of eligibility issued by the Department of Justice pursuant to paragraph (4).

(E) A license issued in the format prescribed by paragraph (6).

(F) Is among those recorded in the centralized list specified in subdivision (e).

(2) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing.

(3) No license shall be granted to any applicant who fails to provide a copy of his or her valid federal firearms license, valid seller’s permit issued by the State Board of Equalization, and the certificate of eligibility described in paragraph (4).

(4) A person may request a certificate of eligibility from the Department of Justice and the Department of Justice shall issue a certificate to an applicant if the department’s records indicate that the applicant is not a person who is prohibited from possessing firearms.

(5) The department shall adopt regulations to administer the certificate of eligibility program and shall recover the full costs of administering the program by imposing fees assessed to applicants who apply for those certificates.

(6) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(A) In the form prescribed by the Attorney General.

(B) A regulatory or business license that states on its face “Valid for Retail Sales of Firearms” and is endorsed by the signature of the issuing authority.

(C) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant’s intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(7) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(b) A license is subject to forfeiture for a breach of any of the following prohibitions and requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the business shall be conducted only in the buildings designated in the license.

(B) A person licensed pursuant to subdivision (a) may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subparagraph shall be entitled to conduct business as authorized herein at any gun show or event in the state without regard to the jurisdiction within this state that issued the license pursuant to subdivision (a), provided the person complies with (i) all applicable laws, including, but not limited to, the waiting period specified in subparagraph (A) of paragraph (3), and (ii) all applicable local laws, regulations, and fees, if any.

A person conducting business pursuant to this subparagraph shall publicly display his or her license issued pursuant to subdivision (a), or a facsimile thereof, at any gun show or event, as specified in this subparagraph.

(C) A person licensed pursuant to subdivision (a) may engage in the sale and transfer of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at events specified in subdivision (g) of Section 12078, subject to the prohibitions and restrictions contained in that subdivision.

A person licensed pursuant to subdivision (a) also may accept delivery of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, outside the building designated in the license, provided the firearm is being donated for the purpose of sale or transfer at an auction or similar event specified in subdivision (g) of Section 12078.

(D) The firearm may be delivered to the purchaser, transferee, or person being loaned the firearm at one of the following places:

- (i) The building designated in the license.
- (ii) The places specified in subparagraph (B) or (C).
- (iii) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

(3) No firearm shall be delivered:

(A) Within 10 days of the application to purchase, or, after notice by the department pursuant to subdivision (d) of Section 12076, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to subdivision (e) of Section 12076, whichever is later.

(B) Unless unloaded and securely wrapped or unloaded and in a locked container.

(C) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of his or her identity and age to the dealer.

(D) Whenever the dealer is notified by the Department of Justice that the person is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(4) No pistol, revolver, or other firearm or imitation thereof capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

(5) The licensee shall agree to and shall act properly and promptly in processing firearms transactions pursuant to Section 12082.

(6) The licensee shall comply with Sections 12073, 12076, and 12077, subdivisions (a) and (b) of Section 12072, and subdivision (a) of Section 12316.

(7) The licensee shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(C) "IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(D) "DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER EXPOSURE."

(E) "FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM."

(F) "NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD."

(8) Commencing April 1, 1994, no pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate.

(9) Commencing July 1, 1992, the licensee shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the pamphlet described in Section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm.

(10) The licensee shall not commit an act of collusion as defined in Section 12072.



(11) The licensee shall post conspicuously within the licensed premises a detailed list of each of the following:

(A) All charges required by governmental agencies for processing firearm transfers required by Sections 12076, 12082, and 12806.

(B) All fees that the licensee charges pursuant to Sections 12082 and 12806.

(12) The licensee shall not misstate the amount of fees charged by a governmental agency pursuant to Sections 12076, 12082, and 12806.

(13) The licensee shall report the loss or theft of any firearm that is merchandise of the licensee, any firearm that the licensee takes possession of pursuant to Section 12082, or any firearm kept at the licensee's place of business within 48 hours of discovery to the appropriate law enforcement agency in the city, county, or city and county where the licensee's business premises are located.

(14) In a city and county, or in the unincorporated area of a county with a population of 200,000 persons or more according to the most recent federal decennial census or within a city with a population of 50,000 persons or more according to the most recent federal decennial census, any time the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(A) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.

(B) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(C) Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

(15) The licensing authority in an unincorporated area of a county with a population less than 200,000 persons according to the most recent federal decennial census or within a city with a population of less than 50,000 persons according to the most recent federal decennial census may impose the requirements specified in paragraph (14).

(16) Commencing January 1, 1994, the licensee shall, upon the issuance or renewal of a license, submit a copy of the same to the Department of Justice.

(17) The licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, a firearms transaction record.

(18) (A) On the date of receipt, the licensee shall report to the Department of Justice in a format prescribed by the department the acquisition by the licensee of the ownership of a pistol, revolver, or other firearm capable of being concealed upon the person.

(B) The provisions of this paragraph shall not apply to any of the following transactions:

(i) A transaction subject to the provisions of subdivision (n) of Section 12078.

(ii) The dealer acquired the firearm from a wholesaler.

(iii) The dealer is also licensed as a secondhand dealer pursuant to Article 4 (commencing with Section 21625) of Chapter 9 of Division 8 of the Business and Professions Code.

(iv) The dealer acquired the firearm from a person who is licensed as a manufacturer or importer to engage in those activities pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(v) The dealer acquired the firearm from a person who resides outside this state who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(19) The licensee shall forward in a format prescribed by the Department of Justice, information as required by the department on any firearm that is not delivered within the time period set forth in Section 178.102 (c) of Title 27 of the Code of Federal Regulations.

(c) (1) As used in this article, "clear evidence of his or her identity and age" means either of the following:

(A) A valid California driver's license.

(B) A valid California identification card issued by the Department of Motor Vehicles.

(2) As used in this article, a "basic firearms safety certificate" means a basic firearms certificate issued to the purchaser, transferee, or person being loaned the firearm by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6.

(3) As used in this section, a "secure facility" means a building that meets all of the following specifications:

(A) All perimeter doorways shall meet one of the following:

(i) A windowless steel security door equipped with both a dead bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least one-half inch diameter or metal grating of at least nine gauge affixed to the exterior or interior of the door.

(iii) A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.

(B) All windows are covered with steel bars.

(C) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.

(D) Any metal grates have spaces no larger than six inches wide measured in any direction.

(E) Any metal screens have spaces no larger than three inches wide measured in any direction.

(F) All steel bars shall be no further than six inches apart.

(4) As used in this section, "licensed premises," "licensed place of business," "licensee's place of business," or "licensee's business premises" means the building designated in the license.

(5) For purposes of paragraph (17) of subdivision (b):

(A) A "firearms transaction record" is a record containing the same information referred to in subdivision (a) of Section 178.124, Section 178.124a, and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 178.124a and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 178.124 of Title 27 of the Code of Federal Regulations.

(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.

(e) Except as otherwise provided in this subdivision, the Department of Justice shall keep a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a). The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer's business is located. The department shall make information about an individual dealer available, upon request, for one of the following purposes only:

(1) For law enforcement purposes.

(2) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(3) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of eligibility issued pursuant to Section 12071.1, if that information is requested by the person to determine the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subparagraph (B) of paragraph (1) of subdivision (b). Information provided pursuant to this paragraph shall be limited to information necessary to corroborate an individual's current license status.

(f) The Department of Justice may inspect dealers to ensure compliance with this article. The department may assess an annual fee, not to exceed eighty-five dollars (\$85), to cover the reasonable cost of maintaining the list described in subdivision (e), including the cost of inspections. Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

(g) The Department of Justice shall maintain and make available upon request information concerning the number of inspections conducted and the amount of fees collected pursuant to subdivision (f), a listing of exempted jurisdictions, as defined in subdivision (f), the number of dealers removed from the centralized list defined in subdivision (e), and the number of dealers found to have violated this article with knowledge or gross negligence.

(h) Paragraph (14) or (15) of subdivision (b) shall not apply to a licensee organized as a nonprofit public benefit or mutual benefit corporation organized pursuant to Part 2 (commencing with Section 5110) or Part 3 (commencing with Section 7110) of Division 2 of the Corporations Code, if both of the following conditions are satisfied:

(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.

(2) The firearms are not pistols, revolvers, or other firearms capable of being concealed upon the person.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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CHAPTER 127

An act to amend Sections 3071 and 3072 of the Civil Code, and to amend Sections 2430.3, 2432, 21211, and 22851 of, to add Section 1685 to, and to add and repeal Section 2425 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 30, 2001.]

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

SECTION 1. Section 3071 of the Civil Code is amended to read:

3071. (a) A lienholder shall apply to the department for the issuance of an authorization to conduct a lien sale pursuant to this section for any vehicle with a value determined to be over four thousand dollars (\$4,000). A filing fee shall be charged by the department and may be recovered by the lienholder if a lien sale is conducted or if the vehicle is redeemed. The application shall be executed under penalty of perjury and shall include all of the following information:

(1) A description of the vehicle, including make, year model, identification number, license number, and state of registration. For motorcycles, the engine number also shall be included. If the vehicle identification number is not available, the department shall request an inspection of the vehicle by a peace officer, licensed vehicle verifier, or departmental employee before accepting the application.

(2) The names and addresses of the registered and legal owners of the vehicle, if ascertainable from the registration certificates within the vehicle, and the name and address of any person whom the lienholder knows, or reasonably should know, claims an interest in the vehicle.

(3) A statement of the amount of the lien and the facts that give rise to the lien.

(b) Upon receipt of an application made pursuant to subdivision (a), the department shall do all of the following:

(1) Notify the vehicle registry agency of a foreign state of the pending lien sale, if the vehicle bears indicia of registration in that state.

(2) By certified mail, send a notice, a copy of the application, and a return envelope preaddressed to the department to the registered and legal owners at their addresses of record with the department, and to any other person whose name and address is listed in the application.

(c) The notice required pursuant to subdivision (b) shall include all of the following statements and information:

(1) An application has been made with the department for authorization to conduct a lien sale.

(2) The person has a right to a hearing in court.

(3) If a hearing in court is desired, a Declaration of Opposition form, signed under penalty of perjury, shall be signed and returned to the department within 10 days of the date that the notice required pursuant to subdivision (b) was mailed.

(4) If the Declaration of Opposition form is signed and returned to the department, the lienholder shall be allowed to sell the vehicle only if he or she obtains a court judgment, if he or she obtains a subsequent release from the declarant or if the declarant, cannot be served as described in subdivision (e).

(5) If a court action is filed, the declarant shall be notified of the lawsuit at the address shown on the Declaration of Opposition form and may appear to contest the claim.

(6) The person may be liable for court costs if a judgment is entered in favor of the lienholder.

(d) If the department receives the Declaration of Opposition form in the time specified, the department shall notify the lienholder within 16 days of the receipt of the form that a lien sale shall not be conducted unless the lienholder files an action in court within 30 days of the department's notice under this subdivision. A lien sale of the vehicle shall not be conducted unless judgment is subsequently entered in favor of the lienholder or the declarant subsequently releases his or her interest in the vehicle. If a money judgment is entered in favor of the lienholder and the judgment is not paid within five days after becoming final, then the judgment may be enforced by lien sale proceedings conducted pursuant to subdivision (f).

(e) Service on the declarant in person or by certified mail with return receipt requested, signed by the declarant or an authorized agent of the declarant at the address shown on the Declaration of Opposition form, shall be effective for the serving of process. If the lienholder has served the declarant by certified mail at the address shown on the Declaration of Opposition form and the mail has been returned unclaimed, or if the lienholder has attempted to effect service on the declarant in person with a marshal, sheriff, or licensed process server and the marshal, sheriff, or

licensed process server has been unable to effect service on the declarant, the lienholder may proceed with the judicial proceeding or proceed with the lien sale without a judicial proceeding. The lienholder shall notify the department of the inability to effect service on the declarant and shall provide the department with a copy of the documents with which service on the declarant was attempted. Upon receipt of the notification of unsuccessful service, the department shall send authorization of the sale to the lienholder and send notification of the authorization to the declarant.

(f) Upon receipt of authorization to conduct the lien sale from the department, the lienholder shall immediately do all of the following:

(1) At least five days, but not more than 20 days, prior to the lien sale, not counting the day of the sale, give notice of the sale by advertising once in a newspaper of general circulation published in the county in which the vehicle is located. If there is no newspaper published in the county, notice shall be given by posting a Notice of Sale form in three of the most public places in the town in which the vehicle is located and at the place where the vehicle is to be sold for 10 consecutive days prior to and including the day of the sale.

(2) Send a Notice of Pending Lien Sale form 20 days prior to the sale but not counting the day of sale, by certified mail with return receipt requested, to each of the following:

(A) The registered and legal owners of the vehicle, if registered in this state.

(B) All persons known to have an interest in the vehicle.

(C) The department.

(g) All notices required by this section, including the notice forms prescribed by the department, shall specify the make, year model, vehicle identification number, license number, and state of registration, if available, and the specific date, exact time, and place of sale. For motorcycles, the engine number shall also be included.

(h) Following the sale of a vehicle, the person who conducts the sale shall do both of the following:

(1) Remove and destroy the vehicle's license plates.

(2) Within five days of the sale, submit a completed "Notice of Release of Liability" form to the Department of Motor Vehicles.

(i) The Department of Motor Vehicles shall retain all submitted forms described in paragraph (2) of subdivision (h) for two years.

(j) No lien sale shall be undertaken pursuant to this section unless the vehicle has been available for inspection at a location easily accessible to the public for at least one hour before the sale and is at the place of sale at the time and date specified on the notice of sale. Sealed bids shall not be accepted. The lienholder shall conduct the sale in a commercially reasonable manner.

(k) Within 10 days after the sale of any vehicle pursuant to this section, the legal or registered owner may redeem the vehicle upon the payment of the amount of the sale, all costs and expenses of the sale, together with interest on the sum at the rate of 12 percent per annum from the due date thereof or the date when that sum was advanced until the repayment. If the vehicle is not redeemed, all lien sale documents required by the department shall then be completed and delivered to the buyer.

(l) Any lien sale pursuant to this section shall be void if the lienholder does not comply with this chapter. Any lien for fees or storage charges for parking and storage of a motor vehicle shall be subject to Section 10652.5 of the Vehicle Code.

SEC. 2. Section 3072 of the Civil Code is amended to read:

3072. (a) For vehicles with a value determined to be four thousand dollars (\$4,000) or less, the lienholder shall apply to the department for the names and addresses of the registered and legal owners of record. The request shall include a description of the vehicle, including make, year, model, identification number, license number, and state of registration. If the vehicle identification number is not available, the Department of Motor Vehicles shall request an inspection of the vehicle by a peace officer, licensed vehicle verifier, or departmental employee before releasing the names and addresses of the registered and legal owners and interested parties.

(b) The lienholder shall, immediately upon receipt of the names and addresses, send, by certified mail with return receipt requested or by United States Postal Service Certificate of Mailing, a completed Notice of Pending Lien Sale form, a blank Declaration of Opposition form, and a return envelope preaddressed to the department, to the registered owner and legal owner at their addresses of record with the department, and to any other person known to have an interest in the vehicle. The lienholder shall additionally send a copy of the completed Notice of Pending Lien Sale form to the department by certified mail on the same day that the other notices are mailed pursuant to this subdivision.

(c) All notices to persons having an interest in the vehicle shall be signed under penalty of perjury and shall include all of the following information and statements:

(1) A description of the vehicle, including make, year model, identification number, license number, and state of registration. For motorcycles, the engine number shall also be included.

(2) The specific date, exact time, and place of sale, which shall be set not less than 31 days, but not more than 41 days, from the date of mailing.

(3) The names and addresses of the registered and legal owners of the vehicle and any other person known to have an interest in the vehicle.



(4) All of the following statements:

(A) The amount of the lien and the facts concerning the claim which gives rise to the lien.

(B) The person has a right to a hearing in court.

(C) If a court hearing is desired, a Declaration of Opposition form, signed under penalty of perjury, shall be signed and returned to the department within 10 days of the date the Notice of Pending Lien Sale form was mailed.

(D) If the Declaration of Opposition form is signed and returned, the lienholder shall be allowed to sell the vehicle only if he or she obtains a court judgment or if he or she obtains a subsequent release from the declarant or if the declarant cannot be served as described in subdivision (e).

(E) If a court action is filed, the declarant shall be notified of the lawsuit at the address shown on the Declaration of Opposition form and may appear to contest the claim.

(F) The person may be liable for court costs if a judgment is entered in favor of the lienholder.

(d) If the department receives the completed Declaration of Opposition form within the time specified, the department shall notify the lienholder within 16 days that a lien sale shall not be conducted unless the lienholder files an action in court within 30 days of the notice and judgment is subsequently entered in favor of the lienholder or the declarant subsequently releases his or her interest in the vehicle. If a money judgment is entered in favor of the lienholder and the judgment is not paid within five days after becoming final, then the judgment may be enforced by lien sale proceedings conducted pursuant to subdivision (f).

(e) Service on the declarant in person or by certified mail with return receipt requested, signed by the declarant or an authorized agent of the declarant at the address shown on the Declaration of Opposition form, shall be effective for the serving of process. If the lienholder has served the declarant by certified mail at the address shown on the Declaration of Opposition form and the mail has been returned unclaimed, or if the lienholder has attempted to effect service on the declarant in person with a marshal, sheriff, or licensed process server and the marshal, sheriff, or licensed process server has been unable to effect service on the declarant, the lienholder may proceed with the judicial proceeding or proceed with the lien sale without a judicial proceeding. The lienholder shall notify the Department of Motor Vehicles of the inability to effect service on the declarant and shall provide the Department of Motor Vehicles with a copy of the documents with which service on the declarant was attempted. Upon receipt of the notification of unsuccessful service, the Department of Motor Vehicles shall send authorization of the sale to the

lienholder and shall send notification of the authorization to the declarant.

(f) At least 10 consecutive days prior to and including the day of the sale, the lienholder shall post a Notice of Pending Lien Sale form in a conspicuous place on the premises of the business office of the lienholder and if the pending lien sale is scheduled to occur at a place other than the premises of the business office of the lienholder, at the site of the forthcoming sale. The Notice of Pending Lien Sale form shall state the specific date and exact time of the sale and description of the vehicle, including the make, year model, identification number, license number, and state of registration. For motorcycles, the engine number shall also be included. The notice of sale shall remain posted until the sale is completed.

(g) Following the sale of a vehicle, the person who conducts the sale shall do both of the following:

(1) Remove and destroy the vehicle's license plates.

(2) Within five days of the sale, submit a completed "Notice of Release of Liability" form with the Department of Motor Vehicles.

(h) The Department of Motor Vehicles shall retain all submitted forms described in paragraph (2) of subdivision (g) for two years.

(i) No lien sale shall be undertaken pursuant to this section unless the vehicle has been available for inspection at a location easily accessible to the public at least one hour before the sale and is at the place of sale at the time and date specified on the notice of sale. Sealed bids shall not be accepted. The lienholder shall conduct the sale in a commercially reasonable manner. All lien sale documents required by the department shall be completed and delivered to the buyer immediately following the sale.

(j) Any lien sale pursuant to this section shall be void if the lienholder does not comply with this chapter. Any lien for fees or storage charges for parking and storage of a motor vehicle shall be subject to Section 10652.5 of the Vehicle Code.

SEC. 3. Section 1685 is added to the Vehicle Code, to read:

1685. (a) In order to continue improving the quality of products and services it provides to its customers, the department, in conformance with Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, may establish contracts for electronic programs to join the department with qualified private industry partners to provide services that include processing and payment programs for vehicle registration and titling transactions.

(b) (1) The department may enter into contractual agreements with qualified private industry partners. There are the following three types of private industry partnerships authorized under this section:

(A) First-line business partner is an industry partner that receives data directly from the department and uses it to complete registration and titling activities for that partner's own business purposes.

(B) First-line service provider is an industry partner that receives information from the department and then transmits it to another authorized industry partner.

(C) Second-line business partner is a partner that receives information from a first-line service provider.

(2) The private industry partner contractual agreements shall include the following minimum requirements:

(A) Filing of an application and payment of an application fee, as established by the department.

(B) Submission of information, including, but not limited to, fingerprints and personal history statements, focusing on and concerning the applicant's character, honesty, integrity, and reputation as the department may consider necessary.

(C) Posting a bond in an amount consistent with the Section 1815.

(3) The department shall, through regulations, establish any additional requirements for the purpose of safeguarding privacy and protecting the information authorized for release under this section.

(c) The director may establish, through the adoption of regulations, the maximum amount that a qualified private industry partner may charge its customers in providing the services authorized under subdivision (a).

(d) The department may establish a transaction fee that may be charged by the department to a qualified private industry partner for the information and services provided in support of the processing and payment programs authorized under subdivision (a). The private industry partner may pass the transaction fee to the customer, but the total charge to a customer may not exceed the amount established by the director under subdivision (c).

(e) All fees collected by the department pursuant to subdivision (d) shall be deposited in the Business Partner Automation Account in the Special Deposit Fund, that is hereby established. Funds in the account shall be available, upon appropriation, to the Department of Motor Vehicles for the purpose of maintaining, monitoring, and enhancing the programs authorized under this section.

(f) The department shall adopt regulations and procedures that ensure adequate oversight and monitoring of qualified private industry partners to protect vehicle owners from the improper use of vehicle records. These regulations and procedures shall include provisions for qualified private industry partners to periodically submit records to the department, and the department shall review those records as necessary. The regulations shall also include provisions for the dedication of

department resources to program monitoring and oversight; the protection of confidential records in the department's files and data bases; and the duration and nature of the contracts with qualified private industry partners.

(g) The department shall, annually, by January 10, provide a report to the Legislature that shall include all of the following information gathered during the calendar year immediately preceding the report date:

(1) Listing of all qualified private industry partners, including names and business addresses.

(2) Volume of transactions, by type, completed by business partners.

(3) Total amount of funds, by transaction type, collected by business partners.

(4) Total amount of funds received by the department.

(5) Detailed listing of funds expended from the Special Deposit Fund.

(6) Description of any fraudulent activities identified by the department.

(7) Evaluation of the benefits of the program.

(8) Recommendations for any administrative or statutory changes that may be needed to improve the program.

(h) Nothing in this section impairs or limits the authority provided in Section 4610 or Section 12155 of the Insurance Code.

SEC. 4. Section 2425 is added to the Vehicle Code, to read:

2425. (a) The Tow Truck Advisory Committee is hereby established. The committee shall comprise 10 members who shall be appointed by the commissioner to represent the following groups:

(1) Two members from the department.

(2) Two members representing the California Tow Truck Association, with one member representing northern California and one member representing southern California.

(3) One member from the Department of Transportation.

(4) One member representing road service organizations.

(5) One member representing transit authorities.

(6) One member from the California Trucking Association.

(7) One member from the Department of Motor Vehicles.

(8) One member representing the League of California Cities.

(b) The committee shall review all relevant laws affecting tow trucks with a goal of improving tow truck industry safety and shall develop proposed statewide tow truck industry standards, including, but not limited to, all of the following:

(1) Training.

(2) Criminal history disqualification.

(3) Appeal processes.

(4) Minimum safe gross vehicle weight ratings for tow trucks.

(c) The committee shall function only during the life of this project and shall submit a report of its findings and recommendations to the Legislature on or before December 31, 2002.

(d) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

SEC. 5. Section 2430.3 of the Vehicle Code is amended to read:

2430.3. (a) Every freeway service patrol tow truck driver and any California Highway Patrol rotation tow truck operator shall notify each of his or her employers and prospective employers and the Department of the California Highway Patrol of an arrest or conviction of any crime specified in paragraph (1), (2), (3), or (4) of subdivision (a) of Section 13377 prior to beginning the next workshift for that employer.

(b) For the purpose of conducting criminal history and driver history checks of any California Highway Patrol rotation tow truck operator, the commissioner may utilize the California Law Enforcement Telecommunications System (CLETS).

SEC. 6. Section 2432 of the Vehicle Code is amended to read:

2432. (a) It is unlawful for a freeway service patrol tow truck driver to knowingly provide false information on the application prepared and submitted to the department pursuant to subdivision (b) of Section 2431.

(b) It is unlawful for a California Highway Patrol rotation tow truck operator, including, but not limited to, a freeway service patrol tow truck driver, to fail to comply with the notification requirements in Section 2430.3.

(c) A violation of this section is punishable as a misdemeanor.

SEC. 7. Section 21211 of the Vehicle Code is amended to read:

21211. (a) No person may stop, stand, sit, or loiter upon any class I bikeway, as defined in subdivision (a) of Section 890.4 of the Streets and Highways Code, or any other public or private bicycle path or trail, if the stopping, standing, sitting, or loitering impedes or blocks the normal and reasonable movement of any bicyclist.

(b) No person may place or park any bicycle, vehicle, or any other object upon any bikeway or bicycle path or trail, as specified in subdivision (a), which impedes or blocks the normal and reasonable movement of any bicyclist unless the placement or parking is necessary for safe operation or is otherwise in compliance with the law.

(c) This section does not apply to drivers or owners of utility or public utility vehicles, as provided in Section 22512.

(d) This section does not apply to owners or drivers of vehicles who make brief stops while engaged in the delivery of newspapers to customers along the person's route.

(e) This section does not apply to the driver or owner of a rubbish or garbage truck while actually engaged in the collection of rubbish or

garbage within a business or residence district if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

(f) This section does not apply to the driver or owner of a tow vehicle while actually engaged in the towing of a vehicle if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

SEC. 8. Section 22851 of the Vehicle Code is amended to read:

22851. (a) (1) Whenever a vehicle has been removed to a garage under this chapter and the keeper of the garage has received the notice or notices as provided herein, the keeper shall have a lien dependent upon possession for his or her compensation for towage and for caring for and keeping safe the vehicle for a period not exceeding 60 days or, if an application for an authorization to conduct a lien sale has been filed pursuant to Section 3068.1 of the Civil Code within 30 days after the removal of the vehicle to the garage, 120 days and, if the vehicle is not recovered by the owner within that period or the owner is unknown, the keeper of the garage may satisfy his or her lien in the manner prescribed in this article. The lien shall not be assigned. Possession of the vehicle is deemed to arise when a vehicle is removed and is in transit, or when vehicle recovery operations or load salvage operations that have been requested by a law enforcement agency have begun at the scene.

(2) Whenever a vehicle owner returns to a vehicle that is in possession of a towing company prior to the removal of the vehicle, the owner may regain possession of the vehicle from the towing company if the owner pays the towing company the towing charges.

(b) No lien shall attach to any personal property in or on the vehicle. The personal property in or on the vehicle shall be given to the current registered owner or the owner's authorized agent upon demand and without charge during normal business hours. Notwithstanding any other provision of law, normal business hours are Monday to Friday, inclusive, from 8 a.m. to 5 p.m., inclusive, except state holidays. A gate fee may be charged for returning property after normal business hours, weekends, and state holidays. The maximum hourly charge for nonbusiness hours releases shall be one-half the hourly tow rate charged for initially towing the vehicle, or less. The lienholder is not responsible for property after any vehicle has been disposed of pursuant to this chapter.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates

a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to authorize the implementation, at the earliest possible time, of provisions relating to the Department of Motor Vehicles, the Department of the California Highway Patrol, and tow trucks, it is necessary that this act take effect immediately.

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## CHAPTER 128

An act to amend Section 653k of the Penal Code, relating to switchblade knives.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 31, 2001.]

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

SECTION 1. Section 653k of the Penal Code is amended to read:

653k. Every person who possesses in the passenger's or driver's area of any motor vehicle in any public place or place open to the public, carries upon his or her person, and every person who sells, offers for sale, exposes for sale, loans, transfers, or gives to any other person a switchblade knife having a blade two or more inches in length is guilty of a misdemeanor.

For the purposes of this section, "switchblade knife" means a knife having the appearance of a pocketknife and includes a spring-blade knife, snap-blade knife, gravity knife or any other similar type knife, the blade or blades of which are two or more inches in length and which can be released automatically by a flick of a button, pressure on the handle, flip of the wrist or other mechanical device, or is released by the weight of the blade or by any type of mechanism whatsoever. "Switchblade knife" does not include a knife that opens with one hand utilizing thumb pressure applied solely to the blade of the knife or a thumb stud attached to the blade, provided that the knife has a detent or other mechanism that provides resistance that must be overcome in opening the blade, or that biases the blade back toward its closed position.

For purposes of this section, “passenger’s or driver’s area” means that part of a motor vehicle which is designed to carry the driver and passengers, including any interior compartment or space therein.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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## CHAPTER 129

An act to amend Section 6140.9 of, and to add Article 15 (commencing with Section 6230) to Chapter 4 of Division 3 of, the Business and Professions Code, relating to attorneys.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 31, 2001.]

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

SECTION 1. Section 6140.9 of the Business and Professions Code is amended to read:

6140.9. Moneys for the support of the program established pursuant to Article 15 (commencing with Section 6230) and related programs approved by the committee established pursuant to Section 6231 shall be paid in whole or part by a fee of ten dollars (\$10) per active member per year.

The board may seek alternative sources for funding the program. To the extent that funds from alternative sources are obtained and used for the support of the program, and provided that at least ten dollars (\$10) per active member is available for support of the program each year, funds provided by the fee established by this section may be applied to the costs of State Bar general fund programs.

SEC. 2. Article 15 (commencing with Section 6230) is added to Chapter 4 of Division 3 of the Business and Professions Code, to read:

### Article 15. Attorney Diversion and Assistance Act

6230. It is the intent of the Legislature that the State Bar of California seek ways and means to identify and rehabilitate attorneys



with impairment due to abuse of drugs or alcohol, or due to mental illness, affecting competency so that attorneys so afflicted may be treated and returned to the practice of law in a manner that will not endanger the public health and safety.

6231. (a) The board shall establish and administer an Attorney Diversion and Assistance Program, and shall establish a committee to oversee the operation of the program. The committee shall be comprised of 12 members who shall be appointed as follows:

(1) Six members appointed by the Board of Governors, including the following:

(A) Two members who are licensed mental health professionals with knowledge and expertise in the identification and treatment of substance abuse and mental illness.

(B) One member who is a physician with knowledge and expertise in the identification and treatment of alcoholism and substance abuse.

(C) One member of the board of directors of a statewide nonprofit organization established for the purpose of assisting lawyers with alcohol or substance abuse problems, which has been in continuous operation for a minimum of five years.

(D) Two members who are attorneys, at least one of which is in recovery and has at least five years of continuous sobriety.

(2) Four members appointed by the Governor, including the following:

(A) Two members who are attorneys.

(B) Two members of the public.

(3) One member of the public appointed by the Speaker of the Assembly.

(4) One member of the public appointed by the Senate Rules Committee.

(b) Committee members shall serve terms of four years, and may be reappointed as many times as desired. The board shall stagger the terms of the initial members appointed.

(c) Subject to the approval of the board, the committee may adopt reasonable rules and regulations as may be necessary or advisable for the purpose of implementing and operating the program.

6232. (a) The committee shall establish practices and procedures for the acceptance, denial, completion, or termination of attorneys in the Attorney Diversion and Assistance Program, and may recommend rehabilitative criteria for adoption by the board for acceptance, denial, completion of, or termination from, the program.

(b) An attorney currently under investigation by the State Bar may enter the program in the following ways:

(1) By referral of the Office of the Chief Trial Counsel.

(2) By referral of the State Bar Court following the initiation of a disciplinary proceeding.

(3) Voluntarily, and in accordance with terms and conditions agreed upon by the attorney participant with the Office of the Chief Trial Counsel or upon approval by the State Bar Court, as long as the investigation is based primarily on the self-administration of drugs or alcohol or the illegal possession, prescription, or nonviolent procurement of drugs for self-administration, or on mental illness, and does not involve actual harm to the public or his or her clients. An attorney seeking entry under this paragraph may be required to execute an agreement that violations of this chapter, or other statutes that would otherwise be the basis for discipline, may nevertheless be prosecuted if the attorney is terminated from the program for failure to comply with program requirements.

(c) Neither acceptance into nor participation in the Attorney Diversion and Assistance Program shall relieve the attorney of any lawful duties and obligations otherwise required by any agreements or stipulations with the Office of the Chief Trial Counsel, court orders, or applicable statutes relating to attorney discipline.

(d) An attorney who is not the subject of a current investigation may voluntarily enter, whether by self-referral or referral by a third party, the diversion and assistance program on a confidential basis. Confidentiality pursuant to this subdivision shall be absolute unless waived by the attorney.

6233. An attorney entering the diversion and assistance program pursuant to subdivision (b) of Section 6232 may be enrolled as an inactive member of the State Bar and not be entitled to practice law, or may be required to agree to various practice restrictions, including, where appropriate, restrictions on scope of practice and monetary accounting procedures. Upon the successful completion of the program, those attorney participants on inactive status who complied with any and all conditions of probation shall be eligible for reinstatement to active status and a dismissal of the underlying allegations or a reduction in the recommended discipline. Those attorneys who participated in the program with practice restrictions shall be eligible to have those restrictions removed and to a dismissal of the underlying allegations or a reduction in the recommended discipline.

6234. Any information provided to or obtained by the Attorney Diversion and Assistance Program, or any subcommittee or agent thereof, shall be as follows:

(a) Confidential and this confidentiality shall be absolute unless waived by the attorney.

(b) Exempt from the provisions of Section 6086.1.

(c) Not discoverable or admissible in any civil proceeding without the written consent of the attorney to whom the information pertains.

(d) Not discoverable or admissible in any disciplinary proceeding without the written consent of the attorney to whom the information pertains.

(e) Except with respect to the provisions of subdivision (c) of Section 6232, the limitations on the disclosure and admissibility of information in this section shall not apply to information relating to an attorney's noncooperation with, or unsuccessful completion of, the Attorney Diversion and Assistance Program, or any subcommittee or agent thereof, or to information otherwise obtained by the Office of the Chief Trial Counsel, by independent means, or from any other lawful source.

6235. (a) Participants in the Attorney Diversion and Assistance Program shall be responsible for all expenses relating to treatment and recovery. In addition, the State Bar may charge a reasonable administrative fee to participants for the purpose of offsetting the costs of maintaining the program.

(b) Notwithstanding subdivision (a), the State Bar shall establish a financial assistance program to ensure that no member is denied acceptance into the program solely due to the lack of ability to pay.

6236. The State Bar shall actively engage in outreach activities to make members, the legal community, and the general public aware of the existence and availability of the Attorney Diversion and Assistance Program. Outreach shall include, but not be limited to, the development and certification of minimum continuing legal education courses relating to the prevention, detection, and treatment of substance abuse, including no-cost and low-cost programs and materials pursuant to subdivision (d) of Section 6070, informing all members of the State Bar of the program's existence and benefits through both direct communication and targeted advertising, working in coordination with the judicial branch to inform the state's judges of the program's existence and availability as a disciplinary option, and working in cooperation with organizations that provide services and support to attorneys with issues related to substance abuse.

6237. It is the intent of the Legislature that the authorization of an Attorney Diversion and Assistance Program not be construed as limiting or altering the powers of the Supreme Court of this state to disbar or discipline members of the State Bar.

6238. The committee shall report to the Board of Governors and to the Legislature not later than March 1, 2003, and annually thereafter, on the implementation and operation of the program. The report shall include, but is not limited to, information concerning the number of

cases accepted, denied, or terminated with compliance or noncompliance, and annual expenditures related to the program.

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CHAPTER 130

An act to amend Section 12020 of the Penal Code, relating to weapons.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 31, 2001.]

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

SECTION 1. Section 12020 of the Penal Code is amended to read: 12020. (a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any fléchette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.

(2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine.

(3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any dirk or dagger.

However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title

7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties and the peace officer has completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

(2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

(3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.

(4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(6) Tracer ammunition manufactured for use in shotguns.

(7) Any firearm or ammunition which is a curio or relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual

possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) Any other weapon as defined in subsection (e) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a). The exemption provided in this subdivision does not apply to pen guns.

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.

(10) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are possessed or utilized during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

(11) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by persons who are in the business of selling instruments or devices listed in subdivision (a) solely to the entities referred to in paragraphs (9) and (10) when engaging in transactions with those entities.

(12) The sale to, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of their official duties, or the possession of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun,

by peace officers thereof when on duty and the use is authorized by the agency and is within the course and scope of their duties.

(13) Weapons, devices, and ammunition, other than a short-barreled rifle or short-barreled shotgun, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by, persons who are in the business of selling weapons, devices, and ammunition listed in subdivision (a) solely to the entities referred to in paragraph (12) when engaging in transactions with those entities.

(14) The manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of wooden clubs or batons to special police officers or uniformed security guards authorized to carry any wooden club or baton pursuant to Section 12002 by entities that are in the business of selling wooden batons or clubs to special police officers and uniformed security guards when engaging in transactions with those persons.

(15) Any plastic toy handgrenade, or any metal military practice handgrenade or metal replica handgrenade that is a relic, curio, memorabilia, or display item, that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as a grenade.

(16) Any instrument, ammunition, weapon, or device listed in subdivision (a) that is not a firearm that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.

(17) Any firearm, other than a short-barreled rifle or short-barreled shotgun, that is found and possessed by a person who meets all of the following:

(A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.

(C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.

(D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.

(E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.

(18) The possession of any weapon, device, or ammunition, by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.

(19) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

(20) The sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large capacity magazine by a sworn peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.

(21) The sale or purchase of any large-capacity magazine to or by a person licensed pursuant to Section 12071.

(22) The loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:

(A) The person being loaned the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.

(B) The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.

(23) The importation of a large-capacity magazine by a person who lawfully possessed the large-capacity magazine in the state prior to January 1, 2000, lawfully took it out of the state, and is returning to the state with the large-capacity magazine previously lawfully possessed in the state.

(24) The lending or giving of any large-capacity magazine to a person licensed pursuant to Section 12071, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.



(25) The return to its owner of any large-capacity magazine by a person specified in paragraph (24).

(26) The importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 12079, when those activities are in accordance with the terms and conditions of that permit.

(27) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.

(28) The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.

(29) The return of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).

(c) (1) As used in this section, a "short-barreled shotgun" means any of the following:

(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

(B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.

(C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

(D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.

(2) As used in this section, a "short-barreled rifle" means any of the following:

(A) A rifle having a barrel or barrels of less than 16 inches in length.

(B) A rifle with an overall length of less than 26 inches.

(C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.

(3) As used in this section, a “nunchaku” means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire, or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as karate.

(4) As used in this section, a “wallet gun” means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.

(5) As used in this section, a “cane gun” means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being used as, an aid in walking, if the firearm may be fired while mounted or enclosed therein.

(6) As used in this section, a “fléchette dart” means a dart, capable of being fired from a firearm, that measures approximately one inch in length, with tail fins that take up approximately five-sixteenths of an inch of the body.

(7) As used in this section, “metal knuckles” means any device or instrument made wholly or partially of metal which is worn for purposes of offense or defense in or on the hand and which either protects the wearer’s hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs which would contact the individual receiving a blow.

(8) As used in this section, a “ballistic knife” means a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas. Ballistic knife does not include any device which propels an arrow or a bolt by means of any common bow, compound bow, crossbow, or underwater spear gun.

(9) As used in this section, a “camouflaging firearm container” means a container which meets all of the following criteria:

(A) It is designed and intended to enclose a firearm.

(B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.

(C) It is not readily recognizable as containing a firearm.

“Camouflaging firearm container” does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.

(10) As used in this section, a “zip gun” means any weapon or device which meets all of the following criteria:

(A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapters F (commencing with Section 4216) and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

(11) As used in this section, a “shuriken” means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

(12) As used in this section, an “unconventional pistol” means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

(13) As used in this section, a “belt buckle knife” is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least 2<sup>1</sup>/<sub>2</sub> inches.

(14) As used in this section, a “lipstick case knife” means a knife enclosed within and made an integral part of a lipstick case.

(15) As used in this section, a “cane sword” means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or stiletto.

(16) As used in this section, a “shobi-zue” means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.

(17) As used in this section, a “leaded cane” means a staff, crutch, stick, rod, pole, or similar device, unnaturally weighted with lead.

(18) As used in this section, an “air gauge knife” means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.

(19) As used in this section, a “writing pen knife” means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.

(20) As used in this section, a “rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(21) As used in this section, a “shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

(22) As used in this section, an “undetectable firearm” means any weapon which meets one of the following requirements:

(A) When, after removal of grips, stocks, and magazines, it is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar.

(B) When any major component of which, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(C) For purposes of this paragraph, the terms “firearm,” “major component,” and “Security Exemplar” have the same meanings as those terms are defined in Section 922 of Title 18 of the United States Code.

All firearm detection equipment newly installed in nonfederal public buildings in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting an undetectable firearm, as defined, while distinguishing innocuous metal objects likely to be carried on one’s person sufficient for reasonable passage of the public.

(23) As used in this section, a “multiburst trigger activator” means one of the following devices:

(A) A device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(B) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

(24) As used in this section, a “dirk” or “dagger” means a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A nonlocking folding knife, a folding knife that is not prohibited by Section 653k, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.

(25) As used in this section, “large-capacity magazine” means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds nor shall it include any .22 caliber tube ammunition feeding device.

(d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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## CHAPTER 131

An act to amend Sections 3003, 3041, and 5075 of the Penal Code, relating to the Board of Prison Terms, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 31, 2001.]

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

SECTION 1. Section 3003 of the Penal Code is amended to read:  
3003. (a) Except as otherwise provided in this section, an inmate who is released on parole shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration.

For purposes of this subdivision, "last legal residence" shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Prison Terms setting the conditions of parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee's permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community:

(1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.

(2) Public concern that would reduce the chance that the inmate's parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed.

(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) The Department of Corrections, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(e) (1) The following information, if available, shall be released by the Department of Corrections to local law enforcement agencies regarding a paroled inmate who is released in their jurisdictions:

(A) Last, first, and middle name.

(B) Birth date.

(C) Sex, race, height, weight, and hair and eye color.

(D) Date of parole and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver's license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the parolee's residence location for use with a Geographical Information System (GIS) or comparable computer program.

(2) The information required by this subdivision shall come from the statewide parolee data base. The information obtained from each source shall be based on the same timeframe.

(3) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.

(4) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.

(f) Notwithstanding any other provision of law, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, of subdivision (c) of Section 667.5 or a felony in which the defendant inflicts great bodily injury on any person other than an accomplice that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness.

(g) Notwithstanding any other law, an inmate who is released on parole for any violation of Section 288 or 288.5 shall not be placed or reside, for the duration of his or her period of parole, within one-quarter mile of any school including any or all of kindergarten and grades 1 to 6, inclusive.

(h) Notwithstanding any other law, an inmate who is released on parole for an offense involving stalking shall not be returned to a location within 35 miles of the victim's actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of the victim.

(i) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(j) An inmate may be paroled to another state pursuant to any other law.

(k) (1) Except as provided in paragraph (2), the Department of Corrections shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e).

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

SEC. 2. Section 3041 of the Penal Code is amended to read:

3041. (a) In the case of any prisoner sentenced pursuant to any provision of law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the Board of Prison Terms shall meet with each inmate during the third year of incarceration for the purposes of reviewing the inmate's file, making recommendations, and documenting activities and conduct pertinent to granting or withholding post-conviction credit. One year prior to the inmate's minimum eligible parole release date a panel consisting of at least two commissioners of the Board of Prison Terms shall again meet with the inmate and shall normally set a parole release date as provided in Section 3041.5. The panel shall consist solely of commissioners or deputy commissioners from the Board of Prison Terms. The release date shall be set in a manner that will provide uniform terms for offenses of similar gravity and magnitude in respect to their threat to the public, and that will comply with the sentencing rules that the Judicial Council may issue and any sentencing information relevant to the setting of parole release dates. The board shall establish criteria for the setting of parole release dates



and in doing so shall consider the number of victims of the crime for which the prisoner was sentenced and other factors in mitigation or aggravation of the crime. At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole to the full board for an en banc hearing. In case of a review, a majority vote of the full Board of Prison Terms in favor of parole is required to grant parole to any prisoner.

(b) The panel or board shall set a release date unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual, and that a parole date, therefore, cannot be fixed at this meeting. After the effective date of this subdivision, any decision of the parole panel finding an inmate suitable for parole shall become final within 120 days of the date of the hearing. During that period, the board may review the panel's decision. The panel's decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, or that the panel's decision was based on an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing. In making this determination, the board shall consult with the commissioners who conducted the parole consideration hearing. No decision of the parole panel shall be disapproved and referred for rehearing except by a majority vote of the board following a public hearing.

(c) For the purpose of reviewing the suitability for parole of those prisoners eligible for parole under prior law at a date earlier than that calculated under Section 1170.2, the board shall appoint panels of at least two persons to meet annually with each prisoner until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.

(d) Notwithstanding subdivision (a) and Section 5076.1, on an emergency basis, and only until December 31, 2003, life parole consideration hearings or life rescission hearings may be conducted by two-person panels consisting of at least one commissioner. In the event of a tie vote, the matter shall be referred to the full board for a decision. It is the intent of the Legislature in enacting this subdivision to allow the board to increase the number of hearings conducted each month to eliminate the backlog of inmates awaiting a parole consideration hearing. The board shall report monthly on the number of hearings conducted in the previous month, the number scheduled in the current

and subsequent months, the backlog of cases awaiting a hearing, and progress toward eliminating the backlog. The report shall be made public at a regularly scheduled meeting of the board and a written report shall be made available to the public and transmitted to the Legislature monthly.

SEC. 3. Section 5075 of the Penal Code is amended to read:

5075. (a) The Board of Prison Terms shall be composed of nine commissioners, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and until the appointment and qualification of his or her successor. Commissioners shall be eligible for reappointment.

(b) The chair of the board shall be designated by the Governor from time to time. The chair shall be the administrative head of the board and shall exercise all duties and functions necessary to insure that the responsibilities of the board are successfully discharged. He or she shall be the appointing authority for all civil service positions of employment in the board.

(c) The terms of the commissioners shall expire as follows: two on March 15, 1978, two on March 15, 1979, two on March 15, 1980, and three on March 15, 1981. Successor commissioners shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. The selection of persons and their appointment by the Governor and confirmation by the Senate shall reflect as nearly as possible a cross section of the racial, sexual, economic, and geographic features of the population of the state.

It is the further intent of this section that the board shall adopt policies and practices as will permit continuing operations and improvements without any further increase in the number of its commissioners.

(d) Each commissioner shall participate in hearings on each workday, except when it is necessary for a commissioner to attend training, en banc hearings or full board meetings, or other administrative business requiring the participation of the commissioner. For purposes of this subdivision, these hearings shall include parole documentation hearings, parole consideration hearings, parole rescission hearings, parole progress hearings, mentally disordered offender hearings, and sexually violent predator hearings.

SEC. 4. Pursuant to Section 18670 of the Government Code, the State Personnel Board shall conduct an investigation and quality assurance review of the personnel practices of the Board of Prison Terms, with particular emphasis on the Deputy Commissioner classification, including, but not limited to, hiring, transfers, promotions, and adverse actions. The State Personnel Board shall complete the investigation and review and report to the Chair of the

Senate Rules Committee, the Speaker of the Assembly, and the Governor on or before December 1, 2001.

SEC. 5. There is hereby appropriated from the General Fund thirty-one million seven hundred forty-three thousand dollars (\$31,743,000) in augmentation of Item 5440-001-0001 of the Budget Act of 2001 for support of the Board of Prison Terms according to the following schedule:

5440-001-0001—For support of the Board of Prison	
Terms .....	31,743,000
Schedule:	
(1) Program 10 .....	31,836,000
(2) Reimbursements .....	-93,000

The funds appropriated pursuant to this section shall only be available for expenditure during the 2001-02 fiscal year beginning July 1, 2001, and ending June 30, 2002.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the Legislature to appropriate funds for the operation of the Board of Prison Terms during the 2001-02 fiscal year, and to reduce the backlog of cases awaiting a parole consideration hearing, this act must go into effect immediately.

CHAPTER 132

An act to amend Sections 15266, 15270, 15340, and 15348 of, and to add Sections 15271 and 15359.3 to, the Education Code, relating to school facilities improvement districts.

[Approved by Governor July 30, 2001. Filed with Secretary of State July 31, 2001.]

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

SECTION 1. Section 15266 of the Education Code is amended to read:

15266. (a) As an alternative to authorizing and issuing bonds pursuant to Chapter 1 (commencing with Section 15100) or Chapter 2 (commencing with Section 15300), the governing board of a school district or community college district may decide, pursuant to a

two-thirds vote and subject to Section 15100 or 15302, as appropriate, to pursue the authorization and issuance of bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution. An election may only be ordered on the question of whether bonds of a school district or community college district shall be issued and sold pursuant to subdivision (b) of Section 18 of Article XVI of the California Constitution at a primary or general election, a regularly scheduled local election, or a statewide special election.

(b) Upon adopting a resolution to incur bonded indebtedness pursuant to subdivision (b) of Section 18 of Article XVI of the California Constitution and after the question has been submitted to the voters, if approved at the election, the bonds shall be issued pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and this chapter, and the governing board may not, regardless of the number of votes cast in favor of the bond, subsequently proceed exclusively under Chapter 1 (commencing with Section 15100) or under Chapter 2 (commencing with Section 15300), as appropriate. Where not inconsistent, the provisions of Chapter 1 (commencing with Section 15100) or Chapter 2 (commencing with Section 15300), as appropriate, shall apply to this chapter.

SEC. 2. Section 15270 of the Education Code is amended to read:

15270. (a) Notwithstanding Sections 15102 and 15268, any unified school district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed 2.5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred pursuant to this chapter at a single election, by a unified school district, would not exceed sixty dollars (\$60) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

(b) Notwithstanding Sections 15102 and 15268, any community college district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed 2.5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred

pursuant to this chapter at a single election, by a community college district, would not exceed twenty-five dollars (\$25) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

(c) In computing the outstanding bonded indebtedness of any unified school district or community college district for all purposes of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes, and community college purposes, respectively, in the respective amounts that the proceeds of the sale of those outstanding bonds, excluding any premium and accrued interest received on that sale, were or have been allocated by the governing board of the unified school district or community college district to each of those purposes respectively.

(d) For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987–88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987–88 fiscal year, and multiplying the result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll. In the event of the unification of two or more school districts subsequent to the 1987–88 fiscal year, the assessed value of all unitary and operating nonunitary property of the unified district shall be deemed to be the total of the assessed value of the taxable property of each of the unifying districts as that assessed value would be determined under Section 15268.

(e) For the purposes of this article, “general obligation bonds,” as that term is used in Section 18 of Article XVI of the California Constitution, means bonds of a school district or community college district the repayment of which is provided for by this chapter and Chapter 1 (commencing with Section 15100) of Part 10, and includes bonds of a school facilities improvement district the repayment of which is provided for by this chapter and Chapter 2 (commencing with Section 15300).

SEC. 3. Section 15271 is added to the Education Code, to read:

15271. The governing board of a school district or community college district may proceed pursuant to this chapter on behalf of a school facilities improvement district that is created by and under the exclusive authority of the school district or community college district and act on behalf of the school facilities district as provided pursuant to Chapter 2 (commencing with Section 15300).

SEC. 4. Section 15340 of the Education Code is amended to read:

15340. (a) After adopting the resolution ordering the formation of the school facilities improvement district, the governing board may provide for and call a special bond election within the school facilities improvement district to, or may at the next statewide election, submit to the voters of the school facilities improvement district a proposition of whether or not an indebtedness of the district shall be incurred and bonds issued therefor in an amount not exceeding the estimate stated in the resolution ordering the school facilities improvement district formed. Notwithstanding any other provision of law, any special election called pursuant to this section may be called for any date except as set forth in Section 1100 of the Elections Code, and except as provided in subdivision (a) of Section 15266 for bonds authorized and issued under the authority of subdivision (b) of Section 15348 and Chapter 1.5 (commencing with Section 15264).

(b) The indebtedness and the bonds shall be payable from taxes to be levied and collected upon lands located within the school facilities improvement district.

SEC. 5. Section 15348 of the Education Code is amended to read:

15348. (a) The proposition shall be deemed approved upon approval by two-thirds of the votes cast by voters voting on the proposition of issuing bonds of the school facilities improvement district unless subdivision (b) is applicable.

(b) Alternatively, for a governing board of a school district or community college district that proceeds pursuant to Chapter 1.5 (commencing with Section 15264) and subject to the requirements therein on behalf of a school facilities improvement district that is created by and under the exclusive authority of the school district or community college district, as specified in Section 15359.3, the proposition shall be deemed approved upon approval by 55 percent of the votes cast by voters voting on the proposition of issuing bonds of the school facilities improvement district.

SEC. 6. Section 15359.3 is added to the Education Code, to read:

15359.3. The governing board of a school district or community college district may proceed pursuant to Chapter 1.5 (commencing with Section 15264) and subject to the requirements therein on behalf of a school facilities improvement district that is created by and under the exclusive authority of the school district or community college district under this chapter.

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## CHAPTER 133

An act to amend Sections 11165.5, 11165.6, 11165.7, 11165.9, 11166, 11166.2, 11166.3, 11166.5, 11166.7, 11166.9, 11166.95, 11167, 11169, 11170, and 11172 of, and to add Section 11166.05 to, the Penal Code, relating to crime reporting and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 31, 2001.]

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

SECTION 1. Section 11165.5 of the Penal Code is amended to read:  
11165.5. As used in this article, the term “abuse or neglect in out-of-home care” includes physical injury inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, unlawful corporal punishment or injury as defined in Section 11165.4, or the willful cruelty or unjustifiable punishment of a child, as defined in Section 11165.3, where the person responsible for the child’s welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. “Abuse or neglect in out-of-home care” does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

SEC. 2. Section 11165.6 of the Penal Code is amended to read:  
11165.6. As used in this article, the term “child abuse or neglect” includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, willful cruelty or unjustifiable punishment as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. “Child abuse or neglect” does not include a mutual affray between minors. “Child abuse or neglect” does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

SEC. 3. Section 11165.7 of the Penal Code is amended to read:  
11165.7. (a) As used in this article, “mandated reporter” is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher’s aide or teacher’s assistant employed by any public or private school.

- (4) A classified employee of any public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
- (6) An administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
- (9) Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- (11) A headstart teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.
- (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
- (18) A district attorney investigator, inspector, or family support officer unless the investigator, inspector, or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.
- (21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.



(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner, or any other person who performs autopsies.

(29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.

(b) Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.

(c) Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part

of that training, school districts shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights.

(d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) The absence of training shall not excuse a mandated reporter from the duties imposed by this article.

SEC. 4. Section 11165.9 of the Penal Code is amended to read:

11165.9. Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. Any of those agencies shall accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person, or referred by another agency, even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. When an agency takes a report about a case of suspected child abuse or neglect in which that agency lacks jurisdiction, the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction.

SEC. 5. Section 11166 of the Penal Code is amended to read:

11166. (a) Except as provided in subdivision (c), a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make a report to the agency immediately or as soon as is practicably possible by telephone, and the mandated reporter shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

(1) For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent even if the child has expired, regardless of whether or not the

possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that fine and punishment.

(c) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(d) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, or slide depicting a child under the age of 16 years engaged in an act of sexual conduct, shall report the instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practically possible, by telephone, and shall prepare and send a written report of it with a copy of the film, photograph, videotape, negative, or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(2) Penetration of the vagina or rectum by any object.

(3) Masturbation for the purpose of sexual stimulation of the viewer.

(4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(5) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(e) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.

(f) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(g) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(h) A county probation or welfare department shall immediately, or as soon as practically possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(i) A law enforcement agency shall immediately, or as soon as practically possible, report by telephone to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known

or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

SEC. 6. Section 11166.05 is added to the Penal Code, to read:

11166.05. Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child or that his or her emotional well-being is endangered in any other way may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.

SEC. 7. Section 11166.2 of the Penal Code is amended to read:

11166.2. In addition to the reports required under Section 11166, any agency specified in Section 11165.9 shall immediately or as soon as practically possible report by telephone, fax, or electronic transmission to the appropriate licensing agency every known or suspected instance of child abuse or neglect when the instance of abuse or neglect occurs while the child is being cared for in a child day care facility, involves a child day care licensed staff person, or occurs while the child is under the supervision of a community care facility or involves a community care facility licensee or staff person. The agency shall also send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision. The agency shall send the licensing agency a copy of its investigation report and any other pertinent materials.

SEC. 8. Section 11166.3 of the Penal Code is amended to read:

11166.3. (a) The Legislature intends that in each county the law enforcement agencies and the county welfare or probation department shall develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. The local law enforcement agency having jurisdiction over a case reported under Section 11166 shall report to the county welfare or probation department that it is investigating the case within 36 hours after starting its investigation. The

county welfare department or probation department shall, in cases where a minor is a victim of actions specified in Section 288 of this code and a petition has been filed pursuant to Section 300 of the Welfare and Institutions Code with regard to the minor, evaluate what action or actions would be in the best interest of the child victim. Notwithstanding any other provision of law, the county welfare department or probation department shall submit in writing its findings and the reasons therefor to the district attorney on or before the completion of the investigation. The written findings and the reasons therefor shall be delivered or made accessible to the defendant or his or her counsel in the manner specified in Section 859.

(b) The local law enforcement agency having jurisdiction over a case reported under Section 11166 shall report to the district office of the State Department of Social Services any case reported under this section if the case involves a facility specified in paragraph (5) or (6) of subdivision (a) of Section 1502, Section 1596.750 or 1596.76 of the Health and Safety Code, and the licensing of the facility has not been delegated to a county agency. The law enforcement agency shall send a copy of its investigation report and any other pertinent materials to the licensing agency upon the request of the licensing agency.

SEC. 9. Section 11166.5 of the Penal Code is amended to read:

11166.5. (a) On and after January 1, 1985, any mandated reporter as specified in Section 11165.7, with the exception of child visitation monitors, prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions. The statement shall inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Section 11166. The employer shall provide a copy of Sections 11165.7 and 11166 to the employee.

On and after January 1, 1993, any person who acts as a child visitation monitor, as defined in paragraph (30) of subdivision (a) of Section 11165.7, prior to engaging in monitoring the first visit in a case, shall sign a statement on a form provided to him or her by the court which ordered the presence of that third person during the visit, to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions.

The signed statements shall be retained by the employer or the court, as the case may be. The cost of printing, distribution, and filing of these statements shall be borne by the employer or the court.

This subdivision is not applicable to persons employed by public or private youth centers, youth recreation programs, and youth organizations as members of the support staff or maintenance staff and

who do not work with, observe, or have knowledge of children as part of their official duties.

(b) On and after January 1, 1986, when a person is issued a state license or certificate to engage in a profession or occupation, the members of which are required to make a report pursuant to Section 11166, the state agency issuing the license or certificate shall send a statement substantially similar to the one contained in subdivision (a) to the person at the same time as it transmits the document indicating licensure or certification to the person. In addition to the requirements contained in subdivision (a), the statement also shall indicate that failure to comply with the requirements of Section 11166 is a misdemeanor, punishable by up to six months in a county jail, by a fine of one thousand dollars (\$1,000), or by both that imprisonment and fine.

(c) As an alternative to the procedure required by subdivision (b), a state agency may cause the required statement to be printed on all application forms for a license or certificate printed on or after January 1, 1986.

(d) On and after January 1, 1993, any child visitation monitor, as defined in paragraph (30) of subdivision (a) of Section 11165.7, who desires to act in that capacity shall have received training in the duties imposed by this article, including training in child abuse identification and child abuse reporting. The person, prior to engaging in monitoring the first visit in a case, shall sign a statement on a form provided to him or her by the court which ordered the presence of that third person during the visit, to the effect that he or she has received this training. This statement may be included in the statement required by subdivision (a) or it may be a separate statement. This statement shall be filed, along with the statement required by subdivision (a), in the court file of the case for which the visitation monitoring is being provided.

SEC. 10. Section 11166.7 of the Penal Code is amended to read:

11166.7. (a) Each county may establish an interagency child death team to assist local agencies in identifying and reviewing suspicious child deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in child abuse or neglect cases. Interagency child death teams have been used successfully to ensure that incidents of child abuse or neglect are recognized and other siblings and nonoffending family members receive the appropriate services in cases where a child has expired.

(b) Each county may develop a protocol that may be used as a guideline by persons performing autopsies on children to assist coroners and other persons who perform autopsies in the identification of child abuse or neglect, in the determination of whether child abuse or neglect contributed to death or whether child abuse or neglect had occurred prior to but was not the actual cause of death, and in the proper written

reporting procedures for child abuse or neglect, including the designation of the cause and mode of death.

(c) In developing an interagency child death team and an autopsy protocol, each county, working in consultation with local members of the California State Coroner's Association and county child abuse prevention coordinating councils, may solicit suggestions and final comments from persons, including but not limited to, the following:

- (1) Experts in the field of forensic pathology.
- (2) Pediatricians with expertise in child abuse.
- (3) Coroners and medical examiners.
- (4) Criminologists.
- (5) District attorneys.
- (6) Child protective services staff.
- (7) Law enforcement personnel.
- (8) Representatives of local agencies which are involved with child abuse or neglect reporting.
- (9) County health department staff who deals with children's health issues.
- (10) Local professional associations of persons described in paragraphs (1) to (9), inclusive.

SEC. 11. Section 11166.9 of the Penal Code is amended to read:

11166.9. (a) (1) The purpose of this section shall be to coordinate and integrate state and local efforts to address fatal child abuse or neglect, and to create a body of information to prevent child deaths.

(2) It is the intent of the Legislature that the California State Child Death Review Council, the Department of Justice, the State Department of Social Services, the State Department of Health Services, and state and local child death review teams shall share data and other information necessary from the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics and the Department of Social Services Child Welfare Services/Case Management System files to establish accurate information on the nature and extent of child abuse or neglect related fatalities in California as those documents relate to child fatality cases. Further, it is the intent of the Legislature to ensure that records of child abuse or neglect related fatalities are entered into the State Department of Social Services, Child Welfare Services/Case Management System. It is also the intent that training and technical assistance be provided to child death review teams and professionals in the child protection system regarding multiagency case review.

(b) (1) It shall be the duty of the California State Child Death Review Council to oversee the statewide coordination and integration of state and local efforts to address fatal child abuse or neglect and to create a body of information to prevent child deaths. The Department of Justice,



the State Department of Social Services, the State Department of Health Services, the California Coroner's Association, the County Welfare Directors Association, Prevent Child Abuse California, the California Homicide Investigators Association, the Office of Criminal Justice Planning, the Inter-Agency Council on Child Abuse and Neglect/National Center on Child Fatality Review, the California Conference of Local Health Officers, the California Conference of Local Directors of Maternal, Child, and Adolescent Health, the California Conference of Local Health Department Nursing Directors, the California District Attorneys Association, and at least three regional representatives, chosen by the other members of the council, working collaboratively for the purposes of this section, shall be known as the California State Child Death Review Council. The council shall select a chairperson or cochairpersons from the members.

(2) The Department of Justice is hereby authorized to carry out the purposes of this section by coordinating council activities and working collaboratively with the agencies and organizations in paragraph (1), and may consult with other representatives of other agencies and private organizations, to help accomplish the purpose of this section.

(c) Meetings of the agencies and organizations involved shall be convened by a representative of the Department of Justice. All meetings convened between the Department of Justice and any organizations required to carry out the purpose of this section shall take place in this state. There shall be a minimum of four meetings per calendar year.

(d) To accomplish the purpose of this section, the Department of Justice and agencies and organizations involved shall engage in the following activities:

(1) Analyze and interpret state and local data on child death in an annual report to be submitted to local child death review teams with copies to the Governor and the Legislature, no later than July 1 each year. Copies of the report shall also be distributed to public officials in the state who deal with child abuse issues and to those agencies responsible for child death investigation in each county. The report shall contain, but not be limited to, information provided by state agencies and the county child death review teams for the preceding year.

The state data shall include the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics, and the State Department of Social Services Child Welfare Services/Case Management System.

(2) In conjunction with the Office of Criminal Justice Planning, coordinate statewide and local training for county death review teams and the members of the teams, including, but not limited to, training in the application of the interagency child death investigation protocols and

procedures established under Sections 11166.7 and 11166.8 to identify child deaths associated with abuse or neglect.

(e) The State Department of Health Services, in collaboration with the California State Child Death Review Council, shall design, test and implement a statewide child abuse or neglect fatality tracking system incorporating information collected by local child death review teams. The department shall:

(1) Establish a minimum case selection criteria and review protocols of local child death review teams.

(2) Develop a standard child death review form with a minimum core set of data elements to be used by local child death review teams, and collect and analyze that data.

(3) Establish procedural safeguards in order to maintain appropriate confidentiality and integrity of the data.

(4) Conduct annual reviews to reconcile data reported to the State Department of Health Services Vital Statistics, Department of Justice Homicide Files and Child Abuse Central Index, and the State Department of Social Services Child Welfare Services/Case Management System data systems, with data provided from local child death review teams.

(5) Provide technical assistance to local child death review teams in implementing and maintaining the tracking system.

(6) This subdivision shall become operative on July 1, 2000, and shall be implemented only to the extent that funds are appropriated for its purposes in the Budget Act.

(f) Local child death review teams shall participate in a statewide child abuse or neglect fatalities monitoring system by:

(1) Meeting the minimum standard protocols set forth by the State Department of Health Services in collaboration with the California State Child Death Review Council.

(2) Using the standard data form to submit information on child abuse or neglect fatalities in a timely manner established by the State Department of Health Services.

(g) The California State Child Death Review Council shall monitor the implementation of the monitoring system and incorporate the results and findings of the system and review into an annual report.

(h) The Department of Justice shall direct the creation, maintenance, updating, and distribution electronically and by paper, of a statewide child death review team directory, which shall contain the names of the members of the agencies and private organizations participating under this section, and the members of local child death review teams and local liaisons to those teams. The department shall work in collaboration with members of the California State Child Death Review Council to develop a directory of professional experts, resources, and information from

relevant agencies and organizations and local child death review teams, and to facilitate regional working relationships among teams. The Department of Justice shall maintain and update these directories annually.

(i) The agencies or private organizations participating under this section shall participate without reimbursement from the state. Costs incurred by participants for travel or per diem shall be borne by the participant agency or organization. The participants shall be responsible for collecting and compiling information to be included in the annual report. The Department of Justice shall be responsible for printing and distributing the annual report using available funds and existing resources.

(j) The Office of Criminal Justice Planning, in coordination with the State Department of Social Services, the Department of Justice, and the California State Child Death Review Council shall contract with state or nationally recognized organizations in the area of child death review to conduct statewide training and technical assistance for local child death review teams and relevant organizations, develop standardized definitions for fatal child abuse or neglect, develop protocols for the investigation of fatal child abuse or neglect, and address relevant issues such as grief and mourning, data collection, training for medical personnel in the identification of child abuse or neglect fatalities, domestic violence fatality review, and other related topics and programs. The provisions of this subdivision shall only be implemented to the extent that the Office of Criminal Justice Planning can absorb the costs of implementation within its current funding, or to the extent that funds are appropriated for its purposes in the Budget Act.

(k) Law enforcement and child welfare agencies shall cross-report all cases of child death suspected to be related to child abuse or neglect whether or not the deceased child has any known surviving siblings.

(l) County child welfare agencies shall create a record in the Child Welfare Services/Case Management System (CWS/CMS) on all cases of child death suspected to be related to child abuse or neglect, whether or not the deceased child has any known surviving siblings. Upon notification that the death was determined not to be related to child abuse or neglect, the child welfare agency shall enter that information into the Child Welfare Services/Case Management System.

SEC. 12. Section 11166.95 of the Penal Code is amended to read:

11166.95. The State Department of Social Services shall work with state and local child death review teams and child protective services agencies in order to identify child death cases that were, or should have been, reported to or by county child protective services agencies. Findings made pursuant to this section shall be used to determine the extent of child abuse or neglect fatalities occurring in families known to

child protective services agencies and to define child welfare training needs for reporting, cross-reporting, data integration, and involvement by child protective services agencies in multiagency review in child deaths. The State Department of Social Services, the State Department of Health Services, and the Department of Justice shall develop a plan to track and maintain data on child deaths from abuse or neglect, and submit this plan, not later than December 1, 1997, to the Senate Committee on Health and Human Services, the Assembly Committee on Human Services, and the chairs of the fiscal committees of the Legislature.

SEC. 13. Section 11167 of the Penal Code is amended to read:

11167. (a) Reports of suspected child abuse or neglect pursuant to Section 11166 shall include, if known, the name, business address, and telephone number of the mandated reporter, and the capacity that makes the person a mandated reporter; the child's name and address, present location, and, where applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

(b) Information relevant to the incident of child abuse or neglect may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

(c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the district attorney in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or district attorney in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order.

(e) Persons who may report pursuant to subdivision (e) of Section 11166 are not required to include their names.

SEC. 14. Section 11169 of the Penal Code is amended to read:

11169. (a) An agency specified in Section 11165.9 shall forward to the Department of Justice a report in writing of every case it investigates of known or suspected child abuse or severe neglect which is determined not to be unfounded, other than cases coming within subdivision (b) of Section 11165.2. An agency shall not forward a report to the Department of Justice unless it has conducted an active investigation and determined that the report is not unfounded, as defined in Section 11165.12. If a report has previously been filed which subsequently proves to be unfounded, the Department of Justice shall be notified in writing of that fact and shall not retain the report. The reports required by this section shall be in a form approved by the Department of Justice and may be sent by fax or electronic transmission. An agency specified in Section 11165.9 receiving a written report from another agency specified in Section 11165.9 shall not send that report to the Department of Justice.

(b) At the time an agency specified in Section 11165.9 forwards a report in writing to the Department of Justice pursuant to subdivision (a), the agency shall also notify in writing the known or suspected child abuser that he or she has been reported to the Child Abuse Central Index. The notice required by this section shall be in a form approved by the Department of Justice. The requirements of this subdivision shall apply with respect to reports forwarded to the department on or after the date on which this subdivision becomes operative.

(c) Agencies shall retain child abuse or neglect investigative reports that result in a report filed with the Department of Justice pursuant to subdivision (a) for the same period of time that the information is required to be maintained on the Child Abuse Central Index pursuant to this section. Nothing in this section precludes an agency from retaining the reports for a longer period of time if required by law.

(d) The immunity provisions of Section 11172 shall not apply to the submission of a report by an agency pursuant to this section. However, nothing in this section shall be construed to alter or diminish any other immunity provisions of state or federal law.

SEC. 15. Section 11170 of the Penal Code is amended to read:

11170. (a) (1) The Department of Justice shall maintain an index of all reports of child abuse and severe neglect submitted pursuant to Section 11169. The index shall be continually updated by the department and shall not contain any reports that are determined to be unfounded.

The department may adopt rules governing recordkeeping and reporting pursuant to this article.

(2) The department shall act only as a repository of reports of suspected child abuse and severe neglect to be maintained in the Child Abuse Central Index pursuant to paragraph (1). The submitting agencies are responsible for the accuracy, completeness, and retention of the reports described in this section. The department shall be responsible for ensuring that the Child Abuse Central Index accurately reflects the report it receives from the submitting agency.

(3) Information from an inconclusive or unsubstantiated report filed pursuant to subdivision (a) of Section 11169 shall be deleted from the Child Abuse Central Index after 10 years if no subsequent report concerning the same suspected child abuser is received within that time period. If a subsequent report is received within that 10-year period, information from any prior report, as well as any subsequently filed report, shall be maintained on the Child Abuse Central Index for a period of 10 years from the time the most recent report is received by the department.

(b) (1) The Department of Justice shall immediately notify an agency that submits a report pursuant to Section 11169, or a district attorney who requests notification, of any information maintained pursuant to subdivision (a) that is relevant to the known or suspected instance of child abuse or severe neglect reported by the agency. The agency shall make that information available to the reporting medical practitioner, child custodian, guardian ad litem appointed under Section 326, or counsel appointed under Section 317 or 318 of the Welfare and Institutions Code, or the appropriate licensing agency, if he or she is treating or investigating a case of known or suspected child abuse or severe neglect.

(2) When a report is made pursuant to subdivision (a) of Section 11166, the investigating agency, upon completion of the investigation or after there has been a final disposition in the matter, shall inform the person required to report of the results of the investigation and of any action the agency is taking with regard to the child or family.

(3) The department shall make available to the State Department of Social Services or to any county licensing agency that has contracted with the state for the performance of licensing duties information regarding a known or suspected child abuser maintained pursuant to this section and subdivision (a) of Section 11169 concerning any person who is an applicant for licensure or any adult who resides or is employed in the home of an applicant for licensure or who is an applicant for employment in a position having supervisory or disciplinary power over a child or children, or who will provide 24-hour care for a child or children in a residential home or facility, pursuant to Section 1522.1 or

1596.877 of the Health and Safety Code, or Section 8714, 8802, 8912, or 9000 of the Family Code.

(4) For purposes of child death review, the Department of Justice shall make available to the chairperson, or the chairperson's designee, for each county child death review team, or the State Child Death Review Council, information maintained in the Child Abuse Central Index pursuant to subdivision (a) of Section 11170 relating to the death of one or more children and any prior child abuse or neglect investigation reports maintained involving the same victims, siblings, or suspects. Local child death review teams may share any relevant information regarding case reviews involving child death with other child death review teams.

(5) The department shall make available to investigative agencies or probation officers, or court investigators acting pursuant to Section 1513 of the Probate Code, responsible for placing children or assessing the possible placement of children pursuant to Article 6 (commencing with Section 300), Article 7 (commencing with Section 305), Article 10 (commencing with Section 360), or Article 14 (commencing with Section 601) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, Article 2 (commencing with Section 1510) or Article 3 (commencing with Section 1540) of Chapter 1 of Part 2 of Division 4 of the Probate Code, information regarding a known or suspected child abuser contained in the index concerning any adult residing in the home where the child may be placed, when this information is requested for purposes of ensuring that the placement is in the best interests of the child. Upon receipt of relevant information concerning child abuse or neglect investigation reports contained in the index from the Department of Justice pursuant to this subdivision, the agency or court investigator shall notify, in writing, the person listed in the Child Abuse Central Index that he or she is in the index. The notification shall include the name of the reporting agency and the date of the report.

(6) (A) Persons or agencies, as specified in subdivision (b), if investigating a case of known or suspected child abuse or neglect, or the State Department of Social Services or any county licensing agency pursuant to paragraph (3), or an agency or court investigator responsible for placing children or assessing the possible placement of children pursuant to paragraph (5), to whom disclosure of any information maintained pursuant to subdivision (a) is authorized, are responsible for obtaining the original investigative report from the reporting agency, and for drawing independent conclusions regarding the quality of the evidence disclosed, and its sufficiency for making decisions regarding investigation, prosecution, licensing, or placement of a child.

(B) If Child Abuse Central Index information is requested by an agency for the temporary placement of a child in an emergency situation

pursuant to Article 7 (commencing with Section 305) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, the department is exempt from the requirements of Section 1798.18 of the Civil Code if compliance would cause a delay in providing an expedited response to the agency's inquiry and if further delay in placement may be detrimental to the child.

(7) (A) Whenever information contained in the Department of Justice files is furnished as the result of an application for employment or licensing pursuant to paragraph (3), the Department of Justice may charge the person or entity making the request a fee. The fee shall not exceed the reasonable costs to the department of providing the information. The only increase shall be at a rate not to exceed the legislatively approved cost-of-living adjustment for the department. In no case shall the fee exceed fifteen dollars (\$15).

(B) All moneys received by the department pursuant to this section to process trustline applications for purposes of Chapter 3.35 (commencing with Section 1596.60) of Division 2 of the Health and Safety Code shall be deposited in a special account in the General Fund that is hereby established and named the Department of Justice Child Abuse Fund. Moneys in the fund shall be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred to process trustline automated child abuse or neglect system checks pursuant to this section.

(C) All moneys, other than that described in subparagraph (B), received by the department pursuant to this paragraph shall be deposited in a special account in the General Fund which is hereby created and named the Department of Justice Sexual Habitual Offender Fund. The funds shall be available, upon appropriation by the Legislature, for expenditure by the department to offset the costs incurred pursuant to Chapter 9.5 (commencing with Section 13885) and Chapter 10 (commencing with Section 13890) of Title 6 of Part 4, and the DNA and Forensic Identification Data Base and Data Bank Act of 1998 (Chapter 6 (commencing with Section 295) of Title 9 of Part 1), and for maintenance and improvements to the statewide Sexual Habitual Offender Program and the DNA offender identification file (CAL-DNA) authorized by Chapter 9.5 (commencing with Section 13885) of Title 6 of Part 4 and the DNA and Forensic Identification Data Base and Data Bank Act of 1998 (Chapter 6 (commencing with Section 295) of Title 9 of Part 1).

(c) The Department of Justice shall make available to any agency responsible for placing children pursuant to Article 7 (commencing with Section 305) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, upon request, relevant information concerning child abuse or neglect reports contained in the index, when making a



placement with a responsible relative pursuant to Sections 281.5, 305, and 361.3 of the Welfare and Institutions Code. Upon receipt of relevant information concerning child abuse or neglect reports contained in the index from the Department of Justice pursuant to this subdivision, the agency shall also notify in writing the person listed in the Child Abuse Central Index that he or she is in the index. The notification shall include the location of the original investigative report and the submitting agency. The notification shall be submitted to the person listed at the same time that all other parties are notified of the information, and no later than the actual judicial proceeding that determines placement.

If Child Abuse Central Index information is requested by an agency for the placement of a child with a responsible relative in an emergency situation pursuant to Article 7 (commencing with Section 305) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, the department is exempt from the requirements of Section 1798.18 of the Civil Code if compliance would cause a delay in providing an expedited response to the child protective agency's inquiry and if further delay in placement may be detrimental to the child.

(d) The department shall make available any information maintained pursuant to Section 11169 to out-of-state law enforcement agencies conducting investigations of known or suspected child abuse or neglect only when an agency makes the request for information in writing and on official letterhead, identifying the suspected abuser or victim by name. The request shall be signed by the department supervisor of the requesting law enforcement agency. The written requests shall cite the out-of-state statute or interstate compact provision that requires that the information contained within these reports shall be disclosed only to law enforcement, prosecutorial entities, or multidisciplinary investigative teams, and shall cite the criminal penalties for unlawful disclosure of any confidential information provided by the requesting state or the applicable interstate compact provision. In the absence of a specified out-of-state statute or interstate compact provision that requires that the information contained within these reports shall be disclosed only to law enforcement, prosecutorial entities, or multidisciplinary investigative teams, and criminal penalties equivalent to the penalties in California for unlawful disclosure, access shall be denied.

(e) Any person may determine if he or she is listed in the Child Abuse Central Index by making a request in writing to the Department of Justice. The request shall be notarized and include the person's name, address, date of birth, and either a social security number or a California identification number. Upon receipt of a notarized request, the Department of Justice shall make available to the requesting person information identifying the date of the report and the submitting agency. The requesting person is responsible for obtaining the investigative

report from the submitting agency pursuant to paragraph (13) of subdivision (b) of Section 11167.5.

(f) If a person is listed in the Child Abuse Central Index only as a victim of child abuse or neglect, and that person is 18 years of age or older, that person may have his or her name removed from the index by making a written request to the Department of Justice. The request shall be notarized and include the person's name, address, social security number, and date of birth.

SEC. 16. Section 11172 of the Penal Code is amended to read:

11172. (a) No mandated reporter shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report, and any person who makes a report of child abuse or neglect known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse or neglect, or causing photographs to be taken of a suspected victim of child abuse or neglect, without parental consent, or for disseminating the photographs with the reports required by this article. However, this section shall not be construed to grant immunity from this liability with respect to any other use of the photographs.

(b) Any person, who, pursuant to a request from a government agency investigating a report of suspected child abuse or neglect, provides the requesting agency with access to the victim of a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of providing that access.

(c) The Legislature finds that even though it has provided immunity from liability to persons required or authorized to make reports pursuant to this article, that immunity does not eliminate the possibility that actions may be brought against those persons based upon required or authorized reports. In order to further limit the financial hardship that those persons may incur as a result of fulfilling their legal responsibilities, it is necessary that they not be unfairly burdened by legal fees incurred in defending those actions. Therefore, a mandated reporter may present a claim to the State Board of Control for reasonable attorney's fees and costs incurred in any action against that person on the basis of making a report required or authorized by this article if the court has dismissed the action upon a demurrer or motion for summary judgment made by that person, or if he or she prevails in the action. The

State Board of Control shall allow that claim if the requirements of this subdivision are met, and the claim shall be paid from an appropriation to be made for that purpose. Attorney's fees awarded pursuant to this section shall not exceed an hourly rate greater than the rate charged by the Attorney General of the State of California at the time the award is made and shall not exceed an aggregate amount of fifty thousand dollars (\$50,000).

This subdivision shall not apply if a public entity has provided for the defense of the action pursuant to Section 995 of the Government Code.

(d) A court may award attorney's fees and costs to a commercial film and photographic print processor when a suit is brought against the processor because of a disclosure mandated by this article and the court finds this suit to be frivolous.

SEC. 17. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to continue to protect children by providing for the reporting of child abuse or neglect that endangers a child's emotional well-being, it is necessary for this act to take effect immediately.

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## CHAPTER 134

An act to amend Section 98.7 of the Labor Code, relating to employment.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 31, 2001.]

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

SECTION 1. Section 98.7 of the Labor Code is amended to read:

98.7. (a) Any person who believes that he or she has been discharged or otherwise discriminated against in violation of any law under the jurisdiction of the Labor Commissioner may file a complaint with the division within six months after the occurrence of the violation. The six-month period may be extended for good cause. The complaint shall be investigated by a discrimination complaint investigator in accordance with this section. The Labor Commissioner shall establish procedures for the investigation of discrimination complaints. A summary of the procedures shall be provided to each complainant and respondent at the time of initial contact. The Labor Commissioner shall inform complainants charging a violation of Section 6310 or 6311, at the

time of initial contact, of his or her right to file a separate, concurrent complaint with the United States Department of Labor within 30 days after the occurrence of the violation.

(b) Each complaint of unlawful discharge or discrimination shall be assigned to a discrimination complaint investigator who shall prepare and submit a report to the Labor Commissioner based on an investigation of the complaint. The Labor Commissioner may designate the chief deputy or assistant Labor Commissioner or the chief counsel to receive and review the reports. The investigation shall include, where appropriate, interviews with the complainant, respondent, and any witnesses who may have information concerning the alleged violation, and a review of any documents that may be relevant to the disposition of the complaint. The identity of witnesses shall remain confidential unless the identification of the witness becomes necessary to proceed with the investigation or to prosecute an action to enforce a determination. The investigation report submitted to the Labor Commissioner or designee shall include the statements and documents obtained in the investigation, and the findings of the investigator concerning whether a violation occurred. The Labor Commissioner may hold an investigative hearing whenever the Labor Commissioner determines, after review of the investigation report, that a hearing is necessary to fully establish the facts. In the hearing the investigation report shall be made a part of the record and the complainant and respondent shall have the opportunity to present further evidence. The Labor Commissioner shall issue, serve, and enforce any necessary subpoenas.

(c) If the Labor Commissioner determines a violation has occurred, he or she shall notify the complainant and respondent and direct the respondent to cease and desist from the violation and take any action as is deemed necessary to remedy the violation, including, where appropriate, rehiring or reinstatement, reimbursement of lost wages and interest thereon, payment of reasonable attorney's fees associated with any hearing held by the Labor Commissioner in investigating the complaint, and the posting of notices to employees. If the respondent does not comply with the order within 10 working days following notification of the Labor Commissioner's determination, the Labor Commissioner shall bring an action promptly in an appropriate court against the respondent. If the Labor Commissioner fails to bring an action in court promptly, the complainant may bring an action against the Labor Commissioner in any appropriate court for a writ of mandate to compel the Labor Commissioner to bring an action in court against the respondent. If the complainant prevails in his or her action for a writ, the court shall award the complainant court costs and reasonable attorney's fees, notwithstanding any other law. Regardless of any delay

in bringing an action in court, the Labor Commissioner shall not be divested of jurisdiction. In any action, the court may permit the claimant to intervene as a party plaintiff to the action and shall have jurisdiction, for cause shown, to restrain the violation and to order all appropriate relief. Appropriate relief includes, but is not limited to, rehiring or reinstatement of the complainant, reimbursement of lost wages and interest thereon, and any other compensation or equitable relief as is appropriate under the circumstances of the case. The Labor Commissioner shall petition the court for appropriate temporary relief or restraining order unless he or she determines good cause exists for not doing so.

(d) (1) If the Labor Commissioner determines no violation has occurred, he or she shall notify the complainant and respondent and shall dismiss the complaint. The Labor Commissioner may direct the complainant to pay reasonable attorney's fees associated with any hearing held by the Labor Commissioner if the Labor Commissioner finds the complaint was frivolous, unreasonable, groundless, and was brought in bad faith. The complainant may, after notification of the Labor Commissioner's determination to dismiss a complaint, bring an action in an appropriate court, which shall have jurisdiction to determine whether a violation occurred, and if so, to restrain the violation and order all appropriate relief to remedy the violation. Appropriate relief includes, but is not limited to, rehiring or reinstatement of the complainant, reimbursement of lost wages and interest thereon, and other compensation or equitable relief as is appropriate under the circumstances of the case. When dismissing a complaint, the Labor Commissioner shall advise the complainant of his or her right to bring an action in an appropriate court if he or she disagrees with the determination of the Labor Commissioner, and in the case of an alleged violation of Section 6310 or 6311, to file a complaint against the state program with the United States Department of Labor.

(2) The filing of a timely complaint against the state program with the United States Department of Labor shall stay the Labor Commissioner's dismissal of the division complaint until the United States Secretary of Labor makes a determination regarding the alleged violation. Within 15 days of receipt of that determination, the Labor Commissioner shall notify the parties whether he or she will reopen the complaint filed with the division or whether he or she will reaffirm the dismissal.

(e) The Labor Commissioner shall notify the complainant and respondent of his or her determination under subdivision (c) or paragraph (1) of subdivision (d), not later than 60 days after the filing of the complaint. Determinations by the Labor Commissioner under subdivision (c) or (d) may be appealed by the complainant or respondent to the Director of Industrial Relations within 10 days following

notification of the Labor Commissioner's determination. The appeal shall set forth specifically and in full detail the grounds upon which the appealing party considers the Labor Commissioner's determination to be unjust or unlawful, and every issue to be considered by the director. The director may consider any issue relating to the initial determination and may modify, affirm, or reverse the Labor Commissioner's determination. The director's determination shall be the determination of the Labor Commissioner. The director shall notify the complainant and respondent of his or her determination within 10 days of receipt of the appeal.

(f) The rights and remedies provided by this section do not preclude an employee from pursuing any other rights and remedies under any other law.

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## CHAPTER 135

An act to add Section 35029.1 to the Education Code, relating to the Emery Unified School District, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 30, 2001. Filed with  
Secretary of State July 31, 2001.]

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

SECTION 1. (a) The Legislature finds and declares that because of the fiscal emergency in which the Emery Unified School District finds itself, it is necessary for the Superintendent of Public Instruction to appoint an administrator if the district accepts a loan as described in this act ; accordingly, the Superintendent of Public Instruction shall immediately appoint an administrator for the Emery Unified School District who shall be governed by Article 2.5 (commencing with Section 41325) of Chapter 3 of Part 24 of the Education Code as well as any conditions stipulated in this act. The Superintendent of Public Instruction may contract for the services of one or more persons having legal, accounting, labor negotiation, or other expertise as necessary to assist the administrator. In order to facilitate the appointment process, the State Department of Education is exempt from Part 2 (commencing with Section 10100) of the Public Contract Code and Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code when contracting for the services of an administrator and other persons as described in this subdivision.

(b) The Legislature finds and declares that it is impossible to solve all of the district's fiscal problems immediately. During the two years immediately following Emery Unified School District's initial receipt of proceeds from the emergency loan provided by this act, the Superintendent of Public Instruction, after consultation with the Alameda County Superintendent of Schools, may approve the use of timelines, criteria, and standards for the submission and review of the district's budget, interim reports, and other financial reports required of the district, that vary from the timelines, criteria, and standards required pursuant to Sections 33127, 41020, and 42127 to 42130, inclusive, of the Education Code as necessary to accomplish the full fiscal recovery of the district.

(c) It is the intent of the Legislature, in enacting this section, to authorize the administrator appointed pursuant to subdivision (a) to enter into a lease with the City of Emeryville pursuant to Article 4 (commencing with Section 17456) of Chapter 4 of part 10.5 of the Education Code, for the use of the school district's facilities during nonschool hours and events for recreational and community programs, so that the school district may utilize the proceeds from the lease to pay off the loan made pursuant to Section 3 of the act adding this section.

SEC. 2. Section 35029.1 is added to the Education Code, to read:

35029.1. Notwithstanding Section 35029, a local governing board shall not hire an individual for the position of chief administrative officer of the school district under its jurisdiction whose credential has been revoked by the Commission on Teacher Credentialing pursuant to Sections 44421 to 44427, inclusive.

SEC. 3. (a) The sum of two million three hundred thousand dollars (\$2,300,000) is hereby appropriated from the General Fund to Section A of the State School Fund for apportionment by the Superintendent of Public Instruction to the Emery Unified School District for the purpose of an emergency loan. In order to qualify for the loan, the district shall comply with Article 2.5 (commencing with Section 41325) of Chapter 3 of Part 24 of the Education Code and the conditions stipulated in this act.

(1) Of the amount appropriated by this subdivision, one million three hundred thousand dollars (\$1,300,000) shall be available immediately to the district for expenditure in the 2001–02 fiscal year for cash flow needs, based on a schedule submitted to the Controller from the State Department of Education.

(2) Of the amount appropriated by this subdivision, one million dollars (\$1,000,000) shall be available for expenditure, as needed, in the 2001–02, 2002–03, and 2003–04 fiscal years for the district's cash flow needs as determined by the Department of Finance, in a schedule submitted to the Controller.

(b) With the exception of funds that may be needed by the district to meet its cash obligations, as described in subdivision (c), funds may not be disbursed from the proceeds of the loan until the conditions set forth in Section 41327 of the Education Code have been met.

(c) Based on the needs of the district to meet its cash obligations, the Superintendent of Public Instruction may direct the Controller to disburse, on a monthly basis, specific amounts of the emergency loan prior to the approval of all of the conditions established by this act. The Emery Unified School District shall repay the emergency loan to the state, pursuant to a repayment schedule established by the Superintendent of Public Instruction consistent with subparagraph (A) of paragraph (2) of subdivision (a) of Section 41327 of the Education Code, together with interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the date of the disbursement of funds to the district.

(d) For the fiscal year in which the apportionments are disbursed and each fiscal year thereafter, the Controller, or his or her designee, shall cause an audit to be conducted of the books and accounts of the district, instead of the audit required by Section 41020 of the Education Code. At the Controller's discretion, the audit may be conducted by the Controller, his or her designee, or an auditor selected by the district and approved by the Controller. The costs of these audits shall be borne by the district. These audits shall be required until the Superintendent of Public Instruction determines that the district is financially solvent, but not earlier than one year following the implementation of the plan nor later than the time the apportionment, including interest, made is repaid. In addition, the Controller shall conduct quality control reviews pursuant to subdivision (c) of Section 14504.2 of the Education Code.

(e) For the fiscal year in which the apportionments are disbursed and each fiscal year thereafter, the Superintendent of Public Instruction shall appoint the Fiscal Crisis and Management Assistance Team to be the fiscal adviser to the district as defined in paragraph (5) of subdivision (e) of Section 42127.6 of the Education Code. The costs of the adviser shall be paid by the district to the extent that the adviser's costs exceed the amount appropriated for the Fiscal Crisis and Management Team pursuant to schedule (9) of Item 6110-485 of Section 2.00 of the Budget Act of 2001. The adviser shall be retained until the Superintendent of Public Instruction determines that the district is financially solvent, but the adviser shall not be released earlier than one year following the implementation of the plan nor later than the time the apportionment made, including interest, is repaid.

SEC. 4. (a) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (a) of Section 41327 of the Education Code, the debt shall be repaid as a straight-line loan amortized over a 20-year term. This



amount shall be repaid by the school district, plus interest calculated at a rate equal to the rate earned by the Pooled Money Investment Account on the date the act that adds this section is chaptered, for a period not to exceed 20 years.

(b) If payment is not made within 60 days after the scheduled date, the Controller shall pay the defaulted loan payment of principal and interest by withholding that amount from the next available payment that would otherwise be made to the county treasurer on behalf of the district pursuant to Section 14041 of the Education Code. However, subject to the approval of the Department of Finance, the amount withheld may be in monthly amounts as determined by an agreement between the Emery Unified School District and the Controller during the period beginning with the next available apportionment through the month preceding the next scheduled payment.

(c) The Director of Finance may amend the payment schedule set forth in subdivision (a) if the director concludes that the amendment is warranted and is in the best interests of both the state and the Emery Unified School District education program. Upon that determination, the director shall notify the Joint Legislative Budget Committee that the payment scheduled will be changed on the date that is 90 days from the date of notification if the Legislature is in session, unless the Joint Legislative Budget Committee takes appropriate action to preclude that change. If the 90-day period ends during a recess of the Legislature or while the Legislature is not in session, the 90-day period shall be extended until the Legislature reconvenes. Amendments to the payment schedule shall defer the unpaid portion of a repayment of the earliest fiscal year in which no other repayment is scheduled. Interest shall accrue on the unpaid portion of a repayment from the scheduled due date until the time the payment is actually made. The interest charge shall be the same rate as specified in Section 41471 of the Education Code.

(d) The school district may repay its loan obligation without incurring any prepayment penalties.

(e) Any allegation of fraud or criminal misuse of district funds on the part of a current or former employee of the district shall be thoroughly investigated by the appropriate law enforcement agency or by the district.

(f) Notwithstanding the repayment schedules provided in subdivisions (a) and (c), any district funds or other assets recovered pursuant to subdivision (e) shall be immediately directed toward repayment of the loan made pursuant to Section 3 of the act adding this section.

SEC. 5. The Legislature finds and declares that due to unique circumstances relating to the fiscal emergency in the Emery Unified

School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make certain revisions in a timely manner to the accounting of a designated appropriation of General Fund moneys, it is necessary that this act take effect immediately.

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## CHAPTER 136

An act to amend Section 253.2 of the Streets and Highways Code, relating to resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 2001. Filed with  
Secretary of State July 31, 2001.]

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

SECTION 1. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Los Angeles-Ventura county line to Route 101 near El Rio.
- (b) Route 101 near Las Cruces to Route 227 south of Oceano.
- (c) Route 101 near San Luis Obispo to San Simeon.
- (d) The north limits of Carmel to the west city limits of Santa Cruz.
- (e) The Higgins-Purisima Road to Route 280 south of San Francisco.
- (f) Route 280 to the San Francisco county line.
- (g) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.
- (h) Route 128 near the mouth of the Navarro River to Route 101 near Leggett.

Route 2 from Glendale Boulevard in Los Angeles County to Route 210.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 in Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 99 near Lodi via Rio Vista.

(e) Route 99 near Lodi to Route 88 near Lockeford.

(f) Route 88 near Clements to Route 49 near San Andreas.

Route 13 from:

(a) Route 61 near the Oakland International Airport to Route 24.

(b) Route 80 to Route 61 near Emeryville.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 17 from:

(a) Route 1 near Santa Cruz to Granite Creek Road near Scott's Valley.

(b) The south city limits of Los Gatos to Route 280 in San Jose.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

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

(1) The Hatton Canyon is a scenic and environmentally sensitive area, comprised of undeveloped land that includes one of the few genetically pure Monterey Pine forests left in the world, significant coastal habitat and recreation areas, as well as diverse wildlife.

(2) With the Department of Transportation's determination that a freeway bypass in the Hatton Canyon is not currently viable, the property located in Hatton Canyon is surplus state property located within the coastal zone, as defined in Section 30103 of the Public Resources Code, as that zone was described on January 1, 1977, and subject to Section 9 of Article XIX of the California Constitution. It is, therefore, fitting and proper, and in furtherance of the public interest, that the Department of Transportation sell its ownership interest in the Hatton Canyon for the purpose of creating or adding to a state park.

(b) The appropriation in Schedule (2) 80.97.030(BX) of Item 3760-302-0005 of Section 2.00 of the Budget Act of 2000 and the appropriation of two hundred fifty thousand dollars (\$250,000) in Item 3760-101-0001 of Section 2.00 of the Budget Act of 2001 is for the purchase of the property owned by the Department of Transportation in the Hatton Canyon.

(c) It is the intent of the Legislature that:

(1) The sale of the property in the Hatton Canyon by the Department of Transportation for conversion to a state park not adversely impact any mitigation credits that the Department of Transportation may be entitled to by making this property transfer.

(2) A nonmotorized trail be established that runs through the Hatton Canyon property.

(d) The route adoption, dated January 9, 1956, for the realignment of Route 1 in Hatton Canyon near the City of Carmel-by-the-Sea is hereby rescinded. Accordingly, the Legislature finds and declares that the freeway agreement, dated April 8, 1997, related to that realignment is a nullity.

(e) The existing Hatton Canyon right-of-way for the realignment of Route 1 from Carmel Valley Road to the Pacific Grove Interchange of Route 1 and 68, as part of Route 1 since before 1977, and owned by the Department of Transportation, is located within the coastal zone. This subdivision does not constitute a change in, but is declaratory of, existing law.

(f) The Department of Transportation shall declare the Hatton Canyon right-of-way property surplus state property.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to preserve the public peace, health, and safety and provide additional park resources as soon as possible, it is necessary that this act take effect immediately.

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## CHAPTER 137

An act to amend Section 2954.6 of the Civil Code, relating to mortgages.

[Approved by Governor August 6, 2001. Filed with  
Secretary of State August 6, 2001.]

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

SECTION 1. Section 2954.6 of the Civil Code is amended to read:  
2954.6. (a) If private mortgage insurance or mortgage guaranty insurance, as defined in subdivision (a) of Section 12640.02 of the Insurance Code, is required as a condition of a loan secured by a deed of trust or mortgage on real property, the lender or person making or

arranging the loan shall notify the borrower whether or not the borrower has the right to cancel the insurance. If the borrower has the right to cancel, then the lender or person making or arranging the loan shall notify the borrower in writing of the following:

(1) Any identifying loan or insurance information necessary to permit the borrower to communicate with the insurer or the lender concerning the insurance.

(2) The conditions that are required to be satisfied before the private mortgage insurance or mortgage guaranty insurance may be subject to cancellation, which shall include, but is not limited to, both of the following:

(A) If the condition is a minimum ratio between the remaining principal balance of the loan and the original or current value of the property, that ratio shall be stated.

(B) Information concerning whether or not an appraisal may be necessary.

(3) The procedure the borrower is required to follow to cancel the private mortgage insurance or mortgage guaranty insurance.

(b) The notice required in subdivision (a) shall be given to the borrower no later than 30 days after the close of escrow. The notice shall be set forth in at least 10-point bold type.

(c) With respect to any loan specified in subdivision (a) for which private mortgage insurance or mortgage guaranty insurance is still maintained, the lender or person making, arranging, or servicing the loan shall provide the borrower with a notice containing the same information as specified in subdivision (a) or a clear and conspicuous written statement indicating that (1) the borrower may be able to cancel the private mortgage insurance or mortgage guaranty insurance based upon various factors, including appreciation of the value of the property derived from a current appraisal performed by an appraiser selected by the lender or servicer, and paid for by the borrower, and (2) the borrower may contact the lender or person making, arranging, or servicing the loan at a designated address and telephone number to determine whether the borrower has a right of cancellation and, if so, the conditions and procedure to effect cancellation. The notice or statement required by this subdivision shall be provided in or with each written statement required by Section 2954.2.

(d) The notice required under this section shall be provided without cost to the borrower.

(e) Any person harmed by a violation of this section may obtain injunctive relief and may recover treble damages and reasonable attorney's fees and costs.

(f) This section shall not apply to any mortgage funded with bond proceeds issued under an indenture requiring mortgage insurance for the

life of the loan nor to any insurance issued pursuant to Part 4 (commencing with Section 51600) of Division 31 of the Health and Safety Code, or loans insured by the Federal Housing Administration or Veterans Administration.

SEC. 2. This act shall become operative on July 1, 2002.

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CHAPTER 138

An act to add Section 13974.6 to the Government Code, and to amend Section 12071 of the Penal Code, relating to crime.

[Approved by Governor August 6, 2001. Filed with  
Secretary of State August 6, 2001.]

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

SECTION 1. Section 13974.6 is added to the Government Code, to read:

13974.6. (a) The California Victim Compensation and Government Claims Board shall select up to five sites to operate victim recovery, resource, and treatment programs to provide comprehensive recovery services to victims of crime. Sites selected by the board shall include, but need not be limited to, all of the following programmatic components:

(1) Establishment of a victim recovery, resource, and treatment center.

(2) Implementation of a crime scene mobile outreach team to provide comprehensive intervention and debriefing for children and families.

(3) Community-based outreach.

(4) Services to family members and loved ones of homicide victims.

(b) Victim recovery, resource, and treatment programs selected by the board shall serve populations of crime victims whose needs are not currently being met, shall be distributed geographically to serve the state's population, and shall include services to all of the following:

(1) Individuals who are not aware of the breadth and range of services provided to victims of crime.

(2) Individuals residing in communities with limited services.

(3) Individuals who cannot access services due to disability.

(4) Family members and loved ones of homicide victims.

(c) The board shall report to the Legislature regarding the effectiveness of the victim recovery, resource, and treatment programs established pursuant to this section no later than May 1, 2004.

(d) This section shall be implemented only to the extent that funding is appropriated by the Legislature for that purpose.

SEC. 2. Section 12071 of the Penal Code is amended to read:

12071. (a) (1) As used in this chapter, the term “licensee,” “person licensed pursuant to Section 12071,” or “dealer” means a person who has all of the following:

(A) A valid federal firearms license.

(B) Any regulatory or business license, or licenses, required by local government.

(C) A valid seller’s permit issued by the State Board of Equalization.

(D) A certificate of eligibility issued by the Department of Justice pursuant to paragraph (4).

(E) A license issued in the format prescribed by paragraph (6).

(F) Is among those recorded in the centralized list specified in subdivision (e).

(2) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing.

(3) No license shall be granted to any applicant who fails to provide a copy of his or her valid federal firearms license, valid seller’s permit issued by the State Board of Equalization, and the certificate of eligibility described in paragraph (4).

(4) A person may request a certificate of eligibility from the Department of Justice and the Department of Justice shall issue a certificate to an applicant if the department’s records indicate that the applicant is not a person who is prohibited from possessing firearms.

(5) The department shall adopt regulations to administer the certificate of eligibility program and shall recover the full costs of administering the program by imposing fees assessed to applicants who apply for those certificates.

(6) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(A) In the form prescribed by the Attorney General.

(B) A regulatory or business license that states on its face “Valid for Retail Sales of Firearms” and is endorsed by the signature of the issuing authority.

(C) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant’s intended business location stating that the jurisdiction does not require any form of regulatory or

business license or does not otherwise restrict or regulate the sale of firearms.

(7) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(b) A license is subject to forfeiture for a breach of any of the following prohibitions and requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the business shall be conducted only in the buildings designated in the license.

(B) A person licensed pursuant to subdivision (a) may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subparagraph shall be entitled to conduct business as authorized herein at any gun show or event in the state without regard to the jurisdiction within this state that issued the license pursuant to subdivision (a), provided the person complies with (i) all applicable laws, including, but not limited to, the waiting period specified in subparagraph (A) of paragraph (3), and (ii) all applicable local laws, regulations, and fees, if any.

A person conducting business pursuant to this subparagraph shall publicly display his or her license issued pursuant to subdivision (a), or a facsimile thereof, at any gun show or event, as specified in this subparagraph.

(C) A person licensed pursuant to subdivision (a) may engage in the sale and transfer of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at events specified in subdivision (g) of Section 12078, subject to the prohibitions and restrictions contained in that subdivision.

A person licensed pursuant to subdivision (a) also may accept delivery of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, outside the building designated in the license, provided the firearm is being donated for the purpose of sale or transfer at an auction or similar event specified in subdivision (g) of Section 12078.

(D) The firearm may be delivered to the purchaser, transferee, or person being loaned the firearm at one of the following places:

(i) The building designated in the license.

(ii) The places specified in subparagraph (B) or (C).

(iii) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.



(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

(3) No firearm shall be delivered:

(A) Within 10 days of the application to purchase, or, after notice by the department pursuant to subdivision (d) of Section 12076, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to subdivision (e) of Section 12076, whichever is later.

(B) Unless unloaded and securely wrapped or unloaded and in a locked container.

(C) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of his or her identity and age to the dealer.

(D) Whenever the dealer is notified by the Department of Justice that the person is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(4) No pistol, revolver, or other firearm or imitation thereof capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

(5) The licensee shall agree to and shall act properly and promptly in processing firearms transactions pursuant to Section 12082.

(6) The licensee shall comply with Sections 12073, 12076, and 12077, subdivisions (a) and (b) of Section 12072, and subdivision (a) of Section 12316.

(7) The licensee shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER AGE 16 OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER AGE 16 GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES, OR YOU ARE A PARENT OR LEGAL GUARDIAN, WHO KNOWS OR REASONABLY SHOULD KNOW THAT YOUR CHILD UNDER

AGE 16 HAS GAINED ACCESS TO A FIREARM, AND THE CHILD CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

(C) “DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER EXPOSURE.”

(D) “FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM.”

(E) “NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD.”

(8) Commencing April 1, 1994, no pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate.

(9) Commencing July 1, 1992, the licensee shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the pamphlet described in Section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm.

(10) The licensee shall not commit an act of collusion as defined in Section 12072.

(11) The licensee shall post conspicuously within the licensed premises a detailed list of each of the following:

(A) All charges required by governmental agencies for processing firearm transfers required by Sections 12076, 12082, and 12806.

(B) All fees that the licensee charges pursuant to Sections 12082 and 12806.

(12) The licensee shall not misstate the amount of fees charged by a governmental agency pursuant to Sections 12076, 12082, and 12806.

(13) The licensee shall report the loss or theft of any firearm that is merchandise of the licensee, any firearm that the licensee takes possession of pursuant to Section 12082, or any firearm kept at the licensee's place of business within 48 hours of discovery to the appropriate law enforcement agency in the city, county, or city and county where the licensee's business premises are located.

(14) In a city and county, or in the unincorporated area of a county with a population of 200,000 persons or more according to the most recent federal decennial census or within a city with a population of 50,000 persons or more according to the most recent federal decennial census, any time the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(A) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.

(B) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(C) Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

(15) The licensing authority in an unincorporated area of a county with a population less than 200,000 persons according to the most recent federal decennial census or within a city with a population of less than 50,000 persons according to the most recent federal decennial census may impose the requirements specified in paragraph (14).

(16) Commencing January 1, 1994, the licensee shall, upon the issuance or renewal of a license, submit a copy of the same to the Department of Justice.

(17) The licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, a firearms transaction record.

(18) (A) On the date of receipt, the licensee shall report to the Department of Justice in a format prescribed by the department the acquisition by the licensee of the ownership of a pistol, revolver, or other firearm capable of being concealed upon the person.

(B) The provisions of this paragraph shall not apply to any of the following transactions:

(i) A transaction subject to the provisions of subdivision (n) of Section 12078.

(ii) The dealer acquired the firearm from a wholesaler.

(iii) The dealer is also licensed as a secondhand dealer pursuant to Article 4 (commencing with Section 21625) of Chapter 9 of Division 8 of the Business and Professions Code.

(iv) The dealer acquired the firearm from a person who is licensed as a manufacturer or importer to engage in those activities pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(v) The dealer acquired the firearm from a person who resides outside this state who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(19) The licensee shall forward in a format prescribed by the Department of Justice, information as required by the department on any firearm that is not delivered within the time period set forth in Section 178.102 (c) of Title 27 of the Code of Federal Regulations.

(c) (1) As used in this article, "clear evidence of his or her identity and age" means either of the following:

(A) A valid California driver's license.

(B) A valid California identification card issued by the Department of Motor Vehicles.

(2) As used in this article, a "basic firearms safety certificate" means a basic firearms certificate issued to the purchaser, transferee, or person being loaned the firearm by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6.

(3) As used in this section, a "secure facility" means a building that meets all of the following specifications:

(A) All perimeter doorways shall meet one of the following:

(i) A windowless steel security door equipped with both a dead bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least one-half inch diameter or metal grating of at least nine gauge affixed to the exterior or interior of the door.

(iii) A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.

(B) All windows are covered with steel bars.

(C) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.

(D) Any metal grates have spaces no larger than six inches wide measured in any direction.

(E) Any metal screens have spaces no larger than three inches wide measured in any direction.

(F) All steel bars shall be no further than six inches apart.

(4) As used in this section, “licensed premises,” “licensed place of business,” “licensee’s place of business,” or “licensee’s business premises” means the building designated in the license.

(5) For purposes of paragraph (17) of subdivision (b):

(A) A “firearms transaction record” is a record containing the same information referred to in subdivision (a) of Section 178.124, Section 178.124a, and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 178.124a and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 178.124 of Title 27 of the Code of Federal Regulations.

(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.

(e) Except as otherwise provided in this subdivision, the Department of Justice shall keep a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a). The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer’s business is located. The department shall make information about an individual dealer available, upon request, for one of the following purposes only:

(1) For law enforcement purposes.

(2) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(3) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as

defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of eligibility issued pursuant to Section 12071.1, if that information is requested by the person to determine the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subparagraph (B) of paragraph (1) of subdivision (b). Information provided pursuant to this paragraph shall be limited to information necessary to corroborate an individual's current license status.

(f) The Department of Justice may inspect dealers to ensure compliance with this article. The department may assess an annual fee, not to exceed one hundred fifteen dollars (\$115), to cover the reasonable cost of maintaining the list described in subdivision (e), including the cost of inspections. Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

(g) The Department of Justice shall maintain and make available upon request information concerning the number of inspections conducted and the amount of fees collected pursuant to subdivision (f), a listing of exempted jurisdictions, as defined in subdivision (f), the number of dealers removed from the centralized list defined in subdivision (e), and the number of dealers found to have violated this article with knowledge or gross negligence.

(h) Paragraph (14) or (15) of subdivision (b) shall not apply to a licensee organized as a nonprofit public benefit or mutual benefit corporation organized pursuant to Part 2 (commencing with Section 5110) or Part 3 (commencing with Section 7110) of Division 2 of the Corporations Code, if both of the following conditions are satisfied:

(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.

(2) The firearms are not pistols, revolvers, or other firearms capable of being concealed upon the person.

SEC. 3. Section 12071 of the Penal Code is amended to read:

12071. (a) (1) As used in this chapter, the term "licensee," "person licensed pursuant to Section 12071," or "dealer" means a person who has all of the following:

(A) A valid federal firearms license.

(B) Any regulatory or business license, or licenses, required by local government.

(C) A valid seller's permit issued by the State Board of Equalization.

(D) A certificate of eligibility issued by the Department of Justice pursuant to paragraph (4).

(E) A license issued in the format prescribed by paragraph (6).

(F) Is among those recorded in the centralized list specified in subdivision (e).

(2) The duly constituted licensing authority of a city, county, or a city and county shall accept applications for, and may grant licenses permitting, licensees to sell firearms at retail within the city, county, or city and county. The duly constituted licensing authority shall inform applicants who are denied licenses of the reasons for the denial in writing.

(3) No license shall be granted to any applicant who fails to provide a copy of his or her valid federal firearms license, valid seller's permit issued by the State Board of Equalization, and the certificate of eligibility described in paragraph (4).

(4) A person may request a certificate of eligibility from the Department of Justice and the Department of Justice shall issue a certificate to an applicant if the department's records indicate that the applicant is not a person who is prohibited from possessing firearms.

(5) The department shall adopt regulations to administer the certificate of eligibility program and shall recover the full costs of administering the program by imposing fees assessed to applicants who apply for those certificates.

(6) A license granted by the duly constituted licensing authority of any city, county, or city and county, shall be valid for not more than one year from the date of issuance and shall be in one of the following forms:

(A) In the form prescribed by the Attorney General.

(B) A regulatory or business license that states on its face "Valid for Retail Sales of Firearms" and is endorsed by the signature of the issuing authority.

(C) A letter from the duly constituted licensing authority having primary jurisdiction for the applicant's intended business location stating that the jurisdiction does not require any form of regulatory or business license or does not otherwise restrict or regulate the sale of firearms.

(7) Local licensing authorities may assess fees to recover their full costs of processing applications for licenses.

(b) A license is subject to forfeiture for a breach of any of the following prohibitions and requirements:

(1) (A) Except as provided in subparagraphs (B) and (C), the business shall be conducted only in the buildings designated in the license.

(B) A person licensed pursuant to subdivision (a) may take possession of firearms and commence preparation of registers for the sale, delivery, or transfer of firearms at gun shows or events, as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, if the gun show or event is not conducted from any motorized or towed vehicle. A person conducting business pursuant to this subparagraph shall be entitled to conduct business as authorized herein at any gun show or event in the state without regard to the jurisdiction within this state that issued the license pursuant to subdivision (a), provided the person complies with (i) all applicable laws, including, but not limited to, the waiting period specified in subparagraph (A) of paragraph (3), and (ii) all applicable local laws, regulations, and fees, if any.

A person conducting business pursuant to this subparagraph shall publicly display his or her license issued pursuant to subdivision (a), or a facsimile thereof, at any gun show or event, as specified in this subparagraph.

(C) A person licensed pursuant to subdivision (a) may engage in the sale and transfer of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, at events specified in subdivision (g) of Section 12078, subject to the prohibitions and restrictions contained in that subdivision.

A person licensed pursuant to subdivision (a) also may accept delivery of firearms other than pistols, revolvers, or other firearms capable of being concealed upon the person, outside the building designated in the license, provided the firearm is being donated for the purpose of sale or transfer at an auction or similar event specified in subdivision (g) of Section 12078.

(D) The firearm may be delivered to the purchaser, transferee, or person being loaned the firearm at one of the following places:

- (i) The building designated in the license.
- (ii) The places specified in subparagraph (B) or (C).
- (iii) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

(3) No firearm shall be delivered:

(A) Within 10 days of the application to purchase, or, after notice by the department pursuant to subdivision (d) of Section 12076, within 10 days of the submission to the department of any correction to the



application, or within 10 days of the submission to the department of any fee required pursuant to subdivision (e) of Section 12076, whichever is later.

(B) Unless unloaded and securely wrapped or unloaded and in a locked container.

(C) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of his or her identity and age to the dealer.

(D) Whenever the dealer is notified by the Department of Justice that the person is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(4) No pistol, revolver, or other firearm or imitation thereof capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

(5) The licensee shall agree to and shall act properly and promptly in processing firearms transactions pursuant to Section 12082.

(6) The licensee shall comply with Sections 12073, 12076, and 12077, subdivisions (a) and (b) of Section 12072, and subdivision (a) of Section 12316.

(7) The licensee shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER AGE 18 OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER AGE 18 GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING."

(C) "IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES TO A SCHOOL, YOU MAY BE

GUILTY OF A MISDEMEANOR INCLUDING A FINE OF UP TO \$5,000, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”

(D) “DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES. WASH HANDS THOROUGHLY AFTER EXPOSURE.”

(E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30 DAYS AFTER YOU COMPLETE THE INITIAL BACKGROUND CHECK PAPERWORK, THEN YOU HAVE TO GO THROUGH THE BACKGROUND CHECK PROCESS A SECOND TIME IN ORDER TO TAKE PHYSICAL POSSESSION OF THAT FIREARM.”

(F) “NO PERSON SHALL MAKE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND NO DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS MADE AN APPLICATION TO PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON WITHIN ANY 30-DAY PERIOD.”

(8) Commencing April 1, 1994, no pistol, revolver, or other firearm capable of being concealed upon the person shall be delivered unless the purchaser, transferee, or person being loaned the firearm presents to the dealer a basic firearms safety certificate.

(9) Commencing July 1, 1992, the licensee shall offer to provide the purchaser or transferee of a firearm, or person being loaned a firearm, with a copy of the pamphlet described in Section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm.

(10) The licensee shall not commit an act of collusion as defined in Section 12072.

(11) The licensee shall post conspicuously within the licensed premises a detailed list of each of the following:

(A) All charges required by governmental agencies for processing firearm transfers required by Sections 12076, 12082, and 12806.

(B) All fees that the licensee charges pursuant to Sections 12082 and 12806.

(12) The licensee shall not misstate the amount of fees charged by a governmental agency pursuant to Sections 12076, 12082, and 12806.

(13) The licensee shall report the loss or theft of any firearm that is merchandise of the licensee, any firearm that the licensee takes possession of pursuant to Section 12082, or any firearm kept at the licensee's place of business within 48 hours of discovery to the appropriate law enforcement agency in the city, county, or city and county where the licensee's business premises are located.

(14) In a city and county, or in the unincorporated area of a county with a population of 200,000 persons or more according to the most recent federal decennial census or within a city with a population of 50,000 persons or more according to the most recent federal decennial census, any time the licensee is not open for business, the licensee shall store all firearms kept in his or her licensed place of business using one of the following methods as to each particular firearm:

(A) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee's business premises.

(B) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.

(C) Store the firearm in a locked fireproof safe or vault in the licensee's business premises.

(15) The licensing authority in an unincorporated area of a county with a population less than 200,000 persons according to the most recent federal decennial census or within a city with a population of less than 50,000 persons according to the most recent federal decennial census may impose the requirements specified in paragraph (14).

(16) Commencing January 1, 1994, the licensee shall, upon the issuance or renewal of a license, submit a copy of the same to the Department of Justice.

(17) The licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, a firearms transaction record.

(18) (A) On the date of receipt, the licensee shall report to the Department of Justice in a format prescribed by the department the acquisition by the licensee of the ownership of a pistol, revolver, or other firearm capable of being concealed upon the person.

(B) The provisions of this paragraph shall not apply to any of the following transactions:

(i) A transaction subject to the provisions of subdivision (n) of Section 12078.

(ii) The dealer acquired the firearm from a wholesaler.

(iii) The dealer is also licensed as a secondhand dealer pursuant to Article 4 (commencing with Section 21625) of Chapter 9 of Division 8 of the Business and Professions Code.

(iv) The dealer acquired the firearm from a person who is licensed as a manufacturer or importer to engage in those activities pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(v) The dealer acquired the firearm from a person who resides outside this state who is licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(19) The licensee shall forward in a format prescribed by the Department of Justice, information as required by the department on any firearm that is not delivered within the time period set forth in Section 178.102 (c) of Title 27 of the Code of Federal Regulations.

(c) (1) As used in this article, "clear evidence of his or her identity and age" means either of the following:

(A) A valid California driver's license.

(B) A valid California identification card issued by the Department of Motor Vehicles.

(2) As used in this article, a "basic firearms safety certificate" means a basic firearms certificate issued to the purchaser, transferee, or person being loaned the firearm by the Department of Justice pursuant to Article 8 (commencing with Section 12800) of Chapter 6.

(3) As used in this section, a "secure facility" means a building that meets all of the following specifications:

(A) All perimeter doorways shall meet one of the following:

(i) A windowless steel security door equipped with both a dead bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least one-half inch diameter or metal grating of at least nine gauge affixed to the exterior or interior of the door.

(iii) A metal grate that is padlocked and affixed to the licensee's premises independent of the door and doorframe.

(B) All windows are covered with steel bars.

(C) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.

(D) Any metal grates have spaces no larger than six inches wide measured in any direction.

(E) Any metal screens have spaces no larger than three inches wide measured in any direction.

(F) All steel bars shall be no further than six inches apart.

(4) As used in this section, “licensed premises,” “licensed place of business,” “licensee’s place of business,” or “licensee’s business premises” means the building designated in the license.

(5) For purposes of paragraph (17) of subdivision (b):

(A) A “firearms transaction record” is a record containing the same information referred to in subdivision (a) of Section 178.124, Section 178.124a, and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations.

(B) A licensee shall be in compliance with the provisions of paragraph (17) of subdivision (b) if he or she maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 178.124a and subdivision (e) of Section 178.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 178.124 of Title 27 of the Code of Federal Regulations.

(d) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of paragraph (14) of subdivision (b) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.

(e) Except as otherwise provided in this subdivision, the Department of Justice shall keep a centralized list of all persons licensed pursuant to subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a). The department may remove from this list any person who knowingly or with gross negligence violates this article. Upon removal of a dealer from this list, notification shall be provided to local law enforcement and licensing authorities in the jurisdiction where the dealer’s business is located. The department shall make information about an individual dealer available, upon request, for one of the following purposes only:

(1) For law enforcement purposes.

(2) When the information is requested by a person licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code for determining the validity of the license for firearm shipments.

(3) When information is requested by a person promoting, sponsoring, operating, or otherwise organizing a show or event as defined in Section 178.100 of Title 27 of the Code of Federal Regulations, or its successor, who possesses a valid certificate of

eligibility issued pursuant to Section 12071.1, if that information is requested by the person to determine the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer pursuant to subparagraph (B) of paragraph (1) of subdivision (b). Information provided pursuant to this paragraph shall be limited to information necessary to corroborate an individual's current license status.

(f) The Department of Justice may inspect dealers to ensure compliance with this article. The department may assess an annual fee, not to exceed one hundred fifteen dollars (\$115), to cover the reasonable cost of maintaining the list described in subdivision (e), including the cost of inspections. Dealers whose place of business is in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law shall be exempt from that portion of the department's fee that relates to the cost of inspections. The applicant is responsible for providing evidence to the department that the jurisdiction in which the business is located has the inspection program.

(g) The Department of Justice shall maintain and make available upon request information concerning the number of inspections conducted and the amount of fees collected pursuant to subdivision (f), a listing of exempted jurisdictions, as defined in subdivision (f), the number of dealers removed from the centralized list defined in subdivision (e), and the number of dealers found to have violated this article with knowledge or gross negligence.

(h) Paragraph (14) or (15) of subdivision (b) shall not apply to a licensee organized as a nonprofit public benefit or mutual benefit corporation organized pursuant to Part 2 (commencing with Section 5110) or Part 3 (commencing with Section 7110) of Division 2 of the Corporations Code, if both of the following conditions are satisfied:

(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer's license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.

(2) The firearms are not pistols, revolvers, or other firearms capable of being concealed upon the person.

SEC. 4. Section 3 of this bill incorporates amendments to Section 12071 of the Penal Code proposed by both this bill and SB 9. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2002, (2) each bill amends Section 12071 of the Penal Code, and (3) this bill is enacted after SB 9, in which case Section 2 of this bill shall not become operative.

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