



ADMINISTRATIVE LEGISLATION - 2001

Administrative bills enacted in 2001 that are of general interest to the Board or have a general statewide impact on all state agencies and/or employees are summarized below. Unless otherwise noted, the new legislation is effective January 1, 2002.

Each bill title is linked to the bill text in Adobe Acrobat pdf format.

[AB 25 \(Migden\) Chapter 893 - Domestic Partnerships](#)

Extends grounds in causes of action for negligence to domestic partners. Authorizes domestic partners to make health care decisions on a patient's behalf. Requires group health and disability insurance plans to offer coverage to domestic partners. Requires employers to allow employee sick leave for the care of a domestic partner. Provides a personal income tax deduction for a domestic partners' medical expenses. Provides for the participation of domestic partners in conservatorships.

[AB 43 \(Wesson\) Chapter 836 - Commission on Pay Equity](#)

Creates the Commission on Pay Equity, consisting of 11 members appointed by the Governor, the president pro Tempore of the Senate, and the Speaker of the Assembly. Requires the commission to evaluate the compensation and classification plans for State Civil Service and related employees and the employees of the University of California, Hastings College of the Law to determine where compensation and classification inequities exist, based on comparability of the value of work.

[AB 192 \(Canciamilla\) Chapter 243 - State Bodies: Open Meetings](#)

Reorganizes and recasts the definition of State body for the purposes of the Bagley-Keene Open Meeting Act. Defines the term meeting for the purposes of the Act to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body in which it presides. Discusses teleconferencing for open and closed meetings. Prohibits any use of direct communication, personal intermediaries or technological devices employed by a majority of the members of a state body to develop a collective concurrence as to action to be taken on an item.

AB 492 (Oropeza) Chapter 780 - State Employees: Precinct Board Members

Provides that a state employee, as defined, subject to the collective bargaining agreement between the State and the employee's exclusive representative, who has been appointed as a member of a precinct board and takes time off from State employment to serve as a member of that precinct board on election day shall receive payment of his or her regular wages or salary for that election day, without forfeiting any compensation received for his or her board service.

AB 735 (Chan) Chapter 101 - Conflicts of Interest

Exempts from provisions of existing law which generally prohibit public officers and employees from being financially interested in any contract made by them in their official capacity or by any body or board of which they are members, any contract or grant made by local children and family commissions created pursuant to the Children and Families Act of 1998.

AB 800 (Wesson) Chapter 295 - Employment: Workplace Language Policies

Makes it an unlawful employment practice for an employer to adopt or enforce a policy that prohibits the use of any language in the workplace unless the policy is justified by business necessity, as defined, and prescribed notice of the policy and consequences for violation of the policy is given to employees. Makes a statement of legislative intent regarding these provisions.

AB 824 (Cohn) Chapter 185 - Public Employees' Long-Term Care Insurance

Provides that adult siblings of eligible active and retired members and annuitants of specified public retirement systems shall be eligible to enroll in any self-funded long-term care insurance plans.

AB 933 (Migden) Chapter 366 - State Employees: Compensation

Appropriates funds for state employees compensation, in augmentation of the Budget Act of 2001.

AB 1014 (Papan) Chapter 355 - Public Records Act: Disclosure Procedures

Requires when a member of the public requests to inspect or to obtain a copy of a public record, that, in order to assist the individual to make a focused and effective request that reasonably describes an identifiable record, the agency shall assist the individual to identify records and information that may be responsive to a request, describe the information technology and physical location in which the records exist and to provide certain information.

AB 1015 (Wright) Chapter 820 - Employment: Retaliation

Extends provisions that prohibit an employer from discriminating against an employee who is involved in a Labor Code dispute to apply them to applicants for employment who are refused employment, not selected for a training program leading to employment, or discriminated against in any other manner. Expands existing prohibitions to include protection for employees and applicants who engage in conduct delineated in additional chapters of the Labor Code.

AB 1025 (Frommer) Chapter 824 - Lactation Accommodation

Requires employers to provide a reasonable amount of break time to employees desiring to express milk. Provides for unpaid break time if the employee's regular break time is not adequate to express milk. Requires employers to provide the use of a room, or other location, other than a toilet stall, in close proximity to the employees' work area. Subjects employers who violate these provisions to civil penalties. Authorizes the Department of Labor to issue citations for violations.

AB 1281 (Cedillo) Chapter 790 - Public Employees: Representation

Provides that notwithstanding rules adopted pursuant to the Meyers-Millias-Brown Act, a public agency shall recognize an employee organization as the exclusive representative of the employees in an appropriate unit, based on a request for recognition pursuant to specified procedures. Requires the Division of Conciliation of the Department of Industrial Relations to be the neutral 3rd party to verify the status of the employee organization upon a disagreement.

AB 1683 (Committee on PERS) Chapter 831 - Public Employee Benefits

Relates to the Public Employees' Retirement Law which provides that certain benefits provisions shall be applicable to contracting agencies only if the agency's contract makes the provision applicable. Provides that some of those provisions shall be applicable to a contracting agency only if its contract so provided on or before 12/31/2001. Provides for service credit for time served in the military. Expands the definition of fireman in the City of Long Beach.

SB 67 (Burton) Chapter 1 - State Employees: Compensation

Makes an appropriation in augmentation of the Budget Act of 2000, to offset a portion of the employees health benefit premium increase during the period of 1/1/01 to 6/1/01.

SB 202 (Soto) Chapter 798 - Public Employee Postretirement Health Benefits

Relates to the Public Employees' Medical and Hospital Care Act which requires contracting agencies to pay employer contributions for postretirement health benefits for employees who retire for service, as specified. Recasts those provisions and would require the contracting agency also to pay 100% of the required health premium for annuitants who retired for disability and annuitants who retired with 20 or more years of service credit.

SB 352 (Kuehl) Chapter 24 - Attorneys

Extends the State Bar's authority to charge the annual membership fee to active members to December 31, 2003, and decreases the maximum amount of the fee to \$310. Decreases the maximum allowable increase in membership fees for the Client Security Fund to \$35 per active member per year. Removes the provision on an attorney's duty to abstain from having an offensive personality. Deletes provisions relating to certain past obligations of the State Bar.

SB 413 (Speier) Chapter 883 - State Auditor: Whistleblowing

Requires the State Auditor to prepare a written explanation of the Whistleblowers Protection Act with specified information, have the explanation in electronic format, and post it on the website of the Bureau of State Audits. Requires every state agency to print and post the notice and send it by electronic mail annually to state employees of the agency. Specifies that provisions apply to the State University and the University of California.

SB 445 (Burton) Chapter 670 - Taxation: Taxpayer's Bill of Rights

Provides that, in the case of the State Franchise Tax Board, prior to that body taking final action on any meeting agenda item, writings pertaining to that item that are public records that are distributed to board members and staff prior to or during the meeting be made available for public inspection at the meeting, distributed to persons who request notice in writing, and made available on the Internet. Provides for legislative intent.

SB 446 (Vasconcellos) Chapter 634 - Health Care Coverage: AIDS Vaccine

Requires Public Employees' Retirement System contracts and plans to provide coverage for an approved AIDS vaccine. Provides that health care service plans and disability insurers that provide coverage for hospital, medical or surgery expenses shall also provide coverage for an approved AIDS vaccine. Exempts certain types of disability insurance policies.

SB 561 (Morrow) Chapter 59 - Administrative Procedure Act

Relates to the Administrative Procedure Act. Consolidates and revises provisions that require each State agency that proposes regulations to post specified information regarding the proposed regulation on its website and to publish specified materials on the website or other forum. Makes technical changes.

SB 1007 (Machado) Chapter 427 - State Payment Card Act

Relates to the State Payment Card Act. Authorizes the Director of General Services to negotiate master contracts or other contracts necessary to implement or facilitate the acceptance of credit cards. Requires the Director of E-Government to take steps to encourage the adoption of standard payment policies and procedures for all State agencies. Requires all State agencies to accept these means of payment.

SB 1022 (Soto and Burton) Chapter 22 - State Employees: Compensation

Appropriates specified amounts for expenditure for state employee compensation and to offset a portion of the employees' health benefit premium increase.

SB 1180 (Committee on PERS) Chapter 451 - Public Employees' Medical and Hospital Care Act

Relates to Protection and Advocacy Agency. Authorizes the protection and advocacy agency to elect to provide health benefits coverage under the Public Employees' Medical and Hospital Care Act to the agency's employees and annuitants, if the agency obtains a specified opinion from the U.S. Department of Labor.

SCR 13 (Morrow) Resolution Chapter 78 - California Law Revision Commission: Studies

Grants approval to the California Law Revision Commission to continue its study of designated topics that the Legislature previously authorized or directed the commission to study. Deletes one topic that the Legislature previously approved for study by the commission and would authorize the study of one new topic.

SCR 15 (Soto) Resolution Chapter 140 - Public Employees' Retirement: Minimum Benefits

Encourages the establishment of an appropriate system to annually determine a minimum standard of pension adequacy for all retired members of the Public Employees' Retirement System. Identifies funding resources for the sole purpose of annually adjusting retired members' pensions to ensure that those pensions are not less than that minimum standard.

SCR 20 (Alpert) Resolution Chapter 21 State Employee Mentor Awareness Day

Designates April 3, 2001, as State Employee Mentor Awareness and Recruitment Day with the purposes of focusing positive attention on state employee mentors and encouraging others to mentor a young person.

SJR 4 (Soto) Resolution Chapter 94 Public Employees Retirement: Social Security

Memorializes the President and Congress of the United States to enact legislation to eliminate the government pension offset and the windfall elimination provision of the Social Security Act.

MSS:gjm

Distribution 2-B