

Department of General Services

2005 Legislative Summary

**Office of Legislation
October 2005**



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FORWARD

This report provides an overview of legislation that affected the Department of General Services (DGS) in 2005.

During the first year of the 2005-06 Legislative Session, the DGS Office of Legislation monitored and reviewed 3,230 measures and provided an assessment on over 139 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 2006 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 carol.ferreira@dgs.ca.gov.

A handwritten signature in black ink, appearing to read "Doug Hoffner". The signature is fluid and cursive, with a long horizontal stroke at the end.

**DOUG HOFFNER, Assistant Director-Legislation
Department of General Services**

OFFICE ACRONYMS USED IN THE 2005 LEGISLATIVE SUMMARY

ALL	ALL DGS OFFICES
AUDITS	OFFICE OF AUDIT SERVICES
APE	ASSET PLANNING AND ENHANCEMENT BRANCH, REAL ESTATE SERVICES DIVISION
BPM	BUILDING AND PROPERTY MANAGEMENT BRANCH, REAL ESTATE SERVICES DIVISION
DSA	DIVISION OF THE STATE ARCHITECT
EEO	OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY
IT	INFORMATION TECHNOLOGY
OFA	OFFICE OF FLEET ADMINISTRATION
OFS	OFFICE OF FISCAL SERVICES
OHR	OFFICE OF HUMAN RESOURCES
OL	OFFICE OF LEGISLATION
OLS	OFFICE OF LEGAL SERVICES
OPSC	OFFICE OF PUBLIC SCHOOL CONSTRUCTION
ORIM	OFFICE OF RISK AND INSURANCE MANAGEMENT
OSP	OFFICE OF STATE PUBLISHING
PD	PROCUREMENT DIVISION
PM	PROJECT MANAGEMENT BRANCH, REAL ESTATE SERVICES DIVISION
PS	PROFESSIONAL SERVICES BRANCH, REAL ESTATE SERVICES DIVISION
TD	TELECOMMUNICATIONS DIVISION

LEGISLATIVE SUMMARY OF BILLS ENACTED IN 2005

**UNLESS OTHERWISE INDICATED, THESE STATUTES
BECOME EFFECTIVE JANUARY 1, 2006**

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BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 42 (Nunez)	Secretary of State and State Archives Building Complex: museum	PS PM	6	<i>An act to amend Section 12174 of the Government Code, relating to museums, and declaring the urgency thereof, to take effect immediately</i>
	Summary: Allows the Secretary of State to enter into an operating agreement with the successor entity to the Golden State Museum Public Benefit Corporation to administer and manage a museum within the Secretary of State and State Archives Building Complex. In addition to preserving the State's rich cultural, social, and political history, the Museum will also house a first ever Women's History Museum. (Urgency Clause-effective date is March 15, 2005).			
AB 124 (Dymally)	Civil service: equal opportunity programs	EEO	644	<i>An act to amend Sections 19790, 19791, 19792, 19792.5, 19793, 19794, 19795, 19796, 19797, and 19798 of, to amend the heading of Chapter 12 (commencing with Section 19790) of Part 2 of Division 5 of Title 2 of, and to add Section 19798.5 to, the Government Code, relating to state civil service</i>
	Summary: Clarifies current equal employment opportunity (EEO) requirements and clearly expresses the State's EEO and non-discrimination policy in statute.			
AB 139 (Committee on Budget)	State government	OL	74	<i>An act to amend Sections 1721.5, 2154.4, 2499, 2529.5, 2534, 2568, 2687, 2894, 2981, 3455, 3520, 3771, 4974, 4984.6, 4994, 5683, 6980.81, 6980.82, 7599.71, 7599.74, 7886, 9872, and 17206 of the Business and Professions Code, to amend Section 1789.30 of the Civil Code, to repeal Article 13 (commencing with Section 14095) of Chapter 1 of part 5 of Division 3 of Title 1 of the Corporations Code, to add Section 4101.3 to the Food and Agricultural Code, to amend Sections 7076, 11011, 11044, 11260, 14612.2, 14670, 15849.6, 15863, 16427, 22877, 68085, 68085.5, 69926.5, and 71386 of, to amend and repeal Sections 11139.8</i>
	Summary: Makes the statutory changes necessary for implementation of the Budget Act of 2005 relative to State government administration. (Urgency Clause-effective date is July 19, 2005).			
	Section 28 makes changes to conform to the requirements of Proposition 60A, including a definition of "proceeds" for purposes of revenue distribution.			
	Sections 30, 35, 55, and 61 through 64 streamline the current reporting process by consolidating duplicative reports to the Legislature and making the DGS solely responsible for providing this information to the Legislature in one report rather than having each awarding agency report separately.			
	Section 31 addresses a technical accounting issue, ensuring that the DGS and the State Controller's			

**BILL
(AUTHOR)**

TOPIC

OFFICE

CHAPTER

**CODE
SECTIONS
AFFECTED**

current practice for the handling of prepayments conforms to statutory requirements.

Section 33.5 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. This section shall remain operative only until the effective date of the Budget Act of 2006 or July 1, 2006, whichever is later, and as of January 1, 2007, is repealed.

Section 34 creates the Property Acquisition Law Money Account for the purpose of supporting the management of the State's real property assets. This provision would now restructure the current process and direct revenues from leases executed by the DGS to this newly-created account.

Section 36 contains legislative intent language that the DGS, the University of California (UC), and the Public Employees' Retirement System regularly meet and share information regarding each agency's procurement of prescription drugs in an effort to identify and implement opportunities for cost savings in connection with this procurement. Further, this section requires that no later than January 10, 2006, and annually thereafter, the DGS shall report to the chairperson of the Joint Legislative Budget Committee and the chairs of the fiscal committees of the Legislature on any joint activities of the department, the UC, and the Public Employees' Retirement System in the last 12 months in connection with procurement of prescription drugs and any resulting cost savings.

Section 39 states that the net proceeds of any sale shall be deposited in the Deficit Recovery Bond Retirement Sinking Fund Subaccount until the time that the bonds issued pursuant to the Economic Recovery Bond Act are retired.

Section 60 repeals the sunset date for PCC Section 6611 which allows the DGS to negotiate amendments to competitively awarded contracts when it is in the best interest of the State to do so.

Section 61 creates a new reporting requirement (PCC Section 10111) and requires the DGS, commencing on January 1, 2007, to provide a report on contracting activity that contains information on consulting services, small business and DVBE participation, including microbusinesses, along with the level of participation of business enterprises by race, ethnicity, and gender of owner to the extent that this information has been voluntarily reported to the DGS.

and 14840 of, and to add Sections 9147.5, 11544, 12587.1, 14982, 15849.7, 68085.6, 68085.7, and 68085.8 to, the Government Code, to amend Sections 50517.10, 50601, 50603, 50710.1, and 53533 of the Health and Safety Code, to amend Section 96.7 of the Labor Code, to amend Section 1401 of, to amend and repeal Section 999.7 of, and to add Sections 1402 and 1403 to, the military and Veterans Code, to amend Section 1214.1 of the Penal Code, to amend Section 6611 of, to amend and repeal Sections 10115.5, 10116, and 10359 of, and to add Section 10111 to, the Public Contract Code, to add Section 42102 to the Public Resources Code, to amend Section 5003.2 of the Public Utilities Code, to amend Sections 97.76, 6479.3, 19183, and 19701 of, and to add Sections 18631.7 and 19523.5 to, the Revenue and Taxation Code, to add Section 9619 to the unemployment Insurance Code, to add Chapter 3.2 (commencing with Section 18220) to part 6 of Division 9 of the Welfare and Institutions Code, and to amend Section 16 of Chapter 876 of the Statutes of 2003, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

**AB 193
(Maze)**

Fish and Game: Mount Whitney Fish Hatchery

PS

563

Summary: Authorizes the Director of the DGS, with the consent of the Department of Fish and Game, to lease the Mount Whitney Fish Hatchery to the Friends of the Mount Whitney Hatchery, as specified.

An act to add Section 1122.5 to the Fish and Game Code, relating to fish and game

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 338 (Levine)	Recycling: crumb rubber	PD	709	<i>An act to add Section 42703 to the Public Resources Code, relating to recycling</i>
	Summary: Requires the Department of Transportation to use asphalt containing crumb rubber on an average with not less than 6.62 pounds of crumb rubber per metric ton of the total amount of asphalt paving materials used for State highway and construction projects that use asphalt as a construction material, on and after January 1, 2007; 8.27 pounds of crumb rubber per metric ton on and after January 1, 2010; and 11.58 pounds of crumb rubber per metric ton on and after January 1, 2013; on and after January 1, 2007, and before January 1, 2015, not less than 50 percent of the asphalt pavement used to comply with the bill's requirements shall be rubberized asphalt concrete. Further, the bill requires that the Secretary of the Business, Transportation and Housing Agency on or before January 1, 2009, prepare a cost analysis differential between asphalt containing crumb rubber and conventional asphalt.			
AB 348 (Arambula)	Small business certification and reciprocity program	PD	185	<i>An act to amend Sections 14839 and 14839.1 of the Government Code, relating to small business programs</i>
	Summary: This bill: (1) specifies that the DGS may accept a small business (SB) certification made by a local agency if it determines that the local agency has applied certification criteria and review processes that are substantially the same or more stringent than those applied by the DGS; and (2) requires the Office of Small Business and Disabled Veteran Business Enterprise Services to make efforts to develop, in cooperation with associations representing counties, cities, and special districts, a core Statewide SB certification application that may be adopted by all participating entities.			
AB 351 (Chu)	State claims	PS OPSC	124	<i>An act relating to the payment of judgment and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>
	Summary: Among other things, appropriates \$220,000 from the Earthquake Safety and Public Buildings Rehabilitation Fund to the DGS to pay for the settlement case of <u>Mallcraft, Inc. v. State of California, et al.</u> , and \$14,067,219.89 from the General Fund to the DGS to pay for the judgment in the case of <u>Williams et al. v. State of California, et al.</u> (Urgency Clause-effective date is July 25, 2005).			
AB 414 (Klehs)	Labor compliance programs: third-party providers	OPSC	606	<i>An act to amend Section 1771.7 of the Labor Code, relating to labor compliance programs</i>
	Summary: Specifies that if an awarding body chooses to contract with a third party to initiate and enforce a labor compliance program (LCP) for a project, as specified, that third party shall not review the payroll records of its own employees or the employees of its subcontractors, and the awarding body or an independent third party, shall review the payroll records for the purpose of the LCP.			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 462 (Tran)	Disability access	DSA	299	<i>An act to amend Section 4454 of the Government Code, relating to disability access, and declaring the urgency thereof, to take effect immediately</i>
<p>Summary: Authorizes the Department of Transportation to certify that projects within the State highway rights-of-way meet the requirements of existing law and that all building structures, sidewalks, curbs, and related facilities are accessible to and usable by persons with disabilities. The bill also stipulates that if the Division of the State Architect establishes a certified access specialist program, then within 180 days of that program's creation, the Department of Transportation must begin using engineers certified through the program to verify that their standards are in compliance with the access statutes. (Urgency clause-effective date is September 22, 2005).</p>				
AB 491 (Goldberg)	Public schools	OPSC	710	<i>An act to amend Sections 17071.75, 17078.27, and 41329.55 of the Education Code, relating to school facilities, and making an appropriation therefor</i>
<p>Summary: Authorizes additional eligibility and set aside of \$500 million from the Kindergarten-University Public Education Facilities Bond Act of 2004 for a school district with school sites meeting specific conditions to provide funding for projects that will relieve overcrowded school conditions; and provides alternative methods for an applicant in the Critically Overcrowded School Facilities Program to calculate enrollment for purposes of determining eligibility for a final apportionment for a project funded by the Kindergarten-University Public Education Facilities Bond Act of 2004. Further, this bill establishes a process for allocating \$1.8 million in funds remaining from a \$15 million appropriation in 2004 to reimburse county offices of education for extraordinary costs associated with school site visits required pursuant to the <u>Williams v. State of California</u> settlement agreement and clarifies the authority of the California Infrastructure and Economic Development Bank to offer variable interest rates on bonds.</p>				
AB 574 (Wolk)	Recycled concrete	PM	693	<i>An act to add Division 12.3 (commencing with Section 16000) to the Public Resources Code, relating to recycled concrete</i>
<p>Summary: Establishes a mechanism for encouraging the use of recycled concrete as an alternative to virgin concrete. Specifically, this bill: (1) defines "recycled concrete"; (2) allows recycled concrete to be used in construction contracts if the end user has been fully informed that the material may contain recycled concrete materials; (3) prohibits recycled concrete from being offered, sold, or otherwise provided to the Department of Transportation or the DGS for any project unless specifically requested and approved by either department; and (4) does not supercede the requirements of the Uniform Building Code or other provisions of law.</p>				
AB 610 (Calderon)	Telecommunications: mobile telephony services	TD	511	<i>An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications</i>
<p>Summary: Adds text messaging and Internet usage and charges to the services for which cellular telephone users can receive reasonably current and available information from their wireless service providers.</p>				

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED	
AB 882 (Nation)	School facilities: contracts with certified architects or structural engineers	DSA	28	<i>An act to amend Section 17316 of the Education Code, relating to school facilities</i>	
<p>Summary: Requires a school district that reuses architectural and engineering plans and retains another certified architect or structural engineer to adjust those plans to a different site, to indemnify and hold harmless the original certified architect or structural engineer and their consultants, agents, and employees, from and against any claims, damages, losses, expenses, including attorney's fees, arising out of or resulting from, in whole or in part, the reuse of those plans.</p>	AB 961 (Committee on Higher Education)	Postsecondary education: Golden State Scholarshare Trust: Board of Governors of the California Community Colleges: California Educational Facilities Authority: California State University	PS	318	<i>An act to amend Sections 69980, 69981, 69982, 69983, 69984, 69986, 69989, 69990, 69992, 69993, and 89903 of, and to add Section 94103 to, the Education Code, to amend Section 10708 of the Public Contract Code, and to amend Section 1 of Chapter 402 of the Statutes of 2001, relating to postsecondary education, and making an appropriation therefor</i>
<p>Summary: Makes various technical, clarifying, administrative, and non-controversial changes to higher education-related provisions of current law relating to the Golden State Scholarshare Trust Program, the California Educational Facilities Financing Authority, and the California State University.</p>	AB 1007 (Pavley)	Air quality: alternative fuels	OFA	371	<i>An act to add Article 6.5 (commencing with Section 43865) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to air pollution</i>
<p>Summary: Requires the development and adoption of a State plan to increase the use of alternative transportation fuels by 2007. The Energy Commission and Air Resources Board will work to develop recommendations in consultation with other agencies.</p>	AB 1125 (Pavley)	Rechargeable Battery Recycling Act	PD	572	<i>An act to add Chapter 8.4 (commencing with Section 42451) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste</i>
<p>Summary: Enacts the Rechargeable Battery Recycling Act of 2006 and requires retailers of rechargeable batteries, by July 1, 2006, to establish a system for accepting rechargeable batteries for reuse, recycling, or proper disposal.</p>	AB 1270 (Gordon)	School facilities: modernization reimbursement: El Segundo Unified School District	OPSC	33	<i>An act relating to school facilities</i>
<p>Summary: Permits modernization grant funding for a modernization project of the El Segundo Unified School District if the District executed a construction contract for that project after May 27, 1998.</p>					

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1400 (Laird)	Civil Rights Act	DSA	420	<i>An act to amend Sections 51, 51.5, 51.7, 51.8, and 53 of the Civil Code, relating to civil rights</i>
	Summary: Clarifies and expands upon the Unruh Civil Rights Act and prohibits businesses from discriminating against an individual because of their sexual orientation or marital status. (These two categories would be in addition to discrimination based on sex, race, color, religion, ancestry, national origin, disability, or medical condition, which are currently prohibited.) The bill also makes legislative findings and declarations, and adds definitions for “religion”, “sex”, and “sexual orientation”, as well as language addressing the perception of characteristics relative to these categories.			
AB 1497 (Baca)	Government real property	PS	541	<i>An act relating to government real property, and declaring the urgency thereof, to take effect immediately</i>
	Summary: States that under a particular quitclaim deed, real property was transferred to the Redevelopment Agency of the City of San Bernardino with a specified use restriction and the State has the right to reenter and take possession of the real property and to cause the title to the property to revert to the State if the use restriction is violated. The bill also states that the Legislature recognizes and acknowledges that the property transferred to the San Bernardino City Unified School District for use as a recreational field will be accessible to the public and is in compliance with the purposes and intent of the use restriction. (Urgency Clause-effective date is October 5, 2005).			
AB 1660 (Pavley)	Vehicular air pollution: energy-efficient vehicles	PD	580	<i>An act to add Article 1.5 (commencing with Section 43810) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, and to add Chapter 8.4 (commencing with Section 25725) to Division 15 of the Public Resources Code, relating to air pollution</i>
	Summary: Creates a State and local government group purchasing program within the DGS to facilitate the purchase of energy efficient vehicles at the lowest possible purchase price. This bill would require the DGS to: (1) establish an advisory committee (Committee), in cooperation with local and State agencies, no later than April 1, 2006 and convene a meeting of the Committee at least once within 30 days after all members are appointed; (2) require the Committee to consult with the DGS regarding the design of the program and other matters relating to the purchase of energy efficient vehicles no later than July 30, 2006; (3) notify all affected agencies about the purchasing program through the DGS’ web site and publications, the web sites of appropriate associations, governing boards of local agency associations, and other cost-effective means; and (4) negotiate contracts, through competitive means and other appropriate strategies, for the purchase of energy-efficient vehicles at the lowest possible price from one or more reliable vendors.			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
AB 1663 (Jones)	Capitol Area Plan: construction of facilities	PS PM APE	413	<i>An act to amend Section 8169.6 of the Government Code, relating to state building construction</i>
	<p>Summary: Authorizes the West End Project to include residential and additional commercial space subject to all of the following conditions: inclusion of residential and additional commercial space shall not reduce the scope of the approximately 1,400,000 gross square feet of office space; inclusion of residential and additional commercial space shall not expand the State's cost beyond that authorized in statute (\$391 million); any cost associated with the residential space shall not be funded by any lease revenue bonds authorized for the project; the DGS may sell, lease, or otherwise transfer a portion of the parcel not used to develop the approximately 1,400,000 gross square feet of office space to the Capitol Area Development Authority (CADA) created by the joint powers agreement, a private developer, or both, for the residential or additional commercial development; the residential and additional commercial development may be funded and constructed by the CADA, a private developer, or both. To address security concerns, no part of the residential development may be included in the same structure as the approximately 1,400,000 gross square feet of office space. This restriction applies to residential living quarters, residential parking, and any utilities necessary for the residential development.</p>			
AB 1725 (La Malfa)	Veterans' homes	PS PM	460	<i>An act to amend Section 15819.60 of the Government Code, and to amend Section 1104.2 of the Military and Veterans Code, relating to veterans</i>
	<p>Summary: Authorizes the DGS to use the design build construction process for veteran's homes in both Fresno and Redding. The use of the design build method will provide for a more effective and efficient delivery of these two projects.</p>			
ACR 49 (Frommer)	Caltrans Workers Memorial Day	BPM	31	<i>Relative to Caltrans Workers Memorial Day</i>
	<p>Summary: Designates April 14, 2005, as Caltrans Workers' Memorial Day. This measure would also direct the DGS to place a plaque on the Capitol grounds commemorating the sacrifice of Caltrans workers.</p>			
ACR 67 (Plescia)	Wadie P. Deddeh State Office Building	PS BPM	100	<i>Relative to the Wadie P. Deddeh State Office Building</i>
	<p>Summary: Designates the Department of Transportation District 11 office building in San Diego as the Wadie P. Deddeh State Office Building.</p>			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 63 (Committee on Budget and Fiscal Review)	Education finance	OL	73	<p><i>An act to amend Sections 2558.46, 8484.7, 8484.8, 41203.1, 42238.146, 44219, 44227, 44244, 52055.600, 52055.605, 52055.610, 52055.650, 52058, 56504.5, 56836.11, 56836.115, 56836.165, and 69522 of, to add Sections 44242.3 and 84754.5 to, and to add Article 5.6 (commencing with Section 69616) to Chapter 2 of Part 42 of, the Education Code, to amend Section 17581.5 of the Government Code, to amend Section 1529.2 of the Health and Safety Code, to amend Section 270 of the Public Utilities Code, and to amend Section 903.7 of the Welfare and Institutions Code, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i></p>
SB 115 (Florez)	California Disabled Veteran Business Enterprise Program	PD	451	<p><i>An act to amend Section 14845 of the Government Code, and to amend Sections 999, 999.5, 999.7, 999.11, and 999.12 of the Military and Veterans Code, relating to veterans</i></p>
SB 130 (Margett)	Works of improvement: stop notices	PS PM	15	<p><i>An act to amend Section 3262 of the Civil Code, relating to works of improvement</i></p>
	<p>Summary: This bill is the annual budget trailer bill for education finance. (Urgency Clause-effective date is July 19, 2005).</p> <p>Summary: Makes various changes to the Disabled Veteran Business Enterprise (DVBE) Program to implement recommendations made by the State Auditor to improve the administration of the DVBE Program. This includes provisions requiring the DGS to establish a DVBE participation incentive to bidders that would be mandatory for all State agencies, along with defining the roles and responsibilities of the DGS Office of Small Business Advocate, the California DVBE advocate within the Department of Veterans Affairs, and the DVBE advocate appointed by each department.</p> <p>Summary: Provides that a stop notice claimant on a work of improvement may reduce or release a stop notice served on an owner, and that any such reduction or release would not preclude service of subsequent stop notices which are timely and proper. Also allows the use of a stop notice release in a form other than that currently provided in statute.</p>			

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 245 (Battin)	Department of General Services: use of State property	PS PM	107	<i>An act to add Section 14682 to the Government Code, relating to state property</i>
<p>Summary: Contains legislative intent language regarding the jurisdiction of the DGS over construction, facilities, and real property along with a provision that states that existing State-owned or State-leased facilities shall be fully utilized by State agencies before entering into new leases by the DGS in order to better control facility use by State agencies. In addition, the bill provides that: (1) the final determination of the use of existing State-owned and State-leased facilities that are currently under the jurisdiction of the DGS by State agencies shall be made by the DGS; and (2) an agency that requests to acquire new facilities through lease, purchase, or construction shall first consider the utilization of existing State-owned, State-leased, or State-controlled facilities before considering the leasing of additional facilities on behalf of a State agency. If no available appropriate State facilities exist, the DGS shall procure approved new facilities that meet the agencies' needs using cost efficiency as a primary criterion, among other agency specific criteria.</p>				
SB 512 (Committee on Education)	Education omnibus	OPSC	677	<p><i>An act to amend Section 1798.3 of the Civil Code, to amend Sections 1240, 1628, 1629, 8092, 8208, 8212, 8222, 8226, 8352, 8421, 17592.70, 38101, 35186, 41327.2, 41344, 41344.1, 41402, 41511, 41521, 41530, 41976, 41976.5, 42127, 42132, 42282, 42282.1, 42285, 42285.2, 44225.6, 44252.1, 44258.9, 44664, 45037, 48660.2, 48900.8, 48980, 49423, 49423.1, 51226.1, 52515, 52520, 52570, 52571, 52572, 54749, 56195.7, and 56362.7 of, to add Sections 42285.4, 44265.6, and 56836.07 to, to repeal Section 52247 of, and to repeal and add Section 48213 of, the Education Code, to amend Section 7572.5 of the Government Code, to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, to amend Section 34501.5 of the</i></p>
<p>Summary: This is the annual omnibus education bill. One of the bill's provisions changes the eligibility criteria for school district participation in the School Facilities Needs Assessment Grant Program, administered by the State Allocation Board. (Urgency Clause-effective date is October 7, 2005).</p>				

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 543 (Margett)	State Water Project	TD	263	<p><i>Vehicle Code, to amend Section 11 of Chapter 14 of the Statutes of 2003, to amend Item 6110-183-0890 of Section 2.00 of Chapter 208 of the Statutes of 2004, and to amend Section 18 of Chapter 895 of the Statutes of 2004, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i></p> <p><i>An act to amend Section 14666.8 of the Government Code, and to add Chapter 6.5 (commencing with Section 12899) to Part 6 of Division 6 of the Water Code, relating to water</i></p>
SB 548 (Morrow)	State construction projects: insurance	ORIM	106	<p><i>An act to amend Section 11007 of the Government Code, relating to state construction projects</i></p>
SB 719 (Romero)	Police pursuits	ORIM	485	<p><i>An act to amend Section 13955 of the Government Code, to amend Section 13519.8 of the Penal Code, and to amend Sections 2800.1, 2800.3, and 14602.1 of, and to add Sections 1666.1 and 2911 to, and to amend,</i></p>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 731 (Torlakson)	State and local government	PD OLS	270	<p><i>repeal, and add Section 17004.7 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor</i></p> <p><i>An act to amend Section 44015 of the Health and Safety Code, to amend Section 5103 of the Public Contract Code, to amend Sections 5090.02, 5090.09, and 5090.35 of the Public Resources Code, to amend Section 21706 of the Public Utilities Code, to amend Section 140.3 of the Streets and Highways Code, and to amend Sections 285, 2250, 4601, and 24602 of the Vehicle Code, relating to state and local government</i></p>
SB 796 (Figueroa)	State government operations: accountability	PD	686	<p><i>An act to add and repeal Article 10 (commencing with Section 11364) of Chapter 3.5 of Division 3 of Title 2 of, and to add and repeal Chapter 22.5 (commencing with Section 7528) of Division 7 of Title 1 of, the Government Code, relating to state government operations</i></p>

Summary: This bill makes technical and clarifying changes in the law and repeals obsolete statutory provisions. Among other things, the bill specifies, for the purposes of public works contracting, that weekend days and holidays are not counted as part of the five-day period after a bid has been submitted to a public agency in which the bidder has the opportunity to claim that the bid includes a mistake.

Summary: Establishes the Government Modernization, Efficiency, Accountability, and Transparency Act of 2005, which requires State agencies to provide specified information on their web sites to assist consumers in obtaining government services.

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 828 (Maldonado)	Public contracts Summary: This DGS-sponsored bill: (1) exempts transactions for the purchase of goods and services with a value of \$2,500 or less from statutes that require the contractors to certify/attest that they adhere to specific requirements and prohibitions; and (2) eliminates the December 31, 2005, sunset date for the Office of State Publishing advertising program.	PD	381	<i>An act to amend Sections 8355 and 12990 of, and to amend and repeal Section 14851 of, the Government Code, to amend Sections 6108, 10286.1, 10295.1, and 10296 of the Public Contract Code, and to amend Sections 42480 and 42498 of the Public Resources Code, relating to public contracts</i>
SB 837 (Dutton)	Alternative Protest Pilot Project Summary: This DGS-sponsored bill: (1) continues the Alternative Protest Pilot Project (APPP) until December 31, 2011; (2) renames the APPP as the "Alternative Protest Process" and requires the DGS to submit to the Legislature a report and recommendations regarding the Alternative Protest Process on or before January 1, 2007, and on or before January 1, 2010; and (3) repeals the sunset date for Public Contract Code Section 6611 which allows the DGS to negotiate amendments to competitively-awarded contracts when it is in the best interest of the State.	PD	272	<i>An act to amend Sections 6611, 12125, 12126, and 12129 of, to amend and repeal Section 12128 of, and to repeal Section 12130 of, the Public Contract Code, relating to public contracts</i>
SB 911 (Dunn)	Telecommunications: 911 system Summary: Allows an emergency 911 call originating from a cellular telephone to be answered by an alternative public safety agency rather than the California Highway Patrol if the call is made from a location other than a freeway.	TD	21	<i>An act to amend Section 2892 of the Public Utilities Code, relating to telecommunications</i>
SB 954 (Figueroa)	Information technology goods and services: procurement Summary: Requires the DGS to establish policies and guidelines for the procurement of information technology goods and services by January 1, 2007. (Urgency Clause-effective date is October 5, 2005).	PD	556	<i>An act to add Sections 12103.5, 12104, and 12104.5 to the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately</i>

BILL (AUTHOR)	TOPIC	OFFICE	CHAPTER	CODE SECTIONS AFFECTED
SB 975 (Ashburn)	Air quality: biodiesel fuel Summary: Permits public agencies and utilities to use biodiesel fuel in retrofitted vehicles and off-road diesel engines, thus encouraging more widespread use of the fuel and potentially reducing reliance on foreign oil. Biodiesel fuel is a domestically produced alternative fuel that burns cleaner than conventional fuels and is often derived from waste products.	OFA	365	<i>An act to add and repeal Article 6 (commencing with Section 43860) of Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to air pollution</i>
SB 1054 (Soto)	Charter schools: California Building Standards Code Summary: Requires that charter school facilities comply with the California Building Code, Title 24 of the California Code of Regulations as adopted and enforced by the local building enforcement agency.	DSA	87	<i>An act to amend Section 47610 of, and to add Section 47610.5 to, the Education Code, relating to charter schools</i>
SB 1106 (Committee on Environmental Quality)	Public contracts: procurement: recycled goods: solid waste Summary: Enacts numerous changes that will clean up and clarify recycled content procurement requirements and certain provisions of the California Integrated Waste Management Act. Among other things, it provides that departments may waive the written certification requirement for recycled content if they can ascertain the percentage of recycled material from the product label, vendor web site, or other source.	PD	590	<i>An act to amend Section 12200 of, to amend the heading of Chapter 4 (commencing with Section 12150) of Part 2 of Division 2 of, to add Sections 6615, 12201, 12203, 12207, 12209, 12211, 12215, and 12217 to, to add Article 3.5 (commencing with Section 22150) to Part 3 of Division 2 of, to repeal Sections 10233, 10308.5, 10354, 10507, 12150, 12155, 12157, 12158, 12159, 12160, 12161, 12162, 12162.5, 12163, 12164, 12168, 12169, 12181, 12182, 12185, 12210, 12213, 12225, and 12226 of, to repeal Article 8.5 (commencing with Section 10855) of Chapter 2.5 of, and Article 2.1 (commencing with Section 12170) of Chapter 4, of Part 2 of Division 2 of, and to repeal and add Section 12205 of, the Public Contract Code, and to amend Sections 40183, 42920, 49120, and 49300 of, and to repeal Chapter 4 (commencing with Section 42200) of, and Chapter 6 (commencing with Section 42360) of, Part 3 of Division 30 of, the Public Resources Code, relating to public contracts</i>

LEGISLATIVE SUMMARY OF BILLS VETOED IN 2005

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AB 47 (Cohn)	Public contracts: Department of Corrections and Rehabilitation: medical care services	OLS	Vetoed	<i>An act to add and repeal Section 19135 to the Government Code, relating to public contracts</i>
	Summary: Would have prohibited, until January 1, 2009, the DGS from authorizing the California Department of Corrections and Rehabilitation to enter into a medical care services contract without seeking competitive bids for that contract, except as specified.			
AB 54 (Negrete McLeod)	Surplus state property	PS	Vetoed	<i>An act to amend Section 11011.21 of the Government Code, to amend Section 12 of Chapter 1087 of the Statutes of 1985, and to amend Section 10 of Chapter 974 of the Statutes of 2002, relating to state property, and making an appropriation therefor</i>
	Summary: This bill was the DGS' annual surplus property bill and is necessary to dispose of any excess properties identified by State agencies as required by Government Code Section 11011. One of the bill's provisions required the DGS to initiate a California Environmental Quality Act (CEQA) process on the properties identified prior to any sale, lease, or exchange. Historically, surplus properties have generally been exempted from the CEQA process since the developer must provide for CEQA when the property is eventually developed.			
	The Governor noted in his veto message that applying the CEQA process to these surplus properties prior to sale may result in unnecessary litigation, prolonged escrow periods, and missed opportunities for the State to reduce its financial obligations under the voter approved Proposition 60A. Therefore, he requested the DGS to work with the Legislature to correct this amendment and pass legislation to exempt the State and these properties from the CEQA process.			
AB 57 (Levine)	Public works: prevailing wages	PM	Vetoed	<i>An act to amend Section 1773.1 of the Labor Code, relating to public works</i>
	Summary: Would have provided that an employer may not credit pension or other contributions against their prevailing wage obligations unless the employer makes the contribution on no less than a quarterly basis.			
AB 76 (Frommer)	Office of Pharmaceutical Purchasing	PD	Vetoed	<i>An act to amend Section 12803 of, to add Part 5.4 (commencing with Section 14570) to, and to repeal Chapter 12 (commencing with Section 14977) of Part 5.5 of Division 3 of Title 1 of, the</i>
	Summary: Would have created the Office of Pharmaceutical Purchasing (Office) within the Health and Human Services Agency and transferred the pharmaceutical drug purchasing functions of the DGS to the Office. This bill would have also required the Office to be the purchasing agency for the California State University, any other State agency as directed by			

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
	the Governor, and other entities that elect to participate in the purchasing program.			<i>Government Code, relating to pharmaceuticals</i>
	In his veto message, the Governor directed the DGS to investigate and implement options and strategies to achieve the greatest savings possible on prescription drugs and undertake the following activities to the extent they are feasible and would help control prescription drug costs: (1) identify opportunities for the DGS, University of California, and the California Public Employees' Retirement System to coordinate procurement information, consolidate drug procurement, or engage in other joint activities that will result in cost savings; and (2) pursue opportunities for the State and other eligible entities to achieve savings through the appropriate use of generic drugs and through the federal 340B Program.			
AB 239 (Horton, Jerome)	Governor's Budget: services contracts	OLS	Vetoed	<i>An act to add Section 12025 to the Government Code, relating to the Governor's Budget</i>
	Summary: Would have required the Governor to submit with the Budget a report that contains specific information regarding current and proposed contracts for services.			
AB 313 (Ruskin)	Department of Corrections: notice: parole offices	PS	Vetoed	<i>An act to amend Section 14681.5 of the Government Code, relating to parole</i>
	Summary: Would have required that when notifying specified public officials of the location or relocation of a parole office, the written notification shall be accompanied with an approval form. If a specified official or entity objected to the proposed location of a parole office, the California Department of Corrections, California Youth Authority, or the DGS would hold a public hearing on the proposal to publicly consider the proposal and the objection.			
AB 499 (Leno)	Public contracts: preferences: small and local businesses: San Francisco Community College District	PD	Vetoed	<i>An act to add and repeal Section 2002.3 of the Public Contract Code, relating to public contracts</i>
	Summary: Would have authorized the San Francisco Community College District to provide a small business preference on a five-year pilot project basis that may include a requirement for each solicitation that the small business be located in a geographic area no smaller than the jurisdiction of the District or no greater than the member counties of the Association of Bay Area Governments, which includes the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.			

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 524 (Chan)	Public contracts: offshore jobs	PS PM	Vetoed	<i>An act to add and repeal Section 10360 of the Public Contract Code, relating to public contracts</i>
	Summary: Would have the DGS require all successful bidders on State services contracts to complete a standard questionnaire and report on the portions of the contract that would be performed by subcontractors or employees outside the United States and the percentage of the total contract that this work would represent. This reporting requirement would have expired on January 1, 2009.			
AB 593 (Frommer)	State property: California Hope Endowment and California Hope Public Trust	PS PM	Vetoed	<i>An act to add and repeal Chapter 11.7 (commencing with Section 66970) of Part 40 of the Education Code, to amend Sections 11011 and 54221 of, and to add and repeal Part 11.5 (commencing with Section 15870) of Division 3 of Title 2 of, the Government Code, relating to state property</i>
	Summary: Would have established the California Hope Public Trust (Trust) and California Hope Endowment in State government. The Trust, among other things, would manage and control State land and buildings for the accommodation of all State agencies. The bill would have authorized the Trust to acquire and dispose of land and buildings, construct and maintain buildings, conduct studies and surveys with regard to future office and building space needs for the State, as well as construct buildings suitable for commercial use and lease any portion of the property or premises to any public or private entity, enter into joint ventures, approve loans or other financing for projects undertaken by the Trust, and contract with the DGS for the management and maintenance of properties in the possession of the Trust. This Trust would be administered by a nine-member board consisting of appointees from the Governor, the Secretary of State and Consumer Services Agency, the Speaker of the Assembly, the Senate Rules Committee, the Treasurer, and the Controller.			
AB 609 (Lieber)	Agnews Developmental Center: closure	PS	Vetoed	<i>An act to add Section 4474.3 to the Welfare and Institutions Code, relating to developmental services</i>
	Summary: Would have required the Department of Developmental Services to establish an advisory group to make recommendations to the Legislature on options for retaining the Agnews Developmental Center property or its value for the use of people with developmental disabilities.			
	In his veto message, the Governor indicated that his Administration would continue to work with stakeholders throughout the closure process and welcomed continued discussions about how the State can improve community services provided to people with developmental disabilities.			

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
AB 952 (Coto)	Surplus school property: use of proceeds: East Side Union High School District, Oak Grove Elementary School District, and San Jose Unified School District	OPSC	Vetoed	<i>An act to add and repeal Section 17463.8 of the Education Code, relating to public schools</i>
	Summary: Would have allowed the East Side Union High School District, the Oak Grove Elementary School District, and the San Jose Unified School District, under specified conditions, to deposit proceeds from the sale of surplus real property into the general fund of the school district and to use the proceeds for any one-time general fund purpose. The bill's provisions would have sunset on January 1, 2008.			
AB 1066 (Horton, Jerome)	Public services contracts	OLS	Vetoed	<i>An act to amend Sections 19130 and 19131 of the Government Code, relating to public employment</i>
	Summary: Would have expanded on existing law and: (1) added a condition that a State agency may not submit a personal services contract (contract) if, within the preceding 12 months, it has submitted a contract for the same services by the same contractor and the State Personnel Board has ruled that it did not meet the conditions specified by statute; and (2) required an agency or department that is entering into a contract subject to State Bargaining Unit 12, to notify any affected employee organization of the contract 10 days before entering into it.			
AB 1097 (Mullin)	School facilities: lease-leaseback contracts	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>
	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.			
AB 1297 (Evans)	Buildings: rehabilitation	OPSC	Vetoed	<i>An act to add Section 17591.5 to the Education Code, relating to school facilities</i>
	Summary: Would have required a school district to ensure that facilities have heating, ventilation, and air-conditioning systems that meet the minimum requirements of occupational safety and health standards for indoor air quality.			
AB 1357 (Ruskin)	State motor vehicle fleets	OFA	Vetoed	<i>An act to amend Section 25722.5 of the Public Resources Code, relating to</i>
	Summary: Would have required the Director of the DGS to compile and maintain information on			

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	the number of bifuel natural gas and bifuel propane vehicles purchased or leased by the State during the year, the total number owned or leased as of December 31 of each year, and the total amount of fuel used during the year by those vehicles, itemized by type of fuel, as of December 31 of each year.			<i>state purchases</i>
AB 1374 (Liu)	Seismic Safety Commission	DSA	Vetoed	<i>An act to amend Section 12975.9 of the Insurance Code, relating to seismic safety</i>
	Summary: Under current law, the State levies an assessment on insurance providers to offset the administrative costs of the Seismic Safety Commission. This assessment authority sunsets on June 30, 2007. This bill would have extended the seismic safety assessments from July 1, 2007 to January 1, 2014.			
	In his veto message, the Governor directed the State and Consumer Services Agency to work with the author, the Commission, Office of Emergency Services, the Division of State Architect, the California Business Standards Commission and other stakeholders to explore further opportunities for enhanced seismic safety and increased coordination among the various State agencies involved with seismic issues.			
AB 1524 (Laird)	Coastal resources: property dedications: conservation and open-space easements	PS	Vetoed	<i>An act to amend Section 11005 of the Government Code, and to amend Section 31402.2 of the Public Resources Code, relating to coastal resources</i>
	Summary: Would have required the State Coastal Conservancy to accept offers to dedicate conservation and open space easements that have not been accepted by another public agency or nonprofit organization within 90 days of the expiration date of the outstanding offer, required pursuant to the Coastal Act, and exempted the acceptance from approval by the Department of Finance and the DGS.			
AB 1625 (Klehs)	State government: reports: declarations	ALL	Vetoed	<i>An act to add Section 7550.7 to the Government Code, relating to state reports</i>
	Summary: Would have required every written report submitted to the Legislature by any State agency, board, or commission to include a statement signed by the head of the agency or executive officer or executive director of the board or commission, declaring, subject to a misdemeanor penalty, that the contents of the report are true, accurate, and complete to the best of their knowledge. This requirement would have applied only to individuals appointed by the Governor and confirmed by the Senate, and to the executive officer of the Franchise Tax Board and the executive director of the Board of Equalization.			

BILL (AUTHOR)	TOPIC	OFFICE	STATUS	CODE SECTIONS AFFECTED
SB 327 (Lowenthal)	Public contracts: school districts Summary: Would have prohibited school districts from authorizing public projects and public works contracts without advertising for bids. Further, the bill defined personal property, which is authorized to be purchased without advertising for bids, to include relocatable classrooms.	OPSC	Vetoed	<i>An act to amend Section 20118 of the Public Contract Code, relating to local agency contracts</i>
SB 348 (Figueroa)	International trade Summary: Would have prohibited a State official, including the Governor, from giving consent to the federal government to bind the State to the provisions of a proposed international trade agreement, including but not limited to, government procurement rules, without the explicit consent of the Legislature.	PD OLS	Vetoed	<i>An act to add Chapter 6 (commencing with Section 10700) to Part 2 of Division 2 of Title 2 of the Government Code, relating to international trade</i>
SB 577 (Figueroa)	State government operations: accountability Summary: This bill would have implemented various concepts raised by the California Performance Review related to State government fiscal responsibility and accountability. However, the overall impact of these particular recommendations, taken in isolation, would not have resulted in any savings or reduced costs, but would have increased mandated workload on departments without sufficient resources or offsetting savings.	PD	Vetoed	<i>An act to add Chapter 8.7 (commencing with Section 11830) to Part 1 of Division 3 of Title 2 of the Government Code, relating to state government operations</i>
SB 874 (Romero)	Public contracts Summary: Would have prohibited a State agency from contracting for goods or services with a contractor that does not have and adhere to a written policy providing its full-time employees, as defined, at least five days of regular pay for actual jury service. This bill would have also exempted businesses with 100 or fewer employees from its provisions.	PD	Vetoed	<i>An act to add Section 10295.7 to the Public Contract Code, relating to contracts</i>
SB 952 (Denham)	State property: Department of Corrections: Correctional Training Facility: Soledad Summary: Would have allowed the Director of the DGS to sell, lease, convey, or exchange at fair market value to the city of Soledad 33.5 acres of the California Department of Corrections'	PS	Vetoed	<i>An act relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately</i>

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Correctional Training Facility in Monterey County. The net proceeds of any moneys received from the disposition of any parcels described in this Act would have been paid to the Deficit Recovery Bond Retirement Sinking Fund Subaccount. This bill, an urgency measure, would have only become operative if AB 54 of the 2005-06 Regular Session was enacted.