

California Department of Corrections and Rehabilitation  
Office of Legislation

# 2008 Legislative Digest



January 2009

STATE OF CALIFORNIA

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Governor

California Department of Corrections and Rehabilitation

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## **INTRODUCTION**

This Legislative Digest is comprised of bills that were chaptered or vetoed during the second half of the 2007/2008 Legislative Session that will have, or would have had, some impact on the California Department of Corrections and Rehabilitation (CDCR).

The brief summaries do not purport to provide a complete description of the legislation or go into details of the measures. The summaries provide a brief overview of the intent of the bill.

Copies of the 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](http://www.leginfo.ca.gov).

The chaptered bills become effective January 1, 2009, 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.

For additional information regarding these measures, please contact the Office of Legislation.

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Legislative Digest 2008

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## Chaptered Bills – Assembly Bills

### AB 88

**AUTHOR:** Committee on Budget  
**TITLE:** Budget Act of 2008.  
**STATUS:** 09/23/2008-Signed by the Governor

**SUMMARY:** AB 1781, as proposed by Conference Report No. 1 on July 17, 2008, would make appropriations for the support of state government for the 2008-09 fiscal year. This bill would amend and supplement the Budget Act of 2008 by revising items of appropriation for the Office of Planning and Research; the Office of Emergency Services; the Department of Justice; the Controller; the Secretary of State; the Treasurer; the Department of General Services; the State Personnel Board; the Department of Technology Services; the Department of Forestry and Fire Protection; the Department of Parks and Recreation; the State Air Resources Board; the State Department of Developmental Services; the State Department of Health Care Services; the State Department of Mental Health; the State Department of Social Services; the Department of Corrections and Rehabilitation; the Student Aid Commission; the State Department of Education; the California State Library; the University of California; the California State University; the California Community Colleges; the Department of Personnel Administration; the Public Utilities Commission; the Department of Finance; the Military Department; the Financial Information System for California; and local government financing. This bill contains other related provisions.

**GOVERNOR'S MESSAGE:** I object to the following appropriations contained in Assembly Bill 88. Item 0690-001-0001-For support of Office of Emergency Services. I am sustaining Provision 4, which suspends the Government Code Section 8581.5 requirement for the biennial report on emergency preparedness for catastrophic disasters, which was scheduled to be published in 2008-09. However, I am directing the Office of Emergency Services to prepare this report to the extent possible using existing resources. Item 0690-102-0001-For local assistance, Office of Emergency Services. I revise this item by deleting Provisions 3 and 5. Provision 3 requires the Office of Emergency Services to allocate \$800,000 to the Central Coast Rural Crime Prevention Program. Funding for this program was reduced by 10 percent, but this language was not amended to reflect the reduced amount. This technical veto is necessary to ensure that all grant recipients... For the complete text of the message, see [ftp://leginfo.public.ca.gov/pub/dailyfile/asm/assembly\\_Governors\\_Vetoes.pdf](ftp://leginfo.public.ca.gov/pub/dailyfile/asm/assembly_Governors_Vetoes.pdf).

### AB 97

**AUTHOR:** Mendoza  
**TITLE:** Food facilities: trans fats.  
**STATUS:** 07/25/2008-Chaptered by the Secretary of State, Chapter 207, Statutes of 2008.

**SUMMARY:** Existing law, the California Uniform Retail Food Facilities Law (CURFFL), provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing CURFFL. A violation of CURFFL is a misdemeanor. This bill would require every food facility, except a public school cafeteria, to maintain on the premises the label required for any food or

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food additive that is, or includes, any fat, oil, or shortening, for as long as this food or food additive is stored, distributed, or served by, or used in the preparation of food within, the food facility. This bill contains other related provisions and other existing laws.

### [AB 439](#)

**AUTHOR:** Ma

**TITLE:** Inmates: funds.

**STATUS:** 08/04/2008-Chaptered by the Secretary of State, Chapter 210, Statutes of 2008.

**SUMMARY:** Existing law requires the Secretary of the Department of Corrections and Rehabilitation to deposit any inmate funds in his or her possession in trust with the Treasurer. However, upon written authorization by an inmate, and subject to the approval of the Department of Finance, the secretary may deposit those funds in interest-bearing accounts or invest or reinvest the funds in any of specified securities and for the purposes of deposit or investment may only mingle the funds of any inmate with the funds of other inmates. This bill would delete the above requirement that an inmate give specific authorization for, and that the Department of Finance give approval for, any deposit, investment, or reinvestment of those funds. The bill would also require the secretary to deposit those funds in interest-bearing accounts or invest or reinvest the funds in any of specified securities. This bill contains other related provisions and other existing laws.

### [AB 717](#)

**AUTHOR:** Fuller

**TITLE:** Victims' compensation.

**STATUS:** 09/29/2008-Chaptered by the Secretary of State, Chapter 582, Statutes of 2008.

**SUMMARY:** Existing law provides that crime victims may be awarded compensation by the California Victim Compensation and Government Claims Board from the state Restitution Fund for the pecuniary losses they suffer as a direct result of criminal acts. The awarding of compensation is subject to application procedures, eligibility requirements, and specified limits on the amount of compensation. This bill would provide that an application for compensation based on any of specified crimes involving sex with a minor may be filed any time prior to the victim's 28th birthday. This bill contains other related provisions and other existing laws.

### [AB 873](#)

**AUTHOR:** Davis

**TITLE:** Public utilities: procurement.

**STATUS:** 09/26/2008-Chaptered by the Secretary of State, Chapter 316, Statutes of 2008.

**SUMMARY:** Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical, gas, water, and telephone corporations. Existing law authorizes the commission to establish rules for all public utilities, subject to control by the Legislature. Existing law directs the commission to require every electrical, gas, and telephone corporation with

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annual gross revenues exceeding \$25,000,000, and their regulated subsidiaries and affiliates, to implement a program developed by the commission to encourage, recruit, and utilize minority-, women-, and disabled veteran-owned business enterprises, as defined, in the procurement of contracts from those corporations or from their regulated subsidiaries and affiliates, and to require the reporting of certain information. The commission has, by rulemaking, adopted General Order 156, applicable to certain electrical, gas, and telephone corporations, to effectuate these requirements. This bill would extend the minority-, women-, and disabled veteran-owned business enterprises procurement requirements to water corporations with gross annual revenues of more than \$25,000,000 and would encourage each electrical, gas, water, and telephone corporation that is not required to submit a plan to voluntarily adopt a plan for increasing women, minority, and disabled veteran business enterprise procurement in all categories. Because a violation of certain of the requirements by an electrical, gas, or telephone corporation is a crime, this bill would impose a state-mandated local program by expanding the definition of a crime to include violations by a water corporation with gross annual revenues of more than \$25,000,000. This bill contains other related provisions and other existing laws.

### AB 1115

**AUTHOR:** Runner, Sharon

**TITLE:** Peace officers: accidents.

**STATUS:** 07/10/2008-Chaptered by the Secretary of State, Chapter 85, Statutes of 2008.

**SUMMARY:** Existing law provides that no peace officer, member of the Department of the California Highway Patrol, or firefighter shall be required to report any accident in which he or she is involved while operating an authorized emergency vehicle, as defined, in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the Department of the California Highway Patrol, or firefighter a private automobile insurance policy. This bill would provide that no peace officer, member of the Department of the California Highway Patrol, or firefighter shall be required to report any accident in which he or she is involved while operating any employer-leased or employer-rented vehicle, in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the Department of the California Highway Patrol, or firefighter a private automobile insurance policy. This bill would make a conforming change relating to proof of financial responsibility, in the event of an accident involving a vehicle operated on behalf of a public agency.

### AB 1141

**AUTHOR:** Anderson

**TITLE:** Controlled substances.

**STATUS:** 09/25/2008-Chaptered by the Secretary of State, Chapter 292, Statutes of 2008.

**SUMMARY:** Existing law classifies certain controlled substances into designated schedules. Under existing law, unlawful possession of specified controlled substances is either a

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misdemeanor or a felony. This bill would add Khat and Cathinone, as specified, to the controlled substances listed in Schedule II and would also add Cathine, as specified, to the controlled substances listed in Schedule IV. This bill would also provide that unlawful possession of Khat, Cathinone, and Cathine is a misdemeanor. This bill contains other related provisions and other existing laws.

### [AB 1279](#)

**AUTHOR:** Committee on Budget

**TITLE:** Human services.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 759, Statutes of 2008.

**SUMMARY:** The Child Care and Development Services Act, administered by the State Department of Education, provides that children up to 13 years of age are eligible, with certain requirements, for child care and development services. Existing law provides for child care alternative payment programs, the purpose of which is to provide for parental choice in child care. Under existing law, payments by alternative payment programs to licensed child care providers cannot exceed the applicable market rate ceiling. Existing law requires an alternative payment program to reimburse a child care provider in accordance with an annual market survey, to be conducted by an entity contracting with the department, at a rate not to exceed ceilings prescribed by statute. This bill would, instead, require, commencing March 1, 2009, the regional market rate ceilings to be established at the 85th percentile of the 2007 regional market rate survey for that region, and would make conforming changes. The bill would require the market rate surveys to be conducted on a biennial rather than annual basis. The bill would prohibit a family receiving CalWORKs cash aid from being charged a family fee. This bill contains other related provisions and other existing laws.

### [AB 1394](#)

**AUTHOR:** Krekorian

**TITLE:** Counterfeit: trademarks.

**STATUS:** 09/27/2008-Chaptered by the Secretary of State, Chapter 431, Statutes of 2008.

**SUMMARY:** Existing law makes it a misdemeanor or a felony for a person to willfully manufacture, intentionally sell, or knowingly possess for sale any counterfeit registered trademark, as specified. Existing law provides for the punishment for the violation and subsequent violations of these provisions if the person is a corporation. Existing law also provides, upon conviction, for the forfeiture and destruction of all the counterfeit trademarks and related articles, as specified. Existing law regarding counterfeited trademarks also applies to unassembled components of computer software packages. Under existing law, a court is required to order restitution, as specified, to a victim of a crime. This bill would make those punishment provisions relating to corporations instead applicable to business entities and would define "business entity" as including a corporation, limited liability company, or partnership. This bill would specify the procedure for the forfeiture of the counterfeited items. This bill would also expand the definition of a "counterfeit

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mark" and would apply those provisions to the unassembled components of any counterfeited article, as specified. This bill contains other related provisions and other existing laws.

### AB 1480

**AUTHOR:** Mendoza

**TITLE:** State teachers' retirement: annuity contracts and custodial accounts.

**STATUS:** 09/27/2008-Chaptered by the Secretary of State, Chapter 432, Statutes of 2008.

**SUMMARY:** Existing law requires the State Teachers' Retirement System to offer annuity contracts and custodial accounts to all employees of any state agency who are members of the State Teachers' Retirement Plan, as specified, or any employee of a local public agency or political subdivision of the state that employs persons to perform creditable service subject to coverage by the plan, as specified. Existing federal law permits the creation of individual retirement accounts referred to as Roth IRAs, and regulates the conditions under which a taxpayer may make a rollover contribution to a Roth IRA from another individual retirement account. This bill would permit the State Teachers' Retirement System to administer a Roth IRA for the purpose of accepting a rollover from an annuity contract or custodial account offered by the system to the extent the rollover complies with the federal tax law. The bill would permit the system to provide for the administration of the Roth IRA by a qualified third-party administrator who would provide custodial, investment, recordkeeping, or administrative services. The bill would also provide for the deposit of revenues into the Roth IRA Operating Account within the Teachers' Deferred Compensation Fund. By increasing amounts deposited in that fund, this bill would make an appropriation. This bill contains other existing laws.

### AB 1781

**AUTHOR:** Laird

**TITLE:** Budget Act of 2008.

**STATUS:** 09/23/2008-Chaptered by the Secretary of State, Chapter 268, Statutes of 2008.

**SUMMARY:** This bill would make appropriations for support of state government for the 2008-09 fiscal year. This bill contains other related provisions.

**GOVERNOR'S MESSAGE:** I object to the following appropriations contained in Assembly Bill 1781. Item 0690-011-0214-For support of Office of Emergency Services. I delete this item. This item would authorize a \$30,000,000 loan from the Restitution Fund to the Emergency Response Fund. The final budget package does not create the Emergency Response Fund nor appropriate any funding from it. However, the final budget package does include this loan, which is no longer necessary. Therefore, on a technical basis, I must delete this item. Item 0690-101-6061-For local assistance, Office of Emergency Services. I revise this item by deleting Provision 1. This Budget Bill provision is unnecessary, as it simply restates existing law... For the complete text of the message, see [ftp://leginfo.public.ca.gov/pub/dailyfile/asm/assembly\\_Governors\\_Vetoes.pdf](ftp://leginfo.public.ca.gov/pub/dailyfile/asm/assembly_Governors_Vetoes.pdf).

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### [AB 1860](#)

**AUTHOR:** Huffman

**TITLE:** Unsafe products: recall or warning.

**STATUS:** 09/29/2008-Chaptered by the Secretary of State, Chapter 569, Statutes of 2008.

**SUMMARY:** Existing federal law authorizes the United States Consumer Product Safety Commission to establish and enforce product safety standards that it finds necessary to protect against unreasonable risk of injury. Once the commission staff determines a product violates a specific statute or regulation, the staff notifies the responsible manufacturer, importer, distributor, or retailer, and assists the responsible firm with the development and implementation of a remedial repair, replacement, or refund program, also known as a recall. This bill would prohibit a commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer from manufacturing, remanufacturing, distributing, selling at wholesale or retail, contracting to sell or resell, leasing, or subletting, or otherwise placing into the stream of commerce, a product that is unsafe knowing that the product is unsafe, as specified. The bill would provide for an unsafe product to be retrofitted, and would permit the sale of the retrofitted product if accompanied by a specified notice. This bill contains other related provisions and other existing laws.

### [AB 1864](#)

**AUTHOR:** DeVore

**TITLE:** Juveniles.

**STATUS:** 07/10/2008-Chaptered by the Secretary of State, Chapter 88, Statutes of 2008.

**SUMMARY:** Existing law provides that whenever a person confined in any state institution subject to the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, escapes, or is discharged, or paroled from that institution, and any personal funds or property of that person remains in the hands of the Chief Deputy Secretary for Juvenile Justice, and no demand is made upon the chief deputy by the owner of the funds or property or his or her legally appointed representative, that person's money and property, as specified, remaining in the custody or possession of the chief deputy shall be held for seven years, as specified. This bill would instead require the chief deputy to hold those funds or property for three years, as specified. This bill would also make technical, nonsubstantive changes to those provisions.

### [AB 1883](#)

**AUTHOR:** Keene

**TITLE:** Fire: inmate crews: nonprofit organizations.

**STATUS:** 08/04/2008-Chaptered by the Secretary of State, Chapter 259, Statutes of 2008.

**SUMMARY:** The Department of Forestry and Fire Protection is required to use inmates and wards assigned to conservation camps for fire prevention, fire control, and other work of the department. The department is authorized to enter into contracts and cooperative agreements with public agencies for the performance of other conservation projects appropriate for that public agency, under the policies established by the Prison Industry Authority. This bill would enact the Wildfire

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Prevention Assistance Act of 2008 and would expand the department's authority to include entering into contracts and cooperative agreements with qualified nonprofit organizations that have a demonstrated ability to plan, implement, and complete a conservation project and meet other criteria, as determined by the department.

### [AB 2028](#)

**AUTHOR:** Solorio

**TITLE:** Peace officers: hiring.

**STATUS:** 09/27/2008-Chaptered by the Secretary of State, Chapter 437, Statutes of 2008.

**SUMMARY:** Existing law requires peace officers to meet specified minimum standards, including being of good moral character, as determined by a thorough background investigation. This bill would provide that the collection of nonmedical and nonpsychological information, in accordance with a thorough background investigation required of all peace officers, may be deferred until after a conditional offer of employment is issued if the employer can demonstrate that the nonmedical and nonpsychological information could not reasonably have been collected prior to issuing the employment offer. This bill contains other existing laws.

### [AB 2039](#)

**AUTHOR:** Arambula

**TITLE:** Department of Motor Vehicles: records.

**STATUS:** 07/10/2008-Chaptered by the Secretary of State, Chapter 91, Statutes of 2008.

**SUMMARY:** Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles records, if the officer or employee requests it be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for three years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently upon request. This bill would revise that provision and allow inspection of the home address, until reinstatement to an office or employment, if the termination of office or employment is the result of conviction of a criminal offense. This bill would require that, if the termination or separation is the result of the filing of a criminal complaint, the department withhold a confidential home address from public inspection during the time in which the appeal process is exhausted. The bill would make it discretionary for the employing agency to keep the home address confidential once the appeal process is complete and the termination or separation is upheld. This bill contains other related provisions.

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### [AB 2070](#)

**AUTHOR:** Bass

**TITLE:** Foster care: incarcerated parents.

**STATUS:** 09/28/2008-Chaptered by the Secretary of State, Chapter 482, Statutes of 2008.

**SUMMARY:** Existing law requires the juvenile court to order the social worker to provide child welfare services for a child, as specified. Existing law permits the court to extend those child welfare services, as specified. Existing law also requires that when the court orders counseling or other treatment services, it must also order the parent or guardian to participate in those services, unless the parent's or guardian's participation is deemed by the court to be inappropriate or potentially detrimental to the child. This bill would provide additional circumstances in which court-ordered services may be extended. This bill would also require the court, in determining whether court-ordered services may be extended, to consider the special circumstances of an incarcerated or institutionalized parent or parents, or parent or parents court-ordered to a residential substance abuse treatment program, as specified. This bill would also exempt an incarcerated parent or guardian from participating in those counseling or other treatment services if he or she is incarcerated in a corrections facility that does not provide access to the services ordered by the court. This bill contains other related provisions and other existing laws.

### [AB 2075](#)

**AUTHOR:** Fuentes

**TITLE:** Wages: execution of release of claim or right.

**STATUS:** 08/04/2008-Chaptered by the Secretary of State, Chapter 224, Statutes of 2008.

**SUMMARY:** Existing law prohibits an employer from requiring the execution of a release of a claim or right on account of wages due, or to become due, or made as an advance on wages to be earned unless payment of those wages has been made. Under existing law, it is a misdemeanor for an employer to violate the prohibition and a release required or executed in violation of the prohibition is null and void. This bill would define execution of a release to include requiring an employee, as a condition of being paid, to execute a statement of the hours he or she worked during a pay period which the employer knows to be false and would make additional technical, nonsubstantive changes. By adding to what is included within the prohibition of an execution of a release, the bill would expand the crime resulting from a violation of that prohibition, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

### [AB 2079](#)

**AUTHOR:** Emmerson

**TITLE:** Food.

**STATUS:** 07/08/2008-Chaptered by the Secretary of State, Chapter 73, Statutes of 2008.

**SUMMARY:** Existing law, the Sherman Food, Drug, and Cosmetic Law, makes it unlawful for any person to misbrand any food. Misbranded food includes food that is labeled in a manner that does

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not conform with requirements for nutrition labeling and nutrient content or health claims set forth in the federal Food, Drug, and Cosmetic Act. Violation of these provisions is a crime. This bill would deem food to be misbranded if its labeling does not conform with requirements for allergen labeling set forth in the federal Food, Drug, and Cosmetic Act. 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 2125](#)

**AUTHOR:** Price

**TITLE:** Supplemental local law enforcement funding.

**STATUS:** 09/26/2008-Chaptered by the Secretary of State, Chapter 326, Statutes of 2008.

**SUMMARY:** Existing law establishes in each county treasury a Supplemental Law Enforcement Services Fund and requires that moneys from this fund be allocated in accordance with specified requirements for, among other things, juvenile justice plans. Existing law requires juvenile justice plans to include specified assessments of services and strategies to assist at-risk juveniles. This bill would require juvenile justice plans to also assess job training services and strategies, and require, under certain conditions, a demonstration of the effectiveness at reducing delinquency through job training and employment for funding. This bill contains other related provisions.

### [AB 2128](#)

**AUTHOR:** Emmerson

**TITLE:** Health facilities: dietitians.

**STATUS:** 08/04/2008-Chaptered by the Secretary of State, Chapter 225, Statutes of 2008.

**SUMMARY:** Under existing law, the State Department of Public Health licenses and regulates health care facilities. Violation of the provisions constitutes a misdemeanor. This bill would require that specified health facilities employ a full-time, part-time, or consulting dietitian. The bill would require those facilities that employ a registered dietitian less than full-time to also employ a full-time dietetic services supervisor. The dietetic services supervisor would be required to receive frequently scheduled consultation from a qualified dietitian and meet educational requirements, as specified. This bill would allow the department to issue a program flexibility request to a facility to exempt from the educational requirements any individual who has been working full-time as a dietetic services supervisor in a health facility for five years or more when the bill becomes operative and allow them to continue to function as a dietetic services supervisor for 18 months as long as they are enrolled in a specified education program. The exemption could be extended an additional six months if the individual can demonstrate to the department that the education program could not be completed within the original 18-month period. The bill would require program flexibility requests to be submitted not later than December 31, 2009. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

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### [AB 2156](#)

**AUTHOR:** Hernandez

**TITLE:** Public employee benefits.

**STATUS:** 07/08/2008-Chaptered by the Secretary of State, Chapter 74, Statutes of 2008.

**SUMMARY:** The Public Employees' Retirement Law provides a comprehensive set of rights and benefits based upon age, service credit, and final compensation to members of the Public Employees' Retirement System. The law provides that a special death benefit is payable if the deceased was a patrol, state peace officer/firefighter, state safety, state industrial, or local safety member, if his or her death was industrial, and if there is a survivor who qualifies, as specified. This bill would provide that the special death benefit described above is payable if the death of the member occurred from a single event injury arising out of and in the course of his or her official duties which, based on competent medical opinion, rendered the member into a persistent vegetative state devoid of cognitive function at the time of injury until the time of death. The bill would apply only to a member who retired and then died on or after July 3, 2006.

### [AB 2158](#)

**AUTHOR:** Soto

**TITLE:** State employees' health benefits: bloodborne diseases.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 668, Statutes of 2008.

**SUMMARY:** Existing law provides various health benefits for state employees and annuitants. Existing law holds the state liable for payment of workers' compensation, including medical treatment, for injuries incurred by state employees that arise out of or in the course of employment. This bill would provide, on and after July 1, 2009, that if a correctional officer who was injured as a result of an incident at a state prison and who retired from state employment and sustained an injury as the result of a work-related event that arose out of and in the course of his or her official duties as a correctional officer at a state prison, before January 1, 1984, and that meets a specified definition of a bloodborne infectious disease, and a dependent, as defined, or former dependent, as defined, of that person contracts the bloodborne disease, which was diagnosed on or after January 1, 1990, from that person, the dependent or former dependent may receive health care benefits sufficient to cover all medically necessary health care costs associated with the disease, for the duration of the disease. The bill would require the state to contribute the cost of providing that benefit coverage from the General Fund, upon appropriation by the Legislature. The bill would also provide that a person who elects to receive these benefits would be prohibited from bringing a civil action against the state for damages related to contracting the disease. The bill would also specify that a dependent or former dependent who does not elect to receive these benefits may pursue all civil remedies allowed by law and is not subject to a defense that the claim is barred by these provisions. The bill would require the Board of Directors of the State Compensation Insurance Fund to administer this benefit.

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### [AB 2202](#)

**AUTHOR:** Caballero

**TITLE:** Public Employees' Retirement System.

**STATUS:** 08/04/2008-Chaptered by the Secretary of State, Chapter 261, Statutes of 2008.

**SUMMARY:** The Public Employees' Retirement Law provides that public employees become members of the Public Employees' Retirement System (PERS) upon entry into employment, with specified exceptions. Existing law excludes from membership in PERS part-time employees unless certain requirements are met. Existing law requires state agencies, school employers, and contracting agencies of PERS to provide specified information to the Board of Administration of PERS regarding employees who are members of the system. This bill would require every state agency, school employer, or contracting agency of PERS to provide information to the board, upon request, regarding its employees who are not enrolled as members of PERS. The bill would require that this information be treated as confidential, as specified. This bill contains other related provisions and other existing laws.

### [AB 2289](#)

**AUTHOR:** Runner, Sharon

**TITLE:** Victims' rights.

**STATUS:** 07/21/2008-Chaptered by the Secretary of State, Chapter 154, Statutes of 2008.

**SUMMARY:** Existing law generally provides for the confidentiality of juvenile records and proceedings, except as specified. This bill would require the release of that specified information regarding a person who has been committed to the Division of Juvenile Facilities for any offense instead of certain offenses. The bill would also require the victim, next of kin, or a representative as specified, to be informed of his or her right to request and receive that information with respect to persons committed to the Division of Juvenile Facilities for any offenses instead of certain offenses. This bill contains other related provisions and other existing laws.

### [AB 2337](#)

**AUTHOR:** Beall

**TITLE:** Child abuse reporting: mandated reporters.

**STATUS:** 09/27/2008-Chaptered by the Secretary of State, Chapter 456, Statutes of 2008.

**SUMMARY:** Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of 6 months, a fine of up to \$1,000, or by both that imprisonment and fine. This bill would add alcohol and drug counselors, as specified, to the list of individuals who are mandated reporters. By imposing the reporting requirement on a new class of persons, the violation of which would be a crime, the bill would impose a state-mandated local program. This bill contains other related provisions.

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### [AB 2410](#)

**AUTHOR:** Nava

**TITLE:** Sexually violent predators.

**STATUS:** 07/21/2008-Chaptered by the Secretary of State, Chapter 155, Statutes of 2008.

**SUMMARY:** Existing law requires, prior to release from the custody of the Department of Corrections and Rehabilitation of a person who has been convicted of certain crimes of a sexual nature, the director to refer that person to the State Department of Mental Health for evaluation if the director determines that person may be a sexually violent predator. This bill would prohibit an attorney from disclosing the name, address, telephone number, or other identifying information of a victim or witness in a sexually violent predator civil commitment proceeding, except to their staff, to opposing counsel as needed to prepare the case, or pursuant to a court order after a hearing. Willful violation of this prohibition would be a misdemeanor. If the defendant is acting as his or her own counsel, this bill would require that contact with the victim or witness be through a private investigator or otherwise restricted to protect the identity and personal information of the victim or witness. This bill contains other related provisions and other existing laws.

### [AB 2565](#)

**AUTHOR:** Eng

**TITLE:** Hospitals: brain death.

**STATUS:** 09/27/2008-Chaptered by the Secretary of State, Chapter 465, Statutes of 2008.

**SUMMARY:** Existing law, the Uniform Determination of Death Act, defines a person as being "dead" to include when an individual has sustained irreversible cessation of all functions of the entire brain, including the brain stem. Existing law requires a determination of death to be made in accordance with accepted medical standards. This bill would require a general acute care hospital to adopt a policy for providing a family or next of kin with a reasonably brief period of accommodation, as defined, from the time that a patient is declared dead by reason of irreversible cessation of all functions of the entire brain, including the brain stem, in accordance with a provision of existing law, through discontinuation of cardiopulmonary support for the patient. The bill would also require the hospital to provide the patient's legally recognized health care decisionmaker, if any, or the patient's family or the next of kin, if available, with a written statement of the policy developed pursuant to these provisions, as soon as possible when the potential for brain death is imminent. The bill would require the hospital, if the patient's legally recognized health care decisionmaker, or next of kin voices any special religious or cultural practices or concerns of the patient or the patient's family surrounding the issue of death by reason of irreversible cessation of all functions of the entire brain of the patient, to make reasonable efforts, as described, to accommodate those special religious or cultural practices and concerns. By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

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### [AB 2597](#)

**AUTHOR:** Leno

**TITLE:** State claims.

**STATUS:** 06/23/2008-Chaptered by the Secretary of State, Chapter 37, Statutes of 2008.

**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 \$618,479.82 from various funds to the California Victim Compensation and Government Claims Board for the payment of specified claims against the state. This bill contains other related provisions.

### [AB 2737](#)

**AUTHOR:** Feuer

**TITLE:** Communicable disease: involuntary testing.

**STATUS:** 09/28/2008-Chaptered by the Secretary of State, Chapter 554, Statutes of 2008.

**SUMMARY:** Existing law authorizes a court to order the withdrawal of blood from any person charged in any criminal complaint filed with a magistrate or court and any minor with respect to whom a petition has been filed in juvenile court, in which it is alleged that the defendant or minor interfered with the official duties of a peace officer, firefighter, or emergency medical personnel by biting, scratching, spitting, or transferring blood or other bodily fluids on, upon, or through the skin or membranes of a peace officer, firefighter, or emergency medical personnel for medically accepted indications of exposure to or infection by the acquired immune deficiency syndrome (AIDS) virus, AIDS-related conditions, and those communicable diseases for which medically approved testing is readily and economically available as determined by the court. This bill would, instead, authorize a court to order the withdrawal of blood for the above-described purposes from any arrestee whenever a peace officer, firefighter, or emergency medical personnel is exposed to an arrestee's blood or bodily fluids, as defined, while the peace officer, firefighter, or emergency medical personnel is acting within the scope of his or her duties. The bill would require a licensed health care provider, prior to filing a petition with the court, to first make a good faith effort to obtain a voluntary informed consent in writing before filing the petition. The bill would also authorize the petition to be filed ex parte. The bill would limit the diseases for which testing is required, to HIV, hepatitis B, hepatitis C. By expanding the duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

### [AB 2754](#)

**AUTHOR:** Bass

**TITLE:** Public safety personnel: MRSA skin infections.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 684, Statutes of 2008.

**SUMMARY:** Existing law establishes a presumption that if certain safety members, firefighters, county probation officers, or members in active law enforcement who have completed five years of service under specified pension or retirement systems develop a blood-borne infectious disease,

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the disease arises out of, and in the course of, employment. Existing law extends this presumption to blood-borne infectious diseases that occur within three calendar months after termination for each year of service, up to 60 months. Existing law requires those who are permanently incapacitated for the performance of duty as a result of a blood-borne infectious disease to receive a service-connected disability retirement. This bill would expand the scope of this provision to include any methicillin-resistant *Staphylococcus aureus* (MRSA) skin infection. The bill would make the MRSA presumption applicable for up to 90 days after termination of service, and would also make the presumption applicable to any of the above safety members, regardless of service under the pension or retirement systems. This bill contains other related provisions and other existing laws.

### [AB 2791](#)

**AUTHOR:** Blakeslee

**TITLE:** Energy: Waste Heat and Carbon Emissions Reduction Act.

**STATUS:** 08/04/2008-Chaptered by the Secretary of State, Chapter 253, Statutes of 2008.

**SUMMARY:** Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, as defined. Existing law authorizes the PUC to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. The existing Waste Heat and Carbon Emissions Reduction Act authorizes the PUC to require an electrical corporation to purchase excess electricity, as defined, from any customer of the electrical corporation that is delivered by a combined heat and power system, as defined, that complies with the sizing, energy efficiency, and air pollution control requirements of the act. The act requires every electrical corporation to file a standard tariff with the PUC for the purchase of excess electricity from an eligible customer-generator, as defined, requires the electrical corporation to make the tariff available to eligible customer-generators within the service territory of the electrical corporation upon request, and authorizes the electrical corporation to make the terms of the tariff available in the form of a standard contract. The existing definition of an eligible customer requires that the customer of an electrical corporation use a combined heat and power system with a generating capacity of not more than 20 megawatts that is in compliance with the act's requirements and be a nonprofit organization that is exempt from taxation pursuant to a specified provision of federal law. This bill would define an eligible customer to require that the customer of the electrical corporation use a combined heat and power system with a generating capacity of not more than 20 megawatts that is in compliance with the act's requirements and that the customer either be a nonprofit organization that is exempt from taxation or be a federal, state, or local government facility. The bill would provide that an approval made by the Department of Finance for a state agency to purchase, lease, or otherwise acquire a combined heat and power facility financed through the pay-as-you-save program may not be made sooner than after a specified time written notification is provided to certain Members of the Legislature.

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### [AB 2801](#)

**AUTHOR:** Carter

**TITLE:** Conflict of interest: settlements.

**STATUS:** 07/21/2008-Chaptered by the Secretary of State, Chapter 163, Statutes of 2008.

**SUMMARY:** Existing law provides that Members of the Legislature and state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. This bill would provide that a remote interest for this purpose includes that of a party to litigation involving the body or board of which the officer is a member in connection with a settlement agreement in which the body or board is represented by legal counsel, a court finds, after a review of the merits and other relevant facts and circumstances, that the agreement serves the public interest, and the interested member has recused himself or herself from all participation, direct or indirect, in the making of the agreement on behalf of the body or board. This bill contains other existing laws.

### [AB 2827](#)

**AUTHOR:** Runner, Sharon

**TITLE:** Property crimes: public housing authority: fraud.

**STATUS:** 07/10/2008-Chaptered by the Secretary of State, Chapter 105, Statutes of 2008.

**SUMMARY:** Existing law categorizes the crime of theft into two degrees: petty theft and grand theft. Under existing law, grand theft is committed when the money, labor, or real or personal property taken is of a value exceeding \$400. This bill would specify that anyone who defrauds a housing program of a public housing authority of more than \$400 is guilty of grand theft. By creating a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

### [AB 2928](#)

**AUTHOR:** Spitzer

**TITLE:** Collections: amounts imposed by a court.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 752, Statutes of 2008.

**SUMMARY:** Existing law provides, among other things, that delinquent restitution imposed by a superior court upon a person or entity for specified criminal offenses be referred by the county or the state to the Franchise Tax Board for collection in certain instances. This bill would, unless the victim of the crime makes a specified notification to the contrary, authorize the Department of Corrections and Rehabilitation to refer a restitution order to the Franchise Tax Board, for purposes of those collection provisions, for any person subject to the restitution order who is or has been under the jurisdiction of the department, as provided.

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### [AB 2973](#)

**AUTHOR:** Soto

**TITLE:** Stun guns.

**STATUS:** 09/28/2008-Chaptered by the Secretary of State, Chapter 556, Statutes of 2008.

**SUMMARY:** Existing law makes it a misdemeanor or a felony to assault a person, or to assault a peace officer or firefighter during the performance of his or her duties, as specified, with a stun gun or a taser. Existing law defines "stun gun" for this purpose as any item, except a taser, used or intended to be used as a weapon that is capable of temporarily immobilizing a person by infliction of an electrical charge. This bill would replace the reference to a taser in the definition of "stun gun" with "less lethal weapon," as defined. It would instead make it a misdemeanor or felony to assault a person or to assault a peace officer or firefighter in the performance of his or her duties with a stun gun or a less lethal weapon. This bill contains other related provisions and other existing laws.

### [AB 3018](#)

**AUTHOR:** Nunez

**TITLE:** California Green Collar Jobs Act of 2008: green jobs.

**STATUS:** 09/26/2008-Chaptered by the Secretary of State, Chapter 312, Statutes of 2008.

**SUMMARY:** Existing law contains various programs for job training and employment investment. This bill would set forth legislative findings and declarations relating to the state's green economy and the increasing demand for a highly skilled and well-trained green collar workforce, and would enact the California Green Collar Jobs Act of 2008 requiring the California Workforce Investment Board to establish the Green Collar Jobs Council that shall, in consultation with representatives from various public and private groups, develop a comprehensive array of programs, strategies, and resources to address the workforce needs that accompany California's growing green economy and to establish, among other programs, green job training programs for eligible individuals, as provided.

### [AB 3024](#)

**AUTHOR:** Duvall

**TITLE:** Payment bonds: public works.

**STATUS:** 07/08/2008-Chaptered by the Secretary of State, Chapter 79, Statutes of 2008.

**SUMMARY:** Existing law requires every original contractor who is awarded a public works contract by a state entity, as defined, involving an expenditure in excess of \$5,000, to file a payment bond. This bill instead would require every original contractor who is awarded a public works contract by a state entity involving an expenditure in excess of \$25,000, to file a payment bond.

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### [AB 3042](#)

**AUTHOR:** Committee on Public Employees, Retirement and Social Security

**TITLE:** Civil service.

**STATUS:** 07/18/2008-Chaptered by the Secretary of State, Chapter 150, Statutes of 2008.

**SUMMARY:** Existing law, with regard to the civil service, generally provides that whenever a notice, paper, or other document, except a subpoena, is directed to be given to or served upon any person or state agency, the notice, paper, or document may be personally served or served by mail to the last known residence or business address of the addressee. Existing law requires that giving of notice of matters to be heard or considered by the State Personnel Board or the Department of Personnel Administration be governed by board or department rule. Existing law provides a specified process for service by mail of the charges in a disciplinary proceeding, the notice of an employee's suspension, and the notice of a probationer's rejection. This bill would revise and recast these provisions. The bill would require the appointing power to provide service of notice of certain actions, including a disciplinary action, a rejection during probation, a medical action, and various termination actions, by personal service or by mail or express service carrier, pursuant to a specified process. The bill, in permitting service by Express Mail, as specified, and by overnight delivery by express service carrier, would provide that any period of notice or any right or duty to do any act or make any response is extended as specified. The bill would also require service of an appeal or complaint filed with the board to follow this process. The bill would require a signed affidavit, in a specified form, of the person making service as proof of service for all papers, excluding appeals and complaints. The bill would require additional information on the affidavit if service is made by mail or express service carrier. The bill would delete provisions regarding matters to be heard or considered by the State Personnel Board or the Department of Personnel Administration, described above. This bill contains other related provisions and other existing laws.

### [AB 3043](#)

**AUTHOR:** Committee on Public Employees, Retirement and Social Security

**TITLE:** Public employees.

**STATUS:** 06/30/2008-Chaptered by the Secretary of State, Chapter 43, Statutes of 2008.

**SUMMARY:** Existing law requires the Department of Personnel Administration to provide to the Joint Legislative Budget Committee any side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits and that is not already contained in the original memorandum of understanding or the Budget Act. Existing law requires the Joint Legislative Budget Committee, within 30 days after receiving the side letter, appendix, or other addendum, to determine if the addendum presents substantial additions that are not reasonably within the parameters of the original memorandum of understanding and thereby requires legislative action to ratify the addendum. This bill would approve addenda to memoranda of understanding entered into by the state employer and State Bargaining Units 2, 4, 16, 17, 19, and 20 that require the expenditure of funds. The bill would provide that those provisions shall not take effect unless the funds are

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specifically appropriated by the Legislature or already exist within available appropriations, and would allow the reopening of negotiations if the Legislature does not approve or fully fund any addendum. This bill contains other related provisions.

### [AB 3065](#)

**AUTHOR:** Committee on Veterans Affairs

**TITLE:** Public employment: veterans.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 590, Statutes of 2008.

**SUMMARY:** Under existing law, persons employed by the Legislature for two or more consecutive years are eligible to apply for promotional civil service examinations, including examinations for career executive assignments, for which they meet the minimum qualifications as prescribed by the class specification, as specified. This bill would permit a person retired from the United States military, honorably discharged from active military duty with a service-connected disability, or honorably discharged from active duty, to be eligible to apply for promotional civil service examinations, including examinations for career executive assignments, for which they meet the minimum qualifications as prescribed by the class specification, as specified.

### [ABX3 3](#)

**AUTHOR:** Committee on Budget

**TITLE:** Reductions in the Budget Act of 2007 relating to state government: fiscal emergency.

**STATUS:** 02/16/2008-Chaptered by the Secretary of State, Chapter 1, Statutes of 2008.

**SUMMARY:** The Budget Act of 2007 (Chapters 171 and 172 of the Statutes of 2007) makes appropriations for the support of state government during the 2007-08 fiscal year. The California Constitution provides that if, following the enactment of the annual Budget Bill, the Governor determines that General Fund revenues will decline substantially below the estimate of General Fund revenues upon which the Budget Bill was based, or that General Fund expenditures will increase substantially above that estimate of General Fund revenues, or both, the Governor may issue a proclamation declaring a fiscal emergency and thereupon cause the Legislature to assemble in special session for that purpose. This bill would amend the Budget Act of 2007 by revising certain items of appropriation, through reversions and transfers, and by reductions of appropriations to various state agencies. The bill would state that it addresses a fiscal emergency declared by the Governor by proclamation on January 10, 2008, by which the Legislature was called in special session pursuant to the California Constitution. This bill contains other related provisions.

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### [ABX3 4](#)

**AUTHOR:** Committee on Budget

**TITLE:** Education finance: apportionment: deferral.

**STATUS:** 02/16/2008-Chaptered by the Secretary of State, Chapter 2, Statutes of 2008.

**SUMMARY:** The After School Education and Safety Program Act of 2002, as enacted by the initiative measure Proposition 49, continuously appropriates in each fiscal year up to \$550,000,000 from the General Fund to the State Department of Education for purposes of the After School Education and Safety Program. This bill would specify that the funds appropriated for purposes of the program are available for encumbrance for one year after the date upon which they first become available for encumbrance, and thereafter the bill would subject the appropriated funds to certain statutory provisions regarding disbursements in liquidation of encumbrances. This bill contains other related provisions and other existing laws.

### [ABX3 8](#)

**AUTHOR:** Committee on Budget

**TITLE:** State operations.

**STATUS:** 02/16/2008-Chaptered by the Secretary of State, Chapter 6, Statutes of 2008.

**SUMMARY:** Under the Teachers' Retirement Law, a continuous appropriation equal to 2.5% of total creditable compensation, as specified, is annually made from the General Fund for transfer to the Supplemental Benefit Maintenance Account in the Teachers' Retirement Fund to fund purchase power protection payments to retired members of the Defined Benefit Program of the State Teachers' Retirement System. This bill would provide that transfers made from the General Fund to the Supplemental Benefit Maintenance Account, pursuant to these provisions, for the 2008-09 fiscal year, shall be made on November 1, 2008. This bill contains other related provisions and other existing laws.

### [ACR 24](#)

**AUTHOR:** Blakeslee

**TITLE:** Correctional facilities: reimbursement.

**STATUS:** 07/11/2008-Chaptered by the Secretary of State, Chapter 88, Statutes of 2008.

**SUMMARY:** This measure would urge the Governor to demand the federal Bureau of Justice Assistance to reimburse the State of California for all costs of incarcerating undocumented foreign nationals, as required by federal law.

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### [SB 31](#)

**AUTHOR:** Simitian

**TITLE:** Identification documents.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 746, Statutes of 2008.

**SUMMARY:** The Information Practices Act of 1977 regulates the collection and disclosure of personal information regarding individuals by state agencies, except as specified. Existing law also prohibits certain business entities, as defined, from making specified disclosures in relation to individual consumer records. This bill would provide that a person or entity that intentionally remotely reads or attempts to remotely read a person's identification document using radio frequency identification (RFID) without his or her knowledge and prior consent, as described, shall be punished by imprisonment in a county jail for up to one year, a fine of not more than \$1,500, or both that fine and imprisonment, except as specified. The bill would also provide that a person or entity that knowingly discloses, or causes to be disclosed, specified operational system keys shall be punished by imprisonment in a county jail for up to one year, a fine of not more than \$1,500, or both that fine and imprisonment. By creating new crimes, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

### [SB 129](#)

**AUTHOR:** Kuehl

**TITLE:** Criminal communications.

**STATUS:** 07/10/2008-Chaptered by the Secretary of State, Chapter 109, Statutes of 2008.

**SUMMARY:** Existing law makes it a misdemeanor punishable by a maximum of six months in the county jail or a \$1,000 fine or both for a person to make telephone calls or contact with an electronic communication device with the intent to annoy another person at his or her residence. Existing law additionally makes it a misdemeanor punishable by a maximum of one year in the county jail or a \$1,000 fine or both for a person to make telephone calls or contact with an electronic communication device with the intent to annoy another person at his or her place of work if one of two specified circumstances exist. This bill would, instead, make it a misdemeanor punishable by a maximum of six months in the county jail or a \$1,000 fine or both for a person to make telephone calls or contact with an electronic communication device, as defined, with the intent to annoy another person at any place. This bill contains other related provisions and other existing laws.

### [SB 1016](#)

**AUTHOR:** Wiggins

**TITLE:** Diversion: compliance: per capita disposal rate.

**STATUS:** 09/26/2008-Chaptered by the Secretary of State, Chapter 343, Statutes of 2008.

**SUMMARY:** The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste

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management plan containing specified components. Those entities are required to divert, from disposal or transformation, 50% of the solid waste through source reduction, recycling, and composting subject to the element, except as specified. A city, county, or regional agency is required to submit an annual report to the board summarizing its progress in reducing solid waste. Existing law requires the board to review, at least once every two years, a jurisdiction's source reduction and recycling element and household hazardous waste element. The board is required to issue an order of compliance if the board finds that a jurisdiction has failed to implement its source reduction and recycling element or its household hazardous waste element, pursuant to a specified procedure. If, after issuing an order of compliance, the board finds the city, county, or regional agency has failed to make a good faith effort to implement those elements, the board is authorized to impose administrative civil penalties upon the city, county, or regional agency. This bill would define the terms "diversion program," "jurisdiction," and "multicounty regional agency," for purposes of the act and would revise the definitions of the terms "rural city" and "rural county." The bill would delete the condition that the solid waste subject to source reduction, recycling, and composting under these provisions be diverted from landfill disposal or transformation. This bill contains other related provisions and other existing laws.

### [SB 1033](#)

**AUTHOR:** Runner

**TITLE:** Undetectable knives.

**STATUS:** 07/10/2008-Chaptered by the Secretary of State, Chapter 111, Statutes of 2008.

**SUMMARY:** Existing law provides that any person who commercially manufactures or causes to be commercially manufactured, knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any undetectable knife is guilty of a misdemeanor. Existing law provides that these provisions do not apply to the manufacture or importation of undetectable knives for sale to a law enforcement or military entity. This bill would additionally provide that any person who knowingly exports out of this state for commercial, dealer, wholesaler, or distributor sale, or who offers or exposes for dealer, wholesaler, or distributor sale any undetectable knife is guilty of a misdemeanor. This bill would require a valid agency, department, or unit purchase order to exempt from these provisions the manufacture or importation of undetectable knives for sale to a law enforcement or military entity. Because this bill would expand the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

### [SB 1058](#)

**AUTHOR:** Alquist

**TITLE:** Health facilities: bacterial infections.

**STATUS:** 09/25/2008-Chaptered by the Secretary of State, Chapter 296, Statutes of 2008.

**SUMMARY:** Existing law provides for the licensure and regulation of health facilities by the State Department of Public Health. A violation of these provisions is a crime. This bill would establish the

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Medical Facility Infection Control and Prevention Act or Nile's Law, which would require general acute care hospitals to implement certain procedures for the screening, prevention, and reporting of specified health-care-associated infections. This bill would require the department to carry out certain duties in order to implement the bill. Because a violation of the health facility provisions is a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

### [SB 1104](#)

**AUTHOR:** Scott

**TITLE:** Teacher credentialing.

**STATUS:** 09/29/2008-Chaptered by the Secretary of State, Chapter 576, Statutes of 2008.

**SUMMARY:** Existing law authorizes the Commission on Teacher Credentialing to issue a two-year preliminary designated subjects teaching credential upon the completion by an applicant of certain specified requirements. This bill would repeal that authority. This bill contains other related provisions and other existing laws.

### [SB 1105](#)

**AUTHOR:** Margett

**TITLE:** Teacher credentialing: criminal convictions.

**STATUS:** 09/29/2008-Chaptered by the Secretary of State, Chapter 577, Statutes of 2008.

**SUMMARY:** Existing law provides that whenever the holder of any credential issued by the State Board of Education or the Commission on Teacher Credentialing has been convicted of any sex offense or controlled substance offense, as defined, the commission shall forthwith suspend the credential and that when the conviction becomes final or when imposition of sentence is suspended, the commission shall forthwith revoke the credential. This bill would authorize a credential holder whose credential has not been revoked as a result of a misdemeanor sex offense that does not require registration as a sex offender to apply for reinstatement of his or her credential if the accusation or information against the holder has been dismissed and he or she has been released from all disabilities and penalties resulting from the offense, as specified. This bill contains other related provisions and other existing laws.

### [SB 1147](#)

**AUTHOR:** Calderon

**TITLE:** Medi-Cal: eligibility: juvenile offenders.

**STATUS:** 09/28/2008-Chaptered by the Secretary of State, Chapter 546, Statutes of 2008.

**SUMMARY:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions. This bill would, commencing on January 1, 2010, or the date that all necessary federal approvals are obtained, require, to the extent permitted under federal law, Medi-Cal benefits provided to an

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individual under 21 years of age who is an inmate of a public institution to be suspended, rather than terminated. This bill would require county welfare departments to notify the department within 10 days of receiving information that an individual under 21 years of age on Medi-Cal in the county is or will be an inmate of a public institution. This bill would also require, by a specified time period, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, to establish the protocols and procedures necessary to implement these provisions. This bill contains other related provisions and other existing laws.

### [SB 1227](#)

**AUTHOR:** Hollingsworth

**TITLE:** Disaster assistance: emergencies.

**STATUS:** 09/27/2008-Chaptered by the Secretary of State, Chapter 362, Statutes of 2008.

**SUMMARY:** Existing law, the California Disaster Assistance Act, establishes, until January 1, 2009, the Disaster Response-Emergency Operations Account in the Special Fund for Economic Uncertainties and continuously appropriates its revenue for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state agencies as a result of a proclamation by the Governor of a state of emergency. This bill would extend the termination date for these provisions until January 1, 2014, and would thereby make an appropriation by extending the time during which funds may be continuously appropriated from the account. This bill contains other related provisions.

### [SB 1241](#)

**AUTHOR:** Margett

**TITLE:** Public safety.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 699, Statutes of 2008.

**SUMMARY:** Existing law provides procedures for the enforcement of child custody orders and support obligations. This bill would make technical, nonsubstantive changes to those provisions. This bill contains other related provisions and other existing laws.

### [SB 1250](#)

**AUTHOR:** Yee

**TITLE:** Juveniles: communications.

**STATUS:** 09/28/2008-Chaptered by the Secretary of State, Chapter 522, Statutes of 2008.

**SUMMARY:** Existing law requires the public officer responsible for the well-being of any minor in the custody of the state or the county to notify the parents or guardians of that minor, if they can reasonably be located, within 24 hours of any serious injury or serious offense committed against the minor, upon reasonable substantiation that a serious injury or offense has occurred. This requirement does not apply if the minor requests that his or her parents or guardians not be informed and the chief probation officer or the Chief Deputy Secretary for Juvenile Justice determines that would be in the best interest of the minor. This bill would expand the above

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provision to require the public officer responsible for the well-being of any person in the custody of the Division of Juvenile Facilities to successfully contact at least one individual who is a parent, guardian, or emergency contact of that person, if the individual can reasonably be located, within 24 hours of any suicide attempt, as defined, by the person, or of any serious injury or serious offense committed against the person. The bill would authorize the person, in consultation with division staff, as appropriate, and with concurrence of the public officer responsible for the well-being of that person, to designate other persons who may be notified in lieu of a parent or a guardian. This requirement would not apply if a minor in custody requests that his or her parents, guardians, or other persons not be notified and the director of the division facility determines that would be in the best interest of the minor, or if an adult in custody does not consent to the notification. The bill would require an appropriate staff person, on specified occasions, to explain to a person in custody his or her rights pursuant to these provisions. The bill would require the division to provide the person with forms and any information necessary to provide informed consent as to who shall be notified and would require staff to enter specified information in this regard into the ward's record. The bill would also expand the definition of a "serious injury" for purposes of these provisions. This bill contains other related provisions and other existing laws.

### SB 1251

**AUTHOR:** Steinberg

**TITLE:** School accountability: Academic Performance Index: graduation rates.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 710, Statutes of 2008.

**SUMMARY:** Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Statutory provisions establish a specific calculation for graduating rates to be included within the API and require the Superintendent to provide an annual report to the Legislature on graduation and dropout rates in California. Existing law requires the API to be used for specified purposes, including, but not limited to, ranking all public schools in the state for purposes of the High Achieving/Improving Schools Program. This bill would include five- and six-year graduation rates in the indicators currently reported to the department for purposes of calculating a school's API. The bill would specify a formula to calculate these rates, and would provide that schools receive partial credit in their API scores for graduating pupils in five and six years, except that schools would be granted full credit for graduating in five or six years a pupil with disabilities who graduates in accordance with his or her individualized education program.

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### [SB 1261](#)

**AUTHOR:** Cox

**TITLE:** Corrections: inmate and ward labor.

**STATUS:** 07/10/2008-Chaptered by the Secretary of State, Chapter 116, Statutes of 2008.

**SUMMARY:** Under existing law, the general manager of the Prison Industry Authority is authorized to order any public works project involving construction, renovation, or repair of prison facilities to be performed by inmate labor, as specified. This bill would instead authorize the Secretary of the Department of Corrections and Rehabilitation to order any public works project involving construction, renovation, or repair of prison facilities to be performed by inmate labor and juvenile facilities to be performed by ward labor. This bill contains other related provisions and other existing laws.

### [SB 1298](#)

**AUTHOR:** Simitian

**TITLE:** California education information.

**STATUS:** 09/29/2008-Chaptered by the Secretary of State, Chapter 561, Statutes of 2008.

**SUMMARY:** Under existing law, the State Department of Education maintains the California Education Information System for the purposes of establishing and maintaining a basic, integrated, statewide information system for education. Existing law also establishes the California Longitudinal Pupil Achievement Data System. This bill would require the department to establish a process by which local educational agencies issue, maintain, and report information for center-based child care and development programs using the unique pupil identifiers established pursuant to the California Longitudinal Pupil Achievement Data System. The bill would specify that these center-based child care and development programs would not be required to implement or maintain unique pupil identifiers until an appropriation for this purpose is provided in the annual Budget Act or another statute. The bill would require the Chancellor's Office of the California Community Colleges, the University of California, and the California State University to establish a process by which colleges and universities within those systems issue, maintain and report information using specified unique statewide pupil identifiers. This bill contains other related provisions.

### [SB 1302](#)

**AUTHOR:** Cogdill

**TITLE:** Sex offenders.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 599, Statutes of 2008.

**SUMMARY:** Existing law provides that, notwithstanding any other provision of law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any person who is convicted of certain sex offenses. This bill would add to those certain sex offenses for these purposes specified sex offenses perpetrated against a child who is 10 years of age or younger. This bill contains other related provisions and other existing laws.

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### [SB 1334](#)

**AUTHOR:** Calderon

**TITLE:** Drinking water: pipes and fittings: lead content.

**STATUS:** 09/29/2008-Chaptered by the Secretary of State, Chapter 580, Statutes of 2008.

**SUMMARY:** Existing law, with certain exceptions, prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free, as defined, in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. Existing law, commencing on January 1, 2010, revises this prohibition to, with certain exceptions, apply to any pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption. This bill would also require that the plumbing material be certified for compliance with these provisions by an independent third party, as provided, and would specify that, notwithstanding this requirement, the department shall retain its authority in implementing the above-described provisions. This bill contains other related provisions and other existing laws.

### [SB 1353](#)

**AUTHOR:** Negrete McLeod

**TITLE:** State employees: military benefits.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 592, Statutes of 2008.

**SUMMARY:** Existing law authorizes a state employee who is a member of the California National Guard or a United States military reserve organization to receive specified compensation benefits for a period not to exceed 365 days if he or she is ordered to serve on active duty on and after September 11, 2001, as a result of the War on Terrorism. Existing law authorizes the Governor to extend these benefits by executive order by up to an additional 365 days. This bill instead would authorize the Governor to extend these benefits by executive order by up to an additional 1,460 days.

### [SB 1407](#)

**AUTHOR:** Perata

**TITLE:** Court facilities: financing.

**STATUS:** 09/26/2008-Chaptered by the Secretary of State, Chapter 311, Statutes of 2008.

**SUMMARY:** The Trial Court Facilities Act of 2002 establishes the State Court Facilities Construction Fund and provides that moneys in that fund may be used to acquire, rehabilitate, construct, or finance court facilities, as defined, and to implement trial court projects in designated counties, as specified. This bill would extend the purposes for which moneys in that fund may be used to include the planning, design, construction, rehabilitation, replacement, leasing, or acquisition of court facilities. The bill would establish the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, the proceeds of which would be used for the planning, design, construction, rehabilitation, renovation, replacement, or acquisition of court facilities, for the repayment of moneys appropriated for lease of court facilities pursuant to the issuance of lease-revenue bonds, and for the payment for lease or rental of court facilities. The bill would require the

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Judicial Council to collect and make available information regarding moneys in the account, as specified, and to make recommendations to the Governor and the Legislature for projects based on its determination that the need for a project is most immediate and critical, as specified. The bill would authorize the Judicial Council to acquire sites for the replacement of deficient court facilities in four specified counties. The bill would require any moneys remaining in, or that would otherwise be payable into, the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, to be transferred to the Controller for deposit into the State Trial Court Operations Trust Fund, as established by this bill, upon the retirement of any bonded indebtedness that may be incurred in connection with immediate and critical trial court projects, the proceeds of which would be available upon appropriation by the Legislature only for trial court operations. This bill contains other related provisions and other existing laws.

### SB 1441

**AUTHOR:** Ridley-Thomas

**TITLE:** Healing arts practitioners: substance abuse.

**STATUS:** 09/28/2008-Chaptered by the Secretary of State, Chapter 548, Statutes of 2008.

**SUMMARY:** Existing law requires various healing arts licensing boards, including the Dental Board of California, the Board of Registered Nursing, the Physical Therapy Board of California, the Physician Assistant Committee, the Osteopathic Medical Board of California, and the California State Board of Pharmacy to establish and administer diversion or recovery programs or diversion evaluation committees for the rehabilitation of healing arts practitioners whose competency is impaired due to the abuse of drugs or alcohol, and gives the diversion evaluation committees certain duties related to termination of a licensee from the diversion program and reporting termination, designing treatment programs, denying participation in the program, reviewing activities and performance of contractors, determining completion of the program, and purging and destroying records, as specified. Existing law requires the California State Board of Pharmacy to contract with one or more qualified contractors to administer the pharmacists recovery program and requires the board to review the pharmacists recovery program on a quarterly basis, as specified. This bill would establish in the Department of Consumer Affairs the Substance Abuse Coordination Committee, which would be comprised of the executive officers of the department's healing arts licensing boards, as specified, and a designee of the State Department of Alcohol Drug Programs. The bill would require the committee to formulate, by January 1, 2010, uniform and specific standards in specified areas that each healing arts board would be required to use in dealing with substance-abusing licensees. The bill would specify that the program managers of the diversion programs for the Dental Board of California, the Board of Registered Nursing, the Physical Therapy Board of California, the Physician Assistant Committee, and the Osteopathic Medical Board of California, as designated by the executive officers of those entities, are responsible for certain duties, including, as specified, duties related to termination of a licensee from the diversion program, the review and evaluation of recommendations of the committee, approving the designs of treatment programs, denying participation in the program, reviewing

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activities and performance of contractors, and determining completion of the program. The bill would also provide that diversion evaluation committees created by any of the specified boards or committees operate under the direction of the program manager of the diversion program, and would require those diversion evaluation committees to make certain recommendations. The bill would require the executive officer of the California State Board of Pharmacy to designate a program manager of the pharmacists recovery program, and would require the program manager to review the pharmacists recovery program quarterly and to work with the contractors, as specified. The bill would set forth provisions regarding entry of a registered nurse into the diversion program and the investigation and discipline of registered nurses who are in, or have been in, the diversion program, and would require registered nurses in the diversion program to sign an agreement of understanding regarding withdrawal or termination from the program, as specified. This bill contains other related provisions.

### [SB 1472](#)

**AUTHOR:** Ashburn

**TITLE:** Public employment.

**STATUS:** 09/26/2008-Chaptered by the Secretary of State, Chapter 353, Statutes of 2008.

**SUMMARY:** Existing law establishes a state civil service system that includes career executive assignments. Career executive assignments are appointments to a high administrative and policy influencing position within the state civil service in which the incumbent's primary responsibility is the managing of a major function or the rendering of management advice to top-level administrative authority. This bill would, until January 1, 2013, expand the category of persons eligible for a career executive assignment to include those persons who previously had permanent status in the civil service and those who, for two or more consecutive years, were either employed by the Legislature or held nonelected exempt positions in the executive branch, as specified. The bill would require a state entity that employs a person in a career executive assignment to notify the Controller of this person's employment status and would require the Controller to forward this information to the State Personnel Board. This bill contains other related provisions and other existing laws.

### [SB 1496](#)

**AUTHOR:** Ashburn

**TITLE:** Public Employees' Retirement System: member classifications.

**STATUS:** 09/27/2008-Chaptered by the Secretary of State, Chapter 408, Statutes of 2008.

**SUMMARY:** Existing law classifies certain police officers, sheriff deputies, and firefighters who have responsibility for the direct supervision of state peace officer/firefighter personnel as state peace officer/firefighter members under the Public Employees' Retirement System (PERS). Employees classified as safety members under PERS, including state peace officer/firefighter members, are generally entitled to higher benefits and subject to higher contribution rates than employees classified as miscellaneous or general members. Member contributions to PERS are

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deposited in the Public Employees' Retirement Fund, a continuously appropriated fund. This bill would instead provide that those peace officers and firefighters are classified as state peace officer/firefighter members if the majority of their duties consists of responsibility for the direct supervision of state peace officer/firefighter personnel, conducting investigations or audits of investigatory practices and other audits of, or in, the Department of Corrections and Rehabilitation, or the administration of programs of an agency, department, or other organizational unit that is primarily responsible for active law enforcement or active firefighting/fire suppression, except as specified. The bill would define administration for these purposes. The bill would also include in that classification individuals hired prior to January 1, 2009, who do not meet the criteria for this classification if those individuals have been continuously employed in positions that were deemed to come within the classification prior to January 1, 2009. The bill would also require the Department of Personnel Administration to annually determine which classes meet these conditions and report its findings to the Legislature and to this system, to be effective July 1 of each year. The bill would prohibit an agency or department from designating a classification as a state peace officer/firefighter member classification without prior approval from the Department of Personnel Administration. The bill would make an appropriation by increasing the amount of employee contributions to the Public Employees' Retirement Fund.

### [SB 1546](#)

**AUTHOR:** Runner

**TITLE:** Sexually violent predators.

**STATUS:** 09/30/2008-Chaptered by the Secretary of State, Chapter 601, Statutes of 2008.

**SUMMARY:** Existing law requires, prior to release from the custody of the Department of Corrections and Rehabilitation of a person who has been convicted of certain crimes of a sexual nature, the Secretary of the Department of Corrections and Rehabilitation to refer that person to the State Department of Mental Health for evaluation if the secretary determines that person may be a sexually violent predator. The evaluation is to be performed by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of Mental Health. If both evaluators concur that the person has a diagnosed mental disorder so that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody, the director shall forward a request for a petition for commitment to the applicable county. If the evaluators do not agree as to whether the person meets the criteria for a sexually violent predator, the director is required to arrange for examination by two independent professionals who are not employees of the state and who meet specified requirements. This bill would specify that the psychologists or psychiatrists performing the original evaluation may be independent professionals. The bill would repeal its provisions on the date that the director executes a declaration specifying that sufficient qualified state employees have been hired to conduct the evaluations required pursuant to the bill, or January 1, 2011, whichever occurs first. This bill contains other related provisions.

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### [SB 1684](#)

**AUTHOR:** Machado

**TITLE:** California Rehabilitation Oversight Board: reports.

**STATUS:** 07/18/2008-Chaptered by the Secretary of State, Chapter 144, Statutes of 2008.

**SUMMARY:** Existing law establishes the California Rehabilitation Oversight Board in the Office of the Inspector General to regularly examine and report to the Legislature and Governor on the various mental health, substance abuse, educational, and employment programs for inmates and parolees operated by the Department of Corrections and Rehabilitation. Existing law requires the board to report to the Governor and the Legislature biannually, on January 15 and July 15. This bill would instead require the board to report to the Governor and the Legislature biannually, on March 15 and September 15.

### [SB 1701](#)

**AUTHOR:** Romero

**TITLE:** Sentencing.

**STATUS:** 09/27/2008-Chaptered by the Secretary of State, Chapter 416, Statutes of 2008.

**SUMMARY:** Existing law establishes various felonies punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper terms. Existing law provides that the choice of the appropriate term rests within the sound discretion of the court. Existing law repeals the provision giving the court this discretionary authority on January 1, 2009, and on that date, makes operative alternate provisions that require the court to impose the middle term, unless there are circumstances in mitigation or aggravation of the crime. This bill would repeal the provision that places the choice of the appropriate term in the sound discretion of the court, and would make operative the alternate provisions, on January 1, 2011. This bill contains other related provisions and other existing laws.

### [SCR 92](#)

**AUTHOR:** Perata

**TITLE:** Associated Chaplains in California State Service.

**STATUS:** 05/30/2008-Chaptered by the Secretary of State, Chapter 52, Statutes of 2008.

**SUMMARY:** This measure would commend 41 years of professional service by the Associated Chaplains in California State Service in assisting chaplains in implementing religious programming and training within the Department of Corrections and Rehabilitation, the State Department of Developmental Services, the State Department of Mental Health, and the Department of Veterans Affairs.

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### [SJR 19](#)

**AUTHOR:** Ridley-Thomas

**TITLE:** Health professionals: torture.

**STATUS:** 08/18/2008-Chaptered by the Secretary of State, Chapter 114, Statutes of 2008.

**SUMMARY:** This measure would request all relevant California agencies to notify California-licensed health professionals about their professional obligations under international law relating to torture and the treatment of detainees, as specified, and to also notify those professionals that those who participate in coercive or enhanced interrogation, torture, or other forms of cruel, inhuman, or degrading treatment or punishment may be subject to prosecution. The measure would request that those health professionals report abusive interrogation practices to the appropriate authorities, as specified. In addition, the measure would request the United States Department of Defense and the Central Intelligence Agency to remove all California-licensed health professionals from participating in prisoner and detainee interrogations, as specified.

## Vetoed Bills

### [AB 13](#)

**AUTHOR:** Brownley  
**TITLE:** Hospitals: staffing.  
**STATUS:** 09/26/2008-Vetoed by the Governor.

**SUMMARY:** Existing law provides for the inspection, licensure, and regulation of health facilities by the State Department of Public Health, including, among other facilities, general acute care hospitals, acute psychiatric hospitals, and special hospitals. A violation of the provisions regulating health facilities is a crime. This bill would, commencing January 1, 2010, require a general acute care, acute psychiatric, or special hospital to adopt, and annually review, a plan or procedure for determining the staffing of professional and technical classifications covered under the above provisions. The bill would provide that the plan or procedure shall not apply to the staffing of nursing personnel. By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 13 without my signature. Current law already requires hospitals to have written staffing plans for nursing staff. In addition, hospitals must determine the staffing needs for "non-licensed" classifications using the hospital's individual patient care requirements and their system of providing care. The Department of Public Health already has the authority to issue deficiencies and administrative penalties to hospitals when an investigation concludes that staffing deficiencies lead to harm or poor patient outcomes. For these reasons, I am unable to support this bill. Sincerely, Arnold Schwarzenegger

### [AB 371](#)

**AUTHOR:** Huffman  
**TITLE:** Health facilities.  
**STATUS:** 09/28/2008-Vetoed by the Governor.

**SUMMARY:** Existing law regulates the operation of health facilities, including hospitals. The existing California Health Facilities Financing Authority Act empowers the California Health Facilities Financing Authority to make loans from the continuously appropriated California Health Facilities Financing Authority Fund to nonprofit corporations or associations for financing or refinancing the acquisition, construction, or remodeling of health facilities. This bill would require every general acute care hospital that applies to the authority or any other public entity for financing from the issuance of tax-exempt bonds to provide, with the application, a copy of the hospital's injury and illness prevention program established, implemented, and maintained pursuant to the California Occupational Safety and Health Act of 1973 or through a collective bargaining agreement. The copy of the program shall specify how the general acute care hospital plans to implement or has implemented the program with a specified safe patient handling policy. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 371 without my signature. This bill would require all general acute care hospitals applying for financing from the issuance of tax-exempt bonds to have a "safe patient handling" policy in their Injury and Illness Prevention Plan. This bill

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is yet another attempt to impose inflexible patient handling policies upon all acute care hospitals. I have vetoed several bills attempting to impose so-called "zero-lift" policies on hospitals, including a measure this year. As I have said before, hospitals are the best judges of what type of safe patient handling policy is appropriate for their care setting given their resources. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [AB 437](#)

**AUTHOR:** Jones  
**TITLE:** Statutes of limitation.  
**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** Existing law contains provisions that define unlawful discrimination and employment practices and establish procedures for an employee who has suffered discrimination or other unlawful practices, as defined, to file a complaint with the Fair Employment and Housing Department, or under certain circumstances, to bring a civil action against his or her employer. This bill would provide that the Legislature, in order to clarify the meaning and effect of state laws regarding statutes of limitation, rejects the interpretation given to federal law by a specified United States Supreme Court case.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 437 without my signature. This bill proclaims the Legislature's rejection of a recent United States Supreme Court case regarding gender pay inequity. However, instead of clarifying existing law, this measure would create uncertainty regarding the accrual of the statute of limitation for wage discrimination. This uncertainty will undoubtedly lead to unnecessary litigation. As I have stated before in vetoing similar well-intentioned but poorly crafted bills, I support the fight against gender pay inequity but cannot support legislation that will encourage more frivolous litigation against employers. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [AB 865](#)

**AUTHOR:** Davis  
**TITLE:** State agencies: live customer service agents.  
**STATUS:** 09/28/2008-Vetoed by the Governor.

**SUMMARY:** Existing law requires each state agency to establish a procedure whereby incoming telephone calls on any public line shall be answered within 10 rings during regular business hours, subject to certain exceptions. This bill would name these provisions the State Agency Live Customer Service Act. It would require each state agency to answer an incoming call on its main public line with a live customer service agent or automated telephone answering equipment with an automated prompt that allows a caller to select the option to speak with a live customer service agent, subject to certain exceptions. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 865 without my signature. This bill would require specified state agencies to answer incoming telephone calls on their main public lines with

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a live customer service agent within ten rings. Good customer service is an essential part of good state government. My Administration strives to ensure that our constituents receive the best customer service possible, even in tight fiscal times such as these. To that end, each Agency impacted by this bill has practices in place to address the needs of its particular constituents. The inflexible mandate proposed by this bill is not only unnecessary but places fiscal burdens on the state at the most inopportune of times. Sincerely, Arnold Schwarzenegger

### [AB 996](#)

**AUTHOR:** Spitzer  
**TITLE:** Department of Motor Vehicles: records.  
**STATUS:** 09/27/2008-Vetoed by the Governor.

**SUMMARY:** Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles (DMV) records, if an officer or employee requests that address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for three years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently, upon request. This bill would revise the exemptions to nondisclosure to provide that a governmental agency may obtain the information necessary to process the service and collection of a traffic, parking, toll bridge, or toll road violation. This bill contains other related provisions.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 996 without my signature. This bill allows collectors of traffic and parking fines to have access to the confidential home address information at the Department of Motor Vehicles (DMV). There are existing mechanisms in place to allow a traffic enforcement agency to pursue collections from law enforcement officers and others who have a restricted confidential home address. The agencies are authorized to obtain an individual's employment information from the DMV and send billing notification to the individual's place of employment. Additionally, unpaid fines can be reported to DMV and included in the registration renewal notice. DMV estimates significant costs to implement the bill, depending on the volume of requests for restricted confidential address records. DMV maintains over 1.5 million records that fall under the Confidential Records program. These records cannot be accessed electronically, and therefore, additional staff time would be required to manually process requests for these records.

I am also concerned that this access puts the home addresses of law enforcement officers at risk of disclosure. For these reasons, I am returning the bill without my signature.

Sincerely, Arnold Schwarzenegger

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### [AB 1230](#)

**AUTHOR:** Laird  
**TITLE:** California Career Resource Network Program.  
**STATUS:** 09/28/2008-Vetoed by the Governor.

**SUMMARY:** Existing law establishes the California Career Resource Network Program in state government for the purpose of providing career development information and resources to people in California in order to enable them to attain their career goals. The network is composed of the Director of Employment Development, the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, the Director of Rehabilitation, the Director of Social Services, the Executive Director of the California Workforce Investment Board, the Executive Secretary of the Bureau for Private Postsecondary and Vocational Education, the Director of the California Youth Authority, the Director of the Department of Corrections and Rehabilitation, and the Director of the Department of Developmental Services, or their designees. This bill would establish the network as a program in the State Department of Education, establish the state agency partners committee to be composed of the current members of the network, and require the state agency partners committee to coordinate the use of network information and resources in their programs. These provisions would become operative on July 1, 2009.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 1230 without my signature. The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time. Sincerely, Arnold Schwarzenegger

### [AB 1823](#)

**AUTHOR:** Beall  
**TITLE:** Juvenile justice coordinating councils: county alcohol and drug program administrator.  
**STATUS:** 09/27/2008-Vetoed by the Governor.

**SUMMARY:** Under existing law, in order to be eligible for a grant pursuant to the Juvenile Crime Enforcement and Accountability Challenge Grant Program, a county is required to establish a multiagency juvenile justice coordinating council to develop and implement a continuum of county-based responses to juvenile crime. The council is required to include the chief probation officer, as chair, and representatives of various departments and organizations, including, among others, the department of social services and a community-based drug and alcohol program. This bill would require the council to include the county alcohol and drug program administrator, unless the county alcohol and drug program administrator is already a member of the council by virtue of being represented by another office on the council.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 1823 without my signature. The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest

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priority for California. This bill does not meet that standard and I cannot sign it at this time.  
Sincerely, Arnold Schwarzenegger

### [AB 1867](#)

**AUTHOR:** Keene  
**TITLE:** Real estate appraisers.  
**STATUS:** 09/25/2008-Vetoed by the Governor.

**SUMMARY:** Existing law, the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, prohibits the criteria established by the federal financial institutions regulatory agencies, among other organizations, from excluding a certified or licensed appraiser for consideration for an assignment solely by virtue of membership or lack of membership in any appraisal organization. This bill would provide that when a public agency, including, but not limited to, a city or county, decides that a contract with a designated member of an appraisal organization is necessary to provide an appraisal, as defined, of real property, any designated member of any appraisal organization that is a member of the Appraisal Foundation shall be allowed to submit a proposal if specified criteria are met. The bill would authorize that member to bring a civil action for equitable relief against a public agency that violates this provision, as specified, and would prohibit the office from participating in that action. The bill would prohibit a public agency from requiring the member to waive certain rights, including the right to bring that action, as a condition of submitting a proposal or doing business with the agency. The bill would require that a waiver by a member of the right to file and pursue a civil action be knowing, voluntary, and not made a condition of submitting a proposal or doing business with a public agency, and would, among other things, provide that the public agency has the burden of proving that the waiver meets those conditions. The bill would also prohibit construing the Real Estate Appraisers' Licensing and Certification Law to require or authorize the office or the director to enforce these provisions and would specify that a violation of these provisions is not a crime. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 1867 without my signature. This bill would require public agencies to accept bids for appraisal projects from any appraiser who is a designated member of any appraisal organization that is a member of the Appraisal Foundation and provides an appraiser who was not allowed to submit a bid to a public agency may sue that agency for equitable relief. I vetoed a substantially similar bill last year on the grounds that it would create a specific cause of action which could result in significant litigation costs for public agencies. This bill does little or nothing to resolve my concerns regarding the threat of increased litigation or costs to the state. For this reason, I am returning this bill without my signature.  
Sincerely, Arnold Schwarzenegger

## Vetoed Bills

### [AB 2002](#)

**AUTHOR:** De Leon  
**TITLE:** Public works: payments.  
**STATUS:** 09/27/2008-Vetoed by the Governor.

**SUMMARY:** Existing law requires a contractor or subcontractor to submit, to the state or political subdivision on whose behalf a public work is being performed, a penalty of not more than \$50 per day, as provided and determined by the Labor Commissioner, for violations of these prevailing wage provisions. This bill would increase the penalty to \$100 for each calendar day, plus interest accruing at 10% per annum, as provided and determined by the Labor Commissioner. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 2002 without my signature. This bill would double certain penalties on public works projects and create new liability on contractors for the acts of subcontractors. While I strongly support efforts to ensure compliance with our prevailing wage laws, the proponents of this measure have failed to demonstrate a need for the increased penalties or evidence that simply doubling penalties and creating new liabilities is an effective way of achieving greater compliance. Strong enforcement of existing laws, as well as concerted public outreach and education of employers, will do far more to ensure compliance with our laws than simply indiscriminately doubling penalties. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [AB 2099](#)

**AUTHOR:** Hancock  
**TITLE:** Inmates: identification cards.  
**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** Existing law provides that after inmates are released from the Department of Corrections and Rehabilitation, they are placed on parole, as specified. This bill would require the Department of Corrections and Rehabilitation to establish a pilot program at Folsom State Prison and San Quentin State Prison for the purpose of providing each inmate at those facilities, prior to his release, with a valid California identification card, as defined, issued by the Department of Motor Vehicles (DMV). This bill contains other related provisions.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 2099 without my signature. As I stated in my veto message of a similar bill last year, this bill will result in parolees receiving services that are not currently available to the majority of the general public. For example, the Department of Motor Vehicles does not perform the function of determining whether or not members of the general public have the ability to pay applicable identification card fees. These services must be applied for through other governmental or non-profit public assistance programs. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

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### [AB 2541](#)

**AUTHOR:** Bass  
**TITLE:** Reentry courts: deferred entry of judgment.  
**STATUS:** 09/27/2008-Vetoed by the Governor.

**SUMMARY:** Under existing law, the Department of Corrections and Rehabilitation is required to establish three pilot programs to provide intensive training and counseling for female parolees to assist in the successful reintegration of those parolees into the community, a pilot reentry program in East Palo Alto, and a pilot prerelease parole program in Alameda County. Existing law also requires the department to provide various education, drug treatment, and skills training to inmates and parolees. Existing law further requires the establishment of a Reentry Advisory Committee to advise the secretary on all matters related to the successful statewide planning, implementation, and outcomes of all reentry programs and services provided by the department. This bill would authorize a superior court, until January 1, 2012, to create a deferred entry of judgment reentry program targeted at preventing recidivism among nonviolent low-level drug sales offenders. The bill would specify the characteristics of that program and the process for eligibility for the program.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 2541 without my signature. Existing law allows courts to direct most low-level, non-violent drug offenders to diversion or participation in a deferred entry of judgment program. This bill seeks to expand these opportunities to higher-level drug dealers. Although the state should seek to make meaningful rehabilitation a reality for a person convicted of a drug offense, this rehabilitation should be concurrent with or subsequent to the imposition of his or her rightful sentence. This bill would undermine the state's drug laws and thereby place the public's safety in jeopardy. For these reasons I am unable to sign this bill.  
Sincerely, Arnold Schwarzenegger

### [AB 2854](#)

**AUTHOR:** Mendoza  
**TITLE:** California Small Business Advocate: Internet Web site.  
**STATUS:** 09/28/2008-Vetoed by the Governor.

**SUMMARY:** Existing law requires the California Small Business Advocate to develop and post specified information on an Internet Web site. This bill would, until January 1, 2014, require the advocate to establish a one-stop location on its Internet Web site for posting announcements of business-related programs, information, announcements, and services offered by state agencies, departments, commissions, boards, and other state entities and other specified information. The bill would also require the advocate, in consultation with the California Small Business Board and the California Economic Strategy Panel, to determine the programs, information, announcements, and services for posting on the Internet Web site and the format and timelines for their posting. The bill would require state agencies, departments, commissions, and boards to cooperate with the advocate in administering the one-stop location on its Internet Web site. The bill would make implementation of its provisions contingent upon funding for its purposes being provided in the annual Budget Act or other statute.

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**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 2854 without my signature. During my Administration, I have been committed to assisting small businesses and seeking ways for them to access valuable state resources. However, this bill does not offer any additional significant information to these businesses that is not already provided on the existing Small Business Advocate website. The Small Business Advocate currently consults with all parties required in this bill, and as such the bill is redundant and unnecessary. Additionally, the report mandate in this bill would create additional workload that would result in a General Fund cost pressure that is unsustainable during our current budget situation. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [AB 2874](#)

**AUTHOR:** Lieber  
**TITLE:** Civil rights: damages.  
**STATUS:** 09/28/2008-Vetoed by the Governor.

**SUMMARY:** Under the California Civil Rights Act of 2005, all persons within the jurisdiction of this state have the right to be free from violence, or intimidation by threat of violence, committed against their persons or property because of any specified characteristic or affiliation, including political affiliation, position in a labor dispute, disability, medical condition, sex, race, color, religion, marital status, ancestry, or national origin. The California Fair Employment and Housing Act limits the total amount of actual damages that the California Fair Employment and Housing Commission may assess against a respondent for a violation of the California Civil Rights Act of 2005, per aggrieved person, to \$150,000. This bill would delete the \$150,000 limitation on actual damages that may be assessed by the California Fair Employment and Housing Commission against a respondent who violates the California Civil Rights Act of 2005, as an unlawful practice.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 2874 without my signature. Existing law already allows victims whose actual damages exceed \$150,000 to go straight to court without compromising the amount of their claim in a proceeding before the Fair Employment and Housing Commission. In addition, it is likely this bill would result in additional General Fund costs that are not currently funded. For these reasons, I am unable to sign this bill.

Sincerely, Arnold Schwarzenegger

### [AB 2937](#)

**AUTHOR:** Solorio  
**TITLE:** Wrongful convictions and arrests.  
**STATUS:** 09/27/2008-Vetoed by the Governor.

**SUMMARY:** Under existing law, an action against an attorney for a wrongful act or omission, other than for actual fraud, arising in the performance of professional services is required to be commenced within one year after the plaintiff discovers or should have discovered the facts constituting the wrongful act or omission, or four years from the date of the wrongful act or omission, whichever occurs first. This bill would specify that if the plaintiff is required to establish

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his or her actual innocence of an underlying criminal charge as an element of his or her claim, the action is required to be commenced within two years after the plaintiff achieves postconviction exoneration in the form of a final judicial disposition of the criminal case. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 2937 without my signature. Despite advancements in technology and the best efforts of law enforcement, innocent people sometimes are arrested or convicted of crimes they did not commit. I applaud efforts to address injustice done when an innocent person has been erroneously incarcerated and support measures to help such an individual receive appropriate compensation or services. However, I cannot support this bill because it would create a state-mandated local program resulting in increased General Fund costs. This bill would require counties to provide case management services for two years to persons wrongfully incarcerated and, upon request, for any person wrongfully incarcerated and released since January 1, 2002. The state already compensates these individuals, even though wrongful convictions occur at the local level. Any programs to further assist these persons should therefore be funded at the local level. In addition, many of these individuals could otherwise be eligible for local programs without mandating the provision of case management services. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [AB 2986](#)

**AUTHOR:** Leno

**TITLE:** Water quality.

**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for publicly owned treatment works and other dischargers in accordance with the Porter-Cologne Water Quality Control Act (state act) and the federal Clean Water Act. Existing law, commencing the year in which funding is provided, requires the state board to develop a uniform overflow event report form to be used by the system owner or operator to report sanitary sewer system overflows. Existing law, commencing the year in which funding is provided, requires a database on sanitary sewer system overflows and spills to be developed and made available to the public. This bill would require the state board, commencing January 1, 2011, to issue annually a letter grade, as specified, for each separate sanitary sewer system, sewage treatment plant, combined sewer system, and combined sewer system treatment plant in the state that is subject to waste discharge requirements in accordance with letter grading methodologies that the state board would be required to establish. The state board would be required, by January 1, 2010, to establish a methodology for measuring a sewage treatment plant's peaking factor for specified flows, to designate a prescribed peaking factor or factors, and to establish, as necessary, monitoring and reporting requirements to measure peaking factors. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 2986 without my signature. This bill would

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require the State Water Resources Control Board (SWRCB) to develop a letter grading methodology for sewer systems and sewage treatment plant performance and annually issue a letter grade for facility performance. The bill also would require the SWRCB to make specified regulatory information available to the public through the internet. While I support actions to reduce sewage spills and improve the performance of community wastewater infrastructure, this bill would result in significant annual costs while providing little real benefit. This bill would result in costs of up to \$3.5 million annually. These costs would be paid through increased fees on local agencies. These monies would be better spent by the local agencies to fund system improvements and increase system inspection and monitoring, rather than the creation of a letter grading system. Additionally, the SWRCB recently adopted a statewide general permit requiring publicly-owned wastewater collection systems to implement detailed reporting and sewer system management plans. This program was designed to improve performance of sewage collection systems, ensure timely reporting of sanitary sewer outflows, and identify system improvements needed to prevent future accidents. We need to let these requirements be implemented and assess their success before implementing additional burdens on these local agencies. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [AB 2992](#)

**AUTHOR:** La Malfa

**TITLE** Resource conservation districts: California Prompt Payment Act.

**STATUS:** 09/27/2008-Vetoed by the Governor.

**SUMMARY:** Existing law generally provides that a state agency that fails to make any payment for goods and services to certain entities pursuant to a contract shall be subject to an interest penalty fee, according to specified criteria. This bill would include resource conservation districts within the list of entities entitled to interest penalty fees for the failure of a state agency to make payment for goods and services to a resource conservation district pursuant to a contract, as specified. This bill contains other related provisions.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 2992 without my signature. The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time. Sincerely, Arnold Schwarzenegger

### [AB 3041](#)

**AUTHOR:** Committee on Public Employees, Retirement and Social Security

**TITLE:** Public Employees' Retirement Law.

**STATUS:** 09/28/2008-Vetoed by the Governor.

**SUMMARY:** The Public Employees' Retirement Law provides a comprehensive set of rights and benefits based upon age, service credit, and final compensation for members of the Public Employees' Retirement System (PERS). Existing law defines final compensation variously for

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different member classifications and bargaining units and, in this regard, defines final compensation for a state member for the purpose of calculating retirement benefits as the highest annual average compensation earnable by the member during a designated 12-month period. Existing law provides that final compensation for a person who becomes a state member, as specified, on or after a certain date, and who is represented by one of specified bargaining units, means the highest annual average compensation earnable by the member during a designated 36-month period. This bill would further specify that final compensation, for purposes of those provisions, refers to a person who is employed by the state for the first time, with respect to bargaining units 1, 2, 3, 4, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Assembly Bill 3041 without my signature. The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time. Sincerely, Arnold Schwarzenegger

### [SB 364](#)

**AUTHOR:** Simitian

**TITLE:** Personal information: privacy.

**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** Existing law requires any agency, person, or business that maintains computerized data that includes personal information that the agency, person, or business does not own to notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This bill would require that notification to the owner or licensee of the information include, among other things, a description of the categories of personal information that were, or may have been, acquired, a toll-free or local telephone number or e-mail address that individuals may use to contact the agency, person, or business, and the telephone numbers and addresses of the major credit reporting agencies. If the owner or licensee of the information is the issuer of the credit or debit card or the payment device, or maintains the account from which the payment device orders payment, or is an agency required to give notice of a security breach, as specified, the bill would require the owner or licensee to disclose the same information to the California resident in plain language, as specified. This bill contains other related provisions.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 364 without my signature. California's landmark law on data breach notification has had many beneficial results. Informing individuals whose personal information was compromised in a breach of what their risks are and what they can do to protect themselves is an important consumer protection benefit. The law has also provided a window on information privacy and security practices that has led organizations to make many improvements. Unfortunately, this bill could lead consumers to believe that all data breaches

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result in identity theft. Further, this would place an additional unnecessary cost on businesses without a corresponding consumer benefit. For these reasons I am unable to sign this bill.  
Sincerely, Arnold Schwarzenegger

### [SB 823](#)

**AUTHOR:** Perata  
**TITLE:** California Private Postsecondary Education Act of 2008.  
**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** The former Private Postsecondary and Vocational Education Reform Act of 1989, which became inoperative on July 1, 2007, was administered by the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs. The act generally effectuated legislative intent to ensure minimum standards of instructional quality and institutional stability in private postsecondary educational institutions. This bill would recast and revise the former act as the California Private Postsecondary Education Act of 2008. The bill would establish the Bureau for Private Postsecondary Education in the Department of Consumer Affairs as a successor agency to the former bureau. The bill would continue the existence of the Private Postsecondary and Vocational Education Administration Fund, which the bill would rename the Private Postsecondary Education Administration Fund, and the continuously appropriated Student Tuition Recovery Fund, and would also provide that certain violations of the new act would be punishable as infractions. The bill would impose reporting requirements on the bureau and the office of the Legislative Analyst regarding bureau compliance within this act. The bill would also express the intent of the Legislature that the Bureau of State Audits conducts an audit that assesses the extent the requirements of this act are met. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 823 without my signature. This bill would establish the California Private Postsecondary Education Act of 2008 (Act), which would create the Bureau for Private Postsecondary Education (Bureau) within the Department of Consumer Affairs (DCA) to regulate private postsecondary educational institutions in California and establish various requirements, prohibitions, and standards for these institutions. I have repeatedly stated that a reform act must be written clearly, should not be subject to varied interpretations, should treat schools as uniformly as possible, and provide reasonable roles and responsibilities for the Bureau. Our collective objective should be to successfully strike a balance between protecting students, while being firm, yet fair to schools. Unfortunately, this bill does not meet those goals. Instead, this bill would create a statute that would be a challenge to successfully implement. If a statute is not clearly drafted, reasonably enforceable, or easily understandable to students, schools, and regulators, no one is well served. Though I am vetoing this bill, I am directing the Department of Consumer Affairs to continue its efforts to educate students about their rights and responsibilities, and to encourage schools to provide students with meaningful disclosures and engage in sound business practices. I am also encouraging the DCA Director to use her existing authority to investigate complaints from students and schools. I encourage the Legislature to pass a bill early in

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the next session that proposes a regulatory framework that can be successful. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

### [SB 992](#)

**AUTHOR:** Wiggins

**TITLE:** Substance abuse: adult recovery maintenance facilities.

**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** Existing law provides for the licensure, certification, and regulation of alcoholism or drug abuse recovery or treatment facilities serving adults, administered by the State Department of Alcohol and Drug Programs. Existing law requires the department to grant certification to any alcoholism or drug abuse recovery or treatment program requesting the certification. This bill would require the department to also administer the licensure and regulation of adult recovery maintenance facilities, as defined, and would require the department to adopt emergency regulations, applicable only to adult recovery maintenance facilities, to implement the fee process for initial licensure, and the provisions for the extension of licensure, followup compliance visits, and civil penalties.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 992 without my signature. The licensure and regulation of sober living environments are important for many policy reasons. It is important for facilities to respect and participate in their local community; for communities to provide support to these facilities; and lastly, it is important that individuals seeking recovery from alcohol and drug addiction can live in safe environments that help them in their recovery. Unfortunately, this bill does not accomplish these policy goals. I would consider a future measure that ensures quality programs; increases access for safe and appropriate environments and respects the communities in which these facilities are located. For these reasons, I am unable to sign this measure. Sincerely, Arnold Schwarzenegger

### [SB 1115](#)

**AUTHOR:** Migden

**TITLE:** Workers' compensation: permanent disability reports: apportionment.

**STATUS:** 09/30/2008-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. Existing law requires any physician who prepares a report addressing the issue of permanent disability due to a claimed industrial injury to address the issue of causation of the permanent disability, and requires that such a report include an apportionment determination to be considered complete on the issue of permanent disability. This bill would provide that race, religious creed, color, national origin, age, gender, marital status, sex, or genetic predisposition shall not be considered to be a cause or other factor considered in any determination made pursuant to those provisions.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1115 without my signature. This bill is

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intended to provide that race, religious creed, color, national origin, age, gender, marital status, sex, or genetic predisposition shall not be considered a cause or other factor of disability when determining apportionment of disability for the purposes of workers' compensation. While I support the intent of this measure, I do not believe it is necessary. Current law, as well as court rulings, adequately protects injured workers from inappropriate application of apportionment statutes. In addition, I am concerned that the manner in which this bill is worded could inadvertently create new ambiguities in the law and result in increased litigation. For these reasons I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

### [SB 1151](#)

**AUTHOR:** Perata  
**TITLE:** Hospitals: lift teams.  
**STATUS:** 09/28/2008-Vetoed by the Governor.

**SUMMARY:** Existing law regulates the operation of health facilities, including hospitals. The California Occupational Safety and Health Act of 1973 establishes certain safety and other responsibilities of employers and employees, including the requirement that employers provide safety devices or safeguards reasonably necessary to render employment safe. This bill would require a general acute care hospital, as defined, to establish a patient protection and health care worker back injury prevention plan. The bill would require the hospital to conduct a needs assessment to identify patients needing lift teams, and lift, repositioning, or transfer devices. This bill contains other related provisions.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1151 without my signature. This bill would require all general acute care hospitals to adopt, as part of their Injury and Illness Prevention Programs, a patient protection and health care worker back injury prevention plan that includes a "safe patient handling policy." SB 1151 is similar to measures that I have vetoed over the last four years. This bill is unnecessary as current laws and regulations are in place to address the workplace health and safety needs of health care workers. Existing statutes are flexible and allow employers to exercise discretion in determining what combination of lift teams and equipment is necessary to have an effective Injury and Illness Prevention Program. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [SB 1208](#)

**AUTHOR:** Ducheny  
**TITLE:** Elections: title and summary: fiscal estimate.  
**STATUS:** 09/28/2008-Vetoed by the Governor.

**SUMMARY:** Existing law requires the Attorney General, upon receipt of a draft of a petition for a proposed measure, to draft a title and summary of the proposed measure. Existing law requires the Attorney General to determine whether a proposed measure would affect the revenues or expenditures of the state or local government. If the Attorney General determines that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title

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either the estimate of the amount of change in state or local revenues or costs, or an opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to prepare jointly the fiscal estimate that is included in the title. This bill would require that the fiscal estimate included in the title be prepared by the Legislative Analyst, who may request the assistance of any state department, agency, or official in preparing the fiscal estimate.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1208 without my signature. This bill would remove the Department of Finance from the joint responsibility it shares with the Joint Legislative Budget Committee (JLBC) to prepare estimates of proposed initiatives prior to circulation. It is important to ensure agreements by the Executive and Legislative branches of government on the potential fiscal impact of proposed initiatives. The current shared responsibility of the Department of Finance and the JLBC provides such an assurance. Sincerely, Arnold Schwarzenegger

### [SB 1230](#)

**AUTHOR:** Maldonado  
**TITLE:** Detergents: phosphorus.  
**STATUS:** 09/29/2008-Vetoed by the Governor.

**SUMMARY:** Existing law prohibits the manufacture, processing, and distribution in commerce of products containing certain chemicals found to raise health risks, including, but not limited to, polybrominated diphenyl ether and phthalates. This bill would, commencing July 1, 2010, prohibit the use, sale, manufacture, or distribution for sale of any cleaning agent, as defined, if that product contains more than .5% phosphorus by weight, except as specified.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1230 without my signature. This bill prohibits the use, sale, manufacture or distribution of any cleaning agent that contains a phosphorous level greater than 0.5 percent and allows up to 8.7 percent phosphorous in cleaning agents with a specified set of uses. This bill does not envision a programmatic compliance and enforcement approach. It would be left to non-governmental entities or individuals lodging complaints to police its compliance. Without appropriate regulatory oversight, SB 1230 may not lead to the protections envisioned by the author. Additionally, this bill continues the practice of chemical by chemical, product by product bans and prohibitions. California needs a coherent and systematic approach to address chemicals in products that Californians use in everyday life. It is for this reason that I have signed into law the beginning of our historic Green Chemistry program at the Department of Toxic Substances Control. Issues such as the one raised by this bill are better handled through that science-based regulatory process. Sincerely, Arnold Schwarzenegger

### [SB 1253](#)

**AUTHOR:** Alquist  
**TITLE:** Sex offenders: assessments.  
**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** Existing law establishes the State-Authorized Risk Assessment Tool for Sex

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Offenders (SARATSO) Review Committee to ensure that the SARATSO reflects the most reliable, objective, and well-established protocols for predicting sex offender risk of recidivism, has been scientifically validated and cross validated, and is widely accepted by the courts. This bill would require the committee to monitor the consistency and quality of risk assessments and to arrange for experts in the field to train those who oversee the training of persons who administer the SARATSO and to monitor the scoring of the SARATSO. The bill would provide a process whereby, if an agency that scores the SARATSO believes that a score is too high or low, that agency may submit the case to certain experts. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1253 without my signature. The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time. Sincerely, Arnold Schwarzenegger

### [SB 1338](#)

**AUTHOR:** Migden

**TITLE:** Workers' compensation: medical treatment: predesignation of physician.

**STATUS:** 09/30/2008-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. Existing law, until December 31, 2009, provides an employee with the right to be treated by his or her personal physician from the date of injury if specified requirements are met, including a requirement that the physician agrees to be predesignated. This bill would delete the December 31, 2009, repeal date for those provisions pertaining to an employee's predesignation of a personal physician. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1338 without my signature. This bill repeals the sunset date for the provision of workers' compensation law that allows a small number of employees to predesignate a personal physician to treat work-related injuries. The proponents of this measure have failed to demonstrate why this law should be extended. My workers' compensation reforms struck the appropriate balance between the employer and the employee in selecting the physicians that treat injured workers. There is no reason a select few employees should be allowed to opt out of a system that is working well for everyone else. The law on predesignation does not sunset until 2009. If the proponents wish to try again next year to repeal the sunset, I encourage them to better demonstrate the need for this change. For these reasons, I am unable to sign this measure. Sincerely, Arnold Schwarzenegger

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### [SB 1386](#)

**AUTHOR:** Lowenthal  
**TITLE:** Residential building safety.  
**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** Existing law requires the State Fire Marshal to adopt regulations and standards regarding the quality and installation of burglar bars and safety release mechanisms for emergency escape and rescue windows, the approval and installation of smoke detectors, and the approval of portable fire extinguishers for marketing, distribution, and sale in this state. Existing law requires a smoke detector approved and listed by the State Fire Marshal to be installed in a dwelling unit intended for human occupancy. Existing law also requires the transferor of real property containing a single-family dwelling to provide transferees written notice of compliance with specified requirements for the installation of smoke detectors. This bill would instead require the transferor to disclose to the prospective purchaser the transferor's compliance with that provision, as specified. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1386 without my signature. This bill would require that carbon monoxide devices be installed in residences beginning in 2010, thus placing a building standard in statute. This bill would also require that the Department of Housing and Community Development develop additional building standards concerning specific installation requirements for these devices. While I am certainly concerned with the health and safety of Californians, this bill is an undesirable approach. Building standards should not be statutory. The Building Standards Commission (BSC) was created to ensure an open public adoption process allowing experts to develop standards and periodic updates to the building codes. Placing building standards in statute rather than regulation circumvents the existing state regulatory adoption process and excludes the input of safety and construction experts. Smoke detectors in homes were approved by the BSC after a process of review of the safety, need, and reliability of the product. This process should be utilized for carbon monoxide devices. Additionally, product reliability is an issue that has also affected attempts to require carbon monoxide devices through national building codes. The International Code Council, which writes a national model building code, recently rejected two proposals to require the installation of carbon monoxide devices in new residential dwellings, citing the lack of clear direction for placement of the devices and the propensity for false alarm indications. A recent test study indicated that alarm technology is not adequately reliable, resulting in false alarms or no alarm at all. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [SB 1425](#)

**AUTHOR:** Steinberg  
**TITLE:** Pupil data.  
**STATUS:** 09/29/2008-Vetoed by the Governor.

**SUMMARY:** Federal law requires schools and educational agencies receiving federal financial assistance to comply with specified provisions regarding the release of pupil data. State law

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prescribes additional rules relating to the authorized release of pupil data. This bill would authorize the department, to the extent permissible under the federal Family Educational Rights and Privacy Act (FERPA) and state law, to conduct pupil data management on behalf of local educational agencies. The bill would state the intent of the Legislature to accomplish specified objectives related to these provisions, including, but not limited to, complying with the United States Constitution and all applicable federal laws, including FERPA and its implementing regulations, the California Constitution, and all applicable state laws and their implementing regulations, in order to protect pupil rights and privacy. The bill would authorize local educational agencies to access specified data via the California Longitudinal Pupil Achievement Data System (CALPADS), and, to the extent permissible under state and federal law, to share specified data via CALPADS. The bill would require the department, to the extent consistent with federal law, to establish, no earlier than July 1, 2009, an education data team to act as an institutional review board to review and respond to all requests for aggregate and nonidentifiable individual pupil data, as specified. The bill would require the department, to the extent feasible, to redirect department personnel for the purposes of the education data team rather than establishing new positions. The bill would make the department responsible for data management decisions for data under its jurisdiction and make the department and a local educational agency jointly liable for any data management decisions in which the department and a local educational agency participate jointly, as specified. The department would be required to adopt regulations for the education data team by July 1, 2009. The department would, with certain exceptions, be authorized to assess a fee on research applicants to cover prescribed costs. This bill contains other related provisions and other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1425 without my signature. Instead, I am signing Senate Bill 1298 (Simitian), which takes the first step in specifically addressing my goal of making all existing education data more accessible in a user-friendly format to parents, policy makers, researchers and the general public without being filtered through unnecessary bureaucratic obstacles. This measure is premature. California must more closely examine the ability of the state to collect, transfer, and use pupil record information and the interactions between state and federal law before developing a final plan for the interaction of multiple data systems at the state and local level and developing rules to govern access to the data they hold. It would be unwise to move forward without the benefit of this analysis. With incomplete information California may initially move in a direction which later would require a costly course correction in order to achieve the functionality we ultimately hope to achieve, while responsibly protecting student and family privacy and ensuring against identity theft. My goal is for California to eventually have a comprehensive education data system that is useful, transparent, and easily accessible for parents, teachers, administrators, and policymakers that is not mired in the bureaucratic structures that currently exist. I would sign a bill that provides for an unambiguous thoughtful structure for state and local data sharing and the administrative oversight and management of education data systems while also providing explicit privacy protections in the statute. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

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### [SB 1717](#)

**AUTHOR:** Perata

**TITLE:** Workers' compensation: permanent partial disability benefits.

**STATUS:** 09/30/2008-Vetoed by the Governor.

**SUMMARY:** Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires the payment of disability benefits to eligible individuals for injuries sustained in the course of employment that cause permanent disability, and specifies that the amount of those payments shall be computed in accordance with a prescribed formula. Existing law provides that if, within 60 days of an employee's disability becoming permanent and stationary, the employer does not offer the injured employee regular work, modified work, or alternative work, as specified, for the period of at least 12 months, or, if the regular work, modified work, or alternative work is terminated before the end of the period for which disability payments are due the injured employee, the employer shall pay the employee an increased amount of permanent disability benefits. Existing law also provides further that, if within 60 days of a disability becoming permanent and stationary, an employer offers the injured employee regular work, modified work, or alternative work, for a period of at least 12 months, regardless of whether the injured employee accepts or rejects the offer, the employer shall pay the employee a decreased amount of permanent disability benefits. This bill would eliminate those provisions requiring an employer to pay an injured employee a decreased amount of permanent disability benefits if, within 60 days of a disability becoming permanent and stationary, the employer offers the injured employee regular work, modified work, or alternative work, within those specified time periods, regardless of whether the injured employee accepts or rejects the offer. The bill would also revise the formula for computing those benefits for injuries causing permanent disability, which occur on or after January 1, 2009.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1717 without my signature. The workers' compensation reforms I enacted in 2004 have worked. Costs to employers have decreased and return-to-work rates for injured workers have increased. Our work, however, is not done. Medical costs in the workers' compensation system are climbing, leading the Workers' Compensation Insurance Rating Bureau to recommend a 16 percent increase in premiums starting next year. Given this fact, we must proceed cautiously before adding any other costs to the system. As such, the billion dollar benefit increase proposed by this bill cannot be justified at this time. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

### [SB 1718](#)

**AUTHOR:** Perata

**TITLE:** Public employment: State Bargaining Unit 2: compensation.

**STATUS:** 09/27/2008-Vetoed by the Governor.

**SUMMARY:** The Ralph C. Dills Act permits state employees to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all

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matters of employer-employee relations, as specified. Existing law permits an employee organization to become the exclusive representative of an appropriate unit for purposes of meeting and negotiating, as specified. Existing law requires the Governor, or his or her representative, as properly designated by law, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations, and to consider fully any presentation that is made by an employee organization on behalf of its members prior to arriving at a determination of policy or course of action. This bill would require the Department of Personnel Administration to annually conduct a survey that would obtain specified information regarding the compensation of certain legal professionals, including attorneys employed by specified public entities and judges. The bill would require the department to issue an annual report that would include the data obtained from the surveys as well as specified analyses. The bill would also require the report to be provided to the Legislature, the Governor, and the exclusive representative of State Bargaining Unit 2, no later than March 15 of each year. The bill would specify that this report would satisfy the department's reporting requirement to the parties meeting and conferring and to the Legislature. The bill would specify that the department would absorb the cost of preparing the surveys required by these provisions from existing appropriations. The bill would make related legislative findings and declarations regarding State Bargaining Unit 2. This bill contains other existing laws.

**GOVERNOR'S MESSAGE:** I am returning Senate Bill 1718 without my signature. This bill would require the State to conduct an annual compensation survey of other public employers of attorneys, hearing officers, and administrative law judges. This bill is unnecessary. The Department of Personnel Administration (DPA) already surveys major state job sectors, including the legal professions. All surveys conducted by DPA are provided to the Legislature, Governor, and posted on DPA's public website. Bargaining units are fully able to negotiate the details of any survey done for salary determinations within the normal parameters of the collective bargaining process. Statutorily mandating the survey would remove it as a negotiable item between the parties. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

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