

HIGHLIGHTS OF THE LEGISLATIVE ACCOMPLISHMENTS OF 2002

Prepared by the
California Senate Office of Research

October 2002

**A Summary of Significant Legislation that
Reached the Desk of Governor Gray Davis**

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Introduction

The Legislature in 2002 sent Governor Gray Davis landmark measures aimed at resolving contract deadlocks between farm workers and growers, providing California employees up to six weeks of paid leave for family emergencies and, if voters approve, linking Northern and Southern California by passenger rail at speeds of 220 miles per hour. The governor signed the bills, although he did veto an initial version of the grower-labor legislation.

Legislative measures put on the November 2002 ballot will ask voters to endorse a \$13 billion bond issue to build school, college and university facilities and another \$2 billion in bonds to obtain housing for low-income families, students, farm workers, teachers and others.

Facing California voters in 2004, also as a result of this year's legislative activity, will be a proposed constitutional amendment to set aside state money annually for building state and local infrastructure, along with the historic \$9.95 billion bond measure for high-speed rail. Voters also will decide on a second bond issue for education construction projects, that one totaling \$12.3 billion.

Governor Davis this year signed a nationally publicized bill to require the state Air Resources Board to develop regulations by 2005 to reduce the greenhouse gases emitted by cars and light trucks. Other successful measures crack down on corporate fraud and conform California tax laws with federal changes that expand the sums workers may contribute to their 401(k) pension plans beginning this year.

Vetoed were widely watched bills to permit undocumented immigrants to obtain California driver's licenses if they are seeking lawful residency and to restore state primary elections to June instead of the March schedule that caused turnout to drop in 2002.

Also notable in this legislative session was a record \$23.6 billion shortfall in the state's 2002-03 budget blamed on declining taxable wealth in the face of a plunging stock market -- made worse by the "dot-com" bust, lingering fallout from last year's terrorist attacks and a relentless parade of corporate accounting scandals. Controversy over how to close the gap held up final passage of the spending plan a record two months beyond the July 1 start of the fiscal year.

For details of the budget package that ultimately was enacted, see "California Spending Plan 2002-03: The Budget Act and Related Legislation," prepared by the Legislative Analyst's Office. It's available on the LAO's Web site at www.lao.ca.gov or by calling 916-445-4656.

"Highlights of the Legislative Accomplishments of 2002" summarizes measures in more than 30 public-policy areas from aging to water that won legislative passage this year. Of those signed into law, most will take effect on January 1, 2003. Texts of the measures, as well as legislative staff analyses and governor's veto messages, may be found at www.leginfo.ca.gov.

Aging and Long-Term Care

Priorities reflected in bills signed by Governor Davis in 2002 expand elder-abuse protections, create a comprehensive strategic action plan focusing on the cultural, policy and programmatic implications of California's aging demographics, and require the California State University to provide academic courses and training in the field of gerontology for professional service-delivery personnel.

Additional legislation enacted into law requires long-term care facilities to contact specified persons within 24 hours of a significant change in the mental or physical condition of residents as well as establishing requirements when transfer of a resident is needed due to closure of a long-term care facility. Legislation requiring the Department of Health Services (DHS) to conduct background checks of all staff providing direct care to patients was vetoed by the governor.

Governor Davis also signed legislation making permanent the existing law that requires pharmacies to charge Medicare patients no more than the Medi-Cal reimbursement rate for prescription drugs and requiring DHS to develop outreach to inform more seniors about the existing program.

Elder Abuse

AB 255 (Zettel) – Expands the list of mandated reporters of elder and dependent adult abuse. Requires the county adult protective services agency to provide local fire department and environmental health and building code enforcement officials with instructional materials regarding elder and dependent adult abuse and neglect, and the duty of local officials obligation to report such incidents. **Signed – Chapter 54/Statutes of 2002.**

AB 2140 (Simitian and Bates) – Increases the maximum period of imprisonment in a county jail from six months to one year for a battery committed against an elder or dependent adult. Increases penalties for willfully causing or permitting any elder or dependent adult to suffer unjustifiable physical pain or mental suffering from six months in county jail and/or \$1,000 to one year in county jail and/or a \$2,000 fine. **Signed – Chapter 369/ Statutes of 2002.**

AB 2735 (Chan) – Makes several changes regarding who may receive information relevant to elder or dependent adult abuse incidents and in the disclosure of the identity of a person who reports elder or dependent adult abuse. Authorizes the sharing of otherwise confidential mental health services records to include persons who are trained and qualified to serve on "multidisciplinary personnel" teams. **Signed – Chapter 552/Statutes of 2002.**

Health Information

SB 827 (Perata) – Requires DHS to design an integrated model of adult day services that reflects current research, literature, and recommendations by experts in adult day services and community-based long-term care. **Vetoed.**

SB 953 (Vasconcellos) – Establishes the California Coordinated Elder Care and Involvement Act of 2002, addressing a broad range of issues the state will face as the number of people in California 65 years and older doubles to more than 6.5 million by 2020. **Signed – Chapter 541/Statutes of 2002.**

SJR 37 (Romero) – Memorializes the President and Congress to immediately invest in various activities to prevent Alzheimers disease. **Adopted – Resolution Chapter 69/Statutes of 2002.**

Health Planning/Integration

AB 3054 (Committee on Aging and Long-Term Care) – Requires DHS to develop at least one alternative model to the Long-Term Care Integration Pilot Project authorized by the Welfare and Institutions Code Section 14139.05 **Signed – Chapter 537/Statutes of 2002.**

AB 1638 (Daucher) – Directs the Senate Rules Committee to appoint two members of the Senate to the Long Term Care Council, and directs the Speaker of the Assembly to appoint two members of the Assembly to the Long Term Care Council. **Vetoed.**

Health Professionals

AB 2202 (Alquist) – Requires the California State University (CSU) system to provide academic courses and training in the field of gerontology for professional personnel who provide services to the senior population. Requires CSU by January 1, 2004, to submit a progress report to the Legislature on the status of the establishment and implementation of a definable curriculum in gerontology. **Signed – Chapter 551/Statutes of 2002.**

Housing

SB 309 (Ortiz) – Requires that continuing care retirement community providers make specified data available to residents, including results of a biannual resident satisfaction survey, comparative data showing the budgets for the current and upcoming year, and actual and projected expenses, at least 14 days prior to a meeting on increases in the monthly care fee. **Signed – Chapter 553/Statutes of 2002.**

SB 1234 (Johannessen) – Authorizes the state Public Works Board to issue lease-revenue bonds up to \$62 million to finance the acquisition, design, construction, renovation, or expansion of veterans' homes at Yountville, Barstow, Chula Vista, Lancaster, Saticoy, and West Los Angeles, and in Fresno County and Shasta County. **Signed – Chapter 217/Statutes of 2002.**

AB 2559 (Wesson) – Continuously appropriates \$31 million from the Veterans' Home Fund to meet state funding requirements for the construction of new veterans' homes in Lancaster, Saticoy and West Los Angeles. This bill becomes operative only with enactment of AB 2953 (Wiggins), Chapter 218/Statutes of 2002; SB 1234 (Pescetti) Chapter 839/Statutes of 2002; and SB 1773 (Chesbro), Chapter 219/Statutes of 2002. **Signed – Chapter 216/Statutes of 2002.**

Long-Term Care Insurance

AB 1908 (Cohn) – Eliminates a statutory provision that requires employees to pay the full cost of premiums for long-term care insurance offered by the California Public Employees Retirement System (CalPERS). Gives public employers greater flexibility in designing benefit packages, and assists those for whom the cost of long-term care insurance may be prohibitive. Allows CalPERS long-term care enrollees to benefit from pending federal legislation (H.R. 831, Johnson), which would allow an employer's contribution to a "cafeteria" or flexible benefits plan to pay for long-term care premiums. **Signed – Chapter 871/Statutes of 2002.**

Medi-Cal/Medicare

SB 1531 (Speier) – Allows a Medicare beneficiary to obtain a Medicare supplement insurance policy on a guaranteed basis if the Medicare+Choice plan (Medicare-HMO) reduces its benefits, increases the cost-sharing amount, or discontinues (for other than good cause relating to the quality of care) a provider currently furnishing services to the individual. **Signed – Chapter 555/Statutes of 2002.**

SJR 34 (Speier) – Memorializes the president and Congress to adopt legislation to cover all orally administered cancer therapies under Medicare coverage. **Adopted – Resolution Chapter 55/Statutes of 2002.**

AB 1914 (Kehoe) – Provides one hearing aid assessment within a 12-month period as a Medi-Cal benefit. Codifies Medi-Cal regulations relating to the coverage of hearing aids. **Signed – Chapter 704/Statutes of 2002.**

Prescription Drugs

SB 1278 (Speier) – Repeals the January 1, 2003, sunset date from a provision of existing law which requires a pharmacy to charge Medicare beneficiaries a price that does not exceed the Medi-Cal reimbursement rate for prescription medicines, plus an amount to cover electronic transmission charges. Requires DHS to conduct an outreach program to inform Medicare beneficiaries of their right to participate in the prescription discount program. **Signed – Chapter 542/Statutes of 2002.**

Residential Care Facilities and Nursing Homes

SB 339 (Ortiz) – Requires long-term care facilities to ensure that a resident's attending physician or a facility medical director, if available, completes the medical assessment of the resident's condition if transfer of the resident should be required. **Signed – Chapter 554/Statutes of 2002.**

SB 1804 (Escutia) – Provides that skilled nursing facilities and other immediate care facilities receive the same background checks as similar facilities and expands the types of people that need background checks to work in such facilities. **Vetoed.**

SB 1898 (Soto) – Limits application fees and regulates rate increases charged by residential care facilities for the elderly. **Signed – Chapter 557/Statutes of 2002.**

AB 1989 (Liu) – Requires nursing homes and other long-term care residential facilities to make reasonable efforts to contact specified persons within 24 hours of a significant change in a resident's health or mental status. The facility must contact the person designated in the resident's admission agreement. **Signed – Chapter 272/Statutes of 2002.**

AB 1961 (Canciamilla) and AB 1989 (Liu) – Permit a residential care facility for the elderly to obtain a waiver from the Department of Social Services to allow a person who has been diagnosed by his or her physician as being terminally ill to become a resident of the facility if that person is already receiving hospice care. **Signed - Chapter 109/Statutes of 2002.**

AB 2124 (Aanestad) – Authorizes DHS to retroactively suspend the canceled licenses of specified skilled nursing facilities. Permits DHS, upon the request of a facility, to retroactively place the facility's license in suspense for the purpose of finding the facility to be continuously licensed and in compliance with specified regulations. **Vetoed.**

Taxation

SB 1875 (Karnette) – Deletes a requirement that applicants for the Senior Citizens Property Tax Assistance Program submit a copy of their property tax bill or rental statements and allows the state Franchise Tax Board to prescribe the type of information needed to make a valid claim. **Signed – Chapter 399/ Statutes of 2002.**

AB 2216 (Keeley) - Allows a surviving domestic partner to inherit his or her deceased partner's separate property that passes intestate in the same manner as the surviving spouse of an intestate decedent. This provision becomes effective on July 1, 2003. **Signed – Chapter 447/Statutes of 2002.**

Agriculture

Farm Labor

Heavy attention focused on legislation by **Senate President pro Tempore John Burton** aimed at ending contract stalemates between farm laborers and growers. Thousands of members of the United Farm Workers union and their supporters gathered at the state Capitol in late August after a 10-day, 150-mile march from Merced to attempt to win Governor Davis' signature on the effort.

The quest for the governor's approval ultimately produced two Burton measures. The first, **SB 1736**, which was **vetoed**, would have required binding arbitration in deadlocked contract negotiations, while the later version, **SB 1156, Chapter 1145/Statutes of 2002**, instead imposes mediation.

A third measure, **AB 2596 (Wesson, Burton and Polanco), Chapter 1146/Statutes of 2002**, further refines **SB 1156**.

SB 1156 provides that an employer or union can file a declaration that the parties have failed to reach a collective-bargaining agreement, and request the Agricultural Labor Relations Board (ALRB) to order the parties to mandatory mediation and conciliation of their issues.

The third measure, **AB 2596**, amends the provisions of **SB 1156** to permit the filing of a demand with the ARLB for mediation when the parties have failed to reach agreement for at least one year after the date the labor organization made its initial request to bargain, the employer has committed an unfair labor practice, and the parties have not previously had a binding contract between them. This bill also limits the number of declarations a party can file with the board to 75 and provides that these mediation procedures would expire on December 31, 2007.

Farm-Worker Housing

AB 2043 (Salinas) – Clarifies that the Joe Serna Jr. Farm Worker Housing Grant Program may make grants or loans to rent or lease short-term housing for migrant farm workers if the state

Department of Housing and Community Development determines there are extraordinary or emergency circumstances. **Signed – Chapter 494/Statutes of 2002.**

ACR 236 (Salinas) – Creates an Agricultural Worker Health and Housing Commission to study the agricultural industry's ability to compete in the global marketplace and to make recommendations on ways to improve the housing and health conditions of agricultural workers. **Adopted – Resolution Chapter 178/ Statutes of 2002.**

Glassy-winged Sharpshooter

AB 1242 (Wiggins) – Allocates \$7 million in federal funds to the state Department of Food and Agriculture to compensate grape growers for vine losses resulting from Pierce's disease, spread by the glassy-winged sharpshooter. **Signed – Chapter 18/Statutes of 2002.**

Lands

SB 984 (Costa) – Establishes the Rangeland, Grazing and Grassland Conservation Act and makes the Wildlife Conservation Board the implementing agency to reduce the conversion of range land, grazing land and grass land to non-agriculture development. Provides for protecting the long-term sustainability of livestock grazing through the use of conservation easements and grants. **Signed – Chapter 984/Statutes of 2002.**

AB 2370 (Thomson) – Prohibits annexation of Williamson Act lands subject to conservation easements. **Signed – Chapter 614/Statutes of 2002.**

Organic Farming

AB 2823 (Strom-Martin) – Amends state organic regulations to harmonize with the federal regulations that will be fully implemented this fall. Includes pet food and cosmetics, opening up new potential markets for organic farmers. Broadens the regulatory authority of the state departments of Agriculture and Health Services over products labeled "organic." **Signed – Chapter 533/Statutes of 2002.**

Transportation

AB 1742 (Maldonado) – Exempts a truck-and-two-trailers combination used for transporting agricultural products from vehicle-length restrictions. **Signed – Chapter 560/Statutes of 2002.**

AB 2051 (Dickerson) – Allows specified vehicle combinations that transport agricultural biomass to have a total combined length of 75 feet and a front trailer that extends up to 32 feet. **Signed – Chapter 442/Statutes of 2002.**

AB 2751 (Pavley) – Requires Caltrans, upon receiving funds in the 2002 Annual Budget Act, to partner with the Air Resources Board, the Integrated Waste Management Board, and the Department of Food and Agriculture to conduct a demonstration project to evaluate the feasibility of using rice straw for sound-wall construction along highways. **Signed – Chapter 656/Statutes of 2002.**

Wildlife

SB 550 (Costa) – Extends the December 31, 2002, sunset of a law that allows for accidental killing of candidate, threatened, or endangered species resulting from inadvertent or ordinary negligent acts on a farm or ranch in the course of ongoing agricultural activities. **Signed – Chapter 32/Statutes of 2002.**

SB 1645 (Sher) – Eliminates an exemption that permits farmers and ranchers to kill mammals that are injurious to growing crops and other property. Also requires farmers and ranchers to obtain licenses for trapping. Non-game mammals requiring a trapping license include gophers, moles, coyotes, skunks and others. **Signed – Chapter 571/Statutes of 2002.**

Arts and Culture

Islam

AB 1828 (Campbell) – Makes it a misdemeanor punishable by fine or jail or both to sell foodstuffs as "halal," that is, prepared in accordance with strict Islamic regulations, when in fact they have not been so prepared. **Signed – Chapter 102/Statutes of 2002.**

Native Americans

SB 1816 (Chesbro) – Increases criminal and civil penalties for any person to willingly and knowingly excavate, remove, destroy, injure or deface a Native American historic, cultural, or sacred site, including any historic or prehistoric ruins, burial ground, or archeological site, inscription, rock art, or feature on public or private land. **Signed – Chapter 1155/Statutes of 2002.**

SB 1828 (Burton) – Requires a mandatory finding of significance if a proposed project will adversely affect a Native American sacred site and prohibits approval by a public agency of the proposed project unless the tribe accepts mitigation measures by the lead agency to offset any adverse impacts. **Vetoed.**

SB 2063 (Brulte) – Creates a task force within the Department of Parks and Recreation to assist the department in developing the California Indian Cultural Center and Museum. **Signed – Chapter 290/Statutes 2002.**

Arts and Music

AB 2807 (Firebaugh) – Extends to January 1, 2008, the date of repeal of a law that establishes the Local Arts Education Partnership Program, which coordinates community arts resources with the aim of strengthening arts instruction in public schools. **Signed – Chapter 497/Statutes of 2002.**

Bonds

Major bond measures cleared the Legislature in 2002 to build future educational facilities, housing and a high-speed rail system if California voters agree.

Public Schools, Colleges and Universities

AB 16, Chapter 33/Statutes of 2002, places on the November 5, 2002, general-election ballot a \$13.05 billion bond measure to finance construction and renovation of buildings and facilities for public schools, colleges and universities to meet the demands of a growing population. The bill, authored by **Assemblymember Robert Hertzberg**, also puts before voters a second \$12.3 billion bond issue for education facilities on the primary-election ballot in 2004.

Titled the Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004, the bill's general-obligation bonds, if endorsed by California voters, will provide a total of \$21.4 billion for K-12 schools and \$4 billion for facilities on public higher-education campuses.

Housing and Emergency Shelter

Senate President pro Tem John Burton's SB 1227, Chapter 26/Statutes of 2002, puts on the November 2002 ballot the Housing Bond and Emergency Shelter Trust Fund Act of 2002. If approved by voters, it will authorize \$2.1 billion in general-obligation bonds for construction, purchase or renovation of housing for low-income families, students, farm workers, teachers and others.

The lion's share of the funds, \$910 million, would be used for multi-family housing with a priority on in-fill projects built close to rail transit, job centers and other urban amenities. Another \$200

million would be earmarked for farm-worker housing and \$195 million for emergency housing and assistance. Nearly \$300 million would be used for down-payment assistance for first-time homebuyers, including teachers who work at low-performing schools.

High-Speed Rail

SB 1856 (Costa), Chapter 697/Statutes of 2002, enacts the Safe, Reliable, High-Speed Train Bond Act for the 21st Century. If approved by voters in November 2004, it would provide \$9.95 billion in general obligation bonds to fund the planning and construction of a high-speed passenger or "bullet" train system in California. The proposed line would run from the San Francisco Bay Area to Los Angeles, with an initial network through the Central Valley from the Bay Area to Southern California possibly in operation by 2008.

The bill defines a "high-speed" train as capable of carrying passengers at speeds of at least 200 miles per hour where conditions permit.

Child Care and Development

SB 390 (Escutia) – Requires the state Department of Education to develop a master plan for child care and development in consultation with an oversight task force. **Vetoed.**

AB 1818 (Committee on Education) – Increases the likelihood that children with disabilities or at high risk of disability will receive child care and development services in state and federally subsidized child care and state preschool programs. The bill removes several barriers to the enrollment of children with exceptional needs in state-funded programs and provides for including services to children with disabilities in the measurement of program quality. **Signed – Chapter 1168/Statutes of 2002.**

AB 2311 (Chu) – Streamlines provisions of the Education Code that deal with child care and development. **Signed – Chapter 435/Statutes of 2002.**

AB 2811 (Migden) – Eliminates a sunset provision and extends indefinitely a program that provides a grant of up to \$2,000 per academic year for higher education activities to child care center teachers and administrators. **Signed – Chapter 659/Statutes of 2002.**

AB 2874 (Florez) – Limits to six children the number of related children who may be cared for by a caregiver without that caregiver needing to apply for a family child care license from the Department of Social Services. (Under current law, when the children are related, there is no limit to the number of children who may be cared for by a relative – and no license is required.) **Vetoed.**

AB 2954 (Simitian) – Adds an element to county and city general plans: the land-use portion of general plans amended after January 1, 2003, would have to address the distribution of child-care centers. **Vetoed.**

Civil Rights

A number of high-profile civil rights issues reached the governor's desk in the 2002 legislative session. These include how to remove barriers to employment and independence for disabled Californians, how to encourage the state to do a better job of providing bilingual written materials and interpreters and whether the law should bar pre-dispute arbitration agreements between an employer and employee who waive rights under the Fair Employment and Housing Act.

Disabilities

AB 925 (Aroner) – Puts in place a number of strategies designed to remove barriers to employment and independence for Californians with disabilities. Provides integrated health care and employment support to adults in the Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) programs. **Signed – Chapter 1088/Statutes of 2002.**

AB 3035 (Committee on Judiciary) – Clarifies current disability discrimination laws as they apply to the state's open-meetings laws. Inserts into the open-meetings laws a reference to the existing obligations under federal law regarding disability discrimination. Adds race and national origin to the list of protected classes for purposes of access to state programs. **Signed – Chapter 300/ Statutes of 2002.**

Education

AB 2295 (Oropeza) – Requires the state Department of Education and the California Postsecondary Education Commission to contract for a report on interscholastic athletics in this state, if sufficient money is appropriated for this purpose through the budget or another bill. This report is due by January 1, 2004. **Signed – Chapter 1060/Statutes of 2002.**

Housing

AB 1926 (Horton) – Allows a property owner to have stricken any provision in a deed that is deemed by the county recorder to contain unlawful restrictions based on race, color, religion, sex, familial status, marital status, disability, national origin or ancestry. **Signed – Chapter 803/Statutes of 2002.**

Proposition 209

Proposition 209, a state constitutional amendment, was approved by California voters in 1996. It bans discrimination or preferential treatment based on race, ethnicity and gender in public employment, education and contracting. In implementing Proposition 209, public entities were uncertain as to what kinds of outreach strategies were permissible. **SB 1045 (Polanco), Chapter 1165/ Statutes of 2002**, clarifies permissible modes of outreach such as allowing job announcements in Spanish-speaking newspapers to encourage diversity in public contracting and public employment.

Remedies

SB 1945 (Kuehl) – Redefines the time for filing a complaint with the state Department of Fair Employment and Housing for an alleged violation of California's hate crimes prohibition (the Ralph Civil Rights Act), for a period of one more year from the date the aggrieved person became aware of the identity of a person liable for an alleged violation and in no case more than three years. **Signed – Chapter 490/Statutes of 2002.**

State Services for Immigrants

Under the Dymally-Alatorre Bilingual Services Act, state agencies are required to distribute non-English language written materials and employ bilingual persons through each local office that serves a substantial number of non-English-speaking individuals. **SB 987 (Escutia)**, which was **vetoed**, would have required that state departments proactively implement the act, including identifying deficiencies and developing implementation plans to comply. The bill would have authorized the State Personnel Board to monitor, investigate and enforce the act.

Workplace Issues

SB 1538 (Burton) – Makes it an unlawful employment practice to require an employee to waive any rights or procedures under the Fair Employment and Housing Act (FEHA), and makes unenforceable any pre-dispute arbitration agreement between an employer and employee that waives such rights or procedures. Prohibits an employer from taking any adverse employment action against a person for refusing to waive rights or procedures under the FEHA. Creates stringent rules for employers who seek a voluntary waiver of rights by an employee. **Vetoed.**

SB 2028 (Vasconcellos) – Creates the Employment Opportunity Fund to be administered by the Board of Governors of the community colleges for ensuring equal employment opportunity in hiring and promotion within the community colleges. **Signed – Chapter 1169/Statutes of 2002.**

AB 1309 (Goldberg) – Codifies an existing regulatory requirement that employers and labor organizations with 100 or more employees file annually a report on the gender and ethnic composition of their workforce with the Department of Fair Employment and Housing. **Vetoed.**

AB 1599 (Negrete McLeod) – Broadens a legal prohibition on employment discrimination based upon age by making all discrimination based upon age of individuals 40 and over in employment unlawful, except where expressly provided by law. Rejects the holding in *Esberg v. Union Oil Company of California* where the court ruled in favor of Union Oil. That decision said existing California law protected individuals over 40 only from hiring and firing decisions and not from discriminatory employment conditions such as paying for graduate education for younger workers but not older workers. **Signed – Chapter 525/Statutes of 2002.**

AB 2268 (Horton) – Requires each state agency to establish a pool of supervisory employees, known as Skelly officers, to review adverse actions taken against state civil service employees. Each state agency will reimburse the state Personnel Board for training costs. State agencies will track litigation costs associated with discrimination cases and report to the Legislature by February 1 of each year. **Vetoed.**

AB 2892 (Horton) – Permits state employees to pursue both civil service rights and discrimination complaints in proceedings before appropriate administrative agencies without risk that findings by the civil service agency will prevent or raise undue procedural obstacles to the prosecution of independent discrimination claims. **Vetoed.**

Miscellaneous

SB 1411 (Speier) – Prohibits a health care service plan and a health insurer from imposing a co-payment or deductible for hospital maternity services that exceed the most common amount of the co-payment or deductible imposed for services provided for other covered medical conditions. **Signed – Chapter 880/ Statutes of 2002.**

AB 797 (Shelley) - Seeks to protect the confidentiality of addresses of reproductive health care services providers and their employees, volunteers and patients. **Signed – Chapter 380/Statutes of 2002.**

AB 2651 (Chu) – Makes explicit the current rights of children and providers in the foster care system relating to sexual orientation and religion. **Vetoed.**

Consumers

Protecting consumers and investors from fraud and privacy violations emerged as themes in 2002.

Accounting fraud became a national issue with revelations that corporate giants from Enron to WorldCom kept billions of dollars in losses off their books. Accounting firm Arthur Andersen came under fire for its role in Enron's collapse. As shaken investors sent the stock market plummeting, Congress passed and President Bush signed legislation to crack down on corporate accounting malfeasance.

In California, Governor Davis put his signature on bills to complement the federal legislation. **AB 270 (Correa and Figueroa), Chapter 231/Statutes of 2002**, will make California the first state to put a public-member majority on its state Board of Accountancy. It also strengthens state accountancy laws and grants the board direct subpoena powers. **AB 2873 (Frommer and Correa), Chapter 230/Statutes of 2002**, specifies information standards for audits and requires audit records to be retained for seven years. **AB 2970 (Wayne), Chapter 232/Statutes of 2002**, prohibits accounting-firm employees from going to work for a firm's clients within 12 months of providing audit services.

AB 55 (Shelley), Chapter 1015/Statutes of 2002, increases corporate disclosure and creates a restitution fund for victims of corporate fraud. Included among disclosure requirements will be the annual compensation paid to each member of the board of directors and each executive officer,

including the number of any shares, or options for shares, that were not available to other employees of the corporation.

Fraudulent uses of so called "instant loan" checks – unsolicited checks that arrive in the mail for consumers to cash as loans – are targeted by **SB 1926, Chapter 772/Statutes of 2002**, authored by **Senator Jim Costa**. The bill is aimed at protecting consumers from having their loan checks found and used by someone else. Since consumers don't ask for these checks, and thus don't know when they are sent, this type of fraud usually doesn't surface until a consumer is billed for a loan that someone else is enjoying.

The measure also is designed to ensure that consumers who do cash the checks understand that they are going to be encumbered with loans and interest charges.

The bill will forbid lenders to produce, advertise or distribute in California any "instant loan" check unless the document clearly bears the following phrase in 12-point type: "This is a loan or an extension of credit. You will pay charges." Printed material accompanying the check will have to advise the consumer to void and destroy the live check if it is not going to be negotiated.

These loan solicitations will have to be mailed in envelopes with no indication that a negotiable instrument was contained in the mailing, and envelopes will be marked with "do not forward" instructions.

The Costa bill could not take effect unless a companion measure, **SB 399 (Ackerman), Chapter 480/Statutes of 2002**, also was enacted to specify the rights of shareholders when corporations convert to other types of business entities.

In the consumer-privacy arena, **AB 2297 (Simitian)** would have enacted the Online Privacy and Disclosure Act of 2002 to require Web site operators who collect identifying information about Californians to post and comply with a privacy policy. The measure was **vetoed**.

Cemeteries and Funerals

SB 17 (Figueroa) – Requires the Cemetery and Funeral Bureau to inspect the books, records, and premises of any cemetery for which a certificate of authority from the bureau is required. Requires the bureau to have access to all books, records, buildings, mausoleums and storage areas during specified times. The bureau would have to conduct at least one annual unannounced inspection of a cemetery for which a certificate of authority is required. Also prohibits a person from serving as a cemetery or crematory manager without a license from the bureau. Becomes operative on July 1, 2003. **Signed – Chapter 819/Statutes of 2002.**

SB 1952 (Figueroa) – Requires a cemetery's management to provide a copy of

the state-mandated consumer guide for funeral and cemetery purchases to a consumer prior to drafting a contract for cemetery services. Requires the Cemetery and Funeral Bureau to study third-party casket retailers and report to the Department of Consumer Affairs and the Joint Legislative Sunset Review Committee by September 1, 2004. **Signed – Chapter 825/Statutes of 2002.**

Checkout Scanners

AB 2732 (Washington) – Requires business establishments that use automatic checkout systems to conspicuously display the price to be paid by the consumer. Requires display, at least once, of all price reductions, surcharges, taxes, and the total amount for each transaction prior to payment by the consumer. **Signed – Chapter 818/Statutes of 2002.**

Physicians

SB 1950 (Figueroa) – Gives patients a right to see if their doctor has been involved in multiple malpractice suits by requiring public disclosure on the Internet of three or more settlements of

more than \$30,000 in 10 years. For high-risk specialties, the threshold is four or more settlements. Also requires the Medical Board of California to publicly disclose civil judgments of any amount against physicians that are not overturned by appeal. Revocations, suspensions, probation orders, and limitations on medical practices also will be posted. **Signed – Chapter 1085/Statutes of 2002.**

Refund and Return Policies

SB 1872 (Bowen) – Requires a vendor that offers a policy allowing the return of goods or cancellation of services to provide the buyer a refund or credit the buyer's account within 30 days if the purchase was made by a form of payment other than a credit card and within seven days if made with a credit card. **Signed – Chapter 326/Statutes of 2002.**

AB 2473 (Simitian) – Requires businesses that have declared bankruptcy to honor gift certificates issued prior to the bankruptcy filing. **Signed – Chapter 997/Statutes of 2002.**

Pets

SB 1357 (Vincent) – Requires businesses that sell pet animals to provide written recommendations regarding the appropriate care, housing, equipment, cleaning, environment, and feeding of the animals. **Signed – Chapter 710/ Statutes of 2002.**

Solicitations and Renewal Notices

SB 1240 (Figueroa) – Makes it unlawful for a non-governmental entity to use a governmental seal or insignia that could be construed as representing a government connection in solicitations over the Internet. **Signed – SB 319/ Statutes of 2002.**

SB 1560 (Figueroa) – Provides that it is unlawful for a person to obtain a "do not call" list in order to become a broker of the list. **Signed – SB 698/Statutes of 2002.**

AB 1753 (Migden) – Requires magazine distributors to clearly place the subscription expiration date on all renewal notices mailed to its subscribers. **Signed – Chapter 191/Statutes of 2002.**

AB 1769 (Leslie) – Prohibits a business from transmitting unsolicited advertising to a cellular phone or pager equipped with short message capability, except in a limited number of cases, in which case the phone user can opt out of receiving the ads. **Signed – Chapter 699/Statutes of 2002.**

AB 2944 (Kehoe) – Allows a federal law prohibiting unsolicited fax advertisements to take effect. **Signed – Chapter 700/Statutes of 2002.**

Vehicles

SB 1331 (Speier) – Requires those who reconstruct salvage vehicles to obtain required inspections from the DMV and CHP prior to the sale of the vehicles, switching responsibility for the inspections from the first-time registrant to the person who rebuilt the vehicle. Requires that these vehicles have functioning supplemental restraint systems if they were originally manufactured with that type of seatbelt. **Signed – Chapter 670/Statutes of 2002.**

SB 1743 (Speier) – Specifies that a vehicle for which a salvage certificate has been issued may be titled and registered once it has complied with Vehicle Code requirements. Provides that the Department of Motor Vehicles shall ensure that the certificate is conspicuously distinguishable from a certificate of title and that the salvage certificate document includes the word "salvage." **Vetoed.**

Warranties

SB 1765 (Bowen) – Requires that warranty or product registration forms disclose that they are for product registration and that failure to return the form does not diminish the purchaser's

warranty rights. Takes effect January 1, 2004. **Signed – Chapter 306/Statutes of 2002.**

Other Measures

SB 500 (Torlakson) – Requires specified retail, cable television and utility companies to actively provide consumers with a mutually agreeable four-hour time window for service, and outlines procedures for appropriate notification if the service appointment is delayed. **Signed – Chapter 279/Statutes of 2002.**

SB 1239 (Figueroa) – Requires any consumer credit reporting agency or credit bureau to provide a consumer with up to 12 free copies of his or her credit file per year, upon the request of the consumer if the consumer is a victim of identity theft. **Signed – Chapter 860/Statutes of 2002.**

SB 1726 (Vasconcellos) – Imposes requirements on the construction of pools and spas with the aim of preventing injuries or death from entrapment in drains. Requires that a new swimming pool or spa have at least two circulation drains per pump and that small suction outlets be covered with anti-entrapment grates. **Signed – Chapter 679/Statutes of 2002.**

SB 1919 (Figueroa) – Increases the amount of the bond that contractors must file with the Contractors' State License Board from \$7,500 to \$10,000 as of January 1, 2004, and to \$12,500 as of January 1, 2007. Specifies that any amount of the contractor's bond in excess of \$7,500 will be exclusively for the benefit of homeowners damaged as a result of violations of Contractors State License Law. **Signed – Chapter 1123/Statutes of 2002.**

SB 1948 (Figueroa) – Requires warning labels on dietary supplements to be clear and conspicuous. Makes a violation an infraction punishable by fines. **Signed – Chapter 1006/Statutes of 2002.**

SBX2 68 (Battin) – Requires the Public Utilities Commission to consider, when establishing priorities in rotating blackouts, the potential effects of extreme temperatures on the health and safety of residents. **Signed – Chapter 2/ Statutes of 2002.**

AB 269 (Correa) – Incorporates this statement into the enabling statute for each board and bureau at the Department of Consumer Affairs: "Protection of the public shall be the highest priority for the (name of board or bureau) in exercising licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." **Signed – Chapter 107/Statutes of 2002.**

AB 2474 (Simitian) – Requires engine coolant or antifreeze containing ethylene glycol to include a chemical additive with a bitter taste to help prevent poisonings of animals or humans. **Signed – AB 998/Statutes of 2002.**

AB 2578 (Corbett) – Establishes a criminal penalty for contractors who misuse proprietary information gained through contracts with state agencies. **Signed – Chapter 1097/Statutes of 2002.**

AB 2656 (Corbett) – Requires that private arbitration companies collect and provide specified data regarding the type and quantity of consumer arbitrations they administer. Such arbitrations, in contrast to the proceedings of public courts, typically are secret. **Signed – Chapter 1158/Statutes of 2002.**

AB 2776 (Simitian) – Requires that homebuyers be provided with additional notice if the house they intend to purchase is located near an airport and may be subject to noises, vibrations or odors. **Signed – Chapter 496/Statutes of 2002.**

EDUCATION

Early Childhood through 12th Grade

Major themes in K-12 education legislation in 2002 include:

- Enacting a two-part school facilities bond act.
- Passing a number of budget trailer bills to implement provisions of the current and past year budget acts.
- Authorizing programs and funding available from the federal compensatory education law, the No Child Left Behind Act (NCLBA) of 2001.
- Refining the statewide student assessment system.
- Clarifying the state's new accountability system.
- Improving student health and fitness.
- Increasing school safety.
- Ensuring educational opportunities and positive outcomes for English-learners and students with disabilities.
- Improving the recruitment and retention of qualified teachers.
- Supporting professional development for school administrators.
- Improving funding and accountability of charter schools.

The following pages summarize significant bills in these and other categories.

In addition to the policy and fiscal themes outlined above, the Legislature embarked upon an ambitious effort to reevaluate and plan education services for youth from preschool through adulthood, a process that culminated during this legislative year. This effort was undertaken by the Joint Committee to Develop a Master Plan for Education – Kindergarten through University, established over two years ago.

As envisioned by Senate Concurrent Resolution 29 in 1999, the joint committee held numerous hearings at the Capitol, sponsored town hall meetings through-out the state and used an online forum in an effort to construct a new roadmap for California's public kindergarten-through-university system. **SCR 92 (Alpert)** was **adopted** to continue the joint committee another two years – until November 2004 – to further its work and recommendations.

After-School Programs

SB 1478 (McPherson) – Establishes 21st Century Community Learning Centers in accord with the 21st Century Community Learning Centers Program contained in the federal NCLBA. Allocates funds appropriated in the Budget Act of 2002 to provide training services, directs grants for providing family literacy services to specified schools. *This is an NCLBA implementation bill.* **Signed - Chapter 1036/Statutes of 2002.**

AB 1984 (Steinberg) – Establishes the 21st Century High School After-School Safety and Enrichment for Teens program to offer incentives for after-school enrichment programs for high school pupils. Requires a minimum of 10 such programs be established. The 2002 Budget Act provides \$2.5 million in federal funds for after-school programs in high schools. *This is an NCLBA implementation bill.* **Signed – Chapter 1025/Statutes of 2002.**

AB 2324 (Diaz) – Authorizes the California Department of Education (CDE) to approve an alternative plan for the operating hours of before- and after-school programs where the unique needs of a community, supported by documented evidence, support such an exception. **Signed – Chapter 495/Statutes of 2002.**

Assessment and Accountability

SB 319 (Alarcón) – Makes several changes to the eligibility requirements under the Teaching as a Priority Block Grant. Requires schools to demonstrate a decrease in teachers with emergency permits or waivers and a decrease in schools ranked in the bottom half of the API. The bill is applicable only when stable funding is provided in the Budget Act and defines stable funding as no more than a 5 percent variation in funding from one year to the next. **Signed – Chapter 668/Statutes of 2002.**

SB 1310 (Alpert) – Makes several changes to the Public Schools Accountability Act related to the implementation of sanctions within the Immediate Intervention/Under-Performing Schools Program (II/USP). Recasts various sanctions and uses the term "state-monitored school" for schools failing to meet growth targets and show significant growth. Requires the governing board of the school district to inform the parents and guardians of pupils enrolled at that school that it is a state-monitored school and that it is subject to certain sanctions. **Signed – Chapter 1035/Statutes of 2002.**

SB 1367 (Karnette) – Requires the state Board of Education (SBE) to periodically review and modify the state's academic content and performance standards, commencing in 2010. Requires the cycle of these reviews to coincide with the curriculum framework adoption process. **Vetoed.**

SB 1408 (Vasconcellos) – Requires the governing board of each school district that grants a high school diploma to annually compile the number of pupils, by grade level, who attempted and failed any part of the high school exit examination and who meet specified criteria. **Vetoed.**

SB 1453 (Alpert) – Creates the California Longitudinal Pupil Achievement Data System and requires, subject to the availability of federal funds, the CDE to contract for the development of proposals which will provide for the retention and analysis of longitudinal pupil achievement data on the Standardized Testing and Reporting (STAR), high school exit examination, and English language development assessments. **Signed – Chapter 1002/Statutes of 2002.**

SB 1868 (Torlakson) – Requires reporting of results of the physical performance (fitness) assessment. **Signed – Chapter 1166/Statutes of 2002.**

AB 312 (Strom-Martin and Vasconcellos) – Contains the product from a conference report on low-performing schools. Requires the CDE to establish a Statewide System of School Support to provide intensive and sustained support and technical assistance for school districts and county offices of education with schools in need of improvement. Allocates federal and state funding for corrective actions undertaken at schools in need of improvement related to the Immediate Intervention/Underperforming Schools Program and federal law. Establishes a 15-member liaison team, including 10 members appointed or designated by the Legislature, to advise the Superintendent of Public Instruction and the State Board of Education on all appropriate matters related to the implementation of the federal No Child Left Behind Act of 2001. Requires the board to provide the same information about meeting agenda items on the internet as it provides for board members. **Signed – Chapter 1020/Statutes of 2002.**

AB 1794 (Chavez) – Allows a school district to include, in its adult education program, courses of supplemental instruction in preparation for the high school exit examination (HSEE) for persons who complete grade 12 and have not passed the HSEE. Allows pupils who successfully pass the HSEE within six months of completing grade 12 to be eligible for high school diplomas. **Vetoed.**

AB 2001 (Diaz) – Requires the CDE, in consultation with the University of California and the California State University, to establish a task force to identify model programs, standards, and curricula relating to ethnic studies at the high school level. Requires the task force to submit its report to the governor and Legislature and make it available on CDE's website on or before January

1, 2004. **Vetoed.**

AB 2217 (Strom-Martin) – Creates a commission to develop a "quality education model" to identify the educational components, educational resources and corresponding costs that are necessary to provide the opportunity for a quality education to every pupil in California. A report comprising prototype models and the commission's findings and recommendations is due to the governor and Legislature no later than 12 months after the commission first convenes. **Signed – Chapter 1026/Statutes 2002.**

AB 2403 (Steinberg) – Requires the California Basic Educational Data System to include the number of foster children enrolled in education programs maintained by county superintendents of schools and school districts, as specified. Requires foster children status to be a data element included in the electronic statewide school information system administered by the California School Information Services. **Vetoed.**

AB 2507 (Rod Pacheco) – Requires state special schools – the school for the deaf and two schools for the blind – to put in place certain assessment and accountability measures for school employees and students. **Vetoed.**

AB 2531 (Steinberg) – Establishes the High School Pupil Success Act to provide grants and consultation to school districts for funding reform and redesign plans for their high school systems that will raise pupil achievement. The program shall be administered by the state superintendent of public instruction and the governor's secretary for education, in consultation with a specified advisory committee and others appointed by the secretary. **Signed – Chapter 1028/Statutes of 2002.**

AB 2600 (Pavley) – Requires the superintendent of public instruction to convene a High School Exit Examination Alternate Assessment Advisory Panel, with specified membership, to assist in design of alternate assessments for the high school exit exam. **Vetoed.**

AB 2676 (Wyland) – Requires the governing board of a school district to discuss at the public meeting where the governing board discusses the school district's Academic Performance Index ranking, as required by law, to also discuss their school district's standardized testing scores, the California English Language Development Test and local assessments. **Vetoed.**

Career-Technical Education

SB 1731 (Alarcón) – Requires the superintendent of public instruction, in consultation with school districts that include high schools, to develop a plan to better prepare students for life careers by providing them with a rigorous and high-level curriculum. **Vetoed.**

SB 1934 (McPherson) – Requires the superintendent of public instruction in consultation with an advisory group, to develop, and the SBE to adopt, a curriculum framework for career technical education. **Signed – Chapter 989/ Statutes of 2002.**

AB 2541 (Negrete McLeod) – Requires an applicant for a School-to-Career Interagency Partnership grant to demonstrate an instructional program advising pupils of an employee's and an employer's rights and obligations in the workplace. **Signed – Chapter 166/Statutes of 2002.**

AB 2886 (Wiggins) – Requires that the Average Daily Attendance (ADA) claimed for pupils in grades 9 or 10 enrolled in a regional occupational center or program (ROC/P) shall not exceed 10 percent of the ADA funded in the prior year for the ROC/P. **Vetoed.**

Charter Schools

SB 1416 (Polanco) – Extends until June 30, 2008, the authorization for the Los Angeles County Board of Education to operate the Soledad charter school serving "at risk" pupils. Also, the bill requires a county board of education that approves a charter school to establish an accountability system developed by the state superintendent of public instruction. **Signed – Chapter**

467/Statutes of 2002.

SB 1708 (Poochigian) – Clarifies that a charter school is allowed to report average daily attendance for eligible pupils who require extended-year services as part of an individualized education plan under the Individuals with Disabilities in Education Act. **Signed – Chapter 117/Statutes of 2002.**

SB 1709 (Poochigian) – Requires a charter school to transmit a copy of its annual independent financial-audit report for the preceding fiscal year to the controller and the local county superintendent of schools by each December 15. **Signed – Chapter 209/Statutes of 2002.**

SB 2039 (O’Connell) – Makes a charter school at which 70 percent or more of the pupils qualify for free or reduced-price meals eligible to receive a charter school facility grant. **Signed – Chapter 586/Statutes of 2002.**

AB 168 (Nation) – Extends until July 1, 2005, the controller’s authority to transfer funds to charter schools. **Signed – Chapter 36/Statutes of 2002.**

AB 1781 (Hertzberg) – Removes many of the instructional materials funds from the charter schools block grant. **Signed – Chapter 802/Statutes of 2002.**

AB 1994 (Reyes, Alquist, Cohn, Diaz, and Matthews) – Provides both technical and substantive changes in the charter school law regarding course credit transfer, school closures, financial reporting, monitoring, appeals to charter denials, approval of satellite sites, start-up dates, and limits on multi-site charters in school districts. **Signed – Chapter 1058/Statutes of 2002.**

Curriculum

SB 1770 (Burton) – Encourages school districts to comply with the SBE’s English Language and Arts Writing Arts Strategies on cursive handwriting standards whereby pupils are expected to write fluidly and legibly and would encourage school districts to teach methods of penmanship that may include the D’Nealian or Palmer methods of penmanship. **Signed – Chapter 508/ Statutes of 2002.**

AB 65 (Strom-Martin) – Establishes the Reading First Plan, administered by the CDE, to provide reading instruction to pupils in grades K-3 and to special education pupils in grades K-12. Establishes that this plan be funded from money allocated from the federal No Child Left Behind Act of 2001. *This is an NCLBA implementation bill.* **Signed – Chapter 730/Statutes of 2002.**

AB 1793 (Migden) – Requires the SBE to adopt content standards for physical education and requires CDE to monitor schools’ physical instruction to students. **Signed – Chapter 943/Statutes of 2002.**

AB 2326 (Frommer) – Requires the superintendent of public instruction to form an advisory task force to develop reading standards for Braille and requires the task force to report to the governor and to the Legislature’s education committees. **Signed – Chapter 653/Statutes of 2002.**

Early Childhood Education

AB 2068 (Briggs) – Expands the settings in which a credentialed special education teacher participating in the Assumption Program of Loans for Education (APLE) may teach to include specified pre-K programs. **Vetoed.**

Education Equity and Diversity

AB 2003 (Koretz and Wyland) – Establishes the Holocaust and Genocide Education Act of 2003. Creates a California Task Force on Holocaust, Genocide, Human Rights, and Tolerance Education. Establishes the Center for Excellence on the Study of the Holocaust, Genocide, Human Rights, and

Tolerance as a pilot program at California State University, Chico. **Signed – Chapter 702/Statutes of 2002.**

AB 2295 (Oropeza) – Requires the CDE and the California Postsecondary Education Commission to prepare a report on interscholastic athletics in this state, covering students in grades 7-12 and in the public higher education institutions. The report would address findings and recommendations related to the percentage of participating women athletes, percentage of funding, percent-age of scholarships, and overall level of compliance with Title IX by educational institutions in this state. **Signed – Chapter 1060/Statutes of 2002.**

AB 2604 (Oropeza) – Requires the California Research Bureau in consultation with the CDE and Commission on Teacher Credentialing to contract with an independent evaluator to study the availability and effectiveness of cross-cultural training for teachers. **Vetoed.**

Education Budget and Finance

SBX3 1 (Peace) – Provides for General Fund reductions to the 2001-02-state budget as outlined in the governor's proposed budget with specified amendments. Reduces General Fund expenditures in the current year by \$2.2 billion, including \$857 million in reductions for K-12 education (and \$56 million in higher education) programs. **Signed – Chapter 1/Statutes of 2001-02 – Third Extraordinary Session.**

SBX3 5 (Peace) – Makes technical, statutory changes necessary to implement the reductions and adjustments to the K-12 education portions of 2001 Budget Act as delineated in **SBX3 1 (Peace)**. **Signed – Chapter 2/Statutes of 2001-02 – Third Extraordinary Session.**

AB 1100 (Simitian) – Revises provisions relative to funding for charter schools and basic aid school districts. *This is a budget trailer bill.* **Vetoed.**

AB 2998 (Budget Committee) – Conforms statutes to changes made in the budget to charter school block grant funds by allowing charter schools to receive funding for instructional materials, as realigned by **AB 1781 (Hertzberg), Chapter 802/Statutes of 2002**, through the Charter School Categorical Block Grant. Charter schools would not have to apply separately for instruction materials funding. *This is a budget trailer bill.* **Vetoed.**

AB 2138 (Firebaugh) – Requires the annual fiscal audit of school districts include local bond funds and revises audit penalty procedures to prevent double penalties in districts with declining enrollments and makes other technical revisions to school district audit and budget procedures. **Vetoed.**

AB 2217 (Strom-Martin) – Establishes the California Quality Education Commission effective July 1, 2003, to develop a Quality Education Model for establishing school costs that allow pupils to meet state academic performance standards. A report comprising prototype models and the commission's findings and recommendations is due within 12 months after the commission first convenes. **Signed – Chapter 1026/Statutes of 2002.**

AB 2781 (Oropeza) – Contains numerous statutory provisions necessary to implement the education portion of the 2002 Budget Act. **Signed – Chapter 1167/Statutes of 2002.**

AB 2785 (Oropeza) – Makes corrections to **AB 3008 (Oropeza), Chapter 99, Statutes of 2002**, which appropriated \$503 million to adult education programs in the 2001-02 fiscal year. Specifies that the appropriation is instead from the balance of the Proposition 98 Reversion Account, other specified amounts appropriated in the Budget Acts of 1999, 2000, and 2001, and the Child Care Facilities Revolving Fund. *This is a state budget trailer bill.* **Signed – Chapter 444/Statutes of 2002.**

AB 2834 (Migden) – Revises statutes governing the annual fiscal and compliance audits of school districts. **Signed – Chapter 1128/Statutes of 2002.**

AB 3008 (Budget Committee) – Reappropriates \$1.8 billion in Proposition 98 funding to the California State University in the current fiscal year, and appropriates \$503.4 million from the Proposition 98 Reversion Account to Adult Education programs in the current fiscal year. *This is a state budget trailer bill.* **Signed – Chapter 99/Statutes of 2002.**

AB 3011 (Budget Committee) – Appropriates \$1 billion from the General Fund to K-12 and Community College Proposition 98 programs in the 2002-03. These funds must be allocated by August 1, 2002. This appropriation will be applied toward the 2002-03 fiscal year minimum funding requirements for school districts and community college districts under provisions of Proposition 98. *This is a state budget trailer bill.* **Signed – Chapter 101/Statutes of 2002.**

English-Learners

SB 1595 (Escutia) – Consolidates into a single code section the rights of parents of California's K-12 students. States that parents of English-learners are to be notified of their children's scores on tests of English-language development and of their right to request a waiver allowing their child to be placed in an educational program other than English immersion. Re-authorizes and simplifies statutes that require schools and school districts to establish English-learner parent advisory committees. **Signed – Chapter 1037/Statutes of 2002.**

SB 1665 (Polanco) – Makes various changes to state law related to the provision of appropriate standards-aligned English language development curriculum and instructional materials for English learner pupils. Contingent upon **SB 1310 (Alpert)**, **AB 1818 (Assembly Education Committee)** and **AB 2347 (Goldberg)**. **Vetoed.**

SB 2083 (Polanco) – Establishes the English Learner and Immigrant Pupil Federal Conformity Act, which is meant to ensure that instructional services are provided to pupils with limited English proficiency in conformity with federal requirements as specified in Title III of the NCLBA. *This is an NCLBA implementation bill.* **Signed – Chapter 1014/Statutes of 2002.**

AB 741 (Firebaugh) – Makes various changes to the Public Schools Accountability Act in references to English learner issues. It also requires the reclassification criteria for English learners to include the mastery of academic content appropriate for the pupil's age or grade. **Vetoed.**

Governance

SB 1308 (Alpert) – Increases the maximum compensation that members of a school board, a county board of education, or a community college governing board may receive. Also deletes a provision of current law that allows voters to reject a compensation increase by majority vote in a referendum established for that purpose. **Vetoed.**

AB 2363 (Firebaugh) – Specifies criteria for four of the 11 members of the SBE. Requires that the entire membership of the board should be representative of the geographical regions of the state. Requires the board to make background materials publicly available as a part of current requirements for noticing meetings. **Vetoed.**

Incarcerated Youth and Adults

AB 323 (Pavley) – Requires the CDE, in conjunction with the state Department of Finance and the Legislative Analyst's Office, to conduct a sample study to assess the special education needs of pupils who are enrolled in juvenile court schools operated by county offices of education. **Vetoed.**

AB 2496 (Steinberg) – Revises court and probation procedures to help move juveniles more swiftly from secure juvenile detention facilities to non-secure facilities, such as foster homes or community care facilities. **Vetoed.**

AB 2750 (Wesson) – Allows a school district or county board of education to report an increase in average daily attendance as specified for schools or classes for adults in correctional facilities. **Signed – Chapter 1067/Statutes of 2002.**

Instructional Aides

SB 1405 (O'Connell) – Makes several modifications to current law regarding paraprofessionals to clarify and align state laws to the recently enacted federal Title I programs under the NCLBA. *This is an NCLBA implementation bill.*

Signed – Chapter 1080/Statutes of 2002.

Instructional Materials & Educational Technology

SB 192 (O'Connell) – Establishes the Education Technology Grant Act of 2002 to provide educational technology grants to school districts, county offices of education and charter schools serving pupils in grades 4 to 8 and in grade 9, as specified. Grants would have to conform to provisions of Title II, Part D of federal No Child Left Behind Act of 2001 and would be funded from federal funds appropriated for these purposes. *This is an NCLBA implementation bill.* **Signed – Chapter 582/Statutes of 2002.**

AB 885 (Daucher) – Authorizes secondary school student participation in an online interactive course to count as instructional time for the purpose of generating school funding. Eligible schoolsites shall apply to the superintendent of public instruction and shall be approved based on a first-come, first-serve basis. No more than 40 schools may operate an online course and no school district may have more than five schools that operate an online course. **Signed – Chapter 801/Statutes of 2002.**

AB 1781 (Hertzberg) – Repeals specified provisions of the California Classroom Library Materials Act of 1999. Establishes the Instructional Materials Funding Realignment Program, which provides funding to school districts to purchase instructional materials. Authorizes school districts to use funding from the Instructional Materials Fund to purchase supplemental materials and classroom library materials. **Signed – Chapter 802/Statutes of 2002.**

School Administrators

SB 1655 (Scott) – Authorizes the Commission on Teacher Credentialing to issue an expedited credentialing route for school administrators fashioned after the alternative credential route for teachers in SB 57 (Scott) of 2001. **Signed – Chapter 225/Statutes of 2002.**

AB 2540 (Steinberg) – Requires the superintendent of public instruction to award incentive funding to provide school district and county office superintendents with instruction and training. **Vetoed.**

School Facilities

SB 572 (O'Connell) – Authorizes school districts, whose application for hardship assistance was approved by the state Allocation Board on or after July 1, 2000, to use hardship funds to reimburse the costs of loan origination fees incurred for bridge financing obtained to begin new construction or modernization projects while awaiting state bond funding. **Vetoed.**

SB 1673 (McPherson) – Changes requirements to permit a school facilities grant for demolishing a single-story building and replacing it with a multi-story building. **Vetoed.**

SB 1915 (Alarcón) – Revises the statutory formula for calculation of school district deferred maintenance apportionments and required local matching funds. **Signed – Chapter 1084/Statutes of 2002.**

AB 16 (Hertzberg, Wesson, Leonard, Firebaugh, Goldberg, Strom-Martin, Alpert, Chesbro) – Enacts the Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004, and specifies procedures for the expenditure of the funds. The measure authorizes two statewide bond measures – one on the November 2002 general election ballot and one on the primary election ballot in March 2004. If approved by voters, these bonds would provide \$25.4

billion for K-12 and higher education facilities: \$13.05 billion in 2002 and \$12.3 billion in 2004. Of these totals, \$21.4 billion would be available for K-12 education facilities and \$4 billion for higher education facilities. The bill also makes other changes in the state school construction program.

Signed – Chapter 33/Statutes of 2002.

AB 2424 (Goldberg) – Authorizes school districts to form a district-wide local school construction authority to perform the school construction duties of the school board. Ultimate responsibility and liability for the conduct and completion of all school construction projects shall remain with the school district. The state Allocation Board shall adopt regulations to distribute funds for approved projects administered by local school construction authorities. **Vetoed.**

AB 2466 (Firebaugh) – Authorizes any school district to apply savings from school facilities projects to the district's required maintenance funding and requires that local governing boards annually discuss the condition of the fund at a public hearing. **Vetoed.**

AB 2588 (Hertzberg) – Establishes the School Facilities Collaborative Implementation Advisory Commission, conditioned upon available funds in the Budget Act. The commission would determine the "best practices" for school-community collaboration in developing successful schools, as defined, and advise the state Allocation Board regarding adoption of those practices. The commission would report annually to the Legislature. **Vetoed.**

School Health

SB 1632 (Perata) – Requires every school site to allow pupils to use sunscreen during the school day without a physician's note or prescription, and authorizes school sites to set a policy related to the use of sunscreen. **Signed – Chapter 266/Statutes of 2002.**

AB 481 (Firebaugh) – Requires that schools without school nurses where diabetic pupils are enrolled train and designate administrators to assist diabetic children who are unable to perform their own blood sugar tests or administer their own diabetes medication. **Vetoed.**

AB 1905 (Longville) – Establishes a three-year pilot program requiring participating school districts, in conjunction with existing scoliosis screening programs, to screen pupils for an elevated risk of developing Type 2 diabetes mellitus. The pilot program involves three school districts selected by the CDE – one each from Contra Costa, Merced, and San Bernardino counties. **Vetoed.**

AB 2136 (Florez) – Requires the superintendent of public instruction to appoint a state School Health Advisory Council to make recommendations regarding model health services programs that directly serve pupils and practices by January 1, 2004. **Vetoed.**

AB 2532 (Rod Pacheco) – Requires the SBE to adopt maximum weight standards for textbooks used by students in elementary and secondary schools by July 1, 2004. **Signed – Chapter 1096/Statutes of 2002.**

AB 2741 (Chan) – Creates the Children's School Readiness and Health Council in the Health and Human Services Agency to, among other things, promote policy development in regard to children's school readiness and health. The council is required to provide a study to the Legislature, by January 2004, which assesses coordination and funding streams. The council is required to report to the Legislature on progress involving the duties of the council, as specified, commencing January 2004. **Vetoed.**

AB 2817 (Maddox) – Requires that instruction for sex education courses must advise pupils of the Safe Arms for Newborns Law, SB 638 (Brulte), Chapter 824/Statutes of 2000, which allows mothers to anonymously surrender an infant up to 72 hours old at a hospital emergency room or other designated location without fear of prosecution. **Signed – Chapter 1099/Statutes of 2002.**

School Safety and Violence Prevention

SB 1656 (Scott) – Closes gaps in current law that hinder or delay the revocation of credential holders and denial of applications of individuals convicted of sex offenses that required registration as sex offenders. **Signed – Chapter 471/ Statutes of 2002.**

SB 1667 (Vasconcellos) – Establishes the Double Your CASH Program to guide the development of school safety plans that assure a safe physical school environment, assure that every school is a safe, accepting, nurturing, emotional environment and provide every pupil with resiliency skills. **Signed – Chapter 506/Statutes of 2002.**

AB 355 (Havice) – Allows school districts to use School Community Policing Partnership Grant Program funding for the school resource officer positions established after January 1, 2003. **Signed – Chapter 120/Statutes of 2002.**

AB 2198 (Lowenthal) – Requires a school principal to notify parents and each school employee of a violent crime occurring on the school site. **Signed – Chapter 735/Statutes of 2002.**

AB 2593 (Rod Pacheco) – Provides that it is unlawful for a person who is not a student, officer, or employee to return to campus after being directed to leave without following the posted requirements to contact the administrative offices of the campus, as specified. **Signed – Chapter 343/Statutes of 2002.**

Special Education

SB 1911 (Ortiz) – Requires the state Department of Mental Health to develop, in consultation with specified entities an analysis of the increased federal funding, savings to the state General Fund and the county mental health system, and improvements that could be realized to specified programs for the provision of mental health services by applying for a federal medicaid waiver or by adopting a state option to provide home- and community-based services, to children with mental health care needs. **Signed – Chapter 887/Statutes of 2002.**

SB 2012 (Margett) – Conforms California's special education statutes to federal laws and regulations relating to the Individuals with Disabilities Education Act in the area of interagency agreements. **Signed – Chapter 585/Statutes of 2002.**

AB 164 (Harman) – Authorizes grants, subject to the availability of federal funds, to be allocated and administered by the CDE to support alternative dispute resolution programs for resolving special education disputes. **Vetoed.**

AB 1859 (Papan) – Revises and recasts certain provisions of state law relating to the education of a pupil with exceptional needs by school districts, county offices of education and special education local plan areas to conform those provisions with the federal Individuals with Disabilities Education Act (IDEA), including provisions relating to the suspension and expulsion of students with disabilities. **Signed – Chapter 492/Statutes of 2002.**

AB 1895 (Wright) – Prohibits an employee or a contractor of a school district, county office of education or a special education local plan area from directly or indirectly using official authority or influence to intimidate, threaten, coerce or interfere with the right of a person to obtain services for an exceptional needs pupil. **Signed – Chapter 944/Statutes of 2002.**

AB 1907 (Dickerson) – Requires the state to "pass through" to school districts any increase in federal special education funding received by the state, beginning no later than the 2004-05 fiscal year. The bill provides that the "pass through" requirement will be effective beginning no later than the 2003-04 fiscal year if specified state education funding conditions are met. **Vetoed.**

AB 2507 (Rod Pacheco) – Requires the state special schools for blind and deaf pupils to put in place certain assessment and accountability measures for employees and students. Provides that the state special schools shall be eligible to apply for and receive categorical education funds, unless otherwise prohibited by law. Requires the CDE, before January 1, 2005, to conduct a study and report to the Legislature its findings concerning the recruitment of special state school teachers

and methods by which special state schools may graduate more pupils. **Vetoed.**

Student Support Services

SB 1677 (Alpert) – Strengthens and clarifies existing law as it relates to surrogate parents and responsible adults who make educational decisions for the child. Requires the CDE to develop a model surrogate parent training module and manual. Enactment is contingent upon enactment of sections of **AB 886 (Simitian and Daucher)**, described below. **Signed – Chapter 785/ Statutes of 2002.**

AB 886 (Simitian and Daucher) – Requires appointment of a responsible adult to make educational decisions for wards and dependents of the court when those rights are removed from their parents or guardians. Disqualifies a person with a conflict of interest from serving as a responsible adult for the child. **Signed – Chapter 180/Statutes of 2002.**

AB 2025 (Corbett) – Requires the CDE to convene a voluntary working group to develop a master plan for pupil support services, due to the governor and the Legislature by January 1, 2005. **Vetoed.**

Supplemental Instruction

SB 1671 (Escutia) – Allows districts to continue providing remedial instruction to *all* students in grades 2 through 6 who are at risk of retention, delaying the 5 percent student enrollment cap that is scheduled to take effect on January 1, 2003. This bill gives school districts the authority and funding to offer additional instructional time to all students in grades 2 through 6 who are at risk of not moving on to the next grade level. Enactment was contingent upon enactment of **AB 2130 (Simitian)**, described below. **Vetoed.**

AB 2130 (Simitian) – Repeals and extends supplemental instruction programs to allow school districts to continue providing supplemental instruction to pupils in grades 2 through 9 who are at risk for retention. Enactment was contingent upon enactment of **SB 1671 (Escutia)**. **Vetoed.**

Teachers – Preparation and Recruitment

SB 2029 (Alarcón) – Authorizes the Commission on Teacher Credentialing to issue district intern certificates to school district employees to provide classroom instruction to special education students. **Signed – Chapter 1087/Statutes of 2002.**

AB 2575 (Leach) – Expands the ways an individual can qualify for a single-subject teaching credential, by allowing individuals with professional and education expertise in their field to obtain a professional single subject credential if they meet specified qualifications. Provisions of this bill were contingent upon enactment of **SB 1646 (Alpert)**, which failed passage. **Vetoed.**

AB 2950 (Strom-Martin) – Extends the California Subject Matter Project operated by the University of California, until June 30, 2007. **Signed – Chapter 463/Statutes of 2002.**

Teachers – Salaries and Benefits

SB 1580 (Burton) – Requires that certain members of the State Teachers Retirement Board be elected by the members of the State Teachers' Retirement System (STRS) rather than appointed by the governor. **Signed – Chapter 1049/Statutes of 2002.**

SB 1983 (Soto) – Makes several changes to the benefit and investment programs administered by STRS and to beneficiary options. Allows STRS to acquire and develop surplus land owned by school districts for sale to third parties and leaseback to school districts. Appropriates \$1.8 million from the Teachers' Retirement Fund to STRS to maintain and enhance the level of customer service. **Signed – Chapter 903/Statutes Of 2002.**

AB 2444 (Dutra) – Requires the Department of Personnel Administration to consider making

salaries for teachers, specialists, administrators of the state special schools and diagnostic centers competitive with the salaries of similarly qualified school teachers, specialists, and administrators who are employed by the encompassing school districts. **Signed – Chapter 1043/Statutes of 2002.**

Other Measures

SB 1253 (Figueroa) – Repeals the prohibition on pupil possession of electronic signaling devices and authorizes school district governing boards to regulate pupil possession of such devices. Allows school district governing boards to regulate the possession and use of electronic signaling devices (cell phones, pagers, etc.) by pupils while on campus or attending school functions. Assures that no pupil is prohibited from using an electronic device if it is determined to be essential for the pupil's health. **Signed – Chapter 253/Statutes of 2002.**

AB 634 (Wesson) – Makes kindergarten compulsory for children between the ages of 5 and 6 years of age who enroll in a public school kindergarten for at least 30 days during the school year. Exempts children from compulsory kindergarten if their parent or guardian withdraws them before the 30th day of attendance. **Vetoed.**

AB 1818 (Education Committee) – Makes a number of changes in education statutes as a part of the omnibus education bill that makes a number of non-controversial, conforming, correcting, and technical changes to various education statutes and budget items. **Signed – Chapter 1168/Statutes of 2002.**

EDUCATION

Higher Education

A flurry of bills were approved this year that make college more affordable by limiting fees charged to students and strengthening financial aid opportunities. Several of these bills target specific student populations needing additional support to succeed in college, such as dependents of recipients of the Congressional Medal of Honor and dependents of individuals killed in the September 11th terrorist attacks. The Legislature also approved measures that provide financial assistance to students pursuing educational training that leads to work in high-demand fields such as nursing, social work and early-childhood development.

Additionally, a cluster of bills seeks to improve academic opportunities for students pursuing a higher education and increase support for key academic research.

Finally, the Legislature approved several labor measures that establish college and university policies for entering into new service contracts, and seek to strengthen policies regarding the hiring of community college full- and part-time faculty.

Student Fees and Financial Aid

SB 2008 (Speier) – Establishes the Assumption Program of Loans for Nursing Education (APLE-Nursing) to provide up to \$11,000 in loan-forgiveness benefits to eligible nursing students who pursue work in identified high-shortage areas, such as in a general acute care or acute psychiatric hospital or a community clinic, free clinic or a clinic run by a federally recognized Indian tribe. **Vetoed.**

AB 1381 (Florez) – Allows a pupil to be eligible for a Governor's Scholars award or Governor's Distinguished Mathematics and Science Scholars award if the pupil has been enrolled at a California public high school for a least 16 of the 24 months immediately preceding the administration of the test, instead of the current enrollment requirement of 12 consecutive months. **Signed – Chapter 1055/Statutes of 2002.**

AB 1746 (Liu) – Prohibits the California State University (CSU) system and the California Community Colleges (CCC's) from collecting any fees or tuition from specified dependents of those

killed in the terrorist attacks of September 11th. Prohibits the CCC's from charging fees to specified dependents of law enforcement and fire personnel killed in the line of duty. These provisions are applicable to the University of California (UC) only if the Regents adopt a resolution to conform. **Signed – Chapter 450/Statutes of 2002.**

AB 1759 (Wesson) – Establishes a California memorial license plate to raise funds for the California Memorial Scholarship Fund and an Antiterrorism Fund. These resources would be used to fund educational scholarships for surviving spouses and dependents of victims of the September 11th attacks and to fund the California Resources to Combat Terrorism Program. **Signed – Chapter 38/Statutes of 2002.**

AB 1965 (Bogh) – Prohibits the UC, CSU and CCCs from charging mandatory student fees to any undergraduate student who is the recipient of, or a child of a recipient of, the Congressional Medal of Honor. This applies to UC only if the Regents adopt a resolution to conform. **Signed – Chapter 202/Statutes of 2002.**

AB 2068 (Briggs) – Expands the eligibility criteria for the Assumption Program of Loans for Education (APLE) to include students who agree to teach four years in a child-development program or early-childhood program coordinated by a school district or county office of education. The candidate must receive an early-childhood special education specialist credential or other special education credential to be eligible. **Vetoed.**

AB 3045 (Assembly Higher Education Committee) – Conforms several provisions in state law to federal law regarding the Golden State Scholarshare Trust Act. **Signed – Chapter 406/Statutes of 2002.**

Expansion of Academic Preparation and Support for Research

SB 1339 (Vasconcellos) – Requests the Office of the President of UC to assist high schools in maintaining accurate UC-approved course lists. Also requires the state superintendent of public instruction to advise the high schools of the importance of making available the current course lists. **Signed – Chapter 320/Statutes of 2002.**

SB 1365 (Speier) – Extends the expiration date of the California Breast Cancer Research Fund from January 1, 2003, to January 1, 2008. Also specifies that UC may use up to 5 percent of the money allocated from this fund to administer and market the program. **Signed – Chapter 484/Statutes of 2002.**

SB 1771 (Alarcón) – Requests the UC Regents to identify for the Legislature by March 1, 2003, the resources that exist for developing and coordinating curriculum and research on diversity. **Signed – Chapter 1083/Statutes of 2002.**

SB 1796 (Scott) – Makes a one-time General Fund appropriation of \$140,000 to the CCC chancellor for awarding competitive grants to up to six community colleges to support a pilot program for providing expanded services for Extended Opportunities Programs and Services (EOPS) students. These expanded services would focus on providing "learning community services." **Vetoed.**

AB 1616 (Lowenthal) – Appropriates \$460,000 from the General Fund to CSU for interactive television, Internet-based courses, and other off-campus options for providing instruction to persons training to teach visually-impaired students. **Signed – Chapter 617/Statutes of 2001.**

AB 2202 (Alquist) – Requires CSU to provide academic courses and training in the field on gerontology for professional personnel who serve the senior population. **Signed – Chapter 551/Statutes of 2002.**

AB 2626 (La Suer) – Modifies existing law to provide for the crediting of additional units of full-time equivalent students, rather than average daily attendance, to community colleges who enroll pupils as special part-time students. This bill addresses the needs of gifted and talented pupils to

facilitate their enrollment in college courses and the benefits of a college education. Permits a community college district to apply for funding to reimburse parents or guardians for costs related to elementary or secondary school students' enrollment in the community college. **Vetoed.**

AB 2657 (Bogh) – Delays and phases in current law prohibiting the practice of assigning extra grade weight for honors courses unless the course has been approved by UC as an "honors" course. **Signed – Chapter 51/Statutes of 2002.**

AB 2920 (Aroner) – Establishes the California Center on Social Work Careers to recruit qualified individuals into the profession of social work. The measure also establishes the Social Work Careers Concurrence Committee to set priorities, goals and objectives to carry out the work of the center. **Vetoed.**

ACR 178 (Diaz) – Requests the UC Regents to implement a comprehensive review of admissions processes for their graduate and professional schools by the end of 2002-03 academic year. This resolution also requests UC, before the end of the 2002-03 academic year, to prohibit the use of standardized test scores as the sole or primary criterion of an applicant's admission into graduate or professional programs. **Adopted – Resolution Chapter 142/Statutes of 2002.**

ACR 189 (Longville) – Urges the trustees of CSU to establish a Chicano/Latino Studies Department at CSU, San Bernardino. CSU San Bernardino has one of largest Latino student populations in the state, yet has no Chicano/Latino Studies program. **Adopted – Resolution Chapter 170/Statutes of 2002.**

Teacher Credentialing

SB 1655 (Scott) – Authorizes the Commission on Teacher Credentialing to issue administrative services credentials in an alternative expedited fashion. **Signed – Chapter 225/Statutes of 2002.**

SB 1656 (Scott) – Requires the Commission on Teacher Credentialing to deny the application or revoke the credential of any teacher who is required to register as a sex offender under any other state or federal law. **Signed – Chapter 471/ Statutes of 2002.**

Labor Issues

SB 1419 (Alarcón) – Establishes standards for the use of personal service contracts in California school districts and community college districts for the purpose of achieving cost savings, if certain conditions are met. **Signed – Chapter 894/Statutes of 2002.**

SB 2066 (Burton) – Precludes UC from contracting out for work if that work is currently being done by union employees. **Vetoed.**

AB 2146 (Chu) – Authorizes local community college districts to collectively bargain on whether part-time faculty at colleges offering winter inter-session courses can be counted toward the 60 percent work threshold for temporary, part-time faculty. **Signed – Chapter 85/Statutes of 2002.**

AB 1788 (Reyes) – Requires specified UC service contractors to enter into card-check agreements with any labor organization that seeks representation of employees. A card-check agreement allows public or private employees to select representation based on signed authorization cards rather than through a regular election. **Signed – Chapter 1040/Statutes of 2002.**

Workforce Development

SB 1566 (Polanco) – Reauthorizes the CCC's Economic Development Program (EDNet) as the CCC's Economic Workforce Development Program and extends the program's sunset date to January 1, 2008. The bill also modifies the mission of the program to include working with

representatives of labor and trade associations to develop alternatives for assisting incumbent workers to enhance their long-term employability. **Signed – Chapter 544/Statutes of 2002.**

AB 2967 (Wright) – Makes several changes to increase the Bureau for Private Postsecondary and Vocational Education's oversight of institutions, such as clarification of the bureau's role in verifying program and ownership information and including in its annual report a statistical summary of complaints filed, the disposition of those complaints and the enforcement action related to the complaints. **Signed – Chapter 581/Statutes of 2002.**

Other Legislation

SB 2028 (Vasconcellos) – Commencing January 1, 2004, creates the Equal Employment Opportunity Fund within the state treasury to be administered by the CCC Board of Governors to promote equal employment opportunities in hiring and promoting within the CCC's. This fund functionally replaces the current Faculty and Staff Diversity Fund. **Signed – Chapter 1169/Statutes of 2002.**

AB 2295 (Oropeza) – Requires the state Department of Education and the California Postsecondary Education Commission to contract jointly with an independent evaluator to prepare a report on interscholastic athletics in the state. The report shall include findings relating to the percentage of funding, the percentage of scholarship and the overall level of compliance with Title IX by educational institutions in the state. Title IX of the Education Amendments of 1972 is federal law that prohibits sex discrimination in schools and other educational programs receiving federal funds. **Signed – Chapter 1060/ Statutes of 2002.**

AB 2583 (Chu) – Creates a Statewide Task Force on Sexual Assault to gather data on sexual assaults on California colleges and universities. The task force would submit a report to the Legislature on or before April 1, 2004. **Signed – Chapter 1066/Statutes of 2002.**

Elections and Political Reform

California's March 2002 presidential and state primary election generated an unusually low turnout that sparked debate over returning the primary to its traditional spot in early June. However, that practice historically has left the state out of contention in deciding presidential nominations because its primary has trailed those of other states.

To address these dual concerns, **SB 1975 (Johnson)** would have restored the statewide primary election to the first Tuesday after the first Monday in June of each even-numbered year, while retaining the presidential primary election on the first Tuesday in March in presidential election years. Governor Davis **vetoed** the bill.

Californians in November 2002 will consider a citizens' initiative, Proposition 52, to allow citizens to register to vote on election day. In a similar vein, the Legislature sent Governor Davis **AB 51 (Oropeza)** to permit new citizens to register to vote beginning two weeks before an election up until the polls close at 8 p.m. on election day. That bill was **vetoed**.

Absentee Ballots

AB 2277 (Keeley) – Requires the secretary of state to provide local election officials with a uniform electronic application format for absentee ballots. **Signed – Chapter 753/Statutes of 2002**

Conflict of Interest

AB 1797 (Harman) – Requires state and local public officials, when they have a financial interest in a pending decision, to publicly identify the financial interest giving rise to a conflict of interest and to recuse themselves and leave the room until the matter is concluded. **Signed – Chapter**

233/Statutes of 2002.

SB 1620 (Knight) – Requires a member of a board or commission of a newly created agency to file statements of economic interests according to Political Reform Act requirements until the agency adopts an approved conflict-of-interest code. **Signed – Chapter 264/Statutes of 2002.**

Contributions

SB 1741 (Johnson) – Requires the recipient of a late contribution to report whether the contribution was made in the form of a loan. **Signed – Chapter 211/Statutes of 2002.**

Elections

AB 1776 (Leslie) – Allows the board of supervisors of a general-law county with a population of 50,000 or less to call a special election to fill a vacancy on its board should the governor fail to fill the vacancy within 180 days of receiving notice of the vacancy. **Vetoed.**

AB 2598 (Committee on Elections, Reapportionment ad Constitutional Amendments) – Requires a specified notice in a newspaper in the city where a municipal election is to be held not later than one week before the election. Permits all mail-ballot elections on the last Tuesday in August of each odd-numbered year. **Signed – Chapter 344/Statutes of 2002.**

AB 2760 (Simitian) – Provides procedures for expedited special elections to fill vacancies in congressional offices caused by natural or man-made catastrophes. **Signed – Chapter 658/Statutes of 2002.**

Political Expression

SB 976 (Polanco) – Provides that an at-large method of election may not be imposed in a manner that results in the dilution or abridgement of the right of registered voters who are members of a protected class by impairing their ability to elect candidates of their choice or to influence the outcome of an election. **Signed – Chapter 129/Statutes of 2002.**

Voter Registration

SB 1412 (Romero) – Enacts the Student Voter Registration Act of 2002, which requests the regents of the University of California and requires the trustees of the California State University and the board of governors of each community college district to make voter registration forms available at central campus locations. **Vetoed.**

SB 1796 (Polanco) – Limits the penalties for specified misdemeanors (generally involving "interference" with authority) committed for purposes of political expression and that do not threaten to or actually cause physical harm to property or persons. **Vetoed.**

AB 2759 (Shelley) – Requires school districts to adopt procedures for the distribution of voter registration cards to high school seniors. Also encourages schools to give students community-service credit for participating in election-related events. **Vetoed.**

Voting Technology

SB 2095 (Johnson) – Requires a committee that makes an independent expenditure of \$1,000 or more during an election cycle in connection with a candidate for elective state office or a state ballot measure to file, within 24 hours, online a report disclosing the expenditure. Also requires that this information be linked to the part of the Web site that the secretary of state maintains concerning the candidate or ballot measure. **Signed – Chapter 511/Statutes of 2002.**

AB 2525 (Jackson) – Requires the secretary of state to ensure voting technology and systems used by visually impaired individuals are equivalent to those provided to sighted individuals. **Signed – Chapter 950/Statutes of 2002.**

AB 2642 (Maddox) – Authorizes the secretary of state to eliminate any requirement that additional paper copies be submitted of campaign disclosure reports filed on-line. **Vetoed.**

Energy and Utilities

Before emergency actions by the Legislature, Governor Davis, and the federal government helped quell the state's energy crisis of 2000-2001, California endured rampant wholesale prices for electricity and natural gas and a series of rolling blackouts throughout the state. The market finally stabilized after two legislative sessions were called to deal with the crisis, long term contracts were signed, and the Federal Energy Regulatory Commission (FERC) initiated a market mitigation plan for the state.

Among the lasting effects of the dysfunctional electricity marketplace is the continuing role of the state's Department of Water Resources (DWR) in the purchase of power used by the customers of the independently-owned utilities – Pacific Gas and Electric (PG&E), Southern California Edison and San Diego Gas & Electric.

Although California's electricity consumers continue to write a check to their utility to pay for their monthly bill, the power they receive is now being purchased by the state. Past power purchases made by the state on behalf of consumers are to be repaid through the sale of revenue bonds. Going forward, these purchases are to be paid for through a rate agreement between the utilities, DWR and the California Public Utilities Commission (PUC). The details of the rate agreement are still being worked out by the PUC and the DWR.

The DWR's authority to purchase power on behalf of the utilities expires at the end of the year. There has been much speculation as to whether the utilities will be willing and able to resume their procurement and distribution role on behalf of their customers. Rate increases put in place by the PUC early on in the crisis, coupled with lower electricity prices, have helped stabilize the IOUs' financial situation. Utilities are now concerned about the way these funds will be divided up under the rate agreement when they resume their role as power purchasers.

During the two special sessions held this past year, and as part of the regular session, the Legislature held hearings to examine the issues involved with the dysfunctional market, the state's role in power purchases and forward contracts, the type and amount of energy supply, and the energy efficiency, renewable energy, and conservation actions needed to keep the state from a crisis in the future. PG&E's bankruptcy plan was the focus of legislative scrutiny. Of particular concern to the state in the PG&E bankruptcy is the fate of the company's vast hydroelectric holdings throughout Northern California.

And finally, in the wake of recent front-page revelations involving Enron's market manipulation and questionable accounting practices, FERC has opened an investigation to include other generators and traders selling into the California wholesale energy market. Generators and energy trading companies are now providing information to the FERC on their buying and trading practices that siphoned millions from the state and its consumers.

Ironically, energy companies that produce electricity now say they are facing financial hardship due to investor skittishness in the wake of Enron's allegations. This could negatively affect the state's future energy supply because planned some power plants have been postponed indefinitely.

2001-2002 Legislation

In order to deal quickly with the energy emergency, Governor Davis issued an executive order asking the Legislature to convene an extraordinary session, which opened in January 2001. During that first session, the Legislature passed a series of bills to deal with the energy crisis, most notably SB 5X and SB 6X.

In May of 2001, the first extraordinary session was closed to allow signed energy legislation to go into effect (in 90 days under procedural rules) and a second extraordinary session was opened that same month to continue the needed expedited schedule to deal with the energy issues that remained. The second session was closed in the spring of 2002.

Bills from the first extraordinary session are marked with an "X1" and those from the second extraordinary session are designated with an "X2."

Governance and Oversight

SB 1389 (Bowen) – Consolidates and updates the California Energy Commission's (CEC) reporting requirements into one integrated report, requires the reporting of the energy data needed from new market participants, and develops and maintains the capability to produce the required analyses.

Signed – Chapter 568/Statutes of 2002.

SB 1753 (Bowen) – Requires the Independent System Operator (ISO) to conduct its operations consistent with applicable state laws and the public interest, and requires the ISO to manage the grid and related energy markets in a manner that makes the most efficient use of available energy resources, assuring the least overall economic cost to consumers. **Signed – Chapter 847/Statutes of 2002.**

Consumers

SB 500 (Torlakson) – Requires specified retail, cable television and utility companies to provide consumers with a mutually agreeable four-hour time window for service, and outlines procedures for appropriate notification if the service appointment is delayed. **Signed – Chapter 279/Statutes of 2002.**

SBX2 68 (Battin) – Requires the PUC to consider, when establishing priorities in a rotating blackout, the potential effects of extreme temperatures on the health and safety of residential users. **Signed – Chapter 2/Statutes of 2002.**

SBX2 85 (Burton) – Prohibits the PUC from raising electrical rates to pre-10-percent-rate-reduction levels solely because the mandatory rate reduction period has expired. **Signed – Chapter 7/Statutes of 2001-2002, 2nd Extraordinary Session.**

AB 58 (Keeley) – Requires electric service providers to make net metering applications available on the Internet, and to timely process net metering applications from eligible customers. Continues net metering for projects over 1 megawatt. The Legislature passed SB 656 (Alquist), Chapter 369/Statutes of 1995, requiring electric utilities to buy back any electricity generated by a customer-owned solar electric system. This buy-back program is known as "net metering" because the net electricity generated by a customer is credited against electricity consumed. **Signed – Chapter 836/Statutes of 2002.**

AB 80 (Havice) – Exempts Cerritos and San Marcos from the direct access suspension, which would authorize them to act as community "aggregators" to band together customers' electrical load and purchase power directly from energy companies, thus providing direct access service to their residents, who are in the Southern California Edison territory. **Signed – Chapter 837/Statutes of 2002.**

AB 117 (Migden) – Allows for an exemption to the ban on direct access issued by the PUC for cities and counties that choose to aggregate consumers' electrical load on an opt-in basis. "Community choice" aggregators would be required to file an implementation plan with the PUC and would be required to pay specified proportional amounts for public goods charges and to the DWR for the costs of procuring power for the state. **Signed – Chapter 838/Statutes of 2002.**

Renewables/Biomass

SB 1078 (Sher) – Requires retail sellers of electricity to increase the share of electricity they provide that comes from renewable sources to at least 20 percent by 2017. The bill requires a 1 percent increase per year to reach that goal. Defines a retail seller to include investor-owned utilities (IOU's), and, once specified conditions are met, community choice aggregators and electric

service providers. Directs the PUC to order IOUs to enter into contracts for renewable energy resource generators for at least 10 years' duration, unless the PUC approves shorter terms. The standard would apply to new contracts between private energy companies and electricity consumers; it would not apply to municipal or publicly owned utilities. **Signed – Chapter 516/Statutes of 2002.**

SB 1038 (Sher) – Reinstates, continues, and modifies components of the Renewable Energy Program, Investment Plan and the Public Interest Energy Research, and enacts special provisions allowing the city of Davis and California State University, Fresno, to designate "benefiting accounts" to receive credit for the electricity generated by a particular photovoltaic electricity generation facility and a biomass facility, respectively. **Signed – Chapter 515/Statutes of 2002.**

SB 1534 (Bowen) – Requires solar-energy systems installed by property owners to meet the latest standards for safety and performance. Deletes the existing standards and replaces them with the current standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories, such as Underwriters Laboratories. Requires solar-energy systems to comply with any applicable rules of the PUC regarding safety and reliability. **Signed – Chapter 570/Statutes of 2002.**

SBX2 82 (Murray) – Requires the Department of General Services to install, where feasible, solar-energy systems on existing state buildings and parking facilities, by January 2007, and on state buildings and parking facilities commencing construction after December 2002. Defines "feasible" as the availability of sufficient unencumbered roof space, taking into account geographic location, and life-cycle cost analysis. **Signed – Chapter 10/Statutes of 2001-2002, Second Extraordinary Session.**

This legislation is expanded and modified by **AB 1881 (Pescetti), Chapter 561/Statutes of 2002**, which requires the Department of General Services and the CEC to ensure that solar-energy equipment is used "where feasible" on public buildings. It includes solar thermal technologies in the definition of solar-energy equipment and modifies the definition of feasible to require adequate space adjacent to a building, in addition to on a building, when considering applicable technologies. Requires that the value of stable energy costs be considered when determining cost-effectiveness of projects under the law.

AB 2228 (Negrete McLeod) – Creates a pilot program for net-metering of small (less than 1 megawatt) customer-owned electric generation projects fueled by methane produced by specified biogas digester technologies. **Signed – Chapter 845/Statutes of 2002.**

ABX2 48 (Wright) – Creates the Solar Training, Education and Certification Act to encourage the use of solar-energy systems. **Signed – Chapter 17/Statutes of 2002.**

Market Fixes

SB 1976 (Torlakson) – Requires the CEC to report on the feasibility of implementing real-time pricing tariffs for electricity as a way to reduce or shift peak demand. The bill also sets up a process by which an investor-owned utility may obtain a determination that its proposed electricity procurement expenses will be deemed reasonable, and therefore recoverable from ratepayers, before the procurement expenses are incurred. **Signed – Chapter 850/Statutes of 2002.**

Municipal Utilities

SB 1755 (Soto) – Allows county water districts and municipal water districts to provide, generate, and deliver electric power, and to construct, operate, and maintain works, facilities, improvements, and property for that generation and delivery. Prohibits those districts from acquiring property employed in the generation or delivery of electric power, except by mutual agreement between the district and the property owner. **Signed – Chapter 848/Statutes of 2002.**

Investor-Owned Utilities

SBX1 39 (Speier/Burton) – Requires the PUC and the Independent System Operator to form a committee to adopt standards for the operation and maintenance of power plant facilities in California. Requires the PUC to implement and enforce standards adopted by the committee to assure plants located in California are available to serve the state's consumers. Makes the PUC responsible for enforcement of the power plant outage schedule and protocols adopted by the ISO. **Signed – Chapter 19/Statutes of 2002.**

AB 57 (Wright) – Establishes a process under which an IOU may be assured that its electricity procurement expenses will be recoverable in customer rates, if that procurement is conducted consistent with a PUC-approved procurement plan. **Signed – Chapter 835/Statutes of 2002.**

Energy Efficiency

SB 1790 (Bowen) – Requires the PUC to develop a program for residential and commercial customer air-conditioning load control. **Signed – Chapter 601/ Statutes of 2002.**

SBX2 84 (Burton) – Requires the CEC to develop a program to provide battery backup power for traffic-control signals that the CEC, in consultation with cities and counties, determines to be of high priority, and specifies that up to \$10 million in existing state funds shall be made available for the projects. **Signed – Chapter 6/Statutes of 2001-2002, Second Extraordinary Session**

AB 1561 (Kelley) – Requires the CEC to establish by January 1, 2004, a 9.5 water-efficiency factor for residential clothes washers manufactured after January 1, 2007. Requires the CEC to petition the federal Department of Energy by April 1, 2003, for an exemption from any relevant federal regulations governing energy-efficiency standards. Requires the CEC to report its progress to the Legislature by January 1, 2004. **Signed – Chapter 421/Statutes of 2002.**

Power Plants and Distributed Resources/Generation

SB 1269 (Peace) – Requires a project owner to commence power plant construction within 12 months of CEC certification. Authorizes the CEC to revoke its certification or impose penalties if a project owner fails to meet construction milestones without demonstrating good cause. Authorizes the CEC to extend the start of construction an additional 12 months if the project owner reimburses the CEC for its costs of licensing the project. Allows a project owner to sell its license, which would reset the 12-month deadline for the new project owner. **Signed – Chapter 567/Statutes of 2002.**

AB 1235 (Leslie) – Exempts four Truckee hydroelectric projects, along with any other projects that are located outside the state and are owned by a company whose primary place of business is outside the state, from a two-year moratorium on power plant sales enacted under **ABX1 6 (Dutra), Chapter 2, Statutes of 2001-2, First Extraordinary Session.** Such a sale can only be approved if the PUC finds that the sale is in the public interest. **Signed – Chapter 840/Statutes of 2002.**

Environmental Quality

This session many of the environmental-quality bills that were sent to the governor dealt with the disposal of hazardous materials into municipal landfills. There were a number of bills that restricted the disposal of low-level radioactive materials and set standards for their disposal. Legislation was approved to deal, for the first time, with the disposal of computer monitors. Also passed was a bill to bring the San Francisco Bay Area into the enhanced smog check program.

Cathode Ray Tubes

SB 1523 (Sher) – Requires manufacturers or retailers to collect a fee after January 1, 2004, for each cathode ray tube (CRT) product they sell to consumers in the state. The funds would be used by the Integrated Waste Management Board for a CRT recycling and refurbishment program. **Vetoed.**

SB 1619 (Romero) – Requires the Integrated Waste Management Board to use funds in the Cathode Ray Tube Recycling Account, which **SB 1523** would create, to provide:

- Grants to local governments to establish programs for collecting and processing cathode ray tubes,
- Annual recycling incentive payments to CRT material handlers that collect and process cathode ray tubes and CRT devices, and
- Grants to nonprofit agencies that recycle and refurbish cathode ray tubes and CRT devices for reuse.
- Grants to manufacturers of CRT devices to encourage consumers to return the devices for processing, recycling, or reuse and to assist manufacturers in collecting, processing, recycling, or reusing CRT devices.
- A public information program on the hazards of improper CRT storage and disposal. **Vetoed.**

Compost

AB 2356 (Keeley) – Requires the Department of Pesticide Regulation to make determinations regarding the residues in compost created by lawn and turf uses of clopyralid and to impose appropriate restrictions on those uses or cancel the uses that are likely to result in persistent residues in compost. Prohibits anyone, except a licensed pest control dealer, from selling a pesticide that contains the active ingredient clopyralid. **Signed – Chapter 591/ Statutes of 2002.**

Emissions

AB 1493 (Pavley) – Requires the Air Resources Board to develop and adopt, by January 1, 2005, regulations that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and any other vehicles determined by the state board to be vehicles whose primary use is noncommercial personal transportation in the state. **Signed – Chapter 200/ Statutes of 2002.**

AB 2637 (Cardoza) – Establishes an enhanced vehicle inspection and maintenance program (Smog Check II) in the San Francisco Bay Area basin. Smog Check II programs are required only in urbanized areas of the state in which any part is classified by the U.S. Environmental Protection Agency as a serious, severe, or extreme non-attainment area for carbon monoxide. This bill is intended to decrease Central Valley pollution, some of which originates in the Bay Area. **Signed – Chapter 1001/ Statutes of 2002.**

AB 2650 (Lowenthal) – Requires each marine terminal in the state to operate in a manner that does not cause diesel trucks to idle for more than 30 minutes while waiting to enter the gate at the terminal. Establishes fines for marine terminals that cause diesel trucks to idle for more than 30 minutes. **Signed – Chapter 1129/Statutes of 2002.**

Environmental Justice

SB 1542 (Escutia) – Requires the state Integrated Waste Management Board to provide local jurisdictions and businesses with information to assist with consideration of environmental justice concerns – namely, avoiding disproportionate levels of pollutants in low-income regions – regarding siting elements for solid waste disposal facilities. **Signed – Chapter 1003/ Statutes of 2002.**

SB 1927 (Soto) – Requires the Omnitrans Joint Powers Authority to contract with an independent third party to prepare for the Legislature and governor a report on the environmental and public health impacts of transit bus fueling stations located within its jurisdiction. Requires the authority to conduct public hearings with state, local and community groups. **Signed – Chapter 602/**

Statutes of 2002.

AB 2312 (Chu) – Creates the Environmental Justice Small Grant Program and requires the California Environmental Protection Agency to make grants to nonprofit organizations in communities with low-income and minority populations to facilitate community participation in permitting, remediation, and corrective actions, while reducing risks that these communities will be subject to additional environmental degradation. **Signed – Chapter 994/ Statutes of 2002.**

Environmental Regulation

SB 1393 (Romero) – Prohibits, after December 31, 2003, the manufacture, distribution, sale, donation or transfer of wood treated with an arsenic preservative unless the use of the product is allowed pursuant by registration of the preservative as a pesticide by the U.S. Environmental Protection Agency and by the state Department of Pesticide Regulation. **Signed – Chapter 1121/ Statutes of 2002.**

AB 467 (Strom-Martin) – Establishes the Landfill Closure Loan Program, to be implemented by the Integrated Waste Management Board, for providing loans to operators of unlined, older-technology landfills who are interested in early closure of their landfills. Requires the board to give loan priority to operators of landfills that, if closed, would create a potential threat to the public health, safety, or the environment. **Signed – Chapter 587/ Statutes of 2002.**

AB 2486 (Keeley) – Recasts the provisions concerning training and prosecution assistance programs for hazardous materials law enforcement to reflect a broader focus on environmental law. Transfers authority for these programs to the California Environmental Protection Agency. **Signed – Chapter 1000/ Statutes of 2002.**

Radioactivity

SB 1970 (Romero) – Prohibits the disposal of radioactive waste at hazardous-waste disposal facilities subject to state hazardous-waste control laws. Authorizes the Department of Health Services (DHS) to issue a hazardous waste facilities permit for the operation of a facility that would dispose of short-lived low-level radioactive waste in a separate cell or engineered structure if the facility meets specified design and operating conditions. **Vetoed.**

SB 2065 (Kuehl) – Requires DHS to establish reporting procedures through a public hearing process for low-level radioactive waste and would require generators of such waste to annually report specified information to the department. Requires the department to prepare an annual set of tables summarizing the data collected. **Signed – Chapter 891/ Statutes of 2002.**

AB 2214 (Keeley) – Prohibits DHS from issuing a license for the disposal of low-level radioactive waste, or renewing a license, unless the department determines that the siting, design, operation, and closure of the facility complies with specified federal regulations. Prohibits the department from issuing or renewing a license unless the design and construction of the facility meets specified requirements. Prohibits the proposed Ward Valley radioactive waste disposal site from serving as the state's facility for purposes of the Southwestern LLRL Disposal Compact. **Signed – Chapter 513/ Statutes of 2002.**

Recycling

SB 1346 (Kuehl) – Authorizes the Integrated Waste Management Board to award grants to local governmental agencies until June 30, 2006, for funding public works projects that use rubberized asphalt concrete from recycled tires. **Signed – Chapter 671/ Statutes of 2002.**

SB 1514 (Torlakson) - Require the state Department of Education to submit a report to the Legislature regarding beverage container recycling in California's public elementary, middle, and high schools. Authorizes the department to include in the report any recommended policies or programs that may increase beverage container recycling efforts in schools. **Signed – Chapter 504/ Statutes of 2002.**

Underground Storage Tanks

AB 2481 (Frommer) – Establishes requirements for each underground storage tank installed after March 31, 2003. Defines "product tight," for the purpose of those requirements, to mean impervious to the liquid and vapor of the substance that is contained. Expands the corrective action requirements and related provisions for petroleum underground storage tanks to apply those requirements to all underground storage tanks. **Signed – Chapter 999/ Statutes of 2002.**

Family Law

The often highly contentious area of family law was relatively quiet in the 2002 legislative session. The most controversial measure to pass the Legislature this year was **AB 2240 (Wright)**, a paternity-rights bill. **SB 1479 (Morrow)** also reached the governor's desk in the final days of the legislative session. Supporters had hoped this bill would encourage more couples to take a marital preparation class before getting married. This approach is part of a growing trend in the states to try to reduce divorce rates and protect children. Both

AB 2240 and **SB 1479** were **vetoed**.

Adoption

SB 1512 (Scott) – Enacts various provisions affecting the rights of biological parents when a child is put up for adoption, including notice and consent of the father and the rules on the placement of children between states under the Interstate Compact on the Placement of Children. **Signed – Chapter 260/ Statutes of 2002.**

AB 746 (La Suer) – Permits a nonresident adoptive parent to file a petition for adoption of a child in the county where the child resides rather than in the state where the adoptive parent resides. Requires the Department of Social Services or other authorized agency to review and endorse an updated and current home-study report conducted and approved by a licensed adoption agency or other authorized resource in the nonresident adoptive parent's state. **Signed – Chapter 1112/Statutes of 2002.**

Child Custody

SB 174 (Kuehl) – Allows four or more counties to establish confidential mediation in child custody or visitation disputes, provided money is appropriated in the annual budget. Confidential mediation means the mediator can only make recommendations to the disputing parties. If this confidential mediation fails to resolve the conflict, then non-confidential mediation, where the mediator makes a recommendation to the court, will occur. **Signed – Chapter 1077/Statutes of 2002.**

SB 1704 (Ortiz) – Provides that recently enacted standards for child custody evaluations in cases involving allegations of sexual abuse apply to court-connected as well as to private evaluators. The bill also supplements the minimum requirements of a child custody evaluation to include obtaining and reporting on any family history of domestic violence, child abuse, or substance abuse. **Signed – Chapter 305/Statutes of 2002.**

AB 2441 (Bates) – Requires the court to consider the risk of abduction of a child when making a decision regarding custody or visitation. If the risk of abduction exists, the court shall take steps to prevent it. **Signed – Chapter 856/Statutes of 2002.**

Community Property

SB 1936 (Burton) – Clarifies that the fiduciary relationship between spouses includes the same duty of care in the investment and management of community property attributable to business partners managing partnership property under the Uniform Partnership Act. **Signed – Chapter 310/Statutes of 2002.**

Domestic Partners

Legislation by Assemblymember Carol Migden established the legal authority of domestic partnerships in 1999 and substantially expanded the rights of domestic partners in 2001. The law defines domestic partnerships as a household relationship between adults of the same sex or opposite-sex partners, when one of these partners is over the age of 62.

AB 2216 (Keeley) – Extends the right of intestate succession (the rules that apply when someone dies without a will) to a decedent's domestic partner. Requires people already registered as domestic partners to receive notice of this new provision, and requires that notice is provided to people who register in the future. **Signed – Chapter 447/Statutes of 2002.**

AB 2862 (Migden) – Makes various technical changes to the rights of domestic partners including granting registered domestic partners the same post-retirement optional settlement election designating a spouse as the beneficiary that is now available to married retired members of the California Public Employees Retirement System. **Vetoed.**

Paternity Testing

AB 2240 (Wright) – Permits a paternity judgment established by default to be set aside if genetic testing indicates that the man established as the father in the default judgment is not the biological father. This action may be brought within two years after the moving party discovers, or through reasonable diligence should have discovered, the possibility that the previously established father is not the biological father. The bill permits the court to exercise its discretion to grant or deny the motion based on factors related to the best interest of the child. Allows, under limited circumstances, any previously established father to sue the biological father for back child support payments, costs, and attorney's fees, and for reimbursement for future support payments. Requires that a summons and complaint in future actions to establish paternity must be made by personal delivery to insure adequate notice to the presumed father. **Vetoed.**

Remedy for Non-Payment of Child or Spousal Support

SB 1399 (Romero) – Creates a new crime for ex-spouses who are under a valid order to pay temporary or permanent spousal support, if they flee the state to avoid paying the court-ordered spousal support. **Signed – Chapter 410/Statutes of 2002.**

SB 1658 (Soto) – Provides that, in an action to enforce a judgment for child, family, or spousal support, the defense of "laches" may be raised by the defendant and considered by the court only with respect to any portion of the judgment owed to the state. Laches is a defense raised against claims for payment of old debts. It may be applied when a court finds (1) the plaintiff has unreasonably delayed bringing suit to enforce payment, and (2) the delay has prejudiced the defendant to the extent that enforcing payment at this late date would be unfair or inequitable. **Signed – Chapter 304/Statutes of 2002.**

Services for Families

AB 2263 (Kehoe) – Requires the Judicial Council to allocate, from funds appropriated to the Judicial Council in the annual Budget Act, an amount not to exceed \$50,000 to conduct a study regarding projects or programs that provide services to assist children and their families while the parents are in the process of obtaining a divorce or a legal separation. **Vetoed.**

Marital Preparation Course

SB 1479 (Morrow) – Allows counties to reduce the marriage license fee by \$7 if the couple filing for a marriage license has completed a course given by a marriage preparation instructor who has registered with the county clerk and issues a certificate of completion to the couple to be filed with the clerk. This bill requires the state Department of Health Services to conduct a study and report to the Legislature by January 1, 2005, on the effectiveness and use by the public of the marriage license fee discount. **Vetoed.**

Gambling

AB 2399 (Committee on Governmental Organization) – Authorizes a person possessing a license to operate a gambling establishment to remove from its premises any person under the influence of a controlled substance. **Signed – Chapter 737/Statutes of 2002.**

AB 2869 (Horton) – Allows a licensed racing association to conduct mule races. Permits a reduction in purses and commissions with agreement from the racing association and the California Horse Racing Board. **Signed – Chapter 924/ Statutes of 2002.**

AB 2931 (Horton) – Authorizes funds from a designated marketing program, and also funds used for stabling and transporting horses, to be used to defray the cost of workers' compensation insurance for jockeys, thoroughbred trainers and stable employees. **Signed – Chapter 922/Statutes of 2002.**

AB 2965 (Wiggins) – Creates a misdemeanor and an alternate misdemeanor/ felony for cheating in gambling games or wagering events. **Signed – Chapter 624/Statutes of 2002.**

HEALTH

Health Care

Health care priorities enacted into law during the second half of the 2001-02 legislative session included expanding emergency medical services, authorizing Medi-Cal benefits to non-disabled persons with HIV, enhancing consumer protections by requiring public disclosure of physician malpractice settlements of more than \$30,000 and by adding two public members to the Medical Board of California that oversees physicians. Other measures expand the roles and responsibilities of the Department of Managed Health Care and impose additional requirements on managed care plans.

Reflecting ongoing state budget shortfalls, legislation was vetoed that:

- Would have required the state Department of Health Services (DHS) to develop an electronic process to enroll eligible newborn children into the Medi-Cal program;
- Would have required DHS to provide Medi-Cal applicants with information about program benefits, coverage and services and how to access those services;
- Would have simplified the documentation required of Medi-Cal and Healthy Families program applicants to what is required by federal law;
- Would have changed the Medi-Cal eligibility criteria by counting the income of only the principal wage earner;
- Would have allowed for medically needy Medi-Cal-eligibles, who have a share of cost, to voluntarily enroll in managed health care plans and primary-care case management;
- Would have required managed care plans contracting with the Medi-Cal program to provide culturally and linguistically appropriate services to recipients;
- Would have revised the formula used by DHS to calculate capitation rates to be paid to commercial plans, county organized health systems, etc., and
- Would have required DHS to consider the percentage of Medi-Cal patients in a community when deciding upon the reimbursement levels for physicians and dentists.

Successful bills will remove the expiration date on a program that provides Medi-Cal discounts on prescription drugs for Medicare beneficiaries and require the rebates that drug manufacturers receive for these programs to be passed along to Medicare recipients. Acknowledging the state's shortage of pharmacists, new laws also will require exploration of ways to alleviate this problem

and establish a scholarship and loan repayment program to encourage pharmacists to practice in medically under-served areas.

Governor Davis also signed legislation to make permanent a temporary ban on human cloning and declare that state policy permits research with human embryonic stem cells.

Emergency Medical Services

SB 807 (Dunn) – Provides for an additional \$200 assessment on specified moving violations to be deposited into the county Maddy Emergency Medical Services Fund and allocated to physicians, surgeons, and hospitals in a specified manner. **Vetoed.**

SB 1629 (Soto) – Creates a grant program for firefighters to receive EMT paramedic training. Authorizes utilizing the California Fire Fighter Joint Apprenticeship Program to administer the development of the paramedic training curriculum and the allocation of grant funds through reimbursement contracts with eligible state and local agencies that may in turn contract with educational institutions for the delivery of paramedic training. **Signed – Chapter 1050/Statutes of 2002.**

AB 687 (Hertzberg and Thomson) – Requires any local emergency medical services agency that has an established emergency medical services program but has not implemented a trauma care system to implement such a system by January 1, 2005. States that funds provided to local emergency medical services agencies for developing a trauma care plan shall offset the costs of this bill. **Vetoed.**

AB 1833 (Nakano) – Requires the disbursement of moneys from the Maddy Emergency Medical Services Fund to be made on at least a quarterly basis, requires that providers make at least two attempts to obtain reimbursement, requires each county to adopt a fee schedule and reimbursement methodology, and requires counties to make all reasonable efforts to notify physicians and surgeons of the availability of the Maddy Fund and the process for submitting claims. **Signed – Chapter 430/Statutes of 2002.**

AB 1988 (Diaz) – Requires the Emergency Medical Services Authority to convene a task force to study the delivery and provision of emergency medical services. Requires the task force, among other things, to develop a plan to ensure that all Californians are served by appropriate coverage areas for emergency and trauma services and that sufficient numbers of emergency departments and trauma centers exist to serve each area's population. **Signed – Chapter 333/ Statutes of 2002.**

AB 2067 (Nakano) – Requires DHS to work with a potassium iodide (KI) working group, coordinated by the Office of Emergency Services, to establish a program to oversee distribution of KI tablets to all persons who reside, work or attend school within the state-designated emergency planning zone of an operational nuclear power plant. Also requires DHS and the KI working group to develop plans for distribution and storage of the tablets, and coordinate with local health departments and local emergency management agencies. Requires DHS to report to the governor and Legislature regarding these programs by December 31, 2003, and provides that its provisions would only be implemented to the extent that funds are appropriated for that purpose. **Signed – Chapter 852/ Statutes of 2002.**

Health Information

AB 2191 (Migden) – Prohibits pharmaceutical companies or their agents from disclosing medical information about a patient without authorization. **Signed – Chapter 853/Statutes of 2002.**

AB 2459 (Diaz) – Requires DHS to approve and send an updated copy of the standardized written summary on alternative methods of treatment for prostate cancer to the Medical Board of California (MBC) each time the summary is modified and requires MBC to make the updated summary available to its physicians. Requires the DHS and MBC to update their Websites every time the summary is modified. **Signed – Chapter 531/Statutes of 2002.**

Health Facilities

AB 2271 (Aanestad) – Permits the DHS to waive any requirements in Title 22 of the California Code of Regulations that are in conflict with the federal requirements for designation in the federal Medicare Rural Hospital Flexibility Program for each hospital designated by DHS as a critical access hospital if DHS finds that it is in the public interest. **Signed – Chapter 752/Statutes of 2002.**

Health Insurance

AB 1401 (Thomson) – Creates a four-year pilot program to provide coverage to the medically uninsurable by both implementing changes in the Major Risk Medical Insurance Program and through market reforms in the health care insurance policy. Among the market reforms proposed are extension of coverage under both the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the state's Cal-COBRA, and changing the coverage of both conversion policies and coverage guaranteed by the Health Insurance Portability and Accountability Act. **Signed – Chapter 794/Statutes of 2002.**

Health Professionals

SB 564 (Speier) – Requires applicants for licensure as marriage and family therapists, licensed clinical social workers and psychologists to complete 15 hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies. **Signed – Chapter 481/ Statutes of 2002.**

SB 993 (Figueroa) – Deletes the Nurse Midwifery Practicing Act restriction on the furnishing of drugs or devices applicable to a nurse-midwife in solo practice. Removes the practice prohibition on a nurse-midwife in solo practice to dispense drugs or devices. Adds a provision requiring state departments to consult with the California Board of Registered Nursing in developing regulations that affect the scope of practice of a mid-wife. Includes nurse practitioners, under the provisions of this bill, allowing them to dispense drugs or devices. **Signed – Chapter 764/Statutes of 2002.**

SB 1589 (Perata) – Authorizes a registered dental hygienist in alternative practice to be an employee of specified clinics or public health entities. **Signed – Chapter 811/Statutes of 2002.**

SB 1907 (Murray) – Conforms California's law regulating physician referrals, and a corresponding section of California's workers' compensation law, to federal law and permits a licensee or immediate family member to provide services to entities to which they refer patients, provided safeguards are met. **Signed – Chapter 309/Statutes of 2002.**

SB 1950 (Figueroa) – Requires the public disclosure of physician settlements involving more than \$30,000 under specified conditions, increases the composition of the Medical Board of California by adding two public members, and requires an independent monitor to be appointed to evaluate the board's enforcement system. **Signed – Chapter 1085/Statutes of 2002.**

SB 1951 (Figueroa) – Extends the sunset date for the Acupuncture Board by two years, modifies licensing violations, and requests the Little Hoover Commission to conduct a comprehensive analysis and make recommendations on educational requirements, scope of practice, and replacing the state exam with a national one. **Signed – Chapter 714/Statutes of 2002.**

SB 2019 (Speier) – Authorizes a licensing agency to cite, fine, and deny the license renewal of a health care practitioner, or reject the license application of a prospective practitioner, who is in default on any specified educational loan. **Signed – Chapter 683/Statutes of 2002.**

AB 1943 (Chu) – Codifies and increases entry-level curriculum standards for acupuncturists. **Signed – Chapter 781/Statutes of 2002.**

AB 2020 (Correa and Matthews) – Requires a prescriber or registered dispensing optician to provide a patient with a copy of his or her contact lens prescription, with certain exceptions, specifies the requirements of an expiration date on a prescription, and requires that sellers other

than the prescriber must attempt to verify the prescription with the prescriber. **Signed – Chapter 814/ Statutes of 2002.**

AB 2064 (Cedillo) – Requires DHS to authorize training programs for counselors for publicly funded HIV testing programs. **Signed – Chapter 273/Statutes of 2002.**

AB 2165 (Strom-Martin) – Requires the Joint Legislative Sunset Review Committee to review the state's pharmacist shortage and to make recommendations to alleviate this problem. **Signed – Chapter 577/Statutes of 2002.**

AB 2194 (Jackson) – Requires all residency programs in obstetrics and gynecology to comply with the requirements for residency education in obstetrics and gynecology of the Accreditation Council for Graduate Medical Education. Specifies that the program be geared toward the development of competence in the provision of ambulatory primary health care for women, including training in the performance of abortion services. **Signed – Chapter 384/Statutes of 2002.**

AB 2196 (Lowenthal) – Specifies that a person who is licensed to practice podiatric medicine may use the phrases "doctor of podiatric medicine," "doctor of podiatry," or the initials "D.P.M.," without violating the Medical Practice Act. **Signed – Chapter 87/Statutes of 2002.**

AB 2935 (Strom-Martin) – Establishes the California Pharmacist Scholarship and Loan Repayment Program, funded by a voluntary \$25 contribution by pharmacists, to pay for the educational expenses and repay qualifying educational loans of pharmacists who agree to practice in medically under-served areas. **Signed – Chapter 1138/Statutes of 2002.**

Health Plans

SB 686 (Ortiz) – Changes the way the state Department of Managed Health Care (DMHC) calculates administrative assessments on health-care service plans. Eliminates the statutory assessment schedule for specialized plans and, instead, requires the director to adopt a new schedule that equitably apportions DMHC's cost in regulating the specialized plans. **Signed – Chapter 790/ Statutes of 2002.**

SB 842 (Speier) – Specifies that it was not the intent of the Legislature to limit the Department of Managed Health Care's (DMHC) authority to regulate the provision of medically necessary prescription drug benefits to the extent that the plan provides coverage for those benefits. Requires DMHC to develop a regulation outlining the standards to be used in reviewing a health plan's request for approval of its proposed copayment, deductible, limitation, or exclusion on its prescription drug benefits. **Signed – Chapter 791/Statutes of 2002.**

SB 1092 (Sher) – Requires the adoption of regulations by the director of DMHC to establish the Consumer Participation Program, which would allow the awarding of reasonable advocacy and witness fees to a person who has made a substantial contribution on behalf of consumers to the adoption of any regulation, order or decision made by the director. Sunsets January 1, 2007. **Signed – Chapter 792/Statutes of 2002.**

SB 1411 (Speier) – Prohibits a health-care service plan and a health insurer from imposing a copayment or deductible for hospital maternity services that exceed the most common amount of the copayment or deductible imposed for services provided for other covered medical conditions. This bill becomes effective July 1, 2003. **Signed – Chapter 880/Statutes of 2002.**

SB 1531 (Speier) – Allows a Medicare beneficiary to obtain a Medicare supplement insurance policy on a guaranteed basis if the Medicare+Choice plan (Medicare-HMO) reduces its benefits, increases the cost-sharing amount, or discontinues, for reasons other than good cause relating to the quality of care, a provider who is furnishing services to the individual. **Signed – Chapter 555/Statutes of 2002.**

SB 1877 (Johnson) – Repeals the sunset date on legislation permitting qualified associations to

offer their members a health-care service plan and to pass administrative savings to small-business employers. **Signed – Chapter 227/ Statutes of 2002.**

SB 1913 (Speier) – Requires DMHC and the Department of Insurance to maintain a joint working group to ensure clarity for health-care consumers about who enforces their patients' rights and to ensure that the departments' regulations are as consistent as possible with each other. **Signed – Chapter 793/Statutes of 2002.**

AB 1282 (Cardoza) – Requires DMHC by July 1, 2003, to adopt regulations that establish an extended geographic accessibility standard for access to health care providers served by health plans in rural counties that have only one or two health plans providing coverage to the entire county in the commercial market. **Signed – Chapter 549/Statutes of 2002.**

AB 1996 (Thomson) – Requests the University of California to assess legislation proposing a mandated benefit or service, and to prepare an analysis with relevant data on the public health, medical and economic impact of proposed health-care service plan and health insurance benefit mandate legislation. Sunsets January 1, 2007. **Signed – Chapter 795/ Statutes of 2002.**

AB 2052 (Goldberg) – Prohibits a health-care service plan or health insurer from making any change in premium rates or cost-sharing after acceptance of a contract or after the annual open-enrollment period. **Signed – Chapter 336/ Statutes of 2002.**

AB 2085 (Corbett) – Requires every health-care service plan with a Web site (except a plan that primarily serves Medi-Cal and Healthy Families enrollees) to provide an online form through its Website that subscribers or enrollees can use to file a grievance online. **Signed – Chapter 796/ Statutes of 2002.**

AB 2179 (Cohn) – Requires DMHC to set standards establishing time periods when a request for service must be provided by a health-care service plan. **Signed – Chapter 797/Statutes of 2002.**

AB 2420 (Richman) – Prohibits a health-care service plan from requiring a health care provider to be at financial risk for injectable medications. **Signed – Chapter 798/Statutes of 2002.**

AB 2907 (Cohn) – Prohibits a contract between a health-care service plan and a physician from allowing the plan to unilaterally change the terms of the contract or rate of payment for services, or requiring a physician to accept additional patients if the physician believes it would endanger patient care. **Signed – Chapter 925/Statutes of 2002**

Healthy Families and Medi-Cal

SB 59 (Escutia) – Requires the Managed Risk Medical Insurance Board to report to the Legislature by January 30, 2004, if federal funding is attained, regarding new uses of federal State Children's Health Insurance Program funding for the provision of health coverage to children in vulnerable populations. **Signed – Chapter 800/Statutes of 2002.**

SB 283 (Speier) – Expands authority for health plans to provide application assistance to Healthy Families Program applicants. Requires the Managed Risk Medical Insurance Board to submit a report every two years to the Legislature evaluating the program. **Signed – Chapter 667/Statutes of 2002.**

SB 336 (Ortiz) – Simplifies the documentation required of Medi-Cal and Healthy Families Program applicants and recipients by limiting documentation to only what is required by federal law. Changes the eligibility criteria for two-parent families by counting the income of only the principal wage earner, instead of the entire family. **Vetoed.**

SB 1413 (Chesbro) – Revises the formula used by DHS to calculate capitation rates to be paid to local initiatives, commercial plans, geographic managed care program health plans, and county organized health systems. **Vetoed.**

SB 1418 (Johannessen) – Requires DHS to approve or deny a provider’s application for enrollment or certification as a Medi-Cal provider within 120 days after DHS receives a completed application. Requires that DHS notify an applicant within 60 days of receipt if the application is incomplete. **Vetoed.**

SB 1644 (Poochigian and Monteith) – In addition to other factors, requires DHS to consider the percentage of Medi-Cal population in a community when deciding upon the reimbursement levels for physician and dentists. **Vetoed.**

SB 1699 (Ortiz) – Authorizes DHS to suspend or deny payments in any health care program to providers who have committed fraud in any other department-administered program. **Signed – Chapter 768/Statutes of 2002.**

SB 1767 (Perata) – Requires DHS to undertake efforts to allow for medically needy Medi-Cal eligibles, who have a share of cost, to voluntarily enroll in managed health care plans and primary-care case management. **Vetoed.**

AB 843 (Chan) – Continuously appropriates funding for DHS to develop and implement an electronic process to enroll eligible newborn children into the Medi-Cal program. **Vetoed.**

AB 915 (Frommer) – Allows local public agencies and public health facilities to use local funds to obtain federal financial participation for supplemental Medi-Cal reimbursements for hospital outpatient services and adult day health services. **Signed – Chapter 747/Statutes of 2002.**

AB 1914 (Kehoe) – Provides one hearing-aid assessment within a 12-month period as a Medi-Cal benefit. Codifies Medi-Cal regulations relating to the coverage of hearing aids. **Signed – Chapter 704/Statutes of 2002.**

AB 2010 (Richman) – Requires DHS to implement a consolidated form, no later than July 1, 2003, that an applicant for licensure as a primary care clinic may use to apply for licensure and for a Medi-Cal provider identification number. **Vetoed.**

AB 2197 (Koretz) – Establishes the Medi-Cal Managed Care Benefits Program for Non-disabled Persons with HIV, a statewide program to expand eligibility for Medi-Cal benefits. It excludes prescription drug benefits provided by the AIDS Drug Assistance Program (ADAP) to persons with HIV who are enrolled in ADAP and who are not disabled, but who, if disabled, would qualify for Medi-Cal benefits. **Signed – Chapter 684/Statutes of 2002.**

AB 2305 (Mountjoy) – Requires DHS to provide Medi-Cal applicants specified program information relating to benefits, coverage and services, and the requirements necessary to access those services. **Vetoed.**

AB 2364 (Negrete McLeod) – Establishes the Legislature’s intent to determine ways to simplify the administration of Medi-Cal to encourage health-care service plans and health care providers to participate in the program. **Signed – Chapter 452/Statutes of 2002.**

AB 2739 (Chan) – Requires managed care plans contracting with the Medi-Cal program and the Healthy Families program to implement plans to provide culturally and linguistically appropriate services to recipients. Requires that the Managed Risk Medical Insurance Board and DHS ensure compliance with these requirements. **Vetoed.**

Medical Research

SB 253 (Ortiz) – Declares state policy to require that research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells, including somatic cell nuclear transplants, shall be permitted and that full consideration of the ethical and medical implications of this research be given. **Signed – Chapter 789/Statutes of 2002.**

SB 1135 (Polanco) – Requires the Department of Health Services to adopt regulations by July 1,

2004, governing licensed tissue banks engaged in the collection of human musculoskeletal tissue, skin and veins for transportation in humans. Must report on the status of the regulations by July 1, 2003. **Signed – Chapter 929/Statutes of 2002.**

SB 1230 (Alpert) – Makes the temporary ban on human cloning, due to expire on January 1, 2003, permanent and extends the ban to human reproductive cloning. Creates a committee to advise the Legislature and the governor on human cloning and related human biotechnology issues, and to report on its activities by December 31, 2003, and yearly thereafter. **Signed – Chapter 821/ Statutes of 2002.**

SB 1365 (Speier) – Extends the expiration of the California Breast Cancer Research Fund from January 1, 2003, to January 1, 2008. Specifies that the University of California may use up to 5 percent of the money allocated from this fund to administer and market the program. **Signed – Chapter 484/ Statutes of 2002.**

SCR 55 (Ortiz) – Establishes a panel to advise the Legislature on stem cell research. Requires the advisory panel to evaluate the medical, social, legal, and ethical implications of stem cell research, the appropriate policy for the state of California, and ways in which the state can support existing efforts to fulfill the promise of stem cell research. **Adopted – Resolution Chapter 153/Statutes of 2002.**

AB 2328 (Wayne) – Permits the informed consent required for medical experimentation to be given by surrogate decision-makers for incapacitated individuals. **Signed – Chapter 477/Statutes of 2002.**

Prescription Drugs

SB 1278 (Speier) – Repeals the January 1, 2003, sunset date from a provision of law that requires a pharmacy to charge Medicare beneficiaries a price that does not exceed the Medi-Cal reimbursement rate for prescription medicines, plus an amount to cover electronic transmission charges. Requires DHS to inform Medicare beneficiaries of their right to participate in the prescription discount program. Revises the method by which the Golden Bear Program's discount rate is computed, by requiring the Medi-Cal rate to be reduced by the rebate amount negotiated by DHS. **Signed – Chapter 542/Statutes of 2002.**

SB 1315 (Sher) – Authorizes the Department of General Services to operate a prescription drug bulk purchasing program for state and local government agencies. Requires the departments of Mental Health, Corrections, Youth Authority, and Developmental Services to participate in the program, and permits other state or local agencies to opt in. **Signed – Chapter 483/Statutes of 2002.**

AB 523 (Vargas) – Requires DHS to maintain a January 1, 2000, Medi-Cal reimbursement increase in the dispensing fee of 25 cents per prescription for all claims reimbursed through Medi-Cal and a July 1, 2002, increase of an additional 15 cents. **Vetoed.**

AB 2655 (Matthews) – Extends the sunset date for the Controlled Substance Utilization Review and Evaluation System program from July 1, 2003, to July 1, 2008. Permits a licensed health care practitioner to make a written request of the state Department of Justice (DOJ) for the history of controlled substances dispensed to an individual and permits DOJ to provide the history of controlled substances dispensed to an individual to licensed health care practitioners and pharmacists. **Signed – Chapter 345/Statutes of 2002.**

Women's Health

SB 1301 (Kuehl) – Deletes various statutory provisions regarding abortion and enacts in their place the Reproductive Privacy Act. Provides, among other things, that every individual possesses a fundamental right of privacy with respect to reproductive decisions, and the state shall not deny or interfere with a woman's right to choose an abortion prior to viability of the fetus, as defined in the act. **Signed – Chapter 385/Statutes of 2002.**

AB 1860 (Migden) – Requires that female victims of sexual assault shall be provided with the option of post-coital contraception by a physician or other health care provider, and post-coital contraception shall be dispensed by a physician or other health care provider upon the request of the victim. **Signed – Chapter 382/Statutes of 2002.**

AB 2930 (Wright) – Makes a series of changes to current law to increase the number of pregnant women who are tested for HIV. Requires the blood specimen obtained from a pregnant patient pursuant to existing law, be tested for HIV, and requires the attending provider to ensure that the woman is informed to the intent to perform a test for HIV and be given the right to refuse this testing. **Vetoed.**

HEALTH

Mental Health

Mental health policy was as severely affected by the state's lack of resources as were other human services during the past year. However, since the mental health system generally is provided with enough funding to serve only about 50 percent of those who need and qualify for services, lean budget years have an amplified negative affect on mental health.

Lawmakers sought ways to improve the mental health system by other means – through system efficiencies, reforms and privately-funded initiatives. They approved legislation to explore a home-and-community-based waiver to improve services by maximizing federal dollars. And they addressed the extremely contentious debate that has raged over expanding involuntary treatment of mental health clients, passing new regulations that counties may opt to use, but without funding to pay for the involuntary services.

SB 564 (Speier) – Requires applicants for licensure as psychologists, social workers or marriage, family, and child counselors who begin graduate study after December 31, 2003, to complete a minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies. Requires continuing education coursework in those strategies for those who began graduate study before January 1, 2004, the date the bill becomes operative. **Signed – Chapter 481/Statutes of 2002.**

SB 801 (Speier) – Imposes several requirements aimed at eliminating or substantially reducing medication-related errors in health facilities. **Signed – Chapter 15/Statutes of 2002.**

SB 1315 (Sher) – Requires the state Department of General Services to execute prescription-drug-purchasing agreements with certain state entities that purchase pharmaceuticals. **Signed – Chapter 483/Statutes of 2002.**

SB 1404 (Chesbro) – Requires the administrator of each state hospital to consider patient government recommendations when deciding on educational and entertainment opportunities paid for by the patients' Benefit Fund, requires accountability for the administration of the fund, requires the Department of Mental Health (DMH) to support the establishment of self-help groups to ensure that each patient at a state hospital has the opportunity to participate in a self-help group, and requires that writing materials be available to patients. **Signed – Chapter 352/Statutes of 2002.**

SB 1423 (Chesbro) – Expands the scope of mental health counseling available to minors and victims of domestic abuse who are derivative victims of crime. **Signed – Chapter 1141/Statutes of 2002.**

SB 1448 (Chesbro, Peralta, Romero, Scott) – Requires the DMH, in coordination with other state entities and a task force, to inventory all materials necessary to create the most complete record of persons who have died while residing at state hospitals and developmental centers. **Signed – Chapter 440/Statutes of 2002.**

SB 1654 (Burton) – Establishes the Office of Homelessness within the Governor's Office to

coordinate the efficient use of state resources to improve the management and oversight of all state homeless programs and make annual recommendations to the governor and the Legislature.

Vetoed.

SB 1690 (Margett) – Requires DMH to conduct a study on the process of restoring sanity to persons found not guilty by reason of insanity. DMH is required to collaborate with the Judicial Council, district attorneys, public defenders, local mental health agencies and mental health advocates, and to provide the study to the Legislature by January 1, 2004. **Signed – Chapter 677/Statutes of 2002.**

SB 1751 (Burton) – Requires each county to submit an annual report to the Department of Health Services (DHS) on the number of homeless individuals, as defined, who died during the previous calendar year, beginning March 1, 2004. DHS would be required to report this information to the Legislature, governor and Legislative Analyst and to post the information free of charge on its web site. **Vetoed.**

SB 1911 (Ortiz) – Requires DMH to determine whether a federal home-and-community-based waiver for children's mental health services would be beneficial to the state, and empowers DMH to submit such a waiver. **Signed – Chapter 887/Statutes of 2002.**

SB 1982 (Perata) – Reforms and consolidates rules and regulations governing California community care facilities to include any community-based facility or program that provides care to persons 18 years of age or older, re-designates adult day support centers as adult day programs, and combines the existing categories of adult day care centers and adult day support centers into the new adult day program category, in order to improve consumer choices and access to programs. **Signed – Chapter 773/Statutes of 2002.**

SB 2008 (Speier) – Establishes the Assumption Program of Loans for Nursing Education under the California Student Aid Commission. **Vetoed.**

SB 2026 (Senate Business and Professions Committee) – Updates statutes to change the out-of-date term "marriage, family and child counselor" to "marriage and family therapist" and the term "Board of Behavioral Science Examiners" to "Board of Behavioral Sciences." **Signed – Chapter 1013/Statutes of 2002.**

SR 31 (Chesbro) – Directs the Senate Select Committee on Developmental Disabilities and Mental Health to conduct hearings into California's standards on the use of seclusion and restraints, oversight and reporting practices, physical harm and traumas caused by seclusion and restraints, and the best practices developed by other states for reducing their use. **Adopted.**

AB 1119 (Migden) – Eliminates a requirement that youth emancipating from the foster care system must be receiving aid through the federal Supportive Transitional Emancipation Program in order to be eligible for county supportive transitional housing programs. **Signed – Chapter 639/Statutes of 2002.**

AB 1156 (Aroner) – Prohibits DMH from requiring on-site nursing staff at Community Treatment Facilities (CTF's) that use emergency restraints, or imposing other regulations regarding the use of emergency interventions in CTF's that are more stringent than regulations for group homes. **Vetoed.**

AB 1421 (Thomson) – Creates an assisted involuntary outpatient treatment program for adults suffering from a psychotic disorder or other mental illness that puts them at high risk for poor outcomes, as specified. The program involves delivery of community-based care by multidisciplinary teams of mental health professionals with staff-to-client ratios of not more than 1 to 10, and provides that if the person who is the subject of the petition fails to comply with outpatient treatment, a licensed mental health provider may request that the person be placed on an involuntary 72-hour hold. **Signed – Chapter 1017/ Statutes of 2002.**

AB 1422 (Thomson) – Creates the California Mental Health Advocacy Commission, composed of 13 members, to improve access to mental health care, promote preventive mental health policies,

reduce stigma and discrimination associated with mental illness, and evaluate and report to the governor and Legislature on progress toward attaining these goals. The commission would be funded exclusively through private sources. **Vetoed.**

AB 1425 (Thomson) – Exempts specified independent living arrangements for persons with disabilities from community-care licensing requirements. **Signed – Chapter 428/Statutes of 2002.**

AB 1454 (Thomson) – Requires DMH to submit fingerprint images and other information to the Department of Justice for background checks on any person operating, managing or providing direct services in a facility applying for licensure or renewal of a license to provide mental health services. **Signed – Chapter 642/Statutes of 2002.**

AB 1989 (Liu) – Requires nursing homes and other long-term care residential facilities to make reasonable efforts to contact specified persons within 24 hours of a significant change in a resident's health or mental status. **Signed – Chapter 272/Statutes of 2002.**

AB 2044 (Salinas) – Extends the deadline for DMH to submit data on financing county mental health programs until October 1, 2002. **Signed – Chapter 648/Statutes of 2002.**

AB 2057 (Steinberg) – Requires DMH to include information about persons enrolled in Medi-Cal when reporting on the Integrated Services for Homeless Adults (the "AB 34" program). States the Legislature's intent to capture the quantifiable savings from this program to provide integrated services to additional adults. **Signed – Chapter 337/Statutes of 2002.**

AB 2124 (Aanestad) – Authorizes DHS to retroactively suspend the cancelled license of a skilled nursing facility for the purpose of finding the facility to be continuously licensed and in compliance with certain regulations, in specific cases, such as a facility in a small community, as defined, or a community that has a demonstrated need to keep a skilled nursing facility. **Vetoed.**

AB 2191 (Migden) – Prohibits pharmaceutical companies or their agents from disclosing medical information regarding a patient without first obtaining authorization, except under specified conditions. Requires these entities to preserve the confidentiality of patient information and prohibits them from requiring clients to sign an authorization, release, consent, or waiver permitting the disclosure of medical information. **Signed – Chapter 853/Statutes of 2002.**

AB 2258 (Cardenas) – Requires the California Youth Authority (CYA) to evaluate the number of persons who have been paroled or discharged between 1993 and 2003, to determine how many have been recommitted to CYA, sentenced to county jail or to state prison. The evaluation is required to be submitted to the Legislature by January 2, 2004. **Vetoed.**

AB 2263 (Kehoe) – Requires the Judicial Council to study the effectiveness of Kids' Turn projects, which assist children and their families while the parents obtain divorces or legal separations. Provides \$50,000 if the Judicial Council receives matching funds from private sources. **Vetoed.**

AB 2296 (Simitian) – Requires DMH, in consultation with state and local agencies and providers of mental health services, to examine the accounting and reporting requirements for various mental health programs and simplify these requirements to the extent possible. **Vetoed.**

AB 2314 (Thomson) – Implements various measures to standardize prerequisites for nursing programs on a statewide basis. Encourages the chancellors of the California Community College system and the California State University system to require such standardization, and to negotiate agreements between all three higher education systems to accomplish this goal. **Signed – Chapter 1093/Statutes of 2002.**

AB 2352 (Cedillo) – Authorizes the California Health Facilities Financing Authority to expand its current charge to award grants to any eligible health facility for purposes of financing projects, including any facility that is licensed, accredited, or certified for the diagnosis, care prevention and treatment of human illness, physical or mental. **Signed – Chapter 478/Statutes of 2002.**

AB 2462 (Bates) – Extends benefits from the California Victim Compensation and Government Claims Board to any child who has been the witness of a crime of domestic violence. Also provides that a child who resides in a home where a crime of domestic violence has occurred may be presumed by the board to have sustained physical injury, regardless of whether the child has witnessed the crime, and therefore be eligible for benefits. **Signed – Chapter 479/Statutes of 2002.**

AB 2551 (Nation) – Provides that, for purposes of continuing treatment of a transferring enrollee, a health care service plan may require a non-participating mental health provider to enter into a standard mental health provider contract. **Signed – Chapter 276/Statutes of 2002.**

AB 2735 (Chan) – Provides that disclosures about elder and dependant adult abuse are allowed between persons who are trained and qualified to serve on multidisciplinary personnel teams that are involved in the prevention, identification, and treatment of abuse of elderly or dependant adults, and includes the office of the district attorney, the public guardian and probate courts as entities who may receive and disclose such information. **Signed – Chapter 552/Statutes of 2002.**

AB 2740 (Chan) – Requires DMH to develop a state mental health plan for children and implement a grant program that would encourage each county to develop a plan to identify and address children's mental health needs. **Vetoed.**

AB 2741 (Chan) – Creates the Children's School Readiness and Health Council in the California Health and Human Services Agency, with the responsibility to, among other things, develop and recommend a uniform policy to address the full range of services necessary to appropriately treat children. **Vetoed.**

AB 2899 (Migden) – Creates a Homeless Court Pilot Project in three counties, selected by the Judicial Council. Requires the Judicial Council to develop and promulgate procedures and guidelines for homeless courts, and to issue an interim report on the project by January 1, 2005, and a final evaluation by January 1, 2006. The project would be repealed on January 1, 2007, unless the legislature extends that date. **Vetoed.**

AB 2920 (Aroner) – Establishes the California Center on Social Work Careers to recruit qualified individuals into the social work profession. Also establishes the Social Work Careers Concurrence Committee to set priorities and goals for the center. **Vetoed.**

HEALTH

Public Health

Priorities reflected in bills enacted in the second half of the 2001-02 legislative session include improving consumer disclosure about dietary supplements and limiting access of minors to such supplements; establishing procedures for the allocation of federal funding to local health jurisdictions for the prevention of, and response to, bioterrorist attacks and other public health emergencies; evaluating the effectiveness of California's system of reporting of HIV infections; reducing environmental exposure to lead; and reducing injuries associated with use of skateboards, scooters, and in-line skates.

Governor Davis vetoed measures to ease access to clean hypodermic needles and syringes as a means of reducing HIV infection rates among injection-drug users.

Dietary Supplements

SB 1884 (Speier) – Prohibits the sale or distribution of any dietary supplement product containing ephedrine group alkaloids or steroid hormone precursors, unless the product label contains a warning statement, as specified, and requires these products to clearly and conspicuously display the federal Food and Drug Administration's MedWatch number for consumers to report adverse events. Prohibits the sale of these products to minors. **Signed – Chapter**

1005/Statutes of 2002.

SB 1948 (Figueroa) – Requires that warning labels included on dietary supplements manufactured or sold in California be clear and conspicuous. **Signed – Chapter 1006/Statutes of 2002.**

Bioterrorism and Public Health Improvements

SB 406 (Ortiz) – Establishes the procedures by which federal funding may be allocated and expended by local health jurisdictions for the prevention of, and response to, bioterrorist attacks and other public health emergencies, pursuant to the federally approved collaborative state-local plan. **Signed – Chapter 393/ Statutes of 2002.**

SB 1298 (Ortiz) – Clarifies and codifies existing practices of local health jurisdictions, including communicable disease prevention; training of local public health, laboratory, environmental, and emergency medical services staff; acquisition of communication and data systems; and disease surveillance activities; and activities to respond to biological and chemical terrorist threats. **Signed – Chapter 1114/Statutes of 2002.**

AB 2067 (Nakano) – Requires the Department of Health Services (DHS) and a working group established by the Office of Emergency Services to implement a program to oversee distribution of potassium iodide tablets to all persons who reside, work or attend school within the state-designated emergency planning zone of an operational nuclear power plant. **Signed – Chapter 852/Statutes of 2002.**

Chronic and Communicable Diseases and Conditions

SB 460 (Ortiz) – Allows local building departments and other authorized enforcement agencies including DHS to order the abatement of a lead hazard that is present at levels equal to or in excess of those established by DHS regulations. **Signed – Chapter 931/Statutes of 2002.**

SB 843 (Perata) – Authorizes local health officers to certify tuberculin skin test technicians and requires parole agents to be notified when an inmate with tuberculosis is released from prison. **Signed – Chapter 763/Statutes of 2002.**

SB 1734 (Vasconcellos) – Prohibits prosecution of specified individuals for the distribution of devices or substances necessary to ensure the safety and cleanliness of needles or syringes. **Vetoed.**

SB 1749 (Polanco) – Requires a professional boxer or martial arts fighter to provide the California State Athletic Commission with proof of a negative test result for hepatitis C virus in addition to the currently required negative test results for human immunodeficiency virus and hepatitis B virus, upon application for a license or prior to competing in a match after a specified time period. **Signed – Chapter 680/Statutes of 2002.**

SB 1785 (Vasconcellos) – Permits a pharmacist or physician to furnish hypodermic needles and syringes for human use without a prescription. Permits a person who is 18 years of age or older to purchase up to 30 hypodermic needles or syringes per transaction without a prescription for personal use. **Vetoed.**

SB 2047 (Machado) – Creates the Chronic Disease Prevention Council in the Department of Health Services to coordinate and prioritize disease prevention programs. **Vetoed.**

AB 2127 (Matthews) – Authorizes the addition of an Asthma and Lung Disease

Research Fund check-off to the California personal income tax return. **Signed – Chapter 620/Statutes of 2002.**

AB 2064 (Cedillo) – Requires DHS to authorize the establishment of training programs for

counselors for publicly funded human immunodeficiency virus (HIV) testing programs. **Signed – Chapter 273/Statutes of 2002.**

AB 2423 (Cardenas) – Permits testing of an available sample of the patient's blood for various communicable diseases, when a health care provider or other emergency responder is exposed to the blood of a patient in the course of providing health care services. **Signed – Chapter 342/Statutes of 2002.**

AB 2930 (Wright) – Makes a series of changes to current law to increase the number of pregnant women who are tested for HIV. Requires the blood specimen obtained from a pregnant patient pursuant to existing law to be tested for HIV, and requires the attending provider to ensure that the woman is informed of the intent to perform a test for HIV and given the right to refuse this testing. **Vetoed.**

AB 2994 (Wright) – Requires DHS, in consultation with key stakeholders, to report to the Legislature by December 31, 2004, on results of systems of reporting HIV infection in effect in California that do not utilize names, and whether the systems analyzed have achieved compliance with federal criteria. **Signed – Chapter 926/Statutes of 2002.**

School-Based Health

SB 21 (Escutia) – Authorizes a school district to use its modernization

apportionment of state school bond proceeds for funding the identification, assessment, control, management, or abatement of lead hazards. **Signed – Chapter 1075/Statutes of 2002.**

SB 1868 (Torlakson) – Requires the state Department of Education to encourage school districts offering instruction, to the extent that resources are available, to provide quality physical education that develops the knowledge, attitudes, skills, behavior, and motivation needed to be physically fit for life. **Signed – Chapter 1166/Statutes of 2002.**

AB 481 (Firebaugh) – Requires that schools without school nurses where diabetic pupils are enrolled train and designate administrators to assist diabetic children who are unable to perform their own blood sugar tests or administer their own diabetes medication. **Vetoed.**

AB 915 (Frommer) – Prohibits, commencing July 1, 2003, the governing authority of a school in Imperial, Los Angeles, Orange, Riverside, San Bernardino, and San Diego counties from admitting a pupil to kindergarten unless the pupil has been fully immunized against hepatitis A. Requires the DHS director to implement a public education and outreach program to raise awareness of hepatitis A and the importance of immunization, aimed at certain high-risk groups. **Signed – Chapter 747/Statutes of 2002.**

AB 1905 (Longville) – Requires the governing board of a school district to screen pupils for risk of developing Type 2 Diabetes Mellitus. **Vetoed.**

AB 2532 (Rod Pacheco) – Requires the state Board of Education to adopt maximum weight standards for textbooks used by students in elementary and secondary schools. **Signed – Chapter 1096/Statutes of 2002.**

AB 2741 (Chan) – Creates the Children's School Readiness and Health Council within the California Health and Human Services Agency to promote policy and coordinating programs that address children's school readiness and health. **Vetoed.**

Injury Prevention

SB 1726 (Vasconcellos) – Imposes requirements on the construction of public and private pools and spas to prevent serious injuries or death that can result from entrapment in drains. **Signed – Chapter 679/Statutes of 2002.**

SB 1924 (O'Connell) – Requires persons under 18 years of age to wear a helmet while operating in-line or roller skates, a non-motorized scooter, skateboard or riding upon a non-motorized scooter or skateboard as a passenger. **Signed – Chapter 475/Statutes of 2002.**

Housing, Homelessness, and Urban Growth

Housing costs increased at an average annual rate of 7.5 percent between 1969 and 1999, putting homeownership cost burdens in California consistently 2 to 5 percentage points higher than in comparable metropolitan areas outside the state, according to the University of California's California Policy Research Center.

As of October 2000, only 30 percent of households could afford the median-priced homes in their areas. More than half of low-income renters in California paid more than 50 percent of their incomes for rent.

Proposition 46

The Legislature's principal housing accomplishment this year was **SB 1227 (Burton)**, a \$2.1 billion general-obligation bond for state and local housing programs. The bill places **Proposition 46** on the November 5, 2002 ballot.

Specifically, **Proposition 46** would allocate the bond proceeds as follows:

- \$910 million for multifamily housing, including preservation, supportive services, local housing trust funds, and low-income University of California and California State University student housing – requiring the state Department of Housing and Community Development (HCD) to provide priority points for in-fill projects built close to rail transit, job centers, and other urban amenities.
- \$195 million for emergency housing and assistance.
- \$195 million for supportive housing.
- \$200 million for farm worker housing.
- \$205 million for the CalHome Program, including the Building and Equity and Growth in Neighborhoods (BEGIN) Program, exterior modifications for low-income disabled renters, and self-help housing construction management.
- \$5 million to be used for capital expenditures in support of local code enforcement and compliance programs.
- \$290 million for the California Homebuyer Downpayment Assistance Program, including the School Facility Fee Affordable Housing Program, the California Housing Loan Insurance Fund, housing downpayment assistance for teachers who work in low-performing schools, and downpayment assistance to low-income first-time homebuyers who have received homeownership counseling and purchase homes in a community revitalization area.
- \$100 million for the Jobs-Housing Improvement Account for capital grants to local governments that increase housing. **Signed – Chapter 26/Statutes of 2002.**

Affordable Housing

SB 369 (Dunn) – Restores local governments' ability to issue tax-exempt mortgage revenue bonds for affordable housing. **Signed – Chapter 12/Statutes of 2002.**

SB 372 (Dunn) – Establishes two programs to provide short-term capital to preserve existing affordable rental housing that might otherwise convert to market rate housing, using \$50 million

proposed to the voters in Proposition 46, described above. The two programs are:

- The Preservation Opportunity Program, to be administered by the California Housing Finance Agency to provide loans in conjunction with the existing Preservation Acquisition Program to preserve affordable housing developments; and
- The Interim Positioning Program, to be administered by HCD, which would require a single non-profit entity – selected through a competitive process – to leverage state funds with private capital on at least a three-to-one basis to make short-term loans for preserving affordable housing developments. *The bill takes effect only if the voters approve Proposition 46 on the November 5, 2002, statewide ballot.* **Signed – Chapter 721/Statutes of 2002.**

SB 972 (Costa) – Exempts privately owned affordable housing projects with some public funding from prevailing wage requirements in certain narrow circumstances, such as self-help "sweat equity" housing. **Signed – Chapter 1048/Statutes of 2002.**

SB 1432 (Alpert) – Makes San Diego County local governments that self-certify their General Plan housing elements eligible for proposed Proposition 46 programs that require HCD approval of a housing element. **Signed – Chapter 711/Statutes of 2002.**

SB 1509 (Dunn) – Reduces a local government's Educational Revenue Augmentation Fund or "ERAF" (local property-tax revenues earmarked for state school funds) contribution by an amount equal to the local government's share of the property tax lost due to new tax-exempt low-income housing. **Vetoed.**

SB 1821 (Dunn) – Clarifies that existing state law requiring notification prior to the conversion of assisted housing to market-rate housing applies to development with expiring low-income housing tax credits. **Signed – Chapter 1038/Statutes of 2002.**

AB 1170 (Firebaugh) – Creates the Building Equity and Growth in Neighborhoods (BEGIN) program to make grants to local governments for downpayment assistance loans to low- or moderate-income first-time homebuyers who buy a home in a development that has benefited from various local government land use incentives. *The bill takes effect only if the voters approve Proposition 46.* **Signed – Chapter 724/Statutes of 2002.**

AB 1891 (Diaz) – Establishes a matching grant program to local governments to provide additional resources for existing and new local housing trust funds that are dedicated to the creation of rental housing affordable to lower-income households. *The bill takes effect only if the voters approve Proposition 46.* **Signed – Chapter 725/Statutes of 2002.**

AB 2158 (Lowenthal) – Requires the California Coastal Commission to ensure that coastal-development permit requirements relating to affordable housing are enforced and do not expire during the term of the permit. **Signed – Chapter 297/Statutes of 2002.**

Common-Interest Developments (CIDs)

According to *The Condominium Bluebook* (Piedmont Press, 2002 Edition), in 1997 there were an estimated 6 million residents living in approximately 30,000 CIDs in California. A CID is a form of real estate where each homeowner has an exclusive interest in a unit or lot and a shared or undivided interest in common area property. CIDs include condominiums, planned unit developments, stock cooperatives, and community apartments.

There have been some complaints over the years from homeowners that their elected CID boards of directors failed to carry out their duties or refused to comply with the law. Other homeowners have complained that the state micromanages the CID homeowners associations.

SB 2032 (Monteith) – Prohibits any CID homeowners association from limiting or prohibiting the display of an American flag, except as required for the protection of public health or safety. **Signed – Chapter 178/Statutes of 2002.**

SCR 13 (Morrow) and ACR 123 (Wayne) – Authorize the California Law Revision Commission to study whether CID law should be revised to determine to what extent CIDs should be subject to regulation and to establish a clear, consistent, and unified policy with regard to formation and management of CIDs and transaction of real property interests located in them. **Adopted – Resolution Chapters 78 and 166/Statutes of 2002.**

AB 555 (Dutra) – Requires that, in order to be called a "certified common interest development manager," an individual must meet specified educational requirements and other qualifications. **Signed – Chapter 1116/Statutes of 2002.**

AB 643 (Lowenthal) – Requires every CID homeowners association to register with, and submit contact information to, the secretary of state. **Signed – Chapter 1117/Statutes of 2002.**

AB 2289 (Kehoe) – Imposes responsibilities on a CID homeowners association regarding the placement of a lien and the use of foreclosure. The association will notify a homeowner 30 days before placing a lien, and the association officials will be required to meet with the homeowner to discuss payment plans. Also, if that lien were placed and any of the notification requirements of the bill were not met, the association would have to rescind the lien, re-notify and wait 30 days to replace the lien. Any costs attributed to restarting the process would be the responsibility of the association and not the owner. **Signed – Chapter 1111/Statutes of 2002.**

AB 2417 (La Suer) – Requires the board of directors of a CID homeowner association that meets in executive session to note in the minutes of the next meeting open to the membership if a contract has been executed. **Signed – Chapter 195/Statutes of 2002.**

AB 2546 (Nation) – Prohibits CID homeowners associations from adopting any rule that unreasonably restricts an owner's ability to market his or her interest in the CID. Prohibits the imposition of a marketing assessment or fee exceeding the association's actual cost, and any exclusive relationship with a real estate broker through which the sale or marketing of interests in the development is required to occur. **Signed – Chapter 817/Statutes of 2002.**

Dangerous Buildings and Code Enforcement

SB 332 (Sher) – Revises the building standards guidelines that apply to the construction of structures that use baled straw as a load bearing or non-load-bearing material. **Signed – Chapter 31/Statutes of 2002.**

SB 460 (Ortiz) – Declares any building unsafe if it contains a lead hazard that is likely to endanger the health of the public or building occupants. Allows a local health department or environmental agency to enforce the lead exposure limits and requires that they coordinate enforcement activities with other local departments to avoid duplication. Requires any person being paid for lead construction including inspection, risk assessment or designing plans for the abatement of lead hazards and any person performing lead inspections or abatement in a public elementary, preschool or day care center to have a certificate from the Department of Health Services. **Signed – Chapter 931/ Statutes of 2002.**

AB 1008 (Lowenthal) – Authorizes the University of California, Los Angeles, to request specified property tax information from the state controller to study the relationship between property tax delinquency and blight. **Signed – Chapter 723/Statutes of 2002.**

AB 1868 (Koretz) – Seeks to aid prosecuting agencies and courts in cracking down on narcotics, gambling and prostitution. Specifically, the bill:

- Provides that a court may make abatement orders apply to subsequent owners, commercial lessees or agents who acquire the building where the narcotics, gambling or prostitution nuisance exists.
- Allows a court in a controlled substances nuisance abatement action to order the person owning or controlling the property to reside in the property until the nuisance is abated.

- Provides that a county district attorney and the city attorney of any city and county are authorized to maintain an action to abate a gambling or prostitution nuisance. **Signed – Chapter 1057/Statutes of 2002.**

AB 2776 (Simitian) – Requires homebuyers to be provided with additional notice if houses they intend to purchase are located near airports and may be subject to noises, vibrations, or odors. **Signed – Chapter 496/Statutes of 2002.**

Defective Construction and Resulting Lawsuits

The problems of construction defects and associated litigation have vexed homeowners, builders, insurers, and public policy-makers for years.

Homeowners and their attorneys have contended that construction too often is sloppy, and that the laws have been inadequate to force builders and their insurers to make or pay for repairs. A recent state Supreme Court decision [*Aas v. Superior Court*, (2000) 24 Cal. 4th 627] held that defects must cause actual damage prior to being actionable in tort – in effect ruling that homeowners must wait until the defects cause property damage, injury, or death before suing to correct them.

On the other side, builders have accused homeowners' attorneys of pursuing unmerited lawsuits, driving up the cost of construction and making housing even more unaffordable. They have contended that this has been a particular problem in common-interest developments, since homeowners associations have been more willing to sue than individual homeowners have been. Insurers have been reluctant to insure developers for building new condominiums for fear of such suits, reportedly contributing to the shortfall of construction of this more affordable and more efficient form of housing.

Builders also have contended that third-party inspectors have been reluctant to help assure adequate construction in the first place. The inspectors can be held liable for the construction defects, leading to a reportedly severe shortage of inspectors.

SB 800 (Burton) – Resulted from intensive negotiations among the interested parties, mediated by legislative leaders. It would enact detailed standards for new constructed housing, create a pre-trial process that includes a builder's right to repair defects, and give third-party inspectors immunity from liability. The bill is intended to apply to subcontractors to the extent that they or suppliers violated a particular standard as a result of negligence or breach of contract. Among its chief features:

- **Standards** – The bill specifies the standards that building systems must meet with the aim of ending debate over the controversial decision in the Aas case. Unlike some existing warranty programs, these standards would cover all major systems for a substantial period.
- **Builder's right to repair** – Before a homeowner can sue a builder, the homeowner must send a written notice to the builder setting out the nature of the claim. The builder may offer to repair any defect within a prescribed period. The offer to repair must also be accompanied by an offer to mediate the dispute if the homeowner so chooses. The bill provides that if the builder fails to follow any of the procedures, the homeowner is entitled to file suit immediately. **Signed – Chapter 722/Statutes of 2002.**

Disabled Persons' Housing

According to the California Center for Independent Living Centers, 97.8 percent of all housing in the United States is designed for the able-bodied – even though most of us will require some accommodations for disabilities during our lifetimes. "Universal design" provides greater access to persons with disabilities and allows an aging population to live longer in their homes.

AB 2787 (Aroner) – Requires HCD to develop guidelines and model ordinances for new construction and home modifications consistent with principles of universal design. The guidelines or model ordinance shall not significantly impact housing cost or affordability. **Signed – Chapter**

726/Statutes of 2002.**Fair Housing**

AB 1926 (Horton) – Allows anyone holding a recorded interest in property containing an unlawfully discriminatory restrictive covenant to strike the covenant upon application to the county recorders office. **Signed – Chapter 803/Statutes of 2002.**

Farm-Worker Housing

AB 2043 (Salinas) – Clarifies that the Joe Serna Jr. Farm Worker Housing Grant Program may make grants or loans to directly rent or lease short-term housing for migrant farm workers if HCD finds the existence of extraordinary or emergency circumstances. **Signed – Chapter 494/Statutes of 2002.**

ACR 236 (Salinas) – Creates an Agricultural Worker Health and Housing Commission to study the agricultural industry's ability to compete in the global marketplace and make recommendations on how to improve the housing and health conditions of agricultural workers. **Adopted – Resolution Chapter 138/ Statutes of 2002.**

Homelessness

SB 1654 (Burton) – Establishes the Office of Homelessness in the Governor's Office to coordinate the efficient use of the resources of the approximately 75 state programs that provide some type of service to the homeless or those at risk of becoming homeless. **Vetoed.**

SB 1751 (Burton) – Requires counties to report to the Department of Health Services on the number of homeless individuals who died during the previous calendar year. The report, to be given by the department to the Legislature and governor, must include their age, gender, and cause and date of death. **Vetoed.**

AB 1354 (Rod Pacheco) – Clarifies that a provider of emergency shelter or transitional housing, for purposes of the Emergency Housing Assistance Program, may restrict occupancy to individuals 24 years old and younger. **Signed – Chapter 46/Statutes of 2002.**

AB 2057 (Steinberg) – Requires the Department of Mental Health to include in its annual evaluation report, concerning the effectiveness of the Integrated Services for Homeless Adults program, additional information relating to persons enrolled in the Medi-Cal program. States the Legislature's intent to capture savings from the program to provide integrated services to additional adults. **Signed – Chapter 337/Statutes of 2002.**

AB 2899 (Migden) – Creates the Homeless Court Pilot Project in three counties to combine plea bargaining with alternative sentencing. The bill provides that a homeless court, together with the prosecutor and defense attorneys, shall conduct outreach into the community by sponsoring special court sessions to address the cases and problems of homeless people accused of misdemeanors and infractions. **Vetoed.**

AB 2972 (Aroner) – Creates an exception to the prohibition against age discrimination by allowing age restrictions for housing for homeless persons aged 18 to 24 years old. **Signed– Chapter 1074/Statutes of 2002.**

Landlord-Tenant Relations

SB 1403 (Kuehl) – Requires that, until 2006, a landlord must give a tenant 60 days notice to terminate a tenancy without cause. Requires landlords to give tenants reasonable written notice of intent to enter the premises, served in the same manner as other legal notices, except in emergencies or when a tenant has abandoned the premises. Reimposes rent control and the former rental rate upon any rental property returned by the property owner to the rental market within five years of the filing of a notice to withdraw the unit from the rental market pursuant to

the Ellis Act. Permits a court to relieve a tenant from forfeiture of the tenant's rental agreement in an unlawful detainer action in cases of hardship. **Signed – Chapter 301/Statutes of 2002.**

AB 2330 (Migden) – Redefines the limit on security deposits to include any charges imposed at the beginning of tenancy, except application screening fees, and specifically includes costs associated with processing a new tenant and cleaning the property. At the request of a tenant, requires a landlord to conduct an initial inspection of the unit prior to move-out. Changes the amount of statutory damages for certain violations from \$600 to twice the amount of the security. **Signed – Chapter 1061/Statutes of 2002.**

Mobilehomes and Manufactured Housing

More than 650,000 Californians live in an estimated 5,000 mobilehome parks. Mobilehome residents normally own their homes, but rent the spaces on which their homes are installed from the park. Many mobilehome owners are long-time park residents. Even when resold, their homes are normally sold in place in the park.

SB 1556 (Dunn) – Allows local governments to impose speed limits on the private roads in a mobile home or manufactured home park, if appropriate signs are erected at the park entrances. **Signed – Chapter 284/Statutes of 2002.**

SB 1663 (Soto) – Authorizes Pomona to assume code enforcement jurisdiction over specified mobilehome parks that have been cited for serious health and safety violations without having to assume jurisdiction over all parks in the city. **Vetoed.**

AB 930 (Keeley) – Is intended to stop sham conversions of mobilehome parks to resident ownership. Requires a park owner, when conducting a conversion subject to the Subdivision Map Act, to conduct a ballot survey of the residents of the park, in accordance with an agreement between the owner and resident homeowners association, and submit the survey results with the proposed tentative parcel map to local government. **Signed – Chapter 1143/Statutes of 2002.**

AB 2382 (Corbett) – Expands the list of agencies authorized to bring civil actions to abate nuisances in mobilehome parks to include not only district attorneys, but also county counsels, city prosecutors, and the attorney general. **Signed – Chapter 141/Statutes of 2002.**

AB 2495 (Correa) – Allows a mobilehome or manufactured home in a mobilehome park to exceed four dwelling units. **Signed – Chapter 1065/Statutes of 2002.**

AB 2500 (Corbett) – Expressly permits the recovery of actual and punitive damages for violations of the Mobilehome Residency Law, and specifies that the suit may not be moved to another court except to move it to the county where the park is located. **Vetoed.**

Redevelopment and Community Renewal

SB 701 (Torlakson) – Requires local redevelopment agency implementation plans to include:

- The number of housing units needed for low- moderate-income persons, as determined by the most recent local housing element.
- The total community population and the population under 65 as determined by the most recent U.S. Census.
- An explanation of programs undertaken by the local agency to ensure that funds are spent according to the required proportions.
- An identification of the amount and recipients of Low- and Moderate-Income Housing Funds (call L&M funds) as well as other low- and moderate-income housing developments receiving funds from sources other than the agency, for the pervious implementation plan period.

The bill also allows expenditure of L&M funds for extremely low-income housing, and defines "affordable housing cost" for extremely low-income households as 30 percent of the area median income. **Signed – Chapter 782/Statutes of 2002.**

SB 1684 (Polanco) – Deletes the January 1, 2004 sunset on the Polanco Redevelopment Act, which was enacted in 1990 to establish a process to encourage the cleanup and development of properties contaminated with hazardous waste. **Signed – Chapter 1004/Statutes of 2002.**

SB 2010 (Alpert) – Designates the Tax Credit Allocation Committee in the Treasurer's Office as the state agency to allocate Federal Community Renewal Tax Relief Act tax-deduction incentives for commercial revitalization. Federal law allows California to allocate up to \$60 million worth of federal tax-deductions to qualified revitalization projects in five "renewal communities" – Los Angeles, Orange Cove in Fresno County, Parlier in Fresno County, San Diego, and San Francisco. **Signed – Chapter 1086/Statutes of 2002.**

Urban Growth and Land Use

SB 423 (Torlakson) – Establishes the Workforce Housing Reward Program to provide local assistance to cities and counties that provide land-use approval to affordable housing developments. *The bill takes effect only if the voters pass Proposition 46 on the November 5, 2002, statewide ballot.* **Signed – Chapter 482/Statutes of 2002.**

SB 1495 (Torlakson) – Makes a change to the Jobs-Housing Incentive Grant Program to account for recent annexations or incorporations when calculating the issuance of residential building permits. **Signed – Chapter 503/Statutes of 2002.**

SB 1586 (Haynes) – Limits the ability of water districts and other special districts to stop Local Agency Formation Commissions from forcing them to annex territory. Requires that any resolution from a special district requesting termination of annexation proceedings be based on written findings supported by substantial evidence in the record that the request is justified by financial or service related concerns. Also provides for judicial review of a resolution requesting termination of proceedings. **Signed – Chapter 547/Statutes of 2002.**

SB 1721 (Soto) – Clarifies the existing "anti-NIMBY" (not in my backyard) law that prohibits a local government from disapproving an affordable housing project unless the agency can prove it meets one of several categories of exceptions. Specifies that the law covers the use of design review standards to block proposed housing developments and that the law applies to farmworker housing. **Signed – Chapter 147/Statutes of 2002.**

SB 1925 (Sher) – Recrafts existing exemptions from the California Environmental Quality Act relating to affordable housing and farmworker housing by laying out the specific conditions that must be met to qualify for the exemption. The bill also creates a new exemption for specified urban in-fill housing developments. **Signed – Chapter 1039/Statutes of 2002.**

SB 2055 (Sher) – Requires a local government to identify the location of public access to public rivers, lakes, and the coast within a reasonable distance from a proposed subdivision. **Signed – Chapter 1109/Statutes of 2002.**

AB 52 (Wiggins) – Appropriates \$9.6 million from the California Clean Water, Clean Air, Safe Neighborhood Parks and Protection Act of 2002 (Proposition 40) for agricultural land preservation programs, including the newly created Coastal Farmland Preservation Program and the Oak Woodlands Conservation Act. **Signed – Chapter 983/Statutes of 2002.**

AB 857 (Wiggins) – Requires the Governor's Office of Planning and Research, when preparing the state Environmental Goals and Policy Report, to use these priorities:

- Promotion of in-fill development and equity through the use and improvement of existing infrastructure and the appropriate use and reuse of previously developed, underutilized land presently served by essential services, particularly in under-served areas, and by preserving

cultural and historic resources;

- Protection of environmental and agricultural resources by protecting and preserving working landscapes, natural lands, recreational lands, and landscapes with locally unique features or recognized by the state as deserving special protection; and
- Encouragement of efficient development patterns.

The bill also requires the state infrastructure plan and state agency function plans to be consistent with the above priorities. It clarifies that encouragement of efficient development patterns is to be accomplished by ensuring that development-related infrastructure supports new development that uses land efficiently, is built adjacent to existing development, is located in an area appropriately planned for growth, is served by adequate transportation and other essential utilities and services, and minimizes ongoing costs to taxpayers. **Signed – Chapter 1016/Statutes of 2002.**

AB 1866 (Wright) – Requires local governments to approve second housing units (sometimes called "granny flats") without public hearing whenever they meet the legal criteria. Prohibits them from applying any development standard that would have the effect of precluding an affordable housing development from receiving a density bonus and concessions. **Signed – Chapter 1062/Statutes of 2002.**

AB 2175 (Daucher) – Requires the Governor's Office of Planning and Research to include in its local general-plan guidelines recommendations for addressing human services. **Vetoed.**

AB 2292 (Dutra) – Prohibits a city or county from reducing, requiring, or permitting the reduction of residential density on any parcel below the density that was used to determine compliance with the housing element of the its general plan. **Signed – Chapter 706/ Statutes of 2002.**

Human Services

TANF and CalWORKs: Aid for Families

SB 1264 (Alpert) – Adds educational awards to those payments that may be excluded as income of the family for determining eligibility under the CalWORKs program. Also exempts from the work requirement any dependent who graduates from high school before age 18. **Signed – Chapter 439/Statutes of 2002.**

AB 1652 (Goldberg) – Excludes payments for relocation assistance from a family's income and resources for purposes of eligibility and aid determination under the CalWORKs program. **Vetoed.**

AB 1947 (Washington) – Provides that an individual who has been convicted of a felony shall not be ineligible for aid under the CalWORKs program and the Food Stamp program, as well as for General Assistance benefits, if he or she is enrolled in a drug-treatment program in accordance with the Substance Abuse and Crime Prevention Act of 2000. **Vetoed.**

AB 2386 (Keeley) – Provides, in exceptional cases, an extension of the current 18-month time period during which a person who has signed up for cash benefits under the Temporary Assistance for Needy Families (TANF) program must begin welfare-to-work activities. **Vetoed.**

Child Welfare and Foster Care

The state has special rules for applicants for positions, licenses, and certification in law enforcement, in-home care, residential care, child day care, foster care, community care, banking, and others. These rules detail what information should be disseminated concerning these applicants, according to the nature of the position, license, or certification sought. **SB 900 (Ortiz), Chapter 627/ Statutes of 2002,** will consolidate much of the law regarding disclosures of criminal history for employment, licensing, and certification purposes.

SB 1312 (Peace) – Makes changes in the law regarding the child-abuse central index. When a

government agency submits information to the Department of Justice for inclusion in the index, it must also notify the known or suspected child abuser that he or she is being reported. The bill establishes procedures for a hearing process, and authorizes the Department of Justice to charge a fee to a person or entity who requests information contained in the index. **Signed –**

Chapter 1106/Statutes of 2002.

SB 1677 (Alpert) – Clarifies existing law as it relates to surrogate parents and responsible adults who make educational decisions for the child. The bill requires the juvenile court to appoint a "responsible adult" to make education decisions after the court limits the right of the parent to make those decisions. The bill further provides for the appointment of a responsible person to represent the child's education interests at significant stages throughout dependency proceedings. In addition, the bill requires appointment of a surrogate parent if the court has limited the right of the parent or guardian to make educational decisions for the child. **Signed – Chapter 785/Statutes of 2002.**

AB 364 (Aroner) – Requires the Department of Social Services to establish minimum ratios for child welfare caseloads. Caseload reduction is to be phased in over a five year period, beginning in the current fiscal year. **Signed – Chapter 635/Statutes of 2002.**

AB 886 (Simitian) – Requires appointment of a responsible adult to make educational decisions for wards and dependents of the court when those rights are removed from their parents or guardians. **Signed – Chapter 180/Statutes of 2002.**

AB 1119 (Migden) – Eliminates some of the requirements for former foster youth to be eligible for the state's transition housing program. **Signed – Chapter 639/Statutes of 2002.**

AB 2294 (Liu) – Expands the duties of the state foster-care ombudsperson to require him or her to provide a report directly to the Legislature at least every two years regarding reports and complaints received by the office. **Signed – Chapter 1160/Statutes of 2002.**

AB 2514 (Bates) – Requires the Department of Social Services, in consultation with the Department of Alcohol and Drug Programs, to establish a committee to study issues relating to substance abuse in families in child welfare programs. The committee is to submit a plan no later than January 1, 2004, to the Legislature and the governor. **Vetoed.**

AB 2651 (Chu) – Declares legislative intent and state policy regarding gay, lesbian, or transgendered youth who are in foster care, including training requirements for foster parents. The duties of the foster-care ombudsperson would include operating a toll-free hotline for youth in foster care. **Vetoed.**

Other Measures

SB 1650 (Alpert) – Requires that mentor programs for youth receiving state funding shall have adopted the California Mentor Initiative Quality Assurance Standards. **Signed – Chapter 355/Statutes of 2002.**

AB 2741 (Chan) – Creates the Children's School Readiness and Health Council in the California Health and Human Services Agency, with the responsibility to promote policy development and coordinate programs that address children's school readiness and health. **Vetoed.**

AB 2920 (Aroner) – Establishes the California Center on Social Work Careers, to recruit qualified individuals into the social work profession. **Vetoed.**

Human Services and the Budget

Among the items in **AB 444 (Committee on Budget), Chapter 1022/Statutes of 2002**, a budget trailer bill:

- Subjects child care programs for school-age children to licensing inspections every three years instead of every year, and exempts school-age child care programs from unannounced licensing inspections.
- Authorizes the use of \$30 million from the Employment Training Fund for local assistance in the welfare-to-work CalWORKs program.
- Delays from October 1, 2002, until June, 2003, the statutorily-required cost-of-living adjustment for CalWORKs cash grants.
- Delays until July 1, 2003, the annual cost-of-living adjustment in the State Supplementary Program (SSP) for aged, blind, and disabled persons that would have gone into effect on January 1, 2003.
- Provides that counties shall keep 12.5 percent of any CalWORKs funds saved through fraud detection instead of the 25 percent allowed in previous years.
- Relaxes the deadline for counties to file reports of elder abuse in long-term care.
- Provides that recipient reporting in CalWORKs and food stamps shall be quarterly and based on prospective estimates of recipients' income.

Immigrants and Foreign-born Persons

SB 804 (Polanco) and **AB 60 (Cedillo)**, which were **vetoed**, would have required applicants for driver's licenses and identification cards from the Department of Motor Vehicles (DMV) who could not document their lawful presence in the United States to instead:

- Submit specified documents that establish their identity, that demonstrate they or their spouses or parents have lived and worked in California for at least 15 months in the last three years, and that show they have initiated steps to obtain lawful immigration status;
- Submit full sets of fingerprints; and
- Pass criminal background checks.

The bills also included provisions, such as requiring applicants to show proof of their identities, that would have applied to all applicants, not just immigrants. The measures had stipulated that certain information that the DMV obtains is private and confidential.

SB 987 (Escutia) – Would have strengthened the monitoring and enforcement mechanisms of the Dymally-Alatorre Bilingual Services Act, which requires state agencies to distribute non-English-language written materials and employ bilingual persons in local offices that serve a substantial number of non-English-speaking individuals. Would have required state agencies to provide translated materials at offices that serve a substantial number of non-English speaking persons, rather than provide translation assistance as an alternative, as current law allows. Would have required state agencies to post information about these requirements at a reception desk or other point of public contact. **Vetoed.**

SB 1544 (Karnette) – Would have made findings of the Legislature about the transfer to their home countries of foreign prisoners incarcerated in California prisons, including "the intent of the Legislature in enacting this measure to expedite future transfers." Enacted conditions for the transfer of foreign prisoners by the governor and circumstances requiring the board to transfer foreign prisoners. **Vetoed.**

SB 1974 (Polanco) – Allows the state insurance commissioner to approve insurance policies and associated materials in a foreign language provided, among other things, that the official version of these documents is provided in English to the policyholder. Stipulates that an insurer who

knowingly misrepresents information in a foreign language shall be engaging in an unfair or deceptive practice subject to penalties enforced by the commissioner.

Signed – Chapter 358/Statutes of 2002.

SB 2083 (Polanco) – Establishes the English Learner and Immigrant Pupil Federal Conformity Act, which is meant to ensure that instructional services are provided to pupils with limited English proficiency in conformity with federal requirements in the No Child Left Behind Act of 2001. **Signed – Chapter 1014/ Statutes of 2002.**

AB 1999 (Correa) – Authorizes the state attorney general or a local prosecutor to seek civil penalties of up to \$100,000 for each violation of the Immigration Consultants Act, enacted in 1986 to address the problem of unscrupulous and fraudulent practices by persons providing advice and assistance in immigration matters. **Signed – Chapter 705/Statutes of 2002.**

Information Technology and Telecommunications

E-Government

The Legislature several years ago created the state Department of Information Technology (DOIT), **SB 1 (Alquist), Chapter 508/Statutes of 1995**, to plan and oversee the state's computer-system purchases and uses. DOIT was to be responsible for ensuring that appropriate policies and procedures were in place to assure successful implementation of major technology projects.

But the statute creating DOIT became inoperative on July 1, 2002, putting the department out of out business, amid allegations of scandal and management failings. Most notable was a state auditor's report in April that asserted California stood to lose more than \$40 million on a \$95 million software contract hastily awarded without bidding and despite little demonstrated need. The auditor's assertions triggered legislative oversight hearings into circumstances surrounding the decision to award the Oracle contract. Several Davis administration officials, including the DOIT director, lost their jobs in the ensuing controversy.

Since DOIT expired, its functions have moved to the departments of Finance and General Services, and to various state departments' own IT offices, at least temporarily. The Bureau of State Audits is examining options for the best structures to govern the state's IT management.

SB 174 (Kuehl) – Transfers two programs related to child support, the California Parent Locator Service and the Central Registry, from the Department of Justice to the Department of Child Support Services (DCSS), in accord with the recent transfer of child-support responsibilities to DCSS. The transfer will occur upon the implementation of DCSS's Child Support Automation System, which is expected to be operational by 2006. **Signed – Chapter 1077/Statutes of 2002.**

SB 1467 (Bowen) – Applies standard conflict-of-interest provisions of the Public Contract Code to the state's procurement of information technology goods and services, as well as to procurement by the California State University and the University of California systems, all of which currently have separate regulations. Specifically, the bill:

- Prevents any person or firm that has a consulting services contract with the state from bidding on or receiving a contract for goods and services that may be recommended as a result of that contract;
- Precludes a state employee from negotiating contracts with the state in which the employee has a financial interest during the time her or she works for the state;
- Prohibits former state employees from financially benefiting from contracts they helped negotiate for two years after leaving state service.
- Precludes any former state employee in a policy-making position from entering into any

contract with any state agency for 12 months. **Signed – Chapter 1122/Statutes of 2002.**

AB 1068 (Wright) – Authorizes Internet escrow agents to submit required audit reports to the Department of Corporations electronically. **Signed – Chapter 1030/Statutes of 2002.**

AB 1559 (Diaz) – Extends, indefinitely, provisions governing the Department of Justice's Hawkins Data Center, the Health and Human Services Agency Data Center, and the Stephen P. Teale Data Center. **Signed – Chapter 45/Statutes of 2002.**

AB 1857 (Wayne) – Requires a state agency maintaining an Internet site to include the text of a proposed emergency rulemaking action and the date the proposal was submitted to the Office of Administrative Law. Requires rulemaking documents to be posted on the Web site for at least 15 days.

Signed – Chapter 389/Statutes of 2002.

AB 1936 (Horton) – Permits the use of electronic media in filing returns for special taxes, such as the taxes on alcohol and tobacco, administered by the Board of Equalization. Electronic media include computers and fax machines. **Signed – Chapter 459/Statutes of 2002.**

AB 2550 (Nation) – Requires the state Department of Health Services to implement an Internet-based electronic death-registration system by 2005. **Signed – Chapter 857/Statutes of 2002.**

E-Commerce

AB 2085 (Corbett) – Requires every health-care service plan with a Web site to provide an on-line form that subscribers can use to file a grievance on line. **Signed – Chapter 796/Statutes of 2002.**

Law Enforcement

SB 1891 (Perata) – Requires the state Department of Justice to maintain records on stolen and lost bicycles in the Criminal Justice Information System, accessible to law-enforcement agencies through the California Law Enforcement Telecommunications System. **Vetoed.**

SB 1980 (McPherson) – Allows some government prosecuting and investigating agencies to obtain the records of customers of electronic communication and remote computing services under certain circumstances. Provides that an agency may get a search warrant to get the name, address, local and long-distance telephone-toll billing records, telephone number or other subscriber identity. **Signed – Chapter 864/Statutes of 2002.**

AB 2018 (Nakano) – Establishes the Public Safety Communication Advisory Board to develop a statewide integrated public-safety communication system. **Signed – Chapter 1091/Statutes of 2002.**

AB 2033 (Robert Pacheco) – Makes reproductions of business records admissible in court as secondary evidence, provided the reproductions are made from the original by a trusted system and alterations are not permitted by technology. **Signed – Chapter 124/Statutes of 2002.**

AB 2080 (Steinberg) – Establishes a process for the Department of Justice (DOJ) to verify that a federal firearms license-holder in California who accepts deliveries of guns is also a fully licensed California dealer. Provides that as of July 1, 2003, DOJ will computerize its centralized list of state-licensed firearm dealers, wholesalers and gunsmiths and make the list available to the public 24 hours a day via the Internet. **Signed – Chapter 909/Statutes of 2002.**

Telecommunications

SB 500 (Torlakson) – Requires specified retail, cable television and utility companies to provide consumers with a mutually agreeable four-hour time window for service, and outlines procedures for appropriate notification if the service appointment is delayed. **Signed – Chapter 279/Statutes of 2002.**

SB 1311 (Kuehl) – Authorizes voluntary agreements between cellular carriers and public safety agencies to give public agencies priority access when using cellular communications during major emergencies. **Signed – Chapter 255/ Statutes of 2002.**

SB 1553 (Battin) – Requires the Public Utilities Commission (PUC) to examine the impact of toll-call pricing in the Coachella Valley and to consider additional options including the encouragement of innovative pricing plans. **Vetoed.**

SB 1560 (Figueroa) – Clarifies what businesses may obtain a planned "do not call" list of consumers who do not wish to be solicited by telephone, and stipulates that businesses may not become brokers of the list. **Signed – Chapter 698/Statutes of 2002.**

SB 1563 (Polanco) – Requires the PUC to develop a plan for encouraging the widespread availability and use of advanced communications infrastructure for rural, inner city and low-income and disabled consumers to assist in bridging the "digital divide." **Signed – Chapter 674/Statutes of 2002.**

SB 1863 (Bowen) – Establishes a state policy to focus "universal telephone service" efforts on providing educational institutions, health-care institutions, community-based organizations, and government agencies with access to advanced telecommunications services. **Signed – Chapter 308/Statutes of 2002.**

SB 1903 (O'Connell) – Requires a provider of commercial mobile-radio service to provide its customers with a means by which a subscriber can obtain reasonably current information on a subscriber's calling plans and service usage. Requires the providers to inform subscribers about the availability of this service. **Signed – Chapter 286/Statutes of 2002.**

AB 1734 (Committee on Utilities and Communications) – Changes the name of the Deaf and Disabled Telecommunications Program Administrative Committee to the Telecommunications Access for Deaf and Disabled Administrative Committee and deletes certain authority of the committee. Requires the committee to advise the PUC on certain matters. **Signed – Chapter 61/Statutes of 2002.**

AB 1769 (Leslie) – Prohibits a business from transmitting an unsolicited advertising text message to a cellular phone or pager equipped with short message capability. **Signed – Chapter 699/Statutes of 2002.**

AB 1814 (Reyes) – Requires an Internet service provider (ISP) to give 30 days' prior notice of service termination or service transfer to another ISP. The notice shall include a description of any proposed transfer, rates and conditions of new service, a statement of the customer's right to transfer to another ISP, and a toll-free customer service phone number for responding to customers' questions. **Vetoed.**

AB 1934 (Corbett) – Requires phone companies to perform background checks on job applicants who would be given access to phone networks and customer premises. **Signed – Chapter 183/Statutes of 2002.**

AB 2244 (Wayne) – Expands the disclosure of prepaid calling-card fees or charges, adds restrictions on how fees or charges are imposed and how a prepaid calling card company operates its required customer-service phone number. Requires that mandated disclosures be made in any language used on the prepaid card or its packaging, advertising, or promotion. **Signed – Chapter 778/Statutes of 2002.**

AB 2669 (Maldonado) – Exempts telephone corporations that are regulated under the new

regulatory framework from the stock and security transactions provisions of the Public Utilities Act – unless the corporation secures financing by pledging a plant or assets. Allows the PUC to reimpose PUC approval of stock and bond issuance for telephone companies if the PUC finds in a proceeding that it is required by the public interest. **Vetoed.**

AB 2784 (Chavez) – Relates to a program implemented by the PUC whereby each telephone corporation provides specialized or supplemental telephone communications equipment to subscribers who are disabled. Authorizes a licensed optometrist to provide a statement of visual need for specialized telephone equipment. **Signed – Chapter 143/Statutes of 2002.**

AB 2944 (Kehoe) – Deletes the existing state prohibition relative to the faxing of unsolicited advertising material. Intended to allow federal law to prevail, which prohibits unsolicited fax advertisements. **Signed – Chapter 700/Statutes of 2002.**

Insurance

Vehicle Insurance

SB 689 (Perata), which was **vetoed**, would have permitted an insurer to use continuity of automobile insurance coverage with that insurer as a factor in determining rates and premiums.

SB 1427 (Escutia) – Extends until 2007 a pilot program that permits low-income drivers to obtain minimum car insurance at reduced rates in Los Angeles and San Francisco. The annual costs for minimal policies are reduced from \$450 to \$347 in Los Angeles and from \$410 to \$314 in San Francisco. **Signed – Chapter 742/Statutes of 2002.**

SB 180 (Speier and Sher) – Extends the operative date from January 1, 2004, until January 1, 2007, on including the counties of Los Angeles and San Francisco in requirements that drivers have proof of vehicle insurance. **Signed – Chapter 666/Statutes of 2002.**

Insurers

SB 170 (Escutia) – Authorizes the state Department of Insurance to impose civil penalties on insurers that fail to provide data to the department as required by law. **Signed – Chapter 1076/Statutes of 2002.**

SB 1974 (Polanco) – Allows the state insurance commissioner to approve insurance policies and associated materials in a foreign language provided, among other things, the official version of these documents is in English

Signed – Chapter 358/Statutes of 2002.

Long-Term Care Insurance

AB 1908 (Cohn) – Allows public employers to contribute funds to the California Public Employees' Retirement System to pay long-term care premiums on their employees' behalf. **Signed – Chapter 871/Statutes of 2002.**

Judiciary

SB 371 (Escutia) – Establishes the Trial Court Interpreter Employment and Labor Relations Act, which sets forth provisions and procedures governing the employment and compensation of certified court interpreters. **Signed – Chapter 1047/Statutes of 2002.**

SB 688 (Burton) – Extends the statute of limitations for personal injury claims for assault, battery and personal injury and wrongful death actions from one year to two years, and applies them retroactively to victims of the September 11th terrorist attacks. **Signed – Chapter 448/Statutes of 2002.**

SB 994 (Morrow) – Extends the expiration date of provisions protecting public skateboard parks from liability for injuries sustained by persons older than 13 years from January 1, 2003, to January 1, 2008. Requires the Judicial Council to submit a report to the Legislature that compiles the annual reports on skateboarding-related incidents and injuries at public skateboarding parks. **Signed – Chapter 409/Statutes of 2002.**

SB 1459 (Romero) – Sets forth penalties and remedies for individuals who practice law or hold themselves out to be practicing attorneys who are, in fact, not members of the State Bar. **Signed – Chapter 394/Statutes of 2002.**

SB 1878 (Poochigian) – Clarifies what actions constitute a "contest" for purposes of invalidating a "no contest" clause in a will, trust, or other estate-planning instrument. Lists actions that may not be considered "contests" as a matter of public policy, and provides exceptions to this rule. **Signed – Chapter 150/Statutes of 2002.**

SB 2061 (Morrow) – Provides that a communication between parties to any privileged relationship does not lose its privileged character for the sole reason that it is communicated by electronic means or because persons involved in the delivery, facilitation, or storage of electronic communication may have access to its content. **Signed – Chapter 72/Statutes of 2002.**

AB 363 (Steinberg) – Authorizes an attorney who learns of improper governmental activity in the course of representing a governmental organization to urge reconsideration of the matter, while explaining its likely consequences to the organization, or to refer the matter up to the highest internal authority that can act on behalf of the organization. Also authorizes the attorney, under specified conditions, to directly refer the matter to the law enforcement agency or official charged with oversight of the governmental organization, notwithstanding an attorney's current obligation to maintain the confidentiality of information disclosed by a client. **Vetoed.**

AB 2504 (Jackson) – Requires disclosure by public judges regarding arrangements for and negotiations about employment as a private judge or related position after leaving government service. Requires public judges to disclose any discussions the judge has participated in during the prior two years regarding employment as an arbitrator when the source of prospective employment is a party to a proceeding before the judge. **Signed – Chapter 1094/Statutes of 2002.**

AB 2656 (Corbett) – Requires private arbitration companies to collect and provide data regarding the type, quantity, and certain other facets of consumer arbitrations they administer. Such arbitrations, in contrast to the proceedings of public courts, typically are secret. **Signed – Chapter 1158/Statutes of 2002.**

Labor and Employment

In landmark legislation, California became the first state in the nation to provide paid family-leave benefits under **SB 1661 (Kuehl), Chapter 901/Statutes of 2002.** This bill expands the State Disability Insurance (SDI) program operated by the Employment Development Department (EDD) to provide up to six weeks of wage-replacement benefits to workers who take time off to care for a seriously ill child, spouse, parent or domestic partner, or to bond with a new child.

The family-leave benefits, available to workers already paying into the SDI system, will be financed entirely by mandatory employee contributions. The average new cost, which will begin January 1, 2004, is estimated at \$27 per year – or \$2.25 per month – per worker. Benefits will be available beginning July 1, 2004.

Workers who take family leaves will be eligible for benefits that replace up to 55 percent of wages lost to a maximum of \$728 per week. Future increases in the maximum amount are tied to a formula based on the state's average weekly wage.

Unemployment Insurance and State Disability Insurance

SB 467 (Scott) – Authorizes EDD to terminate an employer's voluntary plan for coverage of

disability benefits with good cause, and authorizes EDD to pay benefits from the disability fund to eligible claimants covered by voluntary plans terminated by EDD. **Signed – Chapter 52/Statutes of 2002.**

SBX3 2 (Alarcón) – Increases unemployment insurance benefits to workers who were unemployed on or after September 11, 2001. (Legislation passed last year increased maximum unemployment insurance benefits from \$230 to \$330 per week for claims filed on or after January 1, 2002. This bill applied this benefit increase retroactively to individuals who were unemployed on or after September 11th.) **Signed – Chapter 4/Statutes of 2001-02 Third Extraordinary Session.**

AB 2149 (Chu) – Permits state and California State University employees to negotiate out of the Non-Industrial Disability Insurance program paid for by the employer and into the SDI program when bargaining for a labor agreement. **Signed – Chapter 878/Statutes of 2002.**

AB 2771 (Migden) – Prohibits additional work search requirements for unemployment insurance because the recipient has worked for a temporary services or leasing employer. **Vetoed.**

AB 3010 (Assembly Budget Committee) – Provides an alternate base period of more recent earnings to be used for claimants whose earnings under the current system do not qualify the individual for unemployment insurance. **Vetoed.**

Workers' Compensation

Early in the 2002 legislative session, Governor Davis signed legislation, **AB 749 (Calderon), Chapter 6/Statutes of 2002**, which increased workers' compensation benefits over a four-year period and established reforms in the administration of the workers' compensation system.

Benefit increases included an increase in the minimum weekly temporary disability and permanent total disability benefits to \$126, an increase in the maximum weekly permanent partial disability benefit and an increase in the permanent partial disability minimum benefit from \$70 to \$130 per week.

Maximum weekly temporary disability and permanent total disability benefits were increased to \$602 for injuries occurring on or after January 1, 2003, to \$728 for injuries occurring after January 1, 2004, and to \$840 for injuries occurring on or after January 1, 2005. Beginning January 1, 2006, the minimum and maximum temporary disability and permanent total disability benefit will be increased by the same percentage increase in the state average weekly wage.

Also sent to the governor were:

SB 1395 (Machado) – Creates a skin-cancer rebuttable presumption under the workers' compensation law for peace officers employed by the Department of Fish and Game and the Department of Parks and Recreation. **Vetoed.**

SB 1609 (Soto) – Creates a disputable presumption that a blood-borne infectious disease developing or manifesting itself with respect to specified health care workers arises out of and in the course of employment, for the purposes of workers' compensation. **Vetoed.**

SB 2011 (Burton) – Gives trial court employees the right to organize under recognized employee organizations without fear of retaliation or reprisal. The bill further creates the Judicial Branch Workers' Compensation Fund to fund workers' compensation claims for judicial branch employees because as of January 1, 2003, counties will no longer be responsible for the payment of workers' compensation premiums for Superior Court workers. **Signed – Chapter 905/Statutes of 2002.**

AB 1820 (Strom Martin) – Extends the tuberculosis and meningitis rebuttable presumptions for workers' compensation insurance to volunteer and partly paid firefighters. **Vetoed.**

AB 1847 (Correa) – Establishes a compensable injury presumption under the Workers'

Compensation Law and the disability retirement provisions of state and local retirement systems for exposure to a biochemical substance. **Signed – Chapter 870/Statutes of 2002.**

AB 2125 (Negrete McLeod) – Creates a rebuttable presumption for the purposes of workers' compensation that Lyme disease that develops or manifests itself with respect to specified state peace officers and members of the California Conservation Corps arises out of and in the course of employment. **Signed – Chapter 876/Statutes of 2002.**

AB 2192 (Chavez) – Provides that a licensed rating organization may not enter into a contract or other agreement that prohibits information-service companies in the business of providing workers' compensation experience-rating information to receive and provide to others experience-rating information. **Signed – Chapter 879/Statutes of 2002.**

AB 2816 (Shelley) – Requires that when a temporary agency enters into a contract to provide a licensed contractor with the services of an individual, the temporary agency must pay the workers' compensation premiums for that individual based on the experience modification of the licensed contractor. **Signed – Chapter 1098/Statutes of 2002.**

Wages, Hours and Working Conditions

SB 972 (Costa) – Provides for exemptions from prevailing wage requirements for the construction or rehabilitation of privately owned residential projects. **Signed – Chapter 1048/Statutes of 2002.**

SB 1471 (Romero) – Provides that it is a per se violation of the law for an employer's absence-control policy to count sick leave used to care for a child, parent, spouse, or domestic partner as an absence that may lead to discipline, discharge, demotion, or suspension. **Signed – Chapter 1107/Statutes of 2002.**

SB 1886 (Torlakson) – Establishes a comprehensive statutory scheme to regulate elevator safety. **Signed – Chapter 1149/Statutes of 2002.**

AB 1448 (Maddox) – Makes permanent the limitations on liability of a prime contractor for violations by a subcontractor of certified payroll and overtime requirements. **Signed – Chapter 28/Statutes of 2002.**

AB 2195 (Corbett) – Extends to victims of sexual assault the existing protections against adverse employment actions for victims of domestic violence who need time off from work. **Signed – Chapter 275/Statutes of 2002.**

AB 2837 (Koretz) – Requires the Division of Occupational Safety and Health to investigate a fatal employment accident within 24 hours; imposes a civil penalty of not less than \$5,000 against any employer who fails to report a serious injury, illness, or death; and requires the division to enhance its services to non-English-speaking individuals. **Signed – Chapter 885/Statutes of 2002.**

AB 2845 (Goldberg) – Requires the Occupational Safety and Health Standards Board to revise ergonomic standards designed to reduce repetitive motion injuries in the workplace on or before July 1, 2004. **Vetoed.**

AB 2985 (Koretz) – Requires the Labor and Workforce Development Agency to contract for a study of existing enforcement of wage and hour laws, including available state and federal funding, to be submitted to the Legislature by December 31, 2003. **Signed – Chapter 662/Statutes of 2002.**

AB 2989 (Labor Committee) – Requires payment of severance pay to each employee in the amount of one week's pay for each year worked if an employer of at least 100 people provides or has provided in the last three years for severance pay or bonuses to its management. **Vetoed.**

AB 2990 (Labor Committee) – Creates a rebuttable presumption affecting the burden of proof

that the provisions of existing law were violated if a person discharges, demotes, suspends, or reduces the hours of work or pay of an employee within 90 days after the employee has exercised his or her rights under the Labor Code. **Vetoed.**

Workforce Development

SB 1566 (Polanco) – Reauthorizes the California Community Colleges Economic Development Program (also known as the EdNet program) as the California Community Colleges Economic and Workforce Development Program and extends the program's sunset date to January 1, 2008. **Signed – Chapter 544/ Statutes of 2002.**

SB 1591 (Burton) – Requires the Employment Development Department

to establish standards and criteria regarding construction industry jobs under the Workforce Investment Act and prohibits the establishment of Welfare-to-Work positions in the construction industry if creation of such positions result in not rehiring a seasonal employee who has a history of regular seasonal employment with an employer. **Signed – Chapter 1142/Statutes of 2002.**

AB 692 (Aroner) – Requires EDD to administer the California Savings and Asset Project to match savings in program participants' Individual Development Accounts. This bill will only be implemented upon an appropriation of funds by the Legislature or an allocation of existing Workforce Investment Act discretionary funds by the governor. **Signed – Chapter 1024/Statutes of 2002.**

AB 925 (Aroner) – Revises and expands state programs for working persons with disabilities and requires each local workforce investment board to report to the California Workforce Investment Board by October 31, 2002, on its readiness to meet the eligibility standard to serve as an employment network under the federal Ticket to Work and self-sufficiency program. **Signed – Chapter 1088/Statutes of 2002.**

AB 2410 (Frommer) – Requires EDD, in consultation with the film and movie industry, the state Technology, Trade and Commerce Agency and the California Film Commission to research and maintain data on film industry employment. **Signed – Chapter 1042/Statutes of 2002.**

Other Measures

SB 783 (Escutia) – Increases protections against reprisals for whistleblowers reporting violations of state or federal laws, rules or regulations and, in the case of companies and corporations, violations of fiduciary responsibilities. Sets up a whistleblower hotline to the attorney general's office. **Vetoed.**

SB 1236 (Alarcón) – Creates the Labor and Workforce Development Agency consisting of the state Department of Industrial Relations, EDD, the Agricultural Labor Relations Board, and the Workforce Development Board. **Signed – Chapter 859/Statutes of 2002.**

SB 1419 (Alarcón) – Establishes standards for the use of personal service contracts in California school districts and community college districts.

Signed – Chapter 894/Statutes of 2002.

SB 1466 (Alarcón) – Provides that any person or entity that enters into a contract for labor or services for construction, farm labor, garment manufacturing, janitorial services, or security guard services, that knows or should know that the contract does not provide sufficient funds to comply with various laws, violates state law. Employees would be able to recover actual damages through civil action. **Vetoed.**

SB 2066 (Burton) – Requires the University of California to show good cause before it utilizes a service contractor at any new facility for work traditionally performed by represented university employees. **Vetoed.**

AB 500 (Goldberg) – Requires the governing board of a school district and of a community college district, before employing a short-term employee, to specify the service required to be performed by the employee. **Signed – Chapter 867/ Statutes of 2002.**

AB 1506 (Wesson) – Requires an awarding body that chooses to use funds from school bond acts to initiate and enforce a labor compliance program. **Signed – Chapter 868/Statutes of 2002.**

AB 1788 (Reyes) – Provides that the University of California, if it agrees to do so, shall require its service contractors to enter into card-check agreements with any labor organization that requests such for the purposes of seeking representation of the contractor's employees.

Signed – Chapter 1040/Statutes of 2002.

AB 2189 (Koretz) – Requires a public transit service contractor to retain the employees of a former contractor during a 60-day transition period. **Vetoed.**

AB 2412 (Diaz) – Requires an employer who receives a request from a current or former employee to inspect or copy his or her payroll records to comply as soon as practicable, but in any event within 21 calendar days. **Signed – Chapter 933/Statutes of 2002.**

AB 2509 (Goldberg) – Permits local government agencies to impose labor standards more stringent than those required by state law on local projects that receive state funding. **Signed – Chapter 298/ Statutes of 2002.**

AB 2752 (Alquist) – Provides that it is an unlawful employment practice for an employer to subject an employee to adverse employment action, if the employee participates in protected activities, such as refusal to work under dangerous or hazardous conditions. **Vetoed.**

AB 2849 (Washington) – Requires that employees who have part-time playground positions be included as part of classified service if they also work part-time in existing classified positions. **Signed – Chapter 1100/Statutes of 2002.**

AB 2895 (Shelley) – Prohibits an employer from requiring an employee to refrain from disclosing information about the employer's working conditions. Prohibits an employer from requiring a waiver that purports to deny an employee the right to disclose such information, and makes unlawful any type of job discrimination against an employee for disclosing such information.

Signed – Chapter 934/Statutes of 2002.

AB 2957 (Koretz) – Expands the federal plant closure law by enacting a uniform state standard of notification for mass layoffs, relocations and terminations. This bill covers facilities with 75 or more persons and requires notification that will affect at least 50 employees. **Signed – Chapter 780/ Statutes of 2002.**

AB 2987 (Labor Committee) – Increases the amounts of fines and penalties for violations of the Labor Code. **Vetoed.**

Local Government

ACA 11 (Richman), Chapter 185/Statutes of 2002, a proposed state constitutional amendment, would establish the 21st Century Infrastructure Investment Fund to finance local and state construction projects. Voter approval will be required in 2004 to add the measure to California's Constitution.

ACA 11 would transfer a share of state General Fund revenues annually to the investment fund beginning in 2006-07, with half earmarked for local government infrastructure projects and half for state projects. Construction projects would be related to transportation, education, preservation of natural resources, parks, and water quality.

Just 1 percent of state revenues would be transferred in 2006-07, rising to 3 percent in 2013-14.

Land Use and Development

SB 1480 (Speier) – Increases local land use control over billboards near freeways. **Signed – Chapter 972/Statutes of 2002.**

SB 1636 (Figueroa) – Allows cities and counties to designate Infill Opportunity Zones where development can occur without having to follow transportation level-of-service standards. **Signed – Chapter 505/Statutes of 2002.**

AB 857 (Wiggins) – Requires state agencies' functional plans and infrastructure projects to follow the state planning priorities of equity, economy and environment and requires the governor to develop conflict resolution procedures. **Signed – Chapter 1016/Statutes of 2002.**

AB 1997 (Thomson) – Prohibits subdividing into small parcels agricultural and open space lands that are subject to easements. **Signed – Chapter 613/ Statutes of 2002.**

AB 2175 (Daucher) – Requires the Governor's Office of Planning and Research to include "human service matters" in its general plan guidelines. **Vetoed.**

AB 2292 (Dutra) – Requires cities and counties to follow a no-net-loss principle when reducing residential densities. **Signed – Chapter 706/Statutes of 2002.**

AB 2936 (Aroner) – Allows cities and counties to include planning costs as part of their permit-processing fees. **Signed – Chapter 963/Statutes of 2002.**

AB 2954 (Simitian) – Requires the land use elements in county and city general plans to include child-care facilities. **Vetoed.**

AB 3057 (Matthews) – Recasts a general plan's open space element as the "agriculture and open space element." **Vetoed.**

Local Agency Formation Commissions (LAFCOs)

SB 1586 (Haynes) – Requires special districts to document why they block annexations. **Signed – Chapter 547/Statutes of 2002.**

SB 1717 (Machado) – Limits leases of city-owned property in noncontiguous territory, and requires automatic detachment if a city leases its property in noncontiguous territory for a shopping center, hotel, or motel. **Signed – Chapter 507/Statutes of 2002.**

SB 1384 (Costa) and **AB 1948 (Kelley)** – Change the formulas used by independent special districts to pay their shares of LAFCOs' budgets, including limiting any one district to 50 percent of the total districts' share. **Signed – Chapter 969 and Chapter 493/Statutes of 2002.**

AB 2227 (Harman) – Makes several changes to the Cortese-Knox-Hertzberg Act that created LAFCOs and governs the boundaries of cities and special districts. **Signed – Chapter 548/Statutes of 2002.**

AB 2370 (Thomson) – Prohibits a LAFCO from approving the annexation of Williamson Act contracted land to a city, with exceptions. **Signed – Chapter 614/Statutes of 2002.**

Local Government Powers

SB 1479 (Morrow) – Allows counties to discount marriage licenses by \$7 for couples that take premarital education courses. **Vetoed.**

SB 1588 (Senate Local Government Committee) – Revises the state laws governing mosquito abatement districts. **Signed – Chapter 395/Statutes of 2002.**

SB 1643 (Johnson) – Amends the Brown Act to allow a legislative body to hold a closed session during an emergency meeting, and exempts specified security documents from the Public Records Act. **Signed – Chapter 175/Statutes of 2002.**

AB 1945 (Simitian) – Amends the Brown Act to prohibit disclosing confidential information from a closed session unless the legislative body authorizes the disclosure, and allows a local agency to punish violators. **Signed – Chapter 1119/Statutes of 2002.**

AB 2645 (Aanestad) – Amends the Brown Act to expand the list of personnel or consultants allowed in closed sessions that relate to security matters. **Signed – Chapter 1120/Statutes of 2002.**

AB 2650 (Lowenthal) – Requires marine terminals to shorten truck waiting times to load or unload. Creates the California Port Community Air Quality Program, which will use fine revenues to pay for truck engine retrofit programs. **Signed – Chapter 1129/Statutes of 2002.**

Local Finance

SB 1323 (Ackerman) – Conforms state law to ensure that local governments have broad access to federal bankruptcy protections. **Signed – Chapter 94/ Statutes of 2002.**

SB 1515 (Machado) – Prohibits local officials from putting restricted agricultural and open space land into Mello-Roos Act Community Facilities Districts.

Signed – Chapter 174/Statutes of 2002.

SB 1714 (Poochigian) – Requires the state controller to annually report property tax revenues lost because of state agencies acquiring land by purchase, donation, conservation easement, land trust, or easement. **Vetoed.**

AB 1939 (Daucher) – Requires the Legislative Analyst's Office to study a new property tax allocation option in which a county, cities, and special districts negotiate new formulas. **Vetoed.**

AB 2825 (Wiggins) – Allows counties and cities to create Fire Protection Finance Agencies to pay for capital improvements and fire protection services. **Vetoed.**

AB 2851 (Cogdill) – Requires Mello-Roos Act Community Facilities Districts to prepare yearly revenue and expenditure reports upon request. **Signed – Chapter 960/Statutes of 2002.**

Olympics

SB 1987 (Burton) – Authorizes the governor to sign agreements required by the U.S. Olympic Committee as part of the bid process for San Francisco to become the U.S. candidate city for the 2012 Olympic Games. **Signed – Chapter 16/ Statutes of 2002.**

Natural Resources

Fish and Wildlife

SB 482 (Kuehl) – Waives provisions of the Fully Protected Species Act to establish a process for more effectively maintaining wildlife habitat at the Salton Sea, while still allowing water transfers between the Imperial Irrigation District and the San Diego County Water Authority to comply with the Colorado River Plan. The plan, among other things, reduces Southern California's allocation of water from the Colorado River. **Signed – Chapter 617/Statutes of 2002.**

SB 550 (Costa) – Permits the destruction of endangered species if it is the result of otherwise lawful routine and ongoing agricultural activities conducted with due care. The bill also removes a requirement that the acts be inadvertent or the result of ordinary negligence for the exception to apply. **Signed – Chapter 32/ Statutes of 2002.**

SB 1645 (Sher) – Requires hunters who kill mammals on a contract-fee basis to obtain a trapping license, and prohibits the sale of raw furs obtained by contract-fee hunting. **Signed – Chapter 571/Statutes of 2002.**

SB 1777 (Sher) – Requires that funds from Proposition 40 (the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection bond issue of \$2.6 billion approved by voters in March 2002) for conservation and restoration of salmon and steelhead trout be governed by existing law with the addition of conflict-of-interest provisions and monitoring projects. **Signed – Chapter 600/ Statutes of 2002.**

AB 2469 (Dickerson) – Makes funding available for fish screens in accord with a cost-sharing agreement between the federal government and California. **Signed – Chapter 949/Statutes of 2002.**

Conservancies

SB 1962 (Polanco) – Requires the California Coastal Conservancy to accept all offers to dedicate public access ways that have not been accepted by another entity at least 90 days before the offer is set to expire, if development funds are available. **Signed – Chapter 518/Statutes of 2002.**

AB 2156 (Kehoe) – Establishes the San Diego River Conservancy to acquire and direct the management of specific public lands in the San Diego River area. **Signed – Chapter 574/Statutes of 2002.**

AB 2727 (Keeley) – Authorizes the California Coastal Conservancy to enter into options to acquire real property in connection with a public access project consistent with its authority to buy land for other purposes. Increases a \$100,000 limit – unadjusted since 1978 – on the conservancy's various types of options to \$600,000. **Signed – Chapter 958/Statutes of 2002.**

Invasive Species

SB 1573 (Karnette) – Establishes the Interagency Aquatic Invasive Species Council, composed of representatives from state agencies and interest groups, and requires it to establish a comprehensive plan by January 2004 to address the prevention, monitoring and enforcement of aquatic invasive species.

Signed – Chapter 599/Statutes of 2002.

AB 1059 (Keeley) – Requires the Department of Boating and Waterways to restrict or prohibit recreational boating that would interfere with the efforts of the state Department of Fish and Game to eradicate *Caulerpa taxifolia*, an invasive underwater weed. **Signed – Chapter 940/Statutes of 2002.**

Other Measures

SB 483 (Sher) – Provides funding and time extensions for the remediation of abandoned mines in California and for an annual report on such projects proposed for the next fiscal year. Amends the Surface Mining and Reclamation Act of 1975 with the intent of protecting Native American sacred sites from the potential environmental impacts associated with cyanide heap leach mining. **Signed – Chapter 1154/Statutes of 2002.**

SB 540 (Sher) – Extends to the state attorney general or local district attorneys authority to seek a civil penalty for violations of the Forest Practices Act upon the request of the director of the state Department of Forest and Fire Protection. Allows a prosecutor to seek a civil penalty whether or not

he or she is bringing misdemeanor charges for the conduct. **Signed – Chapter 762/Statutes of 2002.**

SB 849 (Torlakson) – Increases, from \$0.04 to \$0.05 per barrel of crude oil or petroleum byproduct, an oil-spill prevention and administration fee that is imposed for oil-spill response when oil is received at a marine terminal. **Signed – Chapter 514/Statutes of 2002.**

AB 1414 (Dickerson) – Requires, subject to funding, the Department of Fish and Game to prepare draft management plans for property acquired by the department. Requires the state Resources Agency, subject to funding, to develop a database of lands and easements acquired by departments and boards within the agency. **Signed – Chapter 8/Statutes of 2002.**

AB 2083 (Jackson) – Requires the State Lands Commission to develop a form for oil shippers to file, tracking the amount and type of oil transported and other reported information. **Signed – Chapter 512/Statutes of 2002.**

AB 2251 (Nation) – Enacts the Sudden Oak Death Management Act. Allows the departments of Forestry and Food and Agriculture to expend funds for sudden oak death regulatory activities, including establishing a task force and implementing a program to detect, remove or treat trees infected with the disease. **Signed – Chapter 854/Statutes of 2002.**

AB 2534 (Pavley) – Transfers \$223.4 million derived from the proceeds from Proposition 40 to accounts established in the bill, including wastewater, non-point source pollution, agricultural water quality and watershed management grant programs. Appropriates those funds to the State Water Resources Control Board and the California Coastal Conservancy. **Signed – Chapter 727/Statutes of 2002.**

AB 2993 (Firebaugh) – Requires the state Department of Forestry and Fire Protection to establish a working group to develop potential incentives for landowners to implement pre-fire activities in state responsibility areas and communities adjacent to wild lands. Also requires the department to identify all government and private programs that involve pre-fire activities and require cost-sharing. **Signed – Chapter 596/Statutes of 2002.**

Privacy and Public Information

The Legislature moved to strengthen protections for the privacy and personal information of Californians, whether they are public officials or private residents. **SB 1386 (Peace), Chapter 915/Statutes of 2002,** and **AB 700 (Simitian), Chapter 1054/Statutes of 2002,** for instance, require government agencies and businesses to immediately notify anyone whose personal information may have been leaked in a breach of computer security.

In the Internet arena, **AB 2297 (Simitian),** which was **vetoed,** would have enacted the Online Privacy and Disclosure Act of 2002 to require Web site operators who collect identifying information about Californians to post and comply with a privacy policy.

AB 2238 (Dickerson), Chapter 621/Statutes of 2002, makes it a crime to post the names, addresses and phone numbers of public safety officials on the Internet with the intent of causing them great bodily harm. AB 2238 also creates an advisory task force to analyze ways to protect public safety officials' home information.

AB 797 (Shelley), Chapter 380/Statutes of 2002, protects the confidentiality of addresses of reproductive-health-care providers and their employees, volunteers and patients.

Prison and jail inmates will be denied access to more types of personal data about Californians under **AB 2456 (Jackson), Chapter 196/Statutes of 2002.** As another protection against privacy breaches in the criminal community,

AB 2659 (Runner), Chapter 623/Statutes of 2002, requires the state Department of Justice to check and certify those who fingerprint others for licensure or employment purposes.

On the other hand, **AB 74 (Washington), Chapter 605/Statutes of 2002**, responding to the terrorist attacks of the previous year, expands the list of offenses eligible for law-enforcement wiretap orders. These could include crimes involving restricted biological agents and destructive devices.

Consumer Privacy

SB 1560 (Figueroa) – Prohibits businesses from selling the new state "do not call" list of consumers who do not wish to be solicited by phone. The bill specifies that the Do Not Call program will begin April 1, 2003. **Signed – Chapter 698/Statutes of 2002.**

AB 1769 (Leslie) – Prohibits a business from transmitting unsolicited advertising to a cellular phone or pager equipped with short message capability, except in a limited number of cases, in which case the phone user can opt out of receiving the ads. **Signed – Chapter 699/ Statutes of 2002.**

AB 2944 (Kehoe, Shelley and Bowen) – Ensures that a federal ban on unsolicited fax advertising is enforceable in California by repealing a state law that allows some such faxes. **Signed – Chapter 700/Statutes of 2002.**

Medical Privacy

AB 2191 (Migden) – Makes pharmaceutical companies subject to the Confidentiality of Medical Information Act. **Signed – Chapter 853/Statutes of 2002.**

AB 2831 (Simitian) – Exempts direct communication by electronic means between a patient and a health care professional from a law that requires patients to give written consent to receive his or her laboratory results by electronic means. Permits certain test results that are otherwise prohibited from being conveyed to the patient electronically to be conveyed by electronic means if there is no malignancy revealed in the results. **Signed – Chapter 128/Statutes of 2002.**

Voter Privacy

AB 2832 (Shelley) – Makes many changes to the Elections Code to protect the privacy of voters' personal information. **Signed – Chapter 959/Statutes of 2002.**

Government Meetings

SB 1643 (Johnson) – Amends the Brown Act, the local government opening meeting law, to allow a legislative body to hold a closed session during an emergency meeting, and exempts specified security documents from the Public Records Act. **Signed – Chapter 175/Statutes of 2002.**

AB 1945 (Simitian) – Amends the Brown Act to prohibit disclosing confidential information from a closed session unless the legislative body authorizes the disclosure. Allows a local agency to punish violators. **Signed – Chapter 1119/ Statutes of 2002.**

AB 2645 (Aanestad) – Amends the Brown Act to expand the list of personnel and consultants allowed into a closed legislative meeting when the meeting concerns security matters. **Signed – Chapter 1120/Statutes of 2002.**

Public Records and Government Information

SB 247 (Speier) – Sets forth guidelines to control access to, and release of, birth and death records. **Signed – Chapter 914/Statutes of 2002.**

SCR 13 (Morrow) and **ACR 123 (Wayne)** – Authorize the California Law Revision Commission to study whether public-record disclosure and privacy-protection laws should be revised to better coordinate them, including clarifying the scope of required disclosure and creating of a single set of

disclosure procedures, to provide appropriate enforcement mechanisms, and to ensure that the disclosure laws adequately cover electronic information. **Adopted – Resolution Chapters 78 and 166/Statutes of 2002.**

AB 822 (Shelley) – Allows the state attorney general to hear and decide appeals of state and local government agencies' decisions to deny public access to public records. Allows a court to award up to \$100 per day (up to a maximum of \$10,000) when the agency's action results in the denial of plaintiff's right to access the records. **Vetoed.**

AB 2656 (Corbett) – Requires that private judging companies collect and make public data regarding the outcome of mandatory consumer arbitrations. These private arbitrations, in contrast to court proceedings, typically are secret. **Signed – Chapter 1158/Statutes of 2002.**

AB 2922 (Simitian) – Requires the state Office of Privacy Protection to inventory the categories of personal information collected and used by state agencies, and to make the inventory available to the public by March 1, 2004. **Vetoed.**

Public Employment and Retirement

Included in the budget agreement reached during the final hours of the legislative session were provisions to reduce the size of the state workforce.

AB 593 (Oropeza), Chapter 1023/Statutes of 2002, will require Governor Davis to issue an executive order providing an incentive for state employees to retire early if they meet certain required conditions. As a "golden handshake," the employees would have two years of work-service credit added to the formula used to compute their retirement pensions from the California Public Employees Retirement System (CalPERS). This bill also requires the director of the Department of Finance to abolish at least 1,000 positions in state government.

Public Employee Pension Benefits

SB 183 (Burton) – Provides enhanced retirement benefits under CalPERS to members of state Bargaining Unit 7, Protective Services and Public Safety. Also includes the state attorney general as a peace officer under the Penal Code, and allows persons who were employed in various fellowship programs to purchase credit for that time in CalPERS. **Signed – Chapter 56/Statutes of 2002.**

SB 1010 (Perata) – Makes three higher retirement formulas available to state miscellaneous and industrial employees, subject to collective bargaining, and allows the employees' contributions rate, with respect to each formula, to be determined in the collective bargaining agreement. **Vetoed.**

SB 1318 (Karnette) – Allows school districts to pay some or all of their certificated employees' 8 percent contributions to the State Teachers Retirement System (STRS). **Signed – Chapter 115/Statutes of 2002.**

SB 1409 (Soto) – Establishes the Deferred Retirement Option Program as a supplemental benefit for safety members of CalPERS-contracting local agencies that elect to participate in the program. The program would provide eligible members access, upon retirement, to a lump sum or additional monthly payments in addition to a monthly retirement allowance. **Vetoed.**

SB 1983 (Soto) – Makes several changes to the benefit and investment programs administered by STRS. **Signed – Chapter 903/Statutes of 2002.**

SB 2094 (Committee on Public Employment and Retirement) – Authorizes CalPERS members to purchase up to three additional years of service credit for time served as volunteers in the Americorps. **Signed – Chapter 546/Statutes of 2002.**

AB 1710 (Negrete McLeod) – Authorizes part-time classified employees of community college districts to participate in the Cash Balance Benefit Program of STRS and requires community college districts to offer Social Security coverage and an alternative retirement plan to part-time

employees. **Vetoed.**

AB 2004 (Correa) – Authorizes a county board of supervisors, in counties operating retirement systems under the County Employees' Retirement Law of 1937, to allow active members of the retirement system to purchase up to five years of service credit for additional retirement credit. Also permits employees of the Senate and the Assembly to elect to make additional contributions into the Public Employees' Retirement Fund and receive up to five years of additional service credit. **Vetoed.**

AB 2367 (Correa) – Allows members of CalPERS whose retirement accounts have been separated due to divorce or legal separation, to maximize their retirement benefit without creating an increased liability to the employer. Also provides a new method for calculating a member's benefit when a nonmember spouse elects to receive a retirement allowance rather than a return of contributions at the time of divorce. **Vetoed.**

AB 2451 (Salinas) – Requires that part-time community college faculty who are participating in the STRS cash balance program or an alternative retirement plan receive credit for their unused sick leave at the time of retirement. **Vetoed.**

Public Employee Compensation and Other Benefits

SB 711 (Dunn) – Provides specified salary and benefit compensation for various state employees who are called to active military service as a result of the war on terrorism. **Signed – Chapter 5/Statutes of 2002.**

SB 1464 (Soto) – Increases incrementally, beginning in 2004, the minimum local employer contribution for the Public Employees' Medical and Hospital Care Act (PEMHCA) health plan from \$16 per month per employee or annuitant to \$97 by 2008, and requires that beginning January 1, 2009, this amount be adjusted annually by the change in the Consumer Price Index. **Signed – Chapter 896/Statutes of 2002.**

SB 1536 (Soto) – Makes various changes to PEMHCA related to the provision of cost-effective medical benefits for public employees by CalPERS. Specific provisions of this bill allow CalPERS to require a health plan to provide accounting or statistical data to assist CalPERS in negotiations with health plans and allow CalPERS to audit an employer's records for compliance with. **Signed – Chapter 898/Statutes of 2002.**

SB 1984 (Soto) – Provides CalPERS industrial disability benefits (50 percent of pay for life) for state miscellaneous members in state Bargaining Unit 12 and for state Department of Transportation highway workers who are injured in the course of their official duties. Provides a CalPERS "special death benefit" for highway workers who are killed in the course of their official duties. **Signed – Chapter 1153/Statutes of 2002.**

AB 1357 (Wiggins) – Requires personal service contracts entered into by state agencies to include provisions for employee wages, retirement benefits, holiday pay, sick pay and vacation pay that are equal to no less than 85 percent of the state employer cost provided to state employees performing similar duties. **Signed – Chapter 1132/Statutes of 2002.**

AB 1802 (Nation) – Allows classified employees of school and community college districts to use sick leave and long-term differential pay leave consecutively, instead of concurrently as now required. **Vetoed.**

AB 1825 (Nakano) – Requires that leaves of absence with pay be granted to state employees and employees of the California State University system who are organ or bone marrow donors and allows the regents of the University of California to adopt the same leave of absence provisions. **Signed – Chapter 869/Statutes of 2002.**

AB 1982 (Bogh and Pacheco) – Requires employers that participate in CalPERS, subject to the County Employees Retirement Law of 1937 or subject to the Los Angeles City Employees'

Retirement System, to make advanced disability payments to employees. **Signed – Chapter 189/Statutes of 2002.**

AB 1908 (Cohn) – Allows public employers to contribute funds to CalPERS to pay long-term care premiums on their employees' behalf. **Signed – Chapter 871/Statutes of 2002.**

AB 1975 (Koretz) – Requires that a community college district grant any employee, upon request, a leave of absence to work for any public employee organization. **Vetoed.**

AB 2438 (Diaz) – Requires that employees in state Bargaining Unit 12 (Crafts and Maintenance), represented by the International Union of Operating Engineers, receive prevailing wages that are not less than those received by their counterparts in California's larger local agencies. **Vetoed.**

AB 2477 (Steinberg) – Establishes a State Excluded and Exempt Employees Salary-Setting Task Force to create a new process to address the status of salary and benefit levels of excluded and exempt employees, and to recommend that process to the governor and the Legislature prior to July 1, 2004. **Signed – Chapter 1044/Statutes of 2002.**

AB 2792 (Negrete McLeod) – Eliminates, beginning January 1, 2003, a CalPERS local contracting agency's ability to reduce or modify benefits, without employee consent, for new employees of the agency. **Vetoed.**

AB 2853 (Diaz) – Requires that state-employed engineers and related professionals receive prevailing wages that are no less than those received by their counterparts in larger local agencies and the University of California based on an annual survey by the Department of Personnel Administration. **Vetoed.**

AB 2879 (Strom-Martin) – Makes benefit features available to judges under the Judges Retirement System that are similar to those available to other public employees who participate in CalPERS and other public retirement systems in California. **Signed – Chapter 661/Statutes of 2002.**

Collective Bargaining

SB 65 (Burton) – Ratifies the MOU negotiated between the state of California and state Bargaining Unit 6 (California Correctional Peace Officers Association) pursuant to Section 3517 of the Government Code. **Signed – Chapter 1/ Statutes of 2002.**

SB 728 (Machado) – Ratifies the MOU between the state and state Bargaining Unit 1 (Administrative, Financial and Staff Services), Unit 3 (Education and Library), Unit 4 (Office and Allied), Unit 11 (Engineering and Scientific Technicians), Unit 15 (Allied Services), and Unit 21 (Educational Consultant, Library, and Maritime), all exclusively represented by the California State Employees' Association. **Signed – Chapter 14/Statutes of 2002.**

AB 736 (Oropeza) – Ratifies the MOU negotiated between the state and employees in state Bargaining Unit 13 (Stationary Engineers), represented by the International Union of Operating Engineers. **Signed – Chapter 456/ Statutes of 2002.**

AB 1330 (Steinberg) – Ratifies the MOU negotiated between the state and employees in state Bargaining Unit 14 (printing trades), 17 (nurses), and 20 (medical and social services) represented by the California State Employees Association. **Signed – Chapter 190/Statutes of 2002.**

AB 1684 (Assembly Public Employee, Retirement and Social Security Committee) – Ratifies the MOU negotiated between the state and employees in state Bargaining Unit 2 (attorney and administrative law judges), represented by the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment. **Signed – Chapter 40/Statutes of 2002.**

AB 2549 (Nation) – Allows part-time faculty of the California State University who teach six units for two consecutive semesters or three consecutive quarters to qualify for membership in CalPERS

if agreed to through collective bargaining. **Signed – Chapter 1045/Statutes of 2002.**

AB 2839 (Kehoe) – Revises the definition of "meet and confer" to require that the state fully consider the presentations made by organizations representing supervisory employees prior to reaching a decision. **Vetoed.**

Safety Member Issues

AB 1847 (Correa) – Provides that counties operating retirement systems under the County Employees' Retirement Law of 1937 grant a service-connected disability retirement to certain public safety members if they develop an illness due to exposure to a biochemical substance. Also expands the term "injury" to incorporate harmful effects from biochemical substances for purposes of workers' compensation benefits. **Signed – Chapter 870/Statutes of 2002.**

AB 2023 (Frommer) – Allows local agencies and counties to include local prosecutors, local public defenders, and local public defender investigators as safety members of the various retirement systems, thereby excluding them from Social Security. **Signed – Chapter 1152/Statutes of 2002.**

AB 2059 (Pacheco) – Requires local agencies contracting with CalPERS to continue paying the employer contribution toward health benefits for up to 120 days for the surviving spouse and family members of a deceased firefighter or peace officer whose death resulted from injury or disease relating to official duties. **Signed – Chapter 733/Statutes of 2002.**

AB 2671 (Maddox) – Makes CalPERS-contracting agency retirees in an inactive safety plan subject to the same benefit improvements provided to safety employees in active safety plans in the same contracting agency or county. **Vetoed.**

AB 2766 (Runner) – Allows former safety members of independent public retirement systems and County Employee Retirement Act of 1937 systems to redeposit withdrawn or refunded contributions in order to reinstate their right to receive a monthly retirement benefit, thus establishing reciprocity. **Signed – Chapter 883/Statutes of 2002.**

Other Issues

SB 371 (Escutia) – Establishes the Trial Court Interpreter Employment and Labor Relations Act, governing the employment of certified and registered trial court interpreters employed by the trial courts. **Signed – Chapter 1047/ Statutes of 2002.**

SB 1175 (Soto) – Amends the Higher Education Employee Relations Act to authorize the Public Employment Relations Board to impose a penalty for either an employer or an employee organization that has committed repeated unfair practices. This penalty may include, but is not limited to, the opposing party's litigation expenses. **Vetoed.**

SB 1580 (Burton) – Requires that certain members of the STRS board be elected by the members of STRS rather than appointed by the governor. **Signed – Chapter 1049/Statutes of 2002.**

AB 1890 (Horton) – Requires that when there is a city civil service commission or a similar entity, half of the members of the commission be appointed by a city council and half appointed by the city council from nominations of the employee organization. **Vetoed.**

AB 1950 (Wright) – Grants state agencies the authority to extend the probationary period of new employees in order to address disability-accommodation issues. **Signed – Chapter 236/Statutes of 2002.**

AB 1974 (Pescetti) – Authorizes the CalPERS Board to establish criteria to facilitate local contracting agencies and school employers to participate in risk pools established by CalPERS and provides that such participation will not impact the state's school funding formula. **Signed –**

Chapter 1133/Statutes of 2002.

AB 2268 (Horton) – Makes various changes to state civil service law regarding dismissed employees, disciplinary processes, and discrimination cases. **Vetoed.**

AB 2506 (Steinberg) – Requires STRS to establish a registry for vendors who provide tax-deferred retirement investment products that school districts, community college districts and county offices of education can offer to their employees. **Signed – Chapter 1095/Statutes of 2002.**

AB 2850 (Firebaugh) – Requires that notice be given by a state agency to the designated representative of state employees Bargaining Unit 2 (California Attorneys, Administrative Law Judges, Hearing Officers, and Deputy Labor Commissioners in State Employment) prior to entering into a contract for legal services. **Vetoed.**

ACR 235 (Richman) – Urges the University of California to reject calls to divest its pension funds from companies with ties to Israel. Urges leaders of the Palestinian Authority to clearly renounce terrorism as a form of political expression and to embrace peaceful negotiations. **Adopted – Resolution Chapter 177/ Statutes of 2002.**

PUBLIC SAFETY***Criminal and Civil Justice*****Weapons**

SB 682 (Perata) – States that plaintiffs can't sue a gun-maker based only the fact firearms or ammunition cause death or injury. But does reinforce the ability to sue alleging injury because of design defects or negligence in firearms and ammunition manufacturing. **Signed – Chapter 913/Statutes of 2002.** Similar provisions are in **AB 496 (Koretz)**, which also was **signed, Chapter 906/Statutes of 2002.**

SB 1670 (Scott) – To get unreliable firearm safety locks off the market, sets a uniform standard imposed by the attorney general on all gun safety locks. **Signed – Chapter 917/Statutes of 2002.**

SB 1689 (Margett) – Bans the making, selling or importing of hard plastic knuckles that are used in fighting and assaulting people. Commerce in metal knuckles, or so-called "brass knuckles," is already banned. **Signed – Chapter 208/Statutes of 2002.**

AB 2902 (Koretz) – The state attorney general maintains a list of approximately 700 makes and models of handguns that have been tested and deemed safe for their owners to fire and are therefore approved for sale. This bill allows the AG to retest up to 5 percent of those weapons and remove from the approved list those that fail. Includes a procedure for gun makers to fix the problem and pay the cost of retesting. **Signed – Chapter 912/Statutes of 2002.**

Vehicles

SB 807 (Dunn) – Adds another \$200 to fines and penalties for gross moving violations, such as driving 100 miles an hour, racing another vehicle or driving under the influence, with proceeds to go to a special Emergency Medical Services fund for doctors and hospitals. **Vetoed.**

SB 1489 (Perata) – Authorizes police to seize the vehicles of reckless owners and drivers for up to 30 days to stem a growing urban fad of street racing and so-called "sideshows" of dangerous driving. **Signed – Chapter 411/Statutes of 2002.**

SB 2069 (Burton) – Prohibits parking authorities from setting quotas of arrests or citations issued, and from using the number of arrests or citations as a basis for promotion or demotion of parking enforcement attendants. Includes University of California parking authorities. **Signed –**

Chapter 105/Statutes of 2002.**Juveniles**

SB 1559 (Figueroa) – Deletes the sunset and makes permanent the law allowing child witnesses of violent crimes to give testimony out of the courtroom over closed-circuit television. **Signed – Chapter 96/Statutes of 2002.**

SB 1650 (Alpert) – Declares legislative intent to provide to "every young person in California" access to state-support mentoring programs matching adults with youths who can benefit from the experience. Gets the state involved in seeking out appropriate mentors from the private sector. **Signed – Chapter 355/ Statutes of 2002**

SB 1793 (Burton) – Removes from the Youthful Offender Parole Board and transfers to the juvenile courts the authority to set, initially, length of confinement and parole dates for juvenile offenders sent to California Youth Authority institutions. The board retains the authority to reconsider parole dates but must report its decisions to the Legislature after June 30, 2003. **Vetoed.**

AB 662 (Vargas) – Allows schools to suspend or expel students caught distributing the prescription drug Soma, which is capable of being misused as a date-rape drug. **Signed – Chapter 151/Statutes of 2002.**

AB 1877 (Maldonado) – Authorizes the Grizzly Youth Academy, a program for at-risk youth, to move into the premises of the Turning Point Academy, the state's boot camp for juvenile offenders which has been closed. **Vetoed.**

AB 2496 (Steinberg) – Makes changes in juvenile court and probation procedures in order to move youthful offenders more quickly out of juvenile halls to placement in foster homes, group homes or other non-lockup settings. Young offenders who are ordered to non-custodial placements often spend long periods in jail-like juvenile halls while awaiting transfer to the non-jail-like setting ordered by the court. **Vetoed.**

Prisons

SB 1242 (Brulte) – Authorizes law enforcement to use "reasonable force" to collect DNA specimens to use as evidence from prison inmates who refuse to cooperate in the collection of the samples. **Signed – Chapter 632/Statutes of 2002.**

SB 1362 (Karnette) – As a pilot project at women's state prisons, allows families to visit inmates whether or not the inmate has qualified for parole. Presently only inmates who have parole dates are allowed such visits. Applies to visits by inmates' minor children and female guardians accompanying the children. **Vetoed.**

SB 1391 (Burton) – Provides access to trial records and evidence by convicted felons who, having served their sentences and thus are no longer in custody, can perhaps show, for example, they were convicted with tainted evidence. Grew out of concerns for future defendants following convictions based on false evidence produced by cops in the Los Angeles Police Department's Rampart scandals. **Signed – Chapter 1105/Statutes of 2002.**

SB 1544 (Karnette) – To save the state money, allows repatriation of foreign prison inmates, with certain conditions, even if by returning home an alien inmate will spend less time incarcerated than if he or she remained in a California prison. **Vetoed.**

AB 2133 (Goldberg) – Requires state prison authorities to recognize, when considering changes to rules governing prisoner visits, that such visits enhance prison safety, tend to better connect inmates to families and communities and aid inmate rehabilitation. **Signed – Chapter 238/Statutes of 2002.**

AB 2456 (Jackson) – Prohibits access by prison, jail and youth institution inmates to personal and financial information of members of the public. Problems arise in using inmates, for example, to take information over the phone from people buying airline tickets – a connection that has led to reported instances of theft. **Signed – Chapter 196/Statutes of 2002.**

AB 2905 (Wright) – Requires the Department of Corrections to administer a test for HIV infection to any inmate entering the prison system who requests it. **Vetoed.**

Other Public Safety Bills

SB 783 (Escutia) – Increases protections against reprisals for whistleblowers reporting violations of state or federal laws, rules or regulations and, in the case of companies and corporations, violations of fiduciary responsibilities. Sets up a whistleblower hotline to the attorney general's office. **Vetoed.**

SB 1423 (Chesbro) – Makes numerous changes in the Victims' Compensation Program to increase access and eligibility to the program's fund, including easier access to the benefits by children and other relatives of victims. **Signed – Chapter 1141/Statutes of 2002.**

SB 1516 (Romero) – Increases a law enforcement officer's access to collection of damages and reinstatement of good standing when supervisors take punitive and unjustified action against the officer. Present system of redressing such grievances is cited by sponsors as slow and unresponsive. **Signed – Chapter 1156/Statutes of 2002.**

SB 1754 (McPherson) – Raises from \$7 to \$15 the fee imposed by courts on persons who fail to respond to bench warrants to appear in court. The fee increase was said to be needed to offset costs of developing and operating automated warrant systems. **Signed – Chapter 148/Statutes of 2002.**

SB 1785 (Vasconcellos) – Permits pharmacists to sell needles without requiring a prescription, subject to certain rules and guidelines, with the aim of preventing the spread of disease from shared needles among drug addicts. **Vetoed.** A related bill, **SB 1734 (Vasconcellos)**, also **vetoed**, would have allowed public agencies, when distributing clean needles to drug addicts in a needle exchange project, also to distribute the paraphernalia necessary to prepare the needles for safe use.

SB 1887 (McPherson) – By removing time limitations in which to bring a lawsuit, allows victims of crimes to sue for the proceeds when the perpetrator, perhaps years later, profits from the crime – for example, from movie or book income. **Signed – Chapter 633/Statutes of 2002.**

AB 55 (Shelley) – To better monitor for corporate fraud, substantially increases information that companies are required to file with the California secretary of state, such as bankruptcy and auditing disclosures, and requires more frequent filing of such reports. **Signed – Chapter 1015/Statutes of 2002.**

AB 415 (Runner) – Requires the California Highway Patrol and other officials to establish protocols for use of the Emergency Alert System to help track down abducted and endangered children or other victims. The system involves notification to media broadcasters and, if established in the protocols, use of "Amber alerts" posted on electronic freeway signs. **Signed – Chapter 517/ Statutes of 2002.**

AB 248 (Correa) – Requires that all private security guards be registered and regulated by the Bureau of Security and Investigative Services, an arm of the Department of Consumer Affairs. As is, only guards working on contract need to be registered with the bureau, whereas guards working directly for the company they are guarding do not. **Vetoed.** A related bill, **AB 2880 (Chavez)**, requires the state to order added training for private security guards. **Signed – Chapter 886/Statutes of 2002.**

AB 1828 (Campbell) – Makes it a misdemeanor punishable by fine or jail or both to sell

foodstuffs as "halal," that is, prepared in accordance with strict Islamic regulations, when in fact they have not been so prepared. **Signed – Chapter 102/Statutes of 2002.**

AB 2238 (Dickerson) – Makes it a misdemeanor to publish or post on the Internet, with intent to do bodily harm, the home address or telephone number of elected officials, peace officers or court officers. Provides the option of making it felony if bodily harm occurs. **Signed – Chapter 621/Statutes of 2002.**

PUBLIC SAFETY

Domestic Violence and Sexual Assault

Much has been accomplished legislatively and through community efforts to "break the silence on domestic violence." More women are seeking help, more arrests are being made, and more batterers are in prison or in mandatory group-intervention programs. Bills that passed the Legislature in 2002 attest to the continuing magnitude of this abuse by calling for ongoing attention and effective responses.

Batterer Intervention Programs

Existing law requires individuals convicted of battering and placed on probation to undergo two hours of counseling each week for one year.

AB 217 (Pavley) – Requires defendants who are ordered to complete a batterer's intervention program to attend consecutive weekly sessions and to complete the program within 18 months unless the court finds good cause to modify these requirements. **Signed – Chapter 2/Statutes of 2002.**

Domestic Violence and Child Maltreatment

Domestic violence and child maltreatment often occur in the same family. Treating the violence within these families is an evolving area for reform and research. In the past, domestic violence and child abuse were treated as separate phenomena and the public systems in place to respond to this abuse were separate. Often Child Protective Services would remove the children from the home where there was domestic violence with the claim the victim failed to protect the children. Many communities today are creating new responses to stop family violence, including a collaborative model where domestic-violence organizations, child-welfare agencies, the courts, police, probation and parole agencies, schools, medical facilities are all working together to prevent further harm.

SB 1505 (Kuehl) – Requires that Child Protective Services workers receive training on dating violence to help them identify when a teen is being abused in a dating relationship. **Signed – Chapter 354/Statutes of 2002.**

SB 1745 (Polanco) – Requires Child Protective Service agencies, law enforcement, prosecutors, child abuse and domestic violence experts, and relevant community-based organizations, in collaboration with one another, develop protocols as to how they will cooperate in their responses to incidents of domestic violence in homes where children reside. **Signed – Chapter 187/Statutes of 2002.**

Civil Remedies

AB 1928 (Jackson) – Allows a victim of gender-motivated violence (including domestic violence or sexual assault that is gender-motivated) to bring a civil action for compensatory and punitive damages against the attacker(s). Civil actions may be brought within three years of the offense, or within eight years after the victim reaches age 18, whichever is later. And allows a victim to recover attorney's fees, a remedy not available in most tort actions. **Signed – Chapter 842/Statutes of 2002.**

AB 1933 (Reyes) – Creates a statutory tort for injuries resulting from domestic violence. Provides that a person found liable under its provisions would be subject to general, special, and punitive damages, and that the court would have the discretion to award other relief to a prevailing plaintiff, including an injunction, costs, and reasonable attorney's fees. **Signed – Chapter 193/ Statutes of 2002.**

Courts

AB 2652 (Chu) – Creates the California Domestic Violence Court Task Force within the Judicial Council. The task force will develop a set of model guidelines for establishing and operating domestic violence courts throughout the state. **Vetoed.**

Death Certificates

AB 1139 (Thomson) – Adds information to the death certificate indicating whether the decedent was pregnant at the time of death or within the year prior to death. **Signed – Chapter 827/Statutes of 2002.**

Definition of Domestic Violence

AB 2826 (Daucher) – Expands the definition of "domestic violence" to include minors who have not been emancipated. Amends current law authorizing arrests without a warrant in certain domestic violence cases to specifically apply to assault and/or battery cases involving seniors. **Signed – Chapter 534/ Statutes of 2002.**

Firearms

Existing California and federal laws ban a person convicted of a felony from firearm ownership, possession or purchase for life. Misdemeanor convictions related to domestic violence result in a ten-year prohibition. Existing law also prohibits an individual subject to a domestic violence restraining order from owning, possessing or purchasing a firearm for the duration of the protective order. Law enforcement is required to remove any firearms at the scene of a domestic violence incident, or any firearms found after a consensual search.

AB 2695 (Oropeza) – Instructs the attorney general to develop a protocol designed to facilitate the enforcement of existing domestic-violence restrictions on firearms. Extends the time period when law enforcement is required to petition the court to permanently remove a firearm or other deadly weapon from a person who may endanger a victim. Changes the minimum time for return of the firearms from not less than 48 hours and not more than 72 hours to not less than 48 hours and not more than "five business days." **Signed – Chapter 830/ Statutes of 2002.**

Funding for Victims' Services

One key source of funding for services for victims of domestic violence and child maltreatment is the California Victim Compensation and Government Claims Board. This board collects restitution funds from crime perpetrators and gives money to victims and "derivative victims" (usually family members including children) for uses such as housing relocation or security expenses, and mental-health counseling.

SB 1423 (Chesbro) – Streamlines the Government Code sections that relate to compensation for victims of crime in order to ease administration and make the program more accessible to victims and advocates. **Signed – Chapter 1141/ Statutes of 2002.**

SB 1735 (Karnette) – Makes various changes in the Victims of Crime program to better serve victims of domestic violence. For instance, compensation would be allowed even though a police report was not filed, if there is other evidence to prove a domestic-violence crime was committed. The bill also requires a domestic violence counselor to inform a domestic violence victim of any applicable limitations on confidentiality of communications between the victim and the domestic violence counselor. **Signed – Chapter 629/Statutes of 2002.**

SB 1867 (Figueroa) – Prevents victims of sexual assault and domestic violence from being denied assistance under the Victims of Crime program on grounds of participation or involvement in the crime, or on grounds of failing to cooperate with law enforcement if a victim of domestic violence resumes living with the perpetrator after the crime. **Signed – Chapter 630/Statutes of 2002.**

AB 2462 (Bates) – Provides that a child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed to have sustained physical injury, regardless of whether the child has witnessed the crime, for purposes of reimbursement from the Victims of Crime program. **Signed – Chapter 479/Statutes of 2002.**

AB 2729 (Wesson) – Expands the Victims of Crime program to include reimbursement for domestic violence peer counselors. **Vetoed.**

Protecting the Identity of Victims

AB 1915 (Lowenthal) – Requires the Department of Motor Vehicles to provide a new set of license plates to a registered owner of a vehicle who appears in person and submits a completed application that includes evidence of domestic abuse. **Signed – Chapter 80/Statutes of 2002.**

Restraining Orders

SB 1627 (Kuehl) – Insures that the information contained in the Domestic Violence Restraining Order System maintained by the state Department of Justice is complete and accurate, so that courts and law enforcement agencies have the information they need to make informed decisions. **Signed – Chapter 265/Statutes of 2002.**

AB 2030 (Goldberg) – Allows a waiver of fees for the service of protective orders for victims of domestic violence, stalking, and sexual assault. **Signed – Chapter 1009/Statutes of 2002.**

AB 2563 (Vargas) – Gives a five-day, rather than the existing two-day, notice requirement to the prosecutor when a victim or a defendant is seeking to modify or terminate a protective order. Requires the court to look closely at these requests. The purpose of the bill is to give the prosecution more time to evaluate these requests and for the court to keep the protective order in place if the danger of future abuse persists. **Signed – Chapter 66/Statutes of 2002.**

Stalking

SB 1320 (Kuehl) – Revises California's stalking statute to:

- Clarify that the defendant must either willfully, maliciously and repeatedly follow or willfully and maliciously harass the alleged victim to be guilty of stalking;
- Define "harasses" as two or more acts occurring over a period of time, however short, evidencing continuity of purpose; and
- Remove the requirement that the prosecutor must establish that the defendant's harassment of a victim would cause a reasonable person to suffer substantial emotional distress and did cause such distress.

The purpose of this bill is to make it easier to prosecute the crime of stalking. **Signed – Chapter 832/Statutes of 2002.**

State Administration of Domestic Violence Programs

SB 1712 (Scott) – Establishes priorities for the Office of Criminal Justice Planning (OCJP) to use in its distribution and administration of grants to domestic violence shelters and requires legislative confirmation of the executive director of OCJP. This bill states that it is the intent of the Legislature

that well-established and successful domestic violence shelters that have a history of being funded by OCJP continue to be funded without interruption, unless deficiencies arise in the operation of the programs. Would require legislative confirmation of the executive director of OCJP. **Vetoed.**

SB 1894 (Escutia) – Requires the Maternal and Child Health Branch of the state Department of Health Services to fund domestic violence programs that have previously received funding, but were not selected for funding in 2000, using funds appropriated in the Budget Act of 2002. **Signed – Chapter 834/ Statutes of 2002.**

SB 1895 (Escutia) – Requires OCJP to consult with an advisory council in implementing the domestic violence programs under the jurisdiction of OCJP. At least half of the advisory council would be composed of domestic-violence victims' advocates or battered-women-service providers. **Signed – Chapter 510/Statutes of 2002.**

Training for Counselors

SB 564 (Speier) – Requires domestic violence training in the coursework for students and continuing education for already licensed psychologists, marriage, family and child counselors, or social workers. **Signed – Chapter 481/Statutes of 2002.**

Child Sexual Abuse

SB 1779 (Burton) – Provides that the extended statute of limitations in childhood sexual-abuse civil cases against a third party extends beyond age 26 of the victim, when the third party knew or had reason to know of complaints against an employee or agent for unlawful sexual conduct and failed to take reasonable action. To preserve a claim in that event, a suit must be filed within three years from the date the victim discovers or reasonably should have discovered that the psychological injury or illness occurring after age 18 was caused by the childhood abuse. **Signed – Chapter 149/Statutes of 2002.**

Sexual Assault

SB 1421 (Romero) – Expands the crime of sexual battery and other sex offenses to include instances where the victim is unaware of the nature of the offense due to the perpetrator's fraudulent representation that the act served a professional purpose. **Signed – Chapter 302/Statutes of 2002.**

AB 1858 (Hollingsworth) – Authorizes counties to establish and implement sexual assault felony enforcement (SAFE) team programs. The mission of these programs is to reduce violent sexual assaults through proactive surveillance and arrest of habitual sex offenders, and strict enforcement of sex offender registration requirements. **Signed – Chapter 1090/Statutes of 2002.**

AB 1860 (Migden) – Requires that female victims of sexual assault be provided information and services pertaining to emergency contraception. **Signed – Chapter 382/Statutes of 2002.**

AB 2195 (Corbett) – Extends to victims of sexual assault the same workplace protections afforded victims of domestic violence. Victims of sexual assault would be eligible to take time off from work and employers could not take adverse actions against the employee, so long as the employee complies with conditions such as notice to the employer. **Signed – Chapter 275/Statutes of 2002.**

AB 2583 (Chu) – Creates a statewide task force on sexual assault to gather data on sexual assaults on campuses of California colleges and universities and submit a report to the Legislature. **Signed – Chapter 1066/Statutes of 2002.**

PUBLIC SAFETY

Identity Theft

Identity theft is the crime of fraudulently obtaining credit, loans, long-distance phone service, etc., in another person's name. Criminals accomplish this through means including false issuance of identifying documents such as drivers' licenses, theft of identifying information such as Social Security numbers or credit card account numbers, and mail theft. Often, the innocent party does not know that he or she has been the victim of fraud until he or she applies for credit and is denied – or, occasionally, until he or she is arrested for a crime someone else committed in his or her name.

Identity theft is No. 1 on the Federal Trade Commission's top 10 consumer-fraud complaints. According to an FTC report in January 2002, there were 15,115 identify theft victims in California in 2001. Of those cases, 6,234 involved credit card fraud, 3,523 were related to unauthorized phone or utility services, and 2,247 were related to bank fraud.

The California Legislature made identity theft a crime in 1997 (**AB 156 (Murray), Chapter 768/Statutes of 1997**) and Congress made it a federal crime in 1998. Since that time, the Legislature has given California some of the strongest identity-theft laws in the United States. Here are highlights of this year's further efforts:

SB 247 (Speier) – Establishes guidelines for release of birth and death certificates, which frequently are used in immigration and passport fraud. The bill also requires the state registrar to appoint a Vital Records Protection Advisory Committee to study and make recommendations to protect individual privacy, inhibit identity theft, and prevent fraud involving birth and death certificates while providing needed access to birth and death record information to those seeking it for legitimate purposes. **Signed – Chapter 914/Statutes of 2002.**

SB 804 (Polanco) and **AB 60 (Cedillo)** – Require driver's license and ID card applicants who cannot document their lawful presence in the United States to instead:

- Submit specified documents that establish their identity, that demonstrate they or their spouses or parents have lived and worked in California for at least 15 months in the last three years, and that show they have initiated steps to obtain lawful immigration status;
- Submit full sets of fingerprints; and
- Pass criminal background checks.

The bills also include provisions that apply to all applicants, not just immigrants. Specifically, they:

- Require all applicants to offer proof of their identities.
- Require all applications to contain Social Security numbers or federal tax identification numbers, but specify that the numbers shall not be included on any Department of Motor Vehicles (DMV) cards or documents and shall not be disclosed to anyone except federal agencies, the state controller or the Franchise Tax Board for specified purposes. **Vetoed.**

SB 1239 (Figueroa) – Requires every consumer credit reporting agency, on the request of an identity theft victim, to provide the victim with up to 12 free copies of his or her credit report. **Signed – Chapter 860/Statutes of 2002.**

SB 1254 (Alpert) – Makes it a misdemeanor to acquire, possess, retain, or transfer a wide variety of personal identifying information with the intent to defraud, whether or not the information is ever used. Requires wireless communication providers, like financial institutions and utilities covered by existing law, to give identity theft victims information about fraudulent accounts opened in their names. **Signed – Chapter 254/Statutes of 2002**

SB 1259 (Ackerman) – Makes it a misdemeanor to knowingly, willfully, and with the intent to defraud possess a scanner or reencoder, or use a scanner or reencoder to access, read, obtain, memorize or store information encoded on the magnetic strip of a payment card. **Signed – Chapter 861/Statutes of 2002.**

SB 1617 (Karnette) – Requires a credit-card issuer to provide for an activation process requiring a cardholder to contact the issuer before using an upgraded or substitute card that the issuer sends the user to replace a card that the card-holder accepted earlier. The bill does not prohibit the completion of overdraft protection advances or recurring-charge transactions that a card-holder previously authorized on an earlier card. **Signed – Chapter 862/Statutes of 2002.**

SB 1730 (Bowen) – Clarifies several provisions of **SB 168 (Bowen), Chapter 720/Statutes of 2001**, the law authorizing a consumer to place a security alert in his or her credit report and protecting the privacy of Social Security numbers. **Signed – Chapter 786/Statutes of 2002.**

SB 1926 (Costa) – Targets "instant loan" checks, unsolicited checks that arrive in the mail for consumers to cash as loans – a common source of credit fraud. Requires "instant loan" checks to be mailed in envelopes with no indication that a negotiable instrument is contained in the mailing, and in envelopes marked with do-not-forward instructions. Printed material accompanying the check would have to advise the consumer to void and destroy the live check if it is not going to be cashed. **Signed – Chapter 772/Statutes of 2002.**

AB 1068 (Wright) – Requires a creditor to give an identity-theft victim a written notice of the victim's credit-protection rights. Prohibits consumer credit-reporting agencies from giving investigative consumer reports to employers except when authorized by the subjects of the reports, or when the reports are to be used to investigate suspicion of wrongdoing or misconduct. Requires investigative consumer reports to note that some of the information may be inaccurate as a result of identity theft. **Signed – Chapter 1030/Statutes of 2002.**

AB 1155 (Dutra) – Makes it a felony or misdemeanor for any government employee to knowingly, as part of a criminal conspiracy, give a false driver's license, identification card, vehicle registration, or other official DMV document to a person who is not entitled to it. **Signed – Chapter 907/Statutes of 2002.**

AB 1773 (Wayne) – Allows a district attorney to prosecute a person for the unauthorized use of personal identifying information in the county where the information was taken, or in the county where the information was used for an illegal purpose. **Signed – Chapter 908/Statutes of 2002.**

AB 2456 (Jackson) – Prohibits prisoners from having access to the following personal information: home addresses; telephone numbers; health insurance, taxpayer, school, or employee identification numbers; mothers' maiden names; demand deposit account, debit card, credit card, savings, or checking account numbers, personal identification numbers, or passwords; Social Security numbers; places of employment; birth dates; driver's license or identification numbers; alien registration numbers; passport numbers; unique biometric data, such as fingerprints, facial scan identifiers, voice prints, retina or iris images; unique electronic identification numbers; address or routing codes; and telecommunication identifying information or access devices. **Signed – Chapter 196/Statutes of 2002.**

PUBLIC SAFETY

Terrorism and Hate Crimes

In the new atmosphere of watchfulness against terrorist attacks, the Legislature has sought to make its own contribution on behalf of California and its citizens. Senators and Assembly members introduced more than 100 bills in direct or partial response to the tragic events of September 11, 2001. Many have become law.

Among them are measures to memorialize the victims and to ease the anguish of survivors with a California connection. Other bills define new crimes and penalties to fit new dangers and to provide new resources for law enforcement. There are bills to increase benefits to California resident members of the National Guard and military reserve units called into service in the armed forces build-up that followed the 9/11 attacks. Directly below is a selection of terrorist-related legislation, followed by bills that address hate crimes.

Anti-Terrorism Measures

SB 510 (Scott) – In part to correct inconsistencies in federal laws at passenger airports, prohibits possession of – in addition to weapons normally banned from secure areas – items such as box cutters, straight razors, handgun parts, ammunition, imitation guns and replica hand-grenades. Includes, also missing from federal law, penalties for violations. **Signed – Chapter 510/Statutes of 2002.**

SB 711 (Dunn) – Extends from 180 to 365 days the maximum period that state employees may qualify for full pay while on active duty as National Guard personnel or reservists called up to serve after 9/11. Full pay is arrived at by the state making up the difference between military pay and the person's civilian salary as a state employee. **Signed – Chapter 5/Statutes of 2002.**

SB 1253 (Figueroa) – Partly out of terrorist threat concerns, leaves it up school districts whether to allow students to have cell phones with them at school, removing a prohibition. **Signed – Chapter 253/Statutes of 2002.**

SB 1267 (Battin) – In addition to criminal penalties, requires a person convicted of making a credible but false report of a terrorist attack or planting fake bombs or weapons of mass destruction to be required to pay costs incurred by law enforcement and others who wasted time responding to the alert. **Signed – Chapter 281/Statutes of 2002.**

SB 1287 (Alarcón) – Broadens definitions of weapons of mass destruction, expands prison penalties for making, deploying or possessing such weapons, and broadens and expands penalties related to making a threat to use such weapons. **Signed – Chapter 611/Statutes of 2002.**

SB 1350 (McPherson) – Establishes the Emergency Response Training Advisory Committee to recommend training criteria relative to terrorist awareness and, along with the state fire marshal, to set training standards for first responders to observe in the event of a terrorist attack. Also requires the state Office of Emergency Services (OES) and the commission on Police Officer Standards and Training to develop terrorism training for first-responders including all police officers, fire fighters and emergency medical technicians. Provisions of the bill are to be implemented contingent upon receipt of federal funds. **Signed – Chapter 612/ Statutes of 2002.**

SB 1629 (Soto) – Authorizes the governor to use funds from federal anti-terrorism block grants to meet the costs of expanding paramedic training to fire-fighting personnel. A bill analysis notes the need for at least \$1 million to start a viable program. **Signed –Chapter 1050/Statutes of 2002.**

SB 1643 (Johnson) – Allows local legislative bodies to hold closed sessions with law enforcement on questions of terrorism if approved by a two-thirds vote of the members present or by unanimous vote if less than two-thirds of the membership is present. **Signed – Chapter 175/Statutes of 2002.** Similar provisions pertaining to meetings of state bodies, such as the California Public Employees Retirement System, are in **AB 2072 (Mountjoy).** **Signed – Chapter 1113/Statutes of 2002.**

SB 1873 (Escutia) – Authorizes payment of up to \$2,000 to supplant lost wages of relatives of victims of the 9/11 terrorist attacks, incurred as a result of attending funerals and memorial services. Applies to survivors who are California residents or are survivors of California victims of the attacks. **Signed – Chapter 449/Statutes of 2002.**

SCR 106 (O'Connell)—Recommends the state plant commemorative rose bushes near the east steps of the Capitol and place a plaque memorializing the 175 Californians who lost their lives in the attacks on Sept. 11, 2002. **Resolution Chapter 162/Statutes of 2002.**

AB 74 (Washington) – Expands the authorized use of state wire taps, if approved by a judge, against those engaging in possible use of weapons of mass destruction. However, with the author citing rights of public privacy, the bill purposely falls short of increased electronic monitoring capabilities recently enacted for federal agents. **Signed – Chapter 605/Statutes of 2002.**

AB 425 (Oropeza) – In this, the budget bill, major funding projects within the Department of Justice (DOJ) include:

- \$6.7 million appropriated to the Anti-Terrorist Information Center, authorizing 39 positions, and another 39 positions contingent upon approval of federal funding.
- \$2.6 million authorized from fees to implement and enforce new firearm dealer requirements for the Handgun Safety Certificate program. Creates seven new positions.
- \$1 million appropriated to establish a database to locate and disarm the more than 17,000 Californians annually who are prohibited from possessing firearms. **Signed – Chapter 379/Statutes of 2002.**

AB 1433 (Horton) – Extends to Californians called up post 9/11 to serve in the National Guard or military reserve an array of benefits enacted previously in federal legislation for service mainly overseas. Benefits include protections against eviction for dependents and placing contract debts on hold during the period of military service, whether overseas or not. **Signed – Chapter 60/Statutes of 2002.**

AB 1759 (Wesson) – Creates a special license plate with proceeds going to a new Anti-terrorism Fund. Creates a state program to provide financial and technical assistance to police agencies targeting terrorist organizations and sets up a scholarship fund for surviving relatives of 9/11 attack victims. **Signed – Chapter 38/Statutes of 2002.**

AB 1838 (Hertzberg) – Contains similar provisions to SB 1287 (Alarcón), above. **Signed – Chapter 606/Statutes of 2002.**

AB 2105 (La Suer) – Adds persons convicted of terrorist activity involving weapons of mass destruction to offenders who are required to provide DNA samples for the DOJ's database. **Signed – Chapter 160/Statutes of 2002.**

AB 2112 (Cogdill) – Requires nonresidents transporting hazardous materials to carry a license and endorsement recognized by the California Department of Motor Vehicles, or a Canadian license and copy of the driver's training certificate that complies with federal authorization to haul hazardous materials. **Signed – Chapter 103/Statutes of 2002.** A related bill, **SB 1257 (Murray)**, requires additional safety features on, and California Highway Patrol (CHP) priority inspections of, carriers of hazardous materials. **Signed – Chapter 610/Statutes of 2002.**

AB 2409 (Jackson) – Requires an OES study of TV and radio broadcast readiness to respond to a terrorist attack. **Signed – Chapter 855/Statutes of 2002.**

AB 2522 (Dutra) – Requires the CHP and OES, working with federal, state and local agencies, to assess risks to the state's transportation facilities and report confidentially to the Legislature by July 1, 2002. **Signed – Chapter 243/ Statutes of 2002.**

AB 2580 (Simitian) – Aimed primarily at Hollywood movie makers, requires the DOJ to perform annual safety inspections of high-powered weapons and explosive devices used mainly in making action films. In part because of terrorist concerns, bill's requirements also include a DOJ reconciling of inventories of the some 20,000 firearm and explosive devices used by Hollywood prop masters. **Signed – Chapter 910/Statutes of 2002.**

AB 2645 (Aanestad) – Allows utility districts and local governments to meet in secret session with private security consultants to discuss threats to water and electrical systems. **Signed – Chapter 1120/Statutes of 2002.**

ACR 127 (Oropeza) – Recognizes September 11th of every year as a Day of Remembrance and Service in honor and memory of those who lost their lives to the terrorist attacks. **Resolution Chapter 33/Statutes of 2002.**

Hate Crimes

SB 1945 (Kuehl) – Extends the time for filing a complaint with the state Department of Fair Employment and Housing for an alleged violation of California's hate crimes prohibition (the Ralph Civil Rights Act), for a period of one more year from the date the aggrieved person became aware of the identity of a person liable for an alleged violation and in no case more than three years. **Signed – Chapter 490/Statutes of 2002.**

AB 1942 (Chu) – Creates a Youth Anti-Bias pilot program in one county for one year beginning on June 30, 2003, if the annual budget provides funds. Requires county law enforcement, middle schools, probation officers, correctional officers, teachers, youth service providers, social workers, parents, community members, and nonprofit community organizations to collaborate to develop a comprehensive anti-bias program with diversion and education components for minors in custody or on probation. Provides that the goal of the program is to reduce hate crimes by teaching anger management, tolerance, and the appreciation of cultural diversity. **Vetoed.**

AB 2145 (Chu) – Expands the misdemeanor crime of placing unauthorized material into a newspaper (called "theft of advertising services") by including other types of publications, including magazines and rental guides. The bill is intended to stop persons from inserting hate materials into free publications. **Signed – Chapter 1134/Statutes of 2002.**

AB 2653 (Chu) – Assists prosecutions of hate crimes by providing that, if a prosecutor is unable to go to trial because he or she has been assigned to a proceeding in another courtroom, the court shall grant a one-time continuance of up to 10 days in the hate crime prosecution. **Signed – Chapter 788/Statutes of 2002.**

Revenue and Taxes

Governor Gray Davis in May signed **SB 657 (Scott)** and **AB 1122 (Corbett), Chapters 34 and 35/Statutes of 2002**, to permit Californians to increase yearly contributions to their Individual Retirement Accounts (IRAs) and "401(k)," "403 (b)" and "457" investment savings plans in conformity with federal changes made by Congress and President Bush in the Economic Growth and Tax Relief Reconciliation Act of 2001.

Specifically, the bills:

- Increase the limit on annual tax-deferred contributions to an Education IRA for future college expenses from \$500 to \$2,000.
- Raise the ceiling on annual tax-deferred contributions to IRAs or Roth IRAs from the longstanding limit of \$2,000 to \$3,000 through the tax year 2004, to \$4,000 for 2005-07, and to \$5,000 for 2008. After that, future increases will be indexed in increments of \$500. All the limits will be higher for those who are 50 and older – \$500 more through 2005 and \$1,000 more beginning in 2006.
- Increase the limit on annual tax-deferred contributions to 401(k) and 403(b) retirement plans from the current limit of \$10,500 to \$11,000 in the tax year 2002. In 2003 and thereafter the limits will be increased in \$1,000 annual increments until they reach \$15,000 in 2006. After that, they will be indexed in \$500 increments.
- Increase the previous limit of \$8,500 for tax-deferred annual contributions to 457 plans to \$11,000 in 2002; \$12,000 in 2003, \$13,000 in 2004, \$14,000 in 2005 and \$15,000 in 2006, then indexed thereafter.
- Permit individuals to contribute the full amounts to a 401(k) and 457 plan simultaneously.

Also, **AB 131 (Corbett), Chapter 30/Statutes of 2002**, extends to public employees the ability to roll over their 457 deferred compensation plans into IRAs and allows them to purchase service credits with their 457 or 403(b) accounts.

Personal Income Taxes

SB 219 (Scott) – Conforms state law with federal law in several areas, including tax relief for victims of terrorism; cleans up new state legislation that conformed with federal tax treatment of retirement plans; and simplifies the reporting rules applied to nonresident S Corporation shareholders. **Signed – Chapter 807/ Statutes of 2002.**

SB 1445 (Alpert) – Increases the settlement amount that the state Franchise Tax Board's (FTB's) executive officer and chief counsel are authorized to approve from \$5,000 or less to \$7,500 or less. Indexes future amounts to inflation and expands the scope of settlement agreements. **Signed – Chapter 258/Statutes of 2002.**

SB 1724 (Speier) – Conforms California tax law with federal law regarding the child and dependent care tax credit. Allows a refundable personal income-tax credit to qualifying taxpayers based on a percentage of the taxpayer's federal credit. **Signed – Chapter 824/Statutes of 2002.**

AB 989 (Chan) – Provides that restitution payments for persons persecuted by Nazi Germany or other Axis regimes shall not be considered income for calculating eligibility for certain benefits and shall not be subject to income tax. **Signed – Chapter 701/Statutes of 2002.**

AB 2963 (Aroner) – Provides that the custodial parent in a couple who never married and no longer live together qualifies for the child and dependent care credit. **Signed – Chapter 757/Statutes of 2002.**

Income-Tax Check-Offs

SB 1365 (Speier) – Extends the expiration date of the California Breast Cancer Research Fund tax check-off from 2003 to 2008; therefore, this fund will last appear on the 2007 tax return (filed in 2008) rather than the 2002 tax return. Also specifies that the University of California may use up to 5 percent of the money allocated from this fund to administer and market the Breast Cancer Research Program. **Signed – Chapter 484/Statutes of 2002.**

AB 2036 (Liu) – Extends the state Children's Trust Fund income tax check-off on California's personal income tax return through the 2007 tax year. **Signed – Chapter 647/Statutes of 2002.**

AB 2127 (Matthews) – Reinstates a personal income tax check-off to fund asthma and lung disease research. **Signed – Chapter 620/Statutes of 2002.**

Corporate Income Taxes

AB 1968 (Nation) – Allows a gross-income exclusion for rebates, vouchers, or other financial incentives received from California Energy Commission, the California Public Utilities Commission or a local public utility for the installation of a thermal, solar, wind energy or fuel-cell generating system that produces the taxpayer's electrical or thermal energy. **Signed – Chapter 843/Statutes of 2002.**

Property Tax Relief

SB 1875 (Karnette) – Streamlines the filing requirements for applicants who request assistance under the Senior Citizens Homeowners and Renters Property Tax Assistance Program. **Signed – Chapter 399/Statutes of 2002.**

Other Property Tax Measures

SB 1509 (Dunn) – Reduces a city or county's Educational Revenue Augmentation Fund contribution (the share of local property tax revenues earmarked for California public schools) by an amount equal to the city or county's share of the property tax lost due to new tax-exempt low-

income housing. **Vetoed.**

SB 1714 (Poochigian) – Requires the state controller to report annually on the value of property tax losses as a result of state land acquisition. (When private property is purchased by the state, or tax-exempt non-profits such as land conservancies, property taxes are no longer collected on the property, resulting in a loss of revenue to the local jurisdiction and to the state.) Requires the state Department of General Services to estimate the annual loss of property tax revenues in each county that will result from any planned state land acquisition. **Vetoed.**

SB 1789 (Poochigian) – Requires the state controller to compile data regarding the total assessed valuation of all taxable property in each school district in the state and to post the findings, by county, on the Internet by June 1 of each year. **Vetoed.**

AB 81 (Migden) – Shifts responsibility for assessing property taxes on large power facilities (over 50 megawatts) from local assessors to the state Board of Equalization (BOE), which codifies a board regulation. Property tax revenues from these plants will continue to be allocated to the communities in which they are located as of January 1, 2003, and values will reflect full cash values of the facilities. **Signed – Chapter 57/Statutes of 2002.**

Sales Taxes

SB 145 (Perata) – Extends the sunset date on the sales tax exemption on bunker fuel from 2003 to 2013. **Vetoed.**

AB 1916 (Matthews) – Codifies a BOE regulation that allows a sales-and-use-tax exemption for lancets and blood glucose test strips that are furnished by a registered pharmacist, and expands the exemption for these items whether or not they are furnished by a registered pharmacist. **Vetoed.**

AB 2701 (Maddox) – Excludes tribal taxes imposed by Indian tribes on retail sales from the definition of "sales price" for the purpose of calculating California sales and use taxes. Also excludes these tribal taxes from the definition of "gross receipts" in calculating California sales taxes due. **Signed – Chapter 593/ Statutes of 2002.**

State Budget

AB 2065 (Oropeza) – Helps bridge the state's budget gap. A companion to the budget bill, it includes these provisions:

- *High-Risk Income Tax and Sales Tax Collection* – Grants the FTB and the BOE the temporary authority to forgive interest, penalties and fees in exchange for payment of certain "high-risk collection accounts" involving income tax and sales tax.
- *Teacher Credit Suspension* – Suspends the income-tax credit to credentialed teachers for the 2002 tax year.
- *Net Operating Loss Suspension* – Suspends the "net operating loss" deduction claimed by businesses in 2002 and 2003. Allows taxpayers with losses in those years to deduct them starting in 2004, and the carry-forward period would be correspondingly extended for losses incurred in 2002 and 2003. Increases the net operating loss deduction from 65 percent to 100 percent starting in 2004.
- *Real Estate Withholding* – Extends the 3.3 percent withholding requirement for transfers of California real property to California residents. Individuals, whether residents or nonresidents, would be treated the same. Creates exemptions instead of waivers from the withholding requirements for transactions involving like-kind exchanges and involuntary conversions for individuals. Does not apply withholding to principal residences.
- *Stock Option Withholding* – Increases the rate of employer withholding for stock options and

bonus payments from 6 percent to 9.3 percent.

- *Bad Debt Reserve* – Allows banks with assets greater than \$500 million and non-bank financial institutions to deduct only the amount of bad debts that actually become worthless. Requires large banks and other financial institutions that have maintained reserves to include 50 percent of the reserves in income in the 2002 tax year.
- *Underpayment Penalty Waiver* – Provides that no penalty may be levied due to any underpayment resulting from the tax change provisions of this bill. **Signed – Chapter 488/ Statutes of 2002.**

Other Measures

AB 1752 (Midgen) – Requires that prior to the BOE taking final action on any item not involving a named taxpayer, documents provided to board members pertaining to that item must be made available for public inspection at the meeting, distributed to all who have requested copies of the documents, and made available on the Internet. **Signed – Chapter 156/Statutes of 2002.**

AB 1939 (Daucher) – Requires the Legislative Analyst's Office to study a new property tax allocation option in which a county, cities, and special districts negotiate new formulas. **Vetoed.**

AB 2461 (Keeley) – Extends to 2009 the sunset date of the vehicle license fee exemption on the incremental cost of alternatively fueled vehicles. **Signed – Chapter 566/Statutes of 2002.**

AB 2825 (Wiggins) – Allows counties and cities to create Fire Protection Finance Agencies to pay for capital improvements and fire protection services. **Vetoed.**

AB 3009 (Assembly Budget Committee) – Suspends for 2002-03 an income-tax credit for the donation of certain land and water rights to nonprofit organizations and increases the energy consumption surcharge from a rate of \$0.0002/kilowatt-hour to \$0.0003. **Signed – Chapter 1033/Statutes of 2002.**

Tobacco Products

SB 1766 (Ortiz) – Requires each retail sale of cigarettes in the state to be a vendor-assisted, face-to-face sale. Also requires, in non-face-to-face sales in which the seller does not pay applicable state taxes, that California purchasers be notified of their obligation to pay such taxes. **Signed – Chapter 686/ Statutes of 2002.**

SB 1831 (Peace) – Authorizes the state to borrow \$4.5 billion against its share of revenues anticipated from a national legal settlement with tobacco companies. **Signed – Chapter 414/Statutes of 2002.**

AB 1830 (Frommer) – Prohibits the sale of tobacco products to minors through the U.S. Postal Service or through any other public or private postal or package delivery service, and imposes specified age-verification requirements on tobacco product sellers or distributors. **Signed – Chapter 685/Statutes of 2002.**

AB 1867 (Vargas) – Prohibits smoking or disposal of tobacco-related waste within 25 feet of a playground or a tot lot sandbox area. **Signed – Chapter 527/ Statutes of 2002.**

AB 2205 (Koretz) – Creates an additional penalty for possessing cigarettes for which a cigarette tax has not been paid and uses penalty revenues to fund a grant program in the Office of Criminal Justice Planning. This penalty sunsets January 1, 2006. **Signed – Chapter 687/Statutes of 2002.**

Transportation

The most significant trend in transportation policy during the two-year legislative session was the continued "flexibility" of transportation revenues. These funds helped bridge the General Fund's revenue gap in both 2001 and 2002. All major transportation accounts, to the extent constitutionally permissible, provided loans and transfers to the General Fund in 2002. All such loans are to be repaid, with interest, by the end of fiscal year 2007.

To this end, **SB 1834 (Budget Committee), Chapter 445/ Statutes of 2002**, will continue the refinancing of the Traffic Congestion Relief Program and authorization of additional loans from the State Highway Account to facilitate increased loans from the Traffic Congestion Relief Fund to the General Fund. This bill, along with provisions of the state budget bill, provide General Fund relief of \$1.2 billion. **Signed – Chapter 445/Statutes of 2002.**

Another important trend in transportation policy this session was the recognition of the nexus between automobile use and air quality. The Legislature passed two landmark bills on the issue – **AB 2637 (Cardoza)** and **AB 1493 (Pavley), Chapters 1001 and 200/Statutes of 2002**. The Cardoza legislation applies the Smog Check II program to the San Francisco Bay Area basin, the only major urban area in the state not operating Smog Check II. The Pavley bill, for the first time in the nation's history, requires a state body -- the California Air Resources Board -- to regulate the emissions of carbon dioxide from motor vehicles.

The Legislature with Governor Davis's signature placed on the 2004 state ballot **SB 1856 (Costa), Chapter 697/Statutes of 2002**, to authorize a \$9.95 billion general-obligation bond issue for financing a high-speed rail system in California. The rail line would connect Los Angeles with the San Francisco Bay Area through the Central Valley and operate at speeds of more than 200 miles per hour. If approved by voters, the bond issue also would earmark funds for capital improvements to commuter and inter-city rail systems.

SB 180 (Speier and Sher) – Extends the operative date from January 1, 2004, until January 1, 2007, on including the counties of Los Angeles and San Francisco in requirements that driver's have proof of vehicle insurance. **Signed – Chapter 666/ Statutes of 2002.**

SB 1257 (Murray) – Strengthens requirements pertaining to the transportation of hazardous materials. **Signed – Chapter 610/ Statutes of 2002.**

SB 1458 (Romero) – Increases the amount of the required surety bond for motor vehicle dealers from \$10,000 to \$50,000. **Signed – Chapter 303/ Statutes of 2002.**

SB 1480 (Speier) – Revises the Outdoor Advertising Act, including penalties for failure to remove certain non-conforming advertising displays. **Signed – Chapter 972/ Statutes of 2002.**

SB 1555 (Torlakson) – Requires the state Department of Health Services to award grants to cities, counties, and non-profit organizations to improve pedestrian and bicyclist mobility and safety. The grants would be financed by a \$5 fee on the renewal of driver's licenses for those with traffic violations on their records. **Vetoed.**

SB 1740 (Murray) – Allows local service authorities for freeway emergencies to develop record retention policies relating to the operations of the authorities. **Signed – Chapter 441/ Statutes of 2002.**

SB 1331 (Speier) – Requires those who reconstruct salvage vehicles to obtain required inspections from the Department of Motor Vehicles (DMV) and California Highway Patrol prior to the sale of the vehicles, switching responsibility for the inspections from the first-time registrant to the person who rebuilt the vehicle. **Signed – Chapter 670/Statutes of 2002.**

SB 1743 (Speier) – Improves consumer protections pertaining to the sale and resale of salvage vehicles. **Vetoed.**

SB 1768 (Murray) – Authorizes the Department of Transportation (Caltrans) to nominate transportation projects for inclusion in regional transportation improvement programs to improve

state highways with regional transportation funds. **Chaptered by Secretary of State. Chapter 472/Statutes of 2002.**

SB 1918 (Torlakson) – Establishes, commencing March 1, 2003 and sunseting on January 1, 2008, regulations for the use of electric personal assistant mobility devices. **Signed – Chapter 979/ Statutes of 2002.**

SB 2072 (Karnette) – Extends indefinitely the authority for the issuance of special permits allowing the operation of cargo-container-vehicle combinations that exceed maximum weight limits on specified freeways near the Ports of Long Beach and Los Angeles. **Signed – Chapter 229/Statutes of 2002.**

SJR 25 (Scott) – Requests Congress to review California's request to be exempted from the gasoline oxygenate additive requirement imposed by the Clean Air Act. **Adopted – Resolution Chapter 98/Statutes of 2002.**

SJR 36 (Murray) – Supports the efforts of the House of Representatives and the U.S. Senate to restore federal highway funding for 2003 to not less than the levels anticipated in the Transportation Equity Act for the 21st Century. **Resolution Chapter 31/Statutes of 2002.**

AB 60 (Cedillo) – Allows persons who have submitted applications for lawful immigration status to apply for driver's licenses from the DMV. **Vetoed.**

AB 381 (Salinas) – Requires an analysis of changes in operating costs experienced by transit operators. **Signed – Chapter 745/ Statutes of 2002.**

AB 666 (Dutra) – Reinstates a Caltrans state highway construction program ended in 1997 that allowed eligible projects to be accelerated through an expedited permit process. **Signed – Chapter 588/ Statutes of 2002.**

AB 1493 (Pavley) – Requires the Air Resources Board to develop and adopt, by January 1, 2005, regulations that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and any other vehicles determined by the state board to be vehicles whose primary use is noncommercial personal transportation in the state. **Signed – Chapter 200/ Statutes of 2002.**

AB 1742 (Maldonado) – Exempts a truck-and-two-trailers combination used for transporting agricultural products from vehicle length restrictions. **Signed – Chapter 560/ Statutes of 2002**

AB 1759 (Wesson) – Establishes a California memorial license plate to raise

funds for scholarships for the dependents of September 11 victims and to support anti-terrorism efforts. **Signed – Chapter 38/Statutes of 2002.**

AB 1765 (Bogh) – Exempts school buses fitted with crossing control arms from the 40-foot limit placed on vehicles that may be operated on California highways. **Signed – Chapter 78/Statutes of 2002.**

AB 1912 (Kehoe) – Repeals a prohibition on allocating state transit assistance funds to public transit operators whose labor-agreement contracts forbid the use of part-time drivers. **Signed – Chapter 201/Statutes of 2002.**

AB 1923 (Dickerson) – Changes the population limitation of rural areas eligible for service information signs near highway exits from 5,000 to 10,000 people. Specifically, this bill allows areas with a population less than 10,000 to qualify for having Caltrans place business-service information near the highway exits of that area. **Signed – Chapter 576/Statutes of 2002.**

AB 1937 (Dutra) – Authorizes transit agencies to enter into joint development projects with public agencies or private developers and other entities for the purpose of facilitating transit-

oriented development. **Signed – Chapter 270/ Statutes of 2002.**

AB 2051 (Dickerson) – Allows truck combinations that transport agricultural biomass to include a front trailer with a length of up to 32 feet. **Signed – Chapter 442/ Statutes of 2002.**

AB 2148 (Chu) – Authorizes Caltrans to enter into storm damage mitigation contracts when performing storm damage repairs and operations on state highways, and exempts these contracts from the state Contract Act. **Signed – Chapter 239/Statutes of 2002.**

AB 2224 (Nation) – Creates the Sonoma-Marín Area Rail Transit (SMART) District for ownership and governance of a passenger rail system within Marin and Sonoma counties. **Signed – Chapter 341/ Statutes of 2002.**

AB 2273 (Dutra) – Requires the DMV to issue restricted driver's licenses to qualified enlistees, 16 to 18 years of age, of the California National Guard for operating military vehicles. **Signed – Chapter 418/ Statutes of 2002.**

AB 2274 (Dutra) – Changes the off-highway vehicle (OHV) recreational program by expanding the OHV commission's responsibilities and frequency of meetings. Requires a strategic plan for future OHV needs, reducing the maximum legal noise limit, and requiring a program report biennially on the results of the plan and resource monitoring. **Signed – Chapter 563/ Statutes of 2002.**

AB 2299 (Bates) – Authorizes a 45-day extension for toll facility operators to provide notice of toll evasions to violators. **Signed – Chapter 184/Statutes of 2002.**

AB 2303 (Runner) – Extends the valid period of a smog check certificate from 60 days to 90 days for transferring a vehicle's ownership, thereby conforming the valid period to that of the biennial smog check certificate. **Signed – Chapter 127/Statutes of 2002.**

AB 2360 (Dutra) – Establishes a competitive grant program for new or expanded freeway patrol services to the extent that funds are appropriated annually in the Budget Act. **Signed - Chapter 578/Statutes of 2002.**

AB 2440 (Keeley) – Requires a state highway that has been designated by the federal government as an "All-American Road" to be operated in a manner that is consistent with specified "context-sensitive" standards relative to aesthetics, safety and community-based appeal. **Signed - Chapter 530/ Statutes of 2002.**

AB 2522 (Dutra) – Requires the California Highway Patrol, in cooperation with the Office of Emergency Services and the California National Guard, and in consultation with the Coast Guard and other relevant public agencies, to perform a risk assessment of California's transportation system. Requires that there be mitigation measures recommended for each potential threat or security deficiency identified. Requires a confidential report of CHP's findings and recommendations to be submitted to the governor and legislative leaders by January 1, 2003. **Signed – Chapter 243/Statutes of 2002.**

AB 2535 (Díaz) – Requires Caltrans to compile, summarize and make available highway-congestion data. **Signed – Chapter 392/ Statutes of 2002.**

AB 2637 (Cardoza) – Establishes an enhanced vehicle inspection and maintenance program (Smog Check II) in the San Francisco Bay Area basin. Smog Check II programs are required only in urbanized areas of the state in which any part is classified by the U.S. Environmental Protection Agency as a serious, severe, or extreme non-attainment area for carbon monoxide. This bill is intended to decrease Central Valley pollution, some of which originates in the Bay Area. **Signed – Chapter 1001/ Statutes of 2002.**

AB 2647 (Liu) – Deletes a requirement that Caltrans provide the Legislature with regular project delivery, development and social service transportation reports, and exempts Caltrans from having

to maintain a database of disabled veteran business enterprises. **Signed – Chapter 168/Statutes of 2002.**

AB 2650 (Lowenthal) – Establishes fines for marine terminals that cause diesel trucks to idle for more than 15 minutes. Requires each marine terminal in the state to operate in ways that do not cause diesel trucks to idle for more than 30 minutes while waiting to enter the gate at the terminal. **Signed – Chapter 1129/ Statutes of 2002.**

AB 2687 (Maldonado) – Changes some of the requirements related to closing a highway to vehicles transporting hazardous materials. **Signed – Chapter 104/ Statutes of 2002.**

AB 2751 (Pavley) – Requires Caltrans, upon receiving funds in the Budget Act, to partner with the Air Resources Board, the Integrated Waste Management Board, and the Department of Food and Agriculture to conduct a demonstration project to evaluate the feasibility of using rice straw for soundwall construction for highway applications. **Signed – Chapter 656/ Statutes of 2002.**

AB 2776 (Simitian) – Increases the notice required to prospective homeowners when the homes they intend to purchase are located near an airport. **Signed – Chapter 496/ Statutes of 2002.**

AB 2996 (Assembly Budget Committee) – Revises the Motor Vehicle Code and the Streets and Highway Code as needed to implement the 2002-03 Budget Act.

Signed – Chapter 805/ Statutes of 2002.

ACA 11 (Richman) – Establishes, with voter approval in 2004, the 21st Century Infrastructure Investment Fund. Requires a percentage of General Fund revenues to be transferred annually to this fund beginning in 2006-07 for financing state and local infrastructure projects related to transportation and other needs. Half of the monies would go to local governments and half would be designated for state projects. The state Department of Finance would prepare an annual plan to expend these funds unless the governor directs another state agency to do so. **Chapter 185/ Statutes of 2002.**

Veterans and Reservists

Cal-Vet Loans

SB 1893 (Johannessen) – Allows an increase in the California Veterans (Cal-Vet) Farm and Home Purchase Act loan limit for a single-family home and a reduction in mortgage rates for qualifying veterans. Allows the maximum loan limit for a Cal-Vet single-family home to be set at the maximum limit established by the federal Fannie Mae home loan program at that time. Authorizes the state Department of Veterans Affairs (DVA) to establish separate interest rates on remaining balances of Cal-Vet mortgage contracts with veterans who are called to active duty and who qualify under the Soldiers and Sailors Civil Relief Act of 1940. **Signed – Chapter 473/Statutes of 2002.**

AB 748 (Chavez) – Requires the Bureau of State Audits to analyze of the effectiveness of the Cal-Vet program and report to the governor and the Legislature on its fiscal status by 2004. **Vetoed.**

AB 2428 (Correa) – Makes active-duty military reservists and National Guard members eligible for Cal-Vet loans. **Signed – Chapter 419/Statutes of 2002.**

Reservists

SB 711 (Dunn) – Provides specified salary and benefit compensation for various state employees who are called to active military service as a result of the war on terrorism. **Signed – Chapter 5/Statutes of 2002**

AB 1433 (Horton) – Incorporates into state law several provisions of the federal Soldiers and Sailors Relief Act of 1940 (SSCRA), which grants certain benefits to persons called to federal

military service abroad. The bill extends these SSCRA benefits to California reservists and members of the California National Guard called to state military duty or to federal military duty on domestic territory. **Signed – Chapter 60/Statutes of 2002**

Veterans Cemeteries

SB 1455 (Johannessen) – Increases from \$6 million to \$7 million the maximum amount of federal grant funds for which the state is to apply in order to fund construction of a state veterans cemetery in Shasta County. **Signed – Chapter 502/Statutes of 2002.**

State Veterans Homes

SB 1234 (Johannessen) – Authorizes the state to issue lease-revenue bonds up to \$62 million to finance the acquisition, design, construction, renovation, or expansion of veterans homes at Yountville, Barstow, Chula Vista, Lancaster, Saticoy, and West Los Angeles, and in Fresno County and Shasta County. **Signed – Chapter 217/Statutes of 2002.**

SB 1281 (Haynes) – Requires the state veterans homes to provide complete accounting information to each resident on the cost of any care provided to the resident in excess of the resident's fee. **Signed – Chapter 466/Statutes of 2002.**

SB 1773 (Chesbro) – Appropriate \$15 million to DVA from the Veterans Home Fund for the renovation of the Yountville Veterans Home. **Signed – Chapter 219/Statutes of 2002.**

AB 2559 (Wesson) – Continuously appropriates moneys from the Veterans Home Fund for the state's matching share for the construction of three new veterans homes in the cities of Lancaster, Saticoy, and West Los Angeles.

Signed – Chapter 216/Statutes of 2002.

Water

CalFed

SB 1653 (Costa) – Enacts the California Bay-Delta Act, establishing the California Bay-Delta Authority in the state Resources Agency as the governance organization of the CalFed bay-delta program. Under the CalFed program, state and federal agencies are cooperating to improve water and ecosystem quality, water supply reliability, and the integrity of the levees and channels in the San Francisco Bay and Sacramento-San Joaquin River Delta estuary. **Signed –Chapter 812/Statutes of 2002.**

Discharges

SB 1599 (Poochigian) – Expands opportunities for the issuance of stays regarding reviews of regional water board actions concerning waste-discharge requirements. **Signed – Chapter 324/Statutes of 2002.**

AB 1969 (Bill Campbell) – Requires all wastewater discharged by the Orange County Sanitation District into the Pacific Ocean to be subject to at least secondary treatment requirements of federal law, and to any more stringent requirements determined appropriate by the State Water Resources Control Board and the regional board for the Santa Ana region. **Signed – Chapter 1019/Statutes of 2002.**

Proposition 40

AB 2534 (Pavley) – Enacts the Watershed, Clean Beaches and Water Quality Act. Allows funds from Proposition 40 (the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection bond issue approved by voters in March 2002) to be made available for urban storm water, small community wastewater, non-point source pollution control, agricultural water quality,

clean beaches, coastal resource enhancement, and integrated watershed management projects within the Resources Agency. **Signed – Chapter 727/Statutes of 2002.**

Recycling

SB 1518 (Torlakson) – Allows sanitary districts to supply recycled-water service contingent upon noticing and offering to consult with cities, local agencies, or water districts that provide water service within the district.

Regional Planning

SB 1672 (Costa) – Authorizes regional water management groups to adopt regional management plans. These may concern management of groundwater, urban water or agriculture water as well as flood-control projects, water-recycling projects, water-treatment facilities, water-conservation projects, desalination projects, or watershed-management projects that reduce the impact of non-native species. **Signed – Chapter 767/Statutes of 2002.**

Usage

AB 2587 (Matthews) – Requires the state Department of Food and Agriculture to estimate water usage for food production, and provide that information to the state Department of Water Resources. **Signed – Chapter 615/Statutes of 2002**

Water Rights and Standards

SB 1949 (Soto) – Requires the State Water Resources Control Board to review regional boards' public participation procedures. **Signed – Chapter 604/ Statutes of 2002.**

