

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 19

FINAL RECESS

Assembly Chamber, Sacramento
Sunday, September 30, 2012

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2011–12 Regular Session was printed while the Assembly was in Final Recess.

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

September 25, 2012

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

RE: Appointment of Cathy Garrett to
Historic State Capitol Commission

Dear Mr. Wilson: Please be advised I have appointed Ms. Cathy Garrett to the Historic State Capitol Commission. This is a term appointment starting September 25, 2012, and the expiration date is January 1, 2013.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Budget, on Monday, September 24, 2012, at 10 a.m., in Room 4202;
Budget Subcommittee No. 6 on Budget Process, on Monday, September 24, 2012, at 11:30 a.m., in Room 4202;

Select Committee on San Diego Trade, Tourism and Job Creation, on Monday, October 1, 2012, at 10 a.m., in San Diego;

Select Committee on High Quality Early Childhood Education, on Tuesday, October 9, 2012, at 1 p.m.;

Housing and Community Development, to convene jointly with the Committee on Banking and Finance on Wednesday, October 17, 2012, in Los Angeles;

Health, on Thursday, October 25, 2012, at 1:30 p.m., in Room 4202.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Message—Assembly Bill No. 2531

Governor's Office, Sacramento
September 19, 2012

To the Members of the California State Assembly:

I am signing Assembly Bill 2531, which would allow state hospitals to quickly develop lists of contraband items, with input from patients and employees.

I commend the author for his efforts to improve safety at our state hospitals. This measure will help ensure that dangers to staff and patients are minimized.

Sincerely,

EDMUND G. BROWN JR.

Governor's Message—Assembly Bill No. 2160

Governor's Office, Sacramento
September 23, 2012

To the Members of the California State Assembly:

I am signing Assembly Bill 2160 to give the Insurance Commissioner the ability to prohibit California insurance companies from counting unstable investments in the Iranian energy and military sectors as part of their capital-asset requirements. The bill is consistent with and furthers the goals of the "Iran Threat Reduction and Syria Human Rights Act of 2012," which President Obama signed into law last month.

Sincerely,

EDMUND G. BROWN JR.

Governor's Message—Assembly Bill No. 1660

Governor's Office, Sacramento
September 27, 2012

To the Members of the California State Assembly:

I am signing Assembly Bill 1660.

This measure establishes a system to prevent registered sex offenders from representing minors who are performing or seeking to perform in the entertainment industry. This program will commence after the Legislature appropriates the necessary funding from fees that will be established under this bill and included in the 2013–2014 proposed budget.

Sincerely,

EDMUND G. BROWN JR.

Governor's Message—Assembly Bill No. 2358

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am proud to sign Assembly Bill 2358 in honor of Ronald Reagan. I served as Secretary of State when he was Governor.

Even in those days he demonstrated courage and unique leadership ability—even to the point of raising California taxes when he saw they were needed.

Sincerely,

EDMUND G. BROWN JR.

Governor's Message—Assembly Bill No. 2515

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am signing Assembly Bill 2515.

This measure appropriates \$9.1 million from the Indian Gaming Special Distribution Fund to provide local mitigation grants to offset the impacts of tribal gaming.

While I remain concerned about the looming insolvency of this funding source, I note that two recently negotiated compacts will benefit this special fund.

The fund can only sustain these distributions if these compacts are enacted without delay.

Sincerely,

EDMUND G. BROWN JR.

Governor's Message—Assembly Bill No. 1842

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am signing Assembly Bill 1842.

Assembly Bill 1842 amends the current law creating an endowment fund to build a veteran's cemetery on land at the former Fort Ord.

Converting Fort Ord to civilian use and building the cemetery are important projects. The state's support for the cemetery project is demonstrated by the appropriation of more than \$1 million in the 2011–12 and 2012–13 Budget Acts for design work.

This bill unfortunately creates the unintended risk that the general fund will be required to repay cash advances made to the endowment fund by third parties. The author has assured me he will pursue legislation that eliminates this risk.

Sincerely,

EDMUND G. BROWN JR.

Governor's Message—Assembly Bill No. 2109

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

This bill seeks to boost immunization rates for children in communities where vaccine rates are falling.

Current state law requires children to be vaccinated prior to enrollment in school or a child care facility, but allows a parent or guardian to opt out of this requirement based on a personal belief. This bill doesn't change that. Consistent with current law, AB 2109 allows parents with a personal belief to reject vaccination for their child.

This bill is about explaining the value of vaccinations—both the benefits and risks—for an individual child and the community. Whether these are simple “information exchanges” or more detailed discussions, they will be valuable even if a parent chooses not to vaccinate.

I am signing AB 2109 and am directing the Department of Public Health to oversee this policy so parents are not overly burdened in its implementation. Additionally, I will direct the department to allow for a separate religious exemption on the form. In this way, people whose religious beliefs preclude vaccinations will not be required to seek a health care practitioner's signature.

Sincerely,

EDMUND G. BROWN JR.

The following item veto message from the Governor was received and ordered printed in the Journal and the item ordered to the unfinished business file:

Item Veto Message—Assembly Bill No. 1477

Governor's Office, Sacramento
September 27, 2012

To the Members of the California State Assembly:

I object to the following appropriation contained in Assembly Bill 1477:

Item 8860-119-0001—For local assistance, Department of Finance, funding for counties.

I reduce this item from \$5,000,000 to \$0 and delete provisions 1 and 2 to conform to this action: I am deleting the \$5,000,000 legislative augmentation and the two provisions that would have provided funding to reimburse local elections officials for the costs of printing replacement elections materials associated with the November 6, 2012 election pursuant to AB 1466 or SB 1017 of the 2011–12 Regular Session. As neither of those bills were passed by the Legislature, the \$5 million augmentation and related provisions are unnecessary.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 27th day of September, 2012 at 5 p.m., of the Governor's statement of the line item veto from Assembly Bill No. 1477 delivered to me personally by Bianca Sievers.

SUE PARKER

Assistant Chief Clerk of the Assembly

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file:

Veto Message—Assembly Bill No. 18

Governor's Office, Sacramento
September 19, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 18 without my signature.

This bill would establish a 21-member California Task Force on School Finance to review and analyze alternative formulas for allocating funds to public schools.

I agree that California's complex school finance laws need urgent attention. Creating a task force, however, may actually delay action on reforms.

Rather than create a task force, let's work together and craft a fair Weighted Student Formula.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 19th day of September, 2012 at 3:42 p.m., of Assembly Bill No. 18 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1098

Governor's Office, Sacramento
September 19, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1098 without my signature.

AB 1098 would reallocate vehicle license fee revenues to recently incorporated cities that annexed inhabited territory.

As drafted, this bill would undermine the 2011 Realignment formulas in a manner that would jeopardize dollars for local public safety programs, provides cities new funding beyond what existed under previous law, and would create a hole in the General Fund to the tune of \$18 million. Given the current fiscal uncertainties, this is not acceptable.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 19th day of September, 2012 at 5:50 p.m., of Assembly Bill No. 1098 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1853

Governor's Office, Sacramento
September 21, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1853 without my signature.

This bill would require the Commission on Teacher Credentialing to create a committee to do the preliminary work that would be required to create yet another teaching credential—something we don't need.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2242

Governor's Office, Sacramento
September 21, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2242 without my signature.

This bill limits the authority of school officials to suspend a student for "willful defiance or disruption of school activities."

I cannot support limiting the authority of local school leaders, especially at a time when budget cuts have greatly increased class sizes

and reduced the number of school personnel. It is important that teachers and school officials retain broad discretion to manage and set the tone in the classroom.

The principle of subsidiarity calls for greater, not less, deference to our elected school boards which are directly accountable to the citizenry.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 21st day of September, 2012 at 1:52 p.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 1853 and 2242.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1223

Governor's Office, Sacramento

September 22, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1223 without my signature. While I support efforts to inform veterans about the health care options that best meet their needs, current law already requires screening of Medi-Cal beneficiaries for veteran status and allows for expansion of the Public Assistance Reporting Information System (PARIS) data match project beyond the current pilot counties.

Rather than requiring the PARIS pilot project to be implemented statewide, more effort should go into understanding which health care benefits work best for veterans, and how that outreach can be most effective before expending additional resources statewide.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1513

Governor's Office, Sacramento

September 22, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1513 without my signature.

Current law requires all premises of a food facility to be kept "clean, fully operative, and in good repair." Local health jurisdictions enforce this law, as they enforce myriad other requirements pertaining to restaurant food safety.

Until there's more evidence that the problem warrants new state law, let's maintain the principle of subsidiarity and let the locals enforce what can already be called a comprehensive mandate.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2206

Governor's Office, Sacramento
September 22, 2012

To the Members of the California State Assembly:

I am returning AB 2206 without my signature.

The Program of All-Inclusive Care for the Elderly (PACE) provides fully integrated care to people age 55 and older who need skilled nursing home type care, but can live in a community setting. California was the pioneer for PACE programs in the nation, having started the first one of its kind in the early 1970's.

Last year, I signed AB 574 to expand PACE, so that more providers could use this model and give aging Californians the benefits of fully integrated care. Since that time, my administration has embarked on a large scale effort to coordinate care for people who qualify for both the Medi-Cal and Medicare programs. The Coordinated Care Initiative, enacted through SB 1008 of 2012, will similarly build on the integrated care concept, using managed care plans to break down the silos that currently exist between medical and long-term care.

Within this effort, there will be ample opportunity for PACE to continue its mission and thrive as a model of care. I will direct my administration to involve PACE providers as the initiative rolls out. Enacting special provisions for PACE eligibility and referral is not necessary at this time.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2561

Governor's Office, Sacramento
September 22, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2561 without my signature.

I respect the time and effort that surgical technologists have put into developing their skills and obtaining voluntary certification. Such actions speak well of their professional commitment and desire to advance their careers.

I don't agree, however, that we need to establish "title protection" for certified surgical technologists in law. For those who have taken the time to become certified, let the marketplace reward their higher skills and education. Recognition by the state is not needed.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 22nd day of September, 2012 at 11:30 a.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 1223, 1513, 2206, and 2561.

SUE PARKER
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1278

Governor’s Office, Sacramento
September 23, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1278 without my signature. Helping people to quit smoking is a laudable health goal. In fact, many hospitals already designate their campuses “smoke-free” and impose fines on violators. Nothing in current law prevents hospitals from adopting this practice.

Finally, I would note that this bill eliminates penalties for smoking in hospitals. Why?

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1625

Governor’s Office, Sacramento
September 23, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1625 without my signature.

This bill would establish a fund to assist persons who are transitioning conventional farms to certified organic farms, by subsidizing their organic certification costs not to exceed \$250 per farm or \$1000 per person.

I would prefer to see a nongovernmental entity take the lead in this matter, especially given our current fiscal uncertainties.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2200

Governor’s Office, Sacramento
September 23, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2200 without my signature.

This bill would suspend the carpool lane on eastbound I-80 in the Bay Area during the morning commute.

Encouraging carpooling is important to reduce pollution and make more efficient use of our highways. This bill goes in a wrong direction.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2611

Governor's Office, Sacramento
September 23, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2611 without my signature.

This bill authorizes superior courts to implement veterans treatment courts, and encourages those courts to maintain information and statistics regarding the success rate.

A 2008 Rand Corporation study found that nearly 19 percent of Iraq and Afghanistan veterans were reporting symptoms of post-traumatic stress disorder or major depression. I applaud the author's interest in encouraging courts to focus on helping these offenders rather than focusing solely on the punishment.

These matters, however, fall logically within the sound discretion of the courts. Veterans treatment courts operate today in 15 counties, including Los Angeles, Orange, San Diego and Ventura. Nine more counties are considering whether to establish one. A bill is not necessary. I urge courts to continue to explore ways to meet the needs of veterans who have served their nation, including establishing a veterans treatment court.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 23rd day of September, 2012 at 11:30 a.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 1278, 1625, 2200, and 2611.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 467

Governor's Office, Sacramento
September 25, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 467 without my signature.

This bill would allow recipients of Proposition 84 groundwater clean-up funds to leverage those funds by removing the requirement of having to pay back those state funds when they recover funding from parties responsible for the contamination, if they used the recovered funds for continued clean-up of their groundwater.

I support the leveraging of all available funding by ensuring that recovered funds are effectively used in the jurisdictions that recover them. Unfortunately, the structure that was developed is cumbersome and inefficient. I am directing the Department of Public Health and the Department of Toxic Substances Control, to once again work with the Legislature to develop a more streamlined way to reinvest these funds.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 955

Governor's Office, Sacramento
September 25, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 955 without my signature.

This bill would extend the sunset date of the California Recreational Trails Committee from January 1, 2013 to January 1, 2028.

While the Committee originally intended to provide opportunities for stakeholder participation on trail plans and issues, it did not meet for two years prior to 2011 and currently only plans to hold one meeting annually. In an effort to streamline state government and retain public participation, I have signed AB1478 which reconstitutes the make-up of the State Park and Recreation Commission.

I ask the Commission to dedicate time to discuss trail plans and issues during at least one annual meeting so that recreational trail stakeholders can offer their advice on recreational plans.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 25th day of September, 2012 at 11:45 a.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 467 and 955.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1811

Governor's Office, Sacramento
September 26, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill No. 1811 without my signature.

I agree that the funding gap created when a high school within a unified school district converts to a charter needs to be addressed. Shifting the inequity of the current funding system, however, from the school district to the charter school, as this bill does, is not right.

California's complex school finance laws need comprehensive reform and I look forward to working with the Legislature to craft a fair Weighted Student Formula that could resolve this issue.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1919

Governor's Office, Sacramento
September 26, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1919 without my signature.

This bill would require the State Department of Education to send individual pupil level data to school districts that request the information. The data would cover each and every student attending a charter school the district authorizes.

Authorizing districts may already collect this data, so another law is unnecessary. The locals can handle it.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 26th day of September, 2012 at 2:45 p.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 1811 and 1919.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 796

Governor's Office, Sacramento
September 27, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 796 without my signature.

This bill would create the Clean Energy Economy and Jobs Incentive Program in order to provide financial assistance for the manufacturing of clean energy technology projects. Though well intended, there is no funding source currently available for this program. It jumps the gun by establishing a program before we are ready.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 976

Governor's Office, Sacramento
September 27, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 976 without my signature.

This bill prohibits any company from doing business with a Community Choice Aggregation program if that company advised a local government on establishing the program.

This goes too far—local governments already have plenty of laws on conflicts of interests and transparent decision making. Adding the restriction in this bill would serve only to impede efforts to establish community choice energy programs.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 27th day of September, 2012 at 9:36 a.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 796 and 976.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 217

Governor's Office, Sacramento

September 27, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 217 without my signature.

This bill seeks to eliminate one of several statutory exceptions to the general prohibition on indoor smoking in the workplace. Specifically, AB 217 would ban all indoor smoking, and also restrict outdoor smoking, at nursing homes and similar facilities.

While health and safety considerations must prevail, to the extent a resident's preferences can be accommodated, they should. Allowing an elderly resident, who can't go home and who has smoked for a lifetime, to smoke in a designated indoor area during inclement weather—this sounds reasonable to me. Let's rely on the locals, in this case the facility and its residents and employees, to figure out which accommodations work or don't work.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1790

Governor's Office, Sacramento

September 27, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1790 without my signature.

This bill would require textbook publishers to produce digital "equivalent" versions of printed instructional materials submitted for adoption by the State Board of Education or by local school districts.

This bill is contingent on the enactment of Senate Bill 1154, which I vetoed. As a consequence, this bill cannot become operative.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1872

Governor's Office, Sacramento
September 27, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1872 without my signature.

The bill would require family child care homes to serve food in conformance with the federal Child and Adult Care Food Program, which offers reimbursement for meals that meet certain criteria.

I can support a measure that helps family child care providers learn about nutrition and serve healthier foods at a lower cost, but this bill goes beyond that. Small businesses such as family day care providers don't need another confusing mandate that adds to their struggles to stay afloat.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 27th day of September, 2012 at 5 p.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 217, 1790, and 1872.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1145

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1145 without my signature.

I commend the author for his hard work on this measure to more effectively re-train injured workers and improve return to work rates. I note that the provisions in this measure are included in the recently enacted comprehensive workers' compensation reform legislation—making a second measure unnecessary at this time.

These reforms—backed by both Democrats and Republicans—reduce costs to businesses and protect workers. Further, they will help to avert an imminent crisis of skyrocketing rates that would have hurt both injured workers and businesses.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1454

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1454 without my signature.

I commend the author for his leadership role in reforming California's Workers' Compensation system.

These reforms—backed by both Democrats and Republicans—reduce costs to businesses and protect workers. Further, they will help to avert an imminent crisis of skyrocketing rates that would have hurt both injured workers and businesses.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1687

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1687 without my signature.

The recently enacted landmark comprehensive workers' compensation reform legislation makes this measure unnecessary.

These reforms—backed by both Democrats and Republicans—reduce costs to businesses and protect workers. Further, they will help to avert an imminent crisis of skyrocketing rates that would have hurt both injured workers and businesses.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2333

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2333 without my signature.

This bill would allow police officers to issue a warning or impose a \$100 fine on a parent when their child breaks the law by having a BB gun in a public place.

Police officers can already educate parents about accountability and the responsible use of BB guns when appropriate. I urge them to do so.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2460

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2460 without my signature.

This bill would restrict law enforcement and military personnel—and *only* those individuals—from selling lawfully purchased handguns that have not been certified by the Attorney General Office.

This bill takes from law enforcement officers the right to an activity that remains legally available to every private citizen. I don't believe this is justified.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2493

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2493 without my signature.

The recently enacted landmark comprehensive workers' compensation reform legislation makes this measure unnecessary. The provisions of this measure are included in the larger reform package. I thank the author for his hard work and commitment to making the system better for employers and employees alike.

These reforms—backed by both Democrats and Republicans—reduce costs to businesses and protect workers. Further, they will help to avert an imminent crisis of skyrocketing rates that would have hurt both injured workers and businesses.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2638

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2638 without my signature.

This bill expands the information required to be included in three reports on tax expenditures.

Expanding reports is counter to the intent of Executive Order B-14-11, which is to reduce costs of preparing reports to the Legislature. The additional information this bill requires exists in the Legislature's own records or can be prepared by the Legislative Analyst.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2672

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2672 without my signature.

This bill requires the Department of General Services to report to the Department of Housing and Community Development on the number of businesses that claim enterprise zone or Local Agency Military Base Relocation Area preferences in competing for certain state contracts.

More reporting is counter to the intent of Executive Order B-14-11. The information this bill requires is already kept by and available from the Department of General Services.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 28th day of September, 2012 at 1:45 p.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 1145, 1454, 1687, 2333, 2460, 2493, 2638, and 2672.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1978

Governor's Office, Sacramento
September 28, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1978 without my signature.

The bill would prohibit placement of an unattended collection box on private property unless the owner or operator of the box obtains the written consent of the property owner.

I support the author's goal of giving property owners more tools to enforce their property rights. However, I believe the language can be more narrowly crafted to avoid unintended consequences to local charities and nonprofits. I look forward to working with the author next year to craft a more balanced approach.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 28th day of September, 2012 at 3:15 p.m., of Assembly Bill No. 1978 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers.

E. DOTSON WILSON

Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 540

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 540 without my signature.

I commend the author for his efforts to mitigate the risks of alcohol and drug use for pregnant women and women of childbearing age in the Medi-Cal program.

The federal Patient Protection and Affordable Care Act requires comprehensive health care coverage to be provided in the private market and through public programs. Rather than embarking on this piecemeal effort, my administration will consider whether a more comprehensive approach to screening—for all Medi-Cal beneficiaries, including pregnant women and women of childbearing age—is possible, as we implement the changes that are necessary to comply with the Affordable Care Act.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1101

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1101 without my signature.

The state's retirement system boards need greater independence, not less. This bill would move in the wrong direction by giving CalSTRS members an additional representative on the CalSTRS board.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1594

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1594 without my signature.

Pupil nutrition is profoundly important, but so also is the fundamental premise of charter schools that they be free from large portions of the voluminous state Education Code.

I am reluctant to erode the independence and flexibility that have well served the families and teachers who choose charter schools.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1885

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1885 without my signature.

This bill mandates that all counties increase the reciprocity period from six months to one year for some county employees laid-off and later re-employed.

I don't believe it is reasonable to require counties to offer this benefit and reverse an explicit agreement made during the negotiations that led to the pension reform law I signed this month.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2034

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2034 without my signature.

The future of the Genetically Handicapped Persons Program and the health coverage of people with amyotrophic lateral sclerosis will be taken up as California implements the federal Patient Protection and Affordable Care Act.

A separate legislative report is unnecessary.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2053

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2053 without my signature.

This bill makes the vesting period for BART employee's retirement health benefits 15 years.

The labor contracts for BART's five bargaining units expire next year, so negotiations for new contracts will start soon if not already. The vesting period for health benefits is a matter that should be negotiated in the new contracts. This bill removes the vesting period from negotiations.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2366

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2366 without my signature.

This bill increases the cost of a fix-it ticket issued by a parking enforcement agency from \$10 to \$25. Some localities are even charging as much as \$20 for a local employee's signature verifying that the repair in fact was made.

The combination of fine and fee may encourage the issuance of tickets solely to raise local revenue with perhaps a disproportionate impact on the owners of older vehicles. Fix-it tickets should not be a profit center.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2527

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2527 without my signature.

Requiring rather than permitting a court to terminate an offender's probation any time good conduct might warrant it will impose new burdens on probation and the courts.

Our justice system is in the earliest stages of making the realignment program work, so I'm hesitant at this time to alter the authority and working practices of probation officers.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 29th day of September, 2012 at 4:10 p.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 540, 1101, 1594, 1885, 2034, 2053, 2366, and 2527.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 294

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 294 without my signature.

This bill authorizes Caltrans to use design-sequencing as the contracting method for eight new construction projects.

Caltrans has already constructed nearly 20 projects using design-sequencing contracts and is currently evaluating whether the state saved money. To be sure we get the most from our construction dollars, we should let Caltrans complete its evaluation before authorizing more contracts.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 345

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 345 without my signature.

This bill makes changes to the Community Redevelopment Law regarding redevelopment agencies' use of the Low and Moderate Income Housing Fund.

The intent of this bill is to govern use of the 20 percent set aside for low and moderate income housing established in SB 1156. Given my recent veto of SB 1156, this bill is premature.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1963

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1963 without my signature.

This bill would require another report on tax revenue volatility, this one from the Legislative Analyst.

The Legislature can have its own analyst prepare the report by simply asking. A law isn't needed.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2054

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2054 without my signature.

As I noted when vetoing a similar bill last year, allowing voters to return their vote-by-mail ballot at any polling location in the state will add complexity to the voting and election process without commensurate benefit.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2144

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2144 without my signature.

This bill authorizes the creation of Infrastructure and Revitalization Financing Districts to finance economic development projects. These projects would be funded if approved by a 55 percent voter approval.

Expanding the scope of infrastructure financing districts is premature. This measure would likely cause cities to focus their efforts on using the new tools provided by the measure instead of winding down redevelopment. This would prevent the state from achieving the General Fund savings assumed in this year's budget.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2442

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2442 without my signature.

Finding innovative ways to maximize the way state property is managed is a goal I support. In fact, in an April Executive Order, I directed the Department of General Services to evaluate current leases to keep rental costs low and to determine whether leased space is essential for departments.

I am committed to increasing operational efficiencies and am confident that my Administration can work with the author and proponents to identify new ways to evaluate and use state property, without creating an additional board.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2551

Governor's Office, Sacramento
September 29, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2551 without my signature.

This bill authorizes a legislative body of a city or county to form an Infrastructure Financing District in renewable energy zone areas to issue bonds to pay for renewable energy projects.

While I am supportive of the author's efforts to promote the development of renewable energy sources, this bill is premature. This measure would likely cause cities to focus their efforts on using the new tools provided by the measure instead of winding down redevelopment. This would prevent the state from achieving the General Fund savings assumed in this year's budget.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 29th day of September, 2012 at 4:10 p.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 294, 345, 1963, 2054, 2144, 2442, and 2551.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 369

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 369 without my signature.

This bill would prohibit a health plan or insurer from requiring a patient to try and "fail" more than two medications before allowing a patient to have the pain medication prescribed by his or her doctor.

While I sympathize with the author's good intentions, I am not convinced that this bill strikes the right balance between physician discretion and health plan or insurer oversight. A doctor's judgment and a health plan's clinical protocols both have a role in ensuring the prudent prescribing of pain medications. Independent medical reviews are available to resolve differences in clinical judgment when they occur, even on an expedited basis.

If current law does not suffice—and I am not certain that it doesn't, any limitations on the practice of "step-therapy" should better reflect a health plan or insurer's legitimate role in determining the allowable steps.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1186

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1186 without my signature.

This bill would create the School Energy Efficiency and Greenhouse Gas Reduction Fund. Though well intended, it jumps the gun by establishing a program before we are ready.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1270

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1270 without my signature.

While it is important for our prisons to allow media access, this bill goes too far. This bill would give reporters expansive new rights to record on-camera video interviews with virtually any state prisoner—and, conversely, would give prisoners dramatically expanded access to the television media.

Currently, reporters are allowed to correspond with inmates by visiting them face-to-face, or contacting them by telephone and mail. Wardens can also let reporters conduct random face-to-face interviews with tape recorders, notebooks, and cameras. But this bill would prevent wardens from denying on-camera television interviews unless they pose “an immediate and direct threat.” This standard is too high. Wardens should be able to deny television interviews when they may reasonably jeopardize safety or prison operations.

Furthermore, giving criminals celebrity status through repeated appearances on television will glorify their crimes and hurt victims and their families. And the cost of implementing and monitoring this expansive new level of access should not be imposed at a time when prison budgets are being cut.

I agree that too little media access may be harmful, but too much can be as well. This bill gives too much.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1450

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1450 without my signature.

This measure seeks to prevent discrimination against the unemployed based on their job status by prohibiting employers from stating in employment ads that applicants must be employed. Unfortunately, as this measure went through the legislative process it was changed in a way that could lead to unnecessary confusion.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1852

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1852 without my signature.

This bill would allow counties and cities with local registrars to place an additional fee of up to \$5 on certified copies of marriage, birth, death and fetal death records to fund local domestic violence and child abuse prevention programs.

Domestic violence and child abuse prevention programs are well worth the investment of public funds, but seeking a fee increase on vital records, when the fee is already going up by \$6 for some of these records, would burden people of modest means.

We must keep working to find ways to support the programs we value, while making government leaner and more responsive to those we serve.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2132

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2132 without my signature.

This bill would require the California State University and request the University of California to consider community service for the purposes of appointment, promotion, retention, and tenure review.

While I value the service contributions of faculty members, this bill is duplicative of existing systemwide policies that already identify service as a criterion for faculty reviews and personnel decisions.

I believe that the extent to which service is considered in such decisions should be a local, campus-based decision.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2389

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2389 without my signature.

This is a bill that ultimately is about the growing practice of subcontracting in the service industry. I agree that this is a topic that requires greater scrutiny—and more detailed information.

It is not clear to me that requiring logos on uniforms and vehicles solves any problems, but it may spawn confusion and some costs. I think we need to know more before prescribing practices such as those suggested by this bill.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 30th day of September, 2012 at 8:30 p.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 369, 1186, 1270, 1450, 1852, 2132, and 2389.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 145

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 145 without my signature.

Registration and voting fraud are issues raised not only in California but across the country. It is fundamental that we encourage both registration and voting to the maximum degree while, at the same time, carefully protecting the integrity of the process.

The provisions of this bill attempt to ban paying people to obtain voter registration “directly or indirectly on a per-affidavit basis.”

Current California law provides criminal penalties for voter registration fraud. Without more convincing evidence that per-card incentives hurt the democratic process, I am not prepared to ban them.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 889

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 889 without my signature.

Domestic workers work in the homes of ill, elderly or disabled people. They often share duties and responsibilities with the family and friends of the patient-employer. Those employed in this noble endeavor, like anyone who works for a living, deserve fair pay and safe working conditions. Seeking to improve the circumstances of these workers however, raises a number of unanswered questions.

What will be the economic and human impact on the disabled or elderly person and their family of requiring overtime, rest and meal periods for attendants who provide 24 hour care? What would be the additional costs and what is the financial capacity of those taking care of loved ones in the last years of life? Will it increase costs to the point of forcing people out of their homes and into licensed institutions?

Will there be fewer jobs for domestic workers? Will the available jobs be for fewer hours? Will they be less flexible?

What will be the impact of the looming federal policies in this area? How would the state actually enforce the new work rules in the privacy of people's homes?

The bill calls for these questions to be studied by the state Department of Industrial Relations and for the department to simultaneously issue new regulations to provide overtime, meal, rest break and sleep periods for domestic workers. In the face of consequences both unknown and unintended, I find it more prudent to do the studies before considering an untested legal regime for those that work in our homes.

Finally, a drafting error leaves most In Home Supportive Service (IHSS) workers subject to this measure—resulting in costs to the state of over \$200 million per year. This could require cuts in wages, reduced hours of care and other reductions to those served by IHSS workers.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1000

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1000 without my signature.

While I support the author's efforts to make oral chemotherapy treatments more affordable for the insured, this bill doesn't distinguish between health plans and insurers who make these drugs available at a reasonable cost and those who do not.

I am concerned about the high cost of these drugs, but I am also deeply sympathetic to the suffering of cancer patients.

I will direct the Department of Managed Health Care to work with the author and stakeholders to find alternative approaches to solve this problem.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1081

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1081 without my signature.

Undocumented immigrants play a major role in California's economy, with many performing low-wage jobs that others don't want. Comprehensive immigration reform—including a path to citizenship—would provide tremendous economic benefits and is long overdue. Until we have immigration reform, federal agents shouldn't try to coerce local law enforcement officers into detaining people who've been picked up for minor offenses and pose no reasonable threat to their community.

But I am unable to sign this bill as written. Under the bill, local officers would be prohibited from complying with an immigration detainer unless the person arrested was charged with, or has been previously convicted of, a serious or violent felony. Unfortunately, the list of offenses codified in the bill is fatally flawed because it omits many serious crimes. For example, the bill would bar local cooperation even when the person arrested has been convicted of certain crimes involving child abuse, drug trafficking, selling weapons, using children to sell drugs, or gangs. I believe it's unwise to interfere with a sheriff's discretion to comply with a detainer issued for people with these kinds of troubling criminal records.

The significant flaws in this bill can be fixed, and I will work with the Legislature to see that the bill is corrected forthwith.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1461

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1461 without my signature.

I realize how important it is to align our individual health insurance market rules with the federal Patient Protection and Affordable Care Act. This bill got almost all the way there. Unfortunately, the measure failed to adequately link our state reforms to the federal law.

The Affordable Care Act requires insurers to provide health coverage to all individuals regardless of their health status. This mandate on insurers is balanced by the mandate on individuals to obtain health coverage, with federal subsidies available to help lower-income people purchase it.

Without the strong foundation that federal law provides, a state-level mandate on insurers alone could encourage healthy people to wait until they got sick or injured before purchasing coverage. This would lead to skyrocketing premiums, making coverage more unaffordable.

I look forward to working with the Legislature to correct this problem and adopt the remaining essential provisions of this bill.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 1968

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 1968 without my signature.

This bill requires a chief probation officer to develop and implement an official policy covering the arming of deputy probation officers.

I am sympathetic to what the proponents are trying to accomplish by this bill. But since local circumstances differ, I am reluctant to force this matter from the state level. The chief probation officers are closer and better situated to make the decision. The principles of subsidiarity apply.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2031

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2031 without my signature.

This bill would add rank and file law enforcement and other members to the Board of State and Community Corrections and local Community Corrections Partnerships.

The membership of the Board and the local Partnerships was something I carefully considered and crafted as part of my realignment proposal. To date, I have not seen credible evidence that would convince me to change the original design. If, after a reasonable period of time, it becomes clear that the absence of rank and file members is a problem, I will be glad to reconsider.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2152

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2152 without my signature.

I agree with the need to provide adequate notice to consumers about relevant changes to their health coverage—in this case, the availability of contracted providers. However, this bill is technically flawed. It provides for stronger notification procedures at the Department of Insurance, but weakens the notification procedures under existing law at the Department of Managed Health Care.

I will direct the Department of Managed Health Care to work with the Insurance Commissioner, the Legislature and interested parties to correct these defects and develop a workable solution next year.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2162

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2162 without my signature.

The law already requires public officials to disclose their income and investments with enough particularity so that conflicts of interest can be identified. I am not convinced that this bill will provide more useful information to the public.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2220

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2220 without my signature.

I continue to share the author's concern that voters should understand the impact of their vote for or against an initiative measure.

The Legislative Analyst already prepares a detailed fiscal summary about each measure, and I am not convinced that adding one of these rote disclaimers will provide more clarity for voters.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2346

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2346 without my signature.

California's current outdoor heat standards are the most stringent in the nation, and compliance with them has been improving each year—from a low of 32% in 2006 to more than 80% in 2012.

I am convinced that these standards should be improved, but this bill is flawed: it would create through legislation a new enforcement structure that would single out agricultural employers and burden the courts with private lawsuits. I believe the regulatory process is more flexible and the better way to improve standards for farm workers.

My administration stands ready to help, but ongoing litigation about past enforcement practices continues to drain resources away from improving the existing heat standards and ongoing enforcement.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2451

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2451 without my signature.

California faces fiscal challenges unparalleled since the Great Depression. While much progress has been made to reduce our structural deficit, balance our budget, reform workers' compensation and rein in spiraling pension costs—much work remains.

This measure seeks to redress a problem whose scope is not fully knowable. Proponents cite the case of the firefighter who dies a lingering and painful death from cancer and note that if that death occurs even one day past an arbitrary statute of limitation—originally established in 1913—the surviving dependent family members are denied substantial death benefits.

Meanwhile opponents decry any expansion of this nearly 100 year old limitation as wildly fiscally imprudent, opening the doors to fiscal ruin and damnation of our efforts to restore fiscal sanity to our state.

What is needed is rational, thoughtful consideration of balancing the serious fiscal constraints faced at all levels of government against our shared priority to adequately and fairly compensate the families of those public safety heroes who succumb to work-related injuries and disease.

Unfortunately, little more than anecdotal evidence is available to base such deliberations upon. If deaths due to cancer for firefighters and peace officers approximate, let alone exceed, those of the general population, we can surmise the potential impact of doubling the statute of limitations. It could increase costs to the state by tens of millions of dollars and at the local level by hundreds of millions. Alternatively, there is little credible evidence that the circumstance this measure intends to address occurs other than rarely, yet tragically. In the later circumstance the costs would be modest and reasonable.

I understand that the National Institute for Occupational Safety and Health is in the midst of one of the largest studies of firefighters and risks of death from cancer and other job related disease ever conducted. It is my sincere hope that this study, as well as data collected through our comprehensive reform of the workers' compensation system, will provide a basis to make a more informed policy and research based decision on this question in the future.

In the interim, I cannot expose state and local governments to the serious fiscal risks enactment of this measure may entail. I reserve the option to revisit this question upon the availability of more thorough research and study of this matter and direct my Department of Industrial Relations to take all steps necessary to ensure that the State collects, maintains and studies the relevant data and third party research upon which to make informed policy decisions on this matter in the future.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2623

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2623 without my signature.

This bill would require the Department of State Hospitals to adopt and implement a policy to arm state hospital police officers.

I am sensitive to the unique challenges of providing security in our state's mental hospitals. This is a matter, however, best left to the discretion of the department director who already has authority to arm its officers.

Sincerely,

EDMUND G. BROWN JR.

Veto Message—Assembly Bill No. 2676

Governor's Office, Sacramento
September 30, 2012

To the Members of the California State Assembly:

I am returning Assembly Bill 2676 without my signature.

This bill would provide criminal penalties for anyone who directs or supervises farm workers and fails to provide sufficient amounts of shade and cool, potable water.

In recent years, California has enhanced its existing safety regulations to protect workers in all outdoor industries—implementing the most stringent standards in the nation.

Since these standards were adopted, enforcement has improved and compliance has increased. Cal/OSHA has conducted over 3,000 heat safety inspections per year for the past three years. Hundreds of citations and penalties for violations of the heat safety standards have been issued. Compliance has increased in all industries from a low of 32% in 2006 to over 80% in 2012, with even greater improvements in agriculture.

While I believe enforcement of our heat standards can be improved, I am not convinced that creating a new crime—and a crime that applies only to one group of employers—is the answer. Instead, we should continue to enforce our stringent standards for the benefit of all workers in all industries.

Sincerely,

EDMUND G. BROWN JR.

Receipt of Bills

I acknowledge receipt this 30th day of September, 2012 at 9:02 p.m., of the following Assembly Bills without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Bianca Sievers: Assembly Bills Nos. 145, 889, 1000, 1081, 1461, 1968, 2031, 2152, 2162, 2220, 2346, 2451, 2623, and 2676.

SUE PARKER

Assistant Chief Clerk of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 18, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- Assembly Concurrent Resolution No. 21
- Assembly Concurrent Resolution No. 131
- Assembly Concurrent Resolution No. 159
- Assembly Concurrent Resolution No. 160
- Assembly Concurrent Resolution No. 161
- Assembly Concurrent Resolution No. 163
- Assembly Concurrent Resolution No. 164
- Assembly Concurrent Resolution No. 165
- Assembly Concurrent Resolution No. 166
- Assembly Concurrent Resolution No. 168
- Assembly Joint Resolution No. 19
- Assembly Joint Resolution No. 30
- Assembly Joint Resolution No. 35
- Assembly Joint Resolution No. 40
- Assembly Joint Resolution No. 43
- Assembly Joint Resolution No. 44

And reports the same correctly enrolled, and presented to the Secretary of State on the 18th day of September, 2012, at 4:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 2012

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- Assembly Joint Resolution No. 45
- Assembly Joint Resolution No. 46
- Assembly Joint Resolution No. 47

And reports the same correctly enrolled, and presented to the Secretary of State on the 18th day of September, 2012, at 4:45 p.m.

E. DOTSON WILSON, Chief Clerk

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

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