

CHAPTERED & VETOED LEGISLATION REPORT 2003



STATE OF CALIFORNIA
Arnold Schwarzenegger, Governor

YOUTH AND ADULT
CORRECTIONAL AGENCY
Roderick Q. Hickman, Agency Secretary

DEPARTMENT OF THE YOUTH
AUTHORITY
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2003 CHAPTERED AND VETOED LEGISLATION REPORT

This report includes information on bills that were either signed or vetoed during the first year of the 2003/2004 Legislative Session. This report is divided into two separate sections.

Section One lists all bills introduced or amended in 2003 that were signed by the Governor and chaptered by the Secretary of State. Each bill is identified by bill number, author, chapter number, subject, and summary of the measure. Unless the bill was an urgency measure, all bills signed and chaptered become effective on January 1, 2004. Urgency bills are identified.

Section Two lists all bills introduced or amended in 2003 that were vetoed by the Governor. Each bill is identified by bill number, author, chapter number, subject, summary of the measure, and the Governor's veto message.

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

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Section One – Chaptered Legislation

AB 17 AUTHOR: Kehoe
 TITLE: Acquisition of Goods or Services
 ENACTED: 10/10/2003
 CHAPTER: 752

SUMMARY:

This bill prohibits a state agency from entering into a contract for goods and services, as specified, with a contractor that does not provide the same benefits to an employee who is a registered domestic partner that the contractor provides to an employee who has a spouse.

AB 67 AUTHOR: Negrete McLeod
 TITLE: Public Employees' Retirement
 ENACTED: 05/14/2003 URGENCY
 CHAPTER: 10

SUMMARY:

This bill is the annual State Public Employees' Retirement System (CalPERS) "technical housekeeping" bill. The bill makes various minor and technical amendments to sections of the Government Code administered by CalPERS.

AB 76 AUTHOR: Corbett
 TITLE: Employment Discrimination
 ENACTED: 10/03/2003
 CHAPTER: 671

SUMMARY:

This bill clarifies language in the Fair Employment and Housing Act (FEHA) to ensure that under state law employers may potentially be liable for sexual harassment committed against their workers by clients, customers and other third parties if they knew or should have known of the harassment, and failed to take immediate and appropriate corrective action to stop the harassment. The bill ensures that California's discrimination law is not weaker than federal law regarding workplace protections for employees facing harassment by customers and other third parties.

AB 78 AUTHOR: Reyes
 TITLE: Education: Vietnam War
 ENACTED: 07/10/2003
 CHAPTER: 44

SUMMARY:

This bill encourages that social studies instruction in California Schools include information on the Vietnam War, including the Secret War in Laos and the role of the Southeast Asians in that war, as specified.

AB 196 AUTHOR: Leno
 TITLE: Discrimination: Gender
 ENACTED: 08/02/2003
 CHAPTER: 164

SUMMARY:

This bill expands the Fair Employment and Housing Act (FEHA) prohibition against discrimination to include perceptions of an individual's gender, regardless of whether the perceived gender characteristics are different from those traditionally associated with the individual's sex at birth. This bill permits employers to require employees to adhere to reasonable workplace appearance and standards consistent with state or federal law, provided that employees are allowed to appear or dress consistent with their gender identity.

AB 205 AUTHOR: Goldberg
 TITLE: Domestic Partners: Right and Responsibilities
 ENACTED: 09/19/2003
 CHAPTER: 421

SUMMARY:

This bill enacts the California Domestic Partner Rights and Responsibilities Act of 2003. The bill expands the rights of and imposes responsibilities on registered domestic partners, similar to the rights and responsibilities conferred on married couples by state law, with the exception of rights, benefits, and obligations accorded only to married persons by federal law, the California Constitution, or initiative statutes.

AB 227 AUTHOR: Vargas
 TITLE: Workers' Compensation
 ENACTED: 09/30/2003
 CHAPTER: 635

SUMMARY:

This bill amends workers compensation law, including increasing the maximum fine for workers' compensation fraud and repealing provisions relating to vocational rehabilitation and replacing them with a supplemental job displacement benefit.

AB 256 AUTHOR: Kehoe
 TITLE: Public Works: State Property
 ENACTED: 10/08/2003
 CHAPTER: 723

SUMMARY:

This bill authorizes the Department of General Services to lease certain properties at the Lone Youth Facility to the Amador County Regional Sanitation Authority for up to 30 years at the rate of \$1 per year for their continued use in a wastewater delivery system.

AB 268 AUTHOR: Mullin
 TITLE: State Supervisor Training: Disabilities
 ENACTED: 08/02/2003
 CHAPTER: 165

SUMMARY:

This bill requires that the training provided to newly appointed state supervisors include training on employment law relating to persons with disabilities.

AB 296 AUTHOR: Oropeza
 TITLE: State and Local Government
 ENACTED: 10/10/2003
 CHAPTER: 757

SUMMARY:

This bill makes various changes to existing law needed to implement the 2003/04 Budget or to correct or clarify provisions in previous budget legislation. The bill provides that no state agency is required to use the Office of State Publishing (OSP) for its printing needs, however, state agencies are required to solicit a bid from OSP when soliciting bids from the private sector and/or when the cost of a project is more than \$5,000.

AB 319 AUTHOR: Frommer
 TITLE: Firearms: Prohibitions: Juvenile Offenders
 ENACTED: 09/24/2003
 CHAPTER: 490

SUMMARY:

This bill amends existing law that prohibits juveniles who committed specified offenses from owning, possessing, or having under their custody or control, any firearm until the age of 30 years. This bill expands the scope of existing law to apply to juveniles who committed specified offenses involving carrying concealed or loaded firearms, including firearms in vehicles.

AB 369 AUTHOR: Bermudez
 TITLE: Public Employees' Retirement: Employment
 ENACTED: 10/12/2003
 CHAPTER: 861

SUMMARY:

This bill allows retired correctional officers to work full time in a city correctional facility without being forced to reinstate as a member of the California Public Employees' Retirement System. The bill only applies to city facilities that house state inmates under a twenty-year contract, where the city does not maintain a municipal police department, and only applies to the positions of superintendent, deputy superintendent, or captain.

AB 385 AUTHOR: Nakano
 TITLE: State Employees: Salary or Wages
 ENACTED: 09/20/2003
 CHAPTER: 433

SUMMARY:

This bill amends existing law that requires all state agencies to provide a written itemized statement showing deductions from an employee's wages or salary. The bill requires written or electronic statements, at the discretion of the employee, contingent upon funding and implementation of the State Controller's "21st Century Project."

AB 390 AUTHOR: Montanez
 TITLE: Health Facilities: Backup Generators
 ENACTED: 10/08/2003
 CHAPTER: 676

SUMMARY:

This bill requires a health facility to test its diesel backup generator according to standards set by the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO). The bill also requires health facilities to submit all data collected about diesel backup generator operation to the State Department of Health Services (DHS) upon request.

AB 453 AUTHOR: Yee
 TITLE: Public Works Contracts: Compensation
 ENACTED: 10/08/2003
 CHAPTER: 678

SUMMARY:

This bill entitles contractors to be paid reasonable costs in cases where they have performed work in good faith on public contracts that are later invalidated. The bill permits a public agency to enter into a public works contract even when a bid has been challenged.

AB 513 AUTHOR: Matthews
 TITLE: Juries: Peace Officers
 ENACTED: 09/11/2003
 CHAPTER: 353

SUMMARY:

This bill requires the Judicial Council to adopt a rule of court, on or before January 1, 2005, requiring trial courts to establish procedures for jury service that gives specified peace officers, including parole officers, probation officers and correctional officers, scheduling accommodations when necessary.

AB 577 AUTHOR: Horton, J.
 TITLE: Civil Service: Dismissed Employees
 ENACTED: 10/11/2003
 CHAPTER: 836

SUMMARY:

This bill revises existing civil service law regarding the re-hire of laid off employees and the process for allowing dismissed employees to take civil service exams.

AB 669 AUTHOR: Cohn
 TITLE: Public Contracts: Disabled Veteran Businesses
 ENACTED: 09/30/2003
 CHAPTER: 623

SUMMARY:

This bill amends public contract law to provide that a certified small business, microbusiness, or disabled veteran business enterprise (DVBE) that is awarded a state contract pursuant to a bid preference must perform a "commercially useful function" in relation to the contract. The bill also modifies the definition of "disabled veteran" in the Military and Veterans Code to be one who has at least a 10 percent service-connected disability and is "domiciled" in California.

AB 703 AUTHOR: Dymally
 TITLE: Racial Discrimination: Definition
 ENACTED: 08/09/2003
 CHAPTER: 211

SUMMARY:

This bill adds a new section to the Government Code to define "racial discrimination" and "discrimination on the basis of race," as used in the California Constitution prohibition against discrimination.

AB 719 AUTHOR: Negrete McLeod
 TITLE: Public Employees' Retirement: Enhancement
 ENACTED: 10/11/2003
 CHAPTER: 838

SUMMARY:

This bill allows various California Public Employees' Retirement System (CalPERS) members to purchase up to five years of non-qualified service in CalPERS.

AB 722 AUTHOR: Matthews
 TITLE: Public Contract Bids: Reverse Auction
 ENACTED: 09/03/2003
 CHAPTER: 266

SUMMARY:

This bill authorizes the Department of General Services to utilize an on-line bidding procedure known as "reverse auctioning" for the acquisition of goods, services and information technology.

AB 846 AUTHOR: Vargas
 TITLE: Smoking: Public Buildings
 ENACTED: 09/08/2003
 CHAPTER: 342

SUMMARY:

This bill extends the current ban on smoking in state buildings to apply to city, county, and community college buildings, and expands the current five foot non-smoking perimeter around main entrances of such buildings to twenty feet.

AB 862 AUTHOR: Firebaugh
 TITLE: Personal Services Contracts: Legal Services
 ENACTED: 10/12/2003
 CHAPTER: 883

SUMMARY:

This bill provides that any state agency seeking to employ outside legal counsel must provide the representative of Bargaining Unit 2 with a copy of the request for outside legal counsel, along with all supporting documents, within five business days of the request.

AB 902 AUTHOR: Diaz
 TITLE: Public Contracts: Subcontractor Substitution
 ENACTED: 08/03/2003
 CHAPTER: 180

SUMMARY:

This bill authorizes a public agency awarding a public works contract to allow the general contractor to substitute for a subcontractor listed in their bid who fails or refuses to execute a written contract for the specified scope of work and price in the subcontractor's bid.

AB 1098 AUTHOR: Garcia
 TITLE: Sex Offenders: Proof of Registration
 ENACTED: 09/01/2003
 CHAPTER: 245

SUMMARY:

This bill requires any person released on probation who is required to register as a convicted sex offender to provide proof of registration to his or her probation officer. The bill also requires (1) probationers and parolees to change or update registration information within five working days while under supervision, (2) probation officers and parole agents to inform persons subject to these provisions of their duties under the bill, and (3) law enforcement agencies to provide proof of registration free of charge when requested.

AB 1106 AUTHOR: Horton, J.
 TITLE: Peace Officers: Confidential Records
 ENACTED: 07/22/2003
 CHAPTER: 102

SUMMARY:

This bill expands the exemption provision in existing law that allows grand juries, district attorneys and the Attorney General access to confidential records when investigating the conduct of police officers or a police agency. The bill allows access when investigating the conduct of any peace officer or custodial officer, or any agency or department that employs those officers.

AB 1290 AUTHOR: Jackson
 TITLE: Firearms: Prohibitions
 ENACTED: 09/24/2003
 CHAPTER: 495

SUMMARY:

This bill prohibits a person subject to a stalking emergency protective order, or an elder abuse restraining order, from owning, purchasing, possessing, or receiving a firearm while that order is in effect.

AB 1313 AUTHOR: Parra
 TITLE: Sex Offenders: College & University Campuses
 ENACTED: 09/30/2003 URGENCY
 CHAPTER: 634

SUMMARY:

This bill expands existing law related to sex offender registration to allow college and university law enforcement agencies to release information to the campus community regarding the presence of sex offenders on campus, as specified. The bill also extends existing provisions that require the Department of Justice to maintain a registry of registered sex offenders.

AB 1495 AUTHOR: Chavez
 TITLE: Sex Offenders: Parole Placement
 ENACTED: 07/14/2003
 CHAPTER: 51

SUMMARY:

This bill amends existing law that provides that persons released on parole for specified sex offenses involving child victims cannot be placed or reside, for the duration of parole, within a quarter mile of any school that includes Kindergarten through grade 6. This bill clarifies that these provisions apply to public or private schools, and expands the scope of the provisions to include schools with grades 7 or 8.

AB 1537 AUTHOR: Wyland
 TITLE: Education: Korean War & Vietnam War
 ENACTED: 09/16/2003
 CHAPTER: 400

SUMMARY:

This bill encourages that social science instruction on the Korean War and the Vietnam War include a component drawn from the personal testimony, especially in the form of oral or video history, of American soldiers who were involved in those wars.

AB 1557 AUTHOR: Vargas
 TITLE: Workers' Compensation
 ENACTED: 09/30/2003
 CHAPTER: 638

SUMMARY:

This bill provides that an employee shall not be entitled to an increase in workers' compensation for unreasonable delay in the provision of medical treatment for periods of time necessary to complete the utilization review process as required by law.

AB 1669 AUTHOR: Chu
 TITLE: Peace Officers: Psychological Evaluations
 ENACTED: 10/10/2003
 CHAPTER: 777

SUMMARY:

This bill revises the qualifications for physicians and psychologists who perform the mental and emotional fitness for duty evaluations and pre-employment screening for peace officers in California, and provides that only physicians and psychologist who meet those qualifications can perform such evaluations.

AB 1758	AUTHOR:	Assembly Budget Committee	
	TITLE:	Corrections	
	ENACTED:	08/02/2003	URGENCY
	CHAPTER:	158	

SUMMARY:

This bill is the "Corrections Omnibus 2003/04 Budget Trailer Bill." The bill makes a variety of changes relating to the funding of local and state correctional facilities including the following: (1) permits, rather than mandates, the Inspector General to conduct a management review audit of any warden in the Department of Corrections (CDC) or superintendent in the Department of the Youth Authority (CYA), (2) increases the amount that local governments pay for the commitment of wards to CYA facilities, and (3) requires the closure of one CYA facility no later than March 2005.

ACR 66	AUTHOR:	Pavley	
	TITLE:	High School Exit Examination	
	ENACTED:	09/22/2003	
	CHAPTER:	138	

SUMMARY:

This resolution requests that the State Board of Education (SBE) continue to delay the California High School Exit Examination (CAHSEE) until issues relating to students with disabilities are resolved.

SB 20	AUTHOR:	Sher	
	TITLE:	Solid Waste: Hazardous Electronic Waste	
	ENACTED:	09/24/2003	
	CHAPTER:	526	

SUMMARY:

This bill enacts the Electronic Waste Recycling Act of 2003 to provide for the recycling of covered electronic devices in California.

SB 78	AUTHOR:	Torlakson	
	TITLE:	Physical Education	
	ENACTED:	09/20/2003	
	CHAPTER:	459	

SUMMARY:

This bill adds fitness programs and clubs to the physical education activities that K through 12 school districts are encouraged to offer and provides that physical education test results may be provided to students orally.

SB 110 AUTHOR: Margett
 TITLE: Public Contracts: Contract Specifications
 ENACTED: 08/09/2003
 CHAPTER: 233

SUMMARY:

This bill expands the conditions under which public agencies are authorized to specify only one brand or trade name in a contract, as specified.

SB 130 AUTHOR: Chesbro
 TITLE: Health and Care Facilities: Use of Restraints
 ENACTED: 10/09/2003
 CHAPTER: 750

SUMMARY:

This bill adds new law relating to the use of seclusion and restraints in a variety of residential facilities, including intermediate care facilities and community treatment facilities.

SB 179 AUTHOR: Alarcon
 TITLE: Contracts for Labor or Services
 ENACTED: 10/12/2003
 CHAPTER: 908

SUMMARY:

This bill provides that any person or entity that enters into specified contracts for labor or services, including janitorial or security contracts, that knows or should know that the contract does not provide sufficient funds to comply with various laws, violates state law. The bill provides that there is a rebuttable presumption affecting the burden of proof, as specified.

SB 226 AUTHOR: Cedillo
 TITLE: Firearms: Elder and Dependent Adult Abuse
 ENACTED: 09/24/2003
 CHAPTER: 498

SUMMARY:

This bill adds persons subject to a protective order involving elder or dependent adult abuse to the persons who are prohibited from purchasing, owning, receiving or possessing firearms, as specified.

SB 228 AUTHOR: Alarcon
 TITLE: Workers' Compensation
 ENACTED: 09/30/2003
 CHAPTER: 639

SUMMARY:

This bill makes a number of substantial changes to existing workers' compensation law, including: 1) requiring all employers to adopt utilization review systems, 2) limiting chiropractic treatment and physical therapy treatments, 3) reducing the allowed time for paying medical bills, 4) creating a new pharmaceutical fee schedule, and 5) creating a new outpatient facility fee schedule.

SB 358 AUTHOR: Figueroa
 TITLE: Vocational Nurses & Psychiatric Technicians
 ENACTED: 09/30/2003
 CHAPTER: 640

SUMMARY:

This bill makes a number of changes to existing law related to vocational nurses and psychiatric technicians, including expanding the definition of unprofessional conduct to include failure to report the commission of any act prohibited by that law and requiring employers to report the suspension or termination of those classifications, as specified.

SB 420 AUTHOR: Vasconcellos
 TITLE: Medical Marijuana
 ENACTED: 10/12/2003
 CHAPTER: 875

SUMMARY:

This bill establishes a voluntary program for the issuance of identification cards to patients qualified to use medical marijuana and makes numerous legal definitions, clarifications, and statutory changes necessary to implement and enforce the Compassionate Use Act of 1996, which allows the use of medical marijuana by chronically ill patients.

SB 459 AUTHOR: Burton
 TITLE: Youthful Offender Parole Board
 ENACTED: 04/07/2003
 CHAPTER: 4

SUMMARY:

This bill consolidates the Youthful Offender Parole Board (YOPB) into the Department of the Youth Authority (CYA). The bill also does the following: reduces the number of Board members from 7 to 5; makes the Director of the Youth Authority an ex-officio, non-voting chair of the Board; concentrates the Board's duties to release, revocation, discharge and disciplinary appeals of youthful offenders; requires the CYA to assume the other duties such as treatment determination, annual reviews, institutional placements, and disciplinary decision making; requires CYA to provide counties with specified information concerning ward treatment and progress; requires CYA to collect and publish specified data on ward treatment outcomes; provides the YOPB with \$1.55 million to continue their operations for the remainder of the fiscal year; renames the YOPB to the Youth Authority Board (YAB); and makes other various changes.

SB 478 AUTHOR: Dunn
 TITLE: Victims: Employee Crime Related Absences
 ENACTED: 09/30/2003
 CHAPTER: 630

SUMMARY:

This bill provides employees with the right to attend judicial proceedings if they are a victim of specified crimes, or a relative or domestic partner of a crime victim. The bill prohibits employers from taking adverse action against a person who exercises his or her right to attend such judicial proceedings.

SB 552 AUTHOR: Burton
 TITLE: State Motor Vehicle Fleets
 ENACTED: 10/08/2003
 CHAPTER: 737

SUMMARY:

This bill requires state agencies to adopt specified procurement and use policies to increase the fuel efficiency and reduce the petroleum usage of the vehicles leased or owned by the state. The bill requires each state office, agency and department to cooperate with the Department of General Services in compiling and maintaining its vehicle fleet data.

SB 578 AUTHOR: Alarcon
 TITLE: Public Contracts: Sweatshop Labor
 ENACTED: 10/08/2003
 CHAPTER: 711

SUMMARY:

This bill expands existing law relating to the procurement of equipment, materials or supplies to (1) apply to contracts for procurement of laundering; (2) apply to contracts for apparel, garments or corresponding accessories, in addition to equipment, materials or supplies (removes reference to foreign-made); (3) add sweatshop labor to the types of labor referenced; (4) prohibit a state agency from entering into a contract with any contractor who fails to meet specified requirements; and (5) require the Department of Industrial Relations (DIR) to establish a contractor responsibility program, including a Sweatfree Code of Conduct, to be signed by all bidders on state contracts and subcontracts.

SB 640 AUTHOR: Burton
 TITLE: Public Contracts: Expatriate Corporations
 ENACTED: 10/02/2003
 CHAPTER: 657

SUMMARY:

The bill establishes the California Taxpayer and Shareholder Act of 2003, which prohibits a state agency from entering into any agreement or contract with a publicly held expatriate corporation, as specified. The bill requires all state agencies and departments to require any vendor that is offered a contract to submit a declaration stating that the contractor is eligible and compliant under the provisions of this bill.

SB 777 AUTHOR: Escutia
 TITLE: Whistleblowers
 ENACTED: 09/22/2003
 CHAPTER: 484

SUMMARY:

This bill provides additional "whistleblower" protections for employees who refuse to perform illegal acts and for an employee's actions during previous employment.

SB 796 AUTHOR: Dunn
 TITLE: Employment: Civil Actions
 ENACTED: 10/12/2003
 CHAPTER: 906

SUMMARY:

This bill enacts the Labor Code Private Attorneys General Act of 2004 which contains provisions that allow an employee to sue his or her employer to enforce the Labor Code.

SB 851 AUTHOR: Senate Public Safety Committee
 TITLE: Public Safety
 ENACTED: 09/20/2003
 CHAPTER: 468

SUMMARY:

This bill amends existing law to provide that counties not be required to respond to a report that involves danger to an elder or dependent adult residing in any facility for the incarceration of prisoners that is operated by or under contract to the Federal Bureau of Prisons, the Department of Corrections, the Department of the Youth Authority, a county sheriff's department, a city police department, or any other law enforcement agency when the abuse reportedly occurred in that facility. The bill also makes numerous technical changes to existing laws related to public safety.

SB 879 AUTHOR: Margett
 TITLE: Sex Offenders: Child Pornography
 ENACTED: 09/25/2003
 CHAPTER: 540

SUMMARY:

This bill requires a person convicted of possessing, preparing, producing, conveying, or distributing child pornography to register as a sex offender.

SB 903 AUTHOR: Chesbro
 TITLE: Sexual Predator Apprehension Team
 ENACTED: 07/02/2003
 CHAPTER: 27

SUMMARY:

This bill renames and reorganizes the Statewide Sexual Habitual Offender Program as the Statewide Sexual Predator Apprehension Team.

SB 964 AUTHOR: Burton
 TITLE: High School Exit Examination
 ENACTED: 10/10/2003
 CHAPTER: 803

SUMMARY:

This bill requires the Superintendent of Public Instruction to develop a proposal for an independent consultant to assess options and provide recommendations for alternatives to the high school exit examination for students with disabilities.

SB 970 AUTHOR: Ortiz
 TITLE: Fingerprinting: Criminal Offender Records
 ENACTED: 09/20/2003
 CHAPTER: 470

SUMMARY:

This bill requires the Department of Justice (DOJ) to accept fingerprint images and related information to process criminal offender record information requests for employment, licensing, certification, custodial child placement, or adoption purposes, only if those images and related information are transmitted electronically. The bill also requires the Attorney General to establish a communication network to allow the transmission of requests from private service providers in California.

SB 1008 AUTHOR: Machado
 TITLE: Contracts: Disabled Veteran Business
 ENACTED: 09/30/2003
 CHAPTER: 632

SUMMARY:

This bill strengthens the sanctions that can be levied against businesses that fraudulently misrepresent their eligibility for disabled veteran business enterprise (DVBE) certification.

SB 1009 AUTHOR: Alpert
 TITLE: Public Contracts: Tax Forms
 ENACTED: 10/08/2003
 CHAPTER: 718

SUMMARY:

This bill prohibits state departments and agencies from contracting with vendors or contractors who lack a valid seller's permit or who have not registered with the Board of Equalization (BOE).

SB 19 a AUTHOR: Chesbro
 TITLE: Reductions in the Budget Act of 2002
 ENACTED: 03/18/2003 URGENCY
 CHAPTER: 3

SUMMARY:

This bill reverts appropriations made in the 2002/03 Budget Act, including a portion of the appropriation for the Department of the Youth Authority.

Section Two – Vetoed Legislation

AB 274 AUTHOR: Koretz
 TITLE: Employment: Retaliation
 VETOED: 10/10/2003

SUMMARY:

This bill would create a rebuttable presumption of retaliation if an employer discharges an employee or demotes, suspends, or reduces the hours of work of an employee within 60 days after the employee has exercised the employment rights provided by law. The presumption is rebutted if it is shown by clear and convincing evidence that the employee has fabricated a retaliation claim to forestall adverse action.

GOVERNOR'S VETO MESSAGE:

"This bill would create a rebuttable presumption that a person's action to discharge, demote, suspend, or reduce the hours of an employee is retaliatory if it occurs within 60 days after the employee has exercised any rights enumerated under the Labor Code.

This bill could allow any employee who suspects the possibility of an adverse action to stall that action by fabricating a complaint. It would also make it difficult for a supervisor to legitimately discipline a problem employee who has exercised any right given under the Labor Code. This bill would create a burden on employers who would constantly have to defend any disciplinary action taken. Lastly, AB 274 has the potential to preempt a collective bargaining agreement's grievance procedures, and could interfere with the ability for the parties to negotiate a settlement.

This bill is similar to AB 2990 which I vetoed last session. While this bill attempts to address the concerns of AB 2990, it still conflicts with the presumption of innocence until proven guilty."

AB 446 AUTHOR: Matthews
 TITLE: State Employees: Wages
 VETOED: 10/12/2003

SUMMARY:

This bill would require that wages earned by state employees with regularly designated pay days be paid on those days. For labor performed in excess of the normal work period, the employee must be paid no later than the next regular payroll period. The bill would require that wages paid to permanent intermittent state employees and employees that do not have regularly scheduled pay days be paid within five calendar days after the close of the payroll period. Violations of these provisions would be punishable as a misdemeanor crime and subject to civil penalties.

GOVERNOR'S VETO MESSAGE:

"As I have emphasized in the past, this Administration strongly believes that State employees should be paid on a timely basis, and we have worked diligently with the State Controller to accomplish that.

Last year I vetoed SB 360, which is nearly identical to this bill. Similarly, this bill is not needed because the Federal Fair Labor Standards Act already provides for the payment of wages, including overtime, prior to the close of the next subsequent pay period. The State is also subject to Labor Code Section 207, which requires regular pay days.

Additionally, according to the Department of Finance, the provisions of this bill would result in increased workload and undetermined costs to the State Controller, resulting from the necessary revamping of the payroll system. At a time when the State is operating with limited staff resources and striving to further reduce State expenditures, this bill is unnecessary."

AB 457	AUTHOR:	Negrete McLeod
	TITLE:	Public Employees: Early Retirement
	VETOED:	10/12/2003

SUMMARY:

This bill would provide early retirement incentives for state, local and school employees who are members of the California Public Employees Retirement System (CalPERS). The bill would provide an additional two years of service and two years of age for members retiring during a period of time designated by the Department of Finance.

GOVERNOR'S VETO MESSAGE:

"This bill would authorize the State of California, the California State University System, the Judicial Branch, CalPERS contracting agencies, local schools and community colleges, and 1937 Act counties to offer an incentive of up to two years service credit or two years of age to employees who agree to retire within a certain timeframe.

While this bill contains many safeguards, including requirements that the incentive is bargained for and that cost savings must result, there is still a very real potential that public employers will be paying to encourage retirements that would have occurred even without that incentive. Further, the existence of a retirement incentive program such as a "Golden Handshake" has the unintended consequence of delaying rather than encouraging timely retirements; specifically, employees who normally would retire delay that retirement awaiting the implementation of a Golden Handshake.

At any rate, I have already signed AB 719 and AB 55 this year, which would allow State and local government employees to purchase up to 5 years of service to enhance retirement benefits. These benefits will encourage early retirement at no cost to the public employer. Therefore, I am unable to sign this bill."

AB 697 AUTHOR: Maldonado
 TITLE: State Employees
 VETOED: 07/01/2003

SUMMARY:

This bill would revise the definition of “meet and confer” as it is used in the Bill of Rights for State Excluded Employees (BRSEE) to require that the state fully consider the presentations made by organizations representing excluded employees prior to reaching a decision.

GOVERNOR’S VETO MESSAGE:

“Last year, I signed AB 2477 which established the State Excluded and Exempt Employee Salary-Setting Task Force. The Task Force’s mandate is to develop and recommend by July 1, 2004, an equitable salary and benefit setting process for excluded and exempt employees in State government. This new process will address the primary concerns of excluded employees. Accordingly, this bill is premature until the Task Force has completed its mandate.

Furthermore, this bill would dilute the management structure of the State because managers, confidential employees, or other excluded employees who set State policy on wages, hours, and other terms and conditions of employment would meet and confer with management.”

AB 1027 AUTHOR: Bermudez
 TITLE: State Employees: Salary Ranges: Scientists
 VETOED: 10/12/03

SUMMARY:

This bill would require the Department of Personnel Administration (DPA) and the California Association of Professional Scientists to jointly survey scientific classifications in various California public agencies.

GOVERNOR’S VETO MESSAGE:

“By requiring extensive joint salary surveys for Bargaining Unit 10, the California Association of Professional Scientists, this bill would duplicate existing surveys conducted by the Department of Personnel Administration. Additionally, the salary survey required under this bill conflicts with AB 2477, which I signed last year. AB 2477 established the Excluded and Exempt Employee Salary-Setting Task Force. The Task Force’s mandate is to develop and recommend by July 1, 2004, an equitable salary and benefit setting process for excluded and exempt employees in State government.

Finally, this bill would require the Department of Personnel Administration to “meet and confer in good faith” with the California Association of Professional Scientists over salary survey methodology for supervisory employee classes. By utilizing this term of art in the context of salary issues affecting supervisory employees, this bill could be

construed as a step to extending collective bargaining rights to an excluded employee organization. Given these concerns, I am unable to sign AB 1027 in its current form.”

AB 1219 AUTHOR: Montanez
 TITLE: Prison Education Reform
 VETOED: 10/10/2003

SUMMARY:

This bill would establish the Robert E. Burton Correctional Education Board within the Department of Corrections. The Board would approve education programs in correctional institutions, adopt rules and regulations for the admission of inmate students to these programs, and would be required to provide every inmate who has a reasonable expectation of release with the opportunity to achieve a specified level of functional literacy.

GOVERNOR’S VETO MESSAGE:

”This bill would establish within the Department of Corrections (CDC) a Correctional Education Board (Board). The Board would be required to adopt and enforce all rules and regulations for the management and operation of educational programs within CDC, including operating procedures and the goals of correctional education.

This measure, which is nearly identical to Senate Bill 1845 which I vetoed in 2000, and Senate Bill 404 which I vetoed in 2001, would result in major General Fund costs, potentially in excess of \$200 million annually according to the Department of Finance, to expand correctional education programs. Additionally, the bill would also require additional funds to be appropriated to correctional education programs even if the overall prison population declines due to the success of correctional educational programs. Given the State’s budget circumstances, I cannot support a bill that increases State spending in situations where declining caseloads should produce General Fund savings.

Additionally, this bill would remove management control of educational programs at the institutional level. The bill also prohibits the redistribution of funds appropriated for correctional education programs for other purposes without the approval of two-thirds of the Board. Effectively, this bill would impair CDC’s ability to manage its resources.”

SB 605 AUTHOR: McPherson
 TITLE: Public Safety: Communication Equipment
 VETOED: 10/12/2003

SUMMARY:

This bill would require a state agency that purchases public safety radio communications equipment to comply with recommendations of the Public Safety Radio Strategic Planning Committee to ensure that equipment purchased complies with public safety digital interoperability communications standards in the American National Standards Institute (ANSI) and the Telecommunications Information Association (TIA).

The bill would also add the Governor's Office of Homeland Security to the Planning Committee.

GOVERNOR'S VETO MESSAGE:

"This bill would require a state agency that purchases public safety radio communication equipment to ensure that equipment purchased complies with public safety digital interoperability communications standards in Suite 102 of the American National Standards Institute (ANSI) and the Telecommunications Information Association. The bill also would add the Governor's Office of Homeland Security to the list of member state agencies on the Public Safety Radio Strategic Planning Committee.

I strongly support efforts to help ensure that state public safety agencies have the radio equipment necessary to effectively communicate with each other, and I have signed legislation to create the Public Safety Radio Strategic Planning Committee to help promote these efforts. The Public Safety Radio Strategic Planning Committee is tasked with determining the communications equipment needs of state agencies, and the development of a program for communications equipment purchase that will enable the migration of the communications systems to accepted industry standards for interoperability.

The Public Safety Radio Strategic Planning Committee has started the process of determining these needs and developing the equipment purchase program. The Committee should be allowed to present their recommendations to the Legislature for consideration before adding purchase requirements to state agencies.

While the intent of this bill is good, there are several flaws with this bill. First, this bill could adversely impact the state's emergency response capabilities. Radio communication equipment which meets the ANSI standards may not work well for public safety agencies that must work in remote or mountainous terrain, or those that must communicate with federal or local emergency response agencies that do not have compatible equipment.

Second, this bill could adversely impact the State's emergency response capabilities. Radio equipment which meets the ANSI digital standards may not work well for public safety agencies that must work in remote or mountainous terrain, or those that must communicate with federal or local emergency response agencies that do not have compatible equipment.

Finally, this bill would require state agencies to purchase equipment that complies with standards that are more restrictive than the Federal Communications Commission (FCC) requires. The equipment that would have to be purchased if this bill was signed is 20 – 30% more expensive than equipment that meets current FCC requirements. Some state agencies, such as the California Department of Corrections, operate older radio systems in some institutions. These systems operate on frequencies not supported in ANSI compliant radios. By mandating the procurement of ANSI equipment, this bill creates a situation where any failure of a key component would

require the replacement of the entire radio system (at a typical cost of \$1.5 million) rather than obtaining a replacement unit (typically \$20 – 30 thousand). As a result, while I support efforts to enhance the ability of state public safety agencies to communicate with each other, these agencies must have the flexibility to purchase the type of radio equipment that will enable them to best carry out their emergency response missions.

I commend the author and the Legislature for their interest in enhancing the state's public safety communications systems, and I ask the author to work with the Public Safety Radio Strategic Planning Committee to ensure his intents are recognized and incorporated into the Committee's work products.”