

CALIFORNIA LEGISLATURE
2017-18 REGULAR SESSION

SENATE JOURNAL

—
IN RECESS
—

Senate Chamber, Sacramento
Monday, October 16, 2017



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 18, 2017

Mr. President: The Committee on Rules has examined:

SB 36	SB 180	SB 214	SB 252
SB 286	SB 289	SB 302	SB 334
SB 368	SB 379	SB 550	SB 564
SB 580	SB 625	SB 672	SB 703
SB 724			

And reports the same have been correctly enrolled and presented to the Governor on the 18th day of September, 2017, at 3 p.m.

DE LEÓN, Chair

Senate Chamber, September 19, 2017

Mr. President: The Committee on Rules has examined:

SCR 9	SCR 68	SCR 71	SCR 80
SCR 82			

And reports the same have been correctly enrolled and presented to the Secretary of State on the 19th day of September, 2017, at 10 a.m.

DE LEÓN, Chair

Senate Chamber, September 19, 2017

Mr. President: The Committee on Rules has examined:

SB 17	SB 20	SB 29	SB 52
SB 63	SB 219	SB 257	SB 258
SB 294	SB 306	SB 312	SB 329
SB 357	SB 386	SB 390	SB 442
SB 491	SB 494	SB 605	SB 615
SB 620	SB 664	SB 667	SB 693
SB 732	SB 798	SB 799	SB 801

And reports the same have been correctly enrolled and presented to the Governor on the 19th day of September, 2017, at 4 p.m.

DE LEÓN, Chair

Senate Chamber, September 20, 2017

Mr. President: The Committee on Rules has examined:

SB 4	SB 12	SB 50	SB 68
SB 138	SB 156	SB 169	SB 179
SB 218	SB 223	SB 229	SB 233
SB 238	SB 249	SB 250	SB 272
SB 282	SB 295	SB 304	SB 310
SB 318	SB 323	SB 339	SB 345
SB 351	SB 372	SB 380	

And reports the same have been correctly enrolled and presented to the Governor on the 20th day of September, 2017, at 4 p.m.

DE LEÓN, Chair



Senate Chamber, September 21, 2017

Mr. President: The Committee on Rules has examined:

SB 2	SB 3	SB 5	SB 6
SB 189	SB 226	SB 385	SB 393
SB 403	SB 443	SB 450	SB 458
SB 461	SB 498	SB 507	SB 512
SB 527	SB 559	SB 570	SB 582
SB 595	SB 597	SB 612	SB 618
SB 634	SB 649	SB 673	SB 702
SB 711	SB 728	SB 731	SB 743
SB 751	SB 752	SB 776	SB 796

And reports the same have been correctly enrolled and presented to the Governor on the 21st day of September, 2017, at 5:30 p.m.

DE LEÓN, Chair

Senate Chamber, September 22, 2017

Mr. President: The Committee on Rules has examined:

SCR 6	SCR 48	SCR 55	SCR 56
SCR 60	SCR 64	SCR 65	SCR 69
SCR 70	SCR 75	SCR 77	SCR 81
SCR 84	SJR 5	SJR 7	SJR 11

And reports the same have been correctly enrolled and presented to the Secretary of State on the 22nd day of September, 2017, at 10:30 a.m.

DE LEÓN, Chair

Senate Chamber, September 22, 2017

Mr. President: The Committee on Rules has examined:

SB 19	SB 31	SB 35	SB 44
SB 54	SB 112	SB 133	SB 136
SB 145	SB 149	SB 159	SB 166
SB 167	SB 171	SB 173	SB 213
SB 235	SB 241	SB 266	SB 290
SB 313	SB 384	SB 394	SB 395
SB 396	SB 400	SB 432	SB 497
SB 500	SB 503	SB 540	SB 547
SB 568	SB 574	SB 575	SB 585
SB 596	SB 598	SB 611	SB 613
SB 687	SB 784	SB 788	SB 793
SB 800			

And reports the same have been correctly enrolled and presented to the Governor on the 22nd day of September, 2017, at 3 p.m.

DE LEÓN, Chair



MESSAGES FROM THE GOVERNOR
Governor's Appointments

Governor's Office, State Capitol
September 25, 2017

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments and reappointments are subject to Senate confirmation and consent. I hereby nominate these appointees and reappointees to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

ROY W. WESLEY, has been appointed Inspector General, responsible for overseeing various activities specified in statute at the California Department of Corrections and Rehabilitation. Wesley has been chief deputy inspector general at the Office of the Inspector General since 2007. He was a partner at Pursley, Rush and Wesley LLP from 2002 to 2007, and at Hanna, Brophy, MacLean, McAleer and Jensen from 1991 to 2002. Wesley was an associate at Mastagni, Holstedt and Chiurazzi from 1988 to 1991. He was an officer in the U.S. Air Force from 1978 to 1988, and an officer in the U.S. Navy Reserve from 1990 to 2005. Wesley earned a Juris Doctor degree from the University of the Pacific, McGeorge School of Law. Appointed 09/13/2017. Effective 09/14/2017.

Inspector General, Office of the Inspector General, vice, Robert Barton, reassigned, 09/04/2017. Term ending 6 years from 2nd Commission.

RENEE E. LABRAN, has been reappointed to the State Bar of California Board of Trustees, where she has served since 2015. LaBran has been business advisor, board director, and a partner at Rustic Canyon-Fontis Partners since 2006. She was a partner at Rustic Canyon Partners from 2000 to 2011, and held several positions at the Los Angeles Times from 1993 to 1999, including vice president. She was a management consultant at the Monitor Company from 1985 to 1993. LaBran earned a Master of Business Administration degree from Harvard Business School. Reappointed 08/24/2017. Effective 09/07/2017.

Member, State Bar of California Board of Trustees, vice, self, reappointed. Term ending 09/01/2020.

Above appointments and reappointments referred to the Committee on Rules.



Veto Messages

Governor’s Office, State Capitol
September 28, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 596** without my signature.

This bill would create a Student Empowerment Commission with a regional delegate structure to elect students to attend conferences, which would provide policy recommendations to the Legislature.

I believe this bill is unnecessary. The California Association of Student Councils already provides students an opportunity to attend an annual conference and present policy recommendations to both the Legislature and the Board of Education.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 28th day of September, 2017 at 1:55 p.m., of the following Senate Bill without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Michelle Livingstone:

SB 596

MATHEW BURNS
Acting Secretary of the Senate

Governor’s Office, State Capitol
October 2, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 11** without my signature.

This bill waives interest and penalties automatically for a taxpayer’s failure to pay due taxes because of website system failure at the Department of Tax and Fee Administration or State Board of Equalization.

The Department and Board already have an existing mechanism to relieve taxpayers of unwarranted interest and penalties due to website disruption. Therefore, this bill is unnecessary.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 2nd day of October, 2017 at 2:03 p.m., of the following Senate Bill without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nathan Bentham:

SB 11

BERNADETTE MCNULTY
Acting Secretary of the Senate



Governor's Office, State Capitol
October 4, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 513** without my signature.

This bill adds \$1,000 to the current penalty for assault or battery if committed against a public utility worker.

I don't believe the additional \$1,000 called for in this bill would do much to deter this type of conduct, which is already punishable by either six months or a year in jail, and up to a \$2,000 fine depending on the charge.

I would note that the bill further slices and dices our criminal law, dividing the crimes of assault and battery into even more discreet categories, which grow more numerous by the decade. As a general rule I don't think this a good idea.

Our criminal code already has more than 5,000 separate criminal provisions, making it more particularized than it needs to be for an understandable and fair system of justice.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Governor's Office, State Capitol
October 4, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 784** without my signature.

This bill authorizes an increased financial penalty in situations where a person takes photographs or video footage of another person without their consent and intentionally distributes it or makes it available to another person.

I don't believe the additional \$1,000 called for in this bill does anything to deter this type of conduct. The underlying crime—the recording of the image—is already punishable by up to six months in jail and a \$1,000 fine, and courts currently have discretion to order that any restitution include economic losses incurred by the victim. Moreover, civil remedies are available in these situations.

I believe that current law already provides sufficient criminal and civil liability.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 4th day of October, 2017 at 2:10 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Nathan Bentham:

SB 513

SB 784

BERNADETTE MCNULTY
Acting Secretary of the Senate



Signing Messages

Governor's Office, State Capitol
October 5, 2017

To the Members of the California State Senate:

I am signing **Senate Bill 54**, the California Values Act.

This bill states that local authorities will not ask about immigration status during routine interactions. It also bans unconstitutional detainer requests and prohibits the commandeering of local officials to do the work of immigration agents. The bill further directs our Attorney General to promulgate model policies for local and state health, education, labor and judiciary officials to follow when they deal with immigration matters.

In enshrining these new protections, it is important to note what the bill does not do. This bill does not prevent or prohibit Immigration and Customs Enforcement or the Department of Homeland Security from doing their own work in any way. They are free to use their own considerable resources to enforce federal immigration law in California. Moreover, the bill does not prohibit sheriffs from granting immigration authorities access to California jails to conduct routine interviews, nor does it prevent cooperation in deportation proceedings for anyone in state prison or for those in local jails for any of the hundreds of serious offenses listed in the TRUST Act.

These are uncertain times for undocumented Californians and their families, and this bill strikes a balance that will protect public safety, while bringing a measure of comfort to those families who are now living in fear every day.

Sincerely,

EDMUND G. BROWN JR., Governor



Governor's Appointments

Governor's Office, State Capitol
October 5, 2017

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to offices which by law are to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

JONATHAN W. MADDOX, has been appointed to the California Board of Behavioral Sciences. Maddox has been a marriage and family therapist in private practice since 2004, and training and internship coordinator at San Francisco County Behavioral Health Services since 2014, where he has served in several positions since 2006, including program director and clinical supervisor. He was a mental health consultant for Contra Costa County Mental Health Services from 2005 to 2006, a therapist at the East Bay Agency for Children from 1998 to 2000, and a military police officer in the U.S. Army from 1989 to 1992. Maddox earned a Master of Arts degree in marriage and family therapy from Oral Roberts University. Appointed 09/14/2017. Effective 09/20/2017.

Member, California Board of Behavioral Sciences, vice, Karen Pines, term expired. Term ending 06/01/2021.

Above appointment referred to the Committee on Rules.

Veto Messages

Governor's Office, State Capitol
October 5, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 56** without my signature.

This bill would allow a retail licensee to return beer, to the wholesaler or manufacturer, for different beer within the same brand.

Current law already allows a retailer to exchange beer for the identical quantity, value, and brand for a host of reasons. Given this existing authority, it is unclear how current law is deficient.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Governor's Office, State Capitol
October 5, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 643** without my signature.

This bill adds Duchenne muscular dystrophy to the list of medical conditions eligible for health care coverage under the Genetically Handicapped Persons Program.

California's implementation of the Affordable Care Act has expanded subsidized health care coverage provided by Medi-Cal and Covered California so coverage is available to adults with serious genetic diseases such as Duchenne. As such, there is no longer a need to expand specialized coverage programs.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 5th day of October, 2017 at 2:52 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Danielle Mae Santiago:

SB 56

SB 643

BERNADETTE MCNULTY
Acting Secretary of the Senate

Governor's Office, State Capitol
October 6, 2017

To the Members of the California State Senate:

I am returning the following two bills without my signature:

Assembly Bill 778

Senate Bill 289

Both of these bills create a new tax break. These bills are an end run of the budget process, and would commit us to spending more than eight million dollars through 2018–19.

The budget process allows for all tax break proposals to be weighed equally through public hearings, negotiations and, finally, approval of a balanced budget. As I said last year, I believe this is the best way to evaluate and prioritize all new spending proposals, including those that create new tax breaks.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Governor's Office, State Capitol
October 6, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 386** without my signature.

This bill prohibits smoking on state coastal beaches and throughout the State Park System, and requires the Department of Parks and Recreation to post signs to notify the public of the smoking ban.

Last year I vetoed Senate Bill 1333, a similar measure, because I believed that such a far-reaching prohibition in every state park and on every state beach was too broad. In addition, the fine prescribed in this bill for lighting one cigarette is excessive: \$485 dollars, after the mandatory assessments.

If people can't smoke even on a deserted beach, where can they? There must be some limit to the coercive power of government.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 6th day of October, 2017 at 3:37 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Michelle Livingstone:

SB 289

SB 386

BERNADETTE MCNULTY
Acting Secretary of the Senate

Governor's Office, State Capitol
October 8, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 42** without my signature.

This bill creates the Martins Beach Subaccount in the Land Bank Fund to provide funds to be used for the acquisition of public access along the shoreline near Martins Beach.

Unfortunately, as drafted the bill does not meet the author's intent. This bill precludes the use of eminent domain in this instance and limits the state's options.

Public access to our state beaches and parks is a core value to this state and must be protected. Here however, the public's right to access Martins Beach will be determined in further judicial and administrative proceedings.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Receipt of Bills

I acknowledge receipt this 8th day of October, 2017 at 1:32 p.m., of the following Senate Bill without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nathan Bentham:

SB 42

BERNADETTE MCNULTY
Acting Secretary of the Senate

Governor's Office, State Capitol
October 9, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 702** without my signature.

This bill requires the Department of General Services to expand the State Employee Bike Share Program to other areas of the state where feasible.

The Department should continuously assess the demand for this Program and expand as needed within its existing authority. This bill is unnecessary.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 9th day of October, 2017 at 3:23 p.m., of the following Senate Bill without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Michelle Livingstone:

SB 702

BERNADETTE MCNULTY
Acting Secretary of the Senate

Governor's Office, State Capitol
October 10, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 290** without my signature.

This bill would require the Karen C. Drayer Wildlife Health Center at the University of California, Davis to provide grants to organizations that respond to marine mammal stranding emergencies or sea turtle entanglements when funds are appropriated by the Legislature.

Our recent budgets have provided funds to the Center for the purposes outlined in this bill. This is a fiscal question that is best addressed through the budget process instead of a standalone bill.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Receipt of Bills

I acknowledge receipt this 10th day of October, 2017 at 2:44 p.m., of the following Senate Bill without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Danielle Mae Santiago:

SB 290

BERNADETTE MCNULTY
Acting Secretary of the Senate

Signing Messages

Governor's Office, State Capitol
October 11, 2017

To the Members of the California State Senate:

I am signing **Senate Bill 751**. This bill makes reasonable and appropriate changes to existing law to provide schools with adequate flexibility necessary to maintain fiscal solvency while simultaneously prioritizing the education of students they are currently serving.

However, further clarification in the form of a technical amendment is necessary regarding the application of the 10 percent cap to ensure that this bill is implemented as intended should the reserve cap ever be triggered.

I will direct the Department of Finance to work with the author's staff to ensure that this technical amendment is incorporated in cleanup legislation next year.

Sincerely,

EDMUND G. BROWN JR., Governor

Veto Messages

Governor's Office, State Capitol
October 12, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 318** without my signature.

While I agree it is important for the California State University (CSU) to make prudent contracting decisions, CSU's union contracts already address the issue of outsourcing in the collective bargaining process.

As such, I don't see the need at this point to further rigidify this process.

I would, however, urge both the Trustees and the Chancellor's office to make every effort to ensure that CSU's contracts are well-justified, well-executed and perform as anticipated.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 12th day of October, 2017 at 3:25 p.m., of the following Senate Bill without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Michelle Livingstone:

SB 318

BERNADETTE MCNULTY
Acting Secretary of the Senate



Governor's Office, State Capitol
October 13, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 51** without my signature.

This bill requires the Secretary of the California Environmental Protection Agency to preserve and post online scientific information and data that might be censored or destroyed by the federal government. This bill also prohibits state licensing entities, except the State Bar, from taking disciplinary actions against public employees who report improper federal government activities or make scientific research public.

Action by the federal Administration to obfuscate and devalue scientific evidence by questioning, demoting, or firing federal scientists is dangerous and myopic. It would be difficult, however, to envision a scenario or even a legal basis where the whim of the federal Administration would lead to a disciplinary action in California.

When it comes to preserving scientific research we cannot be too careful. I am directing the Secretary of the California Environmental Protection Agency to collaborate with universities and non-profits to compile and preserve all important and relevant scientific federal research and data.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Governor's Office, State Capitol
October 13, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 464** without my signature.

This bill would require additional security enhancements on the premises of all licensed firearms dealers in California.

State law already requires that firearms dealers enact security measures to avoid theft. Local jurisdictions can—and have—gone further by adding additional specific requirements. I believe local authorities are in the best position to determine what, if any additional measures are needed in their jurisdictions.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Governor's Office, State Capitol
October 13, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 478** without my signature.

This bill would require each community college to identify all students who have completed the requirements for an associate degree for transfer and automatically award that degree, but only in those years where the state budget appropriates specific funds for this purpose.

I support efforts to increase the number of transfer students to the California State University and the University of California, as well as to other four-year private universities, but funding a sporadic, manual "degree audit" is not the answer.

It would be better for community colleges to update their technology systems and processes in total, so that all students know how close they are to completing their degrees.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Governor's Office, State Capitol
October 13, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 527** without my signature.

This bill provides for an annual cost-of-living adjustment to the amount of funding that local schools and county offices of education receive from the Home-to-School Transportation program.

While I recognize the increasing call on local resources for competing priorities and the importance of providing student transportation, the Local Control Funding Formula provides local schools and county offices of education with substantial flexibility and autonomy to implement and augment programs that meet the educational needs of their students and local communities.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 13th day of October, 2017 at 3:22 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Danielle Mae Santiago:

SB 51

SB 464

SB 478

SB 527

BERNADETTE MCNULTY
Acting Secretary of the Senate



Signing Messages

Governor’s Office, State Capitol
October 13, 2017

To the Members of the California State Senate:

I am signing **Senate Bill 798**, which extends the sunset for the Medical Board of California and the Osteopathic Medical Board of California from January 1, 2018, to January 1, 2022.

Two issues were identified during the legislative process requiring further review: vertical enforcement and the exchange of expert witness reports between a doctor under investigation and the Medical Board.

I am directing my staff to work with the Legislature and the Attorney General’s Office to determine what changes are needed.

Sincerely,

EDMUND G. BROWN JR., Governor

Veto Messages

Governor’s Office, State Capitol
October 14, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 304** without my signature.

This bill requires a county office of education and county probation department to include in their joint transition planning policy an individualized plan and transition portfolio for juvenile court school students detained for more than 20 consecutive days.

I signed Assembly Bill 2276 in 2014, which requires a county office of education and probation department to develop a joint transition planning policy to assist students transitioning from juvenile court schools to other schools. I believe this provides sufficient guidance to get the job done.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Governor's Office, State Capitol
October 14, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 345** without my signature.

This bill requires law enforcement agencies, including certain state agencies, to post on their websites all current standards, policies, practices, operating procedures, education and training materials that would otherwise be available if a request was made under the California Public Records Act.

This bill is too broad in scope and vaguely drafted. I appreciate the author's desire for additional transparency of police practices and local law enforcement procedures, but I believe this goal can be accomplished with a more targeted and precise approach.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Governor's Office, State Capitol
October 14, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 390** without my signature.

This bill adds the implementation of the Model School Library Standards as a new state priority area under the local control funding formula that county offices of education and school districts must address in their local control accountability plans.

I believe this bill is unnecessary. The Model School Library Standards are already considered in these plans under priority two of the local control accountability plan.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Governor's Office, State Capitol
October 14, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 491** without my signature.

This bill directs the Department of Fair Employment and Housing to establish an advisory group to conduct a study regarding the feasibility of local enforcement of employment antidiscrimination statutes.

The Fair Employment and Housing Act (FEHA) has preempted local governments from enforcing the provisions of this law for decades. I agree with the author that it is time for the state to reassess whether the state should allow local authorities to enforce FEHA. Unfortunately, as currently drafted, the bill is too broad and it is not clear that the advisory group would focus solely on employment protections governed by FEHA.

I am directing the Department of Fair Employment and Housing to create an advisory group to explore allowing the provisions of FEHA to be enforced by local authorities and prepare a report to my office and the Legislature with findings and recommendations by December 31, 2018.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Governor's Office, State Capitol
October 14, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 494** without my signature.

This bill would establish the Golden State Reading grant program for the purpose of assisting local educational agencies to ensure that all students meet specified reading standards and language skills by the end of the third grade.

Local educational agencies already have the flexibility under the Local Control Funding Formula to provide students the support they need to ensure that appropriate reading and language skills are achieved.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Governor’s Office, State Capitol
October 14, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 687** without my signature.

This bill requires a nonprofit hospital to receive approval from the Attorney General prior to reducing or eliminating services in its emergency department.

A hospital’s decision to reduce or eliminate emergency services poses real challenges for a community. This is why current law requires public notice prior to a hospital taking such an action. Removing a hospital’s authority to determine emergency service needs, however, will not solve the underlying financial issues that typically force these decisions. An Attorney General decision to prohibit a reduction or elimination of these services may hasten the reduction of other services or closure of the entire hospital.

For this reason, I cannot sign this bill.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 14th day of October, 2017 at 3:59 p.m., of the following Senate Bills without the Governor’s signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Michelle Livingstone:

- | | | |
|--------|--------|--------|
| SB 304 | SB 345 | SB 390 |
| SB 491 | SB 494 | SB 687 |

BERNADETTE MCNULTY
Acting Secretary of the Senate

Governor’s Office, State Capitol
October 15, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 80** without my signature.

This bill requires a lead agency to file a Notice of Determination when a project considered under the California Environmental Quality Act (CEQA) receives a categorical exemption. The bill also requires a lead agency to post certain notices on its website, and send the notices by email upon request.

While I agree with the author’s desire to provide greater transparency, the current CEQA process already is very detailed, and requires an incredible amount of notice. For that reason, I am reluctant to add the additional requirements mandated by this bill.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Governor's Office, State Capitol
October 15, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 357** without my signature.

This bill directs the Governor's Office of Business and Economic Development to establish and operate a trade and investment office in Mexico City.

California and Mexico have a proven partnership of trade, commerce, and the exchange of culture that runs long and deep. Our relationship with Mexico is fundamental to our mutual prosperity. Through memorandums of understanding, we are directly working with the Mexican government and business community on climate change, trade, transportation, tourism, and education.

As I stated in 2014 when I vetoed a nearly identical bill, I remain unconvinced that California needs a legislatively-mandated trade office to continue our ongoing and enduring partnership with Mexico.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 15th day of October, 2017 at 11:39 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Danielle Mae Santiago:

SB 80

SB 357

BERNADETTE MCNULTY
Acting Secretary of the Senate

Governor's Office, State Capitol
October 15, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 149** without my signature.

This bill requires any candidate for president to disclose five years of his or her income tax returns before their name can be placed on California's primary election ballot.

Although tax returns are by law confidential, many presidential candidates have voluntarily released them. This bill is a response to President Trump's refusal to release his returns during the last election.

While I recognize the political attractiveness—even the merits—of getting President Trump's tax returns, I worry about the political perils of individual states seeking to regulate presidential elections in this manner. First, it may not be constitutional. Second, it sets a "slippery slope" precedent. Today we require tax returns, but what would be next? Five years of health records? A certified birth certificate? High school report cards? And will these requirements vary depending on which political party is in power?



A qualified candidate's ability to appear on the ballot is fundamental to our democratic system. For that reason, I hesitate to start down a road that well might lead to an ever escalating set of differing state requirements for presidential candidates.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Governor's Office, State Capitol
October 15, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 169** without my signature.

This bill would codify a combination of federal regulations and guidance on sexual harassment—some of which has been repealed, some of which is still in effect—as well as some language from model policies that have been developed by California universities.

This is not a simple issue. Sexual harassment and sexual violence are serious and complicated matters for colleges to resolve. On the one side are complainants who come forward to seek justice and protection; on the other side stand accused students, who, guilty or not, must be treated fairly and with the presumption of innocence until the facts speak otherwise. Then, as we know, there are victims who never come forward, and perpetrators who walk free. Justice does not come easily in this environment.

That is why in 2014 I signed into law the first affirmative consent standard in the country for colleges to adopt in their sexual assault policies, so that clear and basic parameters for responsible behavior could be established. Yes Means Yes, along with its attendant preponderance standard, is the law in California, which only the courts or a future legislature can change.

Since this law was enacted, however, thoughtful legal minds have increasingly questioned whether federal and state actions to prevent and redress sexual harassment and assault—well-intentioned as they are—have also unintentionally resulted in some colleges' failure to uphold due process for accused students. Depriving any student of higher education opportunities should not be done lightly, or out of fear of losing state or federal funding.



Given the strong state of our laws already, I am not prepared to codify additional requirements in reaction to a shifting federal landscape, when we haven't yet ascertained the full impact of what we recently enacted. We have no insight into how many formal investigations result in expulsion, what circumstances lead to expulsion, or whether there is disproportionate impact on race or ethnicity. We may need more statutory requirements than what this bill contemplates. We may need fewer. Or still yet, we may need simply to fine tune what we have.

It is time to pause and survey the land.

I strongly believe that additional reflection and investment of time in understanding what is happening on the ground will help us exercise due care in this complex arena. I intend to convene a group of knowledgeable persons who can help us chart the way forward.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Governor's Office, State Capitol
October 15, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 574** without my signature.

This bill seeks to equalize, or at least greatly minimize, the wage and benefit disparity between employees of the University of California (UC) and its contracted workers in specific job categories. This is the third time this policy, with some modification, has been passed by the Legislature.

After twice vetoing prior attempts, I am tempted to sign this measure, for no other reason than it is a well-intentioned bill that seeks to improve the financial security of contracted workers, or, alternatively, expand direct employment at the UC for lower wage workers. As the UC prides itself on being an agent of social mobility for students, it might follow that UC could similarly be an agent of social mobility for lower-wage workers at its campuses.

Good intentions, however, aren't always enough. The mechanism to create this social change locks in cumbersome and overly costly contracting rules that provide little flexibility, regardless of circumstance. This will not serve the university or the state well.

In the best of worlds, the UC would make greater efforts to control its cost structure and find the means to better compensate lower wage workers, both employed and contracted—so that fewer would be concerned about housing, hunger and healthcare. Though UC has made some attempts in this regard, much work remains, including holding flat executive compensation and benefits that near many hundreds of thousands of dollars and more, far beyond what the average Californian would think reasonable for an employee of a public university.



What the state requires of the university's contracting policy should be more carefully considered, thoughtfully debated and weighed against other high value programs of expenditure. The State Auditor's recent report made some useful recommendations on contracting practices, which the UC can act on now. Other actions to improve UC's policies can be considered when the UC's total budget is considered by the state.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Governor's Office, State Capitol
October 15, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 599** without my signature.

This bill allows specified public safety employee associations to offer multiple statewide and regional health benefit plans to their members.

Existing association health benefit plans are currently afforded very little oversight by the California Public Employees' Retirement System. By allowing these employee associations to offer additional health plans to their members, CalPERS would be left with major unanticipated costs should any of the plans fail.

The state now faces over \$240 billion in unfunded pension and health liabilities. Since 2011, the annual costs for all this have increased significantly as the state takes steps to pay down the long-term obligation faster.

In light of these enormous fiscal commitments, I am unable to sign this bill.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.



Governor's Office, State Capitol
October 15, 2017

To the Members of the California State Senate:

I am returning **Senate Bill 649** without my signature.

This bill establishes a uniform permitting process for small cell wireless equipment and fixes the rates local governments may charge for placement of that equipment on city or county owned property, such as streetlights and traffic signal poles.

There is something of real value in having a process that results in extending this innovative technology rapidly and efficiently. Nevertheless, I believe that the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered to unfinished business.

Receipt of Bills

I acknowledge receipt this 15th day of October, 2017 at 11:44 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Danielle Mae Santiago:

SB 149
SB 599

SB 169
SB 649

SB 574

BERNADETTE MCNULTY
Acting Secretary of the Senate

NEVA MARIE PARKER, Minute Clerk

O

