



OFFICE OF THE GOVERNOR

OCT 11 2015

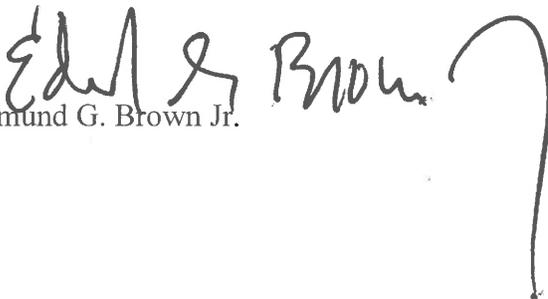
To the Members of the California State Assembly:

I am returning Assembly Bill 159 without my signature.

This bill would permit a pharmaceutical manufacturer to make an investigational drug available to a patient with an immediately life-threatening disease on the recommendation of two physicians.

Patients with life threatening conditions should be able to try experimental drugs, and the United States Food and Drug Administration's compassionate use program allows this to happen. The proposed changes to this program will streamline access to these drugs. Before authorizing an alternative state pathway, we should give this federal expedited process a chance to work.

Sincerely,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a large, sweeping flourish at the end.

Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 193 without my signature.

This bill would authorize a probate court to order an investigation for a Lanterman-Petris-Short conservatorship for an individual currently under probate conservatorship.

Currently, professionals in charge of county mental health facilities are responsible for recommending an investigation for a Lanterman-Petris-Short conservatorship. This bill bypasses the clinical expertise of these professionals and for that reason I can't support it.

Sincerely,

  
Edmund G. Brown Jr.





OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 332 without my signature.

This bill would establish a nine-member task force to explore the design and implementation of a statewide long-term care insurance program.

Since the federal government and a number of private organizations have undertaken essentially the same task, I don't think that this bill is necessary. Moreover, I'm hesitant to start down a path that may lead to a large and potentially costly new mandate.

Sincerely,

  
Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 340 without my signature.

The bill would require the California State University Trustees and the California Community Colleges Board of Governors to submit a report on campus climate every two years, and would request the University of California to do the same.

While I understand the desire to create a more vibrant, intellectually serious and inclusive campus environment at UC, CSU and the community colleges, each of their governing boards has already taken steps aimed at achieving these important goals. I believe the leaders of these institutions are committed to providing updates on current and future developments.

Codifying a biennial report, as provided in this bill, is not necessary.

Sincerely,

  
Edmund G. Brown Jr.



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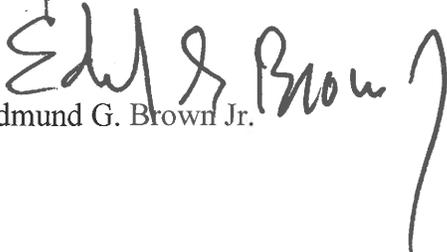
To the Members of the California State Assembly:

I am returning Assembly Bill 371 without my signature.

This bill would remove “deprivation” as one of the eligibility requirements for families applying to the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

The elimination of this policy and its annual cost should be considered in the budget process.

Sincerely,

  
Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 376 without my signature.

This bill would allow counties to use the California Immunization Registry to verify that immunization requirements for the California Work Opportunity and Responsibility to Kids program have been met prior to requesting this information from applicants. Counties already have access to this Registry and many already use it. Accordingly, this bill is unnecessary.

Sincerely,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a large, stylized flourish extending from the end of the name.

Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

Assembly Bill 465 would outlaw the use of mandatory arbitration agreements as a condition of employment, making California the only state in the country to have this particular prohibition.

I have reviewed in depth the arguments from both sides about the fairness and utility of mandatory arbitration agreements. While most evidence shows that arbitration is quicker and more cost-effective than litigation, there is significant debate about whether arbitration is less fair to employees. The evidence on actual outcomes in arbitration versus litigation is conflicting and unclear, with some studies showing employees receive more in arbitration while other studies show the opposite.

While I am concerned about ensuring fairness in employment disputes, I am not prepared to take the far-reaching step proposed by this bill for a number of reasons.

California courts have addressed the issue of unfairness by insisting that employment arbitration agreements must include numerous protections to be enforceable, including neutrality of the arbitrator, adequate discovery, no limitation on damages or remedies, a written decision that permits some judicial review, and limitations on the costs of arbitration. See, e.g., *Armendariz v. Foundation Health Psychcare Services, Inc.* 24 Cal. 4<sup>th</sup> 83 (2000). If abuses remain, they should be specified and solved by targeted legislation, not a blanket prohibition.

In addition, a blanket ban on mandatory arbitration agreements is a far-reaching approach that has been consistently struck down in other states as violating the Federal Arbitration Act ("FAA"). Recent decisions by both the California and United States Supreme Courts have found that state policies which unduly impede arbitration are invalid. Indeed, the U.S. Supreme Court is currently considering two more cases arising out of California courts involving preemption of state arbitration policies under the FAA. Before enacting a law as broad as this, and one that will surely result in years of costly litigation and legal uncertainty, I would prefer to see the outcome of those cases.

For these reasons, I am returning AB 465 without my signature.

Sincerely,

  
Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 521 without my signature.

This bill would mandate hospitals to offer an HIV test to consenting patients who have blood drawn after being admitted through the emergency department.

This bill is not the best approach to identifying those who are undiagnosed with HIV. The demographics of patients targeted by this bill do not match the demographics of the population at risk for exposure to HIV infection. In addition, hospitals are not appropriately staffed nor are they the place to provide counseling, routine preventive screenings, or follow-up care for sensitive HIV testing. Limited resources would be better spent supporting outreach and education activities by existing providers which have the staff and training for HIV testing and follow-up care.

Sincerely,

  
Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 578 without my signature.

This bill requires employers who apply for variances of existing occupational safety or health standards to formally notice workers, or representatives of workers, who will be impacted.

While this bill is intended to provide an opportunity for affected workers to be notified of variances and raise concerns during a relevant hearing, it is unclear what workers would be affected, and why the current process at the Occupational Safety and Health Standards Board is not sufficient. In fact the board routinely works with stakeholders to provide timely written notice of variance requests and permits those parties to intervene in the proceedings. I believe that process is one that provides adequate opportunity for interested and affected workers to be heard.

Sincerely,

  
Edmund G. Brown Jr.



## OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 967 without my signature.

This bill would require public and independent postsecondary institutions that receive student financial aid from the state to adopt and implement uniform disciplinary processes for sexual assault and to apply consistent standards for expulsion, suspension, loss of institutional aid or scholarship, loss of privileges and removal from student housing. Additionally, this bill would require annual reporting of data and recommend a minimum period of suspension, or expulsion, for the most egregious violations of sexual assault policies.

College campuses must deal with sexual assault fairly and with clear standards of process. It is eminently reasonable to expect that discipline shall not vary based on a student's status as an athlete or a declared area of study. This bill, however, could deprive professionals from using their better judgment to discipline according to relevant circumstances. Moreover, it creates an expectation that the state should recommend minimum penalties for violations of specific campus policies.

Last year, I signed Senate Bill 967, making California the first state in the country to define the terms of sexual consent for college students, so that our higher education institutions could better prevent sexual violence on campuses. This year, I signed AB 913 to ensure that existing jurisdictional agreements between postsecondary institutions and local law enforcement include responsibility for investigating sexual assaults and hate crimes.

Given these actions, I don't think it is necessary at this point for the state to directly insert itself into the disciplinary and governing processes of all private nonprofit and public colleges in California.

Sincerely,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a large, stylized flourish at the end.

Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 1017 without my signature.

This bill would prohibit an employer from seeking salary information from an applicant for employment.

I agree with the sponsors that we must endeavor to ensure that all workers are paid fairly and do not receive a lower wage because of their gender or any other immutable characteristic that has no bearing on how they will perform in their job. This year, I signed SB 358 that gives California the strongest equal pay law in the nation. This bill, however, broadly prohibits employers from obtaining relevant information with little evidence that this would assure more equitable wages. Let's give SB 358 a chance to work before making further changes.

Sincerely,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a long, sweeping flourish at the end.

Edmund G. Brown Jr.



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To the Members of the California State Assembly:

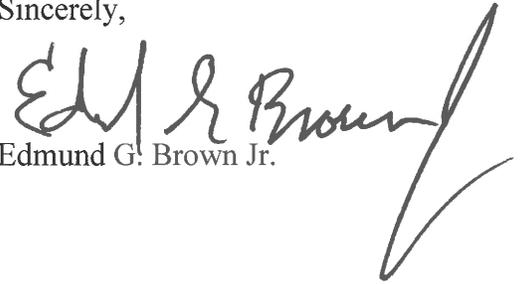
I am returning Assembly Bill 1279 without my signature.

This bill establishes the "Music Therapy Act" and regulates when a person may use the title of "Board Certified Music Therapist."

Generally, I have been very reluctant to add licensing or title statutes to the laws of California. This bill appears to be unnecessary as the Certification Board for Music Therapists, a private sector group, already has defined standards for board certification.

Why have the state now add another violin to the orchestra?

Sincerely,

  
Edmund G. Brown Jr.



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To the Members of the California State Assembly:

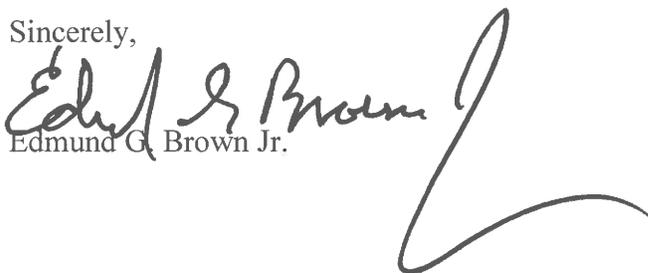
I am returning Assembly Bill 1293 without my signature.

This bill would prohibit a personal services contract if it causes layoff, demotion or involuntary transfer to a new classification or location.

Currently, personal service contracts cannot be used in lieu of existing civil service work. Furthermore, before a state agency can enter into a personal services contract, the agency must demonstrate, among other things, that the services cannot be performed by and will not displace civil service employees.

I understand the sponsors have introduced this bill in response to recent action by the federal receiver's office. As such, I am directing the Department of Corrections to investigate that office's practices with respect to Government Code Section 19130.

Sincerely,

  
Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 1347 without my signature.

This bill creates, for three years, a new dispute resolution process under which contractors could seek public agency review of claims that arise during public works projects.

Contractors who perform work for public agencies should be paid promptly. Swift resolution of payment disputes is in the best interest of contractors, workers, and the public agencies that are charged with efficiently managing taxpayer funds. I'm not convinced, however, that the procedures contemplated by this bill are an improvement over current law.

I am committed, however, to ensuring timely payment for work ordered by public agencies. In the interest of furthering that goal I am directing my departments to immediately work with industry partners and the proponents of this bill on ways of improving our prompt payment policies.

Sincerely,

  
Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 1354 without my signature.

This bill requires an employer with 100 or more employees to submit the details of their nondiscrimination program to the Department of Fair Employment and Housing and to submit periodic reports of its compliance with that program prior to becoming a contractor with the state.

Currently, the department requires all state contractors to develop and implement a nondiscrimination program meeting certain requirements and also certify that they have done so, under penalty of perjury. Furthermore, the department has existing authority to require a contractor to submit this information prior to contracting with the state, if noncompliance is suspected. In light of these factors, I do not believe this bill is necessary at this time.

Sincerely,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a large, stylized flourish at the end.

Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Senate:

I am returning Senate Bill 406 without my signature.

This bill expands the circumstances under which a qualified employee may take up to 12 weeks of unpaid leave under the California Family Rights Act.

I support the author's efforts to ensure that eligible workers can take leave to care for a seriously ill family member. The expansion provided in this bill, however, creates a disparity between California's law and the Federal Medical Leave Act and, in certain circumstances, could require employers to provide employees up to 24 weeks of family leave in a 12 month period. I am open to legislation to allow workers to take leave for additional family members that does not create this anomaly.

Sincerely,

  
Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

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To the Members of the California State Senate:

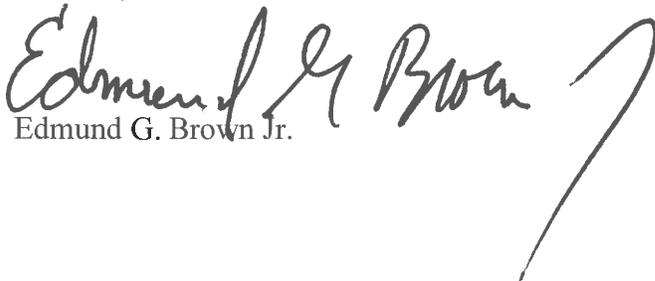
I am returning Senate Bill 475 without my signature.

This bill would change the way Continuing Care Retirement Communities repay a resident's entrance fee under the purchase contract, and establish interest penalties if repayment is not made and the unit has not been resold within a time certain. The bill would also establish a process at the Department of Social Services to investigate whether a good faith effort was made to resell the unit.

As California's aging population continues to grow, the need for elder care and housing options will also increase. One of the options is Continuing Care Retirement Communities, which provide retirees with housing and varying levels of care and services throughout the remainder of their lives.

While it is important that residents who buy into these communities be treated fairly, this bill would change the terms of contracts entered into by willing participants. It would also insert the department into the resolution of contract disputes. For these reasons, I am not signing this bill.

Sincerely,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a large, sweeping flourish at the end.

Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Senate:

I am returning SB 539 without my signature.

This bill would prohibit the naming of any school, park, building or other public property after certain persons associated with the Confederate States of America.

Recently we saw a national movement to remove the confederate flag from State Capitols in the South – a long overdue action. This bill, however, strikes me as different and an issue quintessentially for local decision makers.

As far as we know, only two schools, and a street in Stockton would be affected by this law. Existing local processes provide for the naming or re-naming of public facilities, and in several cases local residents have voiced their opposition and have succeeded in re-naming schools and other public property.

Local governments are laboratories of democracy which, under most circumstances, are quite capable of deciding for themselves which of their buildings and parks should be named, and after whom.

Sincerely,

A large, handwritten signature in black ink, appearing to read "Edmund G. Brown Jr.", with a long, sweeping flourish extending to the right.

Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Senate:

Senate Bill 548 establishes training requirements for both licensed and license-exempt family child care providers and requires both the Department of Social Services and the Department of Education to collect and deliver providers' personal information to provider organizations, upon their request.

I am returning SB 548 without my signature, because the bill prematurely anticipates what will be necessary to comply with the new federal Child Care and Development Block Grant Act of 2014.

California will need to be in compliance with an abundance of new requirements, not all of which are clear at this juncture. The Department of Education is currently working with stakeholders to update our state's plan, to be submitted by March 1, 2016, after further federal guidance is issued. Public input will be sought prior to the finalization of the plan.

As part of that work, I will direct the State Advisory Council on Early Learning and Care to work with the department and review how the state can best position itself to meet those requirements efficiently and effectively, including the delivery of any training.

Sincerely,

  
Edmund G. Brown Jr.



OFFICE OF THE GOVERNOR

OCT 11 2015

To the Members of the California State Senate:

I am returning Senate Bill 682 without my signature.

This bill requires trial courts to meet specified standards when entering into personal service contracts, and provide an analysis of all such contracts, to the Legislature.

I agree with the author that decisions to change the way court services are provided should be carefully evaluated to ensure they are both fair and cost-effective. However, this measure goes too far. It requires California's courts to meet overly detailed and in some cases nearly impossible requirements when entering into or renewing certain contracts. Other provisions are unclear and will lead to confusion about what services may or may not be subject to this measure.

The courts, like many of our governmental agencies, are under tremendous funding pressure and face the challenge of doing their work at a lower cost. I am unwilling to restrict the flexibility of our courts, as specified in this bill, as they face these challenges.

Sincerely,

  
Edmund G. Brown Jr.