

**Department of General Services**

**2004 Legislative Summary**

**Office of Legislation  
October 2004**



## TABLE OF CONTENTS

<b>FORWARD</b>	<b>ii</b>
<b>OFFICE ACRONYMS</b>	<b>iii</b>
<b>LEGISLATIVE SUMMARY OF BILLS ENACTED IN 2004</b>	
<b>INDEX OF CHAPTERED BILLS</b>	<b>1</b>
<b>CHAPTERED BILLS</b>	<b>4</b>
<b>LEGISLATIVE SUMMARY OF BILLS VETOED IN 2004</b>	
<b>INDEX OF VETOED BILLS</b>	<b>27</b>
<b>VETOED BILLS</b>	<b>29</b>

## FORWARD

This report provides an overview of legislation that affected the Department of General Services (DGS) in the year 2004.

During the 2003-04 Legislative Session, the DGS Office of Legislation monitored and reviewed over 5,836 measures and provided an assessment on over 800 bills. The following is a summary of the bills with particular significance to the department that reached the Governor's desk.

We appreciate everyone's assistance and expertise which contributed to our successful representation of departmental legislative matters before other state agencies, the Legislature and the Governor. As always, we cover a broad range of topics to meet the mission of this diverse department.

We look forward to the upcoming 2005-06 Legislative Session and working together with the varied interested parties to achieve positive outcomes. If you have questions regarding this summary or would like additional information, please contact Carol Ferreira at (916) 376-5045 or on the Internet at [cferreira@dgs.ca.gov](mailto:cferreira@dgs.ca.gov).



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## OFFICE ACRONYMS USED IN THE 2004 LEGISLATIVE SUMMARY

<b>AUDITS</b>	<b>OFFICE OF AUDIT SERVICES</b>
<b>BPM</b>	<b>BUILDING AND PROPERTY MANAGEMENT BRANCH, REAL ESTATE SERVICES DIVISION</b>
<b>DSA</b>	<b>DIVISION OF THE STATE ARCHITECT</b>
<b>EEO</b>	<b>OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY</b>
<b>OFA</b>	<b>OFFICE OF FLEET ADMINISTRATION</b>
<b>OFS</b>	<b>OFFICE OF FISCAL SERVICES</b>
<b>OHR</b>	<b>OFFICE OF HUMAN RESOURCES</b>
<b>IT</b>	<b>INFORMATION TECHNOLOGY</b>
<b>OL</b>	<b>OFFICE OF LEGISLATION</b>
<b>OLS</b>	<b>OFFICE OF LEGAL SERVICES</b>
<b>OPSC</b>	<b>OFFICE OF PUBLIC SCHOOL CONSTRUCTION</b>
<b>OSP</b>	<b>OFFICE OF STATE PUBLISHING</b>
<b>PD</b>	<b>PROCUREMENT DIVISION</b>
<b>PM</b>	<b>PROJECT MANAGEMENT BRANCH, REAL ESTATE SERVICES DIVISION</b>
<b>PS</b>	<b>PROFESSIONAL SERVICES BRANCH, REAL ESTATE SERVICES DIVISION</b>
<b>TD</b>	<b>TELECOMMUNICATIONS DIVISION</b>

# **LEGISLATIVE SUMMARY OF BILLS ENACTED IN 2004**

**UNLESS OTHERWISE INDICATED, THESE STATUTES  
BECOME EFFECTIVE JANUARY 1, 2005**

## INDEX OF CHAPTERED BILLS

<b>AB 79 (Dutra)</b>	Written reports: preparation .....	4
<b>AB 323 (Parra)</b>	Nonprofit veteran service agencies .....	4
<b>AB 806 (Wiggins)</b>	State contracts: personal services .....	4
<b>AB 911 (Longville)</b>	Local emergency telephone number system: 911 .....	4
<b>AB 1077 (Wesson)</b>	Veterans .....	5
<b>AB 1145 (Horton, Shirley)</b>	State buildings: defibrillators.....	5
<b>AB 1209 (Nakano)</b>	Public agency security: confidential information.....	6
<b>AB 1465 (Chan)</b>	School facilities: new construction and modernization: small high schools.....	6
<b>AB 1550 (Goldberg)</b>	Concept 6 Program.....	6
<b>AB 1701 (Laird)</b>	State lands: acquisition.....	7
<b>AB 1736 (Committee on Veterans Affairs)</b>	Veterans .....	7
<b>AB 1825 (Reyes)</b>	Sexual harassment: training and education.....	8
<b>AB 1827 (Cohn)</b>	Closed sessions: state audits.....	8
<b>AB 1959 (Chu)</b>	State Auditor: drugs.....	8
<b>AB 1999 (Committee on Higher Education)</b>	California State University .....	9
<b>AB 2120 (Committee on Budget)</b>	Information technology grants.....	9
<b>AB 2397 (Horton, Shirley)</b>	Public contracts: debarment and suspension.....	9
<b>AB 2485 (Chan)</b>	Schools: environmental and endangerment assessments.....	10
<b>AB 2503 (Liu)</b>	Rental vehicles: passenger vans .....	10

## INDEX OF CHAPTERED BILLS

<b>AB 2533 (Salinas)</b>	Seismic safety.....	11
<b>AB 2580 (Goldberg)</b>	Domestic partnerships.....	11
<b>AB 2600 (Leslie)</b>	Sierra Nevada Conservancy .....	12
<b>AB 2638 (Cogdill)</b>	Building standards: public information .....	12
<b>AB 2680 (McLeod, Negrete)</b>	State Teachers' Retirement System: headquarters building .....	12
<b>AB 2701 (Runner)</b>	Environmental protection: reports.....	13
<b>AB 2719 (Laird)</b>	State Archives: public access.....	13
<b>AB 2838 (Salinas)</b>	Downpayment assistance: sales of real property .....	14
<b>AB 2901 (Pavley)</b>	Solid waste: cell phones: recycling .....	14
<b>AB 2950 (Goldberg)</b>	Critically overcrowded school facilities .....	14
<b>AB 3032 (Yee)</b>	Seismic safety.....	15
<b>AB 3033 (Yee)</b>	Seismic safety.....	15
<b>AJR 61 (Ridley-Thomas)</b>	Prescription drugs.....	16
<b>SB 6 (Alpert)</b>	School facilities: needs assessment: emergency repairs.....	16
<b>SB 111 (Knight)</b>	State reporting requirements.....	17
<b>SB 177 (Hollingsworth)</b>	Surplus school property: use of proceeds .....	18
<b>SB 409 (Hollingsworth)</b>	School facility maintenance costs.....	18
<b>SB 550 (Vasconcellos)</b>	Education.....	19

## INDEX OF CHAPTERED BILLS

<b>SB 749 (Escutia)</b>	Court facilities: utilities: Judicial Council .....	20
<b>SB 792 (Sher)</b>	State parks: Martini Creek Bypass .....	20
<b>SB 1102 (Committee on Budget and Fiscal Review)</b>	General government.....	21
<b>SB 1105 (Committee on Budget and Fiscal Review)</b>	Public employees' retirement: state employees .....	22
<b>SB 1143 (Morrow)</b>	Veterans' homes: construction and funding.....	22
<b>SB 1426 (Ducheny)</b>	Department of Corrections: drug utilization .....	23
<b>SB 1437 (Speier)</b>	State Auditor: high-risk agencies.....	23
<b>SB 1651 (Morrow)</b>	Veterans memorial: S.S. Baton Rouge Victory Memorial Plaque.....	23
<b>SB 1654 (McPherson)</b>	Public safety: communication equipment.....	24
<b>SB 1752 (Battin)</b>	State property: surplus .....	24
<b>SB 1757 (Denham)</b>	State procurement: vehicles.....	25
<b>SB 1775 (Ortiz)</b>	Public buildings: disability access .....	25
<b>SB 1906 (Sher)</b>	Surplus school property: use of proceeds: Santa Clara Unified School District .....	25
<b>SCA 1 (Burton)</b>	Access to government information.....	26
<b>SCA 18 (Johnson)</b>	Primary elections: surplus state property.....	26

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 79 (Dutra)	<p><b>Written reports: preparation</b></p> <p><b>Summary:</b> Provides, until January 1, 2008, that a state or local agency is not required to prepare or submit any otherwise required written report to the Legislature or the Governor unless specified conditions are met. (Urgency Clause—effective date is September 9, 2004).</p>	OL	409	<p><i>An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, and declaring the urgency thereof, to take effect immediately</i></p>
AB 323 (Parra)	<p><b>Nonprofit veteran service agencies</b></p> <p><b>Summary:</b> Allows a nonprofit veteran service agency to be eligible for certification as a small business and, as such, be granted a small business preference if certain requirements are met.</p>	PD	359	<p><i>An act to add Article 7 (commencing with Section 999.50) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to veterans</i></p>
AB 806 (Wiggins)	<p><b>State contracts: personal services</b></p> <p><b>Summary:</b> Deletes personal services contracts performed by employees of certain rehabilitation non-profit organizations from the requirement that they be paid 85 percent of the wages and benefits provided to state employees performing similar duties. (Urgency Clause—effective date is March 17, 2004).</p>	OLS PS	26	<p><i>An act to amend Section 19134 of the Government Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately</i></p>
AB 911 (Longville)	<p><b>Local emergency telephone number system: 911</b></p> <p><b>Summary:</b> Provides that any person who knowingly allows the use of or who uses the 911 telephone system for any reason other than an emergency is guilty of an infraction, as specified.</p>	TD	295	<p><i>An act to add Section 653y to the Penal Code, relating to public safety services</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1077 (Wesson)	Veterans	PM PS	824	<i>An act to amend Sections 15819.60 and 15819.65 of the Government Code, and to amend Section 1104.2 of the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>
AB 1145 (Horton, Shirley)	State buildings: defibrillators	BPM PS	5	<i>An act to add Chapter 5.4 (commencing with Section 8455) to Division 1 of Title 2 of the Government Code, relating to public safety, and declaring the urgency thereof, to take effect immediately</i>

**Summary:** Authorizes the issuance of an additional \$100 million in lease-revenue bonds for five veteran homes. The bill also authorizes the Department of General Services (DGS) on behalf of the Department of Veterans' Affairs (DVA) to acquire veterans' homes in Fresno and Shasta Counties, and in Lancaster, Saticoy, and West Los Angeles. Under current law, the DGS is authorized to design, equip, construct, and establish veterans' homes for the DVA. (Urgency Clause—effective date is September 28, 2004).

**Summary:** Requires the DGS to apply for federal funds for the specific purpose of purchasing automated external defibrillators (AEDs) to be located within state-owned and leased buildings. The DGS would be required, in consultation with the Emergency Medical Services Authority, the American Red Cross, and the American Heart Association, to develop and adopt policies and procedures relative to the placement and use of AEDs. The DGS would also ensure that training is consistent with specified requirements. (Urgency Clause—effective date is January 21, 2004).

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1209 (Nakano)	<p><b>Public agency security: confidential information</b></p> <p><b>Summary:</b> Exempts from the Public Records Act (PRA), records that depict how public agencies will mitigate the potential of terrorist attack or criminal acts, and documents that disclose information about facilities or systems potentially subject to terrorist or criminal attack. (Urgency Clause—effective date is January 22, 2004).</p>	OLS	8	<p><i>An act to amend Section 6254 of the Government Code, relating to public agency security, and declaring the urgency thereof, to take effect immediately</i></p>
AB 1465 (Chan)	<p><b>School facilities: new construction and modernization: small high schools</b></p> <p><b>Summary:</b> This bill: (1) establishes a pilot program funded by the 2002 and 2004 School Facilities Bond Acts, operative until January 1, 2008; and (2) requires the State Allocation Board (SAB) to conduct an evaluation of the cost of new construction and modernization of small high schools.</p>	OPSC	894	<p><i>An act to amend Section 17070.15 of, to amend, repeal, and add Sections 17072.10, 17072.30, and 17072.32 of, to add Section 17070.99 to, and to add and repeal Section 17074.32 of, the Education Code, relating to school facilities</i></p>
AB 1550 (Goldberg)	<p><b>Concept 6 Program</b></p> <p><b>Summary:</b> This is one of four bills that implement the settlement agreement in <u><b>Williams v. the State of California</b></u>. This bill: (1) prohibits the operation of a Concept 6 Program (a specific type of multi-track year-round education) after July 1, 2012; (2) expresses legislative intent that all school districts eliminate the Concept 6 Program as soon as practicable; and (3) establishes an extensive program to require districts to transition out of Concept 6, with significant new responsibilities for the SAB and the Office of Public School Construction.</p>	DSA OPSC	901	<p><i>An act relating to public education</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1701 (Laird)	State lands: acquisition	OLS PS	708	<i>An act to add Chapter 1.695 (commencing with Section 5096.500) to Division 5 of the Public Resources Code, relating to state lands</i>
AB 1736 (Committee on Veterans Affairs)	Veterans	PM PS	237	<i>An act to amend Sections 15819.60 and 15819.65 of the Government Code, to amend Sections 987.71, 987.775, and 1104.1 of, and to repeal and amend Section 1104.2 of, the Military and Veterans Code, relating to veterans, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>

**Summary:** This bill: (1) outlines a specified process for public review of acquisition of conservation lands by the state by creating mandatory disclosure requirements for the acquisition of conservation lands in excess of \$25 million by the Wildlife Conservation Board or the State Coastal Conservancy; and (2) requires the acquisition agency to hire an independent appraiser to conduct a review of the appraisal in addition to the review provided by the DGS. This independent review shall be conducted by a qualified member of the Appraisal Institute who is retained by the acquisition agency for this purpose.

**Summary:** Authorizes the DGS, on behalf of the DVA, to design and equip the veterans' homes in Fresno and Shasta Counties, and to design, equip, and construct veterans' homes in Yountville, Barstow, Chula Vista, Lancaster, Saticoy, and West Los Angeles. (Urgency Clause—effective date is August 16, 2004).

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1825 (Reyes)	<p><b>Sexual harassment: training and education</b></p> <p><b>Summary:</b> Among other things, this bill: (1) requires employers with 50 or more employees to provide two hours of training and education to all supervisory employees within one year of January 1, 2005, unless the employer has provided sexual harassment training and education to employees after January 1, 2003; (2) provides that an employer's compliance with the training requirement does not insulate the employer from liability for sexual harassment of any current or former employee or applicant; (3) requires the state to incorporate the required training into the 80 hours of training provided to all supervisory employees pursuant to existing law; (4) establishes a minimum threshold for training and education; and (5) provides that employers may provide training and education beyond that required by the statute to prevent and correct sexual harassment and discrimination.</p>	EEO OHR	933	<i>An act to add Section 12950.1 to the Government Code, relating to employment practices</i>
AB 1827 (Cohn)	<p><b>Closed sessions: state audits</b></p> <p><b>Summary:</b> Creates a new exception to both state and local government open meeting laws that would allow state and local government bodies to meet in closed session for the purpose of discussing a confidential final draft audit report from the Bureau of State Audits.</p>	AUDITS OLS	576	<i>An act to amend Sections 11125.4 and 54954.5 of, and to add Sections 11126.2 and 54956.75 to, the Government Code, relating to open meetings</i>
AB 1959 (Chu)	<p><b>State Auditor: drugs</b></p> <p><b>Summary:</b> Requires the State Auditor to conduct an audit of state agency purchases of drugs and their reimbursement practices, and provides an audit report to the Legislature by May 31, 2005.</p>	PD	938	<i>An act to add and repeal Section 8546.9 of the Government Code, relating to the state auditor</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
<b>AB 1999 (Committee on Higher Education)</b>	<p><b>California State University</b></p> <p><b>Summary:</b> The bill:(1) repeals an obsolete Education Code (EC) section regarding disposal of six historic houses at California State University (CSU), Chico (the disposal of these properties has already occurred); (2) repeals an outdated EC section related to printing and binding services performed by the DGS for the CSU; and (3) conforms a provision of the Public Contract Code regarding costs of minor CSU capital outlay projects to the State Contract Act.</p>	<b>OSP PM PS</b>	<b>417</b>	<i>An act to amend Section 66602 of, and to repeal Sections 90450 and 90500 of, the Education Code, and to amend Section 10760 of the Public Contract Code, relating to the California State University</i>
<b>AB 2120 (Committee on Budget)</b>	<p><b>Information technology grants</b></p> <p><b>Summary:</b> Requires state agencies contracting for information technology (IT) integration or development projects that are likely to generate revenues or achieve savings, to consider performance-based or share-in-savings contract terms. In addition, the bill permits state agencies to incorporate such contract terms into IT contracts in order to manage risks and create incentives for successful contract performance.</p>	<b>PD</b>	<b>802</b>	<i>An act to amend Section 12101.5 of the Public Contract Code, relating to state contracts</i>
<b>AB 2397 (Horton, Shirley)</b>	<p><b>Public contracts: debarment and suspension</b></p> <p><b>Summary:</b> This bill, sponsored by the DGS, amends existing law and increases the suspension time that the DGS may impose on contractors who provide false certifications, increases the time a contractor may be removed from the qualified bidders list, along with the time an IT goods or services supplier may be excluded from the bidding process.</p>	<b>PD</b>	<b>277</b>	<i>An act to amend Sections 4535.1, 7084, 7118, 14842, and 14842.5 of the Government Code, and to amend Sections 10303 and 12102 of the Public Contract Code, relating to public contracts</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 2485 (Chan)	<b>Schools: environmental and endangerment assessments</b>	OPSC	578	<i>An act to add Sections 17212.1 and 17212.2 to the Education Code, relating to schools</i>
	<p><b>Summary:</b> Allows the governing board of a school district to make a written request upon any person, corporation, public utility, local publicly-owned utility, or governmental agency for specified information necessary or useful in order to assess and determine the safety of a proposed schoolsite or an addition to an existing schoolsite.</p> <p>Among other provisions, the bill specifies that if no response is received by a school district within 30 days of service of a request for information, or within the period of any extension, the governing board of a school district may use worst case assumptions regarding risk assessments based upon available information.</p>			
AB 2503 (Liu)	<b>Rental vehicles: passenger vans</b>	OFA	883	<i>An act to add Section 1936.1 to the Civil Code, relating to rental vehicles</i>
	<p><b>Summary:</b> Requires a rental company to provide a renter of a 15-passenger van with a copy of the United States (US) Department of Transportation, National Highway Traffic Safety Administration’s consumer advisory “Reducing the Risk of Rollover Crashes,” or, if that advisory is updated, a copy of the updated advisory. If the rental of the vehicle is for business, the document also requires the driver of the vehicle to have the proper driver’s license in order to operate the van. The renter would be required to sign his or her name to the document acknowledging receipt of the information.</p>			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 2533 (Salinas)	Seismic safety	DSA	659	<i>An act to amend Section 8875.8 of the Government Code, relating to seismic safety</i>
	<p><b>Summary:</b> Authorizes civil penalties and a right of private action against owners of certain unreinforced masonry (URM) buildings that have not been retrofitted and fail to comply with existing seismic safety warning notice requirements. Specifically, the bill: (1) requires owners of URM buildings in seismic safety zone 4 that have not been retrofitted and are not in compliance with existing seismic safety warning notice requirements as of December 31, 2004, to conspicuously post a different and larger warning notice, as specified; (2) requires every rental or lease agreement involving URM buildings in seismic safety zone 4 that are neither retrofitted nor in compliance with warning notice requirements to include a written statement alerting the new owner to the dangers of URM buildings and the notice requirements under existing law; (3) authorizes local building departments to levy administrative fines on building owners who do not comply with the requirements of this bill ; (4) authorizes a private party to seek injunctive relief, against a noncompliant building owner if specified conditions are met; and (5) declares that the prohibitions and sanctions imposed by this bill are cumulative, and that any civil action for injunctive relief shall be independent of any other rights or remedies.</p>			
AB 2580 (Goldberg)	Domestic partnerships	OSP	947	<i>An act to amend Section 377.60 of the Code of Civil Procedure, to amend Sections 297.5, 299, and 299.3 of the Family Code, and to amend Section 14771 of the Government Code, relating to domestic partnerships</i>
	<p><b>Summary:</b> Clarifies several provisions in or affected by the California Domestic Partner Rights and Responsibilities Act of 2003. This bill: (1) designates the "date of registration of the domestic partnership" as the equivalent of the "date of marriage," as it relates to rights or duties of the partners; (2) makes enforceable agreements between registered domestic partners entered into prior to January 1, 2005, if those agreements are executed and effective on or before June 30, 2005; and (3) requires the DGS, in due course, to revise the forms that use the terms spouse, husband, wife, mother, father or marital status, to contain references to state-registered domestic partnerships.</p>			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 2600 (Leslie)	<b>Sierra Nevada Conservancy</b>  <b>Summary:</b> Creates the Sierra Nevada Conservancy, within the Resources Agency, to acquire and manage land for various specified public objectives and provide grants for those purposes, in the Sierra Nevada Region.	PS	726	<i>An act to add Division 23.3 (commencing with Section 33300) to the Public Resources Code, relating to the Sierra Nevada Conservancy</i>
AB 2638 (Cogdill)	<b>Building standards: public information</b>  <b>Summary:</b> Requires that certain agencies (Division of the State Architect (DSA), Office of Statewide Health Planning and Development, and local building enforcement agencies) must provide copies of rules and regulations that interpret the application of the California Building Code and shall be made available to the public, upon request.	DSA	642	<i>An act to add Section 6252.5 to the Government Code, and to add Section 18948.1 to the Health and Safety Code, relating to building standards</i>
AB 2680 (McLeod, Negrete)	<b>State Teachers' Retirement System: headquarters building</b>  <b>Summary:</b> Authorizes State Teachers' Retirement Board to conduct real estate activities relating to the location of their headquarters building.	PM PS	378	<i>An act to amend Section 22375 of the Education Code, and to amend Section 20195 of the Government Code, relating to the State Teachers' Retirement System</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 2701 (Runner)	<p><b>Environmental protection: reports</b></p> <p><b>Summary:</b> Among other things, this bill contains several requirements relative to converting the method of distribution for legislative reports from paper to electronic means. For specified reports, the bill requires state agencies to submit an electronic copy of each report to the Legislature, post each report to an Internet website, and provide a telephone number to obtain a hard copy of the report. The bill also requires the California Integrated Waste Management Board, by January 1, 2005, to develop and implement guidelines to provide and produce reports in the most efficient and environmentally sustainable manner possible and requires state agencies to provide and produce reports pursuant to these guidelines by June 1, 2005. In addition, the bill requires each state agency, by April 30, 2005, to conduct a thorough review of report requirements and identify whether the report is a completed one-time, obsolete, or duplicative report that can be eliminated or modified.</p>	OL	644	<p><i>An act to amend Sections 13144 and 13152 of, and to repeal Section 12847.5 of, the Food and Agricultural Code, to amend Sections 9795, 12812.2 and 12812.5 of the Government Code, to amend Sections 901, 25178, 25244.11, 25295, 25299.81, 25395.32, 39604, 39607.5, 44011.6, 44100, 44104.5, 57007, and 115910 of, and to repeal Sections 39702.5, 43032, and 59019 of, the Health and Safety Code, to amend Section 14315 of the Penal Code, to amend Sections 42885.5, and 42889.4 of, to add Chapter 4 (commencing with Section 71069) to Part 2 of Division 34 of, and to repeal Section 42889.1 of, the Public Resources Code, to amend Sections 7672, 7711 and 7712 of the Public Utilities Code, to amend Sections 13191, 13292, 13369, and 13385 of, and to repeal Sections 10782, 13192, 13198, and 13399.39 of, the Water Code, and to repeal and amend Section 4 of Chapter 435 of the Statutes of 1994, relating to environmental protection</i></p>
AB 2719 (Laird)	<p><b>State Archives: public access</b></p> <p><b>Summary:</b> Expands on existing law and provides that any item in the possession of the State Archives would be accessible to the public 75 years after the item was created. This would include items presently exempted from disclosure under the PRA.</p>	OLS	783	<p><i>An act to add Section 12237 to the Government Code, relating to State Archives</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
<b>AB 2838 (Salinas)</b>	<b>Downpayment assistance: sales of real property</b>	<b>OPSC</b>	<b>683</b>	<i>An act to amend Section 17464 of the Education Code, and to amend Section 51504 of the Health and Safety Code, relating to real property, and making an appropriation therefor</i>
	<b>Summary:</b> This bill contains two discrete sections as follows: (1) raises the limit on down payment assistance available to homebuyers through the California Homebuyers Down Payment Assistance Program, administered by the California Housing Finance Authority, from three percent to six percent for the purchase of a home by a first-time homebuyer in a revitalization area. AB 2838 would limit the amount of bond funding available for those purposes to \$6 million and requires school districts to offer real property to specified public agencies that have previously provided a written request to be directly notified of such a sale or lease.			
<b>AB 2901 (Pavley)</b>	<b>Solid waste: cell phones: recycling</b>	<b>PD TD</b>	<b>891</b>	<i>An act to add Chapter 8.6 (commencing with Section 42490) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste</i>
	<b>Summary:</b> Enacts the Cell Phone Recycling Act of 2004. Beginning July 1, 2006, every retailer of a cell phone sold in California would be required to have in place a system for accepting and collecting used cell phones for reuse, recycling, or proper disposal. In addition, the bill would: (1) require a state agency purchasing or leasing cell phones to certify that prospective bidders and their related businesses have complied with this chapter or demonstrate that this chapter is inapplicable; (2) make ineligible, those prospective bidders and related businesses who have failed to provide such certification; (3) require a prospective bidder to cooperate in providing reasonable access to records and documents to demonstrate compliance; (4) void the contract and make ineligible for three years any bidder who is found to be in violation of this section; and (5) allow the Attorney General to order disgorgement of any unlawfully obtained money, property, or benefit from a contractor found in violation of these provisions.			
<b>AB 2950 (Goldberg)</b>	<b>Critically overcrowded school facilities</b>	<b>OPSC</b>	<b>898</b>	<i>An act to amend Section 17078.27 of the Education Code, relating to school facilities</i>
	<b>Summary:</b> Provides alternative methods for an applicant in the Critically Overcrowded Schools Program to calculate enrollment for purposes of determining eligibility for the final apportionment. The applicant may use various methods outlined in the bill as an alternative.			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 3032 (Yee)	Seismic safety	DSA PM PS	308	<i>An act to amend Sections 8875.8 and 8875.9 of the Government Code, relating to seismic safety</i>
	<p><b>Summary:</b> Exempts URM buildings that have been retrofitted from seismic safety warning notice requirements, and expands the warning notice requirement for specified non-retrofitted buildings. Specifically, this bill would: (1) exempt URM buildings in seismic zone 4 (highest danger) that have been retrofitted from the requirement to publicly post a seismic safety warning notice at the building entrance; (2) authorize local jurisdictions to allow owners of retrofitted URM buildings to post an alternate public notice declaring that the building has been improved and is in compliance with existing law; and (3) require URM buildings that have not been retrofitted and are not in compliance with seismic safety warning notice requirements as of December 31, 2004, to post a larger warning notice, as specified.</p>			
AB 3033 (Yee)	Seismic safety	DSA PM PS	663	<i>An act to amend Section 8875.4 of, and to add and repeal Section 8875.10 of, the Government Code, and to repeal Section 19169 of the Health and Safety Code, relating to seismic safety</i>
	<p><b>Summary:</b> Prohibits local jurisdictions, until January 1, 2009, from imposing additional building or site conditions on or before the issuance of building permits for potentially dangerous buildings being retrofitted.</p>			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AJR 61 (Ridley-Thomas)	Prescription drugs  <b>Summary:</b> Memorializes the US Secretary of Health and Human Services to certify to Congress that implementation of provisions of the Medicare Prescription Drug, Improvement and Modernization Act, permitting the importation of prescription drugs from Canada into the US, poses no additional risk to the public's health and safety and results in a significant reduction in the cost of prescription drugs to the American consumer.	PD	111	<i>Relative to prescription drugs</i>
SB 6 (Alpert)	<b>School facilities: needs assessment: emergency repairs</b>  <b>Summary:</b> This is one of four bills that implement the settlement agreement in <b><u>Williams v. the State of California</u></b> . Specifically, the bill: (1) establishes the School Facilities Needs Assessment Grant Program, funded by the General Fund, and administered by the SAB. The purpose of this program is to conduct a one-time comprehensive assessment of school facility needs for schoolsites ranked in deciles 1 to 3 on the Academic Performance Index; and (2) establishes the School Facilities Emergency Repair Account, which is administered by the SAB and funded from the Proposition 98 Reversion Account. (Urgency Clause—effective date is September 29, 2004).	DSA OPSC	899	<i>An act to add Section 41207.5 to, and to add Article 1.5 (commencing with Section 17592.70) to Chapter 5 of Part 10.5 of the Education Code, relating to school facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>

**BILL (AUTHOR)**

**TOPIC**

**OFFICE**

**CHAPTER**

**CODE  
SECTIONS  
AFFECTED**

**SB 111 (Knight)**

**State reporting requirements**

**OL**

**193**

**Summary:** Deletes numerous reporting requirements and pilot projects whose deadlines have elapsed. Specifically for the DGS, the bill repeals two statutory reporting requirements that the DGS has already completed (Government Code (GC) Sections 11011.19 and 53125 et al.) and removes all references to obsolete dates (January 1, 1989, and July 1, 1998) outlined in GC Section 11011.15.

*An act to amend Sections 29, 4866, 6095, and 6140.2 of, and to repeal Sections 2873.7, 6086.12, 9889.60, 9889.62, and 9896.64 of, the Business and Professions Code, to repeal Chapter 3 (commencing with Section 1812.40) of Title 2 of Part 4 of Division 3 of the Civil Code, to amend Section 529.1 of the Code of Civil Procedure, to amend Sections 62000, 71027, 71051, 89343, and 92640 of the Education Code, to amend Section 3200 of, and to repeal Sections 20025 and 20042 of, the Family Code, to amend Section 5702 of, and to repeal Sections 715, 15602, and 15603 of, the Fish and Game Code, to amend Sections 5029, 13127, and 58509 of, and to repeal Sections 13124, 13125, and 42814 of, the Food and Agricultural Code, to amend Sections 6276.12, 6276.30, 6276.46, 6293, 6588.5, 6875.1, 9121, 11011.15, 12092, 12173, 14036.6, 15814.25, 16272.5, and 51015.05 of, to repeal Sections 6593.3, 8599.1, 8870.75, 8877.7, 9116, 11011.19, 14525.6, 16272.3, 16367.9, 19995.35, 19998.5, 30605, 51015.1, 53117, 68106, 68511.4, and 68515 of, to repeal Article 6.5 (commencing with Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of, to repeal Chapter 5 (commencing with Section 16285) of Part 1.5 of Division 4 of Title 2 of, and to repeal Part 14 (commencing with Section 16000) of Division 3 of Title 2 of, the Government Code, to amend Sections 1179.2, 1275.3, 1522.4, 1596.995, 6982, 11758.10, 11772, 11798.1, 11831.5, 11998.2, 16109, 25159.19, 25503.2, 40410.5, 40452, 43013.5, 50519, 50524, 105140, 105175, 110795, 114820, 116360, 124150, 124150, 124195, 127360, 128195, and 129295 of, to repeal Sections 1205.1, 1519, 1510.65, 1522.6, 1527.9, 1529.3, 1557, 1569.545, 1597.01, 1598.3, 11756.5, 11757.62, 11758.33, 11782, 11963.5, 13143.7, 18944.34, 25159.13, 25244.3, 25299.80, 25928, 38045, 39663, 44245, 44247, 50837, 101535, 104595, 105335, 108865, 110540, 120865, 124135, 124140, 124145, 124235, and 127365 of, to repeal Article 5 (commencing with Section 25547) of Chapter 6.95 of Division 20 of, to repeal Article 5 (commencing with Section 100475) of Chapter 3 of Part 1 of Division 101 of, to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, and to repeal Chapter 5 (commencing with Section 11759.10) of Part 1 of Division 10.5 of, the Health and Safety Code, to repeal Sections 11751.51, 12693.94, and 12696.25 of the Insurance Code, to amend Section 139.43 of, and to repeal Section 6715 of, the Labor Code, to repeal Section 1012.5 of the Military and Veterans Code, to amend Sections 653.1, 1247k, 2053, 3053.2, 5010, 5066, 7514, 13508, and 14210 of, and to repeal Sections 1174.6, 3424, 4497.40, 7009, 11108.7, 11110, 13013, 13828.2, and 13871 of, the Penal Code, to amend Sections 612.5, 4562.5, 52553, and 71064 of, and to repeal Sections 2802, 2804.6, 3488, 4473, 4563.5, 6226, 18017, 25689, 29777, 42552, and 42776 of, the Public Resources Code, to amend Sections 322, 701.6, 5371.4, 5385.6, and 99620 of, to repeal Sections 5388, 8303, and 99621 of, and to repeal Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, to amend Sections 18405, 19264, and 23331 of, and to repeal Sections 2237.3 and 2327 of, the Revenue and Taxation Code, to repeal Section 155.8 of, the Streets and Highways Code, to amend Section 11011 of, and to repeal Sections 1598 and 11005 of, the Unemployment Insurance Code, to amend Sections 4750.4, 5011.5, 40001, and 42007 of, and to repeal Sections 2575, 4750.2, 21370.1, 32005, and 34508.5 of, the Vehicle Code, to repeal Sections 1061, 12226.1, and 12228 of, the Water Code, and to amend Sections 503, 1120, 4390, 4889.1, 5719.5, 11008, 11008.19, 11213, 11215, 11469, 11476.6, 14005.6, 14026.5, 14041.5, 14087.2, 14104.6, 14105.15, 14499.5, and 16576 of, and to repeal Sections 225.05, 398, 898.5, 1756.1, 1906, 1914, 4026, 4506, 4519.5, 4637, 4681.2, 4692, 4751, 4838, 4840, 4842, 5734, 5914, 10627, 11004.5, 11406, 12312, 14090, 14090.1, 14090.2, 14090.3, 14195.0, 14492, 16501.6, 18379, 18989.3, and 19856 of, the Welfare and Institutions Code*

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 177 (Hollingsworth)	<b>Surplus school property: use of proceeds</b>  <b>Summary:</b> Authorizes the Santee School District and the Capistrano Unified School District, under specified conditions, to sell surplus real property and related personal property, and deposit the net proceeds into the local general fund to use for any one-time general fund purpose. (Urgency Clause—effective date is September 28, 2004).	OPSC	839	<i>An act to add and repeal Section 17463.6 of the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately</i>
SB 409 (Hollingsworth)	<b>School facility maintenance costs</b>  <b>Summary:</b> Requires, for Fiscal Year 2004-05 only, school districts that received funding under the State School Facilities Program to deposit, in a maintenance facilities account, an amount equal to two percent of the school district's general fund expenditures, including other financing uses for ongoing and major maintenance of school facilities. (Urgency Clause—effective date is July 27, 2004).	OPSC	195	<i>An act to amend Section 17070.75 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 550 (Vasconcellos)	Education	DSA OPSC	900	<i>An act to amend Sections 1240, 14501, 17002, 17014, 17032.5, 17070.15, 17070.75, 17087, 17089, 33126, 33126.1, 41020, 52055.625, 52055.640, 60119, 60240, and 60252 of, to add Sections 35186, 41344.4, and 52055.662 to, and to repeal Section 62000.4 of, the Education Code, and to amend Section 36 of Chapter 216 of the Statutes of 2004, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>
<p><b>Summary:</b> This is one of four bills that implement the settlement agreement in <b><u>Williams v. the State of California</u></b>. It contains the following elements of the settlement:</p>				
<ul style="list-style-type: none"> <li>• requires each County Superintendent to annually review the sufficiency of instructional materials, the assignment of teachers and the condition of school facilities of schools ranked 1, 2, or 3, of the 2003 Academic Performance Index;</li> <li>• adds information in the sufficiency of instructional materials, the assignment of teachers, and the condition of school facilities to the School Accountability Report Card, and provides for annual district audits to review the accuracy of the information reported;</li> <li>• requires a uniform complaint process in every district for complaints on inadequate instructional materials, teacher vacancies and mis-assignments, and emergency or urgent facility problems;</li> <li>• requires that local districts attempt to correct teacher mis-assignments, emergency conditions in facilities and textbook deficiencies, and provides, if necessary, for the state to purchase textbooks for schools that lack them and charge districts for the expense; and</li> <li>• includes new schools in the High Priority Schools Grant Program when current schools are phased out, maintaining at least \$200 million annual funding.</li> </ul>				

(Urgency Clause—effective date is September 29, 2004).

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 749 (Escutia)	<b>Court facilities: utilities: Judicial Council</b>  <b>Summary:</b> Changes the process for calculating the utilities portion of the County Facilities Payment under the Trial Court Facilities Act; (2) establishes the Court Facilities Architectural Revolving Fund for court construction projects; and (3) extends the deadline for the courts to adopt a rule of law regarding dependent children. (Urgency Clause—effective date is August 23, 2004).	<b>DSA</b> <b>PM</b> <b>PS</b>	249	<i>An act to amend Section 70357 of, and to add Section 70379 to, the Government Code, and to amend Section 366.28 of the Welfare and Institutions Code, relating to courts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>
SB 792 (Sher)	<b>State parks: Martini Creek Bypass</b>  <b>Summary:</b> Requires the State Department of Transportation (CalTrans) to sell and transfer certain property under its control in the County of San Mateo as surplus state property to the State Department of Parks and Recreation (DPR) for state park purposes.	PS	390	<i>An act relating to state property</i>

**BILL (AUTHOR)**

**TOPIC**

**OFFICE**

**CHAPTER**

**CODE  
SECTIONS  
AFFECTED**

**SB 1102 (Committee on Budget and Fiscal Review)**

**General government**

**OFS  
OL  
OSP  
PD  
PM  
PS**

**227**

*An act to amend Sections 352, 18800, 23095, and 25658.1 of the Business and Professions Code, to add and repeal Section 3294.5 of the Civil Code, to amend Sections 215, 405.20, 405.22, 1021.8, and 1502 of the Code of Civil procedure, to amend Section 1502.5 of the Corporations Code, to add Article 20.5 (commencing with Section 69999.6) to Chapter 2 of Part 42 of the Education Code, to amend Sections 10404.5 and 10405.7 of the Elections Code, to add Section 221.1 to the Food and Agricultural Code, to amend Sections 905.2, 910.4, 910.8, 911, 11011, 11011.2, 11011.3, 1011.4, 11011.5, 11011.6, 11011.8, 11011.9, 11794, 12012.90, 12152, 12439, 12715, 13332.11, 13332.19, 13923, 14612.2, 14661, 15201, 16182, 16320, 16351, 16427, 23344, 27297.5, 29550, 30070, 63021.5, 65583, 69926.5, 69957, 71601, 71630, 71636, 71639.3, 71823, and 77202 of, to amend and repeal Section 29550.4 of, to add Sections 14604, 65584.1, 65584.2, 68511.8, 69958, 71639.4, 71639.5, 71825.1, and 71825.2 to, to add and repeal Sections 8690.6, 11011.10, and 12432 of, to repeal Sections 11006 and 13332.04 of, and to repeal and add Sections 71639.1 and 71825 of, the Government Code, to amend Sections 50710.1 and 53533 of, and to add Section 13138 to, the Health and Safety Code, to amend Section 2065 of the Labor Code, to amend Sections 4750, 4751, 4752, 4753, and 6005 of, and to add Sections 4751.5, 4753.5, and 5023.5 to, the Penal Code, to add Section 10108.8 to the Public Contract Code, to amend Sections 25630 and 26020 of, and to add Section 25226 to, the Public Resources Code, to add Section 884.5 to the Public Utilities Code, to amend Sections 63.1, 2514, 8352, and 30462 of the Revenue and Taxation Code, to amend Section 1587 of the Unemployment Insurance Code, to amend Section 21401 of, and to repeal Section 42272 of the Vehicle Code, to amend Section 3 of Chapter 899 of the Statutes of 1995, and to amend Section 30 of Chapter 573 of the Statutes of 2003, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately*

**Summary:** This bill makes the statutory changes necessary for implementation of the Budget Act of 2004 relative to state government administration. Among other things, the bill does the following:

**Sections 25-33** make the following provisions of the GC (Sections 11011, 11011.1, 11011.2, 11011.3, 11011.4, 11011.5, 11011.6, 11011.8, and 11011.9) related to the sale and disposition of state surplus property inoperative from the date SB 1102 is signed until July 1, 2005.

**Section 34** requires that all agencies or departments that had not already complied with the Executive Order to conduct a review consistent with the Order and report to the DGS. The DGS will then review the properties relative to their value to the state, report these properties to the Legislature, and sell or dispose of this surplus property, as authorized by the Legislature.

**Section 111** appropriates \$2.8 million from the Property Acquisition Law Money Account (Account) to the DGS for the 2004-05 Fiscal Year, for activities associated with the disposal of surplus state property. The balance of any funds appropriated that remain unencumbered on June 30, 2005, shall revert to the Account.

**Section 42** clarifies that project approvals by the State Public Works Board (PWB) and Department of Finance (DOF) apply only to the allocation of state capital outlay funds appropriated by the Legislature, including land acquisition and equipment funds. This bill states that the PWB may augment to provide financing for a reasonable construction reserve. The PWB will be authorized to utilize this construction reserve to augment the project under certain conditions.

**Sections 43 and 47** require that any augmentation in excess of 10 percent of the amounts appropriated for a design-build project, in addition to other capital outlay projects, be reported to the Chairperson of the Joint Legislature Budget Committee or his or her designee within a prescribed time period.

**Section 45** requires the DGS to submit to DOF a proposal that reconciles the current fiscal year rates for service fees charged by the DGS to state agencies and details any adjustments proposed for budget fiscal year rates to be included in the Governor's Budget.

**Section 46** provides that no state agency is required to use the Office of State Publishing (OSP) for print projects. State agencies, however must solicit a bid from the OSP when they are soliciting bids from the private sector and the project is anticipated to cost more than \$5,000. In addition, the OSP may offer its printing services to state and other public agencies, including cities, counties, special districts, community college districts, the CSU, the University of California (UC), and agencies of the US government.

(Urgency Clause—effective date is August 16, 2004).

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 1105 (Committee on Budget and Fiscal Review)	<p><b>Public employees' retirement: state employees</b></p> <p><b>Summary:</b> This is the pension reform trailer bill that creates an Alternate Retirement Plan for new employees that would defer the accrual of service credits for two years. In addition, the bill extends the Rural Health Care Subsidy Program until January 1, 2008. (Urgency Clause—effective date is August 11, 2004).</p>	OHR	214	<p><i>An act to amend Sections 19999.5, 20303, 20340, 20822, 20824, 20894, 21060, 21070.5, 21547, 22874, 22875, and 22877 of, to add Sections 20181.5 and 20908 to, and to add Chapter 8.6 (commencing with Section 19999.3) to Part 2.6 of Division 5 of Title 2 of, the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately</i></p>
SB 1143 (Morrow)	<p><b>Veterans' homes: construction and funding</b></p> <p><b>Summary:</b> Deletes and amends outdated sections of the GC related to the construction and appropriation of funds for the Veterans Homes of California at Barstow and Chula Vista.</p>	PM	79	<p><i>An act to amend and repeal Sections 15819.90 and 15819.95 of, and to repeal Sections 15819.80, 15819.85, and 15819.92 of, the Government Code, relating to veterans</i></p>

<b>BILL (AUTHOR)</b>	<b>TOPIC</b>	<b>OFFICE</b>	<b>CHAPTER</b>	<b>CODE SECTIONS AFFECTED</b>
<b>SB 1426 (Ducheny)</b>	<b>Department of Corrections: drug utilization</b>  <b>Summary:</b> Requires the California Department of Corrections (CDC) to adopt policies and procedures regarding medication utilization protocols based on best practices and the use of generic and therapeutic substitutes.	<b>PD</b>	<b>383</b>	<i>An act to add Section 5024.5 to the Penal Code, relating to correctional facilities</i>
<b>SB 1437 (Speier)</b>	<b>State Auditor: high-risk agencies</b>  <b>Summary:</b> Authorizes the State Auditor to establish an audit and mandatory reporting program for government agencies that are identified as being "high risk" for waste, fraud, abuse, and mismanagement, or have major challenges associated with their economy, efficiency, or effectiveness.	<b>AUDITS</b>	<b>251</b>	<i>An act to add Section 8546.5 to the Government Code, relating to the State Auditor</i>
<b>SB 1651 (Morrow)</b>	<b>Veterans memorial: S.S. Baton Rouge Victory Memorial Plaque</b>  <b>Summary:</b> Repeals Chapter 6 (commencing with Section 1320 of Division 6 of the Military and Veterans Code) which provides for the construction of a memorial plaque on the grounds of the State Capital for the six member crew of the S.S. Baton Rouge Victory who were lost at sea in 1966.	<b>BPM</b>	<b>258</b>	<i>An act to repeal Chapter 6 (commencing with Section 1320) of Division 6 of the Military and Veterans Code, relating to veterans</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 1654 (McPherson)	<b>Public safety: communication equipment</b>	TD	669	<i>An act to amend Sections 8592.1, 8592.2, 8592.3, 8592.4, and 8592.5 of, to add Section 8592.6 to, and to repeal Article 6.3 (commencing with Section 8592.9) of Chapter 7 of Division 1 of Title 2 of, the Government Code, relating to public safety</i>
SB 1752 (Battin)	<b>State property: surplus</b>	PS	925	<i>An act relating to state property</i>

**Summary:** Requires state agencies that purchase public safety radio equipment to ensure that the equipment purchased complies with the interoperability communications standards of the "Project 25 Standard," as that standard may be amended, revised, or added to in the future jointly by the Associated Public-Safety Communications Officials, Inc., National Association of State Telecommunications Directors, and agencies of the federal government. The bill also: (1) exempts state agencies that use low band frequencies; (2) exempts equipment replacements where the Project 25 standard will not be compatible with existing systems; and (3) adds the Office of Homeland Security to the Public Safety Radio Strategic Planning Committee.

**Summary:** This is the annual surplus property bill sponsored by the DGS. The bill is necessary to dispose of any excess properties, or rescind the surplus designation on properties identified by state agencies as required by GC Section 11011.

This bill includes the Fred C. Nelles Youth Correctional Facility in Whittier and the Northern California Youth Reception Center and Clinic in Sacramento to the list of excess properties that can now be disposed of. These properties were identified in the Governor's Budget for closure, formerly operated by the Department of the Youth Authority, and are currently vacant.

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 1757 (Denham)	<p><b>State procurement: vehicles</b></p> <p><b>Summary:</b> Requires that all contracts for acquisition of motor vehicles or general use mobile equipment for an executive branch officer or agency, or the CSU be made by, or under, the supervision of the DGS, and would permit the DGS to collect a fee to offset the cost of the services provided. The bill requests and encourages the UC to have the DGS perform these tasks with respect to the acquisition or replacement of motor vehicles by the UC.</p>	PD	926	<p><i>An act to amend Section 13332.09 of the Government Code, relating to state contracts</i></p>
SB 1775 (Ortiz)	<p><b>Public buildings: disability access</b></p> <p><b>Summary:</b> This bill, sponsored by the DGS, makes a technical change to existing law to ensure that the DSA could continue to promulgate regulations and building standards that accommodate persons with disabilities when the California Building Standards Commission (CBSC) adopts a model code that differs from what it currently recognizes. In addition, it removes the December 31, 2004, sunset and allows the DSA to continue using funds from the Disabled Access Account to carry out its responsibilities in developing these regulations and building standards.</p>	DSA	252	<p><i>An act to amend Sections 4450 and 4454 of the Government Code, relating to disability access, and making an appropriation therefor</i></p>
SB 1906 (Sher)	<p><b>Surplus school property: use of proceeds: Santa Clara Unified School District</b></p> <p><b>Summary:</b> Authorizes the Santa Clara Unified School District, under specified conditions, to deposit proceeds from the sale of surplus real property, located thereon for deposit into the general fund of the school district or county office of education and use the proceeds for any one-time general fund purpose.</p>	OPSC	838	<p><i>An act to add and repeal Section 17463.6 of the Education Code, relating to public schools</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SCA 1 (Burton)	<b>Access to government information</b>	OLS	1	<i>A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article I thereof, relating to access to government information</i>
	<b>Summary:</b> This constitutional amendment confers to the people a right of access to information concerning the conduct of the people's business.			
SCA 18 (Johnson)	<b>Primary elections: surplus state property</b>	PS	103	<i>A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article II thereof, and by adding Section 9 to Article III thereof, relating to state government</i>
	<b>Summary:</b> Provides 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. Further, the bill requires that the proceeds from the sale of surplus state property be used to pay off bonds issued pursuant to the Economic Recovery Bond Act.			

# **LEGISLATIVE SUMMARY OF BILLS VETOED IN 2004**

## INDEX OF VETOED BILLS

<b>AB 6 (Cohn)</b>	<b>Public Contracts: Department of Corrections: medical care services</b>	<b>29</b>
<b>AB 124 (Cogdill)</b>	<b>Joint-use projects</b>	<b>29</b>
<b>AB 338 (Levine)</b>	<b>Recycling: crumb rubber</b>	<b>30</b>
<b>AB 653 (Nunez)</b>	<b>Energy efficiency: public buildings</b>	<b>30</b>
<b>AB 736 (Hancock)</b>	<b>School facilities</b>	<b>31</b>
<b>AB 955 (Wiggins)</b>	<b>Surplus state property: Sonoma Development Center: Jack London State Park</b>	<b>31</b>
<b>AB 1126 (Dutton)</b>	<b>School facilities: modernization</b>	<b>31</b>
<b>AB 1486 (Dutra)</b>	<b>School facilities: lease-leaseback contracts</b>	<b>32</b>
<b>AB 1520 (Kehoe)</b>	<b>Veterans' Memorials Commission</b>	<b>32</b>
<b>AB 1592 (Committee on Veterans Affairs)</b>	<b>California Disabled Veteran Business Enterprise Program</b>	<b>32</b>
<b>AB 1790 (Corbett)</b>	<b>School facilities: seismic safety upgrades</b>	<b>33</b>
<b>AB 1829 (Liu)</b>	<b>Public contracts: services: domestic workers</b>	<b>33</b>
<b>AB 1957 (Frommer)</b>	<b>Prescription drugs</b>	<b>33</b>
<b>AB 1958 (Frommer)</b>	<b>Public Employees' Retirement System: pharmaceutical purchasing consortium</b>	<b>34</b>
<b>AB 2035 (Nakano)</b>	<b>School facilities: regional occupational centers</b>	<b>34</b>
<b>AB 2213 (Goldberg)</b>	<b>Janitorial service contractors</b>	<b>34</b>
<b>AB 2275 (Dymally)</b>	<b>Equal opportunity programs</b>	<b>35</b>
<b>AB 2311 (Jackson)</b>	<b>Energy efficiency: sustainable building</b>	<b>35</b>
<b>AB 2343 (Nation)</b>	<b>School facilities: sprinkler systems</b>	<b>35</b>

## INDEX OF VETOED BILLS

AB 2408 (Yee)	Bilingual services .....	36
AB 2446 (Montanez)	School facilities: joint-use projects .....	36
AB 2504 (Maldonado)	Nutrition .....	36
AB 2549 (Pacheco)	Works of improvement: disputed amounts.....	37
AB 2850 (Ridley-Thomas)	Employment: displaced private security officers.....	37
AB 2994 (Frommer)	Public contracts: preferences: forest products.....	37
AB 3010 (Laird)	Community colleges: facilities.....	38
SB 86 (Machado)	Sacramento-San Joaquin Delta Conservancy Program.....	38
SB 628 (Vasconcellos)	School facilities: funding.....	38
SB 888 (Dunn)	Employment: homeland security.....	39
SB 1144 (Burton)	Public contracts: prescription drugs.....	39
SB 1259 (Murray)	Public resources: Baldwin Hills Conservancy: property acquisition: appraisals.....	39
SB 1521 (Alarcon)	Displaced Janitor Opportunity Act.....	40
SB 1754 (Battin)	State property: use of real property: Department of General Services.....	40
SB 1760 (Perata)	Sovereign immunity: waiver: Americans with Disabilities Act of 1990.....	40
SB 1841 (Bowen)	Electronic monitoring of employees.....	40
SB 1851 (Bowen)	State buildings and publicly-funded schools: standards.....	41
SB 1892 (Burton)	Personal services contracts.....	41

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 6 (Cohn)	<p><b>Public contracts: Department of Corrections: medical care services</b></p> <p><b>Summary:</b> Would have prohibited the DGS from authorizing the CDC to enter into a medical care services contract without seeking competitive bids for that contract. Additionally, if the CDC could demonstrate to the DGS that a competitively bid contract was not possible, the DGS would authorize CDC to enter into a medical service contract if CDC, at a minimum, conducted a market survey and prepared a price analysis that demonstrated to the DGS' satisfaction that the proposed contract was in the best interest of the state.</p>	OLS PD	Vetoed	<p><i>An act to add Section 19135 to the Government Code, relating to public contracts</i></p>
AB 124 (Cogdill)	<p><b>Joint-use projects</b></p> <p><b>Summary:</b> Would have permitted the SAB to consider expenses previously incurred and paid by Bret Harte Union High School District (District) as a credit toward meeting the school district's local matching fund requirement, if the costs were incurred and paid after January 1, 1999. In addition, the bill prescribed that the District may receive funding only if all other applicant school districts that qualify for funding had received funding.</p>	OPSC	Vetoed	<p><i>An act to amend Section 17052 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 338 (Levine)	<b>Recycling: crumb rubber</b>  <b>Summary:</b> Would have required that: (1) CalTrans use asphalt containing crumb rubber in at least 20 percent of state highway and construction projects that use asphalt as a construction material after January 1, 2006; (2) the Secretary of the Business, Transportation, and Housing Agency, on or before January 1, 2009, to prepare a cost analysis differential between asphalt containing crumb rubber and conventional asphalt. Such an analysis would be required annually thereafter until the Secretary determined that the cost of asphalt containing crumb rubber did not exceed 10 percent of the cost of conventional asphalt; (3) on or after January 1, 2009, asphalt containing crumb rubber shall not be less than 25 percent of the total asphalt used; on or after January 1, 2012, not less than 35 percent of the total asphalt used; and (4) CalTrans use crumb rubber manufactured in the US that was derived from waste tires taken from vehicles owned and operated in the US, unless CalTrans determined that the use of that material was not cost effective.	PD	Vetoed	<i>An act to add Section 42703 to the Public Resources Code, relating to recycling</i>
AB 653 (Nunez)	<b>Energy efficiency: public buildings</b>  <b>Summary:</b> Would have repealed the January 1, 2005, sunset date for the Energy Efficiency Bond Program which allowed the PWB to: (1) issue revenue bonds to finance cogeneration, alternative energy equipment, and conservation projects in public buildings; and (2) include projects that combined conservation measures and alternative energy equipment among those eligible for funding. When evaluating a project, the bill would have required the PWB to evaluate each project in its entirety, analyze the costs and energy savings over the life of the project, and allow the PWB to consider any additional value added to the project by product warranties.	DSA PM PS	Vetoed	<i>An act to amend Section 15814.15 of the Government Code, relating to energy efficiency</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 736 (Hancock)	School facilities	DSA OPSC	Vetoed	<i>An act to add Section 17077.36 to the Education Code, relating to school facilities</i>
	<p><b>Summary:</b> Would have required the SAB, by January 1, 2006, to adopt regulations to implement design standards for school facilities, in accordance with guidelines established by the Collaborative for High Performance Schools (CHPS), and incorporate minimum design and construction criteria developed by the CHPS. Further, the bill would have made eligibility for all modernization and new construction projects funded from a bond enacted after January 1, 2006, contingent upon meeting the standards equivalent to the regulations adopted by the SAB.</p>			
AB 955 (Wiggins)	<b>Surplus state property: Sonoma Development Center: Jack London State Park</b>	PS	Vetoed	<i>An act relating to state property</i>
	<p><b>Summary:</b> Would have required that if property under the jurisdiction of the Sonoma Developmental Center minus the actual developmental center which accounts for approximately 250 of the 1,123 acres is declared surplus and transferred to the DGS, the DGS would transfer the property to the DPR to be added to the Jack London State Park. The bill additionally allowed the DPR to transfer a portion or portions of the surplus property to the County of Sonoma to expand the Sonoma Valley Regional Park at no cost.</p>			
AB 1126 (Dutton)	<b>School facilities: modernization</b>	OPSC	Vetoed	<i>An act to amend Section 17074.10 of the Education Code, relating to school facilities</i>
	<p><b>Summary:</b> Would have required the SAB to: (1) review school modernization project costs related to compliance with accessibility standards and report to the Legislature with recommendations for adjustments to that funding, if necessary; and (2) adjust school district modernization funding eligibility for inflation on a monthly, rather than annual basis.</p>			

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 1486 (Dutra)	<b>School facilities: lease-leaseback contracts</b>	OPSC	Vetoed	<i>An act to amend Section 17406 of, and to add and repeal Article 2.2 (commencing with Section 17429.1) of Chapter 4 of Part 10.5 of, the Education Code, relating to school facilities</i>
AB 1520 (Kehoe)	<b>Veterans' Memorials Commission</b>	BPM	Vetoed	<i>An act to add Chapter 8.7 (commencing with Section 1370) to Division 6 of the Military and Veterans Code, relating to veterans' memorials</i>
AB 1592 (Committee on Veterans Affairs)	<b>California Disabled Veteran Business Enterprise Program</b>	PD	Vetoed	<i>An act to amend Section 14845 of the Government Code, and to amend Sections 999, 999.5, 999.7, 999.9, 999.11, and 999.12 of the Military and Veterans Code, relating to veterans</i>

**Summary:** Would have required a competitive proposal process in order to lease school property to a private party for the purpose of constructing or modernizing school buildings for use by a school district.

**Summary:** Would have: (1) created the California Veterans' Memorials Commission (Commission) and provided for its composition and duties; (2) authorized the Commission to establish a schedule for the design, construction, and dedication for an approved memorial; (3) required the funding for a veterans' memorial to be from private sources; (4) created the California Veterans' Memorials Fund; (5) required the Commission to consult with, and obtain final approval from, the DGS if the memorial was to be located on state grounds; and (6) required the Commission to notify the Governor and the Legislature whenever the design, construction, and dedication of a veterans memorial was completed.

**Summary:** Would have reformed the California Disabled Veteran Business Enterprise (DVBE) Program. The bill would have implemented recommendations made by the State Auditor to improve the administration of the DVBE program. The bill also specified that the DGS is the administering agency of the DVBE program.

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
<b>AB 1790 (Corbett)</b>	<b>School facilities: seismic safety upgrades</b>	<b>DSA OPSC</b>	<b>Vetoed</b>	<i>An act relating to school facilities</i>
	<b>Summary:</b> Would have expressed legislative intent to consider the development of a comprehensive program that would enable school facilities to be upgraded for seismic safety.			
<b>AB 1829 (Liu)</b>	<b>Public contracts: services: domestic workers</b>	<b>OLS PD</b>	<b>Vetoed</b>	<i>An act to amend Section 5703 of the Government Code, and to add Chapter 3.55 (commencing with Section 12140) to Part 2 of Division 2 of the Public Contract Code, relating to public contracts</i>
	<b>Summary:</b> Would have prohibited a state agency or a local government from contracting for services with funds provided by a state agency, unless the contractor or subcontractor certified under penalty of perjury, that the work will be performed solely with workers in the US. Further, the bill would have provided that if the contractor or subcontractor performed the services with workers outside the US, the contract was to be terminated and penalties were to be applied. Services could be performed outside the US only if specific criteria were met and approval of the State Controller was obtained.			
<b>AB 1957 (Frommer)</b>	<b>Prescription drugs</b>	<b>PD</b>	<b>Vetoed</b>	<i>An act to add and repeal Sections 14982 and 14983 of the Government Code, and to add and repeal Article 5 (commencing with Section 110242) of Chapter 2 of Part 5 of Division 104 of the health and Safety Code, relating to prescription drugs, and making an appropriation therefor</i>
	<b>Summary:</b> Would have: (1) required the DGS to review and report on those agencies that purchase prescription drugs to determine which state programs may save state funds by purchasing from Canadian sources; (2) authorized the DGS to establish pilot re-importation programs after obtaining all necessary federal waivers and approvals; and (3) required the Department of Health Services to establish a website by July 1, 2005, to facilitate the safe purchase of prescription drugs at reduced prices by California residents. This website would be required to include price comparisons between licensed California pharmacies and Canadian pharmacies that provide mail order services to the US. In addition, this website is required to have links to Canadian pharmacies and may include links to other appropriate websites.			

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 1958 (Frommer)	<b>Public Employees' Retirement System: pharmaceutical purchasing consortium</b>  <b>Summary:</b> Would have authorized the Board of Administration of the California Public Employees' Retirement System to establish or enter into a pharmaceutical purchasing consortium with private or public entities.	PD	Vetoed	<i>An act to amend Section 22851 of, and to add Part 9 (commencing with Section 22980) to Division 5 of Title 2 of, the Government Code, relating to pharmaceutical purchasing consortium</i>
AB 2035 (Nakano)	<b>School facilities: regional occupational centers</b>  <b>Summary:</b> Would have provided that a regional occupational center shall be deemed to be a school district for the purposes of applying for school facility modernization funding for future bonds.	OPSC	Vetoed	<i>An act to add Section 17070.96 to the Education Code, relating to school facilities</i>
AB 2213 (Goldberg)	<b>Janitorial service contractors</b>  <b>Summary:</b> Would have regulated, until January 1, 2010, the employment of workers in the building maintenance janitorial service industry by providing a registration requirement. In addition, the bill required: (1) specific record-keeping requirements by employers of such workers with regard to their wages, hours, and working conditions; and (2) that the successor janitorial employer would be liable for offenses, including civil fines, from the previous janitorial company.	BPM PS	Vetoed	<i>An act to add and repeal Part 9.5 (commencing with Section 2550) of Division 2 of the Labor Code, relating to janitorial service contractors</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 2275 (Dymally)	<p><b>Equal opportunity programs</b></p> <p><b>Summary:</b> Would have repealed California’s Affirmative Action Program, which was invalidated by the California Court of Appeal in <i>Connerly v. State Personnel Board</i> and created a similar program called the “State Equal Employment Opportunity Program”.</p>	EEO OHR	Vetoed	<p><i>An act to repeal and add Chapter 12 (commencing with Section 19790) of Part 2 of Division 5 of Title 2 of the Government Code, relating to state civil service</i></p>
AB 2311 (Jackson)	<p><b>Energy efficiency: sustainable building</b></p> <p><b>Summary:</b> Would have prescribed the sustainable building goals of the state and directed the Secretary of the State and Consumer Services Agency to: (1) facilitate the incorporation of sustainable building practices into the planning, operations, policymaking, and regulatory functions of state entities; (2) consult with private sector individuals and public officials on the implementation of these goals and standards; and (3) report to the Governor and Legislature each year on the state agencies’ activities and efforts to implement sustainable building strategies.</p>	DSA PM PS	Vetoed	<p><i>An act to add Section 12815 to the Government Code, relating to energy efficiency</i></p>
AB 2343 (Nation)	<p><b>School facilities: sprinkler systems</b></p> <p><b>Summary:</b> Would have: (1) required, commencing July 1, 2005, an automatic fire sprinkler system to be installed in school facility modernization projects that were structural in nature, and made on a multi-story building or a building that has exits that open onto an enclosed hallway or corridor; (2) authorized the SAB to adopt a supplemental grant that would reimburse districts for associated costs with a sprinkler system, i.e. grading and water storage tanks; and (3) repealed a provision in existing law that allowed districts to use the original plans and specifications for the repair of a facility that was damaged by fire.</p>	DSA OPSC	Vetoed	<p><i>An act to amend Sections 17074.56 and 17280 of, and to amend, repeal, and add Section 17074.50 of, the Education Code, relating to school facilities</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 2408 (Yee)	<b>Bilingual services</b>  <b>Summary:</b> Would have made changes to provisions of the Dymally-Alatorre Bilingual Services Act requiring state agencies to employ a sufficient number of bilingual persons in public contact positions. The intent of this legislation was to strongly encourage departments who fail to hire bilingual employees in areas of public contact.	OHR	Vetoed	<i>An act to amend Sections 7294, 7299.4, and 7299.6 of, and to add Section 7299.7 to, the Government Code, relating to bilingual services</i>
AB 2446 (Montanez)	<b>School facilities: joint-use projects</b>  <b>Summary:</b> Would have: (1) added parks and preschool facilities to the eligible joint-use projects that could be funded from state school construction bond funds; (2) deleted teacher education facilities as an eligible joint-use project; and (3) permitted a joint-use facility to be located adjacent to an existing schoolsite, on property owned by a school district.	OPSC	Vetoed	<i>An act to amend Sections 17077.40 and 17077.42 of the Education Code, relating to school facilities</i>
<b>AB 2504</b> <b>(Maldonado)</b>	<b>Nutrition</b>  <b>Summary:</b> Would have: (1) exempted all contracts under the “Five a Day for Better Health” Program from the State Contract Act; and (2) created a two-year pilot program under this existing Program which would make free fruit and vegetables available to pupils in 25 elementary and secondary schools.	OLS	Vetoed	<i>An act to amend Section 104650 of, and to add and repeal Section 104651 of, the Health and Safety Code, relating to nutrition</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 2549 (Pacheco)	Works of improvement: disputed amounts	BPM DSA PM PS	Vetoed	<i>An act to amend Section 7108.5 of the Business and Professions Code, to amend Sections 3260 and 3260.1 of the Civil Code, and to amend Sections 7107 and 10262.5 of the Public Contract Code, relating to works of improvement</i>
AB 2850 (Ridley-Thomas)	Employment: displaced private security officers	BPM PS	Vetoed	<i>An act to add Chapter 4.7 (commencing with Section 1080) to Part 3 of Division 2 of the Labor Code, relating to employment</i>
AB 2994 (Frommer)	Public contracts: preferences: forest products	PD	Vetoed	<i>An act to add Section 12405 to the Public Contract Code, relating to public contracts</i>

**Summary:** Would have revised the law with respect to retention proceeds for works of improvement, both public and private. Specifically, it would have increased the amount that may be withheld from progress payments or final payments, depending on the circumstances, to a sum of various amounts and percentages, as specified.

**Summary:** Would have enacted the Private Security Service Assurance Act and required successor private security contractors (or subcontractors), entering into contractual agreements on or after January 1, 2005, to retain for 90 days licensed security employees of the previous employer performing private security services.

**Summary:** Would have required any state agency that contracts for or acquires lumber or other solid wood products to give a preference to those that are harvested from forests within the state. This preference would have only been applicable if the price, fitness, and quality of the lumber or wood product was equal.

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 3010 (Laird)	<p><b>Community colleges: facilities</b></p> <p><b>Summary:</b> Would have required the DGS to review community college facility plans at appropriate stages. Specifically, the bill: (1) required the DGS and the Board of Governors of the California Community Colleges to enter into a collaborative process to improve the quality and efficiency of design of community college buildings and provide training to specified persons concerning the plan review process; (2) required that a fee would be charged sufficient to cover the full costs of developing and providing training. These fees would be deposited into the Public School Planning, Design, and Construction Review Revolving Fund (Fund); (3) authorized the use of moneys in the Fund to be continuously appropriated and used to reimburse the DGS and the Board of Governors for costs they incurred under the bill; and (4) required the DGS to evaluate the costs, savings, and overall efficacy of the plan review process established under the bill and report its findings and recommendations with respect to this evaluation to the Board of Governors, the Governor, and the chairpersons of the appropriate policy committees of the Legislature no later than January 1, 2008. The bill's provisions would have been repealed as of January 1, 2010.</p>	DSA	Vetoed	<p><i>An act to add and repeal Section 81133.2 of the Education Code, relating to community colleges, and making an appropriation therefor</i></p>
SB 86 (Machado)	<p><b>Sacramento-San Joaquin Delta Conservancy Program</b></p> <p><b>Summary:</b> Would have created the Sacramento-San Joaquin Delta Conservancy Program, under the administration of the State Coastal Conservancy, for restoring and protecting agricultural, economic, and natural resources of the Sacramento-San Joaquin Delta.</p>	PS	Vetoed	<p><i>An act to add Chapter 4.6 (commencing with Section 31180) to Division 21 of the Public Resources Code, relating to coastal resources</i></p>
SB 628 (Vasconcellos)	<p><b>School facilities: funding</b></p> <p><b>Summary:</b> Would have allowed, under certain circumstances, an elementary school district to qualify for school facilities funding based upon the overcrowded condition of the elementary school district's schools located within a high school attendance area without regard to the district-wide average conditions.</p>	OPSC	Vetoed	<p><i>An act to amend Section 17071.76 of the Education Code, relating to school facilities</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
SB 888 (Dunn)	<b>Employment: homeland security</b>	OLS PD	Vetoed	<i>An act to add Part 5 (commencing with Section 1450) to Division 2 of the Labor Code, relating to employment</i>
	<b>Summary:</b> Would have prohibited the performance of any work involving information that is essential to homeland security, as defined, from being performed at a worksite outside the US unless expertise necessary to perform the work is not available in the US. This prohibition does not apply to parts or materials manufactured outside the US that are necessary to perform work involving information essential to homeland security.			
SB 1144 (Burton)	<b>Public contracts: prescription drugs</b>	PD	Vetoed	<i>An act to amend Sections 14977.1 and 14981 of the Government Code, relating to public contracts</i>
	<b>Summary:</b> Would have authorized the DGS to enter into contracts with Canadian companies for prescription drugs.			
SB 1259 (Murray)	<b>Public resources: Baldwin Hills Conservancy: property acquisition: appraisals</b>	PS	Vetoed	<i>An act to amend Sections 32553, 32556, and 32569 of, and to repeal Section 32556.2 of, the Public Resources Code, relating to the Baldwin Hills Conservancy</i>
	<b>Summary:</b> Would have: (1) allowed the Baldwin Hills Conservancy (Conservancy) to contract with licensed, certified appraisers or public agency employees, other than the DGS, who have oil field acquisition and management experience, to conduct appraisals required for the acquisition approval process of the PWB and the DGS for land acquisitions by the Conservancy; (2) prohibited any public agency, other than the DGS, to perform the final review of an appraisal for a land acquisition project subject to the approval of the PWB; (3) revised the territory and governing board of the Conservancy; and (4) deleted the requirement for the Conservancy's governing board to study and report on potential environmental and recreational uses of Ballona Creek and adjacent lands.			

<b>BILL (AUTHOR)</b>	<b>TOPIC</b>	<b>OFFICE</b>	<b>STATUS</b>	<b>CODE SECTIONS AFFECTED</b>
<b>SB 1521 (Alarcon)</b>	<b>Displaced Janitor Opportunity Act</b>  <b>Summary:</b> Under existing law, contractors and subcontractors, on or after January 1, 2002, who provide janitorial or building maintenance services, are required to retain employees of the previously terminated contractors and subcontractors for a period of 60 days under specified circumstances.  This bill would have extended the specified transition employment period from 60 to 90 days and subject property owners to the notice and retention requirements of existing law.	<b>BPM PS</b>	<b>Vetoed</b>	<i>An act to amend Sections 1060, 1061, and 1063 of the Labor Code, relating to employment</i>
<b>SB 1754 (Battin)</b>	<b>State property: use of real property: Department of General Services</b>  <b>Summary:</b> Would have provided that the final determination of the use of existing state-owned and state-leased office space that is currently under the jurisdiction of the DGS by state agencies shall be made by the DGS with the concurrence of the DOF.	<b>PS</b>	<b>Vetoed</b>	<i>An act to add Section 14682 to the Government Code, relating to state property</i>
<b>SB 1760 (Perata)</b>	<b>Sovereign immunity: waiver: Americans with Disabilities Act of 1990</b>  <b>Summary:</b> Would have: (1) provided that the state consents to being sued in state or federal court by any person seeking to enforce his/her rights under the Americans with Disabilities Act of 1990; and (2) waived the state's immunity under the US Constitution if such an action were filed.	<b>DSA</b>	<b>Vetoed</b>	<i>An act to add Section 128 to the Government Code, relating to sovereign immunity</i>
<b>SB 1841 (Bowen)</b>	<b>Electronic monitoring of employees</b>  <b>Summary:</b> Would have established the right to privacy for both public and private sector employees by requiring employers to give their employees clear and conspicuous notice of the fact that they engage in electronic monitoring of their workplace activities and communications.	<b>OHR</b>	<b>Vetoed</b>	<i>An act to add Section 436 to the Labor Code, relating to electronic monitoring of employees</i>

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
SB 1851 (Bowen)	<p><b>State buildings and publicly funded schools: standards</b></p> <p><b>Summary:</b> Would have expanded on existing law and required that all new state buildings (except publicly-funded schools) exceed the building energy efficiency standards mandated by the CBSC.</p> <p>State office buildings, under construction after July 1, 2007, would also have been required to follow green building standards as adopted by the California Integrated Waste Management Board.</p>	<p><b>DSA</b> <b>OPSC</b> <b>PM</b></p>	<p><b>Vetoed</b></p>	<p><i>An act to amend Sections 15814.31 and 15814.34 of, to amend and repeal Section 15814.30 of, and to add Sections 15814.30.2, 15814.30.5, and 15814.31.5 to, the Government Code, relating to state property</i></p>
SB 1892 (Burton)	<p><b>Personal services contracts</b></p> <p><b>Summary:</b> Would have made changes to the current notification and review/hearing requirements for personal services contracts entered into by state agencies.</p>	<p><b>OLS</b></p>	<p><b>Vetoed</b></p>	<p><i>An act to amend Section 19130 of, and to repeal and add Sections 19131 and 19132 of, the Government Code, and to repeal and add Section 10337 of the Public Contract Code, relating to public contracts</i></p>