



STATE CAPITOL
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Assembly
California Legislature
Committee on Rules
RICHARD S. GORDON
CHAIR

Monday, May 19, 2014
11:50 AM
State Capitol, Room 3162

VICE CHAIR
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MEMBERS
CHERYL R. BROWN
ROCKY J. CHÁVEZ
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SEBASTIAN RIDLEY-THOMAS
MARIE WALDRON

FRANK BIGELOW (R-ALT.)
KEN COOLEY (D-ALT.)

CONSENT AGENDA

Bill Referrals

1. Consent Bill Referrals

[Page 2](#)

Assembly Bill

2. AB 2065 (Melendez) Relative to California Whistleblower Protection Act: Legislature: employees.

[Page 5](#)

Resolution

3. SCR 110 (Hernandez) Relative to Korean War Remembrance Week.

[Page 19](#)

Request to Add Urgency Clause

4. AB 2034 (Gatto) Relative to Family relations: family visitation and conservatorships.

[Page 24](#)

REFERRAL OF BILLS TO COMMITTEE

05/19/2014

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Bill No.

[ACR 150](#)

[SB 898](#)

[SB 912](#)

[SB 940](#)

[SB 944](#)

[SB 944](#)

[SB 962](#)

[SB 962](#)

[SB 988](#)

[SB 997](#)

[SB 1037](#)

[SB 1037](#)

[SB 1060](#)

[SB 1075](#)

[SB 1110](#)

[SB 1116](#)

[SB 1117](#)

[SB 1127](#)

[SB 1127](#)

[SB 1142](#)

[SB 1151](#)

[SB 1159](#)

[SB 1171](#)

[SB 1206](#)

[SB 1219](#)

[SB 1220](#)

[SB 1240](#)

[SB 1273](#)

[SB 1311](#)

[SB 1348](#)

[SB 1348](#)

[SB 1356](#)

[SB 1380](#)

[SB 1402](#)

[SB 1404](#)

[SB 1404](#)

[SB 1417](#)

[SB 1441](#)

Committee:

RLS.

B. & F.

B.,P. & C.P.

JUD.

A. & A.R.

L. GOV.

B.,P. & C.P.

U. & C.

L. GOV.

REV. & TAX.

L. GOV.

TRANS.

ED.

NAT. RES.

PUB. S.

B.,P. & C.P.

E.S. & T.M.

PUB. S.

AGING & L.T.C.

INS.

TRANS.

B.,P. & C.P.

JUD.

A. & A.R.

P.E.,R. & S.S.

P.E.,R. & S.S.

P.E.,R. & S.S.

INS.

HEALTH

JUD.

A.,E.,S.,T. & I. M.

JUD.

ED.

E. & R.

L. GOV.

H. & C.D.

G.O.

E. & R.

[SB 1461](#)
[SB 1464](#)

PUB. S.
REV. & TAX.



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KEN COOLEY (D-ALT.)

Memo

To: Rules Committee Members
From: Mukhtar Ali, Bill Referral Consultant
Date: 5/16/14
Re: Consent Bill Referrals

Since you received the preliminary there have been no changes.



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AMENDED IN ASSEMBLY MAY 13, 2014

AMENDED IN ASSEMBLY MAY 5, 2014

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2065

Introduced by Assembly Members Melendez, *Garcia*, and Gorell

February 20, 2014

An act to amend Sections 8547.2~~and~~, 8547.3, *and* 8547.5 of, and to add Section 8547.14 to, the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

AB 2065, as amended, Melendez. California Whistleblower Protection Act: Legislature: employees.

The California Whistleblower Protection Act prohibits an employee from using his or her official authority or influence for the purpose of intimidating, threatening, coercing, or commanding any person for the purpose of interfering with his or her right to make a protected disclosure of improper governmental activity. "Employee" is defined to include specified employees in the executive and judicial branches of state government. The act requires the State Auditor to investigate and report on improper governmental activities, as specified. The act authorizes an employee or applicant for employment who files a written complaint alleging reprisal, retaliation, or similar prohibited acts to also file a copy of the written complaint with the State Personnel Board, together with a sworn statement that the complaint is true, under penalty of perjury. The act provides that any person who intentionally engages in acts of reprisal, retaliation, or similar prohibited acts against a state employee

or applicant for state employment for having made a protected disclosure, is subject to punishment for a misdemeanor, and shall be liable in an action for civil damages brought by the injured party.

This bill would make these provisions of the act applicable to the Legislature, except ~~for that~~ procedures regarding notices of adverse action and the State Personnel Board ~~and except that~~ *would not apply*, penalties would not apply to the extent that a Member of the Legislature is immune from liability under the doctrine of legislative immunity, *and a Member of the Legislature would not be a person permitted to submit an allegation to initiate an investigation against the Legislature or a Member or an employee of the Legislature*. The bill would authorize an employee of the Legislature or an applicant for employment with the Legislature to file a written complaint with his or her supervisor, manager, or other officer designated by the Committee on Rules of the Assembly or Senate, as applicable, alleging improper acts, together with a sworn statement that the complaint is true, under penalty of perjury, within one year of the most recent improper act complained about. The bill would require the Committees on Rules of the Assembly and Senate to each designate an officer to receive these written complaints. By expanding the scope of crimes under the act, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8547.2 of the Government Code is
- 2 amended to read:
- 3 8547.2. For the purposes of this article, the following terms
- 4 have the following meanings:
- 5 (a) (1) "Employee" means any of the following:
- 6 (A) An individual appointed by the Governor.
- 7 (B) An individual employed or holding office in a state agency
- 8 as defined by Section 11000, including, for purposes of Sections

1 8547.3 to 8547.7, inclusive, an employee of the California State
2 University.

3 (C) A Member or employee of the Legislature for purposes of
4 Sections 8547.3 to 8547.7, inclusive, except for those provisions
5 of Section 8547.4 concerning notice of adverse action and the State
6 Personnel Board.

7 (D) An individual appointed by the Legislature to a state board
8 or commission.

9 (E) A person employed by the Supreme Court, a court of appeal,
10 a superior court, or the Administrative Office of the Courts for the
11 purposes of Sections 8547.3 to 8547.7, inclusive, and Section
12 8547.13, except for those provisions of Section 8547.4 concerning
13 notice of adverse action and the State Personnel Board.

14 (2) For purposes of this subdivision, “employee” includes a
15 former employee who met the criteria of this subdivision during
16 his or her employment.

17 (b) “Illegal order” means a directive to violate or assist in
18 violating a federal, state, or local law, rule, or regulation, or an
19 order to work or cause others to work in conditions outside of their
20 line of duty that would unreasonably threaten the health or safety
21 of employees or the public.

22 (c) “Improper governmental activity” means an activity by a
23 state agency or by an employee that is undertaken in the
24 performance of the employee’s duties, undertaken inside a state
25 office, or, if undertaken outside a state office by the employee,
26 directly relates to state government, whether or not that activity is
27 within the scope of his or her employment, and that (1) is in
28 violation of any state or federal law or regulation, including, but
29 not limited to, corruption, malfeasance, bribery, theft of
30 government property, fraudulent claims, fraud, coercion,
31 conversion, malicious prosecution, misuse of government property,
32 or willful omission to perform duty, (2) is in violation of an
33 Executive order of the Governor, a California Rule of Court, or
34 any policy or procedure mandated by the State Administrative
35 Manual or State Contracting Manual, or (3) is economically
36 wasteful, involves gross misconduct, incompetency, or inefficiency.
37 For purposes of Sections 8547.4, 8547.5, 8547.7, 8547.10, and
38 8547.11, “improper governmental activity” includes any activity
39 by the University of California or by an employee, including an
40 officer or faculty member, who otherwise meets the criteria of this

subdivision. For purposes of Sections 8547.4, 8547.5, and 8547.13, “improper governmental activity” includes any activity by the Supreme Court, a court of appeal, a superior court, or the Administrative Office of the Courts, or by an employee thereof, who otherwise meets the criteria of this subdivision. For purposes of Sections 8547.4, 8547.5, 8547.7, and 8547.14, “improper governmental activity” includes any activity by the Legislature or by an employee thereof who otherwise meets the criteria of this subdivision.

(d) “Person” means an individual, corporation, trust, association, a state or local government, or an agency or instrumentality of any of the foregoing.

(e) “Protected disclosure” means a good faith communication, including a communication based on, or when carrying out, job duties, that discloses or demonstrates an intention to disclose information that may evidence (1) an improper governmental activity, or (2) a condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition. Protected disclosure specifically includes a good faith communication to the California State Auditor’s Office alleging an improper governmental activity and any evidence delivered to the California State Auditor’s Office in support of the allegation. “Protected disclosure” also includes, but is not limited to, a complaint made to the Commission on Judicial Performance.

(f) “State agency” is defined by Section 11000. “State agency” includes the University of California for purposes of Sections 8547.5 to 8547.7, inclusive, and the California State University for purposes of Sections 8547.3 to 8547.7, inclusive. Sections 8547.3 to 8547.7, inclusive, shall apply to the Supreme Court, the courts of appeal, the superior courts, the Administrative Office of the Courts, and the Legislature in the same manner as they apply to a state agency.

SEC. 2. Section 8547.3 of the Government Code is amended to read:

8547.3. (a) An employee may not directly or indirectly use or attempt to use the official authority or influence of the employee for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any

1 person for the purpose of interfering with the rights conferred
2 pursuant to this article.

3 (b) For the purpose of subdivision (a), “use of official authority
4 or influence” includes promising to confer, or conferring, any
5 benefit; effecting, or threatening to effect, any reprisal; or taking,
6 or directing others to take, or recommending, processing, or
7 approving, any personnel action, including, but not limited to,
8 appointment, promotion, transfer, assignment, performance
9 evaluation, suspension, or other disciplinary action.

10 (c) Any employee who violates subdivision (a) may be liable
11 in an action for civil damages brought against the employee by
12 the offended party, except to the extent that a Member of the
13 Legislature is immune from liability under the doctrine of
14 legislative immunity. For purposes of this section, a Member of
15 the Legislature is not an offended party who may bring an action
16 for damages if the employee who violates subdivision (a) is a
17 Member or an employee of the Legislature.

18 (d) Nothing in this section shall be construed to authorize an
19 individual to disclose information otherwise prohibited by or under
20 law.

21 *SEC. 3. Section 8547.5 of the Government Code is amended*
22 *to read:*

23 8547.5. (a) The State Auditor shall create the means for the
24 submission of allegations of improper governmental activity both
25 by transmission via mail or other carrier to a specified mailing
26 address and electronic submission through an Internet Web site
27 portal. The State Auditor may request that a person submitting an
28 allegation provide his or her name and contact information and
29 provide the names and contact information for any persons who
30 could help to substantiate the claim. However, the State Auditor
31 shall not require any person submitting an allegation to provide
32 his or her name or contact information and shall clearly state on
33 the agency Internet Web site that this information is not required
34 in order to submit an allegation.

35 (b) Upon receiving specific information that any employee or
36 state agency has engaged in an improper governmental activity,
37 the State Auditor may conduct an investigation of the matter. The
38 identity of the person providing the information that initiated the
39 investigation, or of any person providing information in confidence
40 to further an investigation, shall not be disclosed without the

1 express permission of the person providing the information except
2 that the State Auditor may make the disclosure to a law
3 enforcement agency that is conducting a criminal investigation.

4 *(c) Notwithstanding the definition of "person" in Section 8547.2,*
5 *a Member of the Legislature is not a person permitted to submit*
6 *an allegation to initiate an investigation pursuant to this section*
7 *if the allegation of improper governmental activity is directed*
8 *against the Legislature or a Member or an employee of the*
9 *Legislature.*

10 ~~SEC. 3.~~

11 SEC. 4. Section 8547.14 is added to the Government Code, to
12 read:

13 8547.14. (a) An employee of the Legislature or applicant for
14 employment with the Legislature may file a written complaint with
15 his or her supervisor, manager, or other officer designated for that
16 purpose by the Committee on Rules of the Assembly or Senate,
17 as applicable, alleging actual or attempted acts of reprisal,
18 retaliation, threats, coercion, or similar improper acts prohibited
19 by Section 8547.3, together with a sworn statement that the
20 contents of the written complaint are true, or are believed by the
21 affiant to be true, under penalty of perjury. The complaint shall be
22 filed within one year of the most recent improper act complained
23 about. The Committees on Rules of the Assembly and Senate shall
24 each designate an officer to receive written complaints for purposes
25 of this subdivision.

26 (b) Except to the extent that a Member of the Legislature is
27 immune from liability under the doctrine of legislative immunity,
28 any person who intentionally engages in acts of reprisal, retaliation,
29 threats, coercion, or similar improper acts against an employee of
30 the Legislature or applicant for employment with the Legislature
31 for having made a protected disclosure, is subject to a fine not to
32 exceed ten thousand dollars (\$10,000) and imprisonment in a
33 county jail for a period not to exceed one year.

34 (c) In addition to all other penalties provided by law, except to
35 the extent that a Member of the Legislature is immune from
36 liability under the doctrine of legislative immunity, any person
37 who intentionally engages in acts of reprisal, retaliation, threats,
38 coercion, or similar acts against a state employee or applicant for
39 state employment for having made a protected disclosure shall be
40 liable in an action for damages brought against him or her by the

1 injured party. Punitive damages may be awarded by the court
2 where the acts of the offending party are proven to be malicious.
3 Where liability has been established, the injured party shall also
4 be entitled to reasonable attorney's fees as provided by law.

5 (d) This section does not prevent a supervisor, manager, or other
6 officer of the Legislature from taking, directing others to take,
7 recommending, or approving any personnel action or from taking
8 or failing to take a personnel action with respect to any employee
9 of the Legislature or applicant for employment with the Legislature
10 if the supervisor, manager, or other officer reasonably believes
11 any action or inaction is justified on the basis of evidence separate
12 and apart from the fact that the person has made a protected
13 disclosure.

14 (e) In any civil action, once it has been demonstrated by a
15 preponderance of evidence that an activity protected by this article
16 was a contributing factor in the alleged retaliation against a former,
17 current, or prospective employee, the burden of proof shall be on
18 the supervisor, manager, or other officer of the Legislature to
19 demonstrate by clear and convincing evidence that the alleged
20 action would have occurred for legitimate, independent reasons
21 even if the employee had not engaged in protected disclosures or
22 refused an illegal order.

23 (f) This article does not diminish the rights, privileges, or
24 remedies of any employee under any other federal or state law.

25 ~~SEC. 4.~~

26 *SEC. 5.* No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

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Date of Hearing: May 19, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

AB 2065 (Melendez/Gorell) – As Amended: May 13, 2014

SUBJECT: California Whistleblower Protection Act: Legislature

SUMMARY: Adds legislators and legislative staff to the California Whistleblower Protection Act (WPA). Specifically, this bill:

- 1) Subjects Members of the Legislature and legislative staff to complaints of wrongdoing alleging "improper governmental activity" including, among other things: malfeasance, corruption, fraud, coercion, misuse of government property, and willful omission to perform duty, as well as conduct that is wasteful, incompetent or inefficient. Improper governmental activity under the bill is said to include "any activity by the Legislature," presumably including purely legislative acts that may otherwise be shielded under the constitutional doctrine of legislative immunity.
 - a) These complaints can be brought by "any individual, corporation, ... association, state or local government or agency" including any member of the general public.
 - b) Complaints are to be received and investigated by the State Auditor via the Internet and other means.
 - c) Complainants are entitled to complete anonymity and confidentiality.
 - d) Former Members of the Legislature and former staff would forever be subject to complaints for their actions as Members or staff after their term of office or employment expires; there is no statute of limitations on when these complaints can be filed.
 - e) Under the bill, these administrative complaints are not expressly precluded by the doctrine of legislative immunity as other provisions of the bill are, although legislative immunity may in fact apply to some acts.
- 2) Subjects Members of the Legislature and legislative staff to law suits by any person alleging that the legislator or staff person directly or indirectly used or attempted to use his or her official authority or influence for the purpose of intimidating, threatening, coercing or commanding – or attempting to intimidate, threaten, coerce or command – any person for the purpose of interfering with the rights conferred pursuant to the Whistleblower Protection Act – e.g., filing a complaint, pursuing an investigation, filing a law suit, etc. A violation of this prohibition would be subject to a potential civil action for damages by the offended party.

However, Members of the Legislature would be protected under the doctrine of legislative immunity. It is not clear whether legislative staff would also be protected by this doctrine.

- 3) Subjects Members of the Legislature, as well as legislative staff, to a fine up to \$10,000 and imprisonment in the county jail for up to one year for reprisal, retaliation, threats, coercion, or similar improper acts against an employee of the Legislature or applicant for employment with the Legislature. However, Members of the Legislature would be protected under the doctrine of legislative immunity, while it is unclear whether legislative staff would likewise be similarly immune.
- 4) Subjects Members of the Legislature, as well as legislative staff, to civil law suits for damages, punitive damages and attorney's fees for reprisal, retaliation, threats, coercion, or similar improper acts against a State (non-legislative) employee or applicant for having made a protected disclosure. However, Members of the Legislature would be protected under the doctrine of legislative immunity; legislative staff may or may not be covered by legislative immunity.
- 5) Permits Members of the Legislature to invoke the WPA and involve the State Auditor in complaints against the Legislature, other Members (current and former) and legislative staff. It is unclear whether the doctrine of legislative immunity would cover these complaints either for Members or for legislative staff.

EXISTING LAW

- 1) Prohibits, pursuant to the California Whistleblower Protection Act (WPA), "improper governmental activities" by state agencies and employees. (Govt. Code Sections 8547.2, 8547.4.)
- 2) Defines "improper governmental activity" as an activity by a state agency or by an employee that is undertaken in the performance of the employee's duties, undertaken inside a state office, or, if undertaken outside a state office by the employee, directly relates to state government, whether or not that activity is within the scope of his or her employment, and that (1) is in violation of any state or federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, (2) is in violation of an Executive order of the Governor, a California Rule of Court, or any policy or procedure mandated by the State Administrative Manual or State Contracting Manual, or (3) is economically wasteful, involves gross misconduct, incompetency, or inefficiency. (Govt. Code Section 8547.2(c).)
- 3) Defines employee to include former employees, but specifically excludes Members and staff of the Legislature from the definitions of "employee" and "state agency." (Govt. Code Section 8547.2(a), (f).)

- 4) Directs the State Auditor to accept complaints by mail and via Internet, and to conduct investigations of alleged improper governmental activities, and authorizes the State Auditor to issue reports of its findings including recommended corrective actions if it finds reasonable cause to believe an improper governmental activity has occurred. (Govt. Code Sections 8547.4, 8547.5, 8547.7.)
- 5) Provides that the State Auditor shall permit complaints to be filed anonymously and shall keep the identity of all complainants and witnesses confidential unless given the express permission of the person, except that the State Auditor may make the disclosure to a law enforcement agency that is conducting a criminal investigation. (Govt. Code Section 8547.5.)
- 6) Requires the State Auditor to keep confidential every investigation, including, but not limited to, all investigative files and work product, except that the State Auditor may issue a public report of an investigation that has substantiated an improper governmental activity, keeping confidential the identity of the employee or employees involved. (Govt. Code Section 8547.7.)
- 7) Requires the employing state agency to take adverse employment action against any employee found by the State Auditor to have engaged or participated in improper governmental activity or to set forth in writing its reasons for not taking adverse action, and likewise requires the employing agency to report on actions it has taken to implement the Bureau of State Audits' recommendations. (Govt. Code Sections 8547.4, 8547.7.)
- 8) Prohibits state employees and officers, other than Members and employees of the Legislature, from directly or indirectly using or attempting to use the official authority or influence of the employee for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any person for the purpose of interfering with the rights conferred pursuant to the WPA. (Govt. Code Section 8547.3.)
- 9) Defines “use of official authority or influence” to include promising to confer, or conferring, any benefit; effecting, or threatening to effect, any reprisal; or taking, or directing others to take, or recommending, processing, or approving, any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action. (Govt. Code Section 8547.3.)

- 10) Provides that any employee who violates this prohibition against use of authority or influence to be liable in an action for civil damages brought by the offended person. (Govt. Code Section 8547.3.)
- 11) Makes a person who intentionally engages in acts of reprisal or retaliation in violation of the WPA subject to a fine of up to \$10,000 and up to a year in county jail, and if that person is a civil service employee, subjects that person to discipline by adverse action. A person injured by such acts may bring an action for damages only after filing a complaint with the State Personnel Board (SPB) and the SPB issued, or failed to issue, findings of its hearings or investigation. (Gov. Code Section 8547.8.)
- 12) Under the constitutional doctrine of legislative immunity, prohibits legal action against legislators for legislative activity and other acts within the sphere of legislative activity. (*Tenney v. Brandhove*, 341 U.S. 367, 375(1951); *Bogan v. Scott-Harris*, 523 U.S. 44, 49(1998); *Steiner v. Superior Court*, 50 Cal.App.4th 1771, 1784 (1996).))
- 13) Provides a process by which a state employee may file an optional written complaint alleging adverse employment actions such as retaliation, reprisal threats, or coercion, with a supervisor or manager and with the SPB. Existing law requires the SPB to initiate an investigation or a proceeding within 10 working days of submission of a written complaint, and to complete findings of the investigation or hearing within 60 working days thereafter. (Gov. Code Section 19683.)
- 14) Provides that no public or private employer may make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation. (Labor Code Section 1102.5.)
- 15) Likewise prohibits public and private employers from retaliating against an employee for: (a) disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation; (b) refusing to participate in an activity that would result in a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation; or (c) having exercised his or her rights to do so in any former employment. (Labor Code Section 1102.5.)
- 16) Provides that any employer who violates Labor Code Section 1102.5 is guilty of a misdemeanor punishable, in the case of an individual, by imprisonment in the county jail not to exceed one year or a fine not to exceed \$1,000 or both and, in the case of a corporation, by

a fine not to exceed \$5,000, and provides that in all prosecutions under this chapter, the employer is responsible for the acts of his managers, officers, agents, and employees. (Labor Code Sections 1103-04.)

FISCAL EFFECT: Unknown

COMMENTS: In support of the bill the author states:

Currently, employees of the Legislature are not protected under the California Whistleblower Protection Act. This lack of protection discourages legislative employees from reporting information relating to improper governmental activity. Every violation of the law by a public official is also a violation of the public trust. The Legislature has a responsibility to protect the integrity of the institution by creating an atmosphere of transparency and accountability. Given their proximity to members of the Legislature, legislative employees have a unique opportunity to help provide this accountability by reporting any suspicious or unethical behavior. This will not take place, however, if those employees are not afforded protections from intimidation or coercion.

The California Whistleblower Protection Act prohibits an employee from using his or her official authority or influence for the purpose of intimidating, threatening, coercing, or commanding any person for the purpose of interfering with his or her right to make a protected disclosure of improper governmental activity. Employees of the Legislature are not covered under this act, nor do they have a process for reporting questionable governmental behavior. AB 2065 would provide the same protection other state workers receive under the California Whistleblower Protection Act to employees of the Legislature.

The bill would authorize an employee of the Legislature to file a written complaint with his or her supervisor, manager, or other officer designated by the Committee on Rules of the Assembly or Senate, as applicable, alleging improper acts, together with a sworn statement that the complaint is true, under penalty of perjury, within one year of the most recent improper act complained about.

Recent Amendments: The bill has been recently amended to make it identical to version 97 of AB 1378 of 2012.

REGISTERED SUPPORT / OPPOSITION:

Support

California Forward Action Fund

Opposition

None on file

Analysis Prepared by: Mukhtar Ali / RLS. / (916) 319-2800



300 Montgomery St., Ste. 638 San Francisco, CA 94104
Tel. 415.362.9650 www.cafwd-action.org

May 13, 2014

The Honorable Rich Gordon
California State Assembly
State Capitol, Room 3013
Sacramento, CA 95814

Subject: Support for AB 2065 (Melendez) Whistleblower Protection for Legislative Staff

Dear Assemblymember Gordon:

The California Forward Action Fund (CFAF) is pleased to support Assembly Bill 2065, which would expand whistleblower protection to legislative staff and establish a process to report retaliation against employees who report waste, fraud, or abuse.

The California Whistleblower Protection Act has given judicial and executive branch employees the tools and protections needed to report abuse and waste of taxpayer money. Unfortunately, under this act, these same tools and protections are not available to legislative employees who may have intimate knowledge of abuse happening inside the Capitol and within the broader California government. By providing whistleblower protection to these public servants, the Legislature can establish two precedents that will improve public trust: 1) the Legislature respects and honors its employees and recognizes their service to the public, and 2) the Legislature is serious about rooting out all waste, fraud and abuse within its own institution.

In early May, Senate President pro Tem Darrell Steinberg announced several ethics reforms his house will pursue through Senate rules amendments, including whistleblower protection for Senate staff. Senator Steinberg's proposal is an acknowledgement by his caucus that whistleblower protection must be expanded. AB 2065 goes further by ensuring *all* legislative employees are protected by the force of law, including those in the Assembly, the Legislative Analyst's Office, and the Office of Legislative Counsel.

For these reasons, the CFAF is pleased to support AB 2065. If you have any questions contact me at phillip@cafwd.org or (916) 244-1530.

Sincerely,

A handwritten signature in dark ink, appearing to read "Phillip Ung", is written over a horizontal line.

Phillip Ung
Director of Public Affairs
California Forward

AMENDED IN ASSEMBLY MAY 14, 2014

Senate Concurrent Resolution

No. 110

Introduced by Senator Hernandez

April 10, 2014

Senate Concurrent Resolution No. 110—Relative to Korean War Remembrance Week.

LEGISLATIVE COUNSEL'S DIGEST

SCR 110, as amended, Hernandez. Korean War Remembrance Week.

This measure would recognize the 4th calendar week of June in 2014, and each 4th calendar week in June thereafter, as Korean War Remembrance Week.

Fiscal committee: no.

1 WHEREAS, The Korean War was initiated by the North Korean
2 People's Army on June 25, 1950, at 4:30 a.m., when it crossed the
3 38th Parallel and invaded the Republic of Korea with 135,000
4 soldiers; and

5 WHEREAS, Thirty-three thousand six hundred eighty-six
6 members of the United States Armed Forces died in battle during
7 the 36 months the war raged, another 8,176 were declared missing
8 in action, and thousands more were wounded by enemy fire, and
9 some 2,611 Californians died in the fierce fighting that was the
10 Korean War; and

11 WHEREAS, Each June 25th is known in the State of California,
12 its counties, and its cities as United States Korean War Veterans
13 Day in formal recognition by this state of the patriotism, valor,
14 fidelity, and sacrifices of the members of the California National
15 Guard, the United States Army, the United States Marines, the

1 United States Navy, the United States Coast Guard, *the United*
2 *States Air Force*, and federal and state reserve personnel; and

3 WHEREAS, It is essential to aid in any way the men and women
4 who served and died or were wounded or incapacitated during the
5 Korean War, and perpetuate the memory of those whose lives were
6 sacrificed in our wars; and

7 *Resolved by the Senate of the State of California, the Assembly*
8 *thereof concurring*, That the fourth calendar week in June 2014,
9 and each fourth calendar week of June hereafter, is hereby
10 designated and commemorated as Korean War Remembrance
11 Week; and be it further

12 *Resolved*, That the Secretary of the Senate transmit copies of
13 this resolution to the author for appropriate distribution.

O

Date of Hearing: May 19, 2014

ASSEMBLY COMMITTEE ON RULES

Richard S. Gordon, Chair

SCR 110 (Hernandez) – As Amended: May 14, 2014

SENATE VOTE: 34-0

SUBJECT: Korean War Remembrance Week.

SUMMARY: Recognizes the 4th calendar week of June 2014, and each 4th calendar week in June thereafter, as Korean War Remembrance Week. Specifically, this resolution makes the following legislative findings:

- 1) The Korean War was initiated by the North Korean People's Army on June 25, 1950, when it crossed the 38th Parallel and invaded the Republic of Korea with 135,000 soldiers.
- 2) The men and women of the United States Armed Forces and the South Korean Armed Forces were joined in fierce combat by many allied nations under the banner of the North Atlantic Treaty Organization; and, 33,686 members of the United States Armed Forces died in battle during the 36 months the war raged, another 8,176 were declared missing in action, and thousands more were wounded by enemy fire, and some 2,611 Californians died in the fierce fighting that was the Korean War.
- 3) Each June 25th is known in the State of California as Korean War Veterans Day in formal recognition by this state of the patriotism, valor, fidelity, and sacrifices of the members of the California National Guard, the United States Army, the United States Marines, the United States Navy, the United States Coast Guard, the United States Air Force, and federal and state reserve personnel.

FISCAL EFFECT: None

REGISTERED SUPPORT / OPPOSITION:

Support

Korean Churches for Community Development

Opposition

None on file

Analysis Prepared by: Nicole Willis / RLS. / (916) 319-2800



KOREAN CHURCHES FOR COMMUNITY DEVELOPMENT

May 5, 2014

Assembly Rules Committee

State Capitol, Room 3016
Sacramento, CA 95814

RE: Support --- SCR 110 Korean War Week Remembrance

Dear Committee Members:

On behalf of **Korean Churches for Community Development**, I am writing to express our support of SCR 110 Korean War Week Remembrance (Hernandez), which recognizes the valor and sacrifice of American soldiers while fighting communism in the Korean War. We thank and honor Korean War veterans by designating the fourth week of June 2014 as Korean War Remembrance Week.

Each June 25th is known in the State of California, its counties, and its cities as United States Korean War Veterans Day in formal recognition by this state of the patriotism, valor, fidelity, and sacrifices of the members of the California National Guard, the United States Army, the United States Air Force, the United States Marines, the United States Navy, the United States Coast Guard, and federal and state reserve personnel.

We recognize that thirty-three thousand six hundred eighty-six members of the United States Armed Forces died in battle during the 36 months the war raged, another 8,176 were declared missing in action, and thousands more were wounded by enemy fire, and some 2,611 Californians died in the fierce fighting that was the Korean War.

Korean Churches for Community Development (KCCD) is a non-profit faith-based organization, which serves a bridge between the Asian American community, and the greater community at large. Our mission is to advance the Asian American community's participation, contribution, and influence through faith-based and community partnerships. KCCD is a voice for over 5,000 churches nationwide.

Please contact me at 213-985-1500 if you have questions regarding my support.

Respectfully Yours,

Hyepin Im
President and CEO

3550 Wilshire Blvd. Suite 736, Los Angeles, CA 90010
Tel: (213) 985-1500, Web: www.kccd.org

AMENDED IN ASSEMBLY MARCH 28, 2014

AMENDED IN ASSEMBLY MARCH 19, 2014

AMENDED IN ASSEMBLY MARCH 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2034

Introduced by Assembly Member Gatto

February 20, 2014

An act to amend Section 4701 of, to add Section 2361 to, and to add Part 7.5 (commencing with Section 3250) to Division 4 of, the Probate Code, relating to family relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2034, as amended, Gatto. Family relations: family visitation and conservatorships.

(1) Existing law establishes procedures by which a court may grant reasonable visitation rights to a parent of a minor child, unless it is shown that the visitation would be detrimental to the best interests of the child. Existing law requires the court, when determining the best interest of the child, to consider, among other factors, the health, safety, and welfare of the child. Existing law authorizes an adult having capacity to give a written advance health care directive and establishes a statutory advance health care directive form.

This bill would establish procedures by which a court may grant reasonable visitation rights to an adult child if a proposed visitee, as defined, expresses a desire for that visitation, unless the court determines that the visitation is not in the best interests of the proposed visitee. The bill would require a court investigator to prepare a report that contains, among other things, interviews of specified individuals, a determination

of whether the proposed visatee has the capacity to consent to the requested visitation, and a determination of whether the proposed visatee desires the proposed visitation. The bill would make the court investigator's report confidential and would make legislative findings and declarations regarding the privacy interests affected by the investigations that are protected by the bill. The bill would direct the court to consider, among other things, the history of the relationship between the proposed visatee and the adult child, any power of attorney or estate planning document that expresses an opinion on visitation, and the report prepared by the court investigator. This bill would revise the statutory advance health care directive form to authorize a person to establish a list of people who he or she would like, and would not like, to have visitations with.

(2) Existing law requires a conservator of a person to be responsible for the care, custody, control, and education of a conservatee, except where the court, in its discretion, limits the powers and duties of the conservator, as specified.

This bill would require a conservator to inform the relatives of a conservatee whenever a conservatee dies or is admitted to a ~~medical facility for acute medical treatment~~ *general acute care hospital* for a period of 3 days or more and would require the conservator, in the event of death of the conservatee, to inform the relatives of any funeral arrangements and the location of the conservatee's final resting place.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2361 is added to the Probate Code, to
- 2 read:
- 3 2361. A conservator shall inform relatives of a conservatee, as
- 4 defined in subdivision (b) of Section 1821, whenever a conservatee
- 5 dies or is admitted to a ~~medical facility for acute care~~ *general acute*
- 6 *care hospital, as defined in Section 1250 of the Health and Safety*
- 7 *Code*, for a period of three days or more. In the case of death, a
- 8 conservator shall inform the relatives of any funeral arrangements
- 9 and the location of the conservatee's final resting place.
- 10 SEC. 2. Part 7.5 (commencing with Section 3250) is added to
- 11 Division 4 of the Probate Code, to read:

PART 7.5. RIGHTS OF ADULT CHILDREN AND VISITATION

3250. As used in this part:

(a) “Proposed visitee” means an adult who is a parent and who does not have a conservator of the person and for whom a visitation decision is sought.

(b) “Visitation” means any in-person meeting between a proposed visitee and his or her adult child.

(c) “Visitation decision” means a decision regarding the proposed visitee’s visitations, including the following:

(1) Approval or disapproval of any visitation.

(2) The specifics of that visitation, including, but not limited to, the time, place, and manner of the visitation.

(d) “Adult child” means an individual who is 18 years of age or older and is related to the proposed visitee biologically, through adoption, through the marriage or former marriage of the proposed visitee to the adult child’s biological parent, or by a judgment of parentage entered by a court of competent jurisdiction.

3251. (a) A petition may be filed by an adult child to compel visitation with a proposed visitee.

(b) In ruling on the petition, the court shall determine if the proposed visitee has sufficient capacity to make a knowing and intelligent visitation decision.

(c) If the court determines that the proposed visitee has sufficient capacity to make a knowing and intelligent visitation decision, the court shall grant reasonable visitation if the proposed visitee expresses a desire for visitation, unless the court finds that such visitation is not in the best interests of the proposed visitee.

(d) If the proposed visitee lacks the capacity to make a knowing and intelligent visitation decision, then the court shall determine if the proposed visitee would want visitation. In determining whether or not the proposed visitee would or would not want a visitation from the petitioner, the court shall consider the following:

(1) The history of the relationship between the proposed visitee and the petitioner.

(2) Any statements made by the proposed visitee expressing his or her desire to have a visitation with the petitioner.

(3) Any power of attorney or estate planning document that expresses an opinion on visitation with the petitioner.

1 (4) The report of the court investigator prepared pursuant to
2 Section 3256.

3 (e) If the court determines that the proposed visitee would want
4 visitation, the court shall grant reasonable visitation, provided the
5 court determines that the visitation is in the best interests of the
6 proposed visitee.

7 (f) If the court determines that the proposed visitee has sufficient
8 capacity to make a knowing and intelligent visitation decision and
9 the proposed visitee expresses that he or she does not desire
10 visitation then the court shall not grant visitation.

11 (g) A determination by the court regarding capacity under this
12 part shall not be cited as evidence in any other legal proceeding.

13 3252. The petition may be filed in the superior court of any of
14 the following counties:

15 (a) The county in which proposed visitee resides.

16 (b) The county in which the proposed visitee is temporarily
17 living.

18 3253. The petition shall state, or set forth by a declaration
19 attached to the petition, all of the following known to the petitioner
20 at the time the petition is filed:

21 (a) The condition of the proposed visitee's health, to the extent
22 known by the petitioner.

23 (b) The proposed visitation that is to be considered.

24 (c) The efforts made to obtain visitation with the proposed
25 visitee.

26 (d) The deficit or deficits, if any, in the proposed visitee's mental
27 functions listed in subdivision (a) of Section 811 that are impaired,
28 and an identification of a link between the deficit or deficits and
29 the proposed visitee's inability to respond knowingly and
30 intelligently to queries about the requested visitation.

31 (e) The names and addresses, so far as they are known to the
32 petitioner, of the persons specified in subdivision (b) of Section
33 1821.

34 3254. Upon the filing of the petition, the court shall determine
35 if the proposed visitee has retained an attorney to represent him
36 or her in the proceeding under this part or if the proposed visitee
37 plans to retain an attorney for that purpose.

38 3255. (a) Not less than 15 days before the hearing, notice of
39 the time and place of the hearing and a copy of the petition shall

1 be personally served on the proposed visitee, and the proposed
2 visitee's attorney, if any.

3 (b) Not less than 15 days before the hearing, notice of the time
4 and place of the hearing and a copy of the petition shall be mailed
5 to the following persons:

6 (1) The proposed visitee's spouse, if any, at the address stated
7 in the petition.

8 (2) The proposed visitee's relatives named in the petition at
9 each relative's address stated in the petition.

10 3256. Prior to the hearing, the court investigator shall do all
11 of the following:

12 (a) Conduct the following interviews:

13 (1) The proposed visitee.

14 (2) All petitioners.

15 (3) The proposed visitee's spouse or registered domestic partner
16 and relatives within the first degree.

17 (4) To the extent practical, neighbors, and, if known, close
18 friends of the proposed visitee.

19 (b) Inform the proposed visitee of the contents of the petition.

20 (c) Determine whether the proposed visitee has the capacity to
21 consent to the requested visitation.

22 (d) Determine whether the proposed visitee desires the proposed
23 visitation.

24 (e) Report to the court in writing, at least five days before the
25 hearing, concerning all of the foregoing.

26 (f) Mail, at least five days before the hearing, a copy of the
27 report referred to in subdivision (e) to all of the following:

28 (1) The attorney, if any, for the petitioner.

29 (2) The attorney, if any, for the proposed visitee.

30 (3) The spouse, registered domestic partner, and relatives within
31 the first degree of the proposed visitee, unless the court determines
32 that the mailing will result in harm to the proposed visitee.

33 (4) Any other persons as the court orders.

34 (g) The report required by this section is confidential and shall
35 be made available only to parties, persons described in subdivision
36 (f), persons given notice of the petition who have requested this
37 report or who have appeared in the proceedings, their attorneys,
38 and the court.

39 (h) If the court investigator has performed an investigation
40 within the preceding 12 months and furnished a report thereon to

1 the court, the court may order, upon good cause shown, that another
2 investigation is not necessary or that a more limited investigation
3 may be performed.

4 3257. The court in which the petition is filed has continuing
5 jurisdiction to revoke or modify an order made under this part
6 upon a petition filed, noticed, and heard in the same manner as an
7 original petition filed under this part.

8 SEC. 3. Section 4701 of the Probate Code is amended to read:
9 4701. The statutory advance health care directive form is as
10 follows:

11
12 ADVANCE HEALTH CARE DIRECTIVE
13 (California Probate Code Section 4701)

14 Explanation
15

16 You have the right to give instructions about your own health
17 care. You also have the right to name someone else to make health
18 care decisions for you. This form lets you do either or both of these
19 things. It also lets you express your wishes regarding donation of
20 organs and the designation of your primary physician. If you use
21 this form, you may complete or modify all or any part of it. You
22 are free to use a different form.

23 Part 1 of this form is a power of attorney for health care. Part 1
24 lets you name another individual as agent to make health care
25 decisions for you if you become incapable of making your own
26 decisions or if you want someone else to make those decisions for
27 you now even though you are still capable. You may also name
28 an alternate agent to act for you if your first choice is not willing,
29 able, or reasonably available to make decisions for you. (Your
30 agent may not be an operator or employee of a community care
31 facility or a residential care facility where you are receiving care,
32 or your supervising health care provider or employee of the health
33 care institution where you are receiving care, unless your agent is
34 related to you or is a coworker.)

35 Unless the form you sign limits the authority of your agent, your
36 agent may make all health care decisions for you. This form has
37 a place for you to limit the authority of your agent. You need not
38 limit the authority of your agent if you wish to rely on your agent
39 for all health care decisions that may have to be made. If you

1 choose not to limit the authority of your agent, your agent will
2 have the right to:

3 (a) Consent or refuse consent to any care, treatment, service, or
4 procedure to maintain, diagnose, or otherwise affect a physical or
5 mental condition.

6 (b) Select or discharge health care providers and institutions.

7 (c) Approve or disapprove diagnostic tests, surgical procedures,
8 and programs of medication.

9 (d) Direct the provision, withholding, or withdrawal of artificial
10 nutrition and hydration and all other forms of health care, including
11 cardiopulmonary resuscitation.

12 (e) Make anatomical gifts, authorize an autopsy, and direct
13 disposition of remains.

14 Part 2 of this form lets you give specific instructions about any
15 aspect of your health care, whether or not you appoint an agent.
16 Choices are provided for you to express your wishes regarding the
17 provision, withholding, or withdrawal of treatment to keep you
18 alive, as well as the provision of pain relief. Space is also provided
19 for you to add to the choices you have made or for you to write
20 out any additional wishes. If you are satisfied to allow your agent
21 to determine what is best for you in making end-of-life decisions,
22 you need not fill out Part 2 of this form.

23 Part 3 of this form lets you express an intention to donate your
24 bodily organs and tissues following your death.

25 Part 4 of this form lets you designate a physician to have primary
26 responsibility for your health care.

27 Part 5 of this form lets you establish a list of people who you
28 would like to have visitations with. This list is only evidence of
29 some of the people with whom you, at the time you sign this
30 document, would want to visit. It does not give your agent or any
31 facility any additional power to allow or disallow visitors.

32 Part 6 of this form lets you establish a list of people who you
33 would not want to have visitations with. This list is only evidence
34 of some of the people with whom you, at the time you sign this
35 document, would not want to visit. It does not give your agent or
36 any facility any additional power to allow or disallow visitors.

37 After completing this form, sign and date the form at the end.
38 The form must be signed by two qualified witnesses or
39 acknowledged before a notary public. Give a copy of the signed
40 and completed form to your physician, to any other health care

1 providers you may have, to any health care institution at which
2 you are receiving care, and to any health care agents you have
3 named. You should talk to the person you have named as agent to
4 make sure that he or she understands your wishes and is willing
5 to take the responsibility.

6 You have the right to revoke this advance health care directive
7 or replace this form at any time.

8
9 *****

10
11 PART 1
12 POWER OF ATTORNEY FOR HEALTH CARE

13
14 (1.1) DESIGNATION OF AGENT: I designate the following individual
15 as my agent to make health care decisions for me:

16 _____
17 (name of individual you choose as agent)
18
19 _____
20 (address) (city) (state) (ZIP Code)
21
22 _____
23 (home phone) (work phone)
24

25 OPTIONAL: If I revoke my agent’s authority or if my agent is not willing,
26 able, or reasonably available to make a health care decision for me, I designate
27 as my first alternate agent:

28
29 _____
30 (name of individual you choose as first alternate agent)
31
32 _____
33 (address) (city) (state) (ZIP Code)
34
35 _____
36 (home phone) (work phone)
37

38 OPTIONAL: If I revoke the authority of my agent and first alternate agent
39 or if neither is willing, able, or reasonably available to make a health care
40 decision for me, I designate as my second alternate agent:

(name of individual you choose as second alternate agent)

(address) (city) (state) (ZIP Code)

(home phone) (work phone)

(1.2) AGENT'S AUTHORITY: My agent is authorized to make all health care decisions for me, including decisions to provide, withhold, or withdraw artificial nutrition and hydration and all other forms of health care to keep me alive, except as I state here:

(Add additional sheets if needed.)

(1.3) WHEN AGENT'S AUTHORITY BECOMES EFFECTIVE: My agent's authority becomes effective when my primary physician determines that I am unable to make my own health care decisions unless I mark the following box. If I mark this box ☐, my agent's authority to make health care decisions for me takes effect immediately.

(1.4) AGENT'S OBLIGATION: My agent shall make health care decisions for me in accordance with this power of attorney for health care, any instructions I give in Part 2 of this form, and my other wishes to the extent known to my agent. To the extent my wishes are unknown, my agent shall make health care decisions for me in accordance with what my agent determines to be in my best interest. In determining my best interest, my agent shall consider my personal values to the extent known to my agent.

(1.5) AGENT'S POSTDEATH AUTHORITY: My agent is authorized to make anatomical gifts, authorize an autopsy, and direct disposition of my remains, except as I state here or in Part 3 of this form:

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

(Add additional sheets if needed.)

(1.6) NOMINATION OF CONSERVATOR: If a conservator of my person needs to be appointed for me by a court, I nominate the agent designated in this form. If that agent is not willing, able, or reasonably available to act as conservator, I nominate the alternate agents whom I have named, in the order designated.

PART 2
 INSTRUCTIONS FOR HEALTH CARE

If you fill out this part of the form, you may strike any wording you do not want.

(2.1) END-OF-LIFE DECISIONS: I direct that my health care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below:

☐ (a) Choice Not To Prolong Life

I do not want my life to be prolonged if (1) I have an incurable and irreversible condition that will result in my death within a relatively short time, (2) I become unconscious and, to a reasonable degree of medical certainty, I will not regain consciousness, or (3) the likely risks and burdens of treatment would outweigh the expected benefits, OR

☐ (b) Choice To Prolong Life

I want my life to be prolonged as long as possible within the limits of generally accepted health care standards.

(2.2) RELIEF FROM PAIN: Except as I state in the following space, I direct that treatment for alleviation of pain or discomfort be provided at all times, even if it hastens my death:

38 _____
 39 _____
 40 _____

(Add additional sheets if needed.)

(2.3) OTHER WISHES: (If you do not agree with any of the optional choices above and wish to write your own, or if you wish to add to the instructions you have given above, you may do so here.) I direct that:

(Add additional sheets if needed.)

PART 3
DONATION OF ORGANS AT DEATH
(OPTIONAL)

(3.1) Upon my death (mark applicable box):

- ☐ (a) I give any needed organs, tissues, or parts, OR
☐ (b) I give the following organs, tissues, or parts only.

(c) My gift is for the following purposes (strike any of the following you do not want):

- (1) Transplant
(2) Therapy
(3) Research
(4) Education

PART 4
PRIMARY PHYSICIAN
(OPTIONAL)

(4.1) I designate the following physician as my primary physician:

(name of physician)

(address) (city) (state) (ZIP Code)

1

(phone)

2

3

OPTIONAL: If the physician I have designated above is not willing, able,

4

or reasonably available to act as my primary physician, I designate the following

5

physician as my primary physician:

6

7

8

(name of physician)

9

10

11

(address)(city)(state)(ZIP Code)

12

13

14

(phone)

15

16

17

PART 5

18

VISITATION BY FAMILY AND FRIENDS

19

(OPTIONAL)

20

21

22

(5.1) The following person(s) shall have the ability to visit me at my domicile

23

or care facility:

24

25

(address)(city)(state)(ZIP Code)

26

27

(phone)

28

29

(address)(city)(state)(ZIP Code)

30

31

(phone)

32

33

(address)(city)(state)(ZIP Code)

34

35

(phone)

36

37

(address)(city)(state)(ZIP Code)

38

39

(phone)

40

PART 6
NON-VISITATION LIST
(OPTIONAL)

(6.1) The following person(s) shall NOT have the ability to visit me at my domicile or care facility:

(address)	(city)	(state)	(ZIP Code)
(phone)			
(address)	(city)	(state)	(ZIP Code)
(phone)			
(address)	(city)	(state)	(ZIP Code)
(phone)			
(address)	(city)	(state)	(ZIP Code)
(phone)			

* * * * *

PART 7

(7.1) EFFECT OF COPY: A copy of this form has the same effect as the original.

(7.2) SIGNATURE: Sign and date the form here:

(date)	(sign your name)
(address)	(print your name)
(city)	(state)

1
2
3 (7.3) STATEMENT OF WITNESSES: I declare under penalty of perjury
4 under the laws of California (1) that the individual who signed or acknowledged
5 this advance health care directive is personally known to me, or that the
6 individual's identity was proven to me by convincing evidence, (2) that the
7 individual signed or acknowledged this advance directive in my presence, (3)
8 that the individual appears to be of sound mind and under no duress, fraud, or
9 undue influence, (4) that I am not a person appointed as agent by this advance
10 directive, and (5) that I am not the individual's health care provider, an
11 employee of the individual's health care provider, the operator of a community
12 care facility, an employee of an operator of a community care facility, the
13 operator of a residential care facility for the elderly, nor an employee of an
14 operator of a residential care facility for the elderly.

15		
16	First witness	Second witness
17		
18	_____	_____
19	(print name)	(print name)
20		
21	_____	_____
22	(address)	(address)
23		
24	_____	_____
25	(city) (state)	(city) (state)
26		
27	_____	_____
28	(signature of witness)	(signature of witness)
29		
30	_____	_____
31	(date)	(date)
32		
33		

34 (7.4) ADDITIONAL STATEMENT OF WITNESSES: At least one of the
35 above witnesses must also sign the following declaration:

36
37 I further declare under penalty of perjury under the laws of California that I
38 am not related to the individual executing this advance health care directive
39 by blood, marriage, or adoption, and to the best of my knowledge, I am not

entitled to any part of the individual's estate upon his or her death under a will now existing or by operation of law.

(signature of witness)

(signature of witness)

PART 8

SPECIAL WITNESS REQUIREMENT

(8.1) The following statement is required only if you are a patient in a skilled nursing facility—a health care facility that provides the following basic services: skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. The patient advocate or ombudsman must sign the following statement:

STATEMENT OF PATIENT ADVOCATE OR OMBUDSMAN

I declare under penalty of perjury under the laws of California that I am a patient advocate or ombudsman as designated by the State Department of Aging and that I am serving as a witness as required by Section 4675 of the Probate Code.

(date)

(sign your name)

(address)

(print your name)

(city) (state)

SEC. 4. The Legislature finds and declares that Section 2 of this act, which adds Part 7.5 (commencing with Section 3250) to Division 4 of the Probate Code, imposes a limitation on the public's right of access to the writings of public officials and a public agency within the meaning of Section 3 of Article I of the California Constitution. Pursuant to paragraph (2) of subdivision

1 (b) of Section 3 of Article I of the California Constitution, the
2 Legislature makes the following findings to demonstrate the interest
3 protected by this limitation and the need for protecting that interest:
4 In order to protect the identities and other privacy interests of
5 those affected by the court investigations, it is necessary that this
6 information be kept confidential.

O

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0043
(916) 319-2043
FAX (916) 319-2143

DISTRICT OFFICE
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COMMITTEES
APPROPRIATIONS
ARTS, ENTERTAINMENT, SPORTS,
TOURISM AND INTERNET MEDIA
BANKING AND FINANCE
GOVERNMENTAL ORGANIZATION
WATER, PARKS AND WILDLIFE

May 14, 2014

The Honorable Richard Gordon
Chairman
Assembly Committee on Rules
State Capitol, Room 3016
Sacramento, CA 95814

Dear Chairman Gordon:

I write to respectfully request an urgency clause for my Assembly Bill 2034.

This important measure seeks to provide justice for adult children separated from their elderly parents by a caretaker such as a new spouse. As divorce and remarriage become more prevalent in today's society, there is a greater possibility of conflicts between a second spouse and children from a first marriage, for any number of reasons. Currently, the law does not provide any mechanism for children to visit with their ailing parents in these unfortunate situations where conflicts exist between children of a first marriage and a current spouse.

There are families in these very situations where the elderly parents are in ill-health, and near death. Adding an urgency clause would give hope to these adult children for one last visit before their parents pass, should this bill be signed in to law.

Respectfully,



MIKE GATTO
Assemblyman, 43rd District



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