

**Introduced by Senator Burton**

March 3, 2004

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An act to amend Section 19131 of, and to repeal Section 19132 of, the Government Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1892, as introduced, Burton. Personal service contracts.

Existing law permits state agencies to enter into specified personal services contracts to achieve cost savings when certain conditions are met. Among these conditions is a requirement that a state agency that proposes to enter into such a contract notify the State Personnel Board of its intention to do so. Upon receipt of this notification, the board is required to notify organizations that represent state employees that perform the types of work described in the contract. These organizations may request the board to review the proposed contract to determine whether the purpose of entering into the personal services contract is to achieve cost savings.

Existing law also authorizes state agencies to enter into other types of personal services contracts, including an urgent personal service contract, as specified, without notifying the board of its intention to do so. An employee organization that represents state employees may request the board to determine whether these types of contracts are permitted by law.

This bill would repeal the provision of law of law that authorizes an employee organization that represents state employees to request the board to determine whether a proposed personal service contract, of a type that the state agency is not required to notify the board of its intention to enter into, is permitted by law.

This bill would also make technical, nonsubstantive changes to existing law.

Vote: majority. 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 19131 of the Government Code is  
2 amended to read:

3 19131. Any state agency ~~proposing~~ *that proposes* to execute  
4 a contract pursuant to subdivision (a) of Section 19130 shall notify  
5 the State Personnel Board of its intention. All organizations that  
6 represent state employees who perform the type of work to be  
7 contracted, and any person or organization ~~which has filed with the~~  
8 ~~board~~ *that files* a request for notice *with the State Personnel Board,*  
9 shall be contacted immediately by the ~~State Personnel Board~~  
10 *board* upon receipt of this notice so that they may be given a  
11 reasonable opportunity to comment on the proposed contract.  
12 Departments or agencies submitting proposed contracts shall  
13 retain and provide all data and other information relevant to the  
14 contracts and necessary for a specific application of the standards  
15 set forth in subdivision (a) of Section 19130. Any employee  
16 organization may request *the State Personnel Board,* within 10  
17 days of *receipt of the* notification, ~~the State Personnel Board~~ to  
18 review any contract proposed or executed pursuant to subdivision  
19 (a) of Section 19130. The review shall be conducted in accordance  
20 with subdivision (b) of Section 10337 of the Public Contract Code.  
21 ~~Upon such a request, the~~ *The* State Personnel Board shall review  
22 the contract for compliance with the standards specified in  
23 subdivision (a) of Section 19130.

24 SEC. 2. Section 19132 of the Government Code is repealed.

25 ~~19132. The State Personnel Board, at the request of an~~  
26 ~~employee organization that represents state employees, shall~~  
27 ~~review the adequacy of any proposed or executed contract which~~  
28 ~~is of a type enumerated in subdivision (b) of Section 19130. The~~  
29 ~~review shall be conducted in accordance with subdivision (c) of~~  
30 ~~Section 10337 of the Public Contract Code. However, a contract~~



- 1 ~~that was reviewed at the request of an employee organization when~~
- 2 ~~it was proposed need not be reviewed again after its execution.~~

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