

DEPARTMENT OF CORRECTIONS

2004 LEGISLATIVE DIGEST

DECEMBER 2004

STATE OF CALIFORNIA
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Governor

Youth and Adult Correctional Agency

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INTRODUCTION

This Digest is comprised of bills that were chaptered or vetoed during the second half of the 2003/2004 Legislative Session and that will have, or would have had, some impact on the Department of Corrections.

The brief summaries do not purport to provide a complete description of the legislation, or go into details of the measure.

The Chaptered bills become effective January 1, 2005, unless they contain an urgency clause, in which case they became effective immediately upon the Governor's signature. Alternatively, some measures specify their effective date.

Copies of legislation referenced in this Digest, along with information such as legislative committee analyses, are available from the website of the Legislative Counsel of California at www.leginfo.ca.gov.

For additional information regarding these measures please contact the Legislative Liaison Office.

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[AB 79](#)

AUTHOR: Dutra

TITLE: Written reports: preparation.

STATUS: 09/09/2004-Chaptered by Secretary of State - Chapter No. 409, Statutes of 2004

SUMMARY: Existing law requires various written reports to be prepared and submitted by state and local agencies to the Legislature or the Governor. This bill would, until January 1, 2008, provide that a public agency, as defined, may, but is not required to prepare or submit any written report to the Legislature, the Governor, or any state legislative or executive body unless any one of specified conditions is met or the report is required to be prepared and submitted pursuant to this bill. This bill would provide that its provision requiring that specified reports by the California Environmental Protection Agency be prepared and submitted become operative only if AB 2701 is enacted and becomes operative. This bill contains other related provisions.

[AB 99](#)

AUTHOR: Cox

TITLE: Criminal procedure.

STATUS: 08/25/2004-Chaptered by Secretary of State - Chapter No. 293, Statutes of 2004

SUMMARY: Existing law authorizes the Department of Corrections to arrange for initial court appearances and arraignments to be conducted by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom, in all cases in which the defendant is charged with a misdemeanor or a felony and is currently incarcerated in the state prison. Existing law also authorizes the court to issue an order requiring the defendant to be physically present in the courtroom in those cases where the court finds circumstances that require the physical presence of the defendant in the courtroom. This bill would authorize the department, in all cases in which the defendant is charged with a misdemeanor or a felony and is currently incarcerated in the state prison, to arrange for all court appearances, except for preliminary hearings, trials and certain other matters, to be conducted by two-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom. The authority of the court to issue an order requiring the defendant to be physically present in the courtroom in those cases where the court finds circumstances that require the physical presence of the defendant in the courtroom would be retained. The bill would also require the department, for those appearances that the department determines to conduct by two-way electronic audiovideo communication between the superior court and a state prison facility located in the county, to provide properly maintained equipment and adequately trained staff for that purpose.

California Department of Corrections
2004 Chaptered Bills

AB 323 **AUTHOR:** Parra

TITLE: Nonprofit veteran service agencies.

STATUS: 08/30/2004-Chaptered by Secretary of State - Chapter No. 359, Statutes of 2004

SUMMARY: Existing law authorizes any state agency, city, county, political subdivision, or district to, without advertising or calling for bids, purchase materials and supplies manufactured by, and services provided by, certain nonprofit California corporations, and to equitably apportion the business among those corporations, provided certain requirements are met. This bill would allow a nonprofit veteran service agency, as defined, to be eligible for certification as a small business, as described, and be granted a small business bid preference, provided certain requirements are met. This bill contains other related provisions.

AB 384 **AUTHOR:** Leslie

TITLE: Tobacco products: correctional facilities.

STATUS: 09/27/2004-Chaptered by Secretary of State - Chapter No. 798, Statutes of 2004

SUMMARY: Existing law allows the Director of the Department of Corrections to prescribe and amend rules and regulations for the administration of state prisons. Existing law includes tobacco products among the products that may be authorized for sale to inmates at state prison facilities. This bill would prohibit the possession or use of tobacco products by inmates and wards under the jurisdiction of the Department of Corrections and the Department of the Youth Authority. This bill would also prohibit the use of tobacco by any other persons, including staff, with the exception of residential staff housing. It would require the directors of these departments to adopt regulations to implement this prohibition, and would require that these regulations include an exemption for departmentally approved religious ceremonies. This bill contains other related provisions and other existing laws.

AB 691 **AUTHOR:** Daucher

TITLE: Nursing facilities: vaccines.

STATUS: 04/30/2004-Chaptered by Secretary of State - Chapter No. 36, Statutes of 2004

SUMMARY: Under existing law, the State Department of Health Services is responsible for the licensure and regulation of health facilities, including skilled nursing facilities and intermediate care facilities, as defined. This bill would require a skilled nursing facility, an intermediate care facility, or a nursing facility, as defined, to offer immunizations for influenza and pneumococcal disease to its residents, aged 65 years or older, between October 1 and April 1 of each year, and to offer pneumococcal vaccine to all new admittees. The bill would require the facility to obtain informed consent for the immunization services from the resident or, if the person lacks the capacity to make medical decisions, for the person legally authorized to make medical decisions on the resident's behalf. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

AB 806 **AUTHOR:** Wiggins

TITLE: State contracts: personal services.

STATUS: 03/17/2004-Chaptered by Secretary of State - Chapter No. 26, Statutes of 2004

SUMMARY: 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. 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 contains other related provisions and other existing laws.

GOVERNOR'S SIGNING MESSAGE:

To Members of the California State Assembly: I am signing Assembly Bill No 806 to correct an unintended consequence of Chapter 1132, Statutes of 2002. Chapter 1132 established standards for wage scales in specified service contracts with the State by imposing a requirement that all employees working under a contract with the State of California be paid 85 percent of the wages and benefits that would be paid if the job were held by a state employee. Those requirements put persons with developmental disabilities who work in such contracts in jeopardy of losing current and future job opportunities to work for the State. AB 806 will ensure that developmentally disabled persons continue to have job opportunities and work to become self-sufficient without increasing costs to the State. Sincerely, Arnold Schwarzenegger

AB 854 **AUTHOR:** Koretz

TITLE: Crime.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 747, Statutes of 2004

SUMMARY: Existing law sets forth legislative findings, declarations, and expressions of intent regarding the purpose of imprisonment for crime, that being punishment, not to preclude, however, programs, including educational programs, designed to rehabilitate nonviolent, first-time felony offenders. This bill would encourage the Department of Corrections to give priority enrollment in programs to promote successful return to the community to an inmate with a short remaining term of commitment, as specified. This bill contains other related provisions.

California Department of Corrections
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AB 932 AUTHOR: Koretz

TITLE: Podiatric medicine.

STATUS: 07/01/2004-Chaptered by Secretary of State - Chapter No. 88, Statutes of 2004

SUMMARY: Existing law provides for the certification and regulation of the practice of podiatry by the Division of Licensing of the Medical Board of California and the California Board of Podiatric Medicine in the Department of Consumer Affairs. Existing law requires an applicant for a certificate to practice podiatric medicine to show that he or she has successfully completed a specified medical curriculum, and requires an applicant to pass an examination in certain subjects. This bill would instead require an applicant to pass an examination in the subjects required in the podiatric medicine medical curriculum. The bill would also require an applicant to obtain a specified passing score on the National Board of Podiatric Medical Examiners Part III examination. The bill would require the board, in consultation with the Office of Examination Resources of the Department of Consumer Affairs, to ensure that the Part II examination adequately evaluates the full scope of practice for podiatric medicine. This bill contains other related provisions and other existing laws.

AB 1299 AUTHOR: Daucher

TITLE: Hospices.

STATUS: 09/28/2004-Chaptered by Secretary of State - Chapter No. 825, Statutes of 2004

SUMMARY: The California Hospice Licensure Act of 1990 provides for the licensure of hospices by the State Department of Health Services in order to ensure the health and safety of patients experiencing the last phases of life due to the existence of a terminal disease, and to permit qualified persons, political subdivisions of the state, and governmental agencies to comply with requirements of federal law regarding the provision of hospice care. This bill would provide that the hospice care is not required to include preliminary services, as defined. However, the bill would require an enrollee who receives those preliminary services to remain eligible for coverage of curative treatment by a health care service plan during the course of preliminary services and prior to the election of hospice services. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

AB 1530 AUTHOR: McLeod, Negrete

TITLE: Prisoners: community treatment program.

STATUS: 08/25/2004-Chaptered by Secretary of State - Chapter No. 297, Statutes of 2004

SUMMARY: Existing law requires the Department of Corrections to establish and implement a community treatment program under which women inmates sentenced to state prison who have one or more children under the age of 6 years shall be eligible for release with their children to a public or private facility in the community suitable to their needs. This bill would provide that the Department of Corrections shall admit to the program any applicant who meets admission criteria, as specified, whose child was born prior to her incarceration, or who is pregnant. This bill would require the Department of Corrections to ensure that mothers and children residing in community treatment programs have access to and assistance in participating in available local Head Start, Healthy Start, and programs for childhood development under the California Children and Families Program, but the bill would provide, in addition, that nothing in its provisions shall be construed as granting or requiring preferential access or enrollment for children of incarcerated mothers to any of the specified programs. This bill contains other existing laws.

AB 1629 AUTHOR: Frommer

TITLE: Health and dependent care facilities.

STATUS: 09/29/2004-Chaptered by Secretary of State - Chapter No. 875, Statutes of 2004

SUMMARY: Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. Existing law provides for the imposition each state fiscal year upon the entire gross receipts of certain intermediate care facilities a quality assurance fee, as a condition of participation in the Medi-Cal program. This bill would provide for the imposition of a quality assurance fee on each skilled nursing facility, with some exemptions, to be administered by the Director of Health Services and deposited in the State Treasury. The bill would provide that funds assessed pursuant to these provisions shall be available to enhance federal financial participation in the Medi-Cal program or to provide additional reimbursement to, and support facility quality improvement efforts in, licensed skilled nursing facilities. The bill would provide that these provisions are to be implemented as long as 2 conditions are met, including federal approval. The bill would also specify 4 circumstances, concerning continued federal approval of the quality assurance fee, the enactment and continued effect of the Medi-Cal Long-Term Reimbursement Act under this bill, the failure of the state to sustain a continued maintenance of effort for state funding of nursing facility reimbursement, and any judicial or federal administrative determinations regarding the unavailability of federal financial participation, under which these provisions would become inoperative. In addition, these provisions would become inoperative on July 1, 2008, and would be repealed on January 1, 2009. This bill contains other related provisions and other existing laws.

California Department of Corrections
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[AB 1629](#)

GOVERNOR'S SIGNING MESSAGE:

To the Members of the California State Assembly: I am signing Assembly Bill 1629. The quality assurance fee authorized in this legislation will provide funds that would be otherwise unavailable in these times of fiscal constraint, thus enabling the State to provide a much needed increase in Medi-Cal reimbursement rates to skilled nursing facilities. Higher rates, combined with the facility-specific rate methodology specified in the bill, will result in better wages for nursing home employees, compensation for structural improvements and better quality of care for the residents. I believe that AB 1629 will allow the Administration to effectively measure and track quality of care in skilled nursing homes by requiring the Department of Health Services to conduct a baseline evaluation before implementation of the new rate methodology, and a follow-up evaluation in 2008, after the nursing homes have experienced the benefits of the higher reimbursement for a specified time period. These evaluations, which will be provided to the Legislature, will document the number of skilled nursing homes that are complying with the state minimum staffing requirements; the staffing levels maintained; staffing retention rates; the number of nursing homes with findings of immediate jeopardy, substandard quality of care, or actual harm to residents; the number of state citations received by nursing homes; and the average wages and benefits paid to nursing home employees. In addition to these measures, the follow-up evaluation will also report the extent to which nursing home residents who expressed a preference to return to the community, were able to return to the community. This bill will sunset on July 31, 2008, at which time we will examine available information regarding the impact of the new rate methodology on the State General Fund and improvements in quality of care and retention of staff, to decide whether changes should be made to the rate methodology or the quality assurance components of the bill. I expect the sponsors to work with County Mental Health Directors to pass clean-up legislation that will mitigate any unintended consequences that may arise because of the link between Medi-Cal rates and those paid by county institutions for mental diseases. The most important point of AB 1629, however, must not be forgotten. This rate increase is to improve the care of residents in nursing facilities. I am directing the Department of Health Services to closely monitor implementation and to identify opportunities to recognize and reward quality care. We are making this investment in nursing facilities to ensure better care, and I intend to hold the industry and caregivers accountable for this critical responsibility. I believe that AB 1629 will improve the quality of life for some of our most vulnerable residents and therefore I am pleased to sign this bill. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Chaptered Bills

AB 1825 **AUTHOR:** Reyes

TITLE: Sexual harassment: training and education.

STATUS: 09/30/2004-Chaptered by Secretary of State - Chapter No. 933, Statutes of 2004

SUMMARY: Existing law makes certain specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. Existing law further requires every employer to act to ensure a workplace free of sexual harassment by implementing certain minimum requirements, including posting sexual harassment information posters at the workplace and obtaining and making available an information sheet on sexual harassment. This bill would require employers with 50 or more employees to provide 2 hours of training and education to all supervisory employees, as specified, within one year of January 1, 2005, unless the employer has provided sexual harassment training and education to employees after January 1, 2003. The bill would require each employer to provide sexual harassment training and education to each supervisory employee once every 2 years, after January 1, 2006. The bill would require the state to incorporate this training into the 80 hours of training provided to all new supervisory employees, using existing resources. The bill would provide that a claim that the training and education did not reach a particular individual does not automatically result in the liability of an employer for sexual harassment and that an employer's compliance with these provisions does not insulate the employer from liability for sexual harassment of any current or former employee or applicant. The bill would specify that the statute establishes a minimum threshold for training and education and that employers may provide training and education beyond that required by the statute to prevent and correct sexual harassment and discrimination.

AB 1827 **AUTHOR:** Cohn

TITLE: Closed sessions: state audits.

STATUS: 09/18/2004-Chaptered by Secretary of State - Chapter No. 576, Statutes of 2004

SUMMARY: Under the Bagley-Keene Open Meeting Act and the Ralph M. Brown Act the meetings of state bodies and the legislative bodies of local agencies, including public commissions, boards, councils, and other public agencies in the state, are required to be open and public, including their actions and deliberations, unless the act authorizes a closed session. Under the Bagley-Keene Open Meeting Act, a special meeting may be called for any one of specified purposes where compliance with the 10-day notice provisions would impose a substantial hardship on the state body or where immediate action is required to protect the public interest. This bill would permit a state body or the legislative body of a local agency, including any other public agency subject to these open meeting laws, to hold a closed session to consider its response to a confidential final draft audit report from the Bureau of State Audits, unless the report has been publicly released or is exempted from that requirement by some other provision of law. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

AB 1875 **AUTHOR:** Maldonado

TITLE: Public employees.

STATUS: 09/21/2004-Chaptered by Secretary of State - Chapter No. 654, Statutes of 2004

SUMMARY: The existing Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential employees. That law contains provisions relating to participation by supervisory employees in employee organizations for purposes of representation when meeting and conferring with respect to employment conditions. This bill would require the state employer to provide reasonable advance notice and an opportunity to meet and confer to discuss alternative means of achieving objectives prior to arriving at a determination of policy or course of action directly impacting supervisory employees. The bill would revise the definition of "meet and confer," as specified. The bill would also revise a statement of the purpose of the Bill of Rights for State Excluded Employees. This bill contains other related provisions and other existing laws.

AB 1933 **AUTHOR:** Pacheco

TITLE: Public records.

STATUS: 09/30/2004-Chaptered by Secretary of State - Chapter No. 937, Statutes of 2004

SUMMARY: Under the California Public Records Act, except for exempt records, every state or local agency, upon request, is required to make records available to any person upon payment of fees to cover costs. This bill would provide that this address information may not be used directly or indirectly, or furnished to another, to sell a product or service. It would provide that nothing in these provisions shall be construed to prohibit or limit a scholarly, journalistic, political, or governmental use of this address information. This bill contains other related provisions and other existing laws.

AB 1937 **AUTHOR:** Corbett

TITLE: Sex offenders.

STATUS: 07/09/2004-Chaptered by Secretary of State - Chapter No. 127, Statutes of 2004

SUMMARY: Existing law requires a person convicted of any of certain specified sexual offenses to register with local law enforcement for the rest of his or her life while residing, located, attending school, or working in California, as specified. This bill would require any state or local governmental agency, upon written request, to provide to the Department of Justice the address of any person represented by the department to be a person who is in violation of his or her duty to register under these provisions. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

AB 2120 **AUTHOR:** Committee on Budget

TITLE: Information technology grants.

STATUS: 09/27/2004-Chaptered by Secretary of State - Chapter No. 802, Statutes of 2004

SUMMARY: Existing law generally sets forth the requirements governing state contracts for information technology goods and services. This bill would additionally provide that, for contracts related to information technology integration or development projects that generate revenues or achieve savings over a quantifiable baseline of existing costs, state agencies would be required to consider, and would be authorized to incorporate, performance-based or share-in-savings contract terms to manage risks and create incentives for successful contract performance.

AB 2395 **AUTHOR:** Correa

TITLE: Sex offenders.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 761, Statutes of 2004

SUMMARY: Existing law requires persons convicted of certain sex offenses in California to register as a sex offender, as specified. Existing law also requires persons convicted of certain sex offenses in other jurisdictions to register as a sex offender, as specified. Violations of certain of the registration requirements are crimes, as specified. This bill would, subject to exceptions, require persons to register as a sex offender if the person has suffered a conviction in another state for a sex offense that would require the person to register as a sex offender in that state. This bill contains other related provisions and other existing laws.

AB 2397 **AUTHOR:** Horton, Shirley

TITLE: Public contracts: debarment and suspension.

STATUS: 08/23/2004-Chaptered by Secretary of State - Chapter No. 277, Statutes of 2004

SUMMARY: Under existing law, a supplier or contractor with a state agency may be suspended or debarred from future bidding and contracting for periods between 3 months and 2 years, depending on the basis of the suspension or debarment. A contractor that performs unsatisfactorily under a contract for acquisition of information technology may be excluded from bidding for up to 360 days, and a contractor that has demonstrated lack of reliability in completing contracts may be removed from the list of qualified bidders for up to 360 days. This bill would permit a contractor to be ineligible to transact any business for not less than 6 months or more than 36 months for specified grounds, including unsatisfactory contract performance, unwillingness to honor a binding bid or contract, and multiple strikes. This bill contains other related provisions.

California Department of Corrections
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AB 2428 AUTHOR: Chu

TITLE: Hate crimes: release conditions.

STATUS: 09/27/2004-Chaptered by Secretary of State - Chapter No. 809, Statutes of 2004

SUMMARY: This bill imposes conditions of probation, parole, and outpatient release on persons convicted of specified "hate crimes" and for the commission of any other crime motivated by hate. This bill allows the parole authority to require a person released on parole for the commission of a specified hate crime or a hate-motivated crime to complete a class or program in racial sensitivity or receive counseling. Additionally, this bill requires the parole authority, absent compelling circumstances and as a condition of parole, for any person convicted of a specified hate crime or a hate-motivated crime, to require that the parolee stay away or refrain from any further acts or threats of violence against the victim or next of kin of the victim.

AB 2450 AUTHOR: Canciamilla

TITLE: Sexually violent predators: notice.

STATUS: 09/09/2004-Chaptered by Secretary of State - Chapter No. 425, Statutes of 2004

SUMMARY: Existing law requires the State Department of Mental Health to notify local law enforcement officials when it makes a recommendation to the court for community outpatient treatment for any person committed as a sexually violent predator, or when it is aware that such a person has petitioned a court for release to the community. This bill would, in addition, require notice to be given when the department or its designee makes a recommendation regarding a state-operated forensic conditional release program or proposes a placement location without making a recommendation, in the case of a subsequent placement or change of community placement, or when any other person proposes a placement location to the court and the department or its designee is made aware of the proposal. The bill would require the notice to include, among other things, the date, place, and time of the court hearing, would require notice be given also to the Department of Justice, would authorize the local agencies to provide written comment to the department and the court, would require the department to issue a written statement, and would require the court to consider those comments and statements. The bill would permit a single agency in the community of the proposed placement to suggest alternate locations within that community. This bill would delete the prohibition against notice being given after the release date.

California Department of Corrections
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AB 2527 AUTHOR: Frommer

TITLE: Sex offender registration.

STATUS: 09/09/2004-Chaptered by Secretary of State - Chapter No. 429, Statutes of 2004

SUMMARY: Existing law requires every person who has been convicted of specified sexual offenses to register with local law enforcement within 5 working days of coming into, or changing his or her residence or location within, California. Existing law requires a person who has no residence to update his or her registration no less than once every 60 days, as specified. Existing law also requires that, beginning on his or her first birthday following registration or change of address, the person is required to update his or her registration annually within 5 working days of his or her birthday. This bill would recast these provisions with respect to persons who have no residence or who are living as transients in California. This bill would require a transient to register, and reregister, with local law enforcement, no less than once every 30 days, except as specified. This bill would require a transient who moves out of state to inform the chief of police of the city or the sheriff of the county, as specified, within 5 working days of his or her move out of state. The bill also requires the law enforcement agency to forward a copy of the change of location information to the Department of Justice (DOJ), within 3 days after receipt of the information. The DOJ would be required to forward the registration data to the law enforcement agency having local jurisdiction of the new location. This bill would also provide that failure to provide the required information, or to provide false information, on the DOJ registration forms is a crime.

AB 2560 AUTHOR: Montanez

TITLE: Nurse practitioners: furnishing drugs or devices.

STATUS: 07/28/2004-Chaptered by Secretary of State, Chapter No. 205, Statutes of 2004.

SUMMARY: Existing law, the Nursing Practice Act, the violation of which is a crime, licenses and regulates nurse practitioners. The act authorizes a nurse practitioner to furnish drugs or devices, in specified health facilities and under specified circumstances, when furnished or ordered in accordance with standardized procedures or protocols developed by the nurse practitioner and his or her supervising physician and surgeon. This bill would instead authorize a nurse practitioner to furnish drugs or devices under the standardized procedures or protocols when the drugs and devices furnished or ordered are consistent with the practitioner's educational preparation or for which clinical competency has been established and maintained. The bill would also expand the types of health facilities to which these provisions are applicable. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

AB 2632 AUTHOR: Bogh

TITLE: Health facilities: construction plans: expedited approval.

STATUS: 09/10/2004-Chaptered by Secretary of State - Chapter No. 453, Statutes of 2004

SUMMARY: The existing Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires design and construction standards for hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster. The act requires the Office of Statewide Health Planning and Development (OSHPD) to approve or reject all plans for the construction or alteration of a hospital building, but authorizes OSHPD to exempt from that review or expedite the review for projects that the office determines do not materially alter the mechanical, architectural, or structural integrity of the facility, based on criteria that OSHPD is required to implement. The act requires the construction or alteration of certain skilled nursing and intermediate care facilities to conform to the latest edition of the California Building Standards Code. This bill would require projects for the construction or alteration of hospital buildings and skilled nursing and intermediate care facilities that are single-story, wood-frame or light steel frame construction to be exempt from plan review and inspection by OSHPD prior to construction if the facility demonstrates to OSHPD by written description of the project that specified conditions are met.

AB 2660 AUTHOR: Leno

TITLE: Prescriptions: issuance by a pharmacist.

STATUS: 07/23/2004-Chaptered by Secretary of State - Chapter No. 191, Statutes of 2004

SUMMARY: Existing law, the Uniform Controlled Substances Act, authorizes a pharmacist in specified circumstances to write or issue a prescription. The Pharmacy Law, which provides for the licensure and regulation by the California State Board of Pharmacy of pharmacy practices, defines a prescription, in part, as being issued by designated healing arts practitioners, not including a pharmacist. The Pharmacy Law prohibits the board from issuing a pharmacy license to, or renewing a pharmacy license of, specified persons, including those who are authorized to write a prescription. A knowing violation of the Pharmacy Law is a misdemeanor offense. This bill would revise the definition of "prescription" to include a drug order issued by a pharmacist pursuant to specified conditions. The bill would also specify that the board is not precluded from issuing or renewing a license for a pharmacy owned or owned and operated by a pharmacist who is authorized to issue a specified drug order. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

AB 2681 AUTHOR: McLeod, Negrete

TITLE: Ralph C. Dills Act: travel expenses.

STATUS: 09/14/2004-Chaptered by Secretary of State - Chapter No. 504, Statutes of 2004

SUMMARY: The Ralph C. Dills Act provides for negotiations concerning wages, hours, and other terms and conditions of employment between a state employer and representatives of recognized employee organizations, and authorizes the execution of memoranda of understanding based on these negotiations. The act provides that, with respect to state employees in specified state bargaining units, in any case where specified provisions of law are in conflict with the provisions of a memorandum of understanding, the memorandum of understanding shall be controlling without further legislative action, except as specified. This bill would authorize physicians in any state bargaining unit to negotiate under the Ralph C. Dills Act for preauthorized travel outside the state for continuing medical education. It would specify that the execution of a memorandum of understanding for that purpose would constitute the approvals required under the provisions of law requiring prior approval for travel outside the state, except as specified. This bill contains other existing laws.

AB 2701 AUTHOR: Runner

TITLE: Environmental protection: reports.

STATUS: 09/21/2004-Chaptered by Secretary of State - Chapter No. 644, Statutes of 2004

SUMMARY: Existing law requires the California Environmental Protection Agency, and its boards, departments, and offices to prepare and submit to the Governor and the Legislature various reports containing specified information on the implementation and effectiveness of certain programs, policies, and projects to ensure the protection of natural resources in the state. This bill would require the California Integrated Waste Management Board, in consultation with state agencies that are affected by the changes made by the bill, to develop and implement guidelines, by January 1, 2005, to provide and produce reports and other documentation, including guidance documents, fact sheets, and other publications and written materials, in the most efficient and environmentally sustainable manner possible. The bill would require the guidelines to include the distribution of reports and other documentation by electronic means and compact discs, information on posting reports and other documentation on state agency Web sites, and techniques for the production of reports and other documentation that will reduce and encourage the use of recycled goods, materials, and supplies, specified cost reduction options, and the distribution of a reasonable number of printed reports to ensure public access. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

AB 2791 AUTHOR: Simitian

TITLE: Skilled nursing and intermediate care facilities: training.

STATUS: 08/23/2004-Chaptered by Secretary of State - Chapter No. 270, Statutes of 2004

SUMMARY: Existing law requires a skilled nursing and intermediate care facility to adopt an approved training program that meets standards established by the State Department of Health Services. This bill would additionally require one hour of precertification classroom training addressing the prevention, recognition, and reporting of residents' rights violations. This bill would provide that the continuing education and in-service training for certified nursing assistants includes instruction on preventing, recognizing, and reporting residents' rights violations. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2897 AUTHOR: Bogh

TITLE: Prisoners: medical testing.

STATUS: 09/30/2004-Chaptered by Secretary of State - Chapter No. 953, Statutes of 2004

SUMMARY: Existing law makes legislative findings and declarations concerning the spread of the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) within state and local correctional institutions. Existing law provides that a law enforcement employee who believes that he or she came into contact with bodily fluids of either an inmate of a correctional institution, a person who has been arrested or taken into custody, or a person on probation or parole, or an inmate of a correctional institution who believes that he or she has come into contact with the bodily fluids of another inmate, may request an HIV test of that person. Existing law requires that the chief medical officer of a correctional facility decide whether to order a test of an inmate who is the subject of a report by a law enforcement officer within 5 days. Existing law also provides that an inmate may request the testing of another inmate, as specified. Existing law provides that these provisions shall be repealed January 1, 2005, as specified. This bill would delete the repeal of these provisions. This bill would amend legislative findings and declarations with respect to the exposure of law enforcement personnel to HIV. This bill would provide that an incident report filed by a law enforcement employee containing a request for HIV testing of an inmate shall not be delayed, as specified. This bill would require that the chief medical officer decide whether to order a test of an inmate who is the subject of a report within 24 hours of receiving the report. This bill would provide that a test shall be ordered if the chief medical officer finds that there is a significant risk that HIV was transmitted. This bill would provide that an appeal of the decision of a chief medical officer whether to order the subject of a report to undergo HIV testing shall be heard within 7 calendar days. This bill would also provide that if an appeal is filed, the decision shall be rendered within 2 days of the hearing. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

AB 2901 AUTHOR: Pavley

TITLE: Solid waste: cell phones: recycling.

STATUS: 09/29/2004-Chaptered by Secretary of State - Chapter No. 891, Statutes of 2004

SUMMARY: Existing law requires the California Integrated Waste Management Board to administer state programs to recycle various specified materials, including the Electronic Waste Recycling Act of 2003, which governs certain electronic devices with display screens greater than 4 inches in size. This bill would enact the Cell Phone Recycling Act of 2004 and would make it unlawful to sell, on and after July 1, 2006, a cell phone in this state to a consumer, as defined, unless the retailer of that cell phone complies with the act. This bill contains other related provisions.

AB 2943 AUTHOR: Pavley

TITLE: Mercury-containing vaccines.

STATUS: 09/28/2004-Chaptered by Secretary of State - Chapter No. 837, Statutes of 2004

SUMMARY: Existing law requires the State Department of Health Services to maintain a program of maternal and child health. This bill, with certain exemptions, would prohibit, on and after July 1, 2006, a person who is knowingly pregnant or who is under 3 years of age from being vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than a specified amount of mercury. The bill would require notice to be given to the Legislature and interested parties regarding any exemptions and requests for exemptions.

GOVERNOR'S SIGNING MESSAGE:

To the Members of the California State Assembly: I am signing Assembly Bill 2943 to prohibit the use of vaccines containing thimerosal for pregnant women and children under three years of age in California, effective July 1, 2006. Used as a preservative, thimerosal is a mercury-based preservative compound that has been added to vaccines since the 1930s. Some have suggested a link between thimerosal in vaccines and autism. However, the most comprehensive reviews of scientific research to date from the American Academy of Pediatrics (AAP), the Centers for Disease Control and Prevention, and the Institute of Medicine conclude that there is no credible evidence linking thimerosal with autism or other neurodevelopmental disease in children. While the best available evidence states that thimerosal is safe in the levels found in vaccines, the U.S. Food and Drug Administration (FDA), the Public Health Service (PHS) and the AAP recommended in 1999 the removal of thimerosal from childhood vaccines. This recommendation reflects the importance of minimizing unnecessary exposure to mercury and maintaining public confidence in vaccine programs. Vaccine manufacturers agreed to this recommendation and since 2001, thimerosal has been removed in all routine pediatric vaccines. I share the policy basis of the FDA, PHS and AAP 1999 recommendation. I believe that an abundance of caution merits the acceleration of the process already underway to remove thimerosal from the last few vaccines that contain it, as intended by AB 2943. Moreover, I believe AB 2943 includes an appropriate mechanism to ensure the availability of adequate vaccine supply in cases of emergency. I will direct the Health and Human Services Agency and the Department of Health Services to assess anticipated vaccine supply and demand in 2006-07 closely. While I take this action in an abundance of caution, I want to encourage parents to get their children vaccinated. There are significant risks associated with the failure to vaccinate children which far outweigh any theoretical risk associated with thimerosal. For these reasons I am signing this bill.

California Department of Corrections
2004 Chaptered Bills

AB 3044 **AUTHOR:** Yee

TITLE: Prenatal ultrasounds.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 770, Statutes of 2004

SUMMARY: The Hereditary Disorders Act requires the State Department of Health Services to establish regulations and standards for a hereditary disorders program, including with respect to clinical testing procedures for use in programs, facilities, and projects. This bill, commencing July 1, 2006, would require any licensed health facility that provides prenatal screening ultrasound to detect congenital heart defects to require that the ultrasound be performed by a sonographer who is nationally certified in obstetrical ultrasound by the American Registry for Diagnostic Medical Sonography, nationally certified in cardiac sonography by Cardiovascular Credentialing International, credentialed in sonography by the American Registry of Radiologic Technologists, or has a minimum of 2 years full-time of work experience in this state as a sonographer in prenatal ultrasound and has obtained, or is obtaining, 30 continuing medical education credits over a 3-year period in ultrasound. The bill would also require a sonographer to perform ultrasound under the supervision of a licensed physician and surgeon. This bill contains other existing laws.

AB 3046 **AUTHOR:** Committee on Agriculture

TITLE: Milk inspection.

STATUS: 09/09/2004-Chaptered by Secretary of State - Chapter No. 436, Statutes of 2004

SUMMARY: Existing law requires the Secretary of Food and Agriculture to test milk and milk products for the presence of drug residues and to adopt, by regulation, official drug residue testing methods for the detection of drug residue in bulk milk tanks, and tankers, and milk and milk products. Existing law permits the secretary to suspend or revoke the license or permit of a licensee or permittee who fails or refuses to complete a drug residue prevention program, or who has been found to have produced milk in violation of specified drug residue provisions on 3 or more occasions within a 12-month period. Existing law provides for a civil penalty, as specified, for any dairy producer found to have produced milk in violation of the drug residue provisions. This bill would provide that in addition to the civil penalties already specified, a dairy producer found to have produced milk in violation of the drug residue provisions shall be liable to the Department of Food and Agriculture for reasonable investigation and enforcement costs, including attorney's fees.

AB 3118 **AUTHOR:** Chu

TITLE: State claims.

STATUS: 09/10/2004-Chaptered by Secretary of State - Chapter No. 475, Statutes of 2004

SUMMARY: Existing law requires the California Victim Compensation and Government Claims Board to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board. This bill would appropriate \$1,124,963.40 from various funds to the Executive Officer of the California Victim Compensation and Government Claims Board to pay claims accepted by the board. It would appropriate \$168,744.19, comprised of a 15% surcharge on the amount of each claim, to pay for the board's administrative costs of processing these claims. This bill contains other related provisions.

California Department of Corrections
2004 Chaptered Bills

ABX4 13 **AUTHOR:** Firebaugh

TITLE: Workers' compensation: fraud.

STATUS: 07/06/2004-Chaptered by Secretary of State - Chapter No. 1, Statutes of 2004

SUMMARY: Existing law requires an insurer, upon written request of an authorized governmental agency, as defined, to release to the agency all relevant information deemed important to the agency that the insurer may possess relating to any specific workers' compensation insurance fraud investigation. This bill would add any city attorney whose duties include criminal prosecutions and any law enforcement agency investigating workers' compensation fraud to the list of authorized governmental agencies to which an insurer must release this information.

ACR 191 **AUTHOR:** Leno

TITLE: Firefighters.

STATUS: 05/10/2004-Chaptered by Secretary of State - Chapter No. 56, Statutes of 2004

SUMMARY: This measure would honor firefighters from the Department of Corrections, the Department of the Youth Authority and the Department of Forestry and Fire Protection for their service during the fire season of 2003.

ACR 244 **AUTHOR:** Koretz

TITLE: Hepatitis C awareness.

STATUS: 07/16/2004-Chaptered by Secretary of State - Chapter No. 129, Statutes of 2004

SUMMARY: This measure would encourage the State Department of Health Services and local health jurisdictions to take various actions relating to hepatitis C virus (HCV) awareness, prevention, and treatment, including improving data collection and education procedures, and applying for available federal funding for HCV-related programs.

SB 260 **AUTHOR:** Romero

TITLE: Health care.

STATUS: 08/25/2004-Chaptered by Secretary of State - Chapter No. 310, Statutes of 2004

SUMMARY: Existing law authorizes the formation of local health care districts and the establishment of municipal hospitals for the purpose of providing needed public health care services. Existing law, the Joint Exercise of Powers Act, permits 2 or more public agencies to enter into an agreement to jointly exercise any power common to the contracting parties. This bill would create the California Prison Inmate Health Service Reform Act and would authorize the Department of Corrections to enter into joint powers agreements with one or more health care districts in order to establish regional inmate health service joint powers agencies. The bill would establish the purposes for which inmate health service joint powers authorities may be utilized.

California Department of Corrections
2004 Chaptered Bills

SB 419 **AUTHOR:** Scott
TITLE: Medical waste: containment.
STATUS: 09/10/2004-Chaptered by Secretary of State - Chapter No. 477, Statutes of 2004

SUMMARY: Existing law, the Medical Waste Management Act, administered by the State Department of Health Services, regulates the management and handling of medical waste. Existing law establishes the requirements for containing or storing medical waste. This bill would allow the consolidation of medical waste into a common container provided that the waste is treated by an approved extreme high heat technology and the container is labeled as required by the bill.

SB 598 **AUTHOR:** Machado
TITLE: Confidentiality of medical information: psychotherapy.
STATUS: 09/10/2004-Chaptered by Secretary of State - Chapter No. 463, Statutes of 2004

SUMMARY: Existing law prohibits providers of health care, health care service plans, and contractors from releasing medical information to persons authorized by law to receive that information if the information specifically relates to a patient's participation in outpatient treatment with a psychotherapist, unless the requester of the information submits a specified written request for the information to the patient and to the provider of health care, health care service plan, or contractor. This bill would except from those provisions specified disclosures that are made for the purpose of diagnosis or treatment of a patient.

SB 631 **AUTHOR:** McPherson
TITLE: Restitution.
STATUS: 08/16/2004-Chaptered by Secretary of State - Chapter No. 223, Statutes of 2004

SUMMARY: Under existing law, in every case where a person is convicted of a crime, the court is required to impose a restitution fine, unless it finds compelling and extraordinary reasons for not doing so, and states those reasons on the record. Existing law also provides for restitution for economic losses to victims of crime directly from any defendant convicted of the crime, as specified. Among other provisions, this bill would provide the authority for the California Department of Corrections (CDC) to collect upon unpaid restitution orders and fines imposed upon California Youth Authority wards now under CDC's jurisdiction.

SB 753 **AUTHOR:** Alpert
TITLE: State claims.
STATUS: 05/07/2004-Chaptered by Secretary of State - Chapter No. 39, Statutes of 2004

SUMMARY: Existing law requires the California Victim Compensation and Government Claims Board to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board. This bill would appropriate \$1,203,446.06 from various funds to the Executive Officer of the California Victim Compensation and Government Claims Board to pay claims accepted by the board. This bill contains other related provisions.

California Department of Corrections
2004 Chaptered Bills

SB 914 **AUTHOR:** Bowen

TITLE: State Department of Health Services: domestic violence prevention grant program.

STATUS: 09/28/2004-Chaptered by Secretary of State - Chapter No. 840, Statutes of 2004

SUMMARY: The Office of Criminal Justice Planning was abolished in 2003. Existing law requires the Director of Finance to designate an agency or agencies to carry out the functions of the office. The Office of Criminal Justice Planning formerly administered certain grant programs relating to victims of domestic violence and sex offenses. This bill would state the intent of the Legislature that victims' services programs that were administered by the Office of Criminal Justice Planning be temporarily redirected to the Office of Emergency Services, and that certain programs involving domestic violence and sexual assault be permanently consolidated in one office, branch, or department. The bill would revise the administration of certain grant programs relating to victims of domestic violence and sex offenses as collaboratively administered by the Office of Emergency Services and specified advisory committees. This bill contains other related provisions and other existing laws.

SB 1097 **AUTHOR:** Committee on Budget and Fiscal Review

TITLE: General government.

STATUS: 08/16/2004-Chaptered by Secretary of State - Chapter No. 225, Statutes of 2004

SUMMARY: Existing law establishes the California Small Business Expansion Fund in the State Treasury to, among other things, pay for defaulted loan guarantees, administrative costs of corporations, and those costs necessary to protect a real property interest in a defaulted loan or guarantee. Existing law requires that the amount of guarantee liability outstanding at any one time not exceed 4 times the amount of funds on deposit in the expansion fund and requires that a corporate guarantee be backed by funds on deposit in the corporation's corporate fund. This bill would require that the amount on deposit in the expansion fund for guarantee liability include any receivables due from funds loaned from the expansion fund to another fund in state government as directed by the Legislature and the Department of Finance and would also provide that a corporate guarantee may also be backed by receivables due from funds from the corporation's trust fund account to another fund in state government as directed by the Legislature and the Department of Finance. This bill contains other related provisions and other existing laws. Add provisions related to CDC.

GOVERNOR'S SIGNING MESSAGE:

To the Members of the California State Senate: I am signing Senate Bill 1097, which enacts various changes necessary to implement the 2004 Budget Act, including the transfer of funds from the Petroleum Storage Tank Financing Account to the General Fund. I support efforts to reestablish grant and loan programs for the replacement and repair of underground storage tanks. My signature on this bill should not be interpreted in any other way. I will continue to work with the authors of proposed legislation to find an acceptable funding solution to their proposed programs. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Chaptered Bills

SB 1102 **AUTHOR:** Committee on Budget and Fiscal Review

TITLE: General government.

STATUS: 08/16/2004-Chaptered by Secretary of State - Chapter No. 227, Statutes of 2004

SUMMARY: Existing law prescribes certain duties of the Department of Consumer Affairs relating to privacy protection. This bill would authorize funding sources other than the General Fund to be used for that activity. This bill contains other related provisions and other existing laws. Add provisions related to CDC.

SB 1110 **AUTHOR:** Cedillo

TITLE: State employees: State Bargaining Unit 6.

STATUS: 08/11/2004-Chaptered by the Secretary of State, Chapter Number 217

SUMMARY: Existing law provides that if any provision of a memorandum of understanding (MOU) reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act. This bill would approve an addendum to an MOU entered into between the state employer and State Bargaining Unit 6 (California Correctional Peace Officers Association). This bill contains other related provisions and other existing laws.

SB 1113 **AUTHOR:** Committee on Budget and Fiscal Review

TITLE: 2004-05 Budget.

STATUS: 07/31/2004-Chaptered by Secretary of State - Chapter No. 208, Statutes of 2004

SUMMARY: This bill would make appropriations for support of state government for the 2004-05 fiscal year. This bill contains other related provisions.

SUMMARY OF GOVERNOR'S SIGNING MESSAGE RELATED TO CDC:

State of California Governor's Office objects to other appropriations contained in Senate Bill 1113. Item 5240-001-0001-For support of the Department of Corrections. I reduce this item from \$5,311,082,000 to \$5,309,719,000 by reducing: (2)22-Health Care Services Program from \$942,126,000 to \$940,763,000. I am deleting the \$1,363,000 legislative augmentation associated with the denial of the department's plan to reclassify 23.5 vacant staff psychiatrist positions to nurse practitioners. The department will reclassify these positions thereby eliminating the need for the augmentation. The reclassification represents a reasonable effort to address the department's increasing medical and mental health costs through improved efficiencies that do not compromise or lessen the provision of inmate care. The reclassification is consistent with policies adopted by the Department of Mental Health. The hiring of Nurse Practitioners will also assist in maintaining continuity of mental health care due to the reduced need of temporary contract staff.

California Department of Corrections
2004 Chaptered Bills

SB 1120 **AUTHOR:** Committee on Budget and Fiscal Review

TITLE: Budget Act of 2003: contingencies or emergencies.

STATUS: 08/11/2004-Chaptered by the Secretary of State, Chapter Number 220

SUMMARY: The Budget Act of 2003 appropriated specified amounts from the General Fund, unallocated special funds, and unallocated nongovernmental cost funds for expenditure for contingencies or emergencies upon written authorization from the Director of Finance. The Budget Act of 2003 also appropriated specified amounts for loans to state agencies for contingencies or emergencies. This bill would appropriate \$477,446,000, as scheduled, in augmentation of these Budget Act appropriations. The bill would authorize the Director of Finance to withhold authorization for the expenditure of funds appropriated in the bill until preliminary estimates of potential deficiencies are verified. This bill contains other related provisions. Add provisions related to CDC.

SB 1234 **AUTHOR:** Kuehl

TITLE: Crimes: civil rights.

STATUS: 09/22/2004-Chaptered by Secretary of State - Chapter No. 700, Statutes of 2004

SUMMARY: Existing law provides that no person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics. Existing law also provides that no person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics. Existing law requires that any person who violates these provisions be punished by imprisonment in a county jail not to exceed one year, or by a fine not to exceed \$5,000, or by both that fine and imprisonment. This bill would provide that conduct punishable under these provisions that also violates any other provision of law may be charged under all applicable provisions, but may only be punished once, as specified. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

SB 1289 **AUTHOR:** Machado

TITLE: Sex offenders.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 731, Statutes of 2004

SUMMARY: Existing law requires persons convicted of certain sex offenses to register with specified law enforcement agencies in the location in which the person resides or, if the person has no residence, where he or she is located, within 5 days of changing residence or location. This bill would provide that the registration requirement for multiple places applies regardless of the number of days or nights spent in each residence or location. By increasing the registration requirements of local officials, and by changing the definition of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 1313 **AUTHOR:** Kuehl

TITLE: Child abuse reporting.

STATUS: 09/28/2004-Chaptered by Secretary of State - Chapter No. 842, Statutes of 2004

SUMMARY: Existing law defines willful cruelty or unjustifiable punishment of a child for purposes of these provisions as a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered. This bill would define the willful harming or injuring of a child or the endangering of the person or health of a child, for purposes of these provisions. This bill contains other related provisions and other existing laws.

SB 1342 **AUTHOR:** Speier

TITLE: Inspector General.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 733, Statutes of 2004

SUMMARY: Existing law establishes the office of the Inspector General relative to corrections, and generally provides for various duties and authority of the office. This bill would provide that the Inspector General would be appointed to a 6-year term, subject to Senate confirmation, and that the Inspector General could not be removed from office except for good cause. The bill would require the Inspector General to develop a methodology for producing a workload budget, as specified. This bill contains other related provisions.

California Department of Corrections
2004 Chaptered Bills

SB 1344 **AUTHOR:** Margett

TITLE: Insurance: fraud: records.

STATUS: 09/13/2004-Chaptered by Secretary of State - Chapter No. 490, Statutes of 2004

SUMMARY: Existing law authorizes certain governmental agencies to request that an insurer or other specified person release to the agency any relevant information deemed important relating to a workers' compensation fraud investigation, and allows insurers to notify any of these agencies of suspected fraud. Existing law prohibits these agencies from releasing this information to any person not authorized to receive the information. This bill would include the Department of Corrections among the agencies authorized to request and receive information regarding workers' compensation fraud. This bill contains other related provisions and other existing laws.

SB 1352 **AUTHOR:** Romero

TITLE: Inspector General: Youth and Adult Correctional Agency.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 734, Statutes of 2004

SUMMARY: Existing law specifies the duties and responsibilities of the Inspector General in connection with departments under the authority of the Youth and Adult Correctional Agency. This bill would revise and recast provisions relating to classifying what materials in connection with investigations and audits by the Inspector General are public records. This bill contains other related provisions and other existing laws.

SB 1400 **AUTHOR:** Romero

TITLE: Corrections: Internal Affairs.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 736, Statutes of 2004

SUMMARY: Existing law provides for the administration of a system of state prisons under the Department of Corrections within the Youth and Adult Correctional Agency. Existing law establishes the office of the Inspector General, who is responsible for reviewing departmental policy and procedures for conducting audits of investigatory practices and other audits, as well as conducting investigations of the Department of Corrections and related state offices, as specified. Existing statutory and case law provides for some of the procedures by which public employees may be disciplined. Existing law limits the release of certain types of information relating to public employment, including special provisions that protect against the release of information concerning complaints against peace officers, including correctional officers in state prisons. This bill would establish the Bureau of Independent Review within the office of the Inspector General to provide public oversight of investigations conducted by the Department of Corrections and the Department of the Youth Authority, and to issue reports, as specified, to the Governor and the Legislature.

California Department of Corrections
2004 Chaptered Bills

SB 1426 AUTHOR: Ducheny

TITLE: Department of Corrections: drug utilization.

STATUS: 08/30/2004-Chaptered by Secretary of State - Chapter No. 383, Statutes of 2004

SUMMARY: Existing law authorizes the Department of Corrections to adopt regulations requiring manufacturers of drugs to pay the department a rebate for the purchase of drugs for offenders in state custody and to implement other cost-effective strategies for the procurement of drugs and medical supplies for offenders in state custody, as specified. This bill would require the department to adopt policies, procedures, and criteria to identify selected medication categories for the development of utilization protocols based on best practices, and the use of generic and therapeutic substitutes, as appropriate, and to develop utilization and treatment protocols based on, among other criteria, the cost of medications, in coordination with the Department of General Services' prescription drug bulk purchasing program. The bill would require the department to report as part of the fiscal committee budget hearings on or before April 1, 2006, on the impact of the adoption of these policies and procedures. The bill would state that it is the intent of the Legislature that the department complete the implementation of these provisions utilizing the existing resources of the department.

SB 1431 AUTHOR: Speier

TITLE: Department of Corrections: code of conduct.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 738, Statutes of 2004

SUMMARY: Existing law establishes the Department of Corrections for the confinement of persons who have committed crimes. Existing law also establishes the Department of the Youth Authority for the rehabilitation of certain persons who have committed offenses when they were under 18 years of age, as specified. Existing law creates the offices of the Director of Corrections and the Director of the Youth Authority to administer institutions within the jurisdiction of these departments. This bill would require the directors of those departments to develop and implement disciplinary sanctions for misconduct by employees, as specified. The bill would also require the directors to ensure that employees who have reported improper governmental activities and who request services from the department are informed of the services available to them. The bill would require the departments to adopt a code of conduct, as specified. The bill would also require the departments to post the code of conduct in specified locations and to annually e-mail related information to departmental employees with e-mail access. The bill would include a statement of legislative findings and declarations regarding conduct in correctional facilities.

California Department of Corrections
2004 Chaptered Bills

SB 1439 AUTHOR: Speier

TITLE: Public employees' retirement: state retired annuitants.

STATUS: 09/09/2004-Chaptered by Secretary of State - Chapter No. 398, Statutes of 2004

SUMMARY: Existing law generally requires a retired member of the Public Employees' Retirement System to reinstate from retirement if he or she is reemployed by a state agency or other employer under the system. However, existing law also authorizes a retired member to work for a state agency or other employer under the system for up to 960 hours in any calendar year, without reinstatement from retirement or loss or interruption of retirement benefits, if certain conditions exist. This bill would make that authorization inapplicable to a retired member who is employed by an employer under the system and who, within 12 months prior to that employment, received unemployment insurance compensation following the termination of an appointment with the same employer. The retired member would not be reinstated from retirement but, instead, would be required to terminate that employment and would be ineligible for that employment for a period of at least 12 months. The bill would make related findings and declarations.

SB 1516 AUTHOR: Machado

TITLE: Parole: hearings.

STATUS: 08/25/2004-Chaptered by Secretary of State - Chapter No. 289, Statutes of 2004

SUMMARY: Existing law, added by initiative statute requiring a 2/3 vote of each house for amendment, provides that the Board of Prison Terms must give notice of a parole suitability hearing for a prisoner, upon request, to a victim or next of kin if the victim has died. Under existing law, those people, or two members of the victim's immediate family, have the right to appear and express their views for consideration by the board in its decision on parole for the prisoner. This bill would alternatively provide two representatives designated for a particular hearing by the victim, or if the victim is deceased or incapacitated, by the next of kin, in writing prior to the hearing with the right to appear and express their views for consideration by the board in its decision on parole for the prisoner, except that any statement provided by a representative designated by the victim or next of kin would be limited to comments concerning the effect of the crime on the victim. These designees would be limited to specified categories of persons, and would be permitted to provide testimony only in the absence of the victim, next of kin, or immediate family members, as specified. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

SB 1546 **AUTHOR:** Figueroa

TITLE: Dentistry.

STATUS: 09/21/2004-Chaptered by Secretary of State - Chapter No. 667, Statutes of 2004

SUMMARY: Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California, and authorizes the board to appoint a person exempt from civil service as an executive officer. Existing law also establishes the Committee on Dental Auxiliaries within the jurisdiction of the board. The provisions establishing the board, authorizing the board to appoint an executive officer, and establishing the committee are repealed as of January 1, 2006. This bill would instead make those provisions inoperative on July 1, 2006, and repeal them on January 1, 2007. This bill contains other related provisions and other existing laws.

SB 1608 **AUTHOR:** Karnette

TITLE: Corrections: prisoners: foreign nationals.

STATUS: 09/30/2004-Chaptered by Secretary of State - Chapter No. 924, Statutes of 2004

SUMMARY: Existing law requires that upon entry of any person who is an undocumented alien subject to deportation into a facility operated by the Department of Corrections, and at least every year thereafter, the Director of Corrections inform the person of his or her right to be transferred to his or her country of origin to serve the remainder of his or her prison term. This bill would delete the annual notification requirement, would expand these provisions to include all foreign nationals, and would provide the person the option to serve the remainder of his or her term in his or her current or former nation of citizenship. The bill would also impose additional notification requirements, upon the request of a foreign consulate, as specified, on the director, including notifying consulates or embassies pursuant to the 1963 Vienna Convention on Consular Relations Treaty of the names and locations of all inmates in the department's custody that have self-identified that nation as his or her place of birth. This bill contains other related provisions.

California Department of Corrections
2004 Chaptered Bills

SB 1618 **AUTHOR:** Battin

TITLE: Employee compensation.

STATUS: 09/29/2004-Chaptered by Secretary of State - Chapter No. 860, Statutes of 2004

SUMMARY: Existing law requires every employer to, at the time of each payment of wages, furnish each employee with an accurate itemized statement showing, among other things, the name of the employee and his or her social security number. Existing law exempts the state or a city, county, city and county, district, or other governmental entity from these provisions. Existing law provides that a knowing and intentional violation of this provision is a misdemeanor. This bill would, instead, require an employer, by January 1, 2008, to furnish each employee with an accurate itemized statement showing no more than the last 4 digits of the employee's social security number or an existing employee identification number other than a social security number. The bill would additionally require the state, or any city, county, city and county, district, or any other governmental entity, if it furnishes its employees with a check, draft, or voucher paying the employee's wages, to, by January 1, 2008, use no more than the last four digits of the employee's social security number or to use an existing employee identification number other than the social security number on that check, draft, or voucher. By requiring an employer to furnish each employee with an accurate itemized statement showing no more than the last 4 digits or less of the employee's social security number, or an existing employee identification number other than a social security number, the violation of which is a misdemeanor, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 1654 **AUTHOR:** McPherson

TITLE: Public safety: communication equipment.

STATUS: 09/21/2004-Chaptered by Secretary of State - Chapter No. 669, Statutes of 2004

SUMMARY: Existing law provides that the Public Safety Radio Strategic Planning Committee, comprised of 12 specified state entities, shall have primary responsibility in state government for developing and implementing a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies. Existing law requires the committee to make recommendations for agency purchase of new or upgraded communication equipment that will enable interoperability consistent with public safety digital communications standards of the American National Standards Institute (ANSI) and the Telecommunications Industry Association (TIA). This bill would add the Office of Homeland Security to the Public Safety Radio Strategic Planning Committee and would make related and conforming changes. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Chaptered Bills

SB 1691 **AUTHOR:** Vasconcellos

TITLE: Physicians and surgeons: alternative or complementary medicine.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 742, Statutes of 2004

SUMMARY: Existing law, the Medical Practice Act, creates the Medical Board of California and makes it responsible through its Division of Licensing and Medical Quality for, respectively, licensing and regulating physicians and surgeons. Under the act, disciplinary action may be taken against a physician and surgeon for engaging in unprofessional conduct, which includes gross negligence, repeated negligent acts, and incompetence. This bill would provide that a physician and surgeon is not subject to discipline for these particular aspects of unprofessional conduct solely on the basis that the treatment or advice he or she rendered to a patient is alternative or complementary medicine, as defined, if specified conditions are satisfied.

SB 1757 **AUTHOR:** Denham

TITLE: State procurement: vehicles.

STATUS: 09/30/2004-Chaptered by Secretary of State - Chapter No. 926, Statutes of 2004

SUMMARY: Existing law provides that no purchase order or other form of documentation for acquisition or replacement of motor vehicles shall be issued against any appropriation until the Department of General Services has investigated and established the necessity for the acquisition or replacement. This bill would require that all contracts for acquisition of motor vehicles or general use mobile equipment for an executive branch officer or agency or the California State University be made by or under the supervision of the Department of General Services, and would permit the department to collect a fee to offset the cost of the services provided. The bill would request and encourage the University of California to have the department perform these tasks with respect to the acquisition or replacement of motor vehicles by the University of California.

SB 1889 **AUTHOR:** Committee on Environmental Quality

TITLE: Environmental protection: actions against a public agency.

STATUS: 09/24/2004-Chaptered by Secretary of State - Chapter No. 744, Statutes of 2004

SUMMARY: The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law defines terms for purposes of CEQA. This bill would define "trustee agency," for purposes of CEQA, as a state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California. This bill contains other related provisions and other existing laws.

California Department of Corrections
2004 Vetoed Bills

AB 6

AUTHOR: Cohn

TITLE: Public contracts: Department of Corrections: medical care services.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law authorizes state agencies to enter into personal services contracts if certain conditions are met. This bill would prohibit, except under specified circumstances, the Department of General Services from authorizing the Department of Corrections to enter into contracts for medical care services without seeking competitive bids for those contracts.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 6 without my signature. I share the Legislature's concern over the cost of providing health care to prisoners. The Department of Corrections has been reviewing and implementing a number of policies designed to address this issue, including a number of recommendations that were made by the State Auditor. The Department of General Services is currently engaged in a deliberative process to evaluate the competitive bidding exemption for medical services with all of the agencies that have utilized the exemption in the past, including the Department of Corrections. This bill will circumvent this collaborative effort currently underway, which is scheduled to be concluded by the end of the year. In addition, the bill creates potential added liability to the state based on the fact that even emergency contracts must go through a competitive bid process. This could lead to additional litigation against the state, if the delivery or availability of medical services to inmates is delayed or restricted. For these reasons I am unable to sign this bill. Sincerely,
Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 358 **AUTHOR:** Jackson
TITLE: Gender discrimination.
STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law prohibits discrimination and harassment based on sex and gender in housing and employment. This bill would require the state to implement the principles underlying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls, as specified, and would require, beginning January 1, 2006, the Department of Corrections, the State Department of Education, and the State Department of Health Services to conduct, in consultation with the State Commission on the Status of Women, an evaluation of their own departments to ensure that the state does not discriminate against women through the allocation of funding and the delivery of services. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 358 without my signature. The goals of AB 358 are extremely important. I strongly believe that the State of California must continue its existing programs to guarantee that women are not discriminated against in state policies or programs. With the issuance of Executive Order S-6-04, my Administration has clearly established the states equal employment policies without discrimination. All state agencies, departments, boards, and commissions shall recruit, appoint, train, evaluate and promote state personnel on the basis of merit and fitness, without regard to age, race, ethnicity, color, ancestry, national origin, gender, marital status, sexual orientation, religion, disability or other non-job-related factors. Thus, this bill is duplicative of existing policy and unnecessary. In addition, the Department of Health Services Office of Civil Rights is responsible for ensuring that actions taken by all levels of management achieve the Departments equal employment opportunity objectives as well as ensuring equal access to health services for beneficiaries. The Office of Civil Rights annually conducts a workforce analysis to determine any statistically significant under-representations, hidden barriers and the policies or processes that may result in under-representation. For these reasons I am unable to sign this bill at this time. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 1042 AUTHOR: Parra

TITLE: Inmates: use of pepper spray in State Department of Mental Health facilities.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law generally regulates the Department of Corrections, including the imposition of various duties relating to the medical testing of prisoners. This bill would require the State Department of Mental Health to issue pepper spray to medical technical assistants while on duty and assigned to State Department of Mental Health facilities located within state prisons.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 1042 without my signature. Medical Technical Assistants-Psychiatric (MTA-Ps) serve as members of the treatment teams in psychiatric facilities located within state prisons. To be effective, they must gain the trust of the inmates to whom they are providing treatment services. The use of chemical restraints is counter to the goals of the psychiatric programs and the effort to provide mental health treatment in the least restrictive environment possible. In addition, it has yet to be established that such chemicals are effective and safe for use on mentally ill patients. For purposes of security, the Salinas Valley and Vacaville Psychiatric Programs have entered into agreements with the prisons to have state correctional officers, who are authorized to carry and use Oleoresin Capsicum (OC) pepper spray under certain conditions, respond to and assist Department of Mental Health staff to defuse and control situations with patients. When necessary, these staff may assume control over the situation for a brief time in order to squelch disturbances and restore order. Therefore, it is not necessary for treatment team members to carry OC pepper spray. For these reasons I am unable to support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 1324 AUTHOR: Steinberg

TITLE: Workers' compensation: infectious diseases: dependents.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of or in the course of employment. This bill would provide that if a person who is a specified state or local firefighting, law enforcement, or patrol member sustained an injury as the result of a work-related event that occurred on or before January 1, 1984, that meets the definition of a blood-borne infectious disease, and a dependent or former dependent of that person contracts the blood-borne infectious disease from that person, the dependent or former dependent may elect, on or before January 1, 2012, to receive compensation under the workers' compensation law, for the duration of the disease, for all medically necessary health care costs associated with the disease. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 1324 without my signature. This bill seeks to address the tragic circumstances of one state employee by amending the entire workers compensation system in an unprecedented manner. This bill would extend workers compensation benefits to the dependents of specified public safety employees if the dependent suffered health problems as a direct result of their parent or spouses workers compensation injury. The workers compensation system is intended to compensate employees for injuries arising out of and occurring in the course of employment. Extending those benefits to dependents of employees, even in the narrow manner proposed in this bill, is beyond the constitutional requirement of the workers compensation system. Earlier this year, I signed Senate Bill 899, a major overhaul of the workers compensation system. My Administration is in the process of implementing the necessary regulations to improve the system. The reforms were negotiated in a bi-partisan fashion and are intended to return fundamental fairness to a system that was spiraling out of control. The reforms are intended to refocus the workers compensation system on medical outcomes rather than litigation. This measure expands the scope and intent of the workers compensation system disturbing the delicate balance sought by this years reform efforts. I am mindful that the daughter of one of our public servants contracted an illness simply because her mother faced an occupational hazard. However, this bill establishes a dangerous precedent by expanding workers compensation benefits to non-employees as an alternative for health care coverage. For these reasons I am unable to support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 1592 **AUTHOR:** Committee on Veterans Affairs

TITLE: California Disabled Veteran Business Enterprise Program.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Under existing law, state agencies and all other state entities contracting for materials, supplies, equipment, alteration, repair, or improvement are required to have at least 3% participation goals for disabled veteran business enterprises. Existing law requires the Department of Veterans Affairs and the awarding departments to appoint a Disabled Veteran Business Enterprise Program Advocate to assist in meeting the participation goals. The bill would specify that the Department of General Services is the administering agency of the California Disabled Veteran Business Enterprise Program except in the case of contracts for professional bond services, would specify the duties of the Department of General Services in meeting that requirement, would set standards for meeting the program's participation goals, and would specify reporting criteria regarding contracts entered into by awarding departments that participate in the program. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 1592 without my signature. I support the intent to make improvements to the statutes governing the use of Disabled Veteran Business Enterprises (DVBE) in state contracting. My Administration is committed to including these firms as much as feasible within the States business operations. However, due to recent budget and staff reductions, numerous state agencies and departments cannot comply with the provisions of this bill. Furthermore, the California Performance Review (CPR) contains recommendations for restructuring procurement processes, specifically the DVBE contract participation, which merits further consideration. It is premature to make statutory changes before the final results of the CPR are implemented. For the reasons stated above I cannot sign this measure.
Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 1829 AUTHOR: Liu

TITLE: Public contracts: services: domestic workers.

STATUS: 09/29/2004-Vetoed by the Governor

SUMMARY: Existing law requires a state agency to comply with specified procedures in awarding agency contracts. Existing law authorizes a state agency to prohibit a person that is convicted of committing specified crimes from bidding on or being awarded agency contracts, as specified. This bill would prohibit a state agency or local government, as defined, from allocating or expending state funds for employment training for employees located in foreign countries. This bill would also prohibit a state agency, or a local government in expending funds provided by a state agency, from contracting for services with a contractor or subcontractor unless that contractor or subcontractor certifies under penalty of perjury in his or her bid for the contract that the contract, and any subcontract performed under that contract, will be performed solely with workers within the United States. This bill would authorize a state agency or local government to waive this requirement, with the consent of the Controller, if certain conditions are met. This bill would also require the contract to include a clause for termination for noncompliance and specified penalties, if the contractor or subcontractor performs the contract or the subcontract with workers outside the United States during the life of the contract. This bill would specify that these provisions do not apply to seismic retrofit work, as defined, performed pursuant to a contract that is entered into on or before January 1, 2006 or agreements entered into by the Treasurer in connection with the sale of any evidence of indebtedness. This bill would also specify that these provisions do not apply to a contract, if refusing to award that contract would violate the specific terms of federal trade treaties, as specified. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 1829 without my signature. California is a partner in the global marketplace. California businesses and its citizens are entrepreneurial, innovative and on the leading edge of new ideas and technologies. The rest of the world has received untold benefits exported from our state; yet at the same time our state and its citizens have also benefited from our neighbors around the world. As California begins to emerge from the dark days of our fiscal crisis, our focus should not be on erecting artificial barriers that will thwart the spirit of our citizens and the businesses that help our economy grow, but rather on ideas and policies that will fuel the thriving spirit of businesses who look to be on the forefront of the challenges of tomorrow. This bill prohibits state agencies from using funds from the state to contract for services with a contractor unless they can certify that the work will be performed in the United States. Noticeably excluded from the provisions of this bill are the investment activities of the State of California. The state will continue to be able to invest its treasury bonds and state retirement funds without the need to comply with this bill, but these provisions apply to all other state and local contracts. While this bill purports to be about saving jobs, it would actually be detrimental to our economy and the creation of new jobs in this state. It is also contrary to my administrations efforts to create a more efficient and effective purchasing system and to increase small business contracting participation.

(continued)

California Department of Corrections
2004 Vetoed Bills

AB 1829

Governor's Veto Message (continued)

This bill adds additional restrictions on state contractors, thereby resulting in less competition at the state and local levels and ultimately result in higher prices paid by governmental entities for goods and services. A recent report by the Public Policy Institute of California (PPIC) states that California has gained 713,000 jobs from direct foreign investment in California and additionally found that placing the type of restrictions, as set forth in this bill, on businesses will have a negative impact on our economy. The report further states that restricting state contracting will not necessarily help workers in California, but could instead result in contracts being awarded to out-of-state bidders. There is a right way and a wrong way to expand economic opportunity in California. The wrong approach is to implement measures that restrict trade, invite retaliation or violate the United States Constitution and our foreign trade agreements. The United States Constitution clearly defines that the authority to regulate trade with foreign nations rests with the federal government. Article 1, Section 8 grants Congress the exclusive authority to regulate Commerce with foreign nations. In today's global economy, the best approach to create and enhance job growth in California is to provide a competitive business environment. In order to improve their competitiveness in a global market, California businesses cannot be penalized with punitive policies restricting their ability to make decisions on how to best perform and provide goods or services for state government and our consumers. These restrictions will drive businesses out of California. California must continue to be an active participant in the worldwide economy in order to create new opportunities and better jobs for our citizens. This bill is contrary to those goals. Therefore, I cannot support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 1865 AUTHOR: Spitzer

TITLE: Parole: Employment of parolees.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law provides for the parole of state prison inmates, who may be returned to custody or face other sanctions for violations of parole conditions. Existing law makes available to parolees certain treatment, training, and employment programs. This bill would forbid the Department of Corrections or any employee or contractor of the department providing job placement services on behalf of the department to refer a parolee to any place of employment of a character inconsistent with an employment restriction attached to the parolee by reason of the nature of his or her criminal history. The bill would provide that a violation of these provisions by the Department of Corrections would result in the forfeiture of \$1,000 of the moneys appropriated for the support of the department in the state budget for that year. The bill would further provide that if a government office or member of the general public questions the appropriateness of a placement the Office of the Inspector General would determine what constitutes an inappropriate placement, and that any disputes or appeals surrounding the placement process would be adjudicated pursuant to the Administrative Procedure Act.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 1865 without my signature. While the employment of parolees is an integral part of their re-integration into the community, we must ensure that their employment does not create a risk to public safety. After discovering critical flaws in the operation of their job placement services contractor, the Department of Corrections completely overhauled this system to ensure that employers are made aware of the criminal history of any parolee referred to that company for employment. While this bill is based on this principle, it contains highly bureaucratic processes that do not contribute to either public safety or parolee placement into employment. For this reason I am unable to support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 1914 AUTHOR: Montanez

TITLE: Education in state prisons.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law requires the Director of Corrections to appoint a Superintendent of Correctional Education to oversee and administer all prison education programs. Existing law requires the Superintendent of Correctional Education to set both short- and long-term goals for inmate literacy and testing and establish priorities for prison education programs. This bill would change the position of Superintendent of Correctional Education to Deputy Director of Correctional Education and require the deputy director to report directly to the Director of Corrections. The deputy director would oversee and administer all prison education programs in conjunction with the Robert E. Burton Correctional Education Committee, which would submit a list to the Director of Corrections of 3 to 5 recommended candidates from which the Director of Corrections would appoint one to serve as Deputy Director of Correctional Education. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 1914 without my signature. I appreciate and share the authors interest in improving correctional education programs. That is one reason why I appointed Jeanne Woodford as the current California Department of Corrections (CDC) Director, based on her proven support for correctional education programs while Warden at San Quentin State Prison. Signing this bill would only hamper the improvements being planned and implemented by the Director. This bill eliminates accountability for the education programs by creating another layer of bureaucracy that is not directly answerable to the Director. Appointment of a Deputy Director for Correctional Education could only be made from a list of candidates provided by the Correctional Education Committee. This clearly usurps the Directors authority at a time when she is tasked with evaluating the current educational, vocational and treatment programs in order to implement a comprehensive plan to provide more rehabilitation opportunities to end the cycle of violence. CDC's Director has an existing Advisory Committee on Correctional Education, which includes representatives of the Superintendent of Public Instruction, and the Chancellors of both the California State University system and the California Community Colleges system. This bill would replace the existing committee with the 15-member Correctional Education Committee appointed by 12 different appointing authorities, hampering the Directors ability to improve and expand education programs. For these reasons I am unable to support this measure. Sincerely,
Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 1946 AUTHOR: Steinberg

TITLE: Sentencing.

STATUS: 09/24/2004-Vetoed by the Governor

SUMMARY: Under existing law, a state prisoner who is diagnosed with a disease that would produce death within 6 months and whose release is deemed not to threaten the public safety may have his or her sentence recalled and be resentenced. Existing law additionally sets forth grounds under which the court has discretion to find that a prisoner is eligible for resentence or recall. This bill would make prisoners who are diagnosed with a disease that would produce death within 6 months, and whose release is deemed not to threaten public safety, eligible to have their sentences recalled and to be resentenced and would expand the grounds under which the court exercises discretion to find eligibility for resentencing or recall. This bill would also oblige a physician employed by the Department of Corrections who determines that a prisoner meets one of specified criteria for eligibility for this recall and resentencing to inform the appropriate chief medical officer of that fact, and, if he or she concurs, would oblige the chief medical officer to inform the warden of that fact. This bill would also require the warden or the warden's representative to inform a prisoner given that prognosis of the recall and resentencing procedures, and to arrange for the prisoner's designee to be informed of the prisoner's medical condition and prognosis, and of the procedures for recall and resentencing. This bill would require the warden or the warden's representative to contact a mentally unfit inmate's emergency contact and provide the contact with this information. This bill would also direct the warden or the warden's representative to keep the prisoner and the prisoner's designee apprised of the prisoner's medical condition and recall and resentencing proceedings. This bill would also provide that when a prisoner or his or her designee initiates recall and resentencing procedures, the chief medical officer and the warden or the warden's representative, if they find that the prisoner meets one of specified criteria for eligibility for recall and resentencing, shall, within 48 hours of their finding, inform the prisoner or his or her designee of the recall and resentencing procedures. This bill would also require release of a prisoner who is resentenced within 48 hours of receipt of the court's order, unless the prisoner agrees to a longer time period, and would require that the prisoner be given his or her medical records, state identification, medications, and property at the time of release. Finally, this bill would require the Director of Corrections to issue a directive to Department of Corrections staff explaining recall and resentencing procedures. This bill contains other related provisions.

GOVERNOR'S VETO MESSAGE: I am returning Assembly Bill 1946 without my signature. This bill could result in the release of prisoners convicted of serious and violent felonies. Additionally, medically incapacitated prisoners could be released, and this bill does not provide any mechanism to return these prisoners to custody in the event they somehow would become a threat to public safety, or the prisoners condition were to improve to the point that they no longer were medically incapacitated. This bill would modify the Department of Corrections (CDC) Compassionate Release program by allowing medically incapacitated inmates to be considered for release or resentencing. This bill would allow that the court may resentence or recall a sentence if the court finds that the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety, and the prisoner is incapacitated by a medical condition that renders him or her permanently disabled. For these reasons I am returning this bill without my signature.

California Department of Corrections
2004 Vetoed Bills

AB 2275 **AUTHOR:** Dymally
TITLE: Equal opportunity programs.
STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: The State Civil Service Act requires each state agency and department to establish an effective affirmative action program with specified components, and to establish goals and timetables designed to overcome any identified underutilization of minorities and women in their respective organizations. Existing law requires the State Personnel Board to conduct specified activities in this regard. This bill would repeal these provisions. It instead would require each state agency to establish an equal opportunity program to ensure that the state policy of providing equal opportunity to all job applicants and employees, based on merit, and prohibiting illegal discrimination in every aspect of personnel policies and employment practices, is fully implemented. It would require the State Personnel Board to conduct specified activities in this regard. This bill contains other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2275 without my signature. My Administration is firmly committed to ensuring equal employment opportunities for anyone interested in public service with the State of California and that is why my Administration issued Executive Order S-6-04 in March of this year which clearly sets forth the States employment opportunity policies. In a recent court decision, Connerly v. State Personnel Board, the Third District Court of Appeals, invalidated specified sections of the State Civil Service Affirmative Action Program as unconstitutional. However, the sections that provide for data collection and reporting were not found unconstitutional and were not invalidated. Accordingly, under both state and federal law, state agencies have a responsibility to maintain statistical information on the composition of their workforce, and state agencies are required by federal law to identify racial, gender and ethnic under-representation in their workforce. I fully expect that all state agencies will comply with this responsibility and maintain meaningful information on the composition of the state workforce. I would consider legislation that repeals those provisions of law that have been judicially invalidated. I encourage the State and Consumer Services Agency to work with the proponents of this legislation to craft a measure that will eliminate the invalid statutory provisions, but does not impose additional reporting and recordkeeping requirements. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 2314 AUTHOR: Horton, Jerome

TITLE: State employees.

STATUS: 08/25/2004-Consideration of Governor's veto pending. VETOED

SUMMARY: Existing law prescribes procedures for taking adverse action against state employees, other than managerial employees. This bill would remove the exclusion for managerial employees with respect to these procedures. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2314 without my signature. This bill would revise disciplinary procedures for state managers. The bill removes the burden of proof for a disciplined managerial employee and eliminates the presumption that the notice of a disciplinary action is true. This bill impacts the state fiscally and creates an environment of lesser accountability among management employees. AB 2314 would result in the state expending additional funds to defend these disciplinary actions by encouraging managerial employees to make an appeal to the State Personnel Board (SPB) of a Departments decisions regarding the adverse action process. Additionally, due to the States fiscal crisis, the SPB has experienced significant budget reductions and would be unable to perform these new activities without additional funding. Transferring the burden of proof in the appeals process to the state would create another redundant process. Adverse actions are only taken after correction actions have failed to rectify an employees performance or behavior. Therefore, I cannot support this measure at this time. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 2408 AUTHOR: Yee

TITLE: Bilingual services.

STATUS: 08/30/2004-Vetoed by the Governor

SUMMARY: Under the Dymally-Alatorre Bilingual Services Act, every state agency, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, is required to employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person. The act provides that an employee of a state or local agency may not be dismissed to carry out the purposes of the act, and that an agency need only implement the act by filling employee public contact positions made vacant by retirement or normal attrition. This bill would also require the filling of newly created positions. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2408 without my signature. I fully support our state government serving the needs of our diverse population in an effective and comprehensive way. One way California does this is by hiring bilingual employees who are able to speak to the public in their own languages. The Dymally-Alatorre Bilingual Services Act (Act) established clear guidelines for state agencies to recruit and retain bilingual staff for public contact positions. All state agencies are monitored by the State Personnel Board (SPB) for compliance with the guidelines and procedures of the Act and has the authority to ensure compliance. State agencies are currently required to submit an implementation plan every other year to report on their progress towards complying with the Act. AB 2408 is duplicative of existing law and unnecessarily alters current reporting requirements that will not accurately reflect an agency's progress in complying with the Act. These additional requirements will increase the workload for all state agencies, including SPB, and could result in significant delays in the filling of critical positions by prolonging the hiring process when vacancies need to be filled in various state departments and agencies. Additionally, this bill will add a cumbersome and potentially costly exemption process to hire candidates for specified jobs and prolong the current hiring process which may jeopardize the successful and timely implementation of programs designed to improve services to all Californians. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 2532 **AUTHOR:** Hancock
TITLE: Hospitals: lift teams.
STATUS: 09/22/2004-Vetoed by the Governor

SUMMARY: Existing law regulates the operation of health facilities, including hospitals. This bill would require each general acute care hospital, except rural general acute hospitals, to establish a health care worker back injury prevention plan. This bill would require each hospital to conduct a needs assessment that utilizes a lifting and transferring process identifying patients needing lift teams, lifting devices, and lifting equipment. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2532 without my signature. A number of well-intentioned mandates have been placed upon California hospitals in recent years, including nurse-to-patient staffing ratios and seismic retrofit requirements. Hospitals will be spending billions of dollars in the coming years in order to comply with these mandates. As such, I believe we must carefully weigh additional mandates on hospitals in order to ensure the financial burden does not become too great or interfere with their ability to offer quality health care. Because I am concerned about the financial burden hospitals are already under, I cannot support the costly mandate imposed on them by AB 2532. Although the goal of having all hospitals implement a standardized lift policy that includes lift teams and modern equipment is laudable, it need not be mandated in statute. Procedures to limit injuries caused by the lifting patients should already be a part of a hospitals mandatory Injury and Illness Prevention Program (IIPP). If an individual believes a hospitals IIPP is insufficient, they may file a claim with the Division of Occupational Safety and Health. I believe this existing statutory protection and the accompanying workplace safety standards adopted by the Occupational Safety and Health Standards Board are sufficient to protect health care workers from injury. Although I cannot support AB 2532, I encourage hospitals to review their lift policies to determine the extent to which they can develop lift teams and purchase machinery to assist in lifting patients. I also encourage hospitals to consider incorporating modern lift technologies into new construction and significant renovation projects, including their seismic retrofit activities. For these reasons I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 2713 AUTHOR: Pavley

TITLE: Representation of governmental organizations.

STATUS: 09/28/2004-Vetoed by the Governor

SUMMARY: Existing law, the State Bar Act, specifies the duties of an attorney, which include the obligation to maintain the confidentiality of information disclosed by a client. This bill would authorize an attorney who, in the course of representing a governmental organization, learns of improper governmental activity, as defined, to urge reconsideration of the matter and to refer it to a higher authority in the organization. The bill would also authorize the attorney, in specified circumstances, to refer the matter to a law enforcement agency or to another governmental agency and would exempt the attorney from disciplinary action for making a referral of the matter.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2713 without my signature. This is a well-intended bill and I applaud the efforts to expose wrongdoing within government. However, this bill would condone violations of the attorney-client privilege, which is the cornerstone of our legal system. This bill will have a chilling effect on when government officials would have an attorney present when making decisions. It is an attorneys duty to advise the governmental officials when they are about to engage in illegal activity. This bill will ensure that advice is not conveyed in every situation and therefore it is too broad to affect the intended purposes. Existing law already addresses the most egregious situations, which is the only time the attorney-client relationship should be breached. It is critical to evaluate the recent changes to the law as it relates to the attorney-client privilege prior to further eroding this important legal principle. For the reasons stated I am unable to support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 2742 **AUTHOR:** Mountjoy
TITLE: Prisons: medical treatment.
STATUS: 09/24/2004-Vetoed by the Governor

SUMMARY: Existing law provides that the order of a physician for specified medical treatment may not be modified or canceled by any employee of the department without the approval of the chief medical officer of the institution or the physician in attendance except as specified. A person violating this provision is subject to appropriate disciplinary action by the Department of Corrections or the Youth Authority. This bill would provide that, if an inmate or ward is given a diagnosis and recommendation for treatment by a physician outside the department facility who is a specialist or consulting physician, and that treatment is available at the department facility or contract medical facility, and that treatment does not exceed the range of benefits provided by the department, if a decision is made to deny or modify the recommended treatment, that decision shall be communicated in writing to the physician recommending the treatment and to the patient. This bill would also bar department facility staff other than a physician from interfering with the delivery of a treatment prescribed by a physician unless imminent risk of bodily harm to the physician, staff, or inmate requires alternate or modified procedures. A person violating any of these provisions would be subject to appropriate disciplinary action by the department, and would be guilty of an infraction punishable by a fine of up to \$1,000. A 2nd or subsequent conviction for this offense would be punishable by a fine of up to \$2,000. This bill would also require any action taken against a physician under these provisions to be reported by the employing department to the Medical Board of California within 30 days of that action. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2742 without my signature. While I am supportive of the authors goal of providing adequate medical treatment and proper notification to inmates and wards, this measure would result in an increase in costs and bureaucracy while decreasing the time physicians spend with patients. AB 2742 diverts the attention of prison doctors away from concerted efforts to improve medical care by requiring unnecessary procedural paperwork. This bill will not improve inmate health care as the author intends, but instead redirects resources and attention away from implementing the enhancements to the Inmate Medical Services Program. For these reasons I am unable to support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 2750 **AUTHOR:** Steinberg

TITLE: State employees: compensation.

STATUS: 09/29/2004-Vetoed by the Governor

SUMMARY: Existing law provides that no state officer or employee shall be deemed to have a break in service or to have terminated his or her employment, for any purpose, nor to have incurred any change in his or her authority, status, or jurisdiction or in his or her salary or other conditions of employment, solely because of the failure to enact a Budget Act for a fiscal year prior to the beginning of that fiscal year. This bill would state the intent of the Legislature to implement the rulings of *Biggs v. Wilson* (9th Cir. 1993) 1 F.3d 1537 and *White v. Davis* (2003) 30 Cal.4th 528 as part of the statutory law of the state. The bill would require, for any period on or after July 1 of a fiscal year until the operative date of the annual Budget Act for that fiscal year, that the Controller consider any class of state employees who are entitled to compensation for overtime work as coming within the class of employees who are reasonably anticipated to work overtime and thereby entitled, pursuant to the federal Fair Labor Standards Act, to receive full, regular wages for all straight-time hours that the employee is scheduled to work, and to pay those employees on their regularly scheduled payday.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2750 without my signature. This bill is unnecessary. The Legislature has a constitutional obligation to submit a budget to the Governor by midnight June 15th and for the Governor to act upon by June 30th. For these reasons I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 2930 AUTHOR: Koretz

TITLE: Public safety officers: discipline.

STATUS: 09/24/2004-Vetoed by the Governor

SUMMARY: Existing law sets forth the conditions for interrogation of a public safety officer who is under investigation, when the interrogation could lead to punitive action, as specified, and prohibits the loaning or reassignment of a public safety officer to a location or duty assignment not normally sent or given to a sworn member of his or her department under similar circumstances. Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against a public safety officer, the officer has the right to be represented by a representative of his or her choice, who may not be a person subject to the same investigation. The representative may not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters. This bill would specify that these provisions apply to a representative who is also a public safety officer, and also prohibit the representative from being a person who is a witness in the investigation. It would additionally provide that the representative may not be required to disclose, nor be subject to punitive action for refusing to disclose, any information not related to criminal activity received in a representational capacity from the officer under investigation, except in criminal investigations or proceedings, prohibit this information from being used in any subsequent punitive action, and make conforming changes.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2930 without my signature. As currently written, this bill would place a significant barrier for law enforcement to discipline its officers who violate its policies and procedures. Specifically, this bill would provide that information received during a criminal investigation from a union representative could not be used against the offending officer in a disciplinary action even though the same information could be used to discipline an officer if it came to light through a non-criminal investigation. For example, if during a criminal investigation of an officer information surfaces from the union representative that the officer has violated significant policies of the department but do not rise to a criminal action, the chief of police, sheriff, or warden would not be able to utilize that information to discipline the officer. By creating such a loophole in the law, the possibility increases that a select few bad actors could perpetuate a code of silence or other actions that would jeopardize law enforcements ability to police their own. The majority of our peace officers work very hard to protect the integrity of our justice system and the citizens of California. Providing an avenue for a small minority to escape discipline in appropriate situations will disparage the entire profession. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

[AB 2946](#) **AUTHOR:** Goldberg

TITLE: Inmates: correctional facilities: clergy access.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law generally regulates the confinement and treatment of inmates in correctional facilities. This bill would provide that a correctional facility may not deny a clergy member access to the facility because of specified actions by the clergy member. This bill contains other related provisions.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2946 without my signature. I recognize the importance that religious programs play in the rehabilitation of prisoners and I strongly support the continuing rights of clergy members to minister to the jail and prison population throughout the State of California. AB 2946 inhibits the ability to effectively maintain security and manage institutional religious programs. Every state and local correctional facility has different dynamics and individual safety concerns that need to be addressed. We entrust facility administrators with the job of protecting the public, the inmates, staff, visitors and others. To do so, the administrator has to balance the interest of safety over the access to inmates by visitors. By imposing an extremely high standard before barring one class of visitor to the facility, we tie the hands of administrators to ensure public safety. For this reason I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

AB 2994 **AUTHOR:** Frommer

TITLE: Public contracts: preferences: forest products.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law generally requires state agencies to comply with competitive bidding procedures in soliciting and evaluating bids for public works projects. Existing law authorizes bidding preferences for certain categories of business owners, including businesses owned by military veterans. This bill would require any state agency that contracts for, or acquires, lumber or other solid wood products, excluding paper and other types of secondary manufactured goods, to give preference, if price, fitness, and quality are equal, to lumber and other solid wood products that are harvested from forests within this state. This bill contains other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Assembly Bill 2994 without my signature. While I support the goal of recognizing the stringent environmental standards California has placed on the forestry industry, many other industries face similar regulatory burdens without the availability of bidding preferences. The preferences imposed by this bill could result in costly legal challenges, retaliation by other states and nations, and bid protests from those claiming the preference should be granted and those objecting to it. This bill takes the states procurement efforts in the opposite direction of the general economic trends for free and open trade in a global economy. I encourage all Californians to buy voluntarily California-grown and manufactured products, particularly when the price, fitness and quality of the product are equal. As I have said, Be Californian, Buy California Grown. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

SB 1164 **AUTHOR:** Romero

TITLE: Media access to prisoners.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law provides that a person sentenced to imprisonment in the state prison has the right to correspond confidentially with any member of the State Bar or holder of public office provided that the prison authorities may open and inspect incoming mail to search for contraband. The bill would require the Department of Corrections, upon reasonable notice, to permit representatives of the news media to interview prisoners in person or randomly, as specified, and would prohibit the interview of a prisoner or parolee against his or her will. The bill would require the department to permit the news media to receive confidential correspondence from a prisoner, except as specified, and would forbid retaliation against an inmate for participating in a visit by a representative of the news media.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1164 without my signature. I believe that open access by the press is an important component of ensuring efficiency and effectiveness of government programs. However, this bill is unnecessary because the media currently enjoys wide ranging access to both prisons and inmates, including the right to interview random inmates during tours and specific inmates during the visitation program. The California Department of Corrections current policy is modeled after policies that have been upheld by the U.S. Supreme Court. The policy strikes the important balance between media access and appropriate correctional policies that must take into account the orderly administration of prisons. Finally, it is important to avoid treating inmates as celebrities. Activities that would glamorize criminals at the expense of victims and the general public are unacceptable. A free flow of information from the prison environment into the outside world has taken place under the current policy as evidenced by the many published press accounts in the past year. For these reasons I am unable to support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

SB 1287 **AUTHOR:** Kuehl

TITLE: Prisoners: incarcerated parents.

STATUS: 09/21/2004-Vetoed by the Governor

SUMMARY: Existing law generally establishes criminal procedures regarding pleas. This bill would require, at an arraignment where the defendant's charges could result in incarceration for a period of 6 months or more, the court to advise the defendant that, if the defendant is a custodial parent, conviction may have consequences for the defendant's parental rights. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1287 without my signature. I support the authors efforts to strengthen family ties and break the cycle of incarceration. Unfortunately, I do not support the provisions of this bill that require the courts to provide a defendant with information regarding the potential impact of accepting a plea. These provisions could result in lengthy court hearings and increased costs. The worthy goal of ensuring defendants are advised of the collateral consequences of their decisions should not require the state to accept procedures that are overbroad and create a potential for criminal pleas to be overturned on a technicality. This procedure undermines the longstanding criminal justice policy which favors finality of judgment for the victims, the defendant, and the state. While I appreciate and understand the authors desire to provide a parent with more information, conviction of a crime has many consequences, most of which are not specifically outlined by the court when a plea is entered but is covered by attorneys prior to the proceedings. For these reasons I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

SB 1399 **AUTHOR:** Vasconcellos
TITLE: Prisoners: rehabilitation.
STATUS: 09/24/2004-Vetoed by the Governor

SUMMARY: Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, in order to, among other things, aid in the person's rehabilitation. This bill would make various findings and declarations with respect to the corrections system. This bill contains other related provisions.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1399 without my signature. This bill is premature and would result in significant General Fund costs at a time when I am working to improve the efficiency and effectiveness of our correctional system. While I know the author shares my commitment, this bill unfortunately will interfere with the efforts that the Youth and Adult Correctional Agency is currently undertaking at this time. I am committed to enacting comprehensive prison reform in California. Under my direction, the Youth and Adult Correctional Agency Secretary, Roderick Hickman, and the Director of Corrections, Jeanne Woodford are hard at work implementing several parole reform programs with the goal towards improving the recidivism rate in California. In addition to parole reform, both Secretary Hickman and Director Woodford are dedicated to making rehabilitation a core part of the mission for the Department of Corrections. During the coming year, we will continue to focus on how to improve our correctional system so that we can ensure that inmates are better prepared to lead productive lives upon reentry into society, but more importantly, to ensure that we do not create more victims of crime. For these reasons I am unable to sign this measure. Sincerely,
Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

SB 1487 AUTHOR: Speier

TITLE: Health facilities: hospital-acquired infection.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law provides for the licensure and regulation by the State Department of Health Services of health facilities, including general acute care hospitals, acute psychiatric hospitals, and special hospitals. A violation of these provisions by a health facility is a crime. Existing law requires health facilities to file various reports containing health facility data with the Office of Statewide Health Planning and Development. This bill would require those facilities to have a written infection control program for the surveillance, prevention, and control of infections, under the oversight of a multidisciplinary team. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1487 without my signature. This bill would require every hospital to establish an infection control program and collect data regarding hospital-acquired infections. It requires hospitals to make adjustments for risk and report it to the Office of Statewide Health Planning and Development (OSHPD). The bill requires the OSHPD to make the information public and to transmit it to the Department of Health Services. Infection control programs have considerable merit and are currently in effect. The Department of Health Services and the Joint Commission on Accreditation of HealthCare Organizations scrutinize hospital infection control programs and the National Quality Initiative is expected to more than double the number of quality indicators tracked by May 2005. This calls into question the need of a new program to address this issue. Additionally, the lack of data auditing in this bill is problematic. Not auditing avoids some costs but it also raises concerns about the quality and validity of the data collected and hence the overall effectiveness of the program. The absence of data auditing and review by impartial clinical experts may call into question the quality and ultimate validity of the data on hospital-acquired infections. This bill imposes significant costs on hospitals and the OSHPD. Facing implementation of a number of well-intentioned but expensive mandates, many hospitals are not in a position to absorb the cost of a new program or reporting requirement. I believe that we must carefully weigh the value of additional mandates on hospitals against the potential of pushing some hospitals over the financial brink. Implementation of this bill would impact the Health Data Planning Fund within OSHPD and could result in a deficiency within this Fund. In order to meet the requirements of the bill, OSHPD would have to redirect current staff and resources impacting existing programs and the delivery of services. Finally, given the need for proper infection control, I encourage the hospital community and the medical community to collaborate to ensure that patients are protected from acquiring infections while in the hospital. For the reasons stated above I am returning this measure without my signature. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

[SB 1676](#) **AUTHOR:** Romero
TITLE: Prisoners.
STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law requires every public official in charge of a prison, jail, or other place of detention to keep a record of all disciplinary infractions and punishments administered therefor. This bill would require the Department of Corrections and the Department of the Youth Authority to collect specified data regarding lockdowns and require the Department of Corrections and the Department of the Youth Authority to post the information to the respective department's Web site.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1676 without my signature. While I support the idea of a transparent, open government, this bill would post information on the Web that is of little use to the public and could jeopardize the safety of correctional institutions. The identifying information contained in this bill could be used by gangs or other criminal elements to coordinate activities inside state correctional institutions. In addition, this bill would only require the information be posted on a quarterly basis. This outdated lockdown information would serve very limited, if any, useful purpose for the general public. Currently, the Department of Corrections and California Youth Authority provide a wide variety of institutional information, including lockdown information, upon request to the Legislature and various public and private research groups. In the future, my Administration will continue to work with all interested parties to ensure that adequate information is available for research and policy decisions. For these reasons I am unable to support this measure. Sincerely,
Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

SB 1754 **AUTHOR:** Battin

TITLE: State property: use of real property: Department of General Services.

STATUS: 09/30/2004-Vetoed by the Governor

SUMMARY: Existing law generally sets forth the duties and authority of the Department of Finance in overseeing the fiscal affairs of the state and the duties and authority of the Department of General Services in acquiring, assigning, and maintaining property on behalf of state agencies. This bill would provide that final determination of the use of existing state-owned or state-leased office space that is currently under the jurisdiction of the Department of General Services by state agencies shall be made by the Department of General Services with the concurrence of the Department of Finance. It would provide that the request of an agency to acquire new facilities requires the approval of the Department of Finance in addition to any applicable requirement of approval by the Legislature. It would require the Department of General Services to procure approved new facilities for any agency that currently leases, purchases, acquires, or constructs its own office space through the department that meet the agency's needs using cost efficiency as a primary criterion, among any other agency-specific criteria, as applicable. It would require the Department of General Services to first consider the utilization of existing state-owned, state-leased, or state-controlled office facilities under the control or authority of the Department of General Services that meets that criterion before considering the leasing of additional office facilities on behalf of a state agency. It would also require that when tenant state agencies located in existing state-owned office space vacate their premises, they continue to pay rent for the facilities unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease, unless the department has generated the tenant's relinquishment or the tenant is vacating in accordance with the provisions of its lease agreement.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1754 without my signature. I issued Executive Order S-10-04 to begin the comprehensive process of reforming the states asset management program. Senators Battin and Denham have been instrumental in moving these ideas forward in the Legislature. Unfortunately, this bill inadvertently creates another layer of bureaucracy by requiring an additional review of leases that are less than \$25,000. I believe that this will only delay the execution of state leases. I look forward to working with the Legislature next year as we continue this important reform effort. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

SB 1760 **AUTHOR:** Perata

TITLE: Sovereign immunity: waiver: Americans with Disabilities Act of 1990.

STATUS: 09/29/2004-Vetoed by the Governor

SUMMARY: Pursuant to the Eleventh Amendment to the United States Constitution, a state under certain circumstances may be immune to suit under federal laws without its consent. This bill would expressly provide that the state consents to be sued in state or federal court by any person seeking to enforce rights or obtain remedies afforded by the federal act, and would prohibit any public agency, as defined, from asserting immunity against those suits. This bill contains other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1760 without my signature. The State of California provides civil and administrative protections against disability discrimination that are as broad as those provided under federal law. In many instances, California disability laws provide more extensive remedies than those contained in federal law. It is, therefore, unnecessary to subject the State to suit under the Americans with Disabilities Act. SB 1760 would expressly waive the States sovereign immunity under the Eleventh Amendment of the United States Constitution and permit the State of California to be sued for violations of the Americans with Disabilities Act. For these reasons I am unable to support this measure. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

SB 1851 **AUTHOR:** Bowen

TITLE: State buildings and publicly funded schools: standards.

STATUS: 09/16/2004-Vetoed by the Governor

SUMMARY: Existing law requires all new state public buildings and publicly funded schools to be models of energy efficiency and to be designed, constructed, and equipped with all energy efficiency measures, materials, and devices that are feasible and cost-effective over the life of the building. Existing law also requires all state public buildings and publicly funded schools, when renovated or remodeled, to be retrofitted to meet specified building standards. This bill would require until July 1, 2007, all new state public buildings for which design and construction begins after January 1, 2005, except for publicly funded schools, to exceed the minimum building energy efficiency standards mandated by the California Building Standards Code if the measures achieve certain cost savings. This bill contains other related provisions.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1851 without my signature. This bill requires new state buildings to exceed current energy efficiency standards and be constructed and/or renovated to incorporate green building elements that are cost-effective. Early in my Administration, I directed Secretary Tamminen to establish a working group to develop green building bank initiatives for both public and private buildings. Members of the working group include public sector decision makers, commercial real estate business owners and managers, energy experts and financial managers. The group is currently developing recommendations for a comprehensive program to dramatically advance energy conservation as well as incorporate other green building principles into commercial buildings. Additionally, this bill is similar to the executive order passed in the prior administration which directed all state agencies to improve energy efficiency in all state buildings. This order has not been rescinded and is still in effect. Since this bill would codify much of an existing executive order, it would not improve upon existing efforts to increase adoption of sustainable building practices in California. Sincerely, Arnold Schwarzenegger

California Department of Corrections
2004 Vetoed Bills

SB 1892 AUTHOR: Burton

TITLE: Personal services contracts.

STATUS: 09/22/2004-Vetoed by the Governor

SUMMARY: 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. This bill would require these types of contracts to contain a provision stating that, in the event the board determines that the contract is not in compliance with the requirements that apply to personal services contracts, the contract will be terminated and the contractor will be liable for a penalty equal to the amount paid by the state agency to the subcontractor prior to the termination of the contract. This bill contains other related provisions and other existing laws.

GOVERNOR'S VETO MESSAGE:

I am returning Senate Bill 1892 without my signature. This bill repeals and amends various provisions regarding State personal services contracts and establishes that if the State Personnel Board (SPB) disapproves any contract, any individual could sue for the recovery of any State funds paid to a contractor, even if the contract has been negotiated and the contractor has begun the work. This bill adds additional and unnecessary burdens to the contracting process of the State by requiring that no work can be done until SPB, and labor organizations, have approved or disapproved the contract. It also eliminates the 30-day timeframe in which the SPB must act on personal services contracts leading to increased delays and costs in getting contracts approved and awarded. In addition, it makes contractors liable for the amount already paid out under the contract if SPB determines that a current contract does not comply, thereby putting private contractors at risk to incur fines even though they entered into a contract in good faith and performed the work satisfactorily. This bill creates significant delays, backlogs and eliminates competition. Such delays will unnecessarily impact essential public services and places increased costs on all state agencies, including SPB. For the reasons stated above, I cannot support this measure.
Sincerely, Arnold Schwarzenegger

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