

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN ASSEMBLY MAY 19, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 806

Introduced by Assembly Member Wiggins
(Coauthor: Assembly Member Matthews)

(Coauthors: Assembly Members Negrete McLeod, Samuelian, and Wolk)

(Coauthor: Senator Alpert)

February 20, 2003

~~An act to amend Section 224 of the Food and Agricultural Code, relating to agriculture. An act to amend Section 19134 of the Government Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 806, as amended, Wiggins. ~~Agriculture: Department of Food and Agriculture Fund~~ *State contracts: personal services.*

Existing law permits state agencies to enter into personal services contracts when certain conditions are met. These conditions include requiring a state agency that enters into a personal services contract for janitorial and housekeeping services, custodians, food service workers, laundry workers, window cleaners, and security guards to include provisions for employee benefits that are valued at least 85% of the state's cost of providing comparable benefits to state employees performing similar duties. For these purposes, existing law defines "benefits" to include health, dental, and vision benefits.



Effective July 1, 2003, existing law (1) requires that state contracts for these types of services also include provisions for employee wages to be valued at least 85% of the wages provided to state employees performing similar duties, (2) defines “benefits” as also including retirement benefits, holiday pay, sick pay, and vacation pay, as provided, and (3) applies these provisions to wages and benefits of employees of subcontractors providing these services in state-leased facilities where the facility is at least 50,000 square feet in area and the state leases all of the occupied floorspace, as defined, of the facility.

This bill, with the exception of the requirements with respect to holiday pay provisions, would exclude from these requirements contracts that are performed by employees of nonprofit organizations that are employed pursuant to a specified license, certificate, community rehabilitation plan, or a habilitation services program.

This bill would take effect immediately as an urgency statute.

~~Existing law directs how funds transferred from the Motor Vehicle Fuel Account to the Department of Food and Agriculture Fund shall be expended. Existing law appropriates \$1,000,000 each fiscal year for emergency detection, eradication, or research of agricultural plant or animal pests or diseases, during the fiscal year. Existing law provides that the remainder of the funds after various expenditures for administrative expenses and the above appropriation is appropriated to the counties.~~

~~This bill would authorize up to \$200,000 from the \$1,000,000 appropriation to be available prior to the end of the fiscal year to be used for small emergency projects that have an estimated cost of \$200,000 or less and that would not otherwise be funded until the following year. The bill would provide that this reserve would not prevent the secretary from submitting a deficiency request to the Department of Finance as may be required for major emergency projects. In the event that a deficiency request is granted in an amount greater than the reserve at the end of the fiscal year, the remaining reserve would revert to the General Fund.~~

Vote: majority ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1.—Section 224 of the Food and Agricultural Code;
2



1 SECTION 1. Section 19134 of the Government Code is
2 amended to read:

3 19134. (a) Personal services contracts entered into by a state
4 agency in accordance with Section 19130 for persons providing
5 janitorial and housekeeping services, custodians, food service
6 workers, laundry workers, window cleaners, and security guard
7 services shall include provisions for employee wages and benefits
8 that are valued at least 85 percent of the state employer cost of
9 wages and benefits provided to state employees for performing
10 similar duties.

11 (b) For purposes of this section, “benefits” includes “health,
12 dental, retirement, and vision benefits, and holiday, sick, and
13 vacation pay.”

14 (c) (1) The Department of Personnel Administration shall
15 establish annually the state employer wage and benefit costs for
16 workers covered pursuant to this section.

17 (2) Benefit costs shall be established using rates based on single
18 employee, employee plus one dependent, and employee plus two
19 or more dependents, or the costs may be based on a blended rate,
20 subject to the determination of the Department of Personnel
21 Administration.

22 (d) In lieu of providing actual benefits, contractors may comply
23 with this section by a cash payment to employees equal to the
24 applicable determination under subdivision (c).

25 (e) Failure to provide benefits or cash-in-lieu to employees as
26 required under this section shall be deemed to be a material breach
27 for any contract for personal services covered by this section.

28 (f) The Department of General Services and the Department of
29 Personnel Administration may adopt guidelines and regulations to
30 implement the requirements of this section.

31 (g) This section applies to all contracts exceeding 90 days.

32 (h) Holiday pay shall be provided to employees of contractors
33 providing services specified in subdivision (a) on any state holiday
34 that the state facility in which the services are being provided is
35 closed.

36 (i) This section ~~shall also apply~~ *applies* to wages and benefits
37 of employees of subcontractors providing services specified in
38 subdivision (a) in state-leased facilities where the facility is at least
39 50,000 square feet area and the state leases all of the occupied
40 floorspace of the facility, *except that floorspace occupied by the*



1 *property manager serving the facility and by the property manager*
2 *serving the facility and by any retail, convenience, or food service*
3 *provider.*

4 *(j) With the exception of subdivision (h), this section does not*
5 *apply to personal services contracts for the services described in*
6 *subdivision (a) performed by employees of nonprofit organizations*
7 *that are employed in accordance with any of the following:*

8 *(1) A special license issued pursuant to Section 1191.5 of the*
9 *Labor Code.*

10 *(2) A special certificate issued pursuant to Section 214 of Title*
11 *29 of the United States Code.*

12 *(3) A community rehabilitation plan described in Sections*
13 *19152 and 19404 of the Welfare and Institutions Code.*

14 *(4) A habilitation services program as described in Sections*
15 *19352 and 19356.6 of the Welfare and Institutions Code.*

16 *SEC. 2. This act is an urgency statute necessary for the*
17 *immediate preservation of the public peace, health, or safety*
18 *within the meaning of Article IV of the Constitution and shall go*
19 *into immediate effect. The facts constituting the necessity are:*

20 *In order to preserve eligibility to bid on state contracts for*
21 *contractors employing persons with developmental disabilities, it*
22 *is necessary that this act take effect immediately.*

23 *as added by Section 2 of Chapter 145 of the Statutes of 2001, is*
24 *amended to read:*

25 ~~224. Money transferred by the Controller to the Department~~
26 ~~of Food and Agriculture Fund from the Motor Vehicle Fuel~~
27 ~~Account pursuant to Section 8352.5 of the Revenue and Taxation~~
28 ~~Code shall be expended by the Secretary of Food and Agriculture~~
29 ~~as follows:~~

30 ~~(a) Five hundred thousand dollars (\$500,000) of the amount~~
31 ~~transferred each fiscal year is hereby appropriated for~~
32 ~~reimbursement for charges for state administrative costs, and for~~
33 ~~departmental and divisional overhead expense apportioned to the~~
34 ~~Department of Food and Agriculture Fund.~~

35 ~~(b) One million dollars (\$1,000,000) each fiscal year is hereby~~
36 ~~appropriated to be used only for emergency detection, eradication,~~
37 ~~or research of agricultural plant or animal pests or diseases, during~~
38 ~~the fiscal year. The Secretary of Food and Agriculture may expend~~
39 ~~the funds with the approval of the Director of Finance. Up to two~~
40 ~~hundred thousand dollars (\$200,000) may be available prior to the~~



1 end of the fiscal year to be used for small emergency projects that
2 have an estimated cost of two hundred thousand dollars
3 (\$200,000) or less and would not otherwise be funded until the
4 following year. This reserve shall not prevent the secretary from
5 submitting a deficiency request to the Department of Finance as
6 may be required for major emergency projects. In the event that a
7 deficiency request is granted in an amount greater than the reserve
8 at the end of the fiscal year, the remaining reserve will revert to the
9 General Fund. At the end of each fiscal year, any unencumbered
10 balance of those funds shall be added to the amount available for
11 payment to counties during the next fiscal year, as provided in
12 subdivision (e).

13 ~~(e) The total amount transferred during each fiscal year less the~~
14 ~~amounts provided in subdivisions (a) and (b), is hereby~~
15 ~~appropriated to be paid to the counties as partial reimbursement for~~
16 ~~county expenses for carrying out agricultural programs authorized~~
17 ~~by this code that are supervised by the department. The payment~~
18 ~~shall be apportioned to the counties by the secretary in relation to~~
19 ~~each county's expenditures to the total amount expended by all~~
20 ~~counties for the preceding fiscal year for such agricultural~~
21 ~~programs, as determined by the secretary. The amount to be~~
22 ~~transferred to any county for a fiscal year may be increased or~~
23 ~~decreased by the secretary to provide that, insofar as those~~
24 ~~transferred unclaimed refundable gas tax funds for apportionment~~
25 ~~to the counties are available, no county shall receive smaller~~
26 ~~combined apportionments of gas taxes and unclaimed refundable~~
27 ~~gas taxes than that county would have received had the gas taxes~~
28 ~~been apportioned without the transfer required by Section 8352.5;~~
29 ~~as determined by the secretary, except that the amount of~~
30 ~~unclaimed refundable gas tax funds to be transferred to any county~~
31 ~~for a fiscal year may be increased or decreased by the secretary to~~
32 ~~compensate for incorrect previous transfers to that county.~~

33 ~~(d) This section shall become operative on July 1, 2003.~~



1	_____
2	CORRECTIONS
3	Heading — Line 3.
4	Text — Pages 4.
5	_____
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