

# Vetoed Bills

2021-10-08

## [AB 105](#) ([Holden D](#)) **The Upward Mobility Act of 2021: boards and commissions: civil service: examinations: classifications.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would require that, on or after January 1, 2022, all state boards and commissions consisting of one or more volunteer members have at least one board member or commissioner from an underrepresented community. The bill would define the term "board member or commissioner from an underrepresented community" as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native; who self-identifies as gay, lesbian, bisexual, or transgender; who is a veteran, as defined; or who has a disability, as defined. The bill would apply these requirements only as vacancies on state boards and commissions occur.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 105 without my signature. This bill would modify several processes related to civil service job announcements, examinations, classifications, and hiring practices. Additionally, it would require certain boards and commissions to include appointed representatives of underrepresented groups and institute new data collection requirements. I believe that California has a responsibility to recruit and retain a workforce that reflects California's diversity and treats all of our employees with respect, dignity, and equity. My Administration remains committed to furthering that cause and that's why we have established the California Leads as an Employer Initiative. The goal of this initiative is to implement policies that promote a diverse and inclusive workforce reflective of California, ensure a respectful workplace free of harassment, and address gender and racial pay gaps in the state workforce. Additionally, we established a Chief Equity Officer at the Government Operations Agency this year who will focus on diversifying state hiring, recruitment, retention, and training. While the goals of AB 105 are laudable, elements of the bill conflict with existing constitutional requirements, labor agreements, and current data collection efforts. Therefore, it may have unintended consequences that warrant further consideration. Furthermore, as AB 105 would cost tens of millions of dollars, these one-time and significant ongoing costs should be considered through the annual state budget process. I would encourage the author to collaborate with the Administration to address these concerns and look forward to continued partnership as we continue to work to build a more inclusive state government. Sincerely, Gavin Newsom

Position	Priority	Subject
Watch	Priority 1	CBA, Labor & Employment

## [AB 122](#) ([Boerner Horvath D](#)) **Vehicles: required stops: bicycles.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would, until January 1, 2028, require a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to yield the right-of-way to any vehicles that have either stopped at or entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to pedestrians, as specified, and continue to yield the right-of-way to those vehicles and pedestrians until reasonably safe to proceed. The bill would require other vehicles to yield the right-of-way to a bicycle that, having yielded as prescribed, has entered the intersection. The bill would state that these provisions do not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 122 without my signature. This bill would allow a person riding a bicycle to proceed through a stop sign as if it were a yield sign until January 1, 2028. While I share the author's intent to increase bicyclist safety, I am concerned this bill will have the opposite effect. The approach in AB 122 may be especially concerning for children, who may not know how to judge vehicle speeds or exercise the necessary caution to yield to traffic when appropriate. Fatalities and serious injuries have been on the rise on the state's roads since 2010. The Statewide Integrated Traffic Records System shows that, since 2015, there were 3,059 crashes involving bicycles at an intersection in which the primary collision factor was failure to stop at a stop sign. The data indicates bicyclists were determined to be at fault for 88 percent of the collisions resulting in fatalities and 63 percent of those involving injuries. I fully support safe and equitable access to the state's transportation network for bicyclists. The California Climate Action Plan for Transportation Infrastructure describes how the state will invest in the transportation network to create safe and accessible bicycle and pedestrian infrastructure. The Department of Transportation (Caltrans) and the California State Transportation Agency are increasing active transportation investments and will release design guidance on traffic calming measures this year to encourage more walking and biking through a safe systems approach. For these reasons, I am returning this bill. Sincerely, Gavin Newsom

**[AB 226](#)****(Ramos D) Children's crisis psychiatric residential treatment facilities.****Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would reclassify children's crisis residential programs as children's crisis psychiatric residential treatment facilities, and would transfer responsibility for licensing these facilities to the State Department of Health Care Services, contingent upon an appropriation in the annual Budget Act for these purposes. The bill would define "children's crisis psychiatric residential treatment facility" to mean a licensed residential facility operated by a public agency or private organization that provides the psychiatric services, as prescribed under the Medicaid regulations, to individuals under 21 years of age, in an inpatient setting.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 226 without my signature. This bill would eliminate Children's Crisis Residential Programs (CCRPs) under the purview of the Department of Social Services and instead create Children's Crisis Psychiatric Residential Treatment Facilities (CCPRTFs) under the purview of the Department of Health Care Services, to provide intensive mental health care for children and youth, including those in foster care. It is important that all California youth receive the mental health services and supports they need. My Administration has made it a priority to transform California's children and youth behavioral health system into one in which all children and youth are routinely screened, supported, and served for emerging and existing behavioral health needs, and is working to implement transformative investments in the 2021-22 Budget that further this cause. AB 226 presents implementation challenges that cannot be overlooked or easily overcome. First, the bill would eliminate CCRPs, a Medicaid State Plan service the state is obligated to provide, creating a gap in the continuum of care for children and youth. Second, the bill does not appropriately identify the roles of the Department of Health Care Services, the county Mental Health Plans, and the California Department of Public Health in federally certifying the proposed CCPRTF program. Finally, should CCPRTFs be authorized as a treatment option, it is critical to develop adequate safeguards so children are not in CCPRTFs any longer than necessary. These safeguards are not included in this bill. My Administration looks forward to working with the Legislature and stakeholders before the Legislature reconvenes on a proposed solution that is in the best interest of all youth experiencing mental health crises. Sincerely, Gavin Newsom

**[AB 369](#)****(Kamlager) Medi-Cal services: persons experiencing homelessness.****Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would require the State Department of Health Care Services to implement a program of presumptive eligibility for persons experiencing homelessness, under which a person would receive full-scope Medi-Cal benefits without a share of cost. The bill would require the department to authorize an enrolled Medi-Cal provider to issue a temporary Medi-Cal benefits identification card to a person experiencing homelessness, and would prohibit the department from requiring a person experiencing homelessness to present a valid California driver's license or identification card issued by the Department of Motor Vehicles to receive Medi-Cal services if the provider verifies the person's eligibility.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 369 without my signature. This bill would direct the Department of Health Care Services (DHCS) to establish a Presumptive Eligibility Program for persons experiencing homelessness, authorize all off-premises services under Medi-Cal, remove care authorization and coordination strategies typically provided by Primary Care Physicians, and deduct capitation payments made to Medi-Cal Managed Care Plans if a person experiencing homelessness does not utilize services within 60 days of enrollment. From day one, my Administration has made treating and housing those experiencing homelessness a top priority. Understanding that homeless individuals face unique challenges in receiving the health care they need, California designed its Presumptive Eligibility program so that individuals experiencing homelessness can easily enroll in Medi-Cal and access timely health care. In addition, enrolled Medi-Cal providers can be reimbursed for street-based medicine or services provided outside the office to their patients. Additionally, Medi-Cal Managed Care Plans are responsible for coordinating and providing health care services to their members, including beneficiaries experiencing homelessness. We can and must do much better than today. To that end, the California Advancing and Innovating Medi-Cal (CalAIM) initiative, authorized in the 2021 Budget, will provide a whole-person approach to care and include expanded benefits to address clinical and non-clinical needs of Medi-Cal beneficiaries. A new enhanced care management benefit and housing support services, delivered by community-based providers, will provide needed services to individuals experiencing homelessness. Creating a "carve out" for persons experiencing homelessness, on the eve of the CalAIM transformation, will cut out these patients from services that are being created specifically to support their health, housing stability, and overall well-being. Given that providing individuals experiencing homelessness timely access to critical services and ultimately are permanently housed is a priority, and the timing of CalAIM implementation, I am directing DHCS to identify any interim gaps that can be imminently addressed and act quickly to close these gaps. Such actions may include providing temporary resources to street medicine providers across the state, providing additional technical assistance to street medicine providers who seek to provide services through managed Medi-Cal, and promptly implementing the CalAIM opportunities that will soon be rolling out. Sincerely, Gavin Newsom

**[AB 375](#)****(Medina D) Community colleges: part-time employees.****Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would require community colleges, as a condition of receiving funding allocated for the Student Equity and Achievement Program, to negotiate in good faith with the exclusive representatives for part-time, temporary faculty on the terms of the reemployment preference for part-time, temporary faculty assignments and the regular evaluation process for part-time, temporary faculty. The bill would instead require that negotiation on reemployment preference for part-time, temporary faculty assignments be based on the minimum standards not exceeding 80% to 85% of a full-time equivalent load, and would prohibit the community college district from restricting the terms of the negotiated agreement to less than that range, unless explicitly agreed upon by an individual part-time, temporary faculty member and the district.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 375 without my signature. This bill amends statute relating to part-time faculty at the California Community Colleges, including redefining a community college part-time faculty course load as not to exceed 85 percent of the hours of a full-time assignment, rather than not to exceed 67 percent. Our system of community colleges could not operate without part-time faculty. Even though they carry an enormous amount of the teaching load across the system, these qualified instructors must often teach at multiple campuses in order to piece together higher wages, and do not receive the same salary or benefits as their full-time colleagues. While I understand the objectives of this legislation, this bill would create significant ongoing cost pressures on the state and community college districts, potentially in the hundreds of millions of dollars. Such a high expenditure is better addressed in the State Budget process, which is why I am committed to considering options to support our community college part-time faculty in my forthcoming January budget proposal. Sincerely, Gavin Newsom

#### **[AB 412](#) (Reyes D) California Commission on Human Rights.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would establish in state government the California Commission on Human Rights, as an advisory commission, and would require it to, among other things, identify and evaluate California's successes and failures in protecting human rights of individuals living within the state, determine statutory, regulatory, or budgetary solutions to better protect human rights, and report, at least annually, on the status of human rights to the Legislature and the Governor with statutory and regulatory recommendations. The bill would require the commission to consist of 17 members, including, among others, Members of the Assembly and the Senate. The bill would also create the California Commission on Human Rights Fund in the General Fund to, upon appropriation by the Legislature, carry out these provisions and support the commission.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 412 without my signature. AB 412 creates the California Commission on Human Rights to explore and identify ways the state can promote the protection of human rights to provide equal economic, political, and educational opportunities without prejudice or discrimination. The Department of Fair Employment and Housing (DFEH), California's civil rights promotion and enforcement agency, is currently charged with investigating, mediating, and prosecuting complaints of civil rights violations involving employment, housing, public accommodations, state-funded programs and activities, hate violence, and human trafficking. DFEH's Fair Employment and Housing Council is currently authorized to hold hearings and issue publications that aid in the elimination of unlawful discrimination, or advance civil rights in the State of California. Recently, the Council has held civil rights hearings on algorithmic decision making, employment barriers for individuals with criminal histories, hate violence in California, and civil rights issues in the Central Valley. While the aims of this bill are noble and worthwhile, the work that would be entrusted to this Commission is duplicative of the work being done by DFEH. Additionally, this bill creates significant cost pressures that are currently not accounted for within the 2021 Budget Act. For these reasons, I am returning this bill. Sincerely, Gavin Newsom

#### **[AB 603](#) (McCarty D) Law enforcement settlements and judgments: reporting.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would require municipalities, as defined, to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct, including, among other information, amounts paid, broken down by individual settlement and judgment, and information on bonds used to finance use of force settlement and judgment payments. The bill would require the Transportation Agency to annually post the same information on its internet website regarding settlements and judgments against the Department of the California Highway Patrol. By increasing requirements for local governments, this bill would impose a state-mandated local program.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 603 without my signature. This bill would require municipalities to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct. The information will include amounts paid, broken down by individual settlement and judgment, and information on bonds used to finance use of force settlement and judgment payments. The vast majority of the information that this legislation would require to be posted on department websites is already available through a Public Records Act request or in court records. Given this, I am concerned that this legislation is not only unnecessary, but that it will also have potentially significant General Fund costs associated with the imposition of a state-reimbursable mandate on local law enforcement agencies. Sincerely, Gavin Newsom

[AB 783](#)**(Gray D) Surface mines: safety regulation.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Current law, enforced by the Division of Occupational Safety and Health, defines and regulates mines and tunnels and distinguishes between above ground, or surface mines, and underground mines. Current law requires the Division of Occupational Safety and Health to issue citations if, upon inspection, an employer violates specified standards, rules, orders, or regulations. Current law authorizes a notice to be issued in lieu of a citation if specified conditions are met. Current law prohibits a citation or notice from being issued by the division more than 6 months after the occurrence of the violation. This bill would specify that the division is prohibited from issuing a citation or notice to a surface mine employer more than 6 months after the occurrence of a violation. For inspections at a surface mine, the bill would require the division to provide the employer a specified notice of hazard within 72 hours after the inspection for observable conditions that may cause an injury if not addressed with reasonable promptness.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 783 without my signature. This bill prohibits the Division of Occupational Safety and Health (DOSH) from issuing a citation or notice to a surface mine employer more than six months after the occurrence of a violation, and requires inspectors to issue a "Notice of Hazard" within 72 hours of a surface mine inspection when they find conditions that could lead to injury if not promptly addressed. Existing law already provides that a citation or notice shall not be issued by DOSH more than 6 months after an inspection and DOSH currently provides preliminary findings about any observations observed during a surface mine inspection. If DOSH observes an imminent hazard to employees it must warn the employer and issue an Order Prohibiting Use until the dangerous condition is eliminated. AB 783 requires a written notice of potential or actual hazards which is information already transmitted to the employer through the course of the inspection. As a result, this bill increases costs and workload to DOSH without measurably improving work conditions. For this reason, I am returning this bill without my signature. Sincerely, Gavin Newsom

[AB 872](#)**(Wood D) Leave of absence: firefighters.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Under current law, workers' compensation benefits, including salary paid in lieu of disability payments, is not taxable income. Current law also provides for enhanced industrial leave benefits for specified state employees, including members of State Bargaining Unit 8, such as 52 weeks of salary less specified tax and retirement contributions. This bill would make those enhanced industrial disability leave benefits for specified state employees employed by the Department of Forestry and Fire Protection applicable only to injuries that occur prior to January 1, 2022. The bill would instead, for injuries occurring on or after January 1, 2022, make specified benefits, such as one year of salary in lieu of disability payments, available to all rank-and-file and supervisory firefighters and members of State Bargaining Unit 8 engaged in active fire suppression or prevention employed by the Department of Forestry and Fire Protection and specified seasonal employees whose principal duties include active fire suppression or prevention services. These benefits would be subject to limitations, as specified.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 872 without my signature. This bill would extend a special form of workers' compensation, "4850 time", to rank-and-file and supervisory firefighters at the Department of Forestry and Fire Protection. This bill would result in these employees receiving higher take home pay than they would have if not injured by raising disability payments from full net to full gross salary. Currently, state firefighters have access to Enhanced Industrial Disability Leave (EIDL) which provides full net salary for one year for any industrial injury or illness or up to three years if the injury is burn related. State firefighters' importance to California is only growing because of the increasing prevalence of wildfires they fight each year. I have and will continue to devote more resources to this workforce to ensure they have the benefits and equipment they need to carry out their critical task. However, an extension of "4850" time to this class of employees should be addressed through the bargaining process where consideration of how best to allocate limited resources for this crucial state function is viewed holistically. My Administration looks forward to this discussion and working on this issue at the bargaining table. Sincerely, Gavin Newsom

[AB 1035](#)**(Salas D) Department of Transportation and local agencies: streets and highways: recycled materials.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would require the Department of Transportation and a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method. The bill would require, beginning January 1, 2023, a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to apply standard specifications that allow for the use of recycled materials in streets and highways, as specified. By increasing the duties of local agencies, this bill would impose a state-mandated local program.

**Governor's Message:** To Members of the California State Assembly: I am returning Assembly Bill 1035 without my signature. This bill requires local agencies to apply the Department of Transportation's (Caltrans) most recent standards for the use of recycled materials in pavement between January 1,

2023 and January 1, 2026. Requiring all local agencies that have jurisdiction over streets and highways to comply with Caltrans' recycling standards may result in increased costs. The standards adopted by Caltrans are specifically designed for Caltrans projects, which are generally larger and address a greater volume of traffic than some local projects. These requirements may not be appropriate for all local streets and roads. Further, this bill may create a reimbursable state mandate, which could result in significant state costs. Sincerely, Gavin Newsom

**[AB 1147](#) (Friedman D) Regional transportation plan: Active Transportation Program.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Current law requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs. This bill would require the council to convene key state agencies, metropolitan planning agencies, regional transportation agencies, and local governments to assist the council in completing the report.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1147 without my signature. This bill adds new and modified reporting at the local and regional levels on compatibility of land use and transportation planning with greenhouse gas reduction goals and a proposal for a pilot program to create a network of bicycle highways. Although the bill seeks to improve transparency to the Sustainable Community Strategies process, it does not require or incentivize regional and local governments to make land use decisions that change development and transportation patterns. While I share the author's goal to align policies and promote the use of active transportation modes such as walking and biking, the bill is not necessary because state agencies are already collaborating on these policies and updating local requirements. I proposed \$7.6 billion to make key investments in a wide variety of critically necessary projects including high speed rail, transit connectivity projects in advance of the 2028 Los Angeles Olympics, active transportation, and a variety of other rail system improvements. Not only will these projects improve safety and access for bicyclists and pedestrians, they will significantly reduce greenhouse gas emissions and are key to meeting our state's climate objectives. I look forward to re-engaging with the Legislature to finalize and pass a comprehensive transportation package early next year. Sincerely, Gavin Newsom

**[AB 1185](#) (Cervantes D) Student financial aid: Cal Grant program.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would require that, in a state of emergency, as defined, resulting from the COVID-19 public health crisis, specified Cal Grant Program eligibility requirements related to time limits for award eligibility and to the age of an award recipient would not apply. This bill would make this provision inoperative on July 1, 2023, and would repeal it as of January 1, 2024.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1185 without my signature. This bill would provide students with an additional year to meet the time-out-of-high-school and age-related Cal Grant eligibility requirements, and would permit students who received a Cal Grant transfer entitlement award in the 2019-20 academic year to use their award for an additional year. This year's Budget included hundreds of millions of dollars in financial aid to support college students impacted by the pandemic and made historic ongoing investments in the state's Cal Grant and Middle Class Scholarship programs. These investments include expanding Cal Grant eligibility to more community college students by eliminating age and time-out-of-high-school requirements. In addition, these Cal Grant awards will now follow community college students to the UC and CSU upon transfer. While I applaud the author's goal of supporting college students whose academic trajectories were disrupted by the COVID-19 pandemic, this bill results in significant impact to the General Fund, likely totaling more than \$200 million over a four-year period. For these reasons, I must regretfully return this bill. Sincerely, Gavin Newsom

**[AB 1215](#) (Boerner Horvath D) Public postsecondary education: University of California: admissions policy: systemwide protocols.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California act, by appropriate resolution, to make those provisions applicable. A provision of the act expresses the intent of the Legislature that, in determining the standards and criteria for undergraduate and graduate admissions to UC and the California State University, the governing bodies of the segments, among other things, develop processes that strive to be fair and are easily understandable. This bill would request the regents to adopt a policy directing the Office of the President of the University of California to establish systemwide protocols for admissions of students no later than February 1, 2022, to become effective for the fall 2023 admission cycle of the university, beginning August 1, 2022.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1215 without my signature. This bill requests the University of California (UC) Board of Regents to adopt policies directing the UC Office of the President to establish various systemwide protocols pertaining to undergraduate admissions and conduct additional auditing of campus undergraduate

admissions. I am committed to ensuring the fairness of admissions processes at all California colleges and universities, which is why I signed previous legislation with that goal in mind. However, I believe that the system-wide requirements stipulated in this bill could constrain the UC's ability to effectively use its holistic admissions process in admitting diverse cohorts of new students. Moreover, I believe that the UC has addressed the majority of issues identified by the State Auditor with the seriousness they deserve and has already implemented many of the safeguards required by this bill. In light of the UC's ongoing implementation of audit recommendations, this bill is premature. I will continue to monitor this issue and expect that the UC follows through on these new procedures. Sincerely, Gavin Newsom

**[AB 1238](#) (Ting D) Pedestrian access.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Current law prohibits a pedestrian from entering the roadway if the pedestrian is facing a steady circular yellow or yellow arrow warning signal unless otherwise directed by a pedestrian control signal, as specified. This bill would eliminate that prohibition until January 1, 2029.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1238 without my signature. This bill would authorize jaywalking and prohibit any related fines or criminal penalties for pedestrians entering a roadway when no cars are present, until January 1, 2029. I want to thank the author for bringing this important issue forward. Unequal enforcement of jaywalking laws and the use of minor offenses like it as a pretext to stop people of color, especially in under-resourced communities, is unacceptable and must be addressed. While I am committed to tackling this issue as part of our continued work to reduce excessive use of force and bias, I cannot support this bill in its current form. California has the highest total number of pedestrian fatalities in the nation and ranks 8th for pedestrian fatality rate per 100,000 in population. According to data collected in the Statewide Integrated Traffic Records System, there has been an average of 3,500 traffic fatalities per year over the past five years and approximately 30 percent of those were pedestrian fatalities. During that time period, 63 percent of the crashes resulting in pedestrian fatalities were the result of pedestrians taking actions against traffic controls or safety laws. I am concerned that AB 1238 will unintentionally reduce pedestrian safety and potentially increase fatalities or serious injuries caused by pedestrians that enter our roadways at inappropriate locations. I am committed to working with the author, the Legislature, and stakeholders on legislation that addresses the unequal enforcement of jaywalking laws in a manner that does not risk worsening California's pedestrian safety. In the meantime, I strongly encourage local governments to conduct a review of the demographics and enforcement levels of jaywalking in their communities and to identify and address concerns at the local level as appropriate. Sincerely, Gavin Newsom

**[AB 1302](#) (Quirk D) Commercial cannabis billboards: placement restrictions.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Current law prohibits a licensee, under the Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (AUMA), from advertising or marketing on a billboard or similar advertising device located on an Interstate Highway or on a State Highway which crosses the California border. This bill, instead, would prohibit a licensee from advertising or marketing on a billboard or similar advertising device located within a 15-mile radius of the California border on an Interstate Highway or on a State Highway which crosses the California border. This bill would declare that its provisions further the purposes and intent of AUMA.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1302 without my signature. AB 1302 would allow billboard-based cannabis advertising almost anywhere along any Interstate Highway or State Highway - except for within a 15-mile radius of the California border. When the voters passed Proposition 64, they enacted robust protections shielding youth from exposure to cannabis and cannabis advertising. Among other things, voters completely prohibited billboard-based cannabis advertising on all Interstate Highways, and on all State Highways that cross the California border. Allowing advertising on these high-traffic thoroughfares could expose young passengers to cannabis advertising. AB 1302 would weaken the protections passed in Proposition 64. California can refine and advance its regulation of cannabis while also remaining faithful to the will of the voters, and I will continue to work with the author to strike this balance. For these reasons, I am returning AB 1302 without my signature. Sincerely, Gavin Newsom

**[AB 1456](#) (Medina D) Student financial aid: Cal Grant Reform Act.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would enact the Cal Grant Reform Act, which would revise and recast the provisions establishing and governing the existing Cal Grant Program into a new Cal Grant Program. The bill would specify that the Cal Grant Reform Act would only become operative upon the appropriation by the Legislature, in the annual Budget Act or another statute, of sufficient funds to fully implement its provisions. The bill would authorize the commission to adopt emergency regulations to implement the Cal Grant Reform Act. The new Cal Grant Program would also include a Cal Grant 2 Program and a Cal Grant 4 Program, with eligibility requirements as specified.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1456 without my signature. This bill would replace the existing Cal Grant financial aid program with new Cal Grant 2 and Cal Grant 4 awards, for students receiving new awards beginning with the 2024-

25 academic year. Expanding access to financial aid has been a priority for my Administration. During my first year as Governor, I worked with the Legislature to provide access awards of up to \$6,000 for students with dependent children. In partnership with the Legislature, we recently made historic investments in our financial aid system, including over \$235 million in ongoing resources to expand Cal Grant eligibility for community college students, and a combined \$632 million in ongoing resources to focus the Middle Class Scholarship Program on reducing students' total cost of attendance. This bill seeks to replace those investments prior to their full implementation. I agree with the author that making the Cal Grant program simpler to navigate would benefit our students and their families. However, this bill results in significant cost pressures to the state, likely in the hundreds of millions of dollars annually. Future changes to the financial aid system of this magnitude should be considered as a part of the annual budget process. For these reasons, I am returning this bill. Sincerely, Gavin Newsom

**[AB 1487](#) (Gabriel D) Legal Services Trust Fund Commission: Homelessness Prevention Fund: grants: eviction or displacement.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would establish the Homelessness Prevention Fund to be administered by the Legal Services Trust Fund Commission. The bill would require the commission, subject to appropriation to the State Bar by the Legislature, to distribute moneys in the fund in the form of grants, awarded on a competitive basis, to fund prescribed legal services, education, and outreach for tenants relating to eviction or displacement. The bill would require the commission to develop guidelines for the grant process in accordance with specified requirements. The bill would establish eligibility requirements for grant applicants, including that the applicant agrees to provide all of the services funded by the grant without charge to recipients.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1487 without my signature. This bill would establish the Homelessness Prevention Fund, administered by the State Bar, to support a grant-based program to provide education and legal aid services to prevent eviction and avoid housing displacement. Since 2019, we have made \$131 million available for tenant legal aid, including an \$80 million appropriation earlier this summer. These critical funds provide legal assistance grants to legal services and self-help organizations statewide to prevent foreclosures and evictions. This money is being put to work in communities right now. I agree with the intent of this bill - to provide better, more comprehensive, and culturally competent legal aid to renters impacted by COVID to ensure they can access all of the protections afforded to them under California's strong rental assistance and tenant protection laws. But to have real effect, these policy changes must be accompanied by a budgetary appropriation or reallocation of existing legal aid money. I look forward to continuing this important and urgent discussion as part of next year's budget deliberations. Sincerely, Gavin Newsom

**[AB 1542](#) (McCarty D) County of Yolo: Secured Residential Treatment Program.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would, until January 1, 2025, authorize the County of Yolo to offer a pilot program, known as the Secured Residential Treatment Program, for individuals suffering from substance use disorders (SUDs) who have been convicted of qualifying drug-motivated felony crimes, as specified. The bill would require the program to meet certain conditions relating to, among other things, a risk, needs, and psychological assessment, a comprehensive curriculum, a determination by a judge of the length of treatment, data collection, licensing and monitoring of the facility by the State Department of Health Care Services, and reporting to the department and the Legislature.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1542 without my signature. AB 1542 would authorize the County of Yolo to offer a pilot program that would allow individuals struggling with substance use disorders, who have been convicted of qualifying drug-motivated crimes, to be placed in a Secured Residential Treatment Program. I understand the importance of developing programs that can divert individuals away from the criminal justice system, but coerced treatment for substance use disorder is not the answer. While this pilot would give a person the choice between incarceration and treatment, I am concerned that this is a false choice that effectively leads to forced treatment. I am especially concerned about the effects of such treatment, given that evidence has shown coerced treatment hinders participants' long-term recovery from their substance use disorder. For these reasons, I am not able to sign this legislation. Sincerely, Gavin Newsom

**[AB 1560](#) (Daly D) Distance learning: pupil access: computing devices and broadband internet service.**

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would require the Superintendent of Public Instruction to, on or before April 1, 2022, and annually thereafter, survey each school district, county office of education, and charter school and report to the Legislature on the number of pupils without computing devices that meet the minimum performance standard for distance learning, as established by the Superintendent, and on the number of pupils from households without residential broadband service. To the extent responding to the survey would impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill

1560 without my signature. This bill would require the Superintendent of Public Instruction to survey local education agencies (LEAs) on student access to computing devices and broadband service and authorize the California Department of Technology to enter into sponsored service agreements with LEAs for the purpose of providing residential broadband to eligible pupils. Closing the digital divide is crucial to promoting equity in our schools, which is why I worked with the Legislature to secure \$6 billion to expand broadband infrastructure and enhance internet access for unserved and underserved communities. Further, SB 98 (Chapter 24, Statutes of 2020) appropriated \$5.3 billion for LEAs to support pupil academic achievement and mitigate learning loss related to the COVID-19 pandemic, funding which they can use for purposes including the purchase of computing devices. Therefore, the provisions of this bill are duplicative and unnecessary. I encourage the author to continue engaging my Administration to find innovative pathways to achieve our collective goal to close the Digital Divide once and for all. Sincerely, Gavin Newsom

**SB 110** (Wiener D) Substance use disorder services: contingency management services.

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Current law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care services, including substance use disorder services that are delivered through the Drug Medi-Cal Treatment Program and the Drug Medi-Cal organized delivery system, subject to utilization controls. For purposes of the Drug Medi-Cal Treatment Program, current law prescribes the maximum allowable rates for services, including individual and group rates for extensive counseling for outpatient drug-free treatment. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. This bill would expand substance use disorder services to include contingency management services as an optional benefit under the Drug Medi-Cal organized delivery system, as specified, subject to utilization controls.

**Governor's Message:** To Members of the California State Senate: I am returning Senate Bill 110 without my signature. This bill would require Medi-Cal substance use disorder services to include contingency management services as an optional benefit under the Drug Medi-Cal organized delivery system, subject to utilization controls. Given the promise of contingency management as a treatment for stimulant use disorders, the 2021-22 Budget includes funding to support a pilot contingency management Medi-Cal benefit from January 2022 through March 2024. The Department of Health Care Services has sought federal approval for this pilot project and will work expeditiously to implement it once it is authorized. The outcomes and lessons learned from the pilot project should be evaluated before permanently extending the Medi-Cal benefit. As such, this bill is premature, and I am returning it without my signature. Sincerely, Gavin Newsom

**SB 524** (Skinner D) Health care coverage: patient steering.

**Current Text:** Vetoed: 10/8/2021 [html](#) [pdf](#)

**Summary:** Would prohibit a health care service plan, a health insurer, or the agent thereof from engaging in patient steering, as specified. The bill would define "patient steering" to mean communicating to an enrollee or insured that they are required to have a prescription dispensed at, or pharmacy services provided by, a particular pharmacy, as specified, or offering group health care coverage contracts or policies that include provisions that limit access to only pharmacy providers that are owned or operated by the health care service plan, health insurer, or agent thereof. The bill would provide that these provisions do not apply to certain entities, including an entity that is part of a "fully integrated delivery system," as specified. The bill would also make related findings and declarations.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 524 without my signature. This bill would prohibit patient steering to certain pharmacies by health plans, health insurers, and their agents, as specified. While offering consumers a choice in pharmacies within their health plan or insurer networks is a worthwhile goal, the bill lacks clarity in key areas which may render it subject to misinterpretation or a lack of enforceability. It is unclear what business relationships between health plans, insurers, and their agents are intended to be affected because the bill does not define "agent" or "corporate affiliate." Furthermore, it is unclear what it means to "limit an enrollees' (or insureds') access" to certain pharmacy providers. It is necessary to define these terms and concepts so appropriate oversight and enforcement may occur, particularly in light of the complexity of the contracting arrangements and benefit designs at issue. Finally, it is important to ensure that efforts to address these concerns do not have the unintended consequence of interfering with the ability of health plans and insurers to coordinate care and contain pharmaceutical costs for California's consumers. Sincerely, Gavin Newsom

2021-10-07

**AB 279** (Muratsuchi D) Intermediate care facilities and skilled nursing facilities: COVID-19.

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Current law requires the State Department of Public Health to license, inspect, and regulate intermediate care facilities (ICF) and skilled nursing facilities (SNF). Current law generally requires an ICF or SNF to comply with certain procedures and disclosures when transferring ownership or



management of the facility, as specified. Current law imposes criminal penalties on a person who violates the requirements imposed on these facilities. This bill, until July 1, 2022, would prohibit an ICF or SNF, as defined, from terminating or making significant quality-of-care changes to its skilled nursing or supportive care services, or from transferring a resident to another ICF or SNF, during any declared state of emergency relating to the coronavirus disease 2019 (COVID-19), except if the owner files a bankruptcy petition.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 279 without my signature. This bill prohibits, until July 1, 2022, an intermediate care facility (ICF) or skilled nursing facility (SNF) from terminating or making significant quality-of-care changes, or from transferring a resident to another facility, unless the owner of the facility files for bankruptcy, except under specified circumstances. Although this bill seeks to protect residents of ICFs and SNFs from involuntary transfers, its restrictions could have unintended consequences for the people it intends to serve. Requiring a struggling facility short of bankruptcy to remain open may lead to conditions where care is compromised because the facility is not able to retain staff. For example, facilities with inadequate staffing will struggle to implement measures to limit COVID-19 transmission and prevent outbreaks. Furthermore, the California Department of Public Health does not have the legal authority to compel a facility to continue operating or providing services if the facility wishes to close. For these reasons, I am returning this bill. Sincerely, Gavin Newsom

### [AB 339](#)

#### **(Lee D) Local government: open and public meetings.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 339 without my signature. This bill requires, until December 31, 2023, that city councils and boards of supervisors in jurisdictions with over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. While I appreciate the author's intent to increase transparency and public participation in certain local government meetings, this bill would set a precedent of tying public access requirements to the population of jurisdictions. This patchwork approach may lead to public confusion. Further, AB 339 limits flexibility and increases costs for the affected local jurisdictions trying to manage their meetings. Additionally, this bill requires in-person participation during a declared state of emergency unless there is a law prohibiting in-person meetings in those situations. This could put the health and safety of the public and employees at risk depending on the nature of the declared emergency. I recently signed urgency legislation that provides the authority and procedures for local entities to meet remotely during a declared state of emergency. I remain open to revisions to the Brown Act to modernize and increase public access, while protecting public health and safety. Unfortunately, the approach in this bill may have unintended consequences. Sincerely, Gavin Newsom

### [AB 446](#)

#### **(Mayes I) Elections: political party qualifications.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Current law permits a group of voters to form a new political party by filing a formal notice with the Secretary of State that states an intent to qualify to participate in a primary election or a presidential general election and by holding a caucus or convention at which the group elects temporary officers and designates a party name that does not mislead the voters or conflict with the name of an existing party or political body that has previously filed notice, as specified. This bill would require the Secretary of State to notify a political body's temporary officers in writing if a designated party name is rejected and to provide reasons for the rejection. The bill would authorize a temporary officer to request that the Secretary of State reconsider the rejection, as provided.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 446 without my signature. This bill reduces the number of signatures needed on a petition to form a new political party, and allows the name of a proposed political party that fails to qualify as a party to be eligible for use by a different political body in the future. In addition, this bill permits a body that is attempting to form a new political party to request reconsideration if the Secretary of State rejects the proposed party's name. California prides itself on its diversity. We have worked hard to ensure our elections are fair, transparent, and accessible so all Californians can be represented in this state. Existing law offers prospective new political parties with an alternative qualification process. I am concerned that this bill creates additional burdens for county elections officials to maintain an ever-changing number of political parties and that this bill could create confusion among voters due to the constant churn of parties coming onto, and falling off of, the ballot. This bill would also likely create a state reimbursable mandate as it requires that, for every political party that qualifies, there would be an additional one to two added variations of each ballot type, with an increase in corresponding workload. I agree with the author's goal of increasing and diversifying voices and perspectives in our democratic system, but I am not convinced this bill would assist in that endeavor. Sincerely, Gavin

**[AB 472](#) (Cooley D) Campsite reservations: securing an equitable process.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Would make it unlawful for a person to intentionally use or sell software or services to circumvent a security control or measure that is used to ensure an equitable campsite reservationmaking process for visitors, as specified. The bill would define "campsite reservation" to mean a reservation for an outdoor recreation or camping venue, including a state or local park, and includes specified park permits that are issued to a limited number of applicants. The bill would define "visitor" to mean a person who makes a campsite reservation with the intent to visit the outdoor recreation or camping venue for which the reservation is made.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 472 without my signature. This bill would make it unlawful for a person to intentionally use or sell software or services to avoid a security control or measure used to ensure an equitable campsite reservation making process. This bill is unnecessary as the Department of Parks and Recreation has implemented several security measures to ensure an equitable reservation process. These measures include tools such as ReCAPTCHA (select all the pictures with a traffic light), as well as policies to cancel reservations that were not made for personal use, and to terminate accounts that participate in unlawful and prohibited activities. These security measures have led to the elimination of bot access. While I understand the author's intent, individuals have difficulty making campsite reservations due to the high demand for a limited number of sites - there is no evidence of software or services being used to circumvent the reservation system. Sincerely, Gavin Newsom

**[AB 1070](#) (Cooper D) Alcoholic beverage gift restrictions: exceptions: advertising umbrellas.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Under the Alcoholic Beverage Control Act, current law generally prohibits a licensee from giving any premium, gift, or free goods in connection with the sale or distribution of any alcoholic beverage, except as provided by departmental rules or as otherwise authorized. As an exception to this prohibition, current law authorizes a beer manufacturer, without direct or indirect charge, to give up to 5 cases of retail advertising glassware to an on-sale retail licensee, per licensed location, each calendar year for use at the licensed location, as specified. This bill, until January 1, 2025, would authorize specified licensees or their designated representatives, without direct or indirect charge, to give up to 12 retail advertising umbrellas to an on-sale retail licensee, per licensed location, each calendar year for use at the location. The bill would prohibit the retail advertising umbrellas from exceeding the value of \$150 per unit and would prescribe other requirements in this regard.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1070 without my signature. This bill would authorize distilled spirits manufacturers and other distilled spirits licensees to annually gift up to 12 outdoor patio retail advertising umbrellas, individually valued at no more than \$150, to every on-sale retail licensed location. This would increase alcohol signage and advertisements in public areas and disadvantage small alcohol manufacturers that cannot compete with the marketing budgets of multibillion dollar corporations. Ostensibly, this bill is about assisting businesses impacted by the COVID-19 pandemic. Yet I believe there are other, more suitable strategies for assisting impacted businesses than allowing economic arrangements that create a competitive disadvantage for small manufacturers. My Administration has taken a number of steps to support our small business community and offer pandemic relief, including providing temporary regulatory flexibility, allowing outdoor expansions, and waiving license renewal fees. Two years ago, I signed AB 1133 (Chapter 623, Statutes of 2019) to initiate a pilot project allowing beer manufacturers to annually gift up to five cases of glassware to on-sale retail licensed locations. This pilot is still underway through January 1, 2023, and, as such, we have not yet had the opportunity to sufficiently assess its impacts. It is premature to propose another similar exception to tied-house laws until the pilot project can be properly evaluated. For these reasons, I am returning this bill. Sincerely, Gavin Newsom

**[AB 1331](#) (Irwin D) Mental health: Statewide Director of Crisis Services.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** The Lanterman-Petris-Short Act, authorizes, among other things, the involuntary commitment and treatment of persons with specified mental health disorders and the appointment of a conservator of the person, of the estate, or of both, for a person who is gravely disabled as a result of a mental health disorder. The act is administered by the Director of Health Care Services. This bill would require the director to appoint a full-time Statewide Director of Crisis Services. The bill would require the Statewide Director of Crisis Services to monitor, support, and coordinate with support providers, with the goal of having a comprehensive crisis care system, as specified, and coordinate with the Department of Managed Health Care, the Department of Insurance, and other departments, agencies, and entities, as necessary, to support and advocate for the creation and continued existence of a comprehensive, integrated, and reliable network of services.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1331 without my signature. This bill would require the Director of the Department of Health Care Services (DHCS) to appoint a full-time executive Statewide Director of Crisis Services to convene state and local leaders to develop and implement a cohesive statewide behavioral health crisis care delivery

system. Behavioral health crisis care services are critical, including early prevention efforts. My administration has made significant investments to improve California's behavioral health system, including \$150 million to build out mobile crisis infrastructure. In addition, DHCS is investing \$20 million in California's network of emergency call centers to support the launch of a new 988 hotline, an alternative to 911, for people seeking help during a mental health crisis. The California Health and Human Services Agency and its departments will work with state and local partners and stakeholders to assess and address gaps in behavioral health crisis care services as my Administration works to implement the new behavioral health initiatives included in the budget. Given the fiscal implications of adding this position, and the additional staffing needed to support it, this proposal would be more appropriately addressed through the budget process. Sincerely, Gavin Newsom

## [SB 76](#)

### **(Nielsen R) Excluded employees: binding arbitration.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Would enact the Excluded Employee Arbitration Act to permit an employee organization that represents an excluded employee who has filed certain grievances with the Department of Human Resources to request binding arbitration of the grievance if specified conditions are met. The bill would require the designation of a standing panel of arbitrators and, under specified circumstances, the provision of arbitrators from the California State Mediation and Conciliation Service within the Public Employment Relations Board. The bill would then require the arbitrator to be chosen in a specified manner and would prescribe the duties of that arbitrator.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 76 without my signature. SB 76 would allow state employee supervisors to request binding arbitration as part of the grievance process. Current law allows managers and supervisors to pursue resolution of disagreements through a four-step grievance process and pursue a claim with the State Personnel Board. SB 76 would add a costly step to this process. Additionally, SB 76 would permit excluded employees to arbitrate the Department of Human Resources' (CalHR) authorizing statutes, regulations, policies, and/or practices before non-governmental entities. This could lead to conflicts with the statutory authority delegated to CalHR and the Legislature. These are the same concerns I had with a previous, nearly-identical bill, SB 179 (2019), which I also vetoed. Sincerely, Gavin Newsom

## [SB 83](#)

### **(Allen D) Sea Level Rise Revolving Loan Program.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Current law establishes in state government the Ocean Protection Council. Current law requires the council to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Current law establishes the State Coastal Conservancy with prescribed powers and responsibilities for implementing and administering various programs intended to preserve, protect, and restore the state's coastal areas. This bill would require the council, in consultation with the conservancy, to develop the Sea Level Rise Revolving Loan Program for purposes of providing low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property, as provided.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 83 without my signature. This bill requires the Ocean Protection Council to develop the Sea Level Rise Revolving Loan Program to provide low-interest loans to local jurisdictions to purchase coastal properties identified as vulnerable. Unfortunately, it does not comprehensively address the costly activities envisioned, likely to be carried out over decades. Climate-driven sea level rise presents major land-use planning challenges. The scope and scale of the problem, and the work necessary to make sure that California can adapt to rising seas, requires innovative planning approaches and implementation action at the state and local level. Financial tools, such as the one proposed in SB 83, have the potential to play an important role in a portfolio of strategies that will help build coastal resilience in California. However, such an effort should be considered within a comprehensive lens that evaluates properties to be included in a statewide plan. I encourage the author to continue to engage with my Administration as we work together to ensure California's coastal communities and natural resources are resilient to sea level rise. Sincerely, Gavin Newsom

## [SB 244](#)

### **(Archuleta D) Lithium-ion batteries: illegal disposal: fire prevention.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Would prohibit a person from knowingly disposing of a lithium-ion battery in a container or receptacle that is intended for the collection of solid waste or recyclable materials, unless the container or receptacle is designated for the collection of batteries for recycling pursuant to specified laws.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 244 without my signature. This bill would require the Department of Forestry and Fire Protection (CAL FIRE) to develop a model protocol to prevent fires caused by lithium-ion batteries in the solid waste stream and require the Department of Resources Recycling and Recovery to develop guidance for local governments to increase public awareness about the proper disposal of those batteries. This bill would also require a solid waste enterprise to adopt a prevention protocol for fires caused by the disposal of lithium-ion batteries and train relevant employees on the protocol. I share the concern about the risks lithium-ion batteries pose in the solid waste stream. However, this bill is duplicative of efforts already taken by local governments and stakeholder groups and does not propose a

meaningful solution to the problem. Furthermore, at a time when CAL FIRE is tackling historic wildfires, this proposal would divert funds away from mission-critical programs to implement this bill. I welcome discussions with the author and Legislature about a meaningful, comprehensive approach to addressing the safety risks posed by lithium-ion batteries in the solid waste system that would advance California toward a more circular economy. Sincerely, Gavin Newsom

**[SB 702](#) (Limón D) Gubernatorial appointments: report.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Would require the office of the Governor to convene, on or before June 1, 2022, a working group to discuss and make recommendations on the most effective way to ensure the state's leadership on boards and commissions reflects the diversity in age, ethnicity, gender, gender identity, disability status, region, veteran status, and sexual orientation, among other things, that are representative of the state. The bill would require these recommendations to be completed and published on the Governor's internet website no later than March 1, 2023, and contain specified recommendations. The bill would set forth selection and qualification requirements for members of the working group. The bill would also require the working group to hold its first meeting no later than September 1, 2022, and to determine a schedule, at that first meeting, to have 5 additional meetings completed no later than February 1, 2023.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 702 without my signature. This bill would require the Governor's Office to convene a working group to make recommendations back to the Office on increasing diversity in state appointments, and to create and deliver to the Legislature a report containing demographic information of individuals appointed by the Governor. I applaud the author and stakeholders' desire to ensure diversity in California's board and commission members. I too am deeply committed to making appointments that reflect California's diversity at every level of government. My office already makes an intentional, transparent effort to engage with the Legislature, community partners, nonprofits, and a variety of stakeholders to build a diverse and qualified pool of candidates for appointed positions, and will continue to strengthen and build these partnerships. Further, the demographic information specified for reporting under this bill is optional and self-reported by candidates. For these reasons, such a report required by SB 702 would not accurately reflect the diversity of appointees. Sincerely, Gavin Newsom

**[SB 804](#) (Glazer D) California Conservation Corps: forestry training center: formerly incarcerated individuals: reporting.**

**Current Text:** Vetoed: 10/7/2021 [html](#) [pdf](#)

**Summary:** Would require the Director of the California Conservation Corps, in partnership with the Department of Forestry and Fire Protection and the Department of Corrections and Rehabilitation, to establish a forestry training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry and vegetation management jobs. The bill would require the training center to include counseling, mentorship, supportive housing, health care, and educational services and authorize the training center to provide training modules on specified activities. The bill would require the director to enroll at the training center formerly incarcerated individuals and to prioritize enrollment for those formerly incarcerated individuals who have either successfully served on a California Conservation Camp program crew and were recommended by the Director of Forestry and Fire Protection and the Secretary of the Department of Corrections and Rehabilitation, as provided, or successfully served on a hand crew at the county level and were recommended for participation by county probation and county fire departments.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 804 without my signature. This bill would direct the California Conservation Corps (CCC) to establish a forestry training center providing training in Northern California for entry-level forestry and vegetation management jobs and prioritizing the enrollment of former conservation camp crew members, in consultation with the Department of Forestry and Fire Protection (CAL FIRE) and the Department of Corrections and Rehabilitation (CDCR). As California continues to face unprecedented fire seasons, California has worked to expand our firefighting force. In 2020, I was proud to sign AB 2147 (Chapter 60, Statutes of 2020), which allowed for incarcerated individuals to serve as firefighters following their release. Additionally, in October 2018, CDCR, in partnership with CAL FIRE and the CCC, began a Firefighter Training and Certification Camp in Ventura County. The pilot program was established to expand employment opportunities for incarcerated individuals with the intention of preparing them for entry-level firefighting jobs following release. I applaud the efforts laid out in this bill and encourage the author to work through the budget process to advance efforts related to the expansion of a Northern California center. Sincerely, Gavin Newsom

2021-10-06

**[AB 523](#) (Nazarian D) Program of All-Inclusive Care for the Elderly.**

**Current Text:** Vetoed: 10/6/2021 [html](#) [pdf](#)

**Summary:** Current state law establishes the California Program of All-Inclusive Care for the Elderly (PACE program) to provide community-based, risk-based, and capitated long-term care services as

optional services under the state's Medi-Cal State Plan. Under this authority, the department implemented various guidance on the PACE program in response to the state of emergency caused by the 2019 novel coronavirus COVID-19), including authorizing a PACE organization to deliver prescribed services, including medically necessary services through telehealth. Current law authorizes the department to enter into contracts with various entities to implement the PACE program and fully implement the single state agency responsibilities assumed by the department pursuant to those contracts, as specified. This bill would generally require the department to make permanent the specified PACE program flexibilities instituted, on or before January 1, 2021, in response to the state of emergency caused by COVID-19 by means of all-facility letters or other similar instructions taken without regulatory action, with prescribed modifications, such as instead limiting a PACE organization's use of telehealth to specified services, including conducting assessments for eligibility for enrollment in the PACE program, subject to the federal waiver process.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 523 without my signature. AB 523 would require the Department of Health Care Services (DHCS) to make permanent the specified Program of All-Inclusive Care for the Elderly (PACE) program flexibilities instituted, on or before January 1, 2021, in response to the public health emergency caused by COVID-19. AB 523 also requires DHCS to work with the Centers for Medicare and Medicaid Services to determine how to extend PACE flexibilities approved during COVID-19. As part of the Budget Act of 2021, all telehealth flexibilities in the Medi-Cal program were extended until December 31, 2022. DHCS was also required to convene an advisory group to provide recommendations for establishing and adopting billing and utilization management protocols for telehealth modalities to increase access and equity and reduce disparities in the Medi-Cal program. This advisory group is the appropriate venue to participate and provide telehealth recommendations specific to the PACE program. Additionally, the bill states that DHCS shall make the changes permanent, without conditioning the permanent changes on DHCS obtaining necessary federal approvals and federal financial participation or taking into consideration federal legal mandates. For these reasons, I am returning this bill without my signature. Sincerely, Gavin Newsom

**[AB 865](#) (Quirk-Silva D) Childcare services: alternative payment programs: direct deposits: reserve funds.**

**Current Text:** Vetoed: 10/6/2021 [html](#) [pdf](#)

**Summary:** The Child Care and Development Services Act, administered by the State Department of Social Services, establishes a system of childcare and development services for children up to 13 years of age. Current law requires the department to contract with local contracting agencies for alternative payment programs for childcare services to be provided throughout the state. Current law requires the alternative payment program to reimburse childcare providers based upon specified criteria, including the actual days and hours of attendance for those families with variable schedules. This bill would instead require the alternative payment program to reimburse childcare providers based upon the maximum certified hours of need, as documented.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 865 without my signature. This bill requires alternative payment programs (APP) to reimburse child care providers based on the maximum certified hours of need rather than attendance, and amends statute regarding verification of provider rates, APP fund reserves, and acceptable forms of signature. In recognition of the impact of the COVID-19 pandemic on child care providers, I have provided substantial funding over the last two budgets so providers are reimbursed based on enrollment, not on attendance. However, I cannot support a permanent extension of that policy at this time, as it will result in significant ongoing General Fund cost pressures in the tens of millions of dollars that were not included in the state's current spending plan. Sincerely, Gavin Newsom

**[AB 990](#) (Santiago D) Prisons: inmate visitation.**

**Current Text:** Vetoed: 10/6/2021 [html](#) [pdf](#)

**Summary:** Under current law, a person sentenced to imprisonment in a state prison or in a county jail for a felony offense, as specified, may during that period of confinement be deprived of only those rights as is reasonably related to legitimate penological interests. Current law enumerates certain civil rights of these prisoners, including the right to purchase, receive, and read newspapers, periodicals, and books accepted for distribution by the United States Post Office. This bill would include the right to personal visits as a civil right, as specified. The bill would provide that these civil rights may not be infringed upon, except as necessary and only if narrowly tailored to further the legitimate security interests of the government, and would provide that any governmental action related to these civil rights may be reviewed in court for legal error under a substantial evidence standard of review.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 990 without my signature. This bill would establish the right of visitation as a protected civil right for people that are incarcerated, change the standard of review for when a custodial authority seeks to limit the civil rights of incarcerated individuals, and restrict the California Department of Corrections and Rehabilitation's (CDCR's) power to deny a person visitation rights. My Administration has made it a priority to reform our state's rehabilitation processes, including visitation rights. In fact, this year's budget added a third day of weekly in-person visitation at all CDCR institutions and included funding to provide visitors with free transportation on select days throughout the year to all prisons. While I am in strong support of expanding and increasing visitation opportunities, the heightened standard in this

legislation is likely to result in extensive and costly litigation from individuals denied visitation for what may be valid and serious safety and security concerns. I urge the author to work with CDCR to find a solution that expands access to visitation in a manner that protects all parties. Sincerely, Gavin Newsom

## [SB 50](#)

### **(Limón D) Early learning and care.**

**Current Text:** Vetoed: 10/6/2021 [html](#) [pdf](#)

**Summary:** The Child Care and Development Services Act and the The Early Education Act require that families meet specified requirements to be eligible for federal- and state-subsidized childcare and development services and preschool programs, including, among other requirements, that the family needs childcare services or full-day preschool because the family is homeless, the child's parents are seeking employment or permanent housing, or the child's parents are employed. The acts require, upon establishing eligibility for services, a family to be considered to meet all eligibility and need requirements for services and to receive those services without being required to report income or other changes for at least 12 months, except as specified. This bill would extend eligibility for childcare and development programs and the preschool program to families in which a member of the family has been certified as eligible to receive benefits from certain means-tested government programs, including Medi-Cal and CalFresh, as specified, and would require those families to submit a self-certification of income for the purposes of prioritizing enrollment and calculating family fees.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 50 without my signature. This bill would make a child who is between 18 months and 3 years old eligible for the California State Preschool Program (CSPP) as long as the child meets all other eligibility requirements and would extend eligibility for federal and state subsidized child care services to a family in which a member of that family has been certified as eligible to receive benefits from other means-tested government programs. Expanding access to high quality early learning and care for babies and toddlers is a priority for my Administration. That's why I worked to make universal transitional kindergarten a reality, strengthen our paid family leave policies, and expand child care slots for children in California. Unfortunately, the timing of this bill is premature as it presupposes how the State Preschool Program will be modified to account for the implementation of universal transitional kindergarten. Next January, modifications will be proposed to the State Preschool Program in the 2022 Budget to align the program with the Master Plan for Early Learning and Care. I appreciate the author's leadership on this issue and look forward to working with her on improving the State Preschool Program and serving more of California's youngest children. Sincerely, Gavin Newsom

## [SB 365](#)

### **(Caballero D) E-consult service.**

**Current Text:** Vetoed: 10/6/2021 [html](#) [pdf](#)

**Summary:** Would make electronic consultation services reimbursable under the Medi-Cal program for enrolled providers, including FQHCs or RHCs. The bill would require the department to seek federal waivers and approvals to implement this provision, and would condition the implementation of the bill's provisions on the department obtaining necessary federal approval of federal matching funds. The bill would make related findings and declarations.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 365 without my signature. SB 365 would require an "e-consult" provided by an enrolled Medi-Cal provider, including a Federally Qualified Health Center (FQHC) and Rural Health Clinics (RHC) to be reimbursed under Medi-Cal. Current Medi-Cal reimbursement policy allows for a health care provider to bill for an e-consult when the benefits or services delivered meet the procedural definition and components of the Current Procedural Terminology (CPT) code set and requirements in the Department of Health Care Services (DHCS) Medi-Cal provider manual. SB 365's definition of e-consult services is inconsistent with federal law, which explicitly states that reimbursement for visits in FQHCs and RHCs is only permitted between a FQHC and RHC billable provider and a patient. Moreover, the Centers for Medicare and Medicaid Services has communicated to DHCS that e-consult services are not separately reimbursable to FQHCs and RHCs because a patient is not included during the encounter. As a result, the state would not be entitled to federal matching funds for e-consult services reimbursed separately to FQHCs and RHCs. For these reasons, I am returning this bill without my signature. Sincerely, Gavin Newsom

## [SB 665](#)

### **(Umberg D) Employment policy: voluntary veterans' preference.**

**Current Text:** Vetoed: 10/6/2021 [html](#) [pdf](#)

**Summary:** Would enact the Voluntary Veterans' Preference Employment Policy Act to authorize a private employer to establish and maintain a written veterans' preference employment policy, to be applied uniformly to hiring decisions, to give a voluntary preference for hiring a veteran over another qualified applicant. The bill would require a private employer with a veterans' preference employment policy to annually report to the Department of Fair Employment and Housing the number of veterans hired under the preference policy and any demographic information about those veterans that the employer obtained in response to the department's reporting requirements. Under the bill, failure to submit that report would render any preference granted by the employer ineligible for the protections provided by this bill.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 665 without my signature. This bill allows private employers to create a temporary veterans' preference for hiring and deems these policies as not violating anti-discrimination laws, until January 1, 2028.

Honoring veterans and assisting them in securing employment are vitally important goals of my Administration. However, I am concerned that the veterans' preference policies that would be permitted by this legislation could negatively impact employment opportunities for women and other protected groups underrepresented among veterans, such as people with disabilities. There are ways to make the preference workable and I look forward to working with the author to advance such a policy. Sincerely, Gavin Newsom

**[SB 675](#) (Ochoa Bogh R) Property taxation: monthly installment payments.**

**Current Text:** Vetoed: 10/6/2021 [html](#) [pdf](#)

**Summary:** Would authorize a county board of supervisors to adopt a resolution or ordinance to implement a monthly property tax payment program, which would authorize a qualified taxpayer, as defined, to pay, in monthly installments, their real property taxes on their principal residence, as defined. The bill would authorize the ordinance or resolution implementing the program to set forth specific procedures for purposes of determining delinquency and default, as specified.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 675 without my signature. This bill would authorize a county board of supervisors to adopt a resolution or ordinance to implement a local program for qualified taxpayers to pay their property tax in monthly installments, rather than twice per year. There are existing options, both public and private, available for taxpayers who struggle to pay their taxes or need assistance remaining current on their bills. Nothing in current law prohibits individuals and counties from taking advantage of these options. Further, state county tax collectors and auditors oppose this bill due to the significant administrative and fiscal burdens that would result from creating a separate tax collection system for certain individuals. For these reasons, I am returning this bill. Sincerely, Gavin Newsom

2021-10-05

**[AB 70](#) (Salas D) Gene synthesis providers.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** Would require the State Department of Public Health to develop a process, with input from the International Gene Synthesis Consortium (IGSC) and industry stakeholders, to verify that gene synthesis providers and manufacturers of gene synthesis equipment adhere to customer and sequence screening protocols that are equivalent to, or stronger than, the IGSC's Harmonized Screening Protocol. Beginning January 1, 2025, the bill would require a gene synthesis provider and manufacturer of gene synthesis equipment operating in California to be a current member of the IGSC or verified by the department as adhering to the prescribed proper screening protocols.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 70 without my signature. This bill would require the California Department of Public Health (CDPH) to establish a new state regulatory program to provide oversight over gene synthesis providers and manufacturers of gene synthesis operating equipment. The bill would also require gene synthesis businesses to demonstrate membership in a voluntary industry consortium or be verified by CDPH to use customer and sequence screening protocols that meet or exceed the protocols established by that consortium. In order to fund the establishment of the program, the bill would authorize CDPH to begin charging fees from the entities to be regulated before the program is established and before businesses are required to be in compliance. This structure is not implementable and General Fund resources needed to support the establishment of a new regulatory program should be considered in the annual budget process. Furthermore, consideration should be given to whether a patchwork of state and federal regulations on biosecurity is the most effective way to approach an issue of international magnitude. For these reasons, I am returning this bill without my signature. Sincerely, Gavin Newsom

**[AB 416](#) (Kalra D) California Deforestation-Free Procurement Act: public works projects: wood and wood products.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** Would establish the California Deforestation-Free Procurement Act. The bill would require a contractor, as defined, and specified subcontractors, for any contract entered into, extended, or renewed on or after January 1, 2024, contracting with a state agency for the procurement of products comprised wholly or in part of forest-risk commodities to certify that the commodities were not grown, derived, harvested, reared, or produced on land where tropical deforestation occurred on or after January 1, 2022. The bill would exempt a credit card purchase of goods of \$2,500 or less, not to exceed a total of \$7,500 of goods per contractor per year, from these certification requirements. The bill would require specified contractors to have a No Deforestation, No Peat, No Exploitation policy, as specified, and would require the contractors to make the policy and corresponding data publicly available.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 416 without my signature. This bill would require the Department of General Services to issue a Deforestation-Free Code of Conduct covering contracts involving "forest-risk commodities," including wood, paper, rubber, palm oil, beef, and soy. It would require state contractors that provide products

to the state that include forest-risk commodities to have a No Deforestation, No Peat, No Exploitation (NDPE) policy and to make detailed certifications to the origin of each product. These contractors would be required to publicly disclose their supply chains back to the farm or forest where the commodity was grown or harvested. Deforestation is a major contributor to the climate crisis that California and the world is facing right now. I share the author's commitment to preventing tropical deforestation. Unfortunately, this bill's extensive requirements would create a significant burden on California businesses - particularly small businesses - that are looking to participate in state contracts. For example, under this bill, every time the state purchases a product that contains soy, the vendor providing that product would need to disclose the exact location where the soybeans were grown, who the farmer was, and where the soybeans were processed. Most small business suppliers do not have access to that information, and with nearly all the U.S. soybean supply coming from domestic producers, this requirement would place a significant burden on businesses without impacting the stated goal of preventing tropical deforestation. For these reasons I cannot sign this bill; however, I remain committed to working with the author to advance our shared environmental goals and will consider future legislation that better targets those supply chains that directly impact tropical deforestation. Sincerely, Gavin Newsom

**AB 1021** **(Mayes I) Imperial Irrigation District.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** Would require the local agency formation commissions for the County of Imperial and the County of Riverside to conduct and publish on their internet websites a joint study of options for providing continued publicly owned and managed electrical service in perpetuity to the Imperial Irrigation District's electrical service area, as defined, customers and options for alternative governance structures that would extend voting rights to registered voters who reside within the Imperial Irrigation District electrical service area to provide for proportional representation on a governing board that will have primary jurisdiction on all electrical service matters, as specified. The bill would require the study to be published no later than July 1, 2022. By imposing new duties on the specified local agency formation commissions, the bill would impose a state-mandated local program.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1021 without my signature. This bill would require the Imperial and Riverside County local agency formation commissions to conduct and publish a study by no later than July 1, 2022 of options for providing electrical service to the Imperial Irrigation District's electrical service area and alternative governance structures that would extend voting rights to voters who reside within the electrical service area to provide for proportional representation on the governing board. The 2021 Budget Act included \$500,000 from the General Fund to finance such a study. Imperial Irrigation District's electric service in the Coachella Valley is part of a 99-year lease that will reach its full term in 2033. It is valuable to invest the proper resources, time, and stakeholder engagement into studying the complex impacts of the Imperial Irrigation District's impending electrical service agreement expiration. This study should include any options to ensure that the local communities currently served may continue to receive energy service, as well as opportunities to give energy customers a voice. For these reasons, I am concerned with the short timeline set forth in the bill to complete the study. However, I do expect that the study funded in this year's Budget Act will be completed in a timely manner to inform continued discussions. Sincerely, Gavin Newsom

**AB 1036** **(Garcia, Eduardo D) California Manufacturing Emergency Preparedness Act of 2021.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** Would enact the California Manufacturing Emergency Preparedness Act of 2021, which would authorize I-Bank to establish the California Manufacturing Disaster Loan Program (disaster program) for the purpose of attracting, retaining, retooling, establishing, and expanding manufacturing and logistics capacity in the state, and would require I-Bank to establish guidelines for the implementation and oversight of the program. The bill would prohibit I-Bank from commencing the disaster program until it adopts a resolution finding that there is sufficient funding in the California Manufacturing Disaster Loan Program Subaccount to cover the costs of implementing the program and that the I-Bank has sufficient direction from the Director of the Office of Emergency Services, as provided.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1036 without my signature. This bill would create two new programs to be administered by the California Infrastructure and Economic Development Bank: the California Manufacturing Disaster Loan Program to address manufacturing needs during and after the declaration of a state of emergency, and the California Manufacturing Competitiveness Loan Program for the purpose of attracting, retaining, and expanding manufacturing facilities and companies in the state. California's manufacturers stepped up to retool and utilize their facilities during the COVID-19 pandemic to help meet the state's needs. I am strongly supportive of California's manufacturing economy, a majority of which is fueled by small businesses. Together with the Legislature, in 2020 and 2021, we made unprecedented investments to support small businesses' access to capital and ongoing economic recovery. However, this bill does not provide sufficient detail to operationalize the loan programs, risking significant costs, delays, administrative challenges, and program design inefficiencies. Additionally, California has existing programs to support manufacturers. As this proposal would result in millions of dollars in ongoing costs and establish two new financing programs, it should be considered through the annual state budget process. Sincerely, Gavin Newsom



**[AB 1357](#) (Cervantes D) Perinatal services: maternal mental health.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** Current law provides for the implementation by the State Department of Public Health of a statewide, comprehensive community-based perinatal services program and requires the department to enter into contracts, grants, or agreements with health care providers to deliver those services in a coordinated effort, as specified, in medically underserved areas or areas with demonstrated need. This bill would require the department, for purposes of that program, to develop and maintain on its internet website a referral network of community-based mental health providers and support services addressing postpartum depression, prenatal, delivery, and postpartum care, neonatal and infant care services, and support groups, to improve access to postpartum depression screening, referral, treatment, and support services in medically underserved areas and areas with demonstrated need.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1357 without my signature. This bill would require the California Department of Public Health (CDPH) to develop and maintain a state-wide referral network of community-based mental health providers and support services addressing maternal mental health on the CDPH website. AB 1357 is duplicative as there are existing resources available to pregnant and postpartum individuals. The Department of Health Care Services maintains a website that provides information about how individuals can seek mental health services through their local county. State programs such as the Adolescent Family Life Program, Black Infant Health Program, California Home Visiting Program, Perinatal Equity Initiative, and the Comprehensive Perinatal Services Program work to ensure pregnant and postpartum individuals are assessed, informed, linked, and referred to appropriate health and social services, including mental health services. Local health jurisdictions also inform pregnant and postpartum individuals of services and providers that are available and unique to each county. Finally, an individual's source of health coverage, whether it be Medi-Cal, a county mental health plan, or commercial health plan can arrange for care through its local provider network. For these reasons, I do not believe adding yet another website is necessary. Sincerely, Gavin Newsom

**[AB 1403](#) (Levine D) Emergency services.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** The California Emergency Services Act authorizes the Governor to proclaim a state of emergency when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor to exercise certain powers in response to that emergency. Current law defines the term "state of emergency" to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot. This bill would additionally include a "deenergization event," defined as a planned power outage, as specified, within those conditions constituting a state of emergency.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1403 without my signature. This bill would specify that conditions constituting a state of emergency under the California Emergency Services Act may include a deenergization event, defined as a planned power outage. This legislation is unnecessary, as existing statute provides broad emergency authority when disaster conditions are met. Sincerely, Gavin Newsom

**[AB 1444](#) (Lee D) Food delivery platforms.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** The Fair Food Delivery Act of 2020 defines a "food delivery platform" as an online business that acts as an intermediary between consumers and multiple food facilities, as defined, to submit food orders and arrange for the delivery of the order, and prohibits a food delivery platform from arranging for the delivery of an order from a food facility without first obtaining an agreement with the food facility. This bill, in addition to making related findings and declarations, would require those agreements between a food delivery platform and a food facility to be written, require those agreements when food delivery platforms arrange for the pickup of an order from food facilities, and would require specified disclosures in agreements entered into or modified on or after January 1, 2022.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1444 without my signature. This bill would impose requirements on the specific information included and formatting of agreements between a food delivery platform and a food facility entered into or modified after January 1, 2022, and prohibit food delivery platforms from charging a food facility for certain forwarded calls. Third party apps and listing websites have created opportunities for consumers to find and support more of their local dining places. We have significantly increased oversight of food delivery companies in recent years. Last year I signed AB 2149 (Chapter 125, Statutes of 2020), which required a food delivery platform to first obtain an agreement with a food facility prior to taking orders or delivering meals on their behalf. It has been less than one year since these provisions took effect. AB 1444 would prescribe the specific content and format of these agreements, triggering companies to again modify their contracts without a clear, additional public benefit. Further, companies have stated that call forwarding tracking numbers, a focus of AB 1444, are no longer used. I appreciate these companies voluntarily ceasing the practice of charging restaurants simply for connecting calls, as many small businesses, particularly restaurants, survive on small margins. Sincerely, Gavin Newsom

**[AB 1461](#) (Reyes D) Human services: noncitizen victims.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** Under current law, noncitizen victims of trafficking, domestic violence, and other serious crimes, as defined, are eligible for certain public social services and health care services to the same extent as individuals who are admitted to the United States as refugees. Current law requires that those services discontinue if there is a final administrative denial of a visa application, as specified. Existing law requires that benefits and services under those provisions be paid from state funds to the extent federal funding is unavailable. This bill would prohibit the discontinuance of those services due to the denial of a visa application if the individual is eligible for those services on another basis. The bill would also expand those services to noncitizen victims of parental maltreatment, noncitizen children who have been abused, neglected, or abandoned, and noncitizens who fear persecution.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1461 without my signature. This bill would codify existing practices of the Trafficking and Crime Victim Assistance Program, and would expand the population eligible to receive these benefits to include those who have applied for immigration relief under the Violence Against Women Act, Special Immigrant Juvenile Status, or asylum status. While I share the author's goal of ensuring that vulnerable populations have the resources necessary to meet their needs while they await adjudication of their application for immigration relief, bills with a significant fiscal impact, such as this, are best considered in the annual budget process. Sincerely, Gavin Newsom

**[SB 247](#) (Eggman D) Rare Disease Advisory Council.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** Current law establishes the California Health and Human Services Agency, which includes the State Department of Public Health, among other state departments charged with the administration of health, social, and other human services. Under current law, the State Department of Public Health has authority over various programs promoting public health, including genetic disease testing and newborn screenings. This bill would establish the Rare Disease Advisory Council within the California Health and Human Services Agency.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 247 without my signature. This bill seeks to establish the Rare Disease Advisory Council in the California Health and Human Services (CHHS) Agency, to research and determine the most appropriate methods to collect data on rare diseases, identify priorities relating to treatment and services, and identify best practices for rare disease care. The Council would also be tasked with coordinating statewide research, acting as an advisory body to the state Legislature and other state agencies, guiding research into rare diseases, assisting in the creation and financing of a Rare Disease Fund, and adopting regulations. While it is important for the public, providers, state agencies, and private partners to have access to information on rare diseases, the purpose and duties of the Advisory Council as would be required by SB 247 are extensive and costly. Bills with a significant fiscal impact, such as this measure, should be considered in the annual budget process. For this reason, I cannot sign this bill. Sincerely, Gavin Newsom

**[SB 477](#) (Wiener D) General plan: annual report.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide, by April 1 of each year, an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of applications submitted, the location and total number of developments approved, the number of building permits issued, and the number of units constructed pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 477 without my signature. This bill would require a city or county planning agency to include specified information for proposed housing development projects within its jurisdiction in its annual report. I strongly agree that in order to solve California's housing crisis, we must require more accountability at every level of government. That's why I signed AB 1483 (Chapter 662, Statutes of 2019) to require the Department of Housing and Community Development to develop a data strategy as part of the statewide housing plan - implementation is currently underway and the Department will produce its recommendations in January, on-time. As HCD continues its work to implement AB 1483, I am directing the Department to consider including data on the effectiveness of various housing laws, as this bill contemplates. Building this analysis into the existing data process is the more appropriate approach to this issue, as opposed to creating a new requirement while the Department is mid-stream on implementing the thoughtful provisions of AB 1483. As the Department completes this important work, further statutory changes may be necessary to implement any recommendations. I look forward to working with the Legislature next year to enact potential improvements identified by the Department. Sincerely, Gavin Newsom

**SB 660**

**(Newman D) Initiative, referendum, and recall petitions: compensation for signatures.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** Would prohibit a person from paying money or providing any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. The bill would impose a civil penalty for violations of that prohibition, equal to the greater of \$25,000 or \$50 times the number of signatures gathered in exchange for compensation.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 660 without my signature. This bill prohibits a person from paying money or providing any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition. The bill permits the Attorney General or a private person, acting as a qui tam plaintiff, to bring a civil action for a violation of this prohibition and imposes a monetary penalty. As I stated in a veto message on similar legislation in 2019, I appreciate the intent of this bill to incentivize grassroots support for the initiative, referendum, and recall process. However, payment per signature remains one of the most economical methods to qualify for the ballot. This measure could therefore make the qualification of many initiatives cost-prohibitive for all but the wealthiest interests, thereby having the opposite effect. For this reason, I cannot sign this bill. Sincerely, Gavin Newsom

**SB 805**

**(Rubio D) Small nonprofit performing arts organizations: payroll and paymaster services: grants.**

**Current Text:** Vetoed: 10/5/2021 [html](#) [pdf](#)

**Summary:** The Dixon-Zenovich-Maddy California Arts Act of 1975 establishes the Arts Council, consisting of 11 appointed members. Current law specifies the duties of the council, including, among others, encouraging artistic awareness, participation, and expression, helping independent local groups develop their own art programs, promoting the employment of artists and those skilled in crafts in both the public and private sector, awarding prizes or directing grants to individuals or organizations, as specified, and establishing grant application criteria and procedure. This bill would, upon appropriation by the Legislature, require the council to establish and administer the California Nonprofit Performing Arts Paymaster program. The bill would require the council to issue a request for proposals and award contracts to be a California nonprofit performing arts paymaster on a competitive basis to 2 or more nonprofit contractors to provide payroll and paymaster services to small nonprofit performing arts organizations, as defined.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 805 without my signature. This bill requires the California Arts Council to establish and administer a California Nonprofit Performing Arts Paymaster program to provide payroll and paymaster services to small nonprofit arts organizations at a low cost. The 2021 Budget Act already appropriated \$500,000 to the California Arts Council to establish such a nonprofit paymaster. This bill is duplicative of existing efforts and puts additional requirements on the Council to administer the program that may result in General Fund costs not contemplated in the Budget Act. Sincerely, Gavin Newsom

<b>Position</b>	<b>Priority</b>	<b>Subject</b>
Watch	Priority 1	Labor & Employment

**2021-10-04**

**AB 7**

**(Rodriguez D) Emergency ambulance employees: multithreat body protective gear.**

**Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Would, upon request by an emergency ambulance employee, require an emergency ambulance provider to provide that employee with multithreat body protective gear, defined as material or equipment that is worn by an employee and is bullet, strike, slash, and stab resistant, and, for these purposes only, to be considered as part of the above-described safety devices and safeguards. The bill would require the provider, once the provider has obtained the protective gear, to make the protective gear readily available for the requesting employee to use when responding to an emergency call, and to provide training to that employee on the proper fitting and use of the protective gear, as specified. The bill would require an emergency ambulance provider to inform each emergency ambulance employee, upon initial employment and subsequently on an annual basis, of the employee's right to request multithreat body protective gear.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 7 without my signature. This bill would require employers of private emergency ambulance employees to make available multi-threat body protective gear at the request of their employees, train employees on the equipment, and inform them of its availability upon employment. Current law already imposes an affirmative obligation on employers to evaluate workplace hazards and provide all necessary personal protective equipment (PPE) at no cost to employees regardless of whether the PPE is requested by the employee. I support efforts to maximize the safety of all of California's life-saving EMS personnel and encourage proponents of this bill to work within the current regulatory structure to provide the evidence demonstrating that multi-threat body protective gear is necessary for all EMTs. Sincerely, Gavin Newsom

**[AB 418](#)****(Valladares R) Emergency services: grant program.****Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Would establish the Community Power Resiliency Program (program), to be administered by the Office of Emergency Services, to support local governments' efforts to improve resiliency in response to power outage events, as provided. The bill would require the office to allocate funds, pursuant to an appropriation by the Legislature, to local governments, special districts, and tribes for various purposes relating to power resiliency, and would require certain entities, in order to be eligible for funding, to either describe the portion of their emergency plan that includes power outages or confirm that power outages will be included when the entity revises any portion of their emergency plan.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 418 without my signature. This bill codifies a previously funded grant program within the Office of Emergency Services to improve resiliency during power outage events. I recognize the importance of providing resources to help mitigate the impacts of public safety power shutoffs (PSPS). Since 2019, California has invested \$125 million to counties, cities, special districts, and federally-recognized tribes for this purpose. The state also adopted more stringent requirements for utilities to mitigate the impacts of PSPS events and created the Office of Energy Infrastructure Safety to oversee utility resiliency and wildfire prevention efforts. To the extent a future appropriation is provided for community power resiliency efforts, this bill would eliminate administrative flexibility to direct funding where it is needed most. For example, the state was able to allocate funding from the 2020 Budget Act to ensure power for critical public health facilities like COVID-19 testing sites during the pandemic. Furthermore, as this bill seeks to codify a grant program, it results in ongoing General Fund cost pressures. Changes to the nature and duration of a grant program are more appropriately considered through the annual state budget process. Sincerely, Gavin Newsom

**[AB 515](#)****(Chen R) Trespass.****Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Current law makes it a misdemeanor to willfully commit a trespass by engaging in specified acts, including driving a vehicle upon real property belonging to, or lawfully occupied by, another and known not to be open to the general public, without the consent of the owner, the owner's agent, or the person in lawful possession, except as specified, including making a lawful service of process, as prescribed. This bill would provide that the above-specified trespass provision does not apply to a repossession agency and its employees when they are on private property searching for collateral or repossessing collateral, and, upon completing that search or repossession, leave the private property immediately.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 515 without my signature. This bill would provide that the crime of trespass does not apply to a repossession agency and its employees when they are on private property searching for or repossessing collateral. An earlier version of this bill included a cross-reference to repossessor licensing requirements that makes it clear that repossessors are not allowed to go into secured or locked areas. Unfortunately, that language was removed from the bill. I am concerned that allowing a repossessor virtually unfettered access to a person's private property could result in confusion and possibly violent confrontations between property owners and repossessors. For these reasons, I am returning this bill without my signature.

**[AB 1207](#)****(Weber, Akilah D) Pathways Through Pandemics Task Force.****Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Would establish, in the California Health and Human Services Agency, the Pathways Through Pandemics Task Force to study lessons learned from the COVID-19 pandemic and to develop strategies to navigate future pandemics. The bill would require the task force to convene various entities to engage in discussions on the lessons learned from the COVID-19 pandemic, develop and recommend best practices for an equitable response to future pandemics, and determine the impact of state laws on coordinating the response to the COVID-19 pandemic, as specified. The bill would require the task force to report its findings to the Legislature, as specified, on or before December 1, 2024, and would repeal these provisions as of January 1, 2025.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1207 without my signature. This bill would establish the Pathways Through Pandemics Task Force within the California Health and Human Services Agency (CHHS) to study lessons learned from the COVID-19 pandemic and to develop strategies to navigate future pandemics. While I share the Legislature's goal of studying lessons learned from the COVID-19 pandemic, this bill is duplicative of work already underway. Resources provided in the 2021 Budget already allows CHHS to provide an assessment of the state's COVID-19 public health response, which will evaluate the lessons learned and identify programmatic gaps. The 2021 Budget also includes \$1.7 million for CHHS to conduct a retrospective analysis of the intersection of the COVID-19 pandemic and the health disparities that were further perpetuated due to the pandemic. This analysis will help the state better understand how health disparities fueled the pandemic and what can be done to prepare for future crises. Due to these efforts already underway, I am returning this bill without my signature. Sincerely, Gavin Newsom

**[AB 1423](#)****(Daly D) Housing programs: multifamily housing programs: expenditure of loan proceeds.**

**Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Current law establishes the Department of Housing and Community Development and requires it to administer various programs intended to promote the development of housing, including the Multifamily Housing Program, pursuant to which the department provides financial assistance in the form of deferred payment loans to pay for the eligible costs of development of specified types of housing projects. Current law sets forth various general powers of the department in implementing these programs, including authorizing the department to enter into long-term contracts or agreements of up to 30 years for the purpose of servicing loans or grants or enforcing regulatory agreements or other security documents. This bill would authorize a borrower to use any funds approved, reserved, or allocated by the department for purposes of providing a loan under any multifamily housing program under these provisions for construction financing, permanent financing, or a combination of construction financing and permanent financing, as provided.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1423 without my signature. This bill would allow borrowers who receive Department of Housing and Community Development multifamily housing program funds to use awarded funds for construction financing, permanent financing, or a combination of the two. The high cost of construction lending has impeded California's ability to build more permanent housing and drive down the cost of living in our state. While I appreciate the intent of the bill - to lower the cost of affordable housing construction - it presents a number of legal and implementation concerns. AB 1423 would delegate the state's authority to administer bond proceeds to private, third-party lenders, which raises legal questions about consistency with the bond authority approved by California voters. In addition, the bill would create significant risks for state dollars by placing the Department in a subordinate position to recover funds after a first lender. If a project should fail mid-construction, taxpayer dollars would be threatened. That said, California must do more to explore how to drive down costs of construction lending. I am directing the Department to explore best practices for reducing these costs in ways that do not imperil state finances. California must continue to bring more certainty and speed to the development process - reforms that will materially drive down the cost of construction lending without direct state subsidy. Sincerely, Gavin Newsom

**[SB 494](#) (Dodd D) Law enforcement: training.**

**Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Would require the Commission on Peace Officer Standards and Training, by January 1, 2023, to implement a course of instruction for the regular and periodic training of law enforcement officers in the use of advanced interpersonal communication skills. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers. The bill would also require, by January 1, 2023, a course for criminal law enforcement investigators and for officers training to become detectives in science-based interviewing and would require this training to be included within the core course required by the Robert Presley Institute of Criminal Investigation. The bill would require the commission to develop the specified courses, training standards, learning and performance objectives, and guidelines in consultation with individuals or groups with expertise in the field of human engagement and science-based interviewing.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 494 without my signature. This bill would require the Commission on Peace Officer Standards and Training (POST), by January 1, 2023, to develop trainings on advanced interpersonal communication skills and ethical science-based interviewing for specified peace officers in consultation with subject matter experts. Additionally, this bill requires local law enforcement agencies to adopt related policies and requires regular and periodic trainings on advanced interpersonal communication skills and ethical science-based interviewing. My Administration has helped California lead the nation in police reform policies that have resulted in better training for officers and better relationships with the community. While I support making this training available to law enforcement agencies, I am concerned that mandatory training will have potentially significant General Fund costs not contemplated in the Budget. I am directing POST to develop training on interpersonal communication skills and ethical science-based interviewing. Giving law enforcement access to this training will expand access to training at a lower cost to taxpayers. Sincerely, Gavin Newsom

**[SB 549](#) (Jones R) Social workers: essential workers.**

**Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Would require social workers, if they are deemed essential workers during a state of emergency declared by the Governor, to be included in the group of essential workers who are eligible to receive the first distribution of emergency materials, as determined by the state or a local governmental entity, including, but not limited to, all materials and protective gear deemed necessary to protect their health and safety. The bill, with regard to social workers, would authorize the state or a local governmental entity to establish within the first group of essential workers eligible to receive the emergency materials, further levels of distribution for specified classifications of social workers.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 549 without my signature. This bill would require social workers, if they are deemed essential workers during a state of emergency declared by the Governor, to be included in the first group of essential workers who are eligible to receive emergency materials and personal protective equipment (PPE). Social workers provide vital services to children, families, and individuals and are a critical support

during emergencies and disasters. It is imperative that they have the PPE necessary to do their jobs safely. Existing law already protects and prioritizes essential workers, including social workers, for PPE distribution. Given uncertain and changing conditions in emergencies, this prioritization must be done in a manner that preserves flexibility for emergency response during a state of emergency. Sincerely, Gavin Newsom

**[SB 556](#) (Dodd D) Street light poles, traffic signal poles: small wireless facilities attachments.**

**Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Would prohibit a local government or local publicly owned electric utility from unreasonably denying the leasing or licensing of its street light poles or traffic signal poles to communications service providers for the purpose of placing small wireless facilities on those poles. The bill would require that street light poles and traffic signal poles be made available for the placement of small wireless facilities under fair, reasonable, and nondiscriminatory fees, as provided. The bill would authorize a local government or local publicly owned electric utility to condition access to its street light poles or traffic signal poles on reasonable terms and conditions, including reasonable aesthetic and safety standards.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 556 without my signature. This bill would restrict the ability of local governments and publicly-owned electric utilities to regulate the placement of small cell wireless facilities on public infrastructure and limit the compensation that may be collected for use of these public assets. In 2018, the Federal Communications Commission (FCC) adopted many of the requirements that this bill seeks to codify. The provisions of this bill, however, conflict with and complicate some of the FCC requirements. Further, it would be imprudent to codify these requirements in state law in the event the FCC revises them. There is a role for local governments in advancing our broadband efforts. Part of our achievements laid out in the broadband budget bill, SB 156 (Chapter 112, Statutes of 2020), enables and encourages local governments to take an active role in last mile deployment and, in doing so, drive competition and increase access. My Administration has worked closely with the Legislature on broadband. I look forward to further discussions as we continue to make a meaningful impact on achieving our collective broadband efforts. Sincerely, Gavin Newsom

**[SB 682](#) (Rubio D) Childhood chronic health conditions: racial disparities.**

**Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Current law establishes various public health programs for purposes of promoting child and adolescent health, including the Child Health and Disability Prevention Program, which provides for early and periodic health assessments to children in California. This bill would establish the End Racial Inequities in Children's Health in California Initiative (EnRICH CA Initiative). The bill would require the California Health and Human Services Agency, in collaboration with other specified groups and entities, to convene an advisory workgroup, as specified, to develop and implement a plan, as specified, that establishes targets to reduce racial disparities in health outcomes by at least 50% by December 31, 2030, in chronic conditions affecting children, including, but not limited to, asthma, diabetes, dental caries, depression, and vaping-related diseases.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 682 without my signature. This bill would require the California Health and Human Services Agency (CHHS) to convene an advisory workgroup to develop and implement a plan to reduce racial disparities in childhood chronic diseases by at least 50 percent by December 31, 2030. My Administration is strongly supportive of closing the health disparity gap among youth and agrees with the intent of this bill. California must set measurable goals and take meaningful action to reduce disparities in chronic conditions affecting children of color. However, because the bill places performance measures and targets into state statute, it restricts the vital flexibility necessary to account for shifting health equity priorities over the next decade. The bill is also duplicative of efforts already underway, creating unnecessary bureaucratic burden instead of material change. The Department of Health Care Services (DHCS) is analyzing various sources of race/ethnicity data to establish a road map with specific, measurable, attainable, relevant, and time-based goals to reduce racial and ethnic health disparities in Medi-Cal. The 2021 state budget provided historic investments for CHHS to further reorient the administration of its programs using this data to launch an online Health Equity Dashboard. Furthermore, DHCS and the Department of Managed Health Care (DMHC) are collaborating on the establishment and enforcement of health equity and quality standards for full-service and behavioral health plans, which will include annual benchmark standards for assessing equity and quality in health care delivery that will be enforced by the DMHC. These efforts, coupled with CalAIM and managed care plan procurement, will hold Medi-Cal managed care plans accountable for providing quality and equitable care to the state's most vulnerable populations. I look forward to continuing the work within my Administration, with the Legislature, and with affected communities to address racial disparities in health care, especially as they pertain to children of color, in a manner that is meaningful, effective, and responsive to the latest data and health equity priorities. Sincerely, Gavin Newsom

**[SB 792](#) (Glazer D) Sales and use tax: returns: online transactions: local jurisdiction schedule.**

**Current Text:** Vetoed: 10/4/2021 [html](#) [pdf](#)

**Summary:** Current law authorizes the Department of Tax and Fee Administration to require the filing of reports by any person or class of persons with information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the use tax, as specified.

Current law requires a retailer or purchaser subject to the sales and use tax to file, on or before the last day of the month following each quarterly period, a return for the preceding quarterly period. This bill, for reporting periods beginning on or after January 1, 2022, would require a qualified retailer, defined as a retailer whose annual qualified sales of tangible personal property transacted online exceeded \$50,000,000 for the previous calendar year, to include with each tax return a schedule that reports for each local jurisdiction the gross receipts from the qualified sale of tangible personal property shipped or delivered to a purchaser in that jurisdiction.

**Governor's Message:** To the Members of the California State Senate: I am returning Senate Bill 792 without my signature. This bill requires certain online retailers to include with their tax returns an additional schedule that reports the gross receipts for each local jurisdiction that qualified goods were delivered to a purchaser. This duplicates extensive sales and use tax information that is already accessible on the California Department of Tax and Fee Administration's online portal, and results in General Fund costs that are not included in the Budget Act. I support increased transparency and oversight of the use of local government tax related economic development agreements, which is why I signed AB 485 (Chapter 803, Statutes of 2019). However, this bill creates a burdensome and costly new reporting requirement for many retailers that is unrelated to their tax obligations. Sincerely, Gavin Newsom

2021-09-28

**[AB 123](#) (Gonzalez, Lorena D) Paid family leave: weekly benefit amount.**

**Current Text:** Vetoed: 9/28/2021 [html](#) [pdf](#)

**Summary:** Current law establishes, within the Unemployment Compensation Disability Fund program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits for up to 8 weeks to workers who take time off work to care for a seriously ill family member or to bond with a minor child within one year of birth or placement, as specified. Current law defines "weekly benefit amount" for purposes of both employee contributions and benefits under this program to mean the amount of weekly benefits available to qualifying disabled individuals pursuant to unemployment compensation disability law, calculated pursuant to specified formulas partly based on the applicable percentage of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, but not to exceed the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations. This bill would revise the formulas described above for periods of disability commencing after January 1, 2023, but before January 1, 2025, by redefining the weekly benefit amount to be equal to 65% or 75% of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations, depending on the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 123 without my signature. This bill revises formulas for determining benefits under the State Disability Insurance (SDI) program, which includes Disability Insurance (DI) and Paid Family Leave (PFL) programs, beginning January 1, 2023. My Administration has been a strong advocate for expanding access to DI and PFL programs, and I am proud of the progress we have made in collaboration with the Legislature. In 2019, I signed SB 83 (Chapter 24) which extended the maximum duration of paid family leave benefits from 6 to 8 weeks and AB 406 (Chapter 386) which required PFL applications to be provided in multiple languages. Last year, I signed SB 1383 (Chapter 86) which provided job-protected leave to employees working for employers with five or more employees. This year, I signed AB 138 (Chapter 78) which extended increased wage replacement rates to 2023. This bill would create significant new costs not included in the 2021 Budget Act and would result in higher disability contributions paid by employees. I look forward to continued partnership with the Legislature to ensure that workers have true access to programs providing family leave. Sincerely, Gavin Newsom

**[AB 1074](#) (Gonzalez, Lorena D) Employment: displaced workers.**

**Current Text:** Vetoed: 9/28/2021 [html](#) [pdf](#)

**Summary:** Current law establishes the Displaced Janitor Opportunity Act, which requires contractors and subcontractors, as defined, that are awarded contracts or subcontracts to provide janitorial or building maintenance services at a particular jobsite or sites, to retain, for a period of 60 days, certain employees who were employed at that site by the previous contractor or subcontractor, and offered continued employment if their performance during that 60-day period is satisfactory. Existing law authorizes an employee who was not retained, or the employee's agent, to bring an enforcement action in a court of competent jurisdiction, as specified. Current law charges the Labor Commissioner, as Chief of the Division of Labor Standards Enforcement, with enforcing these provisions. This bill would rename the act the Displaced Janitor and Hotel Worker Opportunity Act and would extend the provisions of the act to hotel workers. The bill would redefine "awarding authority" under the act to

include any person that awards or otherwise enters into contracts for hotel services, which include guest service, as defined, food and beverage service, or cleaning service, performed within the state, as specified.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 1074 without my signature. This bill would require successor employers in the hotel industry who purchased the business or property to retain workers who provided "guest services" for a 60-day transition period and offer them employment if their performance is satisfactory. I support efforts to ensure stability in employment for all workers, especially given the uncertainty caused by the pandemic. Earlier this year, I signed SB 93 (Chapter 16) which included strong recall and retention protections for hotel workers who lost their job because of the pandemic and applies to existing and successor employers. There is significant overlap between this bill and SB 93, which may cause confusion for the regulated community. I encourage the Legislature to revisit the issue when the protections of SB 93 are due to expire. Sincerely, Gavin Newsom

**SB 788** (Bradford D) Workers' compensation: risk factors.

**Current Text:** Vetoed: 9/28/2021 [html](#) [pdf](#)

**Summary:** Current law establishes a workers' compensation system, administered by the administrative director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Current law requires a physician who prepares a report addressing the issue of permanent disability due to an industrial injury to address the cause of the permanent disability in the report, including what approximate percentage of the permanent disability was caused by other factors before and after the industrial injury, if the physician is able to make an apportionment determination. This bill would prohibit consideration of race, religious creed, color, national origin, gender, marital status, sex, sexual identity, or sexual orientation to determine the approximate percentage of the permanent disability caused by other factors. The bill would also express the Legislature's intent to eliminate bias and discrimination in the workers' compensation system.

**Governor's Message:** To The Members of the California State Senate: I am returning Senate Bill 788 without my signature. This bill would preclude a physician from using certain characteristics as the basis for apportionment of permanent disability. Current law states that physicians shall not apportion the percentage of permanent disability awarded based on the gender, race, or other personal characteristic of the employee and provides protection from the inappropriate application of apportionment law. Instead, physicians are required to apportion the disability award based solely upon the employee's own medical history and medical evidence. While I support efforts to combat bias within the medical profession, this bill creates confusion with well-settled law, which is likely to result in increased litigation and subsequent delays to much-needed benefits to workers. Ongoing efforts by the Division of Workers' Compensation to implement mandatory continuing education of medical-legal evaluators related to current anti-bias laws and apportionment training is better suited to achieve the intent of this bill. Sincerely, Gavin Newsom

2021-09-22

**AB 604** (Daly D) Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest.

**Current Text:** Vetoed: 9/22/2021 [html](#) [pdf](#)

**Summary:** Would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 604 without my signature. This bill would continuously appropriate interest earnings from revenues deposited in the Road Maintenance and Rehabilitation Account (RMRA) to the California Department of Transportation (Caltrans) for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program (SHOPP). Interest earnings from the RMRA, including accumulated revenue and future earnings, have already been appropriated in the 2021 Budget Act through 2028. I look forward to re-engaging with the Legislature to finalize and pass a comprehensive transportation package early next year that invests in a wide variety of critically-necessary projects including high speed rail, connectivity projects in advance of the 2028 Los Angeles Olympics, road and bridge repair, and a variety of other rail system improvements. That comprehensive package, and the corresponding budget process, would be the appropriate venue to consider any continuous appropriation of RMRA interest earnings, such as that proposed in this bill. Sincerely, Gavin Newsom

**AB 616** (Stone D) Agricultural labor relations: labor representative elections: representation ballot card election.

**Current Text:** Vetoed: 9/22/2021 [html](#) [pdf](#)

**Summary:** Current law requires the Agricultural Labor Relations Board to certify the results of an election conducted by secret ballot of employees in a collective bargaining unit to designate a collective bargaining representative, unless the board determines there are sufficient grounds to refuse to do



so. Current law further provides that if the board refuses to certify an election because of employer misconduct that would render slight the chances of a new election reflecting the free and fair choice of employees, the labor organization shall be certified as the bargaining representative for the bargaining unit. This bill would refer to the secret ballot election as a polling place election.

**Governor's Message:** To the Members of the California State Assembly: I am returning Assembly Bill 616 without my signature. The labor force is invaluable to the prosperity of our state and the very fabric of our society. My Administration has worked tirelessly to protect and support workers across California. The recent U.S. Supreme Court ruling in Cedar Point Nursery v. Hassid (2021) eliminating 30 years of precedent has significantly impeded the ability of unions to access agricultural worksites. I deeply understand the need to address the impact of this decision. Any modernization of the Agricultural Labor Relations Act (ALRA) must take these challenges to access into account. AB 616 creates a new process for agricultural employees to elect a labor representative through a ballot card election. This bill contains various inconsistencies and procedural issues related to the collection and review of ballot cards. Significant changes to California's well-defined agricultural labor laws must be carefully crafted to ensure that both agricultural workers' intent to be represented and the right to collectively bargain is protected, and the state can faithfully enforce those fundamental rights. Therefore, I am directing the Labor and Workforce Development Agency to work collaboratively with the Agricultural Labor Relations Board and all relevant stakeholders to develop new policies for legislative consideration to address this issue. I look forward to continuing our vital work to improve working conditions and opportunities for farmworkers across our state. Sincerely, Gavin Newsom

**Total Measures: 66**

**Total Tracking Forms: 2**