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AB-100 State government. (2019-2020)

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Assembly Bill No. 100

CHAPTER 20

An act to amend Section 10149 of the Business and Professions Code, to amend Section 19402 of the Elections Code, and to add Article 5.1 (commencing with Section 8589.71) to Chapter 7 of Division 1 of Title 2 of, and to repeal Chapters 12 (commencing with Section 8870), 12.1 (commencing with Section 8871), and Chapters 14 (commencing with Section 8899.10) of Division 1 of Title 2 of, the Government Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 29, 2020. Filed with Secretary of State June 29, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 100, Committee on Budget. State government.

(1) Under existing law, the Alfred E. Alquist Seismic Safety Commission is established as an independent unit within the Business, Consumer Services, and Housing Agency. Existing law provides that the commission is composed of 20 members, with 15 commissioners appointed by the Governor and confirmed by the Senate, and 5 members from specified state agencies.

This bill would instead establish the Alfred E. Alquist Seismic Safety Commission as a separate unit within the Office of Emergency Services. The bill would reduce the number of commissioners from 20 to 15 and would provide that the Governor appoint 10 of the 15 commissioners, with 2 commissioners appointed by the Legislature and 3 commissioners serving as representatives of specified state agencies. The bill would specify the background qualifications for the commissioners. The bill would also expand the number of public entities that provide regular updates to the commission regarding earthquake preparedness and seismic safety activities.

The bill would also make conforming changes and update statutory language.

(2) Existing law requires the Secretary of State to use funds appropriated to the Secretary of State in the Budget Act of 2018 and the Budget Act of 2019 for voting system replacement for counties by awarding reimbursement contracts to counties for voting system replacement using a specified funding allocation. To receive reimbursement, a county is required to provide matching funds that are at least equivalent to $\frac{1}{4}$ of the state funds received for the eligible expenditures. Existing law requires the Secretary of State to reimburse the county by matching county funds spent on a 3-to-1 basis, up to the maximum amount of funds allocated for the contract.

This bill would include costs reasonably related to the administration of an election during the COVID-19 pandemic as an eligible expenditure that is reimbursable. For the eligible expenditures made on or after July 1, 2020, and before July 1, 2021, the bill would specify that a county is not required to provide matching funds, and would require the Secretary of State to reimburse the county for eligible expenditures, up to the maximum amount of funds allocated for the contract. By removing a restriction on the expenditure of funds available under an existing appropriation, this bill would make an appropriation.

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

SECTION 1. Section 10149 of the Business and Professions Code is amended to read:

10149. (a) The Alfred E. Alquist Seismic Safety Commission shall develop, adopt, and publish a Homeowner's Guide to Earthquake Safety for distribution to licensees for purposes of Section 2079.8 of the Civil Code and, upon request, to any member of the general public.

(b) In revising the guide, the commission shall consult with the Office of Emergency Services, the California Geological Survey of the Department of Conservation, and the Department of Real Estate.

(c) The commission shall, to the extent possible, rely on currently available data to update the guide. To the extent necessary, the commission may contract for the development and production of the guide. The commission shall update the contents of the guide whenever it determines that information within the guide is sufficiently inaccurate or incomplete so as to reduce the effectiveness of the guide. The commission may charge a fee to cover the costs of production, distribution, development, and updating the guide.

(d) The guide shall include, but need not be limited to, all of the following:

- (1) Maps and information on geologic and seismic hazard conditions for all areas of the state.
- (2) Explanations of the related structural and nonstructural hazards.
- (3) Recommendations for mitigating the hazards of an earthquake.
- (4) Explanation that the recommendations in the guide do not guarantee the safety of an individual or prevention of damage to a structure in an earthquake.

SEC. 2. Section 19402 of the Elections Code is amended to read:

19402. (a) (1) The Secretary of State shall use the funds appropriated to the Secretary of State in the Budget Act of 2018 and the Budget Act of 2019 for voting system replacement for counties by awarding reimbursement contracts to counties using the funding allocation described in subdivision (b).

(2) To receive reimbursement for the eligible expenditures described in subdivision (d) made before July 1, 2020, or on or after July 1, 2021, a county shall provide matching funds that are at least equivalent to one-quarter of the state funds received for the eligible expenditures described in subdivision (d).

(3) Notwithstanding paragraph (2), counties that operated 50 or fewer precincts in the November 8, 2016, statewide general election are not required to provide matching funds to receive an allocation from the state.

(4) To receive reimbursement for the eligible expenditures described in subdivision (d) made on or after July 1, 2020, and before July 1, 2021, a county shall not be required to provide matching funds.

(b) The Secretary of State shall allocate funding for a contract described in subdivision (a) based on the size of the county, the number of voters registered in the county, and the Secretary of State's estimate of need for county voting equipment.

(c) A contract described in subdivision (a) shall permit a county to apply to the Secretary of State for reimbursement costs incurred in connection with the activities described in subdivision (d) in a manner consistent with all of the following:

- (1) The county may seek reimbursement for payments made pursuant to a purchase agreement, lease agreement, or other contract made after April 29, 2015.
- (2) The funded activities described in subparagraph (A) of paragraph (1) of subdivision (d) shall be for new voting systems that have been certified pursuant to the California Voting System Standards.
- (3) The county shall provide the Secretary of State with documentation of the payment for which reimbursement is sought, and of the purchase agreement, lease agreement, or other contract pursuant to which the reimbursed payment was made.
- (4) The Secretary of State shall verify that payment for which reimbursement is sought meets the criteria set forth in the contract described in subdivision (a) before reimbursing the county.

(5) (A) For the eligible expenditures described in subdivision (d) made before July 1, 2020, or on or after July 1, 2021, the Secretary of State shall reimburse the county by matching county funds spent on voting system replacement activities described in subdivision (d) on a three-to-one basis, up to the maximum amount of funds allocated for the contract pursuant to subdivision (b).

(B) Notwithstanding subparagraph (A), the Secretary of State shall reimburse counties that operated 50 or fewer precincts in the November 8, 2016, statewide general election without requiring those counties to provide matching funds.

(C) For the eligible expenditures described in subdivision (d) made on or after July 1, 2020, and before July 1, 2021, the Secretary of State shall reimburse the county for eligible expenditures, up to the maximum amount of funds allocated for the contract pursuant to subdivision (b), without requiring the county to provide matching funds.

(d) For purposes of this chapter, reimbursable voting system replacement activities include all of the following:

(1) The purchase or lease of any of the following:

(A) A voting system certified or conditionally approved by the Secretary of State that does not use prescored punch card ballots.

(B) Electronic poll books certified by the Secretary of State.

(C) Ballot on demand systems certified by the Secretary of State.

(D) Vote by mail ballot drop boxes that comply with any applicable regulations adopted by the Secretary of State pursuant to subdivision (b) of Section 3025.

(E) Remote accessible vote by mail systems certified or conditionally approved by the Secretary of State.

(F) Telecommunication technologies to facilitate electronic connection, for the purpose of voter registration, between polling places, vote centers, and the office of the county elections official or the Secretary of State's office.

(G) Vote by mail ballot sorting and processing equipment.

(H) An election management system.

(2) Research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State, but that would result in a voting system certified by the Secretary of State to comply with the California Voting System Standards. A voting system developed pursuant to this paragraph shall use only nonproprietary software and firmware with disclosed source code, except that it may use unmodified commercial off-the-shelf software and firmware, as defined in paragraph (1) of subdivision (a) of Section 19209.

(3) (A) Manufacture of the minimum number of voting system units reasonably necessary for either of the following purposes:

(i) Testing and seeking certification or conditional approval for the voting system pursuant to Sections 19210 to 19214, inclusive.

(ii) Testing and demonstrating the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) and subdivision (c) of Section 19209.

(B) For purposes of this paragraph, "voting system" includes a part of a voting system.

(4) If a county uses funding provided to it for the activities described in paragraph (2) or (3), and those activities do not result in a voting system certified by the Secretary of State to comply with the California Voting System Standards by July 1, 2023, the county shall return the state funding provided for those activities to the State. If the county does not return the funding by June 30, 2024, the State Controller shall withhold any payment to the county in an equivalent amount, as directed by the Department of Finance.

(5) Costs reasonably related to the administration of an election during the COVID-19 pandemic.

(e) A voting system purchased or leased by a county for which the county seeks reimbursement from the Secretary of State pursuant to this section and that does not require a voter to directly mark on the ballot must produce, at the time the voter votes the voter's ballot or at the time the polls are closed, a paper version or representation of the voted ballot or of all of the ballots cast on a unit of the voting system. The paper version shall not be provided to the voter but shall be retained by elections officials for use during the 1 percent manual tally described in Section 15360, or any recount, audit, or contest.

SEC. 3. Article 5.1 (commencing with Section 8589.71) is added to Chapter 7 of Division 1 of Title 2 of the Government Code, immediately following Section 8589.7, to read:

Article 5.1. Alfred E. Alquist Seismic Safety Commission

8589.71. (a) (1) There is in the Office of Emergency Services the Alfred E. Alquist Seismic Safety Commission that consists of 15 members, 10 of whom shall be appointed by the Governor, subject to confirmation by the Senate, and includes representatives from the professional fields identified in subdivision (d).

(2) Any reference in statute or regulation to the Seismic Safety Commission shall be deemed to refer to the Alfred E. Alquist Seismic Safety Commission.

(b) The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one member. Each of the members appointed pursuant to this subdivision may designate an alternate who shall be counted toward a quorum, who may vote, and who may receive expenses specified in Section 8589.73.

(c) One member shall be a representative from the Office of Emergency Services, one member shall be a representative from the Division of the State Architect in the Department of General Services, and one member shall be a representative from the California Building Standards Commission. These members shall annually update the commission on their seismic safety activities pursuant to paragraph (2) of subdivision (b) of Section 8589.75.

(d) (1) Ten members shall represent the fields of structural engineering, planning, fire protection, public utilities, insurance, social services, emergency services, and other local government areas that serve the public interest.

(2) At least four members shall be submitted by the League of California Cities and the California State Association of Counties.

(3) At least one of these members shall be a building official and one of these shall be from a local fire protection entity.

(A) These members may be submitted pursuant to paragraph (2) or from professional fields in paragraph (1).

(e) Notwithstanding any other provision of law, while the current membership of the commission is reduced to 15, the following shall occur:

(1) Appointments made prior to July 1, 2020, that are from established organizations outside the fields identified in paragraph (1) of subdivision (d) shall remain on the commission until the current term expires.

(f) The Legislature declares that the individuals appointed to the commission are intended to represent the professions of structural engineering, planning, fire protection, public utilities, local government, insurance, social services, emergency services, and the Legislature and that this representation serves the public interest. Accordingly, the Legislature finds that for purposes of persons who hold this office, the specified professions are tantamount to and constitute the public generally within the meaning of Section 87103.

(g) Each member of the commission shall be appointed for a term of four years. Vacancies occurring on the commission shall be filled by appointment of the appointing power for the unexpired term.

(h) The appointing power may remove any member of the commission for neglect of duty required by this article, incompetency, or unprofessional conduct.

8589.72. (a) The commission shall elect annually from its membership its own chairperson and vice chairperson and may replace them with other commissioners by majority vote. Commission members shall be residents of California.

(b) The commission shall hold at least three regular meetings each year. Additional meetings may be held upon call of the chairperson or at the written request of any two members of the commission.

(c) Notice of each regular meeting of the commission shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3).

(d) At least eight members shall constitute a quorum for the transaction of business at any commission meeting if there are no vacancies, or else a majority of the appointed members of the commission at the time.

8589.73. (a) Except as provided in subdivision (b), the members of the Alfred E. Alquist Seismic Safety Commission shall serve without compensation, but shall be paid per diem expenses of one hundred dollars (\$100) for each day's attendance at a meeting of the commission, plus actual necessary travel expenses as determined by Department of Human Resources rules.

(b) The members of the commission who represent the Office of Emergency Services, the California Building Standards Commission, and the Division of the State Architect in the Department of General Services shall be employees in good standing of those respective entities. Any per diem and travel expenses of those members of the commission shall be paid by the agencies

that they represent on the commission, in compliance with applicable conditions or regulations set by the Department of Human Resources.

8589.74. The commission may appoint from its membership, the engineering and design professions, the geotechnical engineering, geology, and seismology professions, the building and construction industry, the affected general public, and interested governmental agencies, to appropriate advisory committees to advise the commission and its staff with respect to seismic safety standards. The persons appointed to the advisory committee, shall be specifically knowledgeable and qualified in the type of work required of the commission. These persons shall serve without compensation, but may receive actual necessary travel expenses.

8589.75. (a) The commission exists as a separate unit within the Office of Emergency Services, and may recommend policies, hold meetings, hold hearings, set dates of the meetings or hearings, and positions on proposed state and federal legislation. The commission shall retain authority to issue reports, publications, and literature.

(b) (1) At a minimum, the commission shall report annually to the Governor and the Legislature on its findings, progress, and recommendations related to activities of the commission and the state toward higher levels of seismic safety and any other seismic safety issues.

(2) The Legislature finds that numerous agencies at various levels of government have substantial responsibilities in the fields of earthquake preparedness and seismic safety. To provide a consistent policy framework to track and monitor those activities, the commission shall, at a minimum, work with agencies that include, but are not limited to, the entities listed in subparagraphs (A) to (I), inclusive, to identify key activities and responsibilities related to seismic safety and develop a schedule to provide periodic updates to the commission on their activities. This information shall be summarized in the report required in paragraph (1) and include information to find additional information related to these activities therein:

(A) Department of Conservation, California Geological Survey.

(B) California Earthquake Authority.

(C) Office of Statewide Health Planning and Development.

(D) Department of Transportation.

(E) Department of Water Resources, Division of Safety of Dams.

(F) Public Utilities Commission.

(G) State Energy Resources Conservation and Development Commission.

(H) University of California.

(I) The California State University.

8589.76. The commission, in the discharge of its duties, may do any of the following to support monitoring and tracking of activities outlined in paragraphs (1) and (2) of subdivision (b) of Section 8589.75, as well as education, research, and guidelines that promote seismic safety and mitigation:

(a) Accept grant awards, donations, and contributions from public agencies, private foundations, or individuals.

(b) Contract for or employ any professional services and research required by the commission or required for the performance of necessary work and services which, in the commission's opinion, cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.

(c) Encourage and support research related to seismic safety.

(d) Recommend the addition, deletion, or changing of state agency guidelines or standards to reduce damage from earthquakes or increase seismic safety when new developments would promote earthquake hazard mitigation.

(e) Develop findings and recommendations on lessons learned that lead to reduced losses and rapid economic recovery, following a destructive earthquake.

(f) Establish and maintain working relationships with any boards, commissions, departments, agencies, or other public or private organizations.

(g) Gather, analyze, and disseminate information related to seismic safety.

(h) Do any and all other things necessary to carry out the purposes of this article.

8589.77. In accordance with the administrative oversight and policies of the office, the commission shall appoint an executive director who shall be responsible for managing the affairs of the commission, subject to the direction and policies of the commission. The executive director shall appoint those employees as may be necessary to carry out the functions of the commission.

8589.78. (a) The personnel records of all transferred employees shall be transferred to the office.

(b) The property of the commission is transferred to the office.

(c) All unexpended balances of appropriations and other funds available for use in connection with any function or the administration of any law shall be transferred to the office for use for the purpose for which the appropriation was originally made or the funds were originally available. If there is any doubt as to where those balances and funds are transferred, the Department of Finance shall determine where the balances and funds are transferred.

SEC. 4. Chapter 12 (commencing with Section 8870) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 5. Chapter 12.1 (commencing with Section 8871) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 6. Chapter 14 (commencing with Section 8899.10) of Part num of Division 1 of Title 2 of the Government Code is repealed.

SEC. 7. 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.