



California State Board of Equalization,
Legislative Division

ADMINISTRATIVE LEGISLATION - 2004

Administrative bills enacted in 2004 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, 2005.

A list of vetoed bills of interest to the Board follows the enacted list.

Enacted Legislation

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

[AB 806 \(Wiggins\) Chapter 26 – State Contracts: Personal Service](#)

Requires state contracts for personal services to include provisions for employee wages to be valued at least 85% of the wages provided to state employees performing similar duties. Defines benefits to include retirement benefits, holiday pay, sick pay, and vacation pay. Applies these provisions to wages and benefits of employees of subcontractors providing these services in certain State-leased facilities.

Effective March 16, 2004

[AB 1153 \(Bermudez\) Chapter 22 – Crime](#)

Among other things, the Board co-sponsored provisions of this bill would provide that any person, other than those authorized, who willfully wears or uses a badge, photographic identification card, or insignia of a state, county, city, special district, or city and county officer or employee, with the intent of impersonating, is guilty of a misdemeanor. This bill would also provide that any person who willfully wears, uses, makes, sells, loans, gives, or transfers any badge, photographic identification card, or insignia which falsely purports to be for the use of a state, county, city, special district, or city and county officer or employee, is guilty of a misdemeanor.

Effective March 4, 2004

AB 1433 (Spitzer) Chapter 512 – Criminal Law: Public Officials: Threats

Relates to existing law which makes it a crime to knowingly and willfully threaten specified public officials. Includes the immediate family of the staff of the specified persons within the protections afforded by this provision.

AB 1825 (Reyes) Chapter 933 – Sexual Harassment: Training and Education

Requires employers with 50 or more employees to provide 2 hours of training and education to all supervisory employees within one year of January 1, 2005, unless the employer has provided the training and education to employees after January 1, 2003. Provides that a claim the training and education did not reach a particular employee does not automatically make an employer liable and employer compliance does not insulate the employer from liability. Includes training for supervisory personnel.

AB 1827 (Cohn) Chapter 576 – Closed Sessions: State Audits

Permits a state body or the legislative body of a local agency, including any other public agency subject to open meeting laws, to hold a closed session to consider its response to a confidential final draft audit report from the Bureau of State Audits, unless the report has been publicly released or is exempted from that requirement by some other provisions of law.

AB 1875 (Maldonado) Chapter 654 – Public Employees

Requires a state employer to provide reasonable advance notice and an opportunity to meet and confer to discuss alternative means of achieving objectives prior to arriving at a determination of policy and course of action directly impacting supervisory employees. Provides, that when either of certain retirement benefits formulas are adopted by the contracting agency, that formula shall supersede other benefit formulas that would otherwise apply to local members.

AB 1933 (Pacheco) Chapter 937 – Public Records

Provides that certain address information may not be used directly or indirectly, or furnished to another, to sell a product or service. Provides that nothing in these provisions shall be construed to prohibit or limit a scholarly, journalistic, political, or governmental use of this address information.

AB 2207 (Levine) Chapter 181 – Statistical Districts: San Fernando Valley

Requires any state agency or department that develops and maintains data and statistics on the municipal level, to make a separate breakdown of the San Fernando Valley, in the preparation and maintenance of any statistical analyses by city. Authorizes state agencies to require the City of Los Angeles to provide all necessary data. Provides for an alternative method to be used to determine the separate breakdown if a tax area code is used in the analysis.

AB 2580 (Goldberg) Chapter 947 – Domestic Partnerships

Provides that any reference to the date of a marriage also be deemed to refer to the date of registration of a domestic partnership with the state with regard to, among other things, community property or the dissolution of a partnership. Revises and recasts certain references to domestic partners or partnerships in provisions governing public-use forms, as registered or state-registered domestic partners or partnerships.

AB 2701 (Runner) Chapter 644 – Environmental Protection: Reports

Requires the California Integrated Waste Management Board to develop and implement guidelines to provide and produce reports and other documentation, including guidance documents, fact sheets, and other publications and written materials in the most efficient and environmentally sustainable manner possible. Requires the guidelines to include the distribution of reports and other documentation by electronic means and compact discs, and agency web sites. Relates to state agency reporting rules.

AB 3016 (Pavley) Chapter 282 – Privacy: Social Security Numbers

Operative July 1, 2006, removes a continuous use exception from social security number usage.

AB 3020 (Koretz) Chapter 685 – Employment

Eliminates the repeal of existing law that establishes the Joint Enforcement Strike Force on the Underground Economy to combat tax violations and cash-pay employment and to report to the Legislature on the underground economy by June 30 each year.

SB 604 (Perata) Chapter 478 – Political Reform Act of 1974

Relates to the Political Reform Act of 1974. Changes the information required to be included with and disclosure requirements affecting slate mailers. Requires campaigning records be open for inspection and reproduction on the Saturday proceeding a statewide primary or general election. Adds additional methods for filing, including facsimile transmission and guaranteed overnight delivery and deletes filing by telegram and late reports. Relates to cumulative contributions.

Effective September 10, 2004

SCA 1 (Burton) Resolution Chapter 1 – Access to Government Information

Provides that the people have the right of access of information concerning the conduct of the people's business. Provides that the meetings of public bodies and writing of public officials and agencies shall be open to public scrutiny. Provides that any statute, court order of rule limiting such access must provide findings for such limitation. States these provisions do not supercede certain existing provisions relating to public access.

SCA 18 (Johnson) Resolution Chapter 103 – Primary Elections: Surplus State Property

Proposes an amendment to the Constitution to state that a political party that participated in a primary election for a partisan office has the right to participate in the general election for that office and to place the candidate who received the highest vote on the ballot. Also requires the proceeds from the sale of surplus state property be used to pay the principal and interest on bonds issued under the Economic Recovery Act and to a Special Fund for Economic Uncertainties.

Vetoed Legislation

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

AB 1829 (Liu) Vetoed - Public Contracts: Services: Domestic Workers

Prohibits a state agency or local government from allocating or expending state funds for employment training for employees located in foreign countries and from contracting with a contractor or subcontractor unless they certify in a bid for a contract that the contract and any subcontract, will be performed solely with United States workers. Adds a termination clause for using workers outside of the United States during the contract. Provides a waiver. Provides exceptions.

AB 2106 (Ridley-Thomas) – Vetoed – State Government: Tax Expenditures Report

Repeals a provision of existing law that requires the Department of Finance to provide an annual report to the Legislature on tax expenditures. Requires the department to annually submit to the Legislature, in conjunction with the Governor's budget, a report of the tax expenditures currently in effect.

AB 2275 (Dymally)- Vetoed – Equal Opportunity Programs

Repeals certain provisions relating to equal opportunity programs. Requires each state agency to establish an equal opportunity program to ensure state policy of providing equal opportunity to all job applicants and employees, based on merit, and prohibiting illegal discrimination in every aspect of personnel policies and employment practices, is fully implemented.

AB 2314 (J. Horton) – Vetoed – State Employees

Relates to procedures for taking adverse action against state employees, other than managerial employees. Removes the exclusion for managerial employees with respect to these procedures. Deletes the provision that the disciplined managerial employee has the burden of proof, and that the action was free from fraud and bad faith and that the statement of reasons in the notice of disciplinary action is true.

AB 2738 (Nation) – Vetoed – Electronic Payment System: Long-Range Plan

Requires the Controller to develop, and annually update, a long-range plan for state payment systems to move the state from paper-based payments to electronic payments within a specified period of time. Requires the Controller to submit the plan to the Joint Legislative Budget Committee and the fiscal committees of the Legislature.

AB 2750 (Steinberg) – Vetoed – State Employees: Compensation

States the intent of the Legislature to implement the rulings of Biggs v. Wilson and White v. Davis. Requires that the Controller consider any class of state employees who are entitled to compensation for overtime work as coming within the class of employees who are reasonably anticipated to work overtime and thereby entitled to receive full, regular wages for all straight-time hours that the employee is scheduled to work and pay them on their regularly scheduled payday.