



*California State Board of Equalization,  
Legislative Division*

# ADMINISTRATIVE LEGISLATION - 2002

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Administrative bills enacted in 2002 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 138 \(Nation\) Chapter 455 - Bidding Procedures: Alternative Bids](#)**

Requires the determination of the lowest bid on a state contract to be made in a manner that prevents any information that would identify any of the proposed subcontractors or suppliers from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.

**[AB 425 \(Oropeza\) Chapter 379 - Budget Act](#)**

Appropriates \$339,000 for the alteration of a state or leased facility to facilitate the transition of new Board of Equalization members; and the upgrade of one of the two CEA 1 allocations to the CEA 2 level in each of the elected Board Member offices. Governor reduced appropriation by \$300,000.

*Effective September 5, 2002*

**AB 593 (Oropeza) Chapter 1023 - State government**

An act to amend and supplement the Budget Act of 2002, relating to state government, and declaring the urgency thereof, to take effect immediately. This bill would require at least 1,000 vacant positions in state government to be abolished, not later than June 30, 2004, by the Director of Finance, according to specified criteria, and report to the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, as specified. Authorizes the Governor to issue an executive order to provide state employees from designated units that meet the required conditions an additional two years of retirement service credit.

*Effective September 28, 2002*

**AB 700 (Simitian) Chapter 1054 - Personal Information: Privacy**

Requires a State agency, person or business that owns or licenses computerized data that includes personal information to disclose in specified ways any breach of security of the data to any State resident whose unencrypted personal information is reasonably believed to have been acquired by an unauthorized person. Permits required notification to be delayed if a law enforcement agency determines it would impede a criminal investigation. Identical to SB 1386 (Peace).

**AB 1357 (Wiggins) Chapter 1132 - Personal Services Contracts: Employee Compensation**

Requires personal services contracts entered into by a State agency for certain types of workers to also include provisions for employee wages that are valued at no less than 85% of the employer cost of wages and benefits provided to State employees for performing similar duties. Includes retirement benefits, holiday pay, sick pay, and vacation pay. Applies only to those contracts entered into, renewed or extended on or after a certain date.

**AB 1684 (Committee on Public Employees) Chapter 40 - State Employees: Memorandum of Understanding**

Approves provisions requiring the expenditure of funds of a Memorandum of Understanding entered into between the State employer and State Bargaining Unit 2, the Association of California State Attorneys and Administrative Law Judges. Provides the provisions of such memorandum requiring the expenditure of funds shall become effective even if the provisions of the memorandum are approved by the Legislature in legislation other than the Budget Act

*Effective May 16, 2002*

**AB 1752 (Migden) Chapter 156 - Board Hearing Materials**

Requires the Board of Equalization to distribute public writings, except those involving a named tax or fee payer, that pertain to a topic under consideration at a public meeting to all persons who request copies, as well as post that information on the Internet, and make the writings available for public inspection at the meeting, prior to the Board taking final action on that item.

**AB 1797 (Harman) Chapter 233 - Conflicts of Interest: Disqualification**

Requires a public official who has a financial interest in a decision within the meaning of the Political Reform Act to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse himself or herself from discussing and voting on the matter, and leave the room until after the discussion, vote, and other disposition of the matter is concluded.

**AB 1825 (Nakano) Chapter 869 - Leaves of Absences: Organ Donors**

Requires the appointing power of every State agency, department, board, or commission to grant up to a 30 day leave of absence with pay to employees who have exhausted all available sick leave and who are organ donors and a 5 day leave of absence with pay to employees who are bone marrow donors. Imposes the same employee leave requirements on the Trustees of the California State University. Allows the Trustees to adopt the same leave requirements.

**AB 1857 (Wayne) Chapter 389 - Administrative Procedures**

Among other things, requires every agency's Internet Website information to include the text of a proposed emergency adoption, amendment, or repeal of a regulation, review and filing with Office of Administrative Law, and posting for at least 15 days.

**AB 1908 (Cohn) Chapter 871 - Public Employees Long Term Care Insurance**

Deletes full cost payment by enrollees in the long-term care insurance plan or health care service plan contract covering long-term care offered to active and retired public employees and their spouses, parents, and spouses parents by the Board of Administration of the Public Employees' Retirement System. Makes conforming changes.

**AB 1962 (Hollingsworth) Chapter 945 - Electronic Communication**

Defines writing, as it pertains to evidence in court actions, specified administrative proceedings, and the California Public Records Act, to mean handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile and every other means or recording upon any tangible thing any form of communication or representation including letters, words, pictures, sounds, or symbols or combination thereof.

**AB 2072 (Mountjoy) Chapter 1113 - Open Meetings: Closed Sessions: Security**

Authorizes a State body to hold closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities or equipment, including electronic data, owned, leased or controlled by the State body, where disclosure of these considerations could compromise or impede the safety and security of same. Provides criteria under which such sessions may be held.

**AB 2238 (Dickerson) Chapter 621 - Public Safety Officials Home Protection Act**

Prohibits any person from knowingly posting the home address or telephone number of any elected or appointed official or the official's residing spouse and child on the Internet knowing that person is an elected or appointed official and intending or threatening to cause imminent great bodily harm to the individual. Adds public safety officials within the list of covered officials. Makes violations which lead to personal injury a misdemeanor or felony.

**AB 2477 (Steinberg) Chapter 1044 - State Employees: Excluded & Exempt Employees**

Establishes the Excluded and Exempt Employees Salary-Setting Task Force to consist of no more than 12 specified participants, to create a new process to address the status of salary and benefit levels of defined excluded and exempt employees and to recommend that process to the Governor and the Legislature. Provides procedures for use by the task force in preparing the recommended process.

**AB 3000 (Committee on Budget) Chapter 1124 - State and Local Government**

Among its provisions, this bill authorizes each member of the State Board of Equalization to request that the Governor convert one civil service position of the board to be exempt from civil service and serve as an administrative assistant at or below the nonsupervisory exempt salary level P2A.

*Effective September 30, 2002*

**AB 3022 (Special Committee on Assembly Legislative Ethics) Chapter 663 - State Agencies: Ethics Orientations**

Expands ethics training requirements to include all employees of a State agency who are required to file statements of economic interest pursuant to the Political Reform Act of 1974. Requires attendance at the orientation course at least once during each consecutive period of 2 years.

**AB 3035 (Committee on Judiciary) Chapter 300 - Access to Government Programs**

Requires the notices and agendas of public meetings and closed sessions and the public records distributed at these public meetings and closed sessions be made available in appropriate alternative formats upon request by any person with a disability. Requires the notice include information on the availability of disability-related aids or services to enable the person to participate in a public meeting consistent with the Americans with Disabilities Act. Double joined with AB 1752 (Migden, Ch. 156).

**AB 3040 (Committee on Public Employees, Retirement and Social Security) Chapter 1139 - Retirement**

Provides that if an incumbent member of the Public Employees' Retirement Law Board does not deliver his or her completed nomination documents to the election coordinator for reelection, by the deadline, the filing deadline for otherwise eligible candidates for the seat is extended by 10 days after the deadline. Defines payrate for purposes of Public Employees' Retirement Law. Relates to the transfer of member contributions.

**SB 648 (Committee on Environmental Quality) Chapter 408 - Public Contracts: Preferences: Recycled Products**

Requires procuring agencies to continuously review and revise its procedures and specifications for the purchase of lubricating oil and elimination of industrial oil, any exclusion of recycled oils and any requirement that oils be manufactured from virgin materials. Requires the Department of General Services to revise its list of available recycled products available for use by State agencies as needed.

**SB 711 (Dunn) Chapter 5 - State Employees on Active Duty Benefits**

Provides that a State employee who is a member of the California National Guard or a United States Military reserve organization shall receive for a period of not more than 180 days as part of their compensation the difference between the amount they would have received as a State employee and a member on active duty and all benefits they would have received if not on active duty for a period not to exceed 365 days from the call on active duty.

*Effective February 13, 2002*

**SB 728 (Machado) Chapter 14 - State Employees: Memoranda of Understanding**

Approves provisions that require the expenditure of funds of Memorandum of Understanding entered into between the State employer and State bargaining units 1, 3, 4, 11, 15, and 21, the California State Employees Association. Provides that the provisions of any Memorandum of Understanding that require the expenditure of funds shall become effective even if the provisions of the Memorandum of Understanding are approved by the Legislature in other legislation

*Effective March 21, 2002*

**SB 1045 (Polanco) Chapter 1165 - Public Employment and Contracting**

Requires each state department or agency awarding a contract or producing goods or services to collect information and report annually to the Governor and the Legislature on the participation level of minority, women, and disabled veteran-owned business enterprises in these contract and procurement activities. Authorizes governmental agencies to engage in activities to increase diversity in public employment and public contracting.

**SB 1386 (Peace) Chapter 915 - Personal Information: Privacy**

Requires a State agency, or a person or business that conducts business in the State that owns or licenses computerized data that includes personal information to disclose in specified ways, any breach of the security of the data to any State resident whose unencrypted personal information was or may have been acquired by an unauthorized person. Permits delay of notifications if a law enforcement agency determines it would impede a criminal investigation. Identical to AB 700 (Simitian).

**SB 1643 (Johnson) Chapter 175 - Open Meetings: Closed Sessions: Emergencies**

Authorizes an emergency meeting in the event of a dire emergency and in this situation, notice shall be given at or near the time the presiding officer notifies the members of the legislative body of the emergency meeting. Provides that a legislative body holding an authorized emergency meeting may meet in closed session pursuant to provisions allowing a closed session with law enforcement on specified security matters if agreed by 2/3 vote.

**SB 1687 (Margett) Chapter 398 - Public Contracts: Bids: Internet**

Authorizes public entities to adopt methods and procedures to receive bids on public works or other contracts over the Internet. Provides for contracting and payment by electronic transmission.

**SB 2094 (Committee on Public Employment and Retirement) Chapter 546 - Public Employees Retirement: Public Service**

Members may, under existing law, elect to receive service credit for public service as a volunteer in the Peace Corps or the AmeriCorps VISTA (Volunteers In Service To America) program. This bill would provide that members of the Public Employees' Retirement System may elect to receive service credit for public service as a volunteer in any other AmeriCorps program.