



**ASSEMBLY COMMITTEE ON BUDGET**

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# Agenda

**September 11, 2015**

Upon Call of the Chair - Room 4202

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## Hearing to Consider Budget Follow Up Legislation

- 1) Call to Order
- 2) Bills Before the Committee:
  - SB 101
  - SB 102
  - SB 99
  - SB 106
- 3) Adjournment

Date of Hearing: September 10, 2015

ASSEMBLY COMMITTEE ON BUDGET

Shirley Weber, Chair

SB 101 (Committee on Budget and Fiscal Review) – As Amended September 10, 2015

**SENATE VOTE:** Vote not relevant

**SUBJECT:** Budget Act of 2015.

**SUMMARY:** This bill amends the 2015 Act, AB 123 and SB 97, to make technical amendments and corrections to budget provisions to adequately reflect the agreement reached by the Legislature and the Governor. This bill corrects omissions, clarifies previously-ambiguous provisions, provides necessary statutory language for budgetary allocations, and corrects amounts that were previously cited incorrectly. Specifically, **this bill:**

- 1) Clarifies that \$2 million in State Special Education funds will be used to backfill the reduction of federal assistance funds.
- 2) Adjusts the federal fund spending authority for the 2013-14 and 2014-15 years for the Department of Fish and Wildlife.
- 3) Ensures ongoing funding for the Stanford Mansion.
- 4) Restores an unintentional reduction of \$1.9 million General Fund for the Congregate Nutrition “Meals on Wheels” program.
- 5) Includes \$14 million (\$508,000 state operations, \$13.5 million local assistance) to the Santa Monica Mountains Conservancy, originally proposed in the January budget, from the appropriate bond allocation specifically designated for the Conservancy, rather than the Los Angeles River.
- 6) Removes funding (\$50 million, Proposition 1) for Desalination in the State Water Resources Control Board that was already appropriated under the Department of Water Resources.
- 7) Adds provisional language to clarify that priority for new preschool contracted slots provided in the 2015 Budget would be for contractors in areas where the ratio of publicly subsidized child care and development program services to the need for these services is low or where the overall number of eligible children without access to publicly subsidized child care and development program services is high, as determined by the Superintendent.
- 8) Provides additional Budget Bill language that authorizes a cash loan for the Commission on Peace Officer Standards Training (POST) in the event that the Commission has a cash flow issue due to their declining fund balance. It is projected that the cash shortfall will occur from December 2015 to February 2016.

- 9) Appropriates approximately \$227 million of Greenhouse Gas Revenue for the following purposes:
- a. \$40 million to continue funding of existing Water Efficiency programs offered by the Department of Food and Agriculture
  - b. \$20 million to continue funding of existing Water Efficiency programs offered by the Department of Food and Agriculture.
  - c. \$90 million to existing rebates offered to vehicles through the California Energy Commission's Low Carbon Transportation program. This funding will allow the existing rebates to continue until approximately March, 2016.
  - d. \$70 million to continue the Department of Community Services and Development's Weatherization and Energy Efficiency Upgrades Program for disadvantaged communities. This funding insures that the overall spending in 2015 meets to goals of insuring that disadvantaged communities receive the benefit of Cap and Trade expenditures, as outlined in SB 535 (Chapter 830, Statutes of 2006).
  - e. \$500,000 at the Sustainable Growth Council for technical assistance to disadvantaged communities.
  - f. State staffing to administer the above programs, including establishing disadvantaged community liaison positions at the Strategic Growth Council, the California Air Resources Board, and the High Speed Rail Authority.

**COMMENTS:** This bill contains necessary statutory and technical changes to amend the 2015 Budget Act AB 93 (Chapter 10, Statutes of 2015), as amended by SB 97(Chapter 11, Statutes of 2015) to reflect the budget agreement between the Governor and the Legislature.

This bill was amended to include the appropriation of \$227 million of Greenhouse Gas Revenues for the following purposes:

- \$40 million to continue funding of existing Water Efficiency programs offered by the Department of Food and Agriculture
- \$20 million to continue funding of existing Water Efficiency programs offered by the Department of Food and Agriculture.
- \$90 million to existing rebates offered to vehicles through the California Energy Commission's Low Carbon Transportation program. This funding will allow the existing rebates to continue until approximately March, 2016.
- \$70 million to continue the Department of Community Services and Development's Weatherization and Energy Efficiency Upgrades Program for disadvantaged communities. This funding insures that the overall spending in 2015 meets to goals of

insuring that disadvantaged communities receive the benefit of Cap and Trade expenditures, as outlined in SB 535 (Chapter 830, Statutes of 2006).

- \$500,000 at the Sustainable Growth Council for technical assistance to disadvantaged communities.
- State staffing to administer these programs, including establishing disadvantaged community liaison positions at the Strategic Growth Council, the California Air Resources Board, and the High Speed Rail Authority.

The above Greenhouse Gas Revenue expenditures leave a large balance of unappropriated funding that could be available for expenditures for expenditure at some later point in the 2015-16 fiscal year. After accounting for the above expenditures and the 60 percent of revenues that are continuously appropriated, the Greenhouse Gas Reduction Fund will have a balance of \$1.7 billion.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Matthew Cremins and Jazmin Hicks / BUDGET /916-319-2099

Date of Hearing: September 10, 2015

ASSEMBLY COMMITTEE ON BUDGET

Shirley Weber, Chair

SB 102 (Committee on Budget and Fiscal Review) – As Amended September 10, 2015

**SENATE VOTE:** Vote not relevant

**SUBJECT:** Budget Act of 2015

**SUMMARY:** Contains necessary statutory and technical changes to implement the Budget Act of 2015 related to General Government. Specifically, **this bill:**

- 1) Clarifies that the cap on allocations received by counties for recidivism and crime reduction are to be based on each year's Budget Act allocation.
- 2) Corrects a technical drafting error in the trailer bill that exempted the Health Benefits Exchange (HBEX) from the State Contract Act, only pertaining to public works procurements. This correction exempts HBEX from all of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, reflecting the Legislature's intent to exempt all HBEX contracts (including its goods and services contracts and its Information Technology contracts) from the Public Contract Code requirements.
- 3) Allows the Department of Human Resources to set Compensation rates for members of the Occupational safety health appeals board and the Board of Parole Hearings instead of specifying the compensation rate for board members in statute.
- 4) Makes technical clarification to the brace and bolt program that ensures that the definition for single family and multi-family structure under the revenue and taxation code and the insurance code are consistent.
- 5) Allows the Strategic Growth Council to designate a state agency or department to administer the disbursement of grants and loans issued as part of the Affordable Housing and Sustainable Communities program.
- 6) Includes a technical change to the PERS reporting language to include a due date for the first report.
- 7) Appropriates \$400,000 from the State Department of Public Health Licensing and Certification Program to the Long-Term Care Ombudsman Program.

**FISCAL EFFECT:** Appropriates \$400,000 from the State Department of Public Health Licensing and Certification Program to the Long-Term Care Ombudsman Program.

**COMMENTS:** This bill contains necessary statutory and technical changes to implement the Budget Act of 2015 related to General Government.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None of File

**Analysis Prepared by:** Matthew Cremins / BUDGET / (916)-319-2099

Date of Hearing: September 10, 2015

ASSEMBLY COMMITTEE ON BUDGET

Shirley Weber, Chair

SB 99 (Committee on Budget and Fiscal Review) – As Amended September 10, 2015

**SENATE VOTE:** Vote not relevant

**SUBJECT:** Budget Act of 2015.

**SUMMARY** Makes necessary statutory and technical changes to implement the Budget Act of 2015 related to Civil Service improvement provisions. Additionally, provides legislative ratification for the memoranda of understanding (MOU) agreed to by the state and bargaining units (BUs) 9 and 10. Specifically, **this bill**:

1. Provides legislative ratification for the memoranda of understanding for the following state bargaining units:
  - a. BU 9 (Professional Engineers), represented exclusively by Professional Engineers in California Government (PEGC), and
  - b. BU 10 (Professional Scientists), represented exclusively by the California Association of Professional Scientists (CAPS).
2. Updates and expands the definition of career executive to mean an employee appointed from an employment list established for the express purpose of providing a list of persons who are eligible for career executive assignment (CEA) as specified for persons employed by the Legislature, persons who served in the US military, persons holding nonelected exempt positions in the executive branch of government and private sector employees.
3. Simplifies and streamlines the process for persons employed by the Legislature, persons who served in the US military, and to persons holding nonelected exempt positions in the executive branch of government to obtain eligibility on a civil service list by taking a promotional or CEA exam.
4. Clarifies the termination rights of CEAs who were, prior to their CEA appointment, legislative employees or nonelected exempt executive branch employees to state that he or she shall have the right to request a deferred examination for any promotional list that his or her appointment power has in existence at the time of termination and for which he or she meets the minimum 1 qualifications.
5. Repeals Government Code Section 19057 relating to the Rule of Three Names for candidates who are eligible for promotion within civil service.
6. Expands the list of eligible employees for the purpose of hiring persons into civil service positions by making the Rule of Three Ranks the default certification list.
  - a. Allows appointing powers discretion to look at candidates based on a full evaluation of their merit (shown by results other than the exam results through a hiring process).

7. Repeals Government Code Section 19057.2 relating to creating a list of Six Ranks for the purpose of hiring managers.
8. Makes conforming changes to reflect repealing Government Code Section 19057.
9. Repeals Government Code Section 19057.4 relating to the Rule of One Rank.
10. Extends existing due process rights to private sector employees when an appointment power terminates a career executive assignment, specifically,
  - a. An employee who at the time of his or her appointment to a CEA was employed by the state and had civil service status shall be reinstated to a civil service position that is (1) not a CEA and (2) that is at least at the same salary level as the last position that he or she held as a permanent or probationary employee.
  - b. If an employee had completed a minimum of five years of state service, he or she may return to a position that is (1) at substantially the same salary level as the last position or (2) at a salary level that is at least two steps lower than that of the CEA position from which he or she is being terminated.
  - c. Allows an employee who at the time of his or her appointment to a CEA was from the outside civil service shall have the right to request a deferred examination for any open eligible list that his or her appointing power or the Department has in existence at the time of termination.
  - d. Requires a request for a deferred examination to be made not later than 10 days after the effective date of termination of the CEA.
  - e. Requires the department or its designee to administer the deferred examination within 30 days of the date of the request.
11. Includes various technical clean up language.
12. Appropriates \$300,000 to Department of Finance for the posting on the department's internet website of all budget requests included as part of the Governor's budget.

**EXISTING LAW:**

- 1) Establishes the Ralph C. Dills Act, which requires the state to collectively bargain with official representatives of employee groups (i.e., bargaining units) regardless of wages and working conditions, and to define negotiated agreements in MOUs.
- 2) Establishes the California Department of Human Resources (CalHR) as the official representative of the Governor in all matters related to collective bargaining.
- 3) Requires that any MOU between the state and an official representative must be ratified by the Legislature.



- 4) Requires that an addendum to a ratified MOU must be submitted to the Joint Legislative Budget Committee (JLBC) for analysis, and, if so required by the JLBC, must also be approved by the Legislature.
- 5) Establishes the California Public Employees' Retirement System (CalPERS), which provides health and retirement benefits for the state employees.
- 6) Requires the Legislative Analyst's Office (LAO) to analyze all state MOUs and to provide analyses of the MOUs and their fiscal impact to the Legislature within 10 days of receipt of the MOUs from CalHR.
- 7) Establishes comprehensive public employee pension reform through enactment of the Public Employees' Pension Reform Act of 2013 (PEPRA) that apply to all public employee and public pension plans on and after January 1, 2013, excluding the University of California and charter cities and counties that do not participate in a retirement system governed by the state statute.
- 8) Provides that State BU 5 (Highway Patrol) make prefunding contributions under its contract and that the contributions are made by the State in lieu of salary increases that BU 5 employees bargained in order to divert the funds to prefunding their retiree health care obligations.
- 9) Provides that fully vested state retirees (i.e., with 20 or more years of state employment) are entitled to an employer contribution for retiree health care equal to 100 percent of the weighted average premium of the four health plans most highly utilized by all members. Dependents are eligible for a contribution based on 90 percent of the average additional premiums paid for dependents during the benefit year in which the formula is applied. This is referred to as the 100/90 formula. Currently, there is no formula based solely on the most highly utilized Medicare- coordinated health plans
- 10) Requires that Medicare-eligible retirees enroll in Medicare and choose a Medicare-coordinated health plan. Since these plans may be cheaper than non-Medicare (or "Basic" plans), thus resulting in some portion of the employer contribution going unused, current law requires that any unused portion of the 100/90 formula contributions may be applied to reimburse retirees for the costs of Medicare Part B premiums. These reimbursements are made in the form of an additional payment to the retiree on the retirement warrant up to the cost of the Part B premium. Whether or not a retiree receives the Medicare Part B reimbursement in full or in part depends upon the cost of that retiree's health plan.
- 11) Provides that most state employees (those hired after 1985 or 1989, depending on class) must work for 10 years to receive 50 percent of the 100/90 formula. They then add 5 percent per year of service until, after 20 years, they are vested to receive 100 percent of the 100/90 formula. Individuals hired prior to 1985 or 1989 could be subject to either 5 year or 10 year vesting for full coverage of the 100/90 formula. BU 12 (Operating Engineers—Craft and Maintenance), agreed via collective bargaining, beginning in 2011, to be subject to a 15/25 year vesting schedule.

**FISCAL EFFECT:** The bill would appropriate \$300,000 one-time General Fund for the Department of Finance to post all budget requests included as part of the Governor's budget on its website.

**COMMENTS:**

**MOUs:** The following information summarizing the general provisions of the MOUs was provided by CalHR:

*Number of Employees:*

The BU 9 agreement affects approximately 10,815 full-time equivalents.

The BU 10 agreement affects approximately 2,861 full-time equivalents.

*Retiree Health Benefit Reforms:*

- 1) Prefunding of Other Post-Employment Benefit: Applicability to all BU 9 and BU 10 employees, including related excluded and exempt
  - a. The State and all Unit 9 members will prefund retiree healthcare with the goal of each reaching 50 percent cost sharing of actuarially determined total normal cost for employer and employees by July 1, 2019. The State and employees will each make the following contributions:
    - i. Effective July 1, 2017, 0.5 percent of pensionable compensation.
    - ii. Effective July 1, 2018, an additional 0.5 percent for a total of 1.0 percent of pensionable compensation.
    - iii. Effective July 1, 2019, an additional 1.0 percent for a total of 2.0 percent of pensionable compensation.
  - b. The State and all Unit 10 members will prefund retiree healthcare with the goal of each reaching 50 percent cost sharing of actuarially determined total normal cost for employer and employees by July 1, 2019. The State and employees will each make the following contributions:
    - i. Effective July 1, 2017, 0.7 percent of pensionable compensation.
    - ii. Effective July 1, 2018, an additional 0.7 percent for a total of 1.4 percent of pensionable compensation.
    - iii. Effective July 1, 2019, an additional 1.4 percent for a total of 2.8 percent of pensionable compensation.
- 2) All employees eligible for health care benefits shall contribute in proportion to their working time-base.
- 3) Any contributions made by the employee shall not be recoverable under any circumstances by the employee or the employee's beneficiary or survivor (e.g., if the employee should retire, die, or separate from service before becoming eligible for a health care benefit).

4) Employer Contribution for Future Retirees' Health Care: 80/80 Formula Applicability to all new BU 9 and BU 10 employees first hired on or after January 1, 2016, including related excluded and exempt.

- a. For non-Medicare-eligible retirees, the employer contribution for retiree health benefits shall not exceed 80 percent of the weighted average premiums of the four health benefit plans most highly utilized by active state employees.

The employer contribution for a non-Medicare-eligible retiree's dependent shall be no more than 80 percent of the weighted average of the additional premiums required for enrollment of those family members during the benefit year in which the formula is applied.

- b. For Medicare-eligible retirees, the employer contribution for retiree health benefits shall not exceed 80 percent of the weighted average premiums of the four Medicare-coordinated plans most highly utilized by Medicare eligible retirees.

The employer contribution for a Medicare -eligible retiree's dependent shall be no more than 80 percent of the weighted average of the additional premiums required for enrollment of those family members during the benefit year in which the formula is applied.

The contribution for a Medicare-eligible retiree shall not exceed the formula whether or not the individual actually is enrolled in Medicare.

- c. A retiree shall not be able to use any portion of the employer's retiree health care contribution toward the payment of Medicare Part B premiums.

5) Post-Employment Health Benefit Vesting Schedule

- a. Applicability to all new BU 9 and BU 10 employees first hired on or after January 1, 2016, including related excluded and exempt
- b. All BU 9 and BU 10 employees first hired into state employment on or after January 1, 2016, will be subject to an extended vesting schedule for retiree health benefits.
- c. A BU 9 and BU 10 retiree will receive 50 percent of the employer contribution upon completion of 15 years of state service, increasing 5 percent for each additional year of service, until the employee is vested for 100 percent of the employee contribution after 25 years of state service.

*Compensation BU 9:*

1) General Salary Increases (GSI)

- a. Effective July 1, 2016, all Unit 9 represented classifications shall receive five percent (5%) GSI.

- b. Effective July 1, 2017, all Unit 9 represented classifications shall receive a two percent (2%) GSI. (This GSI offsets the increased contributions employees will be making toward retiree healthcare prefunding)
- 2) First Night (Evening) Shift Differential: BU 9
  - a. Effective July 1, 2016, the first night (evening) shift pay differential shall increase from \$0.80 per hour to \$1.80 per hour for employees when four or more hours of the regularly scheduled work shift falls between 6 p.m. and midnight
- 3) Second Night (Night) Shift Differential : BU 9
  - a. Effective July 1, 2016, the second night (night) shift pay differential shall increase from \$1.00 per hour to \$2.00 per hour for employees where four or more hours of the regularly scheduled work shift falls between midnight and 6 a.m.
- 4) Employer Contribution: BU 9: The employer contribution for active member health care increases to maintain the statutorily required 80/80 formula. The increases are as follows:
  - a. \$526 increasing to \$557 for an individual
  - b. \$1023 increasing to \$1083 for an individual and one dependent
  - c. \$1319 increasing to \$1401 for an individual and 2 or more dependents
- 5) Employer contribution for dental care for BU 9 drops as follows:
  - a. \$40.71 dropping to \$36.64 for an individual
  - b. \$72.36 dropping to \$63.97 for an individual and one dependent
  - c. \$105.36 dropping to \$92.46 for an individual and 2 or more dependents

*Compensation BU 10:*

- 1) General Salary Increases (GSI)
  - a. BU 10 employees will receive a five percent 5% GSI on July 1, 2016, July 1, 2017, and July 1, 2018, for a total of 15% over three years.
- 2) Pay Differentials: BU 10
  - a. Effective July 1, 2016, Staff Specialist Compensation Differential Pay is extended for up to nine additional state scientists per department. Employees who are designated as a "primary state titled scientist" will receive a one-step (i.e., 5%) salary increase.
- 3) Employer Contribution: BU 10: The employer contribution for active member health care increases to maintain the statutorily required 80/80 formula. The increases are as follows:
  - a. \$526 increasing to \$557 for an individual
  - b. \$1023 increasing to \$1083 for an individual and one dependent
  - c. \$1319 increasing to \$1401 for an individual and 2 or more dependents
- 4) Employer contribution for dental care for BU 10 drops as follows:
  - a. \$40.71 dropping to \$36.64 for an individual
  - b. \$72.36 dropping to \$63.97 for an individual and one dependent
  - c. \$105.36 dropping to \$92.46 for an individual and 2 or more dependents

*Miscellaneous BU 9 and 10:*

- 1) Business and Travel
  - a. Effective July 1, 2016, the state agrees to increase lodging rate for Alameda, San Mateo, and Santa Clara counties from \$125 to \$140
  - b. Private Aircraft Mileage Reimbursement Rate: Effective July 1, 2016, the state agrees to increase the reimbursement rate from \$0.50 to \$1.29.
- 2) Time off for Organ and Bone Marrow Donation
  - a. Employees will be allowed up to 30 days of paid leave for organ donation and 5 days of paid leave for bone marrow donation. Employees must exhaust their own accrued sick leave before using the benefit.
- 3) Furlough/Mandatory Personal Leave Program Protection
  - a. The state agrees to not implement a furlough program or a mandatory Personal Leave Program during the first two years of the agreement. Any furlough during the third year must be authorized pursuant to an act of the Legislature.
- 4) 80-Hour Vacation/Annual Leave Cash Out
  - a. Effective June 1, 2016, and depending on the availability of departmental funds; the state agrees to permit cash out of leave up to 80 hours per year.
  - b. The agreement also establishes a joint labor-management committee to provide recommendations on reducing excessive leave balances.

*Duration:*

BU 9 – Three years - July 2, 2015 to June 30, 2018

BU 10 – Three years - July 2, 2015 to July 1, 2018

**Civil Service Improvement Comments:**

- 1) According to the Department of Finance, this trailer bill includes the first round of Civil Service Improvement proposals aimed at simplifying the state's outdated processes. These specific proposals will make modest improvements to streamline the state's existing hiring process and broaden the pool of eligible candidates for Rank and File or Managerial appointments within state civil service. Additionally, this proposal will increase state resource transparency by requiring the Department of Finance to make all budgetary requests available electronically on its website.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Genevieve Morelos / BUDGET /916-319-2099

Date of Hearing: September 10, 2015

ASSEMBLY COMMITTEE ON BUDGET

Shirley Weber, Chair

SB 106 (Committee on Budget and Fiscal Review) – As Amended September 10, 2015

**SENATE VOTE:** 23-13

**SUBJECT:** Public Utilities Commission

**SUMMARY:** This is the California Public Utilities Commission (CPUC) Reform Trailer Bill for 2015-16. It contains necessary changes related to the Budget Act of 2015. This bill makes various statutory changes to implement the 2015-16 budget. Specifically, **this bill:**

- 1) Requires the California Research Bureau to conduct a programmatic review of the CPUC to ensure that the commission is the best governmental entity to direct, regulate, and oversee specified public utility sectors.
- 2) Specifies that the Department of Finance's Office of State Audits and Evaluations (OSAE) assess each activity and position related to the energy responsibilities of the CPUC, as identified in the commission's zero-based budget, supports the core mission of the commission. Requires the OSAE, by April 1, 2016, to submit a report to the Legislature on the assessment.
- 3) Provides that the Office of Ratepayer Advocates (ORA), the independent consumer advocate within the CPUC, has control over its legal resources by clarifying that attorneys funded by ORA administratively report to ORA instead of the CPUC.
- 4) Requires the CPUC to report to the Legislature on the outcomes of the California Hub for Energy Efficiency Financing program and prohibits the commission from approving any extension of the program sooner than 30 days after making its report.
- 5) Requires the Department of Finance to report to the Legislature, on a semiannual basis, any CPUC actions to redirect personnel from authorized positions, including loaning staff to other state agencies or departments.
- 6) Provides for an appropriation of \$5 million to the base budget of the CPUC. A like amount was reduced in the 2015-16 Budget Act.
- 7) Requires that any additional moneys made available to fund the New Solar Homes Partnership Program be deposited into the Emerging Renewable Resources Account of the Renewable Resource Trust Fund if the California Energy Commission is designated the 3<sup>rd</sup> – party administer for the Program.

- 8) Requires the CPUC to establish, by April 1, 2016, an expedited grid interconnection dispute resolution process to resolve disputes over interconnection applications that are within the jurisdiction of the CPUC in no more than 60 days from the time the dispute is formally brought to the Commission.
- 9) Expands the locations the CPUC may hold its monthly meetings to include Sacramento.
- 10) Requires the CPUC to notify the Joint Legislative Budget Committee (JLBC) when it enters into a contract for outside legal counsel to represent the Commission in any criminal investigation at an expense exceeding one million dollars and provide a copy of the contract to JLBC within 10 days of it being approved by the Department of General Services. Prohibits the Commission from retaining outside legal counsel for representation of individual employees in any criminal investigation, unless that individual has testified on behalf of the public entity in any criminal, civil, or administrative action, as specified in law.

**COMMENTS:** None

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on File

**Opposition**

None on File

**Analysis Prepared by:** Gabrielle Meindl / BUDGET /916-319-2099