

CALIFORNIA LEGISLATURE

AT SACRAMENTO

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**SENATE  
FILE**

**GOVERNOR'S VETOES**

**MONDAY, OCTOBER 5, 2020**

Compiled Under the Direction of

ERIKA CONTRERAS  
Secretary of the Senate

By

HOLLY HUMMELT  
Daily File Clerk

and

CLAUDIA FUENTES  
Assistant Daily File Clerk

(Please report any errors or omissions to Daily File Clerk: Phone 916–651–4171)

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**GOVERNOR'S VETOES**

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**1**

S.B. No. 179—Nielsen.

An act relating to state employees.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 179 without my signature.

SB 179 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 179 would add a costly step to this process.

Expanding the right to arbitrate to state managers and supervisors will result in increased costs not contemplated in the 2020 Budget at a time when the State is facing massive cost pressures due to the COVID-19 pandemic.

Therefore, I am returning SB 179 without my signature.

Sincerely,

Gavin Newsom

**2020**

Sep. 25—Shall Senate Bill 179 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

GOVERNOR'S VETOES—Continued

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**2**

S.B. No. 980—Umberg et al.

An act relating to privacy.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 980 without my signature.

This bill would establish requirements for direct-to-consumer genetic testing companies, providing opt-in privacy rights and protections for consumers.

I share the perspective that the sensitive nature of human genetic data warrants strong privacy rights and protections.

However, the broad language in this bill risks unintended consequences, as the “opt-in” provisions of the bill could interfere with laboratories’ mandatory requirement to report COVID-19 test outcomes to local public health departments, who report that information to the California Department of Public Health. This reporting requirement is critical to California’s public health response to the COVID-19 pandemic, and we cannot afford to unintentionally impede that effort.

Because I agree with the primary goal of this bill, I am directing the California Health and Human Services Agency and the Department of Public Health to work with the Legislature on a solution that achieves the privacy aims of the bill while preventing inadvertent impacts on COVID-19 testing efforts.

Sincerely,

Gavin Newsom

**2020**

Sep. 25—Shall Senate Bill 980 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**3**

S.B. No. 1207—Jackson.

An act relating to health facilities.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 1207 without my signature.

SB 1207 would require Skilled Nursing Facilities to have an alternative source of power for no less than 96 hours during any type of power outage.

Skilled Nursing Facilities are a central part of our system of care for vulnerable individuals. As such, it is important that they have sufficient emergency backup power in the event of a power interruption. However, this bill relies on an unclear federal standard as justification. Moreover, the timeline for implementing this bill is unfeasible given the need for significant renovations that facilities would need to complete to comply with this bill.

I am directing the California Department of Public Health and the Office of Statewide Health Planning and Development to convene a stakeholder group to ensure that relevant experts can fully assess alternatives and develop recommendations to appropriately address resident and staff safety in the event of a power shut-off by April 1, 2021. This approach will identify recommendations regarding an emergency power standard that protects patients and allows facilities to make necessary upgrades in a timely manner.

Sincerely,

Gavin Newsom

**2020**

Sep. 25—Shall Senate Bill 1207 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

GOVERNOR'S VETOES—Continued

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**4**

S.B. No. 559—Hurtado et al.  
An act relating to water.  
Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 559 without my signature.

This bill requires the Department of Water Resources (DWR) to report to the Legislature on federal funding approved to restore the capacity of the Friant-Kern Canal, with a proposal for the state to pay for a share of the project.

California's major canal systems are aging and damaged by land subsidence. Local, state and federal systems all need repair. As established in the Water Resilience Portfolio, state agencies are holistically assessing the needs of all of California's water supply systems. This bill focuses on a single piece of conveyance and directs DWR to develop a proposal for the state to help fund this specific project. As we address California's water needs in the coming months and years, we need to evaluate, develop and identify solutions and funding that provides water supply and conveyance for the entirety of the state, not one project at a time.

Sincerely,

Gavin Newsom

**2020**

Sep. 28—Shall Senate Bill 559 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**5**

S.B. No. 912—Beall et al.

An act relating to foster care, and declaring the urgency thereof, to take effect immediately.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 912 without my signature.

During the current state of emergency related to the pandemic, the State of California has addressed the needs of many of our vulnerable populations through executive orders that immediately extended benefits and waived specified requirements to remove obstacles to provide ongoing aid. Foremost among these actions was including over \$40 million in the 2020 Budget Act to allow nonminor dependents (NMDs) who would have otherwise aged out of extended foster care access to supports and services until June 30, 2021.

This bill, however, is seeking to extend court jurisdiction for all NMDs who aged out of extended foster care once the state of emergency was declared on March 4, 2020, until June 30, 2021. Further, this bill also would, for any statewide or county-by-county state of emergency declared by the Governor on or after January 1, 2021, require NMDs who turn 21 years of age while the state of emergency is in effect to continue to receive foster care support for six months from the date of the declaration.

Because disasters and pandemics vary and are difficult to predict, this bill would obligate the State to a specific approach that may not always be the most prudent or effective.

For these reasons, I am unable to sign this bill.

Sincerely,

Gavin Newsom

**2020**

Sep. 28—Shall Senate Bill 912 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

GOVERNOR'S VETOES—Continued

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**6**

S.B. No. 1102—Monning et al.

An act relating to employment.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 1102 without my signature.

SB 1102 would require an employer of H2-A employees to provide a specified notice about state and federal declared disaster information about the counties where the employees may be working. This bill would additionally require an employer to provide an H-2A employee a written notice in Spanish containing specified information relative to an H-2A employee's rights pursuant to federal and state law. SB 1102 would also amend the Labor Code to include the full language of the required notice and requires the agency to issue a template that is "substantially similar."

While I applaud the intent of this bill to create accessible and easy to understand notifications, this statutory construction departs from previous H2-A notice requirements like those found in Labor Code Section 2810.5 and prevents the agency from amending the template when new laws are passed or new court decisions affect the rights and obligations of H2-A employers and workers.

Therefore, I am directing my Labor and Workforce Development Agency to develop and maintain a template contemplated in this bill to make available to H2-A employers, and I am returning SB 1102 without my signature.

Sincerely,

Gavin Newsom

**2020**

Sep. 28—Shall Senate Bill 1102 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**7**

S.B. No. 1341—Hurtado.

An act relating to CalWORKs.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 1341 without my signature.

This bill would authorize California Work Opportunity and Responsibility to Kids (CalWORKs) families whose children have been removed from the home and placed in out-of-home care to continue receiving monthly cash assistance while active reunification efforts are ongoing in the child welfare system. While I appreciate the author's intent to ensure that CalWORKs recipient families seeking to reunify with their children have needed resources, the bill could create significant costs, which would be more appropriately addressed through the annual budget process.

Sincerely,

Gavin Newsom

**2020**

Sep. 28—Shall Senate Bill 1341 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

GOVERNOR'S VETOES—Continued

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**8**

S.B. No. 1351—Beall et al.

An act relating to transportation, and making an appropriation therefor.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 1351 without my signature.

This bill would allow the issuance of up to \$5 billion of revenue bonds, backed by revenue from Senate Bill 1 (Beall), Chapter 5, Statutes of 2017, to accelerate transportation projects in the State Highway Operation and Protection Program.

While I appreciate the Legislature's intent, the California Department of Transportation (Caltrans) has already significantly increased the number of projects going to construction through project savings and other administrative actions and does not need this tool to accelerate transportation maintenance projects.

Bonding against these future revenues runs counter to the pay-as-you-go principle established by Senate Bill 1 and risks locking California into long-term debt obligations to finance maintenance repairs. Caltrans will need these revenues in the future to keep our roads and bridges safe.

Sincerely,

Gavin Newsom

**2020**

Sep. 28—Shall Senate Bill 1351 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**9**

S.B. No. 68—Galgiani.

An act relating to hazardous waste.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 68 without my signature.

This bill would eliminate the sunset on the Treated Wood Waste (TWW) program at the Department of Toxic Substance Control (DTSC) and would make various changes to that program.

SB 68 creates a significant additional mandate for DTSC to perform regular inspections of generators and disposal sites for treated wood waste. The Hazardous Waste Control Account (HWCA) currently has a structural deficit and this unfunded new mandate will cost the department millions of dollars to implement, exacerbating this deficit.

Moreover, it is not appropriate to eliminate the sunset date for the Treated Wood Waste program authorization, essentially exempting this hazardous waste from hazardous waste law and regulation. While the generation of this waste may have justified the allowance for alternative management standards, this waste is hazardous and poses a risk to both human health and the environment and necessitates periodic review of its statutory authorization.

For these reasons, I am returning SB 68 without my signature.

Sincerely,

Gavin Newsom

**2020**

Sep. 29—Shall Senate Bill 68 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

GOVERNOR'S VETOES—Continued

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**10**

S.B. No. 741—Galgiani.

An act relating to vital records.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 741 without my signature.

This bill would allow a person, as part of a judgment recognizing a change of name and gender, to also seek an order to revise a California marriage certificate of the petitioner and/or the California birth certificates of the petitioner's children. Upon court order, this bill requires the California Department of Public Health (CDPH) or the applicable County Registrar to replace the vital record certificates with one that does not reveal that the petitioner obtained a name and gender change.

I strongly support the overall policy of changing vital records to accurately reflect gender identity. Unfortunately, this bill fails to give the State Registrar, which is within CDPH, clear authority to issue a new marriage certificate. As a result, CDPH would only be able to amend the marriage certificates under other applicable amendment statutes, resulting in the original gender, and the fact that there was a change to the listed gender, visible and open to the public. I am concerned that this would shine a spotlight on any individual who has changed their gender and I believe that this runs contrary to the intent of this legislation.

This is an important policy and I am committed to working with the Legislature and sponsors during the next legislative session to protect individual privacy.

Sincerely,

Gavin Newsom

**2020**

Sep. 29—Shall Senate Bill 741 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**11**

S.B. No. 757—Allen et al.

An act relating to environmental quality.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 757 without my signature.

This bill expands the types of environmental leadership projects eligible for streamlined judicial review through the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 (AB 900, Buchanan, Chapter 354, Statutes of 2011) to include zero-emission, public transit projects, provided the lead agency applies for the Governor's certification no later than January 1, 2023 and the project is approved no later than January 1, 2024. The provisions of this bill are contingent on the enactment of Senate Bill 995 by Senator Atkins, which did not successfully pass in the Legislature.

While I support efforts to accelerate transit projects that reduce greenhouse gas emissions and reduce miles traveled, enactment of this bill is contingent on the successful statutory extension of the AB 900 statute by SB 995, which unfortunately failed passage in the Legislature.

For this reason, I am returning SB 757 without my signature.

Sincerely,

Gavin Newsom

**2020**

Sep. 29—Shall Senate Bill 757 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

GOVERNOR'S VETOES—Continued

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**12**

S.B. No. 914—Portantino et al.

An act relating to firearms.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 914 without my signature.

This bill would, beginning July 1, 2021, require the Department of Justice (DOJ) to verify the validity of a hunting license with the Department of Fish and Wildlife for a sale or transfer of a firearm to a person under 21 years of age.

DOJ does not currently have the technology to verify the validity of hunting licenses. In order to meet the requirements of this bill, it would take DOJ 30 months to complete the information technology project. During this time, they would have to redirect existing application development resources, which could affect the work currently scheduled for seven previously enacted bills impacting the firearms information technology systems.

I am concerned that adding an information technology project will impede DOJ's ability to perform the work it has already been tasked.

Therefore, I am returning SB 914 without my signature.

Sincerely,

Gavin Newsom

**2020**

Sep. 29—Shall Senate Bill 914 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**13**

S.B. No. 972—Skinner.

An act relating to taxation.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 972 without my signature.

This bill would require the Franchise Tax Board (FTB) to provide certain information about corporate tax filings to two legislative committees.

This bill is unnecessary, as current law already authorizes the FTB, upon request, to disclose taxpayer data to legislative committees. The committee, its officers and employees are required to maintain the confidentiality of the information provided.

I am not persuaded that enactment of this bill would provide additional value to future policy deliberations.

Sincerely,

Gavin Newsom

**2020**

Sep. 29—Shall Senate Bill 972 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

## GOVERNOR'S VETOES—Continued

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**14**

S.B. No. 1257—Durazo et al.

An act relating to employment.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 1257 without my signature.

This bill would expand the jurisdiction of the Division of Occupational Safety and Health (Cal-OSHA) to cover household domestic service employees working in residential dwellings, with the exception of services that are publicly funded. This would in effect bring approximately 11 million homes and apartments under the regulatory jurisdiction of Cal-OSHA.

I strongly share the belief of the bill's author and proponents that, like all other California workers, domestic service employees deserve protections to ensure that their workplaces are safe and healthy. That is why I was proud to sign legislation last year that extended collective bargaining rights to California's childcare workers and continue efforts through the Future of Work Commission to expand safety and opportunity for these workers.

However, new laws in this area must recognize that the places where people live cannot be treated in the exact same manner as a traditional workplace or worksite from a regulatory perspective.

SB 1257 would extend many employer obligations to private homeowners and renters, including the duty to create an injury prevention plan and requirement to conduct outdoor heat trainings. Many individuals to whom this law would apply to lack the expertise to comply with these regulations. The bill would also put into statute a potentially onerous and protracted "investigation by letter" procedure between Cal-OSHA and private tenants and homeowners. In short, a blanket extension of all employer obligations to private homeowners and renters is unworkable and raises significant policy concerns.

My Administration, through the Labor Agency and Cal-OSHA, is committed to engaging with the author and stakeholders to carefully consider and develop solutions that protect domestic workers and the privacy of an individual's private residence.

The dialogue that SB 1257 has opened up is an invaluable step in the right direction, and I look forward to an ongoing partnership with the Legislature to continue our work on this critical issue.

Sincerely,

Gavin Newsom

**2020**

Sep. 29—Shall Senate Bill 1257 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**15**

S.B. No. 182—Jackson et al.

An act relating to local government.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 182 without my signature.

This bill would impose certain fire hazard planning responsibilities on local governments and would require cities and counties to make specified findings on fire standards prior to permitting development in the very high fire hazard severity zone.

I strongly support strengthening land use planning requirements in order to better protect our communities from wildfire. The importance of reducing the number and impact of fires in our communities cannot be overstated. However, this bill creates inconsistencies, duplicates existing requirements, creates a loophole for regions to not comply with their housing requirements, fails to account for consequences that could increase sprawl and places significant cost burdens on the state.

New state laws and policies are already directing housing to communities near transit, jobs and urban centers and away from fire risk areas, including integration into the current housing planning cycle. Additionally, the 2019–20 Budget requires the California Department of Housing and Community Development, in collaboration with the Governor's Office of Planning and Research, to develop recommendations to improve the regional housing need allocation process to promote and streamline housing development to address California's housing shortage.

Wildfire resilience must become a more consistent part of land use and development decisions. However, it must be done while meeting our housing needs.

For these reasons, I am returning Senate Bill 182 without my signature.

Sincerely,

Gavin Newsom

**2020**

Sep. 30—Shall Senate Bill 182 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

GOVERNOR'S VETOES—Continued

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**16**

S.B. No. 369—Hertzberg et al.

An act relating to prisoners.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 369 without my signature.

This bill would establish the California Reentry Commission and task it with developing a new health and safety agenda for those returning home from custody, reviewing the barriers to reentry and coordinating with other entities to establish a grant program for reentry service providers.

I share the author's commitment in supporting successful re-entry for persons returning to the community from prison. That is why I launched Returning Home Well, a public-private partnership that will provide critical supports including housing, healthcare, treatment, transportation, direct assistance, and employment support for Californians returning home from prison early due to COVID-19. I also agree that there is more to do to ensure that all persons returning home are given the support that they need.

I do not, however, think that creating a new commission with over 20 members and appointees is necessary to achieve this goal. I am, instead, directing the California Department of Corrections and Rehabilitation and the Council on Criminal Justice and Behavioral Health to engage with stakeholders, evaluate the barriers of reentry and determine what steps need to be taken to overcome those barriers.

Sincerely,

Gavin Newsom

**2020**

Sep. 30—Shall Senate Bill 369 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**17**

S.B. No. 555—Mitchell et al.

An act relating to detention facilities.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 555 without my signature.

This bill would limit the amount that a county jail can charge for items in the jail canteen and the per minute rate that can be charged for phone calls and video communications. It would also prohibit commission provisions in telephone and communications service contracts and would require such telephone and communication service contracts to be negotiated and awarded to the lowest cost provider.

While I strongly support the goals of this bill - reducing the financial stress that families of those in jail face and supporting the ability of those incarcerated to remain in contact with their families - I cannot support this bill in its current form. I am concerned it will have the unintended consequence of reducing important rehabilitative and educational programming for individuals in custody. I am committed to working with the Legislature and stakeholders to address this issue in the next legislative session in a manner that mitigates impacts on programming.

Sincerely,

Gavin Newsom

**2020**

Sep. 30—Shall Senate Bill 555 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

## GOVERNOR'S VETOES—Continued

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**18**

S.B. No. 629—McGuire et al.

An act relating to public safety.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 629 without my signature.

This bill would allow authorized representatives of any news service, online news service, newspaper, or radio or television station or network to enter areas that have been closed by law enforcement due to a demonstration, march, protest or rally, including the immediate area surrounding any emergency field command post or any other command post. This bill would, additionally, prohibit a peace officer from intentionally assaulting, interfering with or obstructing these duly authorized representatives who are gathering, receiving or processing information for communication to the public.

Media access to public gatherings - especially protests - is essential for a functioning democracy, and law enforcement should not be able to interfere with those efforts. But I am concerned that this legislation too broadly defines a “duly authorized representative of a news service, online news service, newspaper, or radio or television station or network.” As written, this bill would allow any person who appears to be engaged in gathering, receiving or processing information, who produces a business card, press badge, other similar credential, or who is carrying professional broadcasting or recording equipment, to have access to a restricted law enforcement area. This could include those individuals who may pose a security risk - such as white nationalists, extreme anarchists or other fringe groups with an online presence.

Law enforcement agencies should be required to ensure journalists and legal observers have the ability to exercise their right to record and observe police activities during protests and demonstrations. But doing so shouldn't inadvertently provide unfettered access to a law enforcement command center. In fact, the police reform advisors that I appointed in the wake of the nationwide protests this summer to advise me on what more California can do to protect and facilitate the right to engage in peaceful protests and demonstrations made concrete recommendations on protecting journalists and legal observers exercising their right to record and observe police activities during protests and demonstrations. I plan to implement these recommendations at the state level and am encouraging every California law enforcement agency to do the same. I also plan to work with the Legislature on providing access to journalists in a way that addresses the security concerns and accomplishes the intent of this bill.

Sincerely,

Gavin Newsom

**2020**

Sep. 30—Shall Senate Bill 629 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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**19**

S.B. No. 1064—Skinner.

An act relating to prisons.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 1064 without my signature.

This bill would prohibit the use of confidential information from confidential in-custody informants by the California Department of Corrections and Rehabilitation (CDCR) when making decisions and findings related to rules violations, as well as by the Board of Parole Hearings (BPH) when making parole decisions, unless certain requirements are met.

Ensuring adequate due process and fairness should be a top priority of our evaluative proceedings. While I support the goal of this legislation, I am concerned that the bill as written is ambiguous and overly burdensome.

Embodying the values of fairness and justice in these proceedings is critical. Therefore, I am returning SB 1064 without my signature and directing CDCR and BPH to examine and improve their current processes.

Sincerely,

Gavin Newsom

**2020**

Sep. 30—Shall Senate Bill 1064 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

## GOVERNOR'S VETOES—Continued

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**20**

S.B. No. 1220—Umberg.

An act relating to peace officers.

Vote required: 27

To the Members of the California State Senate:

I am returning Senate Bill 1220 without my signature.

This bill would require each prosecuting agency to maintain a Brady list, which is a list containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias. This bill requires state and local law enforcement agencies to annually, or upon request, provide a list of names and badge numbers of officers employed by the agency in the preceding five years who have sustained findings of certain misconduct, are facing criminal prosecution, or are on probation to specified prosecuting agencies beginning January 1, 2022.

This bill would impose a significant state mandate and, because of the costs associated with this mandate, I cannot sign this bill. However, I share the author's goal of ensuring that our criminal justice system provides transparency and due process for criminal defendants. I am thereby directing the California Highway Patrol and the California Department of Corrections and Rehabilitation to develop a process in which they proactively provide information in the form of a list containing officer names and badge numbers to the 58 California district attorneys' offices in order to assist them to fulfill their prosecutorial discovery obligations.

Sincerely,

Gavin Newsom

**2020**

Sep. 30—Shall Senate Bill 1220 become a law notwithstanding the objections of the Governor? (Must be considered pursuant to Joint Rule 58.5.)

SENATE SUPPLEMENTAL FILE  
GOVERNOR'S VETOES—Continued

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