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|------|------------------|----------------|--------------|-----------------|------------------|--------------|--|
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|------|------------------|----------------|--------------|-----------------|------------------|--------------|--|

AB-111 State government. (2017-2018)

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Date Published: 06/27/2017 09:00 PM

Assembly Bill No. 111

CHAPTER 19

An act to amend Sections 17267, 17300, 17301, 17319, 81133, and 81133.1 of the Education Code, to amend Section 17202 of the Family Code, to amend Sections 905.2, 3515.7, 14659.10, 16304, 16304.1, 30035.5, and 99010 of, to add Sections 210.6, 1044, 8880.43, and 16401.5 to, to add Chapter 13 (commencing with Section 14985) to Part 5.5 of Division 3 of Title 2 of, and to repeal Chapter 3.7 (commencing with Section 8299) of Division 1 of Title 2 of, the Government Code, to amend Section 50676 of the Health and Safety Code, to amend Section 11105 of the Penal Code, to amend Section 10187.5 of the Public Contract Code, to add Section 18874 to the Revenue and Taxation Code, to amend Section 1973 of the Welfare and Institutions Code, to repeal Section 15 of Chapter 6 of the Statutes of 2017, and to repeal Section 9 of Chapter 7 of the Statutes of 2017, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2017. Filed with Secretary of State June 27, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 111, Committee on Budget. State government.

(1) Existing law establishes a system of public elementary and secondary education in this state in which local educational agencies provide instruction in kindergarten and grades 1 to 12, inclusive, in the public elementary and secondary schools. Existing law also establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and authorizes community college districts throughout the state to provide instruction at the campuses they operate.

With respect to facilities for both public elementary and secondary schools and for community colleges, existing law requires that the Department of General Services pass upon and approve or reject all plans for the construction of, or, if the estimated cost exceeds \$100,000, the alteration of, any school building. Existing law requires the application to be accompanied by a filing fee in amounts as determined by the Department of General Services, as specified. Existing law authorizes the Department of General Services to adjust the amounts of the filing fees within specified limits in order to maintain a reasonable working balance in the fund. Under existing law, the filing fees described above are to be deposited into the Public School Planning, Design, and Construction Review Revolving Fund, a continuously appropriated fund.

This bill would raise the rates of the amount of the filing fee, as specified. Because the bill increases the amounts to be deposited into the Public School Planning, Design, and Construction Review Revolving Fund, a continuously appropriated fund, the bill would make an appropriation. The bill instead would authorize the Department of General Services to adjust the amount of the filing fees in order to maintain a reasonable working balance in the fund, provided that the fees do not exceed the amount of the raised rates. If the working fund balance exceeds 6 months' expenditures, the bill would require the Department of General Services to take action to reduce the fees.

(2) Existing law authorizes an application for the collaborative process for project development and review to be accompanied by a filing fee from the school district or community college district, as applicable, in amounts determined by the Department of General Services based on the estimated project cost and according to a specified fee schedule.

This bill instead would require the application for the collaborative process for project development and review to be accompanied by a filing fee from the school district or community college district, as applicable, in amounts determined by the Department of General Services based on the estimated project cost and according to a specified fee schedule. Because the bill increases the amounts to be deposited into the Public School Planning, Design, and Construction Review Revolving Fund, a continuously appropriated fund, the bill would make an appropriation.

(3) Existing federal law generally prohibits disclosure of federal tax returns and return information, except as authorized. Existing federal law authorizes disclosure of federal tax returns and return information to certain federal, state, and local agencies that, as a condition of receiving the returns or information, are required to establish specified safeguards to protect the confidentiality of the federal tax returns or return information.

This bill would require a state entity, as defined, or its designee, as defined, to conduct criminal background checks, as specified. The bill would require a state entity or its designee that receives federal tax information, as defined, to submit to the Department of Justice, for the purpose of conducting state and federal criminal background checks, fingerprint images and related information of an employee, prospective employee, contractor, agent, volunteer, vendor, subcontractor, or employee of a contractor whose duties include having access to federal tax information received by the state entity or its designee. The bill would require the state to meet and confer with collective bargaining units regarding the impact of these requirements on terms and conditions of employment. The bill would require a services contract or interagency agreement entered into, renewed, or amended on or after July 1, 2017, that includes access to federal tax information to require the agency or contractor to agree to criminal background checks of its employees, agents, and others, as specified. The bill would authorize the Department of Justice to charge a fee to cover the cost of processing these requests.

(4) Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. Existing law specifies to whom and how the state summary criminal history information may be released and for what purposes it may be used.

This bill would require the Attorney General to furnish state summary criminal history information to a state entity or its designee that receives federal tax information. The bill also would authorize that state entity or its designee to transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation to obtain federal level criminal offender record information.

(5) Existing law requires the Department of Child Support Services to administer all services and perform all functions necessary to establish, collect, and distribute child support. Existing law requires that each county establish a department of child support services, referred to as the local child support agency.

This bill would require the Department of Child Support Services to appoint the local child support agency or any other entity receiving federal tax information in performance of its child support duties as its designee for purposes of receiving state summary criminal history information and obtaining federal level criminal offender record information pursuant to these provisions. By requiring local agencies to conduct specified criminal background checks, this bill would impose a state-mandated local program.

(6) Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature.

This bill would require any entity that was previously scheduled for the 3rd release of BreEZe to participate in business process reviews and organizational change management activities in preparation for transition to a new licensing technology platform, either through the relevant unit in the Department of Consumer Affairs, or through contracted services.

(7) The Government Claims Act sets forth the general procedure for claims and actions against public entities and public employees. The act requires a person to file a claim for reissuance of stale, dated, or replacement warrants with the state entity that originally issued that warrant, and requires that entity to, if allowed, pay that warrant using the issuing entity's current appropriation.

Existing law requires the Department of General Services to carry out various duties relating to compensating the victims of specified types of crimes for losses suffered as a result of those crimes, and processing certain types of claims against the state. Existing law requires the department to ensure that all claims against the state that have been approved by the department but

have no legally available appropriation be submitted to the Legislature for approval at least twice during each calendar year, which is known as a claims bill.

This bill would authorize the entity that originally issued the expired warrant to pay that warrant from any funds that are otherwise legally available to that entity for that purpose. The bill would also authorize an issuing entity that determines that it is unable to issue a replacement warrant from its current appropriation or from any funds that are otherwise legally available to the entity for that purpose to submit a request to include a claim for reimbursement of that warrant in a claims bill pursuant to a process prescribed by the Department of General Services.

This bill would require the department to ensure that all claims that have been approved, and for which no legally available appropriation exists, are submitted for legislative approval at least once during each calendar year instead of twice during each calendar year.

(8) The Ralph C. Dills Act provides that once an employee organization is recognized as the exclusive representative of an appropriate unit, it may enter into an agreement with the state employer providing for organizational security in the form of maintenance of membership or fair share fee deduction. Existing law requires the Department of General Services, if certain conditions are met, to conduct a vote to rescind a fair share fee provision in a memorandum of understanding. Existing law requires the department to receive specified financial information from a recognized employee organization that has agreed to a fair share fee provision, as well as to carry out related enforcement duties. Existing law requires the Public Employment Relations Board to carry out specified powers and duties under the Ralph C. Dills Act.

This bill would transfer the duties of the Department of General Services described above to the Public Employment Relations Board.

(9) Existing law establishes the California Commission on Disability Access for purposes of developing recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitating business compliance with applicable state and federal laws and regulations. Existing law sets forth the powers and duties of the commission, including developing educational materials and information for businesses, building owners, tenants, and building officials, posting that information on the commission's Internet Web site, and coordinating with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete. Under existing law, the commission is created as an independent entity within state government.

This bill, beginning July 1, 2017, would place the commission within the Department of General Services.

(10) The California State Lottery Act of 1984, an initiative measure, authorizes a California State Lottery and provides for its operation and administration by the California State Lottery Commission and the Director of the California State Lottery, with certain limitations. Existing law requires the director to make and keep books and records of specified transactions and other financial transactions of the lottery necessary to permit preparation of financial statements, and requires the director to provide a monthly cumulative sales report to the Lottery Commission and the Controller within 15 days after the end of each month.

This bill would require the director to provide, on an annual basis and in accordance with a certain timeline, specified informational reports to the Department of Finance, the Joint Legislative Budget Committee, and the budget committees of the Legislature.

Existing law establishes the State Lottery Fund, which is continuously appropriated for the purposes of the California State Lottery. The act specifies that none of its provisions may be changed except to further its purpose by a bill passed by a $\frac{2}{3}$ vote of each house of the Legislature.

Existing law authorizes any state agency for which an appropriation is made, without at the time furnishing vouchers and itemized statements, to draw specified amounts from that appropriation for use as a revolving fund. Existing law restricts the use of these funds for payment of compensation earned, traveling expenses, traveling expense advances, or when immediate payment is otherwise necessary.

This bill would authorize the California State Lottery to draw funds from its continuous appropriation for purposes of making immediate payment through its revolving fund to California State Lottery prizewinners of \$1,000 or less, subject to specified conditions.

(11) Existing law requires that an appropriation be available for encumbrance for the period specified or, if not limited by its own terms or law, for 3 years after the date upon which it first became available for encumbrance, with specified exceptions. Existing law deems an appropriation to be encumbered at the time and to the extent that a valid obligation against the appropriation is created.

Existing law authorizes disbursements in liquidation of encumbrances to be made before or during the 2 years following the last day an appropriation is available for encumbrance, or the 4 years following in the case of an appropriation of federal funds, with specified exceptions. Existing law requires at the end of that time period, or if the Director of Finance determines during the liquidation period that the project for which the appropriation was made is complete and that a portion of the appropriation is not necessary for disbursement, the undisbursed balance of the appropriation to revert and become a part of the fund from which the appropriation was made.

This bill would require an appropriation to be immediately available for encumbrance or expenditure during the specified or 3-year time period described above. The bill would also authorize a state agency to estimate encumbrances consistent with the authority of the appropriation, and to make corrections or adjustments to any encumbrance or estimated encumbrance during the applicable liquidation period for disbursements.

This bill would authorize the Department of Finance, instead of the Director of Finance, to determine during the applicable liquidation period that the appropriation is no longer necessary, and thereby require the balance of the appropriation to revert to the fund from which it was made. The bill would also make conforming and technical changes to that provision.

(12) Existing law establishes the Community-Based Transitional Housing Program, administered by the Department of Finance, for the purpose of providing grants to cities, counties, and cities and counties to increase the supply of transitional housing available to persons previously incarcerated for felony and misdemeanor convictions and funded with moneys appropriated for that purpose in the annual Budget Act or other measure. Existing law requires an applicant city, county, or city and county to submit an application between October 1, 2016, and October 1, 2018, that includes specified information and to approve the issuance of a conditional use permit or other local entitlement for a transitional housing facility that meets specified criteria. Existing law requires a city, county, or city and county that has received an award of grant funds to retain 60% of the award for certain law enforcement and community outreach purposes and to provide 40% of the award to the facility operator to provide facility residents with services, enhance security, perform community outreach, or cover startup costs.

This bill would also authorize the portion of the award provided to the facility operator to be used to provide specified additional services to facility residents and for any other purposes that the board of supervisors or city council determines will enhance outcomes for facility residents or enhance public safety in and around the facility, as specified.

(13) The Economic Recovery Bond Act, approved by the voters as Proposition 57 at the March 2, 2004, statewide primary election, authorized the issuance, pursuant to the State General Obligation Bond Law, of bonds in an amount not to exceed \$15,000,000,000 for purposes of financing the accumulated state budget deficit, as defined.

Existing law, the California Fiscal Recovery Financing Act, created the California Fiscal Recovery Financing Authority, and authorized the authority to, among other things, issue bonds for the general purpose of funding the accumulated budget deficit, subject to specified conditions. Existing law imposed, in addition to any other sales and use tax rates imposed by law, a state sales and use tax at the rate of 0.25% to finance the act. Existing law requires all revenues received pursuant to the sales and use tax rate to be deposited into the Fiscal Recovery Fund.

Existing law requires the Director of Finance to notify the Treasurer and the State Board of Equalization if certain events occur related to the bonds issued pursuant to these provisions, and requires that, if that notification occurs, the Controller to transfer, from the Fiscal Recovery Fund, a specified amount to the Sales and Use Tax Compensation Fund for each county. Existing law provides that the Fiscal Recovery Fund may not be terminated until the Director of Finance makes that notification. Existing law requires, in order for money in the Fiscal Recovery Fund to be available to the Legislature for appropriation, that the Director of Finance makes that notification and the State Board of Equalization has ceased to collect the special sales tax. Existing law requires, if both of those conditions occur, that all moneys in the Fiscal Recovery Fund and the interest earnings thereon be disbursed in an appropriation bill enacted by the Legislature, as specified.

This bill would, in addition to the 2 conditions described above, also require that the Controller have transferred from the Fiscal Recovery Fund a specified amount to the Sales and Use Tax Compensation Fund for each county. This bill would, if all 3 of these conditions occur, require the Controller, upon order of the Department of Finance, to transfer any amounts remaining in the fund to the General Fund.

(14) Existing federal law requires the United States Secretary of Housing and Urban Development to establish a Housing Trust Fund to provide grants to states to increase the supply of rental housing for extremely low and very low income families, including homeless families, and home ownership for extremely low and very low income families.

Existing law designates the Department of Housing and Community Development as the state agency responsible for administering the federal Housing Trust Fund.

This bill would authorize the department to use up to 10% of the federal Housing Trust Fund annual grant award for expenses of administering these funds.

(15) Existing law, until January 1, 2025, authorizes the Department of General Services, the Department of Corrections and Rehabilitation, and the Department of Water Resources, following notification to the State Public Works Board, to procure design-build contracts for specified public works projects by awarding the contract using either the low bid or best value procurement methodology.

This bill also would authorize the Military Department to use this design-build procurement process.

(16) Existing law authorizes an individual to contribute amounts in excess of their personal income tax liability for the support of specified funds. Existing law includes generally applicable administrative provisions, including a minimum contribution amount for the continuation of any voluntary tax contribution fund on the tax return form. Existing law, with respect to specified voluntary contribution funds, establishes minimum contribution amounts that are adjusted by the Franchise Tax Board each year for the continuation of that fund on the tax return form.

This bill would establish the minimum contribution amount for the 2017 calendar year, with regard to the voluntary contribution funds described above, as \$0.

(17) Existing law authorizes the State Public Works Board to issue up to \$300,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, renovation, or construction, and a reasonable construction reserve, of approved local youthful offender rehabilitative facilities. Under existing law, proceeds from the revenue bonds, notes, or bond anticipation notes may be utilized to reimburse a participating county for the costs of acquisition, design, and construction for approved projects. The funds derived pursuant to these provisions are continuously appropriated.

Existing law makes that authorization inoperative on June 30, 2017. Existing law prohibits projects from being commenced after that date but authorizes projects already commenced to be completed and financed through the issuance of bonds, as specified.

This bill would instead reduce the amount to \$294,101,545 of revenue bonds, notes, or bond anticipation notes that may be authorized by the board for those rehabilitative facilities. The bill would make conforming changes to other provisions.

(18) Existing law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act. Existing law provides for health care, pension, and other benefits for public employees.

Chapter 6 of the Statutes of 2017 approved provisions requiring the expenditure of funds in a specified memorandum of understanding and made changes to the health care, pension, and other benefits for certain public employees. That act will become operative only if Chapter 8 of the Statutes of 2017 becomes operative.

The Budget Act of 2016, as amended by Chapter 7 of the Statutes of 2017, made certain appropriations for the support of state government contingent on Chapter 8 of the Statutes of 2017 becoming operative.

This bill would repeal the provisions that make Chapters 6 and 7 of the Statutes of 2017 contingently operative.

(19) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(20) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17267 of the Education Code is amended to read:

17267. The governing board of a school district shall, before letting any contract for the construction of a school building as defined in Section 17283 according to the plans and specifications, file a set of the plans and specifications with the Department of General Services accompanied by a filing fee pursuant to Section 17300.

SEC. 2. Section 17300 of the Education Code is amended to read:

17300. (a) The application shall be accompanied by a filing fee in amounts as determined by the Department of General Services based on the estimated cost of the work described in subdivision (a) of Section 17280, according to the following schedule:

- (1) For the first one million dollars (\$1,000,000), a fee of 1.25 percent of the estimated cost.

(2) For all costs in excess of one million dollars (\$1,000,000), a fee of 1 percent of the estimated cost.

(b) Notwithstanding paragraphs (1) and (2) of subdivision (a), if, on or after July 1, 2017, the Department of General Services adjusts the fee schedule pursuant to subdivision (a) of Section 17301, the adjusted fee schedule shall be used instead.

(c) The minimum fee in any case shall be two hundred fifty dollars (\$250). If the actual cost exceeds the estimated cost by more than 5 percent, a further fee shall be paid to the Department of General Services, based on the fee schedule pursuant to subdivision (a) or (b), as applicable, and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

(d) The fees determined pursuant to subdivision (a) or (b), as applicable, shall be paid in two installments, as specified by the Department of General Services. The first installment shall be in an amount equal to 70 percent of the estimated cost calculated under subdivision (a) or (b), as applicable, and shall be paid at the time the application is submitted to the department. The second installment shall be in an amount equal to 30 percent of the estimated cost calculated under subdivision (a) or (b), as applicable, and shall be paid no later than five working days after the applicant accepts the bids for construction of the project for which the fees are paid. This subdivision shall become operative January 1, 1994.

(e) The fee shall be paid to the Department of General Services, including, but not limited to, a case in which the application is referred under Section 17306 to a qualified plan review firm.

SEC. 3. Section 17301 of the Education Code is amended to read:

17301. (a) (1) All fees received by the Department of General Services pursuant to this chapter shall be paid into the State Treasury and credited to the Public School Planning, Design, and Construction Review Revolving Fund, which is hereby created. Notwithstanding Section 13340 of the Government Code, all moneys in the fund are hereby continuously appropriated for expenditure by the Department of General Services to be applied, in the most efficient and expeditious manner possible, to the expenses associated with the review and approval of plans and specifications, and the supervision of public school building construction, pursuant to this article and Article 5 (commencing with Section 17350). The fees paid into the fund shall not be used for or diverted to any other program or purpose. Notwithstanding any other law, any moneys in the Architecture Public Building Fund on the effective date of this section thereupon shall be transferred to the Public School Planning, Design, and Construction Review Revolving Fund for expenditure in accordance with this section.

(2) Adjustments in the amounts of the fees, as determined by the Department of General Services, may be made by the department in order to maintain a reasonable working balance in the fund, provided that the fees shall not exceed the amounts in the fee schedule specified in subdivision (a) of Section 17300 or Section 17352, as applicable. If the working fund balance exceeds six months' expenditures, the Department of General Services shall take action to reduce the fees.

(b) The Department of Finance shall provide for the audit of the fund as needed to ensure that it is used solely for the purposes of this article and that the amount of the fee charged does not exceed what is necessary to cover the costs realized by the Department of General Services in carrying out its responsibilities pursuant to this article. The actual cost of the audit shall be paid from the fund.

SEC. 4. Section 17319 of the Education Code is amended to read:

17319. (a) The Legislature finds and declares all of the following:

(1) The purpose of the collaborative process for project development and review is to ensure the public safety of school facilities through a collaborative, consistent, and timely project development and review process.

(2) The collaborative process for project development and review may be made available, as an alternative to the traditional plan review and approval process, to school districts that voluntarily apply to the Department of General Services.

(3) This process entails the early participation of all parties involved in a project from project development and continuing through plan review, construction, and certification of school facilities projects. These parties include the Department of General Services' staff and their qualified plan review firms, and school districts and their design professionals.

(b) The Department of General Services, in consultation with the Office of Public School Construction, shall establish procedures and requirements governing the use of the collaborative process for project development and review alternative. These procedures and requirements shall include an application and selection process. Upon project selection, the Department of General Services and the school district shall mutually agree to the roles and responsibilities of the Department of General Services, the applicant school district, and its design professionals.

(c) As a part of the establishment of the requirements for the collaborative process for project development and review, the Department of General Services, in consultation with participating school districts, shall establish mutually determined timeframe

goals for a project's plan review, school district and consultant response, response review, and final approval. Those timeframe goals shall reflect the project's estimated construction cost, complexity, size, and other requirements of the collaborative process for project development and review.

(d) The Department of General Services shall establish model statewide timeframe goals, in consultation with school districts and other relevant parties, by February 1, 2007. Implementation of the collaborative process for project development and review with participating school districts shall not negatively impact the traditional plan review process with other school districts.

(e) The Department of General Services shall submit a preliminary report to the Legislature by July 1, 2008, and a final report by July 1, 2009. These reports shall address whether the implementation of the collaborative process for project development and review has assisted the department and school districts in meeting their mutually determined timeframe goals.

(f) The application for the collaborative process for project development and review shall be accompanied by a filing fee from the school district in amounts determined by the Department of General Services based on the estimated project cost and according to the fee schedule pursuant to Section 17300. The Department of General Services may establish a procedure for the payment and collection of this filing fee.

(g) The Department of General Services may assess a fee on a participating school district to cover the unreimbursed costs of the department incurred pursuant to that school district's participation in the collaborative process if the department deems the assessment of the fee to be necessary for the support of its operations and establishes a procedure for the determination, collection, and deposit of the fee.

(h) During project development, the school district may provide input to the Department of General Services in its selection of a qualified plan review firm to provide consultative services to that department. Upon project submittal by the applicant school district, the Department of General Services shall also refer the necessary project documents to the selected qualified plan review firm for plan review. The Department of General Services shall establish procedures governing the use of this article by applicant school districts for the selection of a qualified plan review firm.

SEC. 5. Section 81133 of the Education Code is amended to read:

81133. (a) The Department of General Services shall pass upon, and approve or reject, all plans for the construction or, if the estimated cost exceeds one hundred thousand dollars (\$100,000), the alteration of any school building. To enable it to do so, the governing board of each community college district and any other school authority before adopting any plans for the school building shall submit the plans to the Department of General Services for approval, and shall pay the fees prescribed in this article.

(b) Notwithstanding subdivision (a), where the estimated cost of reconstruction or alteration of, or addition to, a school building exceeds one hundred thousand dollars (\$100,000), but does not exceed two hundred twenty-five thousand dollars (\$225,000), a licensed structural engineer shall examine the proposed project to determine if it is a nonstructural alteration or a structural alteration. If he or she determines that the project is a nonstructural alteration, he or she shall prepare a statement so indicating. If he or she determines that the project is structural, he or she shall prepare plans and specifications for the project, which shall be submitted to the Department of General Services for review and approval. A copy of the engineer's report stating that the work does not affect structural elements shall be filed with the Department of General Services.

(c) If a licensed structural engineer submits a report to the Department of General Services stating that the plans or activities authorized pursuant to subdivision (b) do not involve structural elements, then all of the following shall apply to that project:

(1) The design professional in responsible charge of the project undertaken pursuant to this subdivision shall certify that the plans and specifications for the project meet any applicable fire and life safety standards, and do not affect the disabled access requirements of Section 4450 of the Government Code, and shall submit this certification to the Department of General Services. The letter of certification shall bear the identifying licensing stamp or seal of the design professional. This paragraph does not preclude a design professional from submitting plans and specifications to the Department of General Services along with the appropriate fee for review.

(2) Within 10 days of the completion of any project authorized pursuant to subdivision (b), the school construction inspector of record on the project, who is certified by the Department of General Services to inspect school buildings, shall certify in writing to the Department of General Services that the reconstruction, alteration, or addition has been completed in compliance with the plans and specifications.

(3) The dollar amounts cited in this section shall be increased on an annual basis, commencing January 1, 2018, by the Department of General Services according to an inflationary index governing construction costs that is selected and recognized by the Department of General Services.

(4) No community college district shall subdivide a project for the purpose of evading the limitation on amounts cited in this section.

(5) Before letting any contract for any construction or alteration of any school building, the written approval of the plans, as to safety of design and construction, by the Department of General Services, shall first be had and obtained.

(6) In each case the application for approval of the plans shall be accompanied by the plans and full, complete, and accurate specifications, and structural design computations, and estimates of cost, which shall comply in every respect with any and all requirements prescribed by the Department of General Services.

(7) (A) The application shall be accompanied by a filing fee in amounts as determined by the Department of General Services based on the estimated cost according to the following schedule:

(i) For the first one million dollars (\$1,000,000), a fee of not more than 1.25 percent of the estimated cost.

(ii) For all costs in excess of one million dollars (\$1,000,000), a fee of not more than 1 percent of the estimated cost.

(B) The minimum fee in any case shall be two hundred fifty dollars (\$250). If the actual cost exceeds the estimated cost by more than 5 percent, a further fee shall be paid to the Department of General Services, based on the fee schedule pursuant to clauses (i) and (ii) of subparagraph (A) or subparagraph (B) of paragraph (8), as applicable, and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

(8) (A) All fees collected under this article shall be paid into the State Treasury and credited to the Public School Planning, Design, and Construction Review Revolving Fund, and are continuously appropriated, without regard to fiscal years, for the use of the Department of General Services, subject to approval of the Department of Finance, in carrying out this article.

(B) Adjustments in the amounts of the fees, as determined by the Department of General Services and approved by the Department of Finance, shall be made in order to maintain a reasonable working balance in the fund, provided that the fees shall not exceed the amounts in the fee schedule specified in paragraph (7). If the working fund balance exceeds six months' expenditures, the Department of General Services shall take action to reduce the fees.

(9) No contract for the construction or alteration of any school building, made or executed by the governing board of any community college district or other public board, body, or officer otherwise vested with authority to make or execute this contract, is valid, and no public money shall be paid for any work done under this contract or for any labor or materials furnished in constructing or altering the building, unless the plans, specifications, and estimates comply in every particular with the provisions of this article and the requirements prescribed by the Department of General Services and unless the approval thereof in writing has first been had and obtained from the Department of General Services.

(d) For purposes of this section, "design professional in responsible charge" or "design professional" means the licensed architect, licensed structural engineer, or licensed civil engineer who is responsible for the completion of the design work involved with the project.

SEC. 6. Section 81133.1 of the Education Code is amended to read:

81133.1. (a) The Legislature finds and declares all of the following:

(1) The purpose of the collaborative process for project development and review is to ensure the public safety of community college facilities through a collaborative, consistent and timely project development and review process.

(2) The collaborative process for project development and review may be made available, as an alternative to the traditional plan review and approval process, to community college districts that voluntarily apply to the Department of General Services.

(3) This process entails the early participation of all parties involved in a project from project development and continuing through plan review, construction and certification of community college facilities projects. These parties include, but are not limited to, the Department of General Services' staff and their qualified plan review firms, and community college districts and their design professionals.

(b) In consultation with the Board of Governors of the California Community Colleges, the Department of General Services shall establish procedures and requirements governing the use of the collaborative process for project development and review alternative. These procedures and requirements shall include an application and selection process. Upon project selection, the Department of General Services and the community college district shall mutually agree to the roles and responsibilities of the Department of General Services, the applicant community college district, and its design professionals.

(c) As a part of the establishment of the requirements for the collaborative process for project development and review, the Department of General Services, in consultation with participating community college districts, shall establish mutually determined

timeframe goals for a project's plan review, community college district and consultant response, response review, and final approval. Those timeframe goals shall reflect the project's estimated construction cost, complexity, size, and other requirements of the collaborative process for project development and review.

(d) The Department of General Services shall establish model statewide timeframe goals, in consultation with community college districts and other relevant parties, by February 1, 2007. Implementation of the collaborative process for project development and review with participating community college districts shall not negatively impact the traditional plan review process with other community college districts.

(e) The Department of General Services shall submit a preliminary report to the Legislature by July 1, 2008, and a final report by July 1, 2009. These reports shall address whether the implementation of the collaborative process for project development and review has assisted the department and community college districts in meeting their mutually determined timeframe goals.

(f) The application for the collaborative process for project development and review shall be accompanied by a filing fee from the community college district in amounts determined by the Department of General Services pursuant to Section 81133. The Department of General Services may establish a procedure for the payment and collection of this filing fee.

(g) The Department of General Services may assess a fee on a participating community college district to cover the unreimbursed costs of the department incurred pursuant to that community college district's participation in the collaborative process if the department deems the assessment of the fee to be necessary for the support of its operations and establishes a procedure for the determination, collection, and deposit of the fee.

(h) During project development, the community college district may provide input to the Department of General Services in its selection of a qualified plan review firm to provide consultative services to that department. Upon project submittal by the applicant community college district, the Department of General Services may also refer the necessary project documents to the selected qualified plan review firm for plan review. The Department of General Services may establish procedures governing the use of this section by applicant community college districts for the selection of a qualified plan review firm.

SEC. 7. Section 17202 of the Family Code is amended to read:

17202. (a) The department is hereby designated the single organizational unit whose duty it shall be to administer the Title IV-D state plan for securing child and spousal support, medical support, and determining paternity. State plan functions shall be performed by other agencies as required by law, by delegation of the department, or by cooperative agreements.

(b) The department shall appoint the local child support agency, as defined in Section 17304, or any other entity receiving federal tax information in performance of its child support duties as its designee for purposes of paragraph (26) of subdivision (b) of Section 11105 of the Penal Code.

(c) For purposes of this section, "federal tax information" is as defined in Section 1044 of the Government Code.

SEC. 8. Section 210.6 is added to the Government Code, to read:

210.6. Any entity that was previously scheduled for the third release of BreZE shall participate in business process reviews and organizational change management activities in preparation for transition to a new licensing technology platform, either through the relevant unit in the Department of Consumer Affairs, or through contracted services.

SEC. 9. Section 905.2 of the Government Code is amended to read:

905.2. (a) This section shall apply to claims against the state filed with the Department of General Services except as provided in subparagraph (B) of paragraph (2) of subdivision (b).

(b) There shall be presented in accordance with this chapter and Chapter 2 (commencing with Section 910) all claims for money or damages against the state:

(1) For which no appropriation has been made or for which no fund is available but the settlement of which has been provided for by statute or constitutional provision.

(2) (A) For which the appropriation made or fund designated is exhausted.

(B) Claims for reissuance of stale, dated, or replacement warrants shall be filed with the state entity that originally issued the warrant and, if allowed, shall be paid from the issuing entity's current appropriation or from any funds that are otherwise legally available to the entity to be used for that purpose. If an issuing entity determines that it is unable to issue a replacement warrant from its current appropriation or from any funds that are otherwise legally available to the entity to be

used for that purpose, that entity may submit a request to include a claim for reimbursement of that warrant in a claims bill referenced in Section 14659.10 pursuant to a process prescribed by the Department of General Services.

(3) For money or damages on express contract, or for an injury for which the state is liable.

(4) For which settlement is not otherwise provided for by statute or constitutional provision.

(c) Claimants shall pay a filing fee of twenty-five dollars (\$25) for filing a claim described in subdivision (b), except for claims for reissuance of stale, dated, or replacement warrants as described in subparagraph (B) of paragraph (2) of subdivision (b). This fee shall be deposited into the Service Revolving Fund and shall only be available for the support of the Department of General Services upon appropriation by the Legislature.

(1) The fee shall not apply to the following persons:

(A) Persons who are receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplementary Payment (SSP) programs (Article 5 (commencing with Section 12200) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code), the federal Supplemental Nutrition Assistance Program (SNAP; 7 U.S.C. Sec. 2011 et seq.), or Section 17000 of the Welfare and Institutions Code.

(B) Persons whose monthly income is 125 percent or less of the current monthly poverty line annually established by the Secretary of California Health and Human Services pursuant to the federal Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), as amended.

(C) Persons who are sentenced to imprisonment in a state prison or confined in a county jail, or who are residents in a state institution and, within 90 days prior to the date the claim is filed, have a balance of one hundred dollars (\$100) or less credited to the inmate's or resident's trust account. A certified copy of the statement of the account shall be submitted.

(2) Any claimant who requests a fee waiver shall attach to the application a signed affidavit requesting the waiver and verification of benefits or income and any other required financial information in support of the request for the waiver.

(3) Notwithstanding any other law, an applicant shall not be entitled to a hearing regarding the denial of a request for a fee waiver.

(d) The time for the Department of General Services to determine the sufficiency, timeliness, or any other aspect of the claim shall begin when any of the following occur:

(1) The claim is submitted with the filing fee.

(2) The fee waiver is granted.

(3) The filing fee is paid to the department upon the department's denial of the fee waiver request, so long as payment is received within 10 calendar days of the mailing of the notice of the denial.

(e) Upon approval of the claim by the Department of General Services, the fee shall be reimbursed to the claimant, except that no fee shall be reimbursed if the approved claim was for the payment of an expired warrant. Reimbursement of the filing fee shall be paid by the state entity against which the approved claim was filed. If the claimant was granted a fee waiver pursuant to this section, the amount of the fee shall be paid by the state entity to the department. The reimbursement to the claimant or the payment to the department shall be made at the time the claim is paid by the state entity, or shall be added to the amount appropriated for the claim in an equity claims bill.

(f) The Department of General Services may assess a surcharge to the state entity against which the approved claim was filed in an amount not to exceed 15 percent of the total approved claim. The department shall not include the refunded filing fee in the surcharge calculation. This surcharge shall be deposited into the Service Revolving Fund and may be appropriated in support of the department in the annual Budget Act.

(1) The surcharge shall not apply to approved claims to reissue expired warrants.

(2) Upon the request of the department in a form prescribed by the Controller, the Controller shall transfer the fees from the state entity's appropriation to the appropriation for the support of the department. However, the department shall not request an amount that shall be submitted for legislative approval pursuant to Section 14659.10.

(g) The filing fee required by subdivision (c) shall apply to all claims filed after June 30, 2004, or August 16, 2004. The surcharge authorized by subdivision (f) may be calculated and included in claims paid after June 30, 2004, or August 16, 2004.

(h) This section shall not apply to claims made for a violation of the California Whistleblower Protection Act (Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2).

SEC. 10. Section 1044 is added to the Government Code, to read:

1044. (a) (1) A state entity or its designee shall conduct criminal background checks, as provided in this section, to comply with applicable federal requirements.

(2) (A) The state entity or its designee shall submit to the Department of Justice fingerprint images, and any other related information required by the Department of Justice, of an employee, prospective employee, contractor, agent, volunteer, vendor, subcontractor, or employee of a contractor of the state entity or its designee whose duties or responsibilities include having access to federal tax information received by the state entity or its designee. The fingerprint images and any other related information of an employee, prospective employee, contractor, agent, volunteer, vendor, subcontractor, or employee of a contractor of the state entity or its designee shall be furnished to the Department of Justice for the purpose of obtaining information as to the existence and nature of a record of state or federal level convictions and state or federal level arrests for which the Department of Justice establishes that the applicant was released on bail or on his or her own recognizance pending trial.

(B) The state shall meet and confer with impacted state collective bargaining units regarding the impact of this section on terms and conditions of employment. Any violation of this meet-and-confer requirement shall be a matter within the exclusive jurisdiction of the Public Employment Relations Board subject to the provisions of Chapter 10.3 (commencing with Section 3512).

(3) A state entity or its designee shall require that any services contract or interagency agreement entered into, renewed, or amended on or after July 1, 2017, that includes access to federal tax information shall include a provision requiring the agency or contractor to agree to criminal background checks of its employees, contractors, agents, volunteers, vendors, or subcontractors who will have access to federal tax information as part of their services contract or interagency agreement with the state entity or its designee.

(b) The Department of Justice shall forward to the Federal Bureau of Investigation requests for federal level criminal offender record information received pursuant to subdivision (a). The Department of Justice shall review the information returned by the Federal Bureau of Investigation and compile and disseminate a response to the requesting state entity.

(c) The Department of Justice shall respond to the state entity or its designee that has requested the information as provided under subdivision (p) of Section 11105 of the Penal Code.

(d) A state entity or its designee shall request state and federal subsequent arrest notification from the Department of Justice, as provided under Section 11105.2 of the Penal Code, for individuals described in subdivision (a).

(e) The Department of Justice may charge a fee sufficient to cover the cost of processing requests pursuant to this section.

(f) For purposes of this section:

(1) "Federal tax information" means return and return information as defined in Section 6103(b) of the Internal Revenue Code, relating to definitions, that is received either from the Internal Revenue Service or from secondary sources, or through an Internal Revenue Service-approved exchange agreement, and that is subject to the requirements set forth in Section 6103(p) (4) of the Internal Revenue Code, relating to safeguards.

(2) "State entity" means an agency or officer of the state that is subject to the requirements set forth in Section 6103(p)(4) of the Internal Revenue Code, relating to safeguards.

(3) "Designee" is as defined in subdivision (b) of Section 17202 of the Family Code.

SEC. 11. Section 3515.7 of the Government Code is amended to read:

3515.7. (a) Once an employee organization is recognized as the exclusive representative of an appropriate unit it may enter into an agreement with the state employer providing for organizational security in the form of maintenance of membership or fair share fee deduction.

(b) The state employer shall furnish the recognized employee organization with sufficient employment data to allow the organization to calculate membership fees and the appropriate fair share fees, and shall deduct the amount specified by the recognized employee organization from the salary or wages of every employee for the membership fee or the fair share fee. These fees shall be remitted monthly to the recognized employee organization along with an adequate itemized record of the deductions, including, if required by the recognized employee organization, machine readable data. Fair share fee deductions

shall continue until the effective date of a successor agreement or implementation of the state's last, best, and final offer, whichever occurs first. The Controller shall retain, from the fair share fee deduction, an amount equal to the cost of administering this section. The state employer shall not be liable in any action by a state employee seeking recovery of, or damages for, improper use or calculation of fair share fees.

(c) Notwithstanding subdivision (b), any employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or financially supporting employee organizations shall not be required to financially support the recognized employee organization. That employee, in lieu of a membership fee or a fair share fee deduction, shall instruct the employer to deduct and pay sums equal to the fair share fee to a nonreligious, nonlabor organization, charitable fund approved by the Department of General Services for receipt of charitable contributions by payroll deductions.

(d) A fair share fee provision in a memorandum of understanding that is in effect may be rescinded by a majority vote of all the employees in the unit covered by the memorandum of understanding, provided that: (1) a request for the vote is supported by a petition containing the signatures of at least 30 percent of the employees in the unit; (2) the vote is by secret ballot; and (3) the vote may be taken at any time during the term of the memorandum of understanding, but in no event shall there be more than one vote taken during the term. If the board determines that the appropriate number of signatures have been collected, it shall conduct the vote in a manner that it shall prescribe. Notwithstanding this subdivision, the state employer and the recognized employee organization may negotiate, and by mutual agreement provide for, an alternative procedure or procedures regarding a vote on a fair share fee provision.

(e) Every recognized employee organization that has agreed to a fair share fee provision shall keep an adequate itemized record of its financial transactions and shall make available annually, to the board and to the employees in the unit, within 90 days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by its president and treasurer or comparable officers. In the event of failure of compliance with this section, any employee in the unit may petition the board for an order compelling this compliance, or the board may issue a compliance order on its own motion.

(f) If an employee who holds conscientious objections pursuant to subdivision (c) requests individual representation in a grievance, arbitration, or administrative hearing from the recognized employee organization, the recognized employee organization is authorized to charge the employee for the reasonable cost of the representation.

(g) An employee who pays a fair share fee shall be entitled to fair and impartial representation by the recognized employee organization. A breach of this duty shall be deemed to have occurred if the employee organization's conduct in representation is arbitrary, discriminatory, or in bad faith.

SEC. 12. Chapter 3.7 (commencing with Section 8299) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 13. Section 8880.43 is added to the Government Code, to read:

8880.43. The director shall provide the following informational reports to the Department of Finance, the Joint Legislative Budget Committee, and the budget committees of the Legislature:

(a) No later than January 10 of each year, a copy of the proposed administrative budget for the California State Lottery Commission for the fiscal year that begins the following July 1.

(b) No later than June 1 of each year, a copy of the California State Lottery Commission's proposed administrative budget and expected sales revenues for the fiscal year that begins the following July 1. If applicable, this report shall detail any administrative funding that is proposed to be used to supplement the prize pool of any lottery game.

(c) No later than June 30 of each year, the final budget and revenue projections approved by the California State Lottery Commission for the fiscal year that begins the following July 1. The report shall include any approved revision, and supporting documentation, to the June 1 proposed budget provided pursuant to subdivision (b). If applicable, this report shall detail any administrative funding that is proposed to be used to supplement the prize pool of any lottery game.

SEC. 14. Section 14659.10 of the Government Code is amended to read:

14659.10. The department shall take any and all necessary steps to ensure that all claims that have been approved by the department, and for which there exists no legally available appropriation, are submitted for legislative approval at least once during each calendar year.

SEC. 15. Chapter 13 (commencing with Section 14985) is added to Part 5.5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 13. California Commission on Disability Access

14985. The Legislature finds and declares that, despite the fact that state law has provided persons with disabilities the right to full and equal access to public facilities since 1968, and that a violation of the right of any person under the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.) has also constituted a violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) since 1992, persons with disabilities are still being denied full and equal access to public facilities in many instances. The Legislature further finds and declares that businesses in California have the responsibility to provide full and equal access to public facilities as required in the laws and regulations, but that compliance may be thwarted in some cases by conflicting state and federal regulations, which in turn results in unnecessary litigation. With a view to developing recommendations that will enable persons with disabilities to exercise their right to full and equal access to public facilities, and that will facilitate business compliance with the laws and regulations to avoid unnecessary litigation, the Legislature has created the California Commission on Disability Access within the Department of General Services.

14985.1. (a) There shall be established in the state government, on or before May 1, 2009, the California Commission on Disability Access. The commission shall consist of 11 public members, and six ex officio nonvoting members, appointed as follows:

(1) Two public members appointed by the Senate Committee on Rules, with one appointee from the business community and one appointee from the disability community. The Senate Committee on Rules shall request and consider nominations from the business community and the disability community for these appointments.

(2) Two public members appointed by the Speaker of the Assembly, with one appointee from the business community and one appointee from the disability community. The Speaker of the Assembly shall request and consider nominations from the business community and the disability community for these appointments.

(3) Seven public members appointed by the Governor, with the consent of the Senate. Four of the Governor's appointees shall be from the disability community. Three appointees shall be from the business community, including an appointee representative from the California Business Properties Association. The Governor shall request and consider nominations from the business community and the disability community for these appointments.

(4) The State Architect, or his or her representative, as a nonvoting ex officio member.

(5) The Attorney General, or his or her representative, as a nonvoting ex officio member.

(6) Two members of the Senate, appointed by the Senate Committee on Rules as nonvoting ex officio members. One member shall be from the majority party, and one member shall be from the minority party.

(7) Two members of the Assembly, appointed by the Speaker of the Assembly, as nonvoting ex officio members. One member shall be from the majority party, and one member shall be from the minority party.

(b) It is the intent of this section that the commission shall be broadly representative of the ethnic, gender, and racial diversity of the population of California. It is further the intent of this section that both of the following apply:

(1) The appointees from the disability community shall be persons with a disability relating to, but not limited to, vision, hearing, mobility, breathing, speech, cognitive, cardiac, emotional, developmental, learning, psychological, or immunological disabilities.

(2) The commission recruitment and appointment process shall engage in identifying qualified disability community representatives who should possess elements of the following qualifications:

(A) Identify as people with disabilities, activity limitations, or both.

(B) Have personal experience with disability and disability advocacy and the ability to speak broadly on disability access issues.

(C) Are knowledgeable about cross-disability access issues, including, but not limited to, hearing, vision, mobility, speech, and cognitive limitations.

(D) Are knowledgeable about a variety of physical, communication, and program access issues.

(E) Are involved with segments of national, state, or local constituencies of the disability community, such as active involvement in broad-based disability organizations.

(F) Have in place and use communication networks to facilitate communication with the segments of the disability community they are representing, including, but not limited to, segments of diverse ethnic, cultural, sex, sexual orientation, age, and linguistic communities that are representative of the diverse population of Californians with disabilities.

(c) Public members shall be appointed for three-year terms, except that, with respect to the initial appointees, the Governor shall appoint three members for a one-year term, two members for a two-year term, and two members for a three-year term. The Senate Committee on Rules and the Speaker of the Assembly shall each initially appoint one member for a two-year term and one member for a three-year term. Public members may be reappointed for additional terms.

(d) Vacancies shall be filled by the appointing authority for the unexpired portion of the terms.

(e) Beginning July 1, 2017, the California Commission on Disability Access shall reside within the Department of General Services.

14985.2. (a) Public members of the commission shall receive one hundred dollars (\$100) per diem while on official business of the commission, not to exceed 12 days per year. Each member of the commission shall also be entitled to receive his or her actual necessary traveling expenses while on official business of the commission.

(b) The commission shall select annually from its membership a chairperson who shall be a representative from the disability community, and a vice chairperson who shall be a representative from the business community.

14985.3. Meetings of the commission shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2).

14985.4. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(a) To employ any administrative, technical, or other personnel that may be necessary for the performance of its powers and duties.

(b) To hold hearings, make and sign any agreement, and do or perform any act, including the collection of relevant information, that may be necessary, desirable, or proper to carry out the purposes of this chapter.

(c) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission, or other agency of the state to facilitate the proper execution of its powers and duties under this chapter.

(d) To appoint advisers or advisory committees from time to time when the commission determines that the experience or expertise of those advisers or advisory committees is needed for projects of the commission. Section 11009 shall apply to advisers or advisory committees.

(e) To accept any federal funds granted by an act of Congress or by executive order for any purpose of this chapter.

(f) To accept any gift, donation, grant, or bequest for any purpose of this chapter.

14985.5. (a) The commission may recommend, develop, prepare, or coordinate materials, projects, or other activities, as appropriate, relating to any subject within its jurisdiction.

(b) The commission shall provide, within its resources, information regarding any of the following:

(1) Preventing or minimizing problems of compliance by California businesses by providing educational services, including outreach efforts, and by preparing and hosting on its Internet Web site a Guide to Compliance with State Laws and Regulations Regarding Disability Access Requirements.

(2) Recommending programs to enable persons with disabilities to obtain full and equal access to public facilities.

(3) Providing information as requested by the Legislature on disability access issues and compliance.

14985.6. (a) A priority of the commission shall be the development and dissemination of educational materials and information to promote and facilitate disability access compliance.

(b) The commission shall work with other state agencies, including the Division of the State Architect and the Department of Rehabilitation, to develop educational materials and information for use by businesses to understand its obligations to provide disability access and to facilitate compliance with construction-related accessibility standards.

(c) The commission shall develop and make available on its Internet Web site, or make available on its Internet Web site if developed by another governmental agency, including Americans with Disabilities Act centers, toolkits or educational modules to assist a California business to understand its obligations under the law and to facilitate compliance with respect to the top 10 alleged construction-related violations, by type, as specified in subdivision (a) of Section 14985.8. Upon completion of this

requirement, the commission shall develop and make available on its Internet Web site, or work with another agency to develop, other toolkits or educational modules that would educate businesses of the accessibility requirements and to facilitate compliance with that requirement.

(d) The commission shall post the following on its Internet Web site:

(1) Educational materials and information that will assist building owners, tenants, building officials, and building inspectors to understand the disability accessibility requirements and to facilitate compliance with disability access laws. The commission shall at least annually review the educational materials and information on disability access requirements and compliance available on the Internet Web site of other local, state, or federal agencies, including Americans with Disabilities Act centers, to augment the educational materials and information developed by the commission.

(2) A link to the Internet Web site of the Division of the State Architect's certified access specialist (CASp) program to assist building owners and tenants in locating or hiring a CASp.

(e) The commission shall, to the extent feasible, coordinate with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete, and make its educational materials and information available to those agencies and departments.

14985.7. (a) On or before April 15, 2013, the commission shall report to the Legislature, and to the Chairs of the Senate and Assembly Committees on Judiciary, of its activities and efforts since the commission was established to implement the predecessors of Sections 14985.5 and 14985.6, including the provisions that were law prior to amendment or repeal in the 2011–12 Regular Session. Commencing in 2014, and notwithstanding Section 10231.5, the commission shall report on or before January 31 and annually thereafter to the Legislature, and to the Chairs of the Senate and Assembly Committees on Judiciary, of its ongoing efforts to implement Sections 14985.5 and 14985.6, as amended in the 2011–12 Regular Session.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795.

14985.8. The commission shall compile the following data with respect to any demand letter or complaint sent to the commission pursuant to Section 55.32 of the Civil Code and post the information on its Internet Web site, pursuant to the following:

(a) The commission shall identify the various types of construction-related physical access violations alleged in the demand letters and in the complaints, respectively, and shall tabulate the number of claims alleged for each type of violation in the demand letters and complaints, respectively. For purposes of this subdivision, any demand for money letters shall be grouped as demand letters.

(b) Periodically, but not less than every six months beginning July 31, 2013, the commission shall post on its Internet Web site a list, by type, of the 10 most frequent types of accessibility violations alleged in the demand letters and in the complaints, respectively, and the numbers of alleged violations for each listed type of violation for the prior two quarters.

(c) The commission shall, on a quarterly basis, identify and tabulate the number of demand letters and complaints received by the commission. The commission shall further ascertain whether a complaint was filed in state or federal court and tabulate the number of complaints filed in state or federal court, respectively. This data shall be posted on the commission's Internet Web site periodically, but not less than every six months beginning July 31, 2013.

(d) Commencing in 2014, and notwithstanding Section 10231.5, the commission shall make an annual report to the Legislature and the Chairs of the Senate and Assembly Committees on Judiciary by January 31 of each year of the tabulated data for the preceding calendar year as set forth in subdivisions (a) to (c), inclusive. A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795.

14985.9. With respect to its duties, the commission shall be an advisory commission only, and there shall be no right or obligation on the part of the state to implement the findings of the commission without further legislation that specifically authorizes that the evaluations, determinations, and findings of the commission be implemented.

14985.10. The commission shall hire staff or contract for those experts or technical and professional services that may be required for the completion of any task authorized or study required by this chapter. Staff hired pursuant to this section shall be hired in compliance with the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2). Contracts awarded pursuant to this section shall be in compliance with Section 19130. The commission is expressly encouraged and authorized to seek the technical and legal assistance of other state agencies and departments in fulfilling its statutory responsibilities.

14985.11. This chapter shall not be implemented, and shall not remain operative, unless funds are appropriated for that purpose by the Legislature in the annual Budget Act or another statute.

SEC. 16. Section 16304 of the Government Code is amended to read:

16304. An appropriation shall be immediately available for encumbrance or expenditure during the period specified therein, or, if not otherwise limited by law, for three years after the date upon which it first became available for encumbrance or expenditure. An appropriation containing the term "without regard to fiscal years" shall be available for encumbrance from year to year until expended.

An appropriation shall be deemed to be encumbered at the time and to the extent that a valid obligation against the appropriation is created. However, a state agency may estimate encumbrances consistent with the authority of the appropriation, and may make corrections or adjustments to any encumbrance or estimated encumbrance during the liquidation period described in Section 16304.1.

As used in this code and in every other statute heretofore or hereafter enacted, the term "unexpended balance" shall be construed to mean "unencumbered balance."

Appropriations for the following purposes are exempt from limitations as to period of availability in any appropriation, and shall remain available from year to year until expended:

(a) Payment of interest and redemption charges on any portion of the bonded debt of the state.

(b) Transfers of money from any fund for the benefit of elementary schools, high schools, community colleges, the University of California, or any interest and sinking fund in the State Treasury.

(c) Money transferred to revolving funds specifically created by law, including, but not limited to, the Architecture Revolving Fund and the Water Resources Revolving Fund.

(d) Appropriations available for the acquisition of real property to the extent that such appropriations have been encumbered by the filing of condemnation proceedings on behalf of the State of California before the expiration of the period of availability of the appropriation.

(e) Money transferred to and expendable from funds other than the fund in which originally deposited, pursuant to the provisions of law earmarking or appropriating for expenditure certain classes of revenue or other receipts.

(f) Continuing provisions of law appropriating for specific purposes certain classes of revenue or other receipts, upon their deposit in a particular fund in the State Treasury or upon their collection by an agency of this state.

SEC. 17. Section 16304.1 of the Government Code is amended to read:

16304.1. Disbursements in liquidation of encumbrances may be made before or during the two years following the last day an appropriation is available for encumbrance, except in the case of a fund made up of federal funds. Disbursements in liquidation of encumbrances may be made before or during the four years following the last day an appropriation of federal funds is available for encumbrance. Whenever, during either liquidation period, the Department of Finance determines the purpose for which the appropriation was made is completed and a portion of the appropriation is deemed not necessary, that portion shall, upon order of the Department of Finance, revert to and become a part of the fund from which the appropriation was made. Upon the expiration of two years, or four years in the case of a fund made up of federal funds, following the last day of the period of its availability for encumbrance, the balance in any appropriation shall revert to and become a part of the fund from which the appropriation was made. After reversion, any unpaid encumbrance against the appropriation may be paid from any current appropriations available for the same purposes.

To the extent that an appropriation is exempt from limitations as to periods of availability under Section 16304, it shall not be subject to the provisions of this section.

SEC. 18. Section 16401.5 is added to the Government Code, to read:

16401.5. (a) Notwithstanding Sections 16400 and 16401, the California State Lottery may draw funds from its continuous appropriation for the purpose of making immediate payment through its revolving fund to California State Lottery prizewinners of one thousand dollars (\$1,000) or less, provided that regulations to support the action are adopted by the California State Lottery Commission. The California State Lottery shall be subject to all reporting and compliance requirements mandated by this article.

(b) The California State Lottery shall maintain records of all payments made pursuant to subdivision (a).

SEC. 19. Section 30035.5 of the Government Code is amended to read:

30035.5. (a) The department shall award to a city, county, or city and county, the application of which the department has approved pursuant to Section 30035.4, up to two million dollars (\$2,000,000). An applicant city, county, or city and county shall specify in its application the amount for which they are applying, as required by paragraph (1) of subdivision (b) of Section 30035.3.

(b) Of the funds provided to an applicant pursuant to this section, 60 percent shall be retained by the city, county, or city and county that provided the conditional use permit or other local entitlement for the facility and 40 percent shall be provided by the city, county, or city and county to the facility operator.

(1) A city, county, or city and county may use program funds, and any matching funds provided pursuant to subdivision (c) of Section 30035.4, for the following purposes:

(A) Discretionary law enforcement services, including efforts to enhance public safety in the vicinity of the facility for which program funding is provided.

(B) Community outreach efforts that seek to address the concerns of residents and property owners within the one-quarter mile radius of the facility for which program funding is provided.

(C) Any other community-based activities that the board of supervisors or city council, as applicable, believes will contribute to improved community relations regarding the facility for which program funding is provided.

(2) Facility operators may use program funds provided by the applicant city, county, or city and county for the following purposes:

(A) Providing facility residents with the services specified in the approved application for program funding.

(B) Enhancing the security of the facility and its premises.

(C) Community outreach and communications.

(D) Start-up costs for the operation of the facility.

(E) Providing to facility residents those services specified in subdivision (b) of Section 30035.2, including through the transfer of program funds from the city or county to the facility operator.

(F) Any other purposes that the board of supervisors or city council determines will enhance outcomes for facility residents or enhance public safety in and around the facility, provided those purposes were specified in the application submitted pursuant to Section 30035.3.

(3) While the program is intended to primarily target offenders released from state prison or county jail, nothing in this chapter shall be construed as prohibiting the program from serving other individuals in the community who may benefit from the program's services.

(c) No later than August 1, 2017, and each subsequent August 1 for which the program is in effect, each participating city, county, or city and county shall report the following to the department in the form and manner specified by the department:

(1) Program funds and matching funds received by the participating city, county, or city and county.

(2) A description of the use of the program funds and matching funds.

(3) A list of permitted facilities within the city's, county's, or city and county's jurisdiction.

(d) No later than August 1, 2017, and each subsequent August 1 for which the program is in effect, each facility operator receiving program funds from a participating city, county, or city and county shall report the following to the department in the form and manner specified by the department:

(1) Program funds and matching funds received by the facility operator.

(2) The number of ex-offenders currently receiving program services.

(3) A description of the services provided.

(4) The number of ex-offenders who, over the course of the year preceding the report, received treatment and transitioned back into society.

(5) The facility operator's program performance measurement of recidivism reduction.

SEC. 20. Section 99010 of the Government Code is amended to read:

99010. The Fiscal Recovery Fund may not be terminated until the Director of Finance provides the notification described in subdivision (b) of Section 99006. Notwithstanding any limitations contained in this title on the use of moneys in the Fiscal Recovery Fund and the interest earnings thereon, after the Director of Finance has provided that notification, and the board has ceased to collect the special sales tax revenues and the Controller has made the transfer described in paragraph (4) of subdivision (d) of Section 97.68 of the Revenue and Taxation Code, the Controller shall, upon order of the Department of Finance, transfer any amounts remaining in the fund to the General Fund.

SEC. 21. Section 50676 of the Health and Safety Code is amended to read:

50676. (a) The department is hereby designated as the state agency responsible for administering funds received by the state from the federal Housing Trust Fund pursuant to the Housing and Economic Recovery Act of 2008 (Public Law 110-289), and implementing federal regulations. The department may use up to 10 percent of the federal Housing Trust Fund annual grant award for expenses of administering these funds.

(b) The department shall administer the funds through any existing or newly created programs that produce, preserve, rehabilitate, or support the operation of rental housing for extremely low income and very low income households, except that up to 10 percent of funding may be used to support home ownership for extremely low income and very low income households. Any rental project funded from the federal Housing Trust Fund shall restrict affordability for 55 years through a recorded and enforceable affordability covenant. Any home ownership program funded from the federal Housing Trust Fund shall restrict affordability for 30 years through either a recorded and enforceable affordability covenant or a recorded and enforceable equity recapture agreement.

(c) The department shall collaborate with the California Housing Finance Agency to develop an allocation plan to demonstrate how the funds shall be distributed, based on the priority housing needs identified in the state's consolidated plan prepared in accordance with Part 91 (commencing with Section 91.1) of Subtitle A of Title 24 of the Code of Federal Regulations. The department shall submit the plan to the Assembly Committee on Housing and Community Development and the Senate Transportation and Housing Committee 30 days after receipt of the federal funds.

(d) The allocation plan and guidelines shall give priority to projects based on:

- (1) Geographic diversity.
- (2) The extent to which rents are affordable, especially to extremely low income households.
- (3) The merits of a project.
- (4) Applicants readiness.
- (5) The extent to which projects will use nonfederal funds.

SEC. 22. Section 11105 of the Penal Code is amended to read:

11105. (a) (1) The Department of Justice shall maintain state summary criminal history information.

(2) As used in this section:

(A) "State summary criminal history information" means the master record of information compiled by the Attorney General pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person.

(B) "State summary criminal history information" does not refer to records and data compiled by criminal justice agencies other than the Attorney General, nor does it refer to records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice.

(b) The Attorney General shall furnish state summary criminal history information to any of the following, if needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity, in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) The courts of the state.

(2) Peace officers of the state, as defined in Section 830.1, subdivisions (a) and (e) of Section 830.2, subdivision (a) of Section 830.3, subdivision (a) of Section 830.31, and subdivisions (a) and (b) of Section 830.5.

(3) District attorneys of the state.

(4) Prosecuting city attorneys of any city within the state.

(5) City attorneys pursuing civil gang injunctions pursuant to Section 186.22a, or drug abatement actions pursuant to Section 3479 or 3480 of the Civil Code, or Section 11571 of the Health and Safety Code.

(6) Probation officers of the state.

(7) Parole officers of the state.

(8) A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon pursuant to Section 4852.08.

(9) A public defender or attorney of record when representing a person in a criminal case, or a parole, mandatory supervision pursuant to paragraph (5) of subdivision (h) of Section 1170, or postrelease community supervision revocation or revocation extension proceeding, and if authorized access by statutory or decisional law.

(10) Any agency, officer, or official of the state if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The agency, officer, or official of the state authorized by this paragraph to receive state summary criminal history information may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(11) Any city or county, city and county, district, or any officer or official thereof if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. The city or county, city and county, district, or the officer or official thereof authorized by this paragraph may also transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.

(12) The subject of the state summary criminal history information under procedures established under Article 5 (commencing with Section 11120).

(13) Any person or entity when access is expressly authorized by statute if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct.

(14) Health officers of a city, county, city and county, or district when in the performance of their official duties enforcing Section 120175 of the Health and Safety Code.

(15) Any managing or supervising correctional officer of a county jail or other county correctional facility.

(16) Any humane society, or society for the prevention of cruelty to animals, for the specific purpose of complying with Section 14502 of the Corporations Code for the appointment of humane officers.

(17) Local child support agencies established by Section 17304 of the Family Code. When a local child support agency closes a support enforcement case containing summary criminal history information, the agency shall delete or purge from the file and destroy any documents or information concerning or arising from offenses for or of which the parent has been arrested, charged, or convicted, other than for offenses related to the parent's having failed to provide support for minor children, consistent with the requirements of Section 17531 of the Family Code.

(18) County child welfare agency personnel who have been delegated the authority of county probation officers to access state summary criminal history information pursuant to Section 272 of the Welfare and Institutions Code for the purposes specified in Section 16504.5 of the Welfare and Institutions Code. Information from criminal history records provided pursuant to this subdivision shall not be used for any purposes other than those specified in this section and Section 16504.5 of the Welfare

and Institutions Code. When an agency obtains records obtained both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check.

(19) The court of a tribe, or court of a consortium of tribes, that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code. This information may be used only for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. Article 6 (commencing with Section 11140) shall apply to officers, members, and employees of a tribal court receiving criminal record offender information pursuant to this section.

(20) Child welfare agency personnel of a tribe or consortium of tribes that has entered into an agreement with the state pursuant to Section 10553.1 of the Welfare and Institutions Code and to whom the state has delegated duties under paragraph (2) of subdivision (a) of Section 272 of the Welfare and Institutions Code. The purposes for use of the information shall be for the purposes specified in Section 16504.5 of the Welfare and Institutions Code and for tribal approval or tribal licensing of foster care or adoptive homes. When an agency obtains records on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check. Article 6 (commencing with Section 11140) shall apply to child welfare agency personnel receiving criminal record offender information pursuant to this section.

(21) An officer providing conservatorship investigations pursuant to Sections 5351, 5354, and 5356 of the Welfare and Institutions Code.

(22) A court investigator providing investigations or reviews in conservatorships pursuant to Section 1826, 1850, 1851, or 2250.6 of the Probate Code.

(23) A person authorized to conduct a guardianship investigation pursuant to Section 1513 of the Probate Code.

(24) A humane officer pursuant to Section 14502 of the Corporations Code for the purposes of performing his or her duties.

(25) A public agency described in subdivision (b) of Section 15975 of the Government Code, for the purpose of oversight and enforcement policies with respect to its contracted providers.

(26) (A) A state entity, or its designee, that receives federal tax information. A state entity or its designee that is authorized by this paragraph to receive state summary criminal history information also may transmit fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation for the purpose of the state entity or its designee obtaining federal level criminal offender record information from the Department of Justice. This information shall be used only for the purposes set forth in Section 1044 of the Government Code.

(B) For purposes of this paragraph, "federal tax information," "state entity" and "designee" are as defined in paragraphs (1), (2), and (3), respectively, of subdivision (f) of Section 1044 of the Government Code.

(c) The Attorney General may furnish state summary criminal history information and, when specifically authorized by this subdivision, federal level criminal history information upon a showing of a compelling need to any of the following, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity in fulfilling employment, certification, or licensing duties, Chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply:

(1) Any public utility, as defined in Section 216 of the Public Utilities Code, that operates a nuclear energy facility when access is needed in order to assist in employing persons to work at the facility, provided that, if the Attorney General supplies the data, he or she shall furnish a copy of the data to the person to whom the data relates.

(2) To a peace officer of the state other than those included in subdivision (b).

(3) To an illegal dumping enforcement officer as defined in subdivision (j) of Section 830.7.

(4) To a peace officer of another country.

(5) To public officers, other than peace officers, of the United States, other states, or possessions or territories of the United States, provided that access to records similar to state summary criminal history information is expressly authorized by a statute of the United States, other states, or possessions or territories of the United States if the information is needed for the performance of their official duties.

(6) To any person when disclosure is requested by a probation, parole, or peace officer with the consent of the subject of the state summary criminal history information and for purposes of furthering the rehabilitation of the subject.

(7) The courts of the United States, other states, or territories or possessions of the United States.

(8) Peace officers of the United States, other states, or territories or possessions of the United States.

(9) To any individual who is the subject of the record requested if needed in conjunction with an application to enter the United States or any foreign nation.

(10) (A) (i) Any public utility, as defined in Section 216 of the Public Utilities Code, or any cable corporation as defined in subparagraph (B), if receipt of criminal history information is needed in order to assist in employing current or prospective employees, contract employees, or subcontract employees who, in the course of their employment, may be seeking entrance to private residences or adjacent grounds. The information provided shall be limited to the record of convictions and any arrest for which the person is released on bail or on his or her own recognizance pending trial.

(ii) If the Attorney General supplies the data pursuant to this paragraph, the Attorney General shall furnish a copy of the data to the current or prospective employee to whom the data relates.

(iii) Any information obtained from the state summary criminal history is confidential and the receiving public utility or cable corporation shall not disclose its contents, other than for the purpose for which it was acquired. The state summary criminal history information in the possession of the public utility or cable corporation and all copies made from it shall be destroyed not more than 30 days after employment or promotion or transfer is denied or granted, except for those cases where a current or prospective employee is out on bail or on his or her own recognizance pending trial, in which case the state summary criminal history information and all copies shall be destroyed not more than 30 days after the case is resolved.

(iv) A violation of this paragraph is a misdemeanor, and shall give the current or prospective employee who is injured by the violation a cause of action against the public utility or cable corporation to recover damages proximately caused by the violations. Any public utility's or cable corporation's request for state summary criminal history information for purposes of employing current or prospective employees who may be seeking entrance to private residences or adjacent grounds in the course of their employment shall be deemed a "compelling need" as required to be shown in this subdivision.

(v) This section shall not be construed as imposing any duty upon public utilities or cable corporations to request state summary criminal history information on any current or prospective employees.

(B) For purposes of this paragraph, "cable corporation" means any corporation or firm that transmits or provides television, computer, or telephone services by cable, digital, fiber optic, satellite, or comparable technology to subscribers for a fee.

(C) Requests for federal level criminal history information received by the Department of Justice from entities authorized pursuant to subparagraph (A) shall be forwarded to the Federal Bureau of Investigation by the Department of Justice. Federal level criminal history information received or compiled by the Department of Justice may then be disseminated to the entities referenced in subparagraph (A), as authorized by law.

(D) (i) Authority for a cable corporation to request state or federal level criminal history information under this paragraph shall commence July 1, 2005.

(ii) Authority for a public utility to request federal level criminal history information under this paragraph shall commence July 1, 2005.

(11) To any campus of the California State University or the University of California, or any four-year college or university accredited by a regional accreditation organization approved by the United States Department of Education, if needed in conjunction with an application for admission by a convicted felon to any special education program for convicted felons, including, but not limited to, university alternatives and halfway houses. Only conviction information shall be furnished. The college or university may require the convicted felon to be fingerprinted, and any inquiry to the department under this section shall include the convicted felon's fingerprints and any other information specified by the department.

(12) To any foreign government, if requested by the individual who is the subject of the record requested, if needed in conjunction with the individual's application to adopt a minor child who is a citizen of that foreign nation. Requests for information pursuant to this paragraph shall be in accordance with the process described in Sections 11122 to 11124, inclusive. The response shall be provided to the foreign government or its designee and to the individual who requested the information.

(d) Whenever an authorized request for state summary criminal history information pertains to a person whose fingerprints are on file with the Department of Justice and the department has no criminal history of that person, and the information is to be used for employment, licensing, or certification purposes, the fingerprint card accompanying the request for information, if any, may be stamped "no criminal record" and returned to the person or entity making the request.

(e) Whenever state summary criminal history information is furnished as the result of an application and is to be used for employment, licensing, or certification purposes, the Department of Justice may charge the person or entity making the request a fee that it determines to be sufficient to reimburse the department for the cost of furnishing the information. In addition, the Department of Justice may add a surcharge to the fee to fund maintenance and improvements to the systems from which the information is obtained. Notwithstanding any other law, any person or entity required to pay a fee to the department for information received under this section may charge the applicant a fee sufficient to reimburse the person or entity for this expense. All moneys received by the department pursuant to this section, Sections 11105.3 and 26190, and former Section 13588 of the Education Code shall be deposited in a special account in the General Fund to be available for expenditure by the department to offset costs incurred pursuant to those sections and for maintenance and improvements to the systems from which the information is obtained upon appropriation by the Legislature.

(f) Whenever there is a conflict, the processing of criminal fingerprints and fingerprints of applicants for security guard or alarm agent registrations or firearms qualification permits submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4 of the Business and Professions Code shall take priority over the processing of other applicant fingerprints.

(g) It is not a violation of this section to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(h) It is not a violation of this section to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record if the inclusion of the information in the public record is authorized by a court, statute, or decisional law.

(i) Notwithstanding any other law, the Department of Justice or any state or local law enforcement agency may require the submission of fingerprints for the purpose of conducting summary criminal history information checks that are authorized by law.

(j) The state summary criminal history information shall include any finding of mental incompetence pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 arising out of a complaint charging a felony offense specified in Section 290.

(k) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for peace officer employment or certification purposes. As used in this subdivision, a peace officer is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest or detention, except for an arrest or detention resulting in an exoneration, provided, however, that where the records of the Department of Justice do not contain a disposition for the arrest, the Department of Justice first makes a genuine effort to determine the disposition of the arrest.

(D) Every successful diversion.

(E) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(F) Sex offender registration status of the applicant.

(l) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by a criminal justice agency or organization as defined in Section 13101, and the information is to be used for criminal justice employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest for an offense for which the records of the Department of Justice do not contain a disposition or did not result in a conviction, provided that the Department of Justice first makes a genuine effort to determine the disposition of the arrest. However, information concerning an arrest shall not be disclosed if the records of the Department of Justice indicate or if the genuine effort reveals that the subject was exonerated, successfully completed a diversion or deferred entry of judgment program, or the arrest was deemed a detention.

(D) Every date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests.

(E) Sex offender registration status of the applicant.

(m) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 1522, 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or any statute that incorporates the criteria of any of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other provision of law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction of an offense rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Every arrest for an offense for which the Department of Social Services is required by paragraph (1) of subdivision (a) of Section 1522 of the Health and Safety Code to determine if an applicant has been arrested. However, if the records of the Department of Justice do not contain a disposition for an arrest, the Department of Justice shall first make a genuine effort to determine the disposition of the arrest.

(D) Sex offender registration status of the applicant.

(3) Notwithstanding the requirements of the sections referenced in paragraph (1) of this subdivision, the Department of Justice shall not disseminate information about an arrest subsequently deemed a detention or an arrest that resulted in either the successful completion of a diversion program or exoneration.

(n) (1) This subdivision shall apply whenever state or federal summary criminal history information, to be used for employment, licensing, or certification purposes, is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual pursuant to any of the following:

(A) Paragraph (10) of subdivision (c), when the information is to be used by a cable corporation.

(B) Section 11105.3 or 11105.4.

(C) Section 15660 of the Welfare and Institutions Code.

(D) Any statute that incorporates the criteria of any of the statutory provisions listed in subparagraph (A), (B), or (C), or of this subdivision, by reference.

(2) With the exception of applications submitted by transportation companies authorized pursuant to Section 11105.3, and notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction, except a conviction for which relief has been granted pursuant to Section 1203.49, rendered against the applicant for a violation or attempted violation of any offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code. However, with the exception of those offenses for which registration is required pursuant to Section 290, the Department of Justice shall not disseminate information pursuant to this subdivision unless the conviction occurred within 10 years of the date of the agency's request for information or the conviction is over 10 years old but the subject of the request was incarcerated within 10 years of the agency's request for information.

(B) Every arrest for a violation or attempted violation of an offense specified in subdivision (a) of Section 15660 of the Welfare and Institutions Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(o) (1) This subdivision shall apply whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization pursuant to Section 379 or 550 of the Financial Code, or any statute that incorporates the criteria of either of those sections or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant for a violation or attempted violation of any offense specified in Section 550 of the Financial Code, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for a violation or attempted violation of an offense specified in Section 550 of the Financial Code for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(p) (1) This subdivision shall apply whenever state or federal criminal history information is furnished by the Department of Justice as the result of an application by an agency, organization, or individual not defined in subdivision (k), (l), (m), (n), or (o), or by a transportation company authorized pursuant to Section 11105.3, or any statute that incorporates the criteria of that section or this subdivision by reference, and the information is to be used for employment, licensing, or certification purposes.

(2) Notwithstanding any other law, whenever state summary criminal history information is initially furnished pursuant to paragraph (1), the Department of Justice shall disseminate the following information:

(A) Every conviction rendered against the applicant, except a conviction for which relief has been granted pursuant to Section 1203.49.

(B) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(C) Sex offender registration status of the applicant.

(q) All agencies, organizations, or individuals defined in subdivisions (k), (l), (m), (n), (o), and (p) may contract with the Department of Justice for subsequent notification pursuant to Section 11105.2. This subdivision shall not supersede sections that mandate an agency, organization, or individual to contract with the Department of Justice for subsequent notification pursuant to Section 11105.2.

(r) This section does not require the Department of Justice to cease compliance with any other statutory notification requirements.

(s) The provisions of Section 50.12 of Title 28 of the Code of Federal Regulations are to be followed in processing federal criminal history information.

(t) Whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency, organization, or individual defined in subdivisions (k) to (p), inclusive, and the information is to be used for employment, licensing, or certification purposes, the authorized agency, organization, or individual shall expeditiously furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision. When furnished other than in person, the copy shall be delivered to the last contact information provided by the applicant.

SEC. 23. Section 10187.5 of the Public Contract Code is amended to read:

10187.5. For purposes of this article, the following definitions and the definitions in subdivision (a) of Section 13332.19 of the Government Code shall apply:

(a) "Best value" means a value determined by evaluation of objective criteria that relate to price, features, functions, life-cycle costs, experience, and past performance. A best value determination may involve the selection of the lowest cost proposal meeting the interests of the department and meeting the objectives of the project, selection of the best proposal for a stipulated sum established by the procuring agency, or a tradeoff between price and other specified factors.

(b) "Construction subcontract" means each subcontract awarded by the design-build entity to a subcontractor that will perform work or labor or render service to the design-build entity in or about the construction of the work or improvement, or a subcontractor licensed by the State of California that, under subcontract to the design-build entity, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications produced by the design-build team.

(c) (1) "Department" means the Department of General Services, the Military Department, and the Department of Corrections and Rehabilitation.

(2) For the purposes of projects at the Salton Sea, "department" means the Department of Water Resources.

(d) "Design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity.

(e) "Design-build entity" means a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

(f) "Design-build team" means the design-build entity itself and the individuals and other entities identified by the design-build entity as members of its team. Members shall include the general contractor and, if utilized in the design of the project, all electrical, mechanical, and plumbing contractors.

(g) (1) "Director" means, with respect to procurements undertaken by the Department of General Services, the Director of General Services; with respect to procurements undertaken by the Military Department, the Adjutant General; or, with respect to procurements undertaken by the Department of Corrections and Rehabilitation, the secretary of that department.

(2) For purposes of projects at the Salton Sea, "director" means the Director of Water Resources.

SEC. 24. Section 18874 is added to the Revenue and Taxation Code, to read:

18874. (a) Except as provided in subdivision (b) and notwithstanding any other law, the following shall apply to any voluntary tax contribution fund established by this chapter, appearing on the tax return for the 2016 taxable year, that has a minimum contribution amount requirement for the 2017 calendar year in order to continue to appear on the tax return form for the 2017 taxable year:

(1) The minimum contribution amount requirement for the 2017 calendar year means zero dollars (\$0).

(2) The minimum contribution amount requirement for the 2018 calendar year, in order to appear on the tax return form for the 2018 taxable year, means either two hundred fifty thousand dollars (\$250,000), pursuant to paragraph (2) of subdivision (c) of Section 18873, or the minimum contribution amount previously determined, pursuant to the provisions of the article establishing the fund, as of September 1, 2016, that would have been for the 2017 calendar year for that fund, as applicable.

(b) This section does not apply to a voluntary contribution fund that is otherwise subject to repeal, pursuant to the provisions of the article establishing the fund, without regard to satisfying a minimum contribution amount requirement.

SEC. 25. Section 1973 of the Welfare and Institutions Code is amended to read:

1973. (a) The board may issue up to two hundred ninety-four million one hundred one thousand five hundred forty-five dollars (\$294,101,545) in 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 acquisition, design, renovation, or construction, and a reasonable construction reserve, of approved local youthful offender rehabilitative facilities described in Section 1971, and any additional amount authorized under Section 15849.6 of the Government Code to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be utilized to reimburse a participating county for the costs of acquisition, design, and construction for approved projects.

(c) Notwithstanding Section 13340 of the Government Code, funds derived pursuant to this section are continuously appropriated for purposes of this article.

(d) No projects shall be commenced after June 30, 2017, but projects already commenced may be completed and financed through the issuance of bonds pursuant to this article.

SEC. 26. Section 15 of Chapter 6 of the Statutes of 2017 is repealed.

SEC. 27. Section 9 of Chapter 7 of the Statutes of 2017 is repealed.

SEC. 28. 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. 29. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.