



# *Year-End Briefing - 2009*

UC Office of State Governmental Relations

October 12, 2009

## ***2009 LEGISLATIVE OVERVIEW***

### **Annual *Year-End Briefing* recaps UC's legislative year**

UC handled a diverse range of challenges this year. This 2009 edition of the UC Office of State Governmental Relations (SGR) *Year-End Briefing* wraps up legislation viewed as posing a “significant impact” on the University.

The University tracked approximately 500 “significant impact” bills this year and took positions on 110 bills. Among the most important legislation this year, UC supported and co-sponsored the following bills: AB 20 (Solorio) to create a standardized contract between UC and state agencies; AB 501 (Emmerson) to permit certain individuals to use the terms “doctor” and “physician” and the titles “Dr.” and “M.D.” professionally; and AB 1222 (B. Lowenthal) to allow both the University and the California State University to continue providing affinity programs to our alumni. Other important legislation included SCA 21 (Yee) and ACA 24 (Nestande), to eliminate UC constitutional autonomy; AB 53 (Portantino), to impose a salary freeze on certain State and UC employees; AB 542 (Feuer), to disallow medical payments under certain adverse events; AB 690 (Ammiano), to allow ex officio Regents to appoint designates; AB 1383 (Jones), to impose a provider fee on CA hospitals that will leverage federal Medi-Cal funding; SB 86 (Yee), to impose caps on certain executive compensation; SB 113 (Local Government Committee), to exempt Cal Memorial Stadium from certain provisions of the Alquist-Priolo Earthquake Fault Zoning Act; SB 218 (Yee), to apply the Public Records Act to certain auxiliary organizations of the UC; and SB 219 (Yee), to allow whistleblower complaints to proceed to Superior Court for damages notwithstanding the outcome of an administrative hearing.

The University requested the Governor's signature on nine bills and the Governor signed eight of these bills. The University requested the Governor's veto on four bills and received vetoes on all four.

### ***2009 University - Sponsored Legislation***

#### **Governor signed bill to streamline UC contracts with the State**

AB 20 (Solorio) requires the Department of General Services (DGS) and the University to establish specific model contract terms that agencies can utilize when contracting with UC campuses thereby reducing the cost and time associated with negotiating individual agreements. The purpose of this legislation is to streamline the contracting process between the University and the State of California resulting in multi-million dollar savings to both entities. We anticipate potential University cost savings of approximately \$2 million annually with the enactment of

AB 20. The bill will substantially reduce legal costs and negotiating time through the creation of standardized contract terms and conditions. The University has agreed to absorb the costs for facilitating the meetings with DGS and to provide appropriate administrative support during the implementation process. The University requested the Governor's signature on this legislation.

#### **UC Legislation relating to the use of M.D. signed by the Governor**

AB 501 (Emmerson) amends Section 2054 of the Business and Professions Code, to authorize graduates who have earned medical degrees (MD), but do not have a valid license to practice medicine in California, to use the initials "M.D." or "Dr." under specified conditions. The bill provides clarifying changes that seek to address the concerns of the California and national medical education community, which include the concerns of the UC system, while continuing to ensure and preserve appropriate mechanisms for prosecuting individuals who engage in the unlawful practice of medicine. The University requested the Governor's signature on this bill.

#### **UC co-sponsored and supported AB 1222; Vetoed by the Governor**

The Governor vetoed a University's co-sponsored bill, AB 1222 (Lowenthal). In his veto message, the Governor indicated that he felt the bill is premature since the program does not expire until January 2011. The measure would have allowed both the University and the California State University to continue providing affinity programs to our alumni thus generating revenue for our campuses through the alumni associations. The affinity programs generated approximately \$3.6 million for UC campuses in 2007-08. These revenues generally provide funding to supplement the operational costs of campus alumni programs. The revenues are also used by UC campus alumni associations to provide services and benefits to students and further the mission of the University. UC anticipates that the provisions of AB 1222 will be re-introduced in 2010.

### ***Major Challenges -- Legislation***

#### **Proposal relating to UC's constitutional autonomy remains in Rules Committee**

SCA 21 (Yee) and ACA 24 (Nestande) would repeal the constitutional provisions relating to the University and the Regents on January 1, 2011, and would require the University and the Regents to be continued in existence subject to legislative control as may be provided by statute. The University has opposed the measures because it believes that the legislation is unnecessary since the Legislature already has many avenues to exercise oversight of UC in non-academic areas; the legislation can also cause academic decisions to be subjected to the influence of external interest groups; it can allow governance of the University to be driven by year-to-year issues that dominate the political process and it could result in the UC having to pay more to borrow money because it would have to use the State's lower credit rating instead of its own. The bills remain in their respective Rules Committees, but could be taken up anytime during the 2010 legislative session.

#### **Bill to freeze state salaries held in Assembly Appropriations Committee**

AB 53 (Portantino) would have prohibited a person employed by the state (executive, legislative, or judicial branch of state government, an appointee to a state board or commission, and employees of the California State University) whose base salary on the effective date of the bill is greater than \$150,000 per year from receiving a salary increase while employed in the same position or classification and from receiving payment for overtime work, a bonus, or other compensation in excess of the base salary, until January 1, 2012. The bill urged the UC Regents

and Board of Directors of Hastings to adopt the policy expressed in the bill. UC had taken an oppose position, indicating that the President would not recommend adoption of the policy to the Regents because the bill would affect UC's core educational mission of teaching, research and public service. The bill was held in the Assembly Appropriations Committee.

#### **“Never events” legislation becomes two-year bill**

AB 542 (Feuer) would expand adverse event reporting and enact significant new requirements regarding reporting, control, regulation and non-payment for adverse events. This bill would preclude hospital providers from billing both public and commercial payors when certain adverse events occur, in some cases, whether or not they were preventable. UC has made it clear to policy makers that we do not charge, or intend to charge for the four so-called ‘wrongs’ – operating on the wrong persons, wrong body part, wrong procedure and retention of a foreign object. The University estimated that a similar bill last year, AB 2146 (Feuer), could cost the clinical enterprise an estimated \$40 million annually, depending on the breadth of the non-payment list and the amount of the offset. The University has an "oppose unless amended" position on this bill and has agreed to work with the author and other stakeholders throughout the fall in attempt to remove our opposition when the Legislature reconvenes in January 2010, if possible.

#### **Governor rejects bill to allow designated alternates to serve as Regents**

AB 690 (Ammiano) expressed the intent of the Legislature that each ex officio member of the Regents of the University of California designates a person to attend meetings of the Regents in the member's absence. The designation and participation of alternates in meetings of the Board of Regents under AB 690 would have been legally problematic for most closed session board discussions. Many of the closed session Regent discussions are protected by attorney-client privilege which could be eliminated by the presence of alternates, who would be non-UC-affiliated individuals. Similarly, personnel matters could not be discussed in the presence of the alternates without an invasion of employees' personal privacy. AB 690 would have diminished Board accountability because it could have resulted in rotating representatives during Regents meetings. Moreover, it is unlikely that designated alternates would be subject to the same fiduciary requirements that Regents are subject to because these individuals would not be official board members. The University requested a veto from the Governor.

#### **Governor approves bill relating to Medi-Cal**

AB 1383 (Jones), relating to Medi-Cal, provides the method of raising money through a hospital provider fee and states the specific method and formula for distribution of the funds. AB 1383 puts forward a proposal developed by California hospitals that will assess a fee on hospitals to raise more than \$2 billion annually to be used to obtain federal matching funds through December 2010. The funds will generate supplemental payments to hospitals to ensure access to care for the state's Medi-Cal and uninsured population. In addition, the hospital fee will provide the state with \$320 million annually for children's coverage, which could be used to draw down additional federal matching funds. This generous commitment ensures that hundreds of thousands of children have health care coverage. AB 1383 will increase Medi-Cal rates to hospitals and help ensure access to care for Medi-Cal beneficiaries. The University urged the Governor to sign AB 1383 to stabilize the hospital safety-net and ensure Medi-Cal beneficiaries have access to the medically necessary care they need.

**Bill on executive compensation rejected by the Governor**

SB 86 (Yee) would have prohibited the University and the California State University from increasing monetary compensation or approving payment of a bonus for any executive officer in any year in which the amount of General Fund moneys appropriated to the segment is less than or equal to the amount appropriated in the preceding fiscal year. The bill was gutted and amended to include contents similar to SB 217, a measure that was held on the Assembly Appropriations Committee Suspense File. The University opposed the bill because the bill would impair our ability to compete nationally and internationally for outstanding administrators at a time when the University is experiencing major budget reductions, restructuring and realignment that require the skills and abilities of highly qualified personnel in order to ensure success. The University requested a veto from the Governor.

**Governor signs bill to enable seismic renovation to Cal Memorial Stadium**

SB 113 (Local Government Committee) contains a statutory change that the University requested. The Alquist-Priolo Earthquake Fault Zoning Act currently limits the amount that can be spent on additions or alterations (including seismic and structural repairs) to 50% of the value of the existing structure. Our proposed amendment would eliminate the 50% expenditure limit for State and University historic structures only. Section 2621.7 of the Act already describes a process for historic buildings to be exempted from the Act's 50% expenditure limit using the local planning and permit process. However, buildings owned by the State and the University are not subject to local jurisdiction; therefore, we have no way of pursuing an historic exemption. By increasing the amount that can be spent on additions or alternations of historic structures, State entities, including the University of California, will be able to seismically renovate historic properties. Renovations to historic structures are inherently more expensive than renovations to non-historic properties. These renovations will make State and UC historic structures, such as the California Memorial Stadium, safer and more accessible for the public and its employees. The University requested the Governor's signature on the bill. The Governor's signing message indicates that the University will work with the Governor's Office of Planning and Research, the CA Department of Conservation, and the Seismic Safety Commission on placing provisions in a bill next year that will address concerns these agencies had about the breadth of SB 113's exemption to other structures.

**Governor vetoes legislation relating to auxiliary organizations**

SB 218 (Yee) would have expanded the Public Records Act (PRA), which already fully applies to the University itself, to auxiliary organizations that support UC's mission. The University opposed the bill because it would impact UC donors, volunteers and foundations. SB 218 required that certain information personally identifying private donors and volunteers must be disclosed to anyone who asks, regardless of the purpose of their inquiry. Although recent amendments attempted to protect the privacy of charitable donors, it did not adequately assure potential donors of University foundations that their anonymity would be protected. The bill could have resulted in an annual UC revenue loss of almost \$7.5 million currently being generated by anonymous donors, along with the fiscal impact of diminished campus and foundation volunteers. The University requested a veto from the Governor.

**Whistleblower bill vetoed by the Governor**

SB 219 (Yee) would have allowed UC employees who register a whistleblower complaint and are retaliated against to sue the University for damages regardless of the outcome of an

administrative review held to consider such a complaint. The University opposed the bill because it believes SB 219 would have rendered the current administrative process meaningless and created wasteful re-litigation of issues that have already been fully addressed and fairly decided through an administrative process. UC proposed amendments that would have preserved the administrative process in a fashion identical to that followed by the California State University system, but the amendments were not accepted by the author. The University requested a veto from the Governor.

### ***Other Key Bills Followed Closely by UC***

- Academic Affairs

**AB 37 (Furutani)** requests UC and requires the California Community Colleges and California State University to confer an honorary degree upon each person, living or deceased, who was forced to leave his or her postsecondary studies as a result of federal Executive Order 9066, which led to the incarceration of individuals of Japanese ancestry during World War II. The bill mirrors an action adopted by the UC Regents. On July 16 the Board of Regents approved a one time-suspension of UC's 37-year-old moratorium on honorary degrees and voted to grant special honorary degrees to the hundreds of students forced to leave their studies at UC as a result of internment during World War II. The University requested the Governor's signature on the bill and the bill was signed by the Governor.

**AB 187 (Assembly Budget Committee)** would have required the Student Aid Commission to adopt regulations establishing the Cal Grant Alternative Delivery System Pilot Program and it would have restored \$4.3 million from the General Fund to the Student Aid Commission's budget. The bill failed passage on the Senate Floor, but budget restoration may be considered when or if the Legislature reconvenes this Fall in special session.

**AB 462 (Price)** would have required the California State University and requested the University of California not to increase undergraduate tuition and fees for five years and, commencing in 2015-2016, to limit tuition fee increases to resident undergraduate students to the annual percentage change in the California Consumer Price Index. The bill would have created a 1% tax on incomes over \$1 million, with 60% of the proceeds going to a "College Affordability Fund." This fund would have allocated funds to UC and CSU based on the ratio of undergraduate statewide mandatory fee revenues collected in 2009-10. All funds would have been allocated to CSU if UC decided not to implement the changes requested in the bill. Expenses eligible for funding would have included, but not be limited to, funding of student instructional material, new technology, student scholarships and grants, libraries, campus safety improvements, and faculty salaries. The bill would have also established a College Affordability Funding Accountability Panel, comprised of six members appointed by the Governor for two-year terms. The panel would have been responsible for annually reviewing expenditures of funds by CSU and UC and would have provided an accountability update to the public detailing how the funds were used on a campus-by-campus basis. The University opposed the bill because the bill would have hindered the University's efforts to maintain the quality of our academic programs during this period of substantial cuts in state funding and continued budget uncertainty looking forward. The bill failed passage twice in the Assembly Higher Education Committee.

**AB 573 (Portantino)** clarifies that the services of a State Science and Technology Policy Fellow furnished by the California Council on Science and Technology is not compensation, a reward, or a gift to a Member of the Legislature, nor an employee of the Legislature, for the purposes of the Code of Ethics. The University supported the bill and requested the Governor's signature. The Governor signed the bill on August 6, 2009.

**AB 669 (Fong)** creates an exception to the statutory uniform residency requirements for students who are 19 years old or younger at the time of enrollment and are either currently or formerly a dependent or ward of the state through California's child welfare system. The bill makes it easier for foster youth to overcome existing legal barriers to establishing residency for the purposes of attending college, paying in-state tuition, and applying for financial aid. The University believes that this bill will assist emancipated foster youth to gain entry to postsecondary education during the one year and one day time period required for them to establish residency on their own. The University requested the Governor's signature on the bill and the bill was signed by the Governor.

**AB 1393 (Skinner)** requests UC and requires the California Community Colleges and California State University to give current or former foster youth students priority status for residence in year-round housing and housing that is open for occupancy most of the year. UC has consistently been supportive of efforts to assist foster youth in their transition to the University. The author accepted UC's amendments. The University requested the Governor's signature on the bill and the bill was signed by the Governor.

**ACR 65 (Ruskin)** establishes the Joint Committee on the Master Plan for Higher Education. The measure provides that the joint committee consist of a number of Assembly Members and Senators to be determined by the Speaker of the Assembly and the Senate Committee on Rules. The committee is established to review the Master Plan for Higher Education and create a framework for higher education. The University did not take a position on the bill. The bill was adopted by the Legislature and chaptered.

**SB 15 (Cedillo)** would have expanded Cal Grant A or B award eligibility to California residents who are current or former members of the US Armed forces beginning with the 2010 academic year. Under the existing Cal Grant Entitlement Program eligible applicants who apply within one year of high school graduation are guaranteed a Cal Grant. Students who opt to join the military directly out of high school forego this guarantee. UC had taken a position of support to the bill because we believe that veterans' access to the State's Cal Grant program should not be limited by their choice to serve in the US Armed Forces. The bill was held in the Senate Appropriations Committee.

**SB 128 (Padilla)** contained legislative intent language to create the Climate Change Institute. Last year's version of this bill, SB 1762 (Perata) was vetoed by the Governor because of concerns about sections of the bill that appear to negatively impact existing ratepayer-funded climate change Research & Development programs, such as PIER by specifying that the Institute would be the ONLY entity authorized to carry out such research, and by shifting funds away from those programs to the Institute. The Governor also stated that SB 1762 was premature since the California Air Resources Board had not adopted their Scoping Plan as required by the Global Warming Solutions Act of 2006. The scoping plan was adopted in December 2008. The bill was held in the Senate Appropriations Committee.

**SB 160 (Cedillo)** would have allowed undocumented students who qualify for a nonresident tuition exemption under AB 540 to apply for institutional aid at UC, the California State University and the California Community Colleges. We estimated that 572 undergraduate students who are eligible under AB 540 would have been eligible for \$1.6 million in UC institutional aid. UC had taken a position of support, if amended to ensure consistency in relation to existing federal law. The bill was held in the Senate Appropriations Committee.

**SB 195 (Florez)** would have required the University of California to provide assurance that each program or activity conducted by the institution is in compliance with Title IX and all other applicable provisions of state law prohibiting discrimination on the basis of sex. Last year, Senator Florez proposed a California Title IX measure which would have had a significant impact on CSU and UC sports programs. This year's version is substantially reduced in scope. The University had significant concerns with provisions of SB 195 relating to civil penalties and had an oppose position on the bill. The bill was held in the Senate Appropriations Committee.

**SB 199 (Ducheny)** would have deleted the sunset clause for the California Subject Matter Projects (CSMP), add the three remaining projects on Physical Education-Health, Arts, and Foreign Language into statute, revised the composition of the project advisory boards, and included language regarding project assistance to teachers developing and delivering instruction in multiple pathway programs and career technical education. The University supported the bill because we believe the CSMP is a unique and highly successful intersegmental effort of postsecondary institutions throughout the state that convenes university academic content specialists to collaborate with K-12 faculty. The bill was held in the Senate Appropriations Committee.

**SB 471 (Romero)** would have enacted the California Stem Cell and Biotechnology Education Workforce Development Act of 2009. The bill would, among other things, request the UC to consult with the California Institute for Regenerative Medicine (CIRM) and representatives of the biotechnology industry in developing curriculum for the California State Summer School for Mathematics and Science (COSMOS). The University was supportive of the concepts advanced by SB 471 and expressed support for science education and the importance of a scientifically literate and technically prepared workforce. Due to cost to the state, the bill was amended in July and removed language that pertained to the University. The Governor signed the bill.

**SB 611 (Correa)** would have entitled eligible students who are members of the Armed Forces of the United States, and meet the prescribed requirements, to use Cal Grant A Entitlement Awards for non-fee access costs. The University supported SB 611 because we believe that veterans should be allowed to use their Cal Grant awards to help mitigate other costs, besides fees, of attending college. The bill was held in the Senate Appropriations Committee.

- Business Operations

**AB 586 (Huber)** would have extended additional workers' compensation provisions to members of the police departments at the University and the California State University. The University had cost concerns. The bill was held in the Senate Appropriations Committee.

**AB 649 (Nestande)** would have required that the University change its construction contracts to implement time limits for processing change orders and disputes; required mandatory arbitration of most disputes; eliminated requirements that the contractors give timely notice of claims and fully document all claims; and eliminated requirements that a contractor confirm the validity of claims made by its subcontractors before asserting those claims. AB 649 would have also permitted contractors to recover damages under legal theories that are inconsistent with the contract such as: equitable adjustment, quantum merit, quasi-contract, etc. and would allow attorneys fees to be awarded to the successful party in all disputes. The University had an oppose position on the bill because AB 649 would have imposed significant costs on the University in the form of increased legal and administrative costs to process and litigate increases in the number of arbitrations. The University estimated that these costs could range from almost \$12 million to \$34 million annually depending on the number and complexity of arbitration actions filed. The bill was held in the Assembly Appropriations Committee and the University is attempting to work with the author's office and sponsors to work on these issues outside the legislative arena.

**AB 664 (Skinner)** would have established a legal presumption for hospital employees in the workers' compensation system that any neck or back impairment, blood-borne infectious disease, or MRSA (methicillin-resistant *Staphylococcus aureus*) infection is related to their employment. The University believes that the existing laws governing the California workers' compensation system and the determination of the compensability of industrial injuries are equitable for both employees and employers. The University opposed the bill because the University estimated that AB 664 would have increased its workers' compensation costs for hospital employees alone by \$3.9 million to \$5.2 million. The bill was held in the Assembly Appropriations Committee.

**AB 1182 (Brownley)** consolidates and eliminates some legislatively mandated reports relating to higher education that have appeared in budget supplemental language year after year. Unfortunately, the September 4<sup>th</sup> amended version contained an inadvertent drafting error that would eliminate the Sustainable Agriculture Research and Extension Program (SAREP). Once the error was identified, there was not sufficient time left in the Session to amend the bill to correct the error. The intent clearly was to eliminate only the reporting requirement, not the entire program. Food and Agriculture Code Sections 554(b) and 597 should have been deleted and the rest of Articles 8 and 10 should have been retained. Because the language contained in Articles 8 and 10 is so important to the sustainable agriculture community, the University will work with the legislature to ensure that the program language is restored next year. The University requested the Governor's signature on the bill and asked the Governor to include a signing message that indicates the measure contains an inadvertent drafting error. The Governor signed the bill and included in his signing message that the author will address the inadvertent deletion of the Food and Agriculture Code sections.

**ACA 17 (Nestande)** would have prohibited any UC employee who receives any financial benefit with a value in excess of \$50,000 as part of a temporary voluntary separation program from the University from thereafter being employed by, or contracting for personal services with, the University, in any compensated capacity, unless the person returns the entire financial benefit. The University opposed the bill because the University believes it already adopted and implemented a comprehensive Voluntary Separation Program (VSP) that addresses return employment. UC also believe that the provisions put forth by ACA 17 would have created

significant disincentives for University employees to even consider participating in a VSP if they believed that they would be unduly punished financially for choosing to return to the University, no matter how far into the future that might be. The bill was held in the Assembly Appropriations Committee.

**ACR 55 (Torlakson)** urged the University to provide two hours of training to its supervisory employees regarding the prevention of workplace bullying, abuse, and harassment by January 1, 2011 and again every two years thereafter. There are substantial costs associated with developing and implementing a new and additional two-hour supervisor training at each of the ten campuses, five medical centers, and the Office of the President. Given the current budget climate, the University cannot bear the costs of additional mandates to develop a new training on bullying, abuse and harassment prevention. The bill was held in the Senate Appropriations Committee.

**SB 705 (Lowenthal)** would have provided that exhaustion of an employer's internal administrative remedies or judicial review of a decision of an administrative agency is not a precondition, and does not need to be judicially reviewed by a petition for a writ of mandate, for the filing of a civil action alleging a violation of a right that the Legislature determines to be based on a fundamental public policy of the state. The University had an oppose position on SB 705 because we believed it seeks to address a non-existent problem and would seriously undermine a long-standing set of legal doctrines that have served California well for decades and have provided important benefits to employees, employers, and society. This bill is similar to SB 219 but applied to the private sector as well. The bill was held in the Senate Appropriations Committee.

- Health Sciences and Services

**AB 57 (Price)** would have required the Department of Public Health to establish a procedure for collection and review of the written staffing plans and other related information from UC hospitals. This bill is a reintroduction of AB 2244 (Price 2008), a bill that received the Governor's veto last year. Since the author of AB 2244 took amendments to remove the University's opposition, the University did not take a position on the bill in this current legislative cycle. The bill was vetoed by the Governor.

**AB 120 (Hayashi)** related to hospital quality and physician conduct, specifically, peer review. AB 120 would have amended the medical peer review process by recommending external peer review in limited circumstances, required peer review bodies to share information, established the duties of a hearing officer, and set parameters for attorney representation. AB 120 was joined to **SB 820 (Negrete McLeod)**, the outcome of this bill depended upon the outcome of AB 120 and vice versa). SB 820 would have made various changes related to disciplinary reporting by specified healing arts boards, including adding to the central file if a court finds that a peer review was held in bad faith and the filing of an additional report under certain circumstances, as specified. The University worked closely with University experts and the California Hospital Association (CHA) on the policy of these bills. After long negotiations CHA removed its oppose position and moved to a neutral position on AB 120. With regard to SB 820, CHA maintained an oppose position and requested the Governor's veto. The University did not take positions independent of CHA on these bills. The Governor vetoed both bills.

**AB 911 (Lieu)** would have required, until January 1, 2014, every licensed general acute care hospital to assess the condition of its emergency department, using an overcrowding score, every four hours, and to develop and implement capacity protocols based on an overcrowding scale. The bill required the capacity protocols to be filed with the Office of Statewide Health Planning and Development (OSHPD). The University expressed its concern with this bill to the Department of Public Health and to others in the Governor's administration. The University did not take an independent position on the bill. The bill was vetoed by the Governor.

**AB 1142 (Price)** provides that it is the responsibility of a hospital, as soon as proof of Medi-Cal eligibility is supplied by a person presenting himself or herself as a Medi-Cal beneficiary, to provide all information regarding that person's Medi-Cal eligibility to all other providers that bill separately for services rendered to that person during the same time period for which the hospital is submitting a claim. The University worked closely with the California Hospital Association (CHA) who had an oppose position in the Legislature and sought a Governor veto. The University did not take a position independent of CHA on this bill. The bill was signed by the Governor.

**ACR 2 (Hall)** urges UC to expedite negotiations with the Board of Supervisors of Los Angeles County and the Charles Drew University of Medicine and Science to discuss the future management of Martin Luther King, Jr. Hospital. The University provided testimony during policy hearings and continued to keep the author and other Legislators updated on the progress of discussions on this issue, but did not take a position on the resolution. The resolution was chaptered on July 17, 2009.

**SB 289 (Ducheny)** would have required, for the report due to the Office of Statewide Health Planning and Development under the Hospital Facilities Seismic Safety Act of 1983, that the report include, for each building that is planned for retrofit or replacement, the number of inpatient beds, and for a building or buildings to be removed from acute care service, the inpatient services delivered in the building or buildings and the number of general acute care inpatient beds and patient days in the years 2008, 2009, and 2010. Due to a lack of consensus among stakeholders, SB 289 was held this year on the Assembly floor and will likely move forward in the next legislative session.