

State of California

PUBLIC UTILITIES CODE

Section 187000

187000. (a) The Legislature finds and declares that ensuring that information available to make fiscally responsible decisions about the project is accurate, current, and impartial is critical to better ensuring the success of the project and to meet the expectations of the state's taxpayers and the intent of the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Chapter 20 (commencing with Section 2704) of Division 3 of the Streets and Highways Code).

(b) In establishing this division, it is the intent of the Legislature to provide decisionmakers with impartial information about how to proceed with the project.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187010

187010. Unless the context requires otherwise, for purposes of this division, the following definitions apply:

(a) “Inspector General” means the High-Speed Rail Authority Inspector General appointed pursuant to Section 187020.

(b) “Merced to Bakersfield segment” means a 171-mile electrified dual-track segment that is usable for high-speed rail service in the central valley from Merced to Bakersfield, with a new combined station in downtown Merced, and connections to the Amtrak San Joaquins and the Altamont Corridor Express.

(c) “Office” means the High-Speed Rail Authority Office of the Inspector General established pursuant to Section 187020.

(d) “Project” means the high-speed rail project undertaken by the High-Speed Rail Authority pursuant to Division 19 (commencing with Section 185000) of this code and Chapter 20 (commencing with Section 2704) and Chapter 20.5 (commencing with Section 2704.75) of Division 3 of the Streets and Highways Code.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187020

187020. (a) (1) There is hereby created the High-Speed Rail Authority Office of the Inspector General.

(2) The Governor shall appoint the High-Speed Rail Authority Inspector General to a four-year term from a list of three qualified individuals nominated by the Joint Legislative Audit Committee. The Joint Legislative Audit Committee shall select the three qualified individuals from a pool of candidates after conducting a comprehensive search for qualified individuals. The Joint Legislative Audit Committee shall provide at least 120 days' notice that it is seeking applicants for nomination by providing notice in the Journals of the Senate and the Assembly and by advertising in appropriate newspapers and with nationally acknowledged professional journals and associations. Names for consideration by the Joint Legislative Audit Committee may be submitted by members of the Legislature, professional organizations, individuals, and other entities. The Inspector General shall be chosen without reference to party affiliation and solely on the ground of fitness to perform the duties of the High-Speed Rail Authority Inspector General.

(3) The Legislature and the Governor may provide suggested qualifications to the Joint Legislative Audit Committee to consider when making its nominations.

(b) The Office of the Inspector General shall not be a subdivision of any other governmental entity.

(c) The Inspector General may not be removed from office by the Governor during that term, except for good cause.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187022

187022. (a) In coordination with the High-Speed Rail Authority, the Inspector General shall be provided with appropriate and adequate office space at the High-Speed Rail Authority's offices or other facilities as necessary, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of the Inspector General's offices.

(b) For each fiscal year, the Inspector General shall provide the Department of Finance with the office's proposed budget by September 1 of each year. If the amount of the Inspector General's proposed budget differs from the amount included in the Governor's Budget, the Department of Finance shall provide a notification to the chairs and vice chairs of the budget committees of both houses of the Legislature and the Legislative Analyst's Office identifying the differences and explaining the reasons for the differences. This notification shall be provided no later than January 10 of each year.

(c) The annual salary for the Inspector General shall be equal to that of the Inspector General of the Department of Corrections and Rehabilitation established pursuant to Chapter 8.2 (commencing with Section 6125) of Title 7 of Part 3 of the Penal Code.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187024

187024. Subject to applicable law, the Inspector General shall select, appoint, and employ officers and employees necessary to carry out the functions of the office. In making these selections, the Inspector General shall ensure that those officers and employees have the requisite training and experience to enable the Inspector General to carry out their duties effectively.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187030

187030. (a) The Inspector General may, under policies developed by the Inspector General, initiate an audit or review on the Inspector General's own accord regarding oversight related to delivery of the project, and the selection and oversight of contractors related to the project. Following a completed audit or review, the Inspector General may perform a followup audit or review to determine what measures the High-Speed Rail Authority implemented to address the Inspector General's findings and to assess the effectiveness of those measures. In considering what audits and reviews to perform, the Inspector General may consider input received from the Legislature, the Governor, and the High-Speed Rail Authority.

(b) The duties and responsibilities of the Inspector General shall include, but are not limited to, all of the following:

(1) Commencing with the project update report required pursuant to Section 185033.5 that is due on or before March 1, 2023, to conduct independent fiscal estimates and reviews of the High-Speed Rail Authority's plans and estimates for project advancement and make findings of the reasonableness of those plans and estimates.

(2) Commencing with the project update report required pursuant to Section 185033.5 that is due on or before March 1, 2023, to monitor progress toward meeting the milestones toward the implementation of the successful completion of the Merced to Bakersfield segment of the project, consistent with subdivision (a).

(3) To conduct audits and investigations relating to delivery of the project.

(4) To identify best practices in the delivery of capital projects and recommend policies to enable the High-Speed Rail Authority to adopt these practices when practicable.

(5) To recommend policies promoting efficiency in the administration of programs and operations as part of any audit findings.

(6) To review the High-Speed Rail Authority process for considering proposed and executed change orders and to make any recommendations to ensure the process is appropriate for determining the merit and reasonableness of change orders.

(7) To review the High-Speed Rail Authority's contracts and contracting practices to determine whether they are executed consistent with state and federal laws and policies and are conducted in a fair and reasonable manner, providing the state with valued services at reasonable cost.

(8) To review proposed agreements to ensure that they are in the best interest of the state, the High-Speed Rail Authority's statutory mission, and state priorities.

(c) The Inspector General shall not investigate personnel issues regarding employees of the High-Speed Rail Authority.

(d) Nothing in this division is intended to infringe upon the authority of the High-Speed Rail Authority's own audits and controls.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187032

187032. (a) In connection with duties authorized pursuant to this division, the Office of the Inspector General may do any of the following:

- (1) Administer oaths.
- (2) Certify to all official acts.

(3) Receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once a complaint or information has been received from an employee of the High-Speed Rail Authority:

(A) The Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that the disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken.

(B) No action constituting a reprisal, or threat of reprisal, for making the complaint or providing the information may be taken by any employee of the High-Speed Rail Authority in a position to take those actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) Issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, or documents in any medium, or for the making of oral or written sworn statements, in any interview conducted pursuant to duties authorized by this division.

(b) Any subpoena issued under this division extends as process to all parts of the state and may be served by any person authorized to serve process of courts of record or by any person designated for that purpose by the office. The person serving this process may receive compensation as is allowed by the office, not to exceed the fees prescribed by law for similar service.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187034

187034. Notwithstanding any other law, the Inspector General during regular business hours or at any other time determined necessary by the Inspector General shall have access to and authority to examine and reproduce any and all books, accounts, reports, vouchers, correspondence, files, documents, and other records, and to examine the bank accounts, money, or other property of the High-Speed Rail Authority in connection with duties authorized by this division. Any officer or employee of any agency or entity having these records or property in their possession or under their control shall permit access to, and examination and reproduction thereof consistent with the provisions of this division, upon the request of the Inspector General or the Inspector General's authorized representative.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187036

187036. It is a misdemeanor for the Inspector General or any employee or former employee of the Inspector General to divulge or make known in any manner not expressly permitted by law to any person not employed by the Inspector General any particulars of any record, document, or information the disclosure of which is restricted by law from release to the public. This prohibition is also applicable to any person who has been furnished a draft copy of any report for comment or review or any person or business entity that is contracting with or has contracted with the Inspector General and to the employees and former employees of that person or business entity or the employees of any state agency or public entity that has assisted the Inspector General in connection with duties authorized by this division.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)

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Section 187038

187038. (a) Notwithstanding Section 10231.5 of the Government Code, the Inspector General shall report at least annually to the Legislature and the Governor a summary of its findings, positive and negative, of any reviews, investigations, or audits conducted pursuant to this division, when the High-Speed Rail Authority provides statutorily required documents to the Legislature, and upon request of the Legislature or Governor. The summary shall be posted on the office's internet website and otherwise made available to the public upon its release to the Legislature and the Governor. The summary shall include, but not be limited to, significant problems discovered by the office, and whether previous recommendations the office has made have been implemented.

(b) Notwithstanding Section 10231.5 of the Government Code, the Inspector General shall report annually to the Legislature and the Governor on findings related to the High-Speed Rail Authority's planning and delivery of the project. This report shall include updates on the High-Speed Rail Authority's efforts to remedy any identified findings, and whether any identified findings have been addressed.

(c) The Inspector General shall maintain a list of identified findings, and the status of the High-Speed Rail Authority's efforts to address them, and shall post that list on the office's internet website.

(d) Reports to be submitted to the Legislature pursuant to subdivisions (a) and (b) shall be submitted in compliance with Section 9795 of the Government Code.

(Added by Stats. 2022, Ch. 71, Sec. 10. (SB 198) Effective June 30, 2022.)