

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 19

FINAL RECESS

Assembly Chamber, Sacramento
Tuesday, October 1, 1996

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1995-96 Regular Session was printed while the Assembly was in Final Recess:

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

August 14, 1996

*E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol Building, Room 3196
Sacramento, California*

Dear Mr. Wilson: Please be advised pursuant to Business and Professions Code Section 3710 et seq., I have reappointed Kim Kruser to serve on the Respiratory Care Examining Committee for a term ending June 1, 2000.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

September 16, 1996

*E. Dotson Wilson
California State Assembly
State Capitol Building, Room 3196
Sacramento, California*

Dear Mr. Wilson: Please be advised pursuant to AB 265—Section 4, Chapter 975 of 1995, I have appointed Frank Ury for a pleasure term to the Commission for the Establishment of Academic Content and Performance Standards.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

September 23, 1996

*E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol Building, Room 3196
Sacramento, California*

Dear Mr. Wilson: Please be advised pursuant to AB 2086, 1996, I have appointed Mark Watts as my designee on the California Earthquake Authority Governing Board.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

September 24, 1996

*E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol Building, Room 3196
Sacramento, California*

Dear Mr. Wilson: Please be advised pursuant to Welfare and Institutions Code Section 18993.3, I have appointed Ruth Maloof and Priscilla Hurley to the Community Challenge Grant Program Advisory Committee.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

August 23, 1996

*The Honorable Curt Pringle
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: On Wednesday, August 21, 1996, the Senate Health and Human Services Committee and the Assembly Human Services Committee held a joint hearing on the Department of Community Services and Development's (CSD) proposed state plan and application for federal Community Services Block Grant funding for fiscal year 1997. This hearing was held pursuant to both federal and state statutory requirements.

The committees received testimony from Michael J. Micciche, the Department Director, who provided an overview of the state plan. Sharon Creswell, the Executive Director of the California/Nevada Community Action Association also testified on the innovative block grant funded projects she has observed over the past year and commented on the 1997 state plan. The CSD's response to comments on the plan will be included in the final plan to be submitted to the Secretary of the U.S. Department of Health and Human Services.

The Senate Health and Human Services Committee and the Assembly Human Services Committee hereby certify that the state plan conforms to the requirements of the state law.

Sincerely,

Senator Diane E. Watson
Chairperson

Senate Health and Human Services
Committee

Assemblyman Tom J. Bordonaro
Chairperson

Assembly Human Services
Committee

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

96114

August 28, 1996

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the effects of the Los Angeles County Metropolitan Transportation Authority's (MTA) long-range planning, annual budgeting, debt service, and bus service levels on its financial viability and solvency. This report concludes that the MTA's long-range plan appears flawed and, as a result, may contain a \$1.3 billion shortfall. In addition, the MTA's plan to reduce its projected \$14 million operating deficit for fiscal year 1995-96 appeared unrealistic and included strategies to defer or reallocate costs. Further, the MTA's fiscal year 1996-97 budget anticipated significant cost reductions that may not materialize. Finally, the MTA has yet to fully develop its Bus System Improvement Plan.

Respectfully submitted,

MARIANNE P. EVASHENK

for

KURT R. SJOBERG

State Auditor

Above report referred to the Committee on Transportation.

California State Auditor

Investigative Report I940262

September 9, 1996

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its investigative report concerning misappropriation of public funds, false claims, and gross mismanagement by employees of the California Department of Education.

Sincerely,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Education.

California State Auditor

93023

September 12, 1996

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by the California Welfare and Institutions Code, Section 15200.98, the Bureau of State Audits presents its audit report concerning the effectiveness of the child support pilot projects (pilot projects) established in Merced and San Luis Obispo counties. Legislation allowed the two counties to fund pilot projects for child-related issues outside the Child Support Enforcement Program. This report concludes that we could not evaluate the effectiveness of the pilot projects because child support enforcement data does not directly relate to the programs funded by the pilot projects. In addition, neither the Department of Social Services nor the counties developed any other type of relevant data or performance measures that we could use to evaluate the success of the pilot projects.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Human Services.

California State Auditor

Investigative Report I96-2

September 16, 1996

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly of the
Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its report concerning investigations of improper governmental activity completed from January 1 through July 31, 1996.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Consumer Protection, Governmental Efficiency, and Economic Development.

The following communication was presented by the Chief Clerk from:

Jesse R. Huff, Director, Department of Toxic Substances Control, Sacramento, dated August 21, 1996, relative to the status update on the implementation of Senate Bill 966. Referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

REPORTS

The following reports were presented by the Chief Clerk:

**Report of Consultant Contracts, Reporting Period From
July 1, 1995–June 30, 1996
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Kimberly Belshe, Director, Department of Health Services, Sacramento, referred by the Speaker to the Committee on Health.

**Report to the Legislature on
Out-of-County/Out-of-State Community Care Facility Placements, April 1996
(Pursuant to Welfare and Institutions Code Section 1520.65)**

Above transmitted report, together with letter of transmittal from Eloise Anderson, Director, Department of Social Services, dated August 13, 1996, referred by the Speaker to the Committee on Human Services.

**Environmental Document, White Seabass Fisheries Management Plan
(Pursuant to Fish and Game Code Section 7020)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Marine Resources Division, Department of Fish and Game, Sacramento, dated August 21, 1996, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**California Child Molester Identification Line, July 1996
(Pursuant to Penal Code Section 290.4)**

Above transmitted report, together with letter of transmittal from M. David Stirling, Chief Deputy Attorney General, Office of the Attorney General, Sacramento, dated August 26, 1996, referred by the Speaker to the Committee on Public Safety.

**Report to the Legislature on the Implementation of
Women, Minority and Disabled Veterans Business Enterprises Program for
Public Utilities
(Pursuant to Public Utilities Code Section 8283)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, San Francisco, dated August 29, 1996, referred by the Speaker to the Committee on Utilities and Commerce.

**Report to the Legislature Regarding Services to the Blind
(Pursuant to AB 550, Chapter 1037, Statutes of 1992)**

Above transmitted report, together with letter of transmittal from Brenda Premo, Director, Department of Rehabilitation, Sacramento, dated August 30, 1996, referred by the Speaker to the Committee on Human Services.

**Quarterly Status Report of Major Capital Outlay Projects,
Period Ending June 30, 1996**

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Director, Department of General Services, Sacramento, dated August 31, 1996, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Annual Report to the Legislature:
Underground Storage Tank Cleanup Fund, September 1995
(Pursuant to Health and Safety Code Section 25299.81(d))**

Above transmitted report, together with letter of transmittal from Walt Pettit, Executive Director, State Water Resources Control Board, Sacramento, dated September 6, 1996, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Statistical Report of Beverage Container Sales, Returns,
Redemption & Recycling Rates**

Above transmitted report, together with letter of transmittal from Elin D. Miller, Director, Department of Conservation, Sacramento, dated September 9, 1996, referred by the Speaker to the Committee on Natural Resources.

**California's Caregiver Resource Center System, Fiscal Year 93-94
(Pursuant to Chapter 1658, Statutes of 1984, as amended by
Chapter 775, Statutes of 1988)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, Sacramento, dated September 11, 1996, referred by the Speaker to the Committee on Health.

**Pregnant and Parenting Women's Alternative Sentencing Program Act
(Pursuant to Chapter 63, Statutes of 1994, amended by
Chapter 372, Statutes of 1995)**

Above transmitted report, together with letter of transmittal from James H. Gomes, Director of Corrections, Department of Corrections, Sacramento, dated September 9, 1996, referred by the Speaker to the Committee on Public Safety.

"Profiles in Prosperity", July 1996

Above transmitted report, together with letter of transmittal from Gerald G. Geismar, Executive Director, Employment Training Panel, Sacramento, dated September 12, 1996, referred by the Speaker to the Committee on Labor and Employment.

**State and Local Transportation Partnership Program
(Pursuant to Streets and Highways Code Section 2602(c) (5))**

Above transmitted report, together with letter of transmittal from Jan Hall, Assistant Deputy Director, Legislative and Local Governmental Affairs, Department of Transportation, Sacramento, dated September 18, 1996, referred by the Speaker to the Committee on Transportation.

**Annual Report to the Legislature, Motor Vehicle Theft Prevention Act, 1995
(Pursuant to SB 1743, 1994)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated August 17, 1996, referred by the Speaker to the Committee on Transportation.

**Department of Water Resources, Consultant Report,
Contracts Entered Into During the Dates July 1, 1995 to June 30, 1996
(Pursuant to State Administrative Manual, Section 1289)**

Above transmitted report, together with letter of transmittal from David N. Kennedy, Director, Department of Water Resources, Sacramento, dated September 12, 1996, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**State Teachers' Retirement System,
Quarterly Report of System Assets, as of June 30, 1996
(Pursuant to Education Code Section 22358)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated September 16, 1996, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Hazardous Waste Control Account
(Health and Safety Code Section 25174)**

Above transmitted report, together with letter of transmittal from Daniel E. Lungren, Attorney General, Department of Justice, Sacramento, dated September 16, 1996, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**The Construction Carve-Out Program,
A Report of Activities in Calendar Year 1995
(Pursuant to Labor Code Section 3201.5(I))**

Above transmitted report, together with letter of transmittal from Casey L. Young, Administrative Director, Department of Industrial Relations, Division of Workers' Compensation, San Francisco, dated September 18, 1996, referred by the Speaker to the Committee on Insurance.

**Franchise Tax Board, Daily Compound Interest Rate Table,
From 1/1/97-6/30/97
(Pursuant to Revenue and Taxation Code Section 19521)**

Above transmitted report, together with letter of transmittal from George Ramsey, Manager, Statistical Research Section, Economic and Statistical Research Bureau, Franchise Tax Board, Sacramento, dated August 29, 1996, referred by the Speaker to the Committee on Revenue and Taxation.

**"Three Strikes, You're Out",
Impact on California's Criminal Justice System and Options
for Ongoing Monitoring, September 1996
(Pursuant to 1995-96 Budget Act)**

Above transmitted report, together with letter of transmittal from Thomas E. McConnell, Executive Officer, Board of Corrections, Sacramento, dated September 19, 1996, referred by the Speaker to the Committee on Budget.

**The California Land Conservation (Williamson) Act,
1993 to 1995 Status Report
(Pursuant to Government Code Sections 51207 and 65570)**

Above transmitted report, together with letter of transmittal from B.B. Blevins, Acting Director, Department of Conservation, Sacramento, dated September 23, 1996, referred by the Speaker to the Committee on Natural Resources.

**Report to the California State Legislature
on Funding Sources of California's Air
Pollution Control Districts with Budgets Exceeding One Million Dollars
(Pursuant to Health and Safety Code Section 42311.1)**

Above transmitted report, together with letter of transmittal from Michael P. Kenny, Executive Officer, Air Resources Board, Sacramento, dated September 23, 1996, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Employment Development Department, Report of Consultant Contracts
(Pursuant to Public Contract Code Section 10359(a))**

Above transmitted report, together with letter of transmittal from Victoria L. Bradshaw, Director, Employment Development Department, Sacramento, dated September 26, 1996, referred by the Speaker to the Committee on Labor and Employment.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 3, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2420 | Assembly Bill No. 3101 |
| Assembly Bill No. 2877 | Assembly Bill No. 3232 |
| Assembly Bill No. 3022 | Assembly Bill No. 3473 |

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 3, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 4, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1317 | Assembly Bill No. 2371 |
| Assembly Bill No. 1467 | Assembly Bill No. 2411 |
| Assembly Bill No. 1530 | Assembly Bill No. 2414 |
| Assembly Bill No. 2000 | Assembly Bill No. 2436 |
| Assembly Bill No. 2088 | Assembly Bill No. 2464 |
| Assembly Bill No. 2161 | Assembly Bill No. 2466 |
| Assembly Bill No. 2165 | Assembly Bill No. 2488 |
| Assembly Bill No. 2219 | Assembly Bill No. 2512 |
| Assembly Bill No. 2295 | Assembly Bill No. 2513 |
| Assembly Bill No. 2324 | Assembly Bill No. 2559 |

And reports the same correctly enrolled, and presented to the Governor at 3:30 p.m., September 4, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 5, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 574 | Assembly Bill No. 2567 |
| Assembly Bill No. 753 | Assembly Bill No. 2581 |
| Assembly Bill No. 907 | Assembly Bill No. 2615 |
| Assembly Bill No. 1089 | Assembly Bill No. 2797 |
| Assembly Bill No. 1195 | Assembly Bill No. 2867 |
| Assembly Bill No. 1475 | Assembly Bill No. 2920 |
| Assembly Bill No. 1562 | Assembly Bill No. 3085 |
| Assembly Bill No. 1890 | Assembly Bill No. 3153 |
| Assembly Bill No. 1949 | Assembly Bill No. 3320 |
| Assembly Bill No. 2551 | Assembly Bill No. 3339 |

And reports the same correctly enrolled, and presented to the Governor at 10:30 a.m., September 5, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 5, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 2243 | Assembly Bill No. 2971 |
| Assembly Bill No. 2676 | Assembly Bill No. 3176 |
| Assembly Bill No. 2678 | Assembly Bill No. 3183 |
| Assembly Bill No. 2680 | Assembly Bill No. 3204 |
| Assembly Bill No. 2722 | Assembly Bill No. 3228 |
| Assembly Bill No. 2788 | Assembly Bill No. 3255 |
| Assembly Bill No. 2801 | Assembly Bill No. 3342 |
| Assembly Bill No. 2830 | Assembly Bill No. 3446 |
| Assembly Bill No. 2835 | Assembly Bill No. 3474 |
| Assembly Bill No. 2915 | Assembly Bill No. 3481 |

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 5, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 6, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 33	Assembly Bill No. 2238
Assembly Bill No. 298	Assembly Bill No. 2282
Assembly Bill No. 344	Assembly Bill No. 2413
Assembly Bill No. 466	Assembly Bill No. 2463
Assembly Bill No. 474	Assembly Bill No. 2530
Assembly Bill No. 1178	Assembly Bill No. 2613
Assembly Bill No. 1291	Assembly Bill No. 2666
Assembly Bill No. 1455	Assembly Bill No. 2767
Assembly Bill No. 1561	Assembly Bill No. 3043
Assembly Bill No. 2231	Assembly Bill No. 3260

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 6, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 9, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 582	Assembly Bill No. 2184
Assembly Bill No. 635	Assembly Bill No. 2235
Assembly Bill No. 684	Assembly Bill No. 2246
Assembly Bill No. 1145	Assembly Bill No. 2263
Assembly Bill No. 1383	Assembly Bill No. 2322
Assembly Bill No. 1650	Assembly Bill No. 2340
Assembly Bill No. 1651	Assembly Bill No. 2369
Assembly Bill No. 1974	Assembly Bill No. 2400
Assembly Bill No. 2035	Assembly Bill No. 2430
Assembly Bill No. 2149	Assembly Bill No. 2727

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 9, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 360	Assembly Bill No. 2523
Assembly Bill No. 650	Assembly Bill No. 2565
Assembly Bill No. 1700	Assembly Bill No. 2585
Assembly Bill No. 1734	Assembly Bill No. 2605
Assembly Bill No. 1754	Assembly Bill No. 2628
Assembly Bill No. 1849	Assembly Bill No. 2659
Assembly Bill No. 2260	Assembly Bill No. 2667
Assembly Bill No. 2433	Assembly Bill No. 2711
Assembly Bill No. 2475	Assembly Bill No. 2919
Assembly Bill No. 2507	Assembly Bill No. 3115

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 10, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 349	Assembly Bill No. 2284
Assembly Bill No. 626	Assembly Bill No. 2443
Assembly Bill No. 893	Assembly Bill No. 2787
Assembly Bill No. 1191	Assembly Bill No. 2823
Assembly Bill No. 1325	Assembly Bill No. 2869
Assembly Bill No. 1360	Assembly Bill No. 2955
Assembly Bill No. 1376	Assembly Bill No. 2960
Assembly Bill No. 1646	Assembly Bill No. 3003
Assembly Bill No. 1723	Assembly Bill No. 3036
Assembly Bill No. 2086	Assembly Bill No. 3037

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 10, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 10, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 113	Assembly Bill No. 3142
Assembly Bill No. 3050	Assembly Bill No. 3188
Assembly Bill No. 3056	Assembly Bill No. 3241
Assembly Bill No. 3062	Assembly Bill No. 3244
Assembly Bill No. 3077	Assembly Bill No. 3314
Assembly Bill No. 3081	Assembly Bill No. 3365
Assembly Bill No. 3086	Assembly Bill No. 3375
Assembly Bill No. 3111	Assembly Bill No. 3378
Assembly Bill No. 3132	Assembly Bill No. 3392
Assembly Bill No. 3141	Assembly Bill No. 3407

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 10, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 11, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 30
 Assembly Concurrent Resolution No. 48
 Assembly Concurrent Resolution No. 50
 Assembly Concurrent Resolution No. 57
 Assembly Concurrent Resolution No. 68
 Assembly Concurrent Resolution No. 76
 Assembly Concurrent Resolution No. 94
 Assembly Concurrent Resolution No. 96
 Assembly Concurrent Resolution No. 97
 Assembly Concurrent Resolution No. 98
 Assembly Joint Resolution No. 51
 Assembly Joint Resolution No. 73

And reports the same correctly enrolled, and presented to the Secretary of State on the 11th day of September, 1996, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 11, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 521	Assembly Bill No. 1088
Assembly Bill No. 583	Assembly Bill No. 1357
Assembly Bill No. 616	Assembly Bill No. 1767
Assembly Bill No. 649	Assembly Bill No. 1910
Assembly Bill No. 764	Assembly Bill No. 1947
Assembly Bill No. 857	Assembly Bill No. 2057
Assembly Bill No. 924	Assembly Bill No. 2769
Assembly Bill No. 939	Assembly Bill No. 3238
Assembly Bill No. 1012	Assembly Bill No. 3464
Assembly Bill No. 1055	Assembly Bill No. 3503

And reports the same correctly enrolled, and presented to the Governor at 11:30 a.m., September 11, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 11, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1762	Assembly Bill No. 2577
Assembly Bill No. 1991	Assembly Bill No. 2701
Assembly Bill No. 2008	Assembly Bill No. 2738
Assembly Bill No. 2202	Assembly Bill No. 2741
Assembly Bill No. 2286	Assembly Bill No. 2894
Assembly Bill No. 2294	Assembly Bill No. 2902
Assembly Bill No. 2344	Assembly Bill No. 2904
Assembly Bill No. 2367	Assembly Bill No. 2988
Assembly Bill No. 2417	Assembly Bill No. 3130
Assembly Bill No. 2508	Assembly Bill No. 3434

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 11, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 12, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 195	Assembly Bill No. 2841
Assembly Bill No. 350	Assembly Bill No. 2848
Assembly Bill No. 938	Assembly Bill No. 2854
Assembly Bill No. 1714	Assembly Bill No. 2881
Assembly Bill No. 2288	Assembly Bill No. 2895
Assembly Bill No. 2645	Assembly Bill No. 2973
Assembly Bill No. 2720	Assembly Bill No. 3057
Assembly Bill No. 2755	Assembly Bill No. 3099
Assembly Bill No. 2772	Assembly Bill No. 3136
Assembly Bill No. 2809	Assembly Bill No. 3235

And reports the same correctly enrolled, and presented to the Governor at 10:30 a.m., September 12, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 12, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 122	Assembly Bill No. 1721
Assembly Bill No. 293	Assembly Bill No. 1987
Assembly Bill No. 564	Assembly Bill No. 2071
Assembly Bill No. 682	Assembly Bill No. 2374
Assembly Bill No. 1197	Assembly Bill No. 2487
Assembly Bill No. 1240	Assembly Bill No. 2525
Assembly Bill No. 1335	Assembly Bill No. 2538
Assembly Bill No. 1431	Assembly Bill No. 2710
Assembly Bill No. 1487	Assembly Bill No. 3323
Assembly Bill No. 1720	Assembly Bill No. 3354

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 12, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1663	Assembly Bill No. 2331
Assembly Bill No. 1820	Assembly Bill No. 2333
Assembly Bill No. 2017	Assembly Bill No. 2352
Assembly Bill No. 2051	Assembly Bill No. 2353
Assembly Bill No. 2125	Assembly Bill No. 2359
Assembly Bill No. 2153	Assembly Bill No. 2458
Assembly Bill No. 2154	Assembly Bill No. 2474
Assembly Bill No. 2193	Assembly Bill No. 2558
Assembly Bill No. 2265	Assembly Bill No. 2779
Assembly Bill No. 2291	Assembly Bill No. 2981

And reports the same correctly enrolled, and presented to the Governor at 11:30 a.m., September 13, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 137 | Assembly Bill No. 2126 |
| Assembly Bill No. 277 | Assembly Bill No. 2343 |
| Assembly Bill No. 645 | Assembly Bill No. 2434 |
| Assembly Bill No. 881 | Assembly Bill No. 2457 |
| Assembly Bill No. 926 | Assembly Bill No. 2482 |
| Assembly Bill No. 1205 | Assembly Bill No. 2589 |
| Assembly Bill No. 1490 | Assembly Bill No. 2838 |
| Assembly Bill No. 1626 | Assembly Bill No. 3095 |
| Assembly Bill No. 1812 | Assembly Bill No. 3170 |
| Assembly Bill No. 2112 | Assembly Bill No. 3197 |

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 13, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 66 | Assembly Bill No. 2862 |
| Assembly Bill No. 81 | Assembly Bill No. 2962 |
| Assembly Bill No. 95 | Assembly Bill No. 2985 |
| Assembly Bill No. 116 | Assembly Bill No. 3042 |
| Assembly Bill No. 1368 | Assembly Bill No. 3073 |
| Assembly Bill No. 1709 | Assembly Bill No. 3187 |
| Assembly Bill No. 2105 | Assembly Bill No. 3223 |
| Assembly Bill No. 2442 | Assembly Bill No. 3345 |
| Assembly Bill No. 2705 | Assembly Bill No. 3384 |
| Assembly Bill No. 2839 | Assembly Bill No. 3462 |

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 16, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 115 | Assembly Bill No. 2312 |
| Assembly Bill No. 545 | Assembly Bill No. 2328 |
| Assembly Bill No. 1647 | Assembly Bill No. 2338 |
| Assembly Bill No. 1684 | Assembly Bill No. 2447 |
| Assembly Bill No. 1930 | Assembly Bill No. 2568 |
| Assembly Bill No. 1980 | Assembly Bill No. 2573 |
| Assembly Bill No. 1985 | Assembly Bill No. 2649 |
| Assembly Bill No. 2053 | Assembly Bill No. 2713 |
| Assembly Bill No. 2188 | Assembly Bill No. 2726 |
| Assembly Bill No. 2267 | Assembly Bill No. 3012 |

And reports the same correctly enrolled, and presented to the Governor at 10:30 a.m., September 17, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 136 | Assembly Bill No. 2563 |
| Assembly Bill No. 188 | Assembly Bill No. 2612 |
| Assembly Bill No. 255 | Assembly Bill No. 2759 |
| Assembly Bill No. 302 | Assembly Bill No. 2936 |
| Assembly Bill No. 328 | Assembly Bill No. 2949 |
| Assembly Bill No. 632 | Assembly Bill No. 3138 |
| Assembly Bill No. 1953 | Assembly Bill No. 3199 |
| Assembly Bill No. 2127 | Assembly Bill No. 3277 |
| Assembly Bill No. 2349 | Assembly Bill No. 3280 |
| Assembly Bill No. 2515 | Assembly Bill No. 3294 |

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., September 17, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 295	Assembly Bill No. 3048
Assembly Bill No. 2177	Assembly Bill No. 3075
Assembly Bill No. 2234	Assembly Bill No. 3093
Assembly Bill No. 2643	Assembly Bill No. 3098
Assembly Bill No. 2719	Assembly Bill No. 3109
Assembly Bill No. 2819	Assembly Bill No. 3152
Assembly Bill No. 2852	Assembly Bill No. 3155
Assembly Bill No. 2953	Assembly Bill No. 3194
Assembly Bill No. 2966	Assembly Bill No. 3319
Assembly Bill No. 3044	Assembly Bill No. 3452

And reports the same correctly enrolled, and presented to the Governor at 4:30 p.m., September 17, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 824	Assembly Bill No. 3032
Assembly Bill No. 1703	Assembly Bill No. 3088
Assembly Bill No. 1832	Assembly Bill No. 3215
Assembly Bill No. 2377	Assembly Bill No. 3133
Assembly Bill No. 2647	Assembly Bill No. 3220
Assembly Bill No. 2751	Assembly Bill No. 3296
Assembly Bill No. 2834	Assembly Bill No. 3305
Assembly Bill No. 2963	Assembly Bill No. 3358
Assembly Bill No. 3000	Assembly Bill No. 3475
Assembly Bill No. 3026	Assembly Bill No. 3478

And reports the same correctly enrolled, and presented to the Governor at 11:30 a.m., September 18, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 2660
 Assembly Bill No. 3234
 Assembly Bill No. 3472

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., September 18, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 296

Assembly Bill No. 1058

Assembly Bill No. 692

Assembly Bill No. 2937

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 18, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 2224

Assembly Bill No. 3157

Assembly Bill No. 3471

And reports the same correctly enrolled, and presented to the Governor at 5 p.m., September 18, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1524

Assembly Bill No. 2104

Assembly Bill No. 2032

Assembly Bill No. 2802

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 19, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1683

Assembly Bill No. 2964

Assembly Bill No. 3245

And reports the same correctly enrolled, and presented to the Governor at 11:15 a.m., September 19, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 2800

Assembly Bill No. 2898

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 19, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 1184

Assembly Bill No. 2618

Assembly Bill No. 2679

And reports the same correctly enrolled, and presented to the Governor at 5 p.m., September 19, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 3020

Assembly Bill No. 3351

And reports the same correctly enrolled, and presented to the Governor at 10:45 a.m., September 20, 1996.

E. DOTSON WILSON, Chief Clerk

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

September 1, 1996

Mr. Speaker: Your Committee on Appropriations reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2791
Assembly Bill No. 2939

POOCHIGIAN, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Banking and Finance

September 1, 1996

Mr. Speaker: Your Committee on Banking and Finance reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2439
Assembly Bill No. 2440

GOLDSMITH, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Budget

September 1, 1996

Mr. Speaker: Your Committee on Budget reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2947

MILLER, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Education

September 1, 1996

Mr. Speaker: Your Committee on Education reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2137	Assembly Bill No. 2890
Assembly Bill No. 2293	Assembly Bill No. 2923
Assembly Bill No. 2427	Assembly Bill No. 2980
Assembly Bill No. 2429	Assembly Bill No. 3102
Assembly Bill No. 2737	Assembly Bill No. 3443

BALDWIN, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Revenue and Taxation

September 1, 1996

Mr. Speaker: Your Committee on Revenue and Taxation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 875

TAKASUGI, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Utilities and Commerce

September 1, 1996

Mr. Speaker: Your Committee on Utilities and Commerce reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2075
Assembly Bill No. 2115
Assembly Bill No. 2249

CONROY, Chairman

Above bills ordered filed with the Chief Clerk.

MESSAGES FROM THE GOVERNOR

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file:

Veto Message—Assembly Bill No. 2432

Governor's Office, Sacramento
September 14, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2432 without my signature.

This bill would establish the Alternative Teacher Intern Program, which would be in addition to existing alternative routes to the normal credentialing program.

A new program is unnecessary. The Legislature has passed, and I have signed, legislation which builds on the successful existing District Intern Program. That bill (AB 1432, Richter) kept intact all aspects of that program, while removing the necessity for declaration of a shortage of teachers in order to conduct a program. This bill, in contrast, re-creates that same requirement for a teacher shortage declaration in this new alternative program whenever the interns as a percentage of teaching staff at a schoolsite would exceed 5 percent. As a practical matter, that would result in only one intern on most campuses.

In addition, the bill contains a requirement that the ratio of mentors to interns be determined locally, which would put the issue into the collective bargaining arena. Other requirements vis-à-vis the employee unions are that (a) the district collaboratively develop the noninstructional aspects of the program with the employee organizations, and (b) any program offerings that involve higher education institutes must be done in consultation with the employee organizations representing the teachers employed.

We need to find ways to ease the path for individuals into the teaching ranks. This bill laudably attempts to do that, but the costs of compliance and the expansion of collective bargaining issues are too great a burden to warrant its enactment.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2464

Governor's Office, Sacramento
September 14, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2464 without my signature.

This bill would require the Secretary of the Trade and Commerce Agency, in consultation with the California Organized Investment Network Program, to submit by January 10, 1997 a report to the Legislature on the federal Community Development Financial Institutions Program. The bill would also require the Legislative Analyst to analyze the report and publish the findings and recommendations in the analysis of the 1997 Budget Bill.

The federal program was created to provide equity investment, technical, or financial assistance to non-profit community

development financial institutions. These institutions are committed to providing capital to business in low-income areas.

The federal program made \$50 million available nationwide in January 1996. It is unreasonable to expect that adequate information would be available to assess the effectiveness of the program. Additionally, the bill would set an unreasonable timeframe for completing the report, only ten days from the bill's effective date.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of September 1996, at 10:26 a.m., of Assembly Bills Nos. 2432 and 2464, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1914

Governor's Office, Sacramento

September 15, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 1914 without my signature.

This bill would require gas companies which own facilities that deliver gas to either public or private school premises to inspect those facilities at least one a year. Additionally, the bill would give gas companies the option to inspect gas appliances owned and operated by a school.

There is little dispute as to the importance of school safety and the value of an inspection at least once each calendar year; the California Public Utilities Commission recognized the need of such inspections when they adopted General Order 112. As such, gas corporations already perform these inspections in accordance with federal Department of Transportation standards found in Part 192 in Title 49 of the Code of Federal Regulations. It hardly seems necessary to codify a practice which is now being conducted.

Further, it is pointless and costly to codify an activity which is already being conducted administratively. What is more, it reduces the flexibility of the executive in making subsequent needed or desirable change without having to resort to further otherwise needless and costly legislation.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2184

Governor's Office, Sacramento

September 15, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2184 without my signature.

This bill would prohibit the Department of Health Services from approving and/or renewing contracts with prepaid health plans on or after January 1, 1998, unless the plan is required to accept, at the discretion of emergency care services providers, electronically

prepared claims for Medi-Cal covered out-of-plan emergency care services. The bill would also allow the department to exempt those plans from this requirement if it finds good cause to do so.

Exemptions may be necessary for relatively small plans that will be participating in Medi-Cal's Two-Plan Model managed care program and for "local initiative" plans with limited startup funds which cannot justify the cost of purchasing electronic billing technology. Also, exemptions may be necessary simply because exclusion from contracting at all may be too severe a penalty for non-compliance.

In such hardship cases, the bill would empower the department to exempt providers. As a result, its requirements are likely to result in an excessive number of exemptions. It does not make sense to enact a statute which is so unworkable that the imposition of its requirements could become the exception rather than the rule.

Finally, the choice to install or not install an electronic billing system is a business decision that should be controlled by the marketplace, and not dictated by government. AB 2184 would result in no compelling public benefit which would justify government's interference with the conduct of the health care market.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of September 1996, at 4:45 p.m., of Assembly Bills Nos. 1914 and 2184, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2126

Governor's Office, Sacramento
September 20, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2126 without my signature.

This bill would allow licensees to obtain an events permit authorizing the sale, service and consumption of alcoholic beverages on property adjacent to the licensed premises. The bill would also permit disapproval of any event permit by local law enforcement agency by stating "good cause" in writing.

The bill does not require the approval of local law enforcement agencies. Such permission is required for daily licenses used by nonprofit organizations for fund raising events and is a necessary safeguard to insure that the local community and neighborhood will not be disturbed by the licensed activities.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 344

Governor's Office, Sacramento
September 21, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 344 without my signature.

This bill would require the Department of Corrections to develop a plan, as specified, to enable every eligible inmate to participate in a work, educational, or rehabilitation program by the year 2000. The plan would be required to be completed by March 1, 1997 and the Department would be limited to expenditures of no more than \$100,000 to develop the plan.

Under prevailing conditions approximately 80% of California inmates are program participants. Most inmates in fact, have a tremendous incentive to participate as their early release hangs in the balance. Some non-participants are too dangerous for most programs, but there remains a significant number of inmates who should be actively engaged, resources permitting.

The plan which would be required by this bill is not necessary and would result either in a General Fund cost or the redirection of funding needed for other purposes. Current law provides that the Director of CDC shall adopt rules and regulations which require of every able bodied prisoner in any State prison specified hours of faithful labor in each day of his or her term. The expansion of inmate employment is important to my Administration and has been prioritized and funded through the annual budget process. My support for expansion of work opportunities for inmates is reflected in the 1996-97 Budget Act, which includes \$7.1 million and 156.9 positions to employ idle but eligible inmates, and expand existing academic and vocational education programs at six institutions.

For the fourth year in a row the legislature has failed to adequately provide for prison space to house the state's criminals. A plan, as specified in AB 344, would be doomed to failure without the requisite physical capacity needed to implement its desired goals.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 23rd day of September 1996, at 2:15 p.m., of Assembly Bills Nos. 2126 and 344, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to be personally by Karen Morgan.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 66

Governor's Office, Sacramento
September 21, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 66 without my signature.

This bill would allow for the establishment of "home rule districts". These districts would consist of all the schools in the district operating under a home rule petition, similar to charter schools

operating under a charter approved by the local school district. Unlike charter schools, however, this bill would require that the home rule districts adhere to existing law regarding collective bargaining.

While this bill moved in the direction of charter school districts, it does so with the requirement that home rule districts hire only credentialed teachers and retain existing collective bargaining provisions. In doing so, much of the flexibility and opportunity for innovation that are critical characteristics of charter schools is eliminated.

I would encourage the author to revisit this issue next legislative session without the constraints of the collective bargaining provisions in current law.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 466

Governor's Office, Sacramento
September 21, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 466 without my signature.

Current law establishes Partnership Academies as a means of providing vocational training and work experience to high school students who have a high likelihood of dropping out of school. By all accounts, Partnership Academies have been effective in encouraging these at-risk students to stay in school and pursue skilled occupational fields. In recognition of their effectiveness, I proposed, and the Legislature passed, a 77 percent increase in the 1996 Budget Act.

In contrast, this bill would create a new Partnership Academy program which would be available to *all* students rather than to just those at high risk of dropping out of school. By generalizing the availability of the academy model to all students, the initial objective of the Partnership Academy Program to prevent at-risk students from dropping out of school would be compromised. Pupils that would attend the proposed new program are already served through existing vocational education programs. It would be imprudent to blur the focus of the current Partnership Academy Program by enactment of this bill.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 649

Governor's Office, Sacramento
September 21, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 649 without my signature.

This bill would require the State Department of Education, the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges to prepare a report on or before January 1, 1998. This report would identify mutual goals for reducing the need for remedial instruction at the college level. AB 649 would also authorize school districts to offer remedial courses in their summer

school programs in an effort to eliminate the need for remedial coursework at the college level. These courses would be financed using existing summer school funds.

I am concerned that this bill names the State Department of Education as the representative of the K-12 segment. The State Board of Education is the appropriate policy-setting body for that segment. Nonetheless, the collaboration envisioned in this bill is critical to address the issue of unacceptably large numbers of our high school graduates unable to pass basic proficiency exams. I would encourage the State Board of Education, the Regents of the UC, the Trustees of the CSU, and the Board of Governors of the Community Colleges, to undertake this effort on their own initiative, rather than as a statutory mandate.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1561

Governor's Office, Sacramento
September 21, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 1561 without my signature.

This bill would require the department of pesticide regulation to conduct pesticide registrations in a timely manner. In addition, the bill would rename the term "economic poison" to "pesticide." While I support the intent of AB 1561, I must return it because it would chapter out important provisions in AB 124 which was signed into law earlier this month.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1910

Governor's Office, Sacramento
September 21, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 1910 without my signature.

This bill would state that upon the death of a local PERS member with 20 or more years of service, the surviving spouse or eligible children may receive a monthly allowance in lieu of the basic death benefit lump sum. In doing so, the survivor would also automatically be provided health care benefits indefinitely *at no expense to the survivor for the monthly premium payment.*

AB 1910 is patterned after a state employee benefit which provides the same conversion of the lump sum death benefit to a monthly allowance. However, the health care available to the survivor is continued *entirely at survivor expense for the monthly premium.*

I do not object to allowing local government employees the ability to negotiate a benefit comparable to that of state employees.

However, this bill provides a benefit that is considerably more generous than that available to state employees. If legislation were re-introduced that were comparable, I would be open to revisiting this issue.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2371

Governor's Office, Sacramento

September 21, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2371 without my signature.

This bill would require any school district applying for funding pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Greene Act) to include in its plans for any new or modernized permanent or portable classroom a hard-wired connection to a public switched network.

While it is appropriate for the state to mandate that school facilities meet certain safety and access specifications, the state is overreaching its duty if it specifies the technology for each classroom. Some communities may believe that the children and teacher in each classroom would be safer if a phone were installed; others may be more interested in wireless telecommunications, which is improving rapidly and is an alternative that provides greater flexibility. Either of these options is already permissible under current law.

It is the role of the local school district governing board to determine the best method of telecommunications to ensure the safety of its staff and pupils.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2413

Governor's Office, Sacramento

September 21, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2413 without my signature.

This bill would have reduced the public number of gubernatorial appointments to the Commission of the Californias and the California State World Trade Commission. This bill would also add the Secretary of Food and Agriculture and the Secretary of the Trade and Commerce Agency as official voting members to the Commission of the Californias and the California State World Trade Commission.

The Secretary of Food and Agriculture has previously been selected as an ex officio member of the World Trade Commission and the Secretary of the Trade and Commerce currently sits as a voting member at my request. The Executive branch has full authority and

flexibility to make appointments to these commissions. This measure needlessly reduces administration flexibility in the appointment process.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 23rd day of September 1996, at 2:16 p.m., of Assembly Bills Nos. 66, 466, 649, 1561, 1910, 2371, and 2413, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 3197

Governor's Office, Sacramento

September 23, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 3197 without my signature.

This bill would grant a waiver to the Department of Rehabilitation from statutory requirements which mandate that funds held in outside accounts, absent specific departmental statutory authority, must be held in the Centralized Treasury System. This waiver would be granted to the Department of Rehabilitation only for the Orientation Center for the Blind Trust Fund. This bill would also authorize the creation of an Orientation Center for the Blind Trust Fund Advisory Committee, and would require that all monies in the fund be appropriated by the Legislature prior to their expenditure.

Funds contained in the Orientation Center for the Blind Trust Fund would be comprised solely of gifts and bequests, and the resulting investment income. As such, these funds should be used solely for the benefit of the Orientation Center for the blind. However, the bill also contains provisions which would require the Department of Rehabilitation to establish guidelines to guarantee the safety of the Trust fund and for the investment of the Fund. These are responsibilities for which the Department is unprepared and has insufficient expertise to fulfill. Consequently, the bill creates an unnecessary risk to the security of the Trust Fund monies.

Additionally, the bill would require that Trust Fund monies be appropriated by the Legislature. Currently, these funds are continuously appropriated to the Department and are available to meet special needs as they are identified. Given the relatively small amount of money in the Fund, and the fact that no public funds are involved, the requirement for a legislative appropriation contains an unnecessary obstacle to the efficient administration of these resources.

I will be happy to sign legislation which I believe would meet the intent of the sponsors of this measure. Specifically, I would support the establishment of the Orientation Center for the Blind Trust Fund in the Centralized Treasury System as well as intent language which restricts the use of Trust Fund Monies to the Fund's designated purposes. To this end, I am asking the Department of Rehabilitation

to work with the author to draft appropriate language for introduction in the 1997-98 session of the California Legislature.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 24th day of September 1996, at 3 p.m., of Assembly Bill No. 3197, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

E. DOTSON WILSON

Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 302

Governor's Office, Sacramento

September 24, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 302 without my signature.

This bill would change the definition of parimutuel wagering, excluding any reference to the purchase of "tickets" as a way to place wagers. This bill would also permit the California Horse Racing Board to allow paint horses and Appaloosa horses to race in the same race.

Upon its introduction AB 302 did but one thing, it deleted the reference to the purchase of tickets as a requisite for parimutuel wagering. Proponents explained that modern tracks and satellite facilities dispense vouchers rather than tickets.

The modernization process alarmed some members who observed that the bill revised the wagering process to require only that the bettor place wagers on a horse or horses in one or more races. Their concern was that this change would help facilitate telephone and electronic wagering. This reasonable concern was met with a reasonable response when the author on, May 11, 1995, amended the bill to require that wagering occur at a racetrack or other facility permitted by law to conduct satellite wagering.

Unfortunately, more than a year later during the last week of session when the bill was amended to incorporate unrelated provisions the previous amendment, requiring on site wagering, was deleted. No theory of statutory construction would lead to any conclusion other than that it is the intent of AB 302 to authorize parimutuel wagering initiated off-site. This is a significant change in policy that has not received adequate review during the legislative process.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2282

Governor's Office, Sacramento

September 24, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2282 without my signature.

This bill would allow individuals to drive inherently low-emissions vehicle (ILEV) on high occupancy vehicle (HOV) lanes in specified

areas, regardless of the number of passengers in the vehicle, until January 1, 2001.

The obvious purpose of the bill is to encourage ownership of low emission vehicles. But, the beneficial impact on air quality must be measured against the loss in providing incentives to reduce congestion.

HOV lanes are intended to encourage ridesharing, thereby reducing the number of vehicles on the highway. Allowing ILEV's, or any other special category of vehicle, to operate in an HOV lane without minimum occupancy requirements does not reduce the number of vehicles on the highway and, therefore, is inconsistent with the purpose of HOV lanes.

The bill would set an unfortunate precedent by allowing an exception to the use of HOV lanes that has no direct connection to the intended purpose of these lanes. As a result, it might seriously erode public acceptance of the HOV lane concept.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 25th day of September 1996, at 4:20 p.m., of Assembly Bills Nos. 302 and 2282, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 907

Governor's Office, Sacramento
September 25, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 907 without my signature.

This bill would require each state agency to annually prepare and submit to the Department of Finance, a list of the capital outlay needs of state agencies for the next five years. Further, the bill requires the Department of Finance to then annually prepare and submit to the Legislature a multi-year capital outlay master plan compiling and prioritizing the lists submitted by state agencies.

This bill is unnecessary. Every year, the Department of Finance issues a report describing the state's potential capital outlay needs over a ten-year period. The report contains potential funding sources and is sufficient for strategic planning purposes. It is unnecessary to require the Department of Finance to compile an inventory as well.

Moreover, individual department capital outlay needs and forecasts often change quickly in response to Legislative and Administrative policy changes which affect program needs as well as budgetary constraints. Supplying this information annually—and having the Department of Finance continually attempt to prioritize a vast array of often incompatible capital-outlay projects—may result in more confusion than clarity.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1949

Governor's Office, Sacramento
September 25, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 1949 without my signature.

In an attempt to expedite the payments to subcontractors working on public construction projects, this bill unnecessarily places at risk the taxpayers of California. Currently the marketplace has established the private sector retention rate on construction contracts at 10 percent because of the financial risks associated with ensuring that subcontractors perform and complete their part of the construction project. The careful "stacking of the trades" that occurs in a construction project is both a logistical and financial balancing act. Any delays by one subcontractor can delay the other trades working on the project. Unfortunately, the business practices of a few contractors/subcontractors has led to the establishment of a 10 percent retention rate in the marketplace.

The state has a fiduciary responsibility to the California taxpayers to use their money wisely and that includes not incurring unnecessary risks. The state's construction projects for schools, universities, community colleges, prison, and state office facilities involves billions of dollars. The private sector is able to choose its contractors/subcontractors based on experience, reliability, quality of work and reasonableness of price. However, the state is required to use low bidder and therefore incurs more potential risks than the private sector in its construction contracts.

Although I appreciate the concerns of subcontractors regarding the timelines involved in recovering their retention funds upon completion of projects, I have a higher duty to protect the interest of the taxpayer in ensuring that publicly-funded projects are completed on budget and without delay. Furthermore, at a time when government is being asked to operate more like the private sector, attempting to place a mandatory cap in statute—and thereby hampering the ability of public agencies to adequately protect themselves from risk—is not the correct path to reform in this area. Government agencies must be able to protect public construction projects from unnecessary risks in a manner similar to the private sector.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 26th day of September 1996, at 4:45 p.m., of Assembly Bills Nos. 907 and 1949, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA ANN SWART-WEIKEL
Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 115

Governor's Office, Sacramento
September 26, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 115 without my signature.

This bill would provide the Speaker of the Assembly and the Chairperson from the Senate Rules Committee each with a paid appointment with an annual salary of \$79,122 to the governing board of the California Earthquake Authority (CEA).

This bill inappropriately expands the role of the legislature into the functions of the Executive branch of government.

Further, according to the State Insurance Commissioner, this bill could jeopardize the tax exempt status granted to the CEA by the Internal Revenue Service. Appointments of individuals who are not employees of any state or local agency is a violation of the tax exemption ruling.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 27th day of September 1996, at 1:45 p.m., of Assembly Bill No. 115, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA ANN SWART-WEIKEL
Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2377

Governor's Office, Sacramento
September 27, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2377 without my signature.

This bill would establish a three year pilot program to appropriate to county offices of education an extra \$1,500 for each pupil enrolled in a juvenile camp, ranch, or home, to provide additional education, counseling, and vocational training.

Under current law, juvenile court school pupils receive education through the county offices of education. The education cost of these pupils, whether they reside in a juvenile hall, ranch, or camp, is about \$2,400 more per pupil than pupils attending regular school programs. The additional funds are for many of the same purposes that this pilot program would provide.

The concept is worthy, and I support efforts to straighten out troubled youth. However, the additional funding included in AB 2377 has not been justified. I would encourage the sponsors and author of this legislation to work with my Administration to see if this concept is workable, and if so, to be considered in the next budget cycle.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 136

Governor's Office, Sacramento
September 27, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 136 without my signature.

This bill would forgive the Los Angeles County Office of Education and a nonprofit organization with which it contracted, for any violations that may be found in any future audits of the Community Schools for Divergent Youth Pilot Program prior to January 1, 1997. This bill would also forgive and/or reduce the financial penalties for several school districts that did not provide the level of instructional minutes required by law when they accepted longer day and year incentive funding from the state.

I cannot in good conscience sign a bill that would forgive audit exceptions prospectively. Little is known about this program at this time, so it would be premature to consider forgiveness of financial penalties before the nature and extent of potential violations become known. However, I have been advised that the program in question was exemplary in its services and outcomes for the children it has served. In particular, this program has been pointed to as a model for its ability to turn young men and women away from a life of crime.

I am directing the Department of Finance and the Office of Child Development to work with the County Office and the nonprofit organization in question to determine what steps would need to be taken, if any, to bring this program into compliance. Once that assessment has been made, the state and local agencies can decide how to best proceed.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 27th day of September 1996, at 4:30 p.m., of Assembly Bills Nos. 2377 and 136, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2988

Governor's Office, Sacramento
September 27, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2988 without my signature.

This bill would require that certain policies and procedures developed by the Department of Information Technology (DOIT) and the Department of General Services (DGS) be updated as deemed necessary. The bill would also exclude from the State bid process those vendors who failed to meet contractual requirements.

This bill is fundamentally flawed in that it would reduce the state's flexibility in dealing with this rapidly developing technology. Specifically, this bill would unduly restrict state discretion by automatically barring vendors for any prior contractual failures. This bill would bar vendors whose projects have experienced only minor

violations, such as a minor schedule delay. Ultimately, this would reduce the pool of available vendors. The reduced competition could result in increased project costs.

This bill would also place into statute specific requirements for feasibility study reports (FSR), decreasing the DOIT's flexibility to modify FSR requirements as new technologies, such as improved risk assessment models, are developed.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2854

Governor's Office, Sacramento
September 27, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2854 without my signature.

This bill would authorize the Legislative Analyst to review the operation of the bridges between the cities of Oakland and Alameda to determine if any state interests are served by the bridges.

Legislation is not required to authorize the Legislative Analyst to undertake this review or for the County of Alameda to pay for it.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 3138

Governor's Office, Sacramento
September 27, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 3138 without my signature.

This bill would require the Director to appoint an unpaid advisory committee from a pool of nongovernmental actuaries nominated by physicians, hospitals, health care plans, and consumer representatives to review the rate methodology used by the Department of Health Services (DHS) to develop all Medi-Cal prospective capitation rates. The bill would also require, to the extent data is available, the committee to review the distribution of high cost beneficiaries within counties to determine if certain managed care plans have a maldistribution of costly cases.

State actuaries, in developing rates, have the same obligation to provide independent opinions based on actuarial principles as would any nongovernmental actuary. As part of the rate development, State actuaries currently take input from outside actuaries.

The bill does not require that the committee take into account the legal limits imposed by federal regulations on rates that may be paid to prepaid health plans. Furthermore, federal regulations already require that rates paid for services for Medi-Cal recipients be actuarially sound.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 3056

Governor's Office, Sacramento

September 27, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 3056 without my signature.

This bill would prohibit a common interest development from establishing or adopting rules which would ban the use of motorcycles within the project.

Common interest developments use covenants, condition, and restriction (CC&Rs) to govern the development and maintenance of common areas. These CC&Rs represent a set of terms of a private contract between knowing adults.

The Supreme Court has validated the concept that CC&Rs are private contracts between homeowners and their associations. This bill serves no public purpose that warrants interference in those private contracts.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 3057

Governor's Office, Sacramento

September 28, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 3057 without my signature.

This bill would require notices to appear for traffic violations to include the date and time of the alleged violation. AB 3057 also requires notices recorded by an automated enforcement system to contain or be accompanied by an affidavit of nonliability. In addition, the bill requires issuance of a notice to appear to the registered owner or identified driver or to the renter or lessee who is identified in a timely returned affidavit or nonliability.

AB 3057 is designed to provide relief to vehicle rental companies which receive citations which are attributable to individuals who have rented or leased vehicles. The rental company would be relieved of liability and the citation reissued upon identification of the driver.

Under current law effective until Jan. 1, 1999 local jurisdictions may mail citations to the registered owners of vehicles which have been photographically identified when operated in violation of traffic control signals, railroad crossings, or toll, or parking laws. The photograph typically identifies the vehicle but not the driver.

Generally parking violations are the responsibility of the registered vehicle owner while moving violations which impact the driver's record are attributable to the driver. One automated enforcement systems project involves photographing vehicles which run red lights.

The provisions of this bill which pertain to rental companies are perfectly reasonable especially since the rental company is required to provide written proof of a rental agreement. Unfortunately, the bill suffers from overbreadth in two respects. First, in dealing with registered owners other than rental companies it fails to distinguish between parking and moving violations. More significantly it requires the issuing agency to cancel the citation upon receipt of a

statement from the owner that he or she “was not driving the vehicle at the time of the occurrence of the violation” and, “if known . . . the statement shall also include the name and address of the identified driver”. This criteria so unburdens the registered owner of the vehicle of any tangible responsibility as to make automated citations unenforceable.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2573

Governor’s Office, Sacramento

September 28, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2573 without my signature.

This bill would prohibit, with specified exceptions, the addition of blending components to “finished” motor vehicles fuel when the resultant mixture does not meet “downstream fuel standards.” AB 2573 also requires individuals who blend fuels outside refineries or petroleum terminals to keep records and establishes penalties for blending violations.

This bill is being returned at the author’s request. Final Senate amendments were never processed raising concern that provisions of the bill may be subject to unnecessary litigation regarding intent and enforcement.

I encourage the author to reintroduce this bill so that he may implement important policy objectives without technical deficiencies.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 277

Governor’s Office, Sacramento

September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 277 without my signature.

This bill would give full collective bargaining rights to managers and supervisors employed in the California Highway Patrol, California Department of Corrections, California Youth Authority, and the Department of Forestry and Fire Protection.

Managers and supervisors act on behalf of state management. In that capacity, managers are required to direct employees represented by labor unions, to apply labor agreements in the work place, and to represent management to the state work force on a daily basis. To provide managers with collective bargaining rights would represent a conflict of interest.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2705

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2705 without my signature.

This bill would provide former state employees, currently employed by the Orange County Fire Authority, retirement coverage under the state peace officer/firefighter (PO/FF) benefit formula. This would upgrade those employees from a retirement benefit of 2 percent to 2.5 percent at age 55.

Granting this state employee retirement benefit to firefighters in a local government jurisdiction which has its own pay and benefit structure would be a circumvention of local collective bargaining. It is not the role of state government to confer a benefit at the expense of a local government which has not agreed to provide such benefit as the result of local collective bargaining.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2719

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2719 without my signature.

This bill would specifically allow local school districts to use local school bond funds for the purchase of education technology and science laboratories and would authorize the State Allocation Board to increase the allowance for modernization projects to accommodate the cost of wiring and cabling for technology.

Increasing the modernization allowance with respect to state level G.O. bonds would just increase demand for funds that are severely limited. School districts already may exceed the modernization allowance if the increase is funded entirely by the district. School districts should be encouraged to fund more of their school facilities needs locally. Increased local contribution and flexibility are more effective ways to meet the statewide school facilities need than increasing the state cost in the current state program. Until we get program reforms on developer fees and reduction of the state's share to 50 percent, it is inappropriate to increase demand on scarce state bonds.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 30th day of September 1996, at 11:05 a.m., of Assembly Bills Nos. 2988, 2854, 3138, 3056, 3057, 2573, 277, 2705, and 2719, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA ANN SWART-WEIKEL
Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 3235

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 3235 without my signature.

The author has requested that his bill be returned to the Assembly. I am honoring his request.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1953

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 1953 without my signature.

This bill would prohibit state or local governments from "effectively denying" various youth groups access to public beaches or recreation areas. "Effectively denying" would be defined as charging a fee or imposing a cost in excess of what would be charged for the same number of persons individually. It also would create a cause for civil action against any agencies which violated the prohibitions.

The intent is laudable, however, the bill is overly broad in its reach. The prohibitions in AB 1953 would transfer the financial liability from the named groups to the taxpayers of California by eliminating methods to recover actual costs and by preventing the public entities from requiring appropriate insurance coverage.

I will be happy to explore a solution that requires proof of insurance or that which will otherwise allow the state and local governments to protect themselves and the taxpayers from unreasonable financial risk.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2839

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2839 without my signature.

This bill would require that specified DMV information be made available to an Indian tribe for background checks on specified employees relative to the Indian Gaming Regulatory Act.

Assembly Bill 2839 provides access to DMV records without cost to Indian tribes on a basis generally enjoyed only by local government agencies. Proponents argue they are simply restoring access that such tribes had prior to an adverse ruling in 1995. In addition, while they are not required to pay, Indian tribes would be subject to penalties and regulations which apply to commercial requesters.

The information that would be provided under this bill would benefit gambling interests on Indian lands. There is no reason why the taxpayers of California should subsidize gaming activities conducted anywhere in California. Other commercial gaming

interests not on Indian lands would clearly be required to pay for requested documents. The argument applies with even greater force in those situations where the very legality of particular gaming activities on some tribal lands remains in serious dispute. In addition, the penalty and regulation provisions are somewhat illusory in that DMV has no power to enter Indian lands for the purpose of audit or enforcement.

The bill by its terms is not limited to particular tribes or even to Indian tribes within California. The dissemination of this information and the regulation of its use is a more appropriate subject for a gaming compact between individual Indian tribes and the State of California.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 81

Governor's Office, Sacramento

September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 81 without my signature.

This bill would add a new crime to the penal code protecting illegal aliens or those presumed illegal from threats designed to induce them to work for below minimum wage, to work in unsafe or unlawful working conditions or to purchase certain goods or services by threatening to report them as undocumented aliens or to have them deported. The penalty for violation of the proposed misdemeanor is not more than one year in county jail a \$10,000 fine or both the fine and imprisonment. In addition, the bill creates a special cause of action for illegal aliens or those presumed illegal based on the same facts.

Each of these prohibited acts is already prohibited, criminal, and subject to penalties often greater than those required under the bill.

"Obtaining money by threatening to accuse victim of a crime constitutes extortion regardless of whether victim has actually committed any crime" *People v. Goldstein* (1948) 48 CA 2d 581. Extortion carries a penalty of 2, 3, or 4 years in prison (Penal Code Section 518).

Proponents assert that this bill addresses the problem of worker enslavement.

Penal Code Section 181 criminalizes involuntary servitude and sale of slaves and provides in part that every person who holds or attempts to hold any person in involuntary servitude is guilty of a felony punishable by 2, 3, or 4 years in prison.

By creating a new misdemeanor with the elements of two existing felonies, this bill appears to provide that if a person commits acts constituting extortion or involuntary servitude, but the victim is an illegal alien a penalty of one year in jail is sufficient.

Creating special, class specific, criminal statutes to respond to crimes generic to all persons is a questionable practice especially when the new statute imposes lower penalties.

In this instance, it also creates the illusion that reporting illegal aliens is wrong and possibly criminal. This would be unfortunate as it

could have a chilling effect on appropriate enforcement of immigration laws, and could undermine the intent of Proposition 187.

Violation of the proposed statute would, under AB 81, also form the basis for a new cause of action in tort with specifically enumerated punitive damages and penalties. Again there is no lack of tort theories upon which to sue including conversion, false imprisonment, and intentional infliction of emotional harm as well as actions for discrimination and civil rights violations. This civil provision limits the recovery of illegal aliens to three times actual damages while those just presumed illegal may sue for unlimited punitive damages plus a \$25,000.00 civil penalty.

All persons should be free from civil and criminal victimization while in California. The penalty should be no different if the victim is a California resident, a visitor from another state or nation, a convict, a citizen, or an illegal alien.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 764

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 764 without my signature.

This bill would appropriate \$120,000 to the County of San Bernardino in order to establish a three year pilot project known as the Drug Court Treatment Program.

AB 764 is one of three bills which authorize county drug court programs designed as alternatives to incarceration or diversion. Each of these drug court proposals establishes discrete eligibility requirements.

I have this day signed SB 1369 which eliminates the practice of assigning drug offenders to rehabilitation programs without a guilty plea, authorizes any county to establish a drug court and provides eligibility criteria consistent with public safety. Counties may tailor local drug court requirements so long as they conform with the basic statutory criteria of SB 1369.

While I am not unalterably opposed to funding a drug court in San Bernardino County it is best that the court's program be authorized under a single uniform statewide statute.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1934

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 1934 without my signature.

This bill would make technical, nonsubstantive changes to current law regarding the powers and duties of Local Agency Formation Commissions (LAFCOs). This bill would also declare legislative

intent to return the entire amount of property tax revenues from the Educational Revenue Augmentation Fund (ERAF) to cities, counties and special districts.

I have no problem with the provisions of this bill that relate to LAFCOs.

However, the intent language of this bill is similar to the provisions of Assembly Bill No. 2797 which I have vetoed. The property tax shifts of 1992-93 and 1993-94 were necessary to meet the constitutional funding obligations of Proposition 98. Implementing this intent language would require, over an unspecified period of time, that \$3.6 billion be reduced from non-Proposition 98 General Fund programs, including Corrections, Higher Education, and programs that support local governments, in order to meet our Proposition 98 requirements.

When the legislature returns next year there will be numerous issues affecting local government finance, including trial court funding and welfare reform which will require immediate action. Further, two propositions on the November ballot could affect local government finances. The complex nature of these issues requires a more comprehensive approach to local government financing reform which should be considered as part of next year's budget process.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2008

Governor's Office, Sacramento

September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2008 without my signature.

This bill would provide as of January 1, 1997 the authority of the State Public Defender's Office be limited to direct appeal in death penalty cases. The bill appropriates \$320,000 to implement the provisions of the bill, which includes preparation for the hiring and training of additional attorneys.

This bill was introduced at my request as part of the comprehensive three-bill package. The proposal was the product of six months of labor involving my office, the State Public Defender, the Judicial Council, the Department of Justice, individual academics, and Judges as well as the defense bar.

This non-partisan effort was commenced because of the almost universal agreement that delays of up to 17 years in the resolution of death penalty cases are intolerable and that the specter of 128 death row inmates without legal counsel does not comport with any view of justice.

Unfortunately, it was the view of the most extreme elements of the defense bar that delay is almost as good as a legitimate defense, which was embraced by some Senate Democrats the last day of session when the companion bill, SB 1533, was killed.

SB 1533 would have created the Office of the Post Conviction Counsel, which would have handled state and federal habeas writs, formerly the responsibility of the State Public Defender. These two bills offered efficiencies recognized by all but the most extreme

participants which would have ensured the timely appointment of competent counsel and reduced the entire process by years.

Unfortunately, enactment of this bill would divest the State Public Defender of authority to file habeas writs without the establishment of an Office of Post Conviction Counsel, which would leave a dangerous void in the process with no assurance that it would be filled.

The Senate's killing of SB 1533 virtually assures that killers like Richard Allen Davis will be able to continue to abuse the legal system, so that they can continue to reside on Death Row longer, in many cases, than their victims lived. But then that was the point of the Senate's failure to act.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 3093

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 3093 without my signature.

This bill would establish a procedure whereby, if the Director of Corrections or the Board of Prison Terms or both recommend to the court that a prisoner's sentence be recalled, the court may recall the sentence if the court finds that the prisoner is terminally ill or permanently and severely physically incapacitated and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety.

AB 3093 seeks to codify a policy largely consistent with administrative procedures currently followed by both the Department of Corrections and the Board of Prison Terms. In addition, the bill unfortunately directs that "an assessment of public safety risk shall be balanced with an assessment of the cost of continued incarceration."

The cost of incarceration may be a mitigating factor to be balanced against the retributive goals of sentencing after public safety concerns have been fully satisfied; not as a factor in deciding whether the offender is still at risk.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2312

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2312 without my signature.

This bill would phase-in, over a period of several years, the sliding scale fees counties would otherwise be required to pay the Department of Youth Authority beginning January 1, 1997 and would allow county juvenile correctional administrators to determine confinement terms and conditions of specified juveniles committed to the Department of Youth Authority.

By relieving counties of some of their responsibility to pay a portion of the cost for committing wards to the Youth Authority, this

bill would increase General Fund expenditures by millions of dollars over the next six fiscal years. The State is already providing a considerable amount of funding to counties in support of local juvenile justice programs, including \$33 million per year for county probation camps. In further support of county efforts, I recently signed SB 1760, which provides \$50 million in grant funds to be awarded to county agencies for the prevention of juvenile crime and treatment of youthful offenders. These funds, not anticipated at the time this bill was introduced, would appear to provide more first year relief than AB 2312.

I am also concerned with the provision that would allow a juvenile ordered into the custody of the county juvenile correctional administrator pursuant to a community-based punishment plan, to be placed in the Department of Youth Authority under terms and conditions determined by the county administrator rather than state authorities.

Under current law, juveniles committed to the Youth Authority fall within that department's jurisdiction as well as within the jurisdiction of the Youthful Offender Parole Board. The Youth Authority provides treatment and training for those juveniles committed to their custody, while the Parole Board determines length of stay and parole suitability. The role of the Youthful Offender Parole Board is essential in that it ensures juveniles committed to the Youth Authority are handled in a consistent and appropriate manner. This bill would appear to obscure the authority of both state departments by allowing the county correctional administrator to determine the length of stay and the terms and conditions of the placement. While the author and the sponsor have confirmed that it is not their intent to encroach upon the authority of these departments, this bill retains the potential to cause confusion and litigation.

I am not unalterably opposed to providing additional relief, of the magnitude sought here, to county juvenile authorities. I have directed my staff to work with the author to explore alternatives to disruption of the formula under which counties contribute to the costs of the Youth Authority.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 30th day of September 1996, at 2 p.m., of Assembly Bills Nos. 3235, 1953, 2839, 81, 764, 1934, 2008, 3093, and 2312, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA ANN SWART-WEIKEL
Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2442

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2442 without my signature.

This bill would preclude an officer or employee of the Department of Real Estate from testifying as an expert witness in a civil action to determine whether a real estate licensee has fulfilled his or her professional obligations with due care except as specified.

This bill is unnecessary. The purpose of this legislation can be achieved by amending the Department of Real Estate's Incompatible Activities Statement. I have directed the Department to review their Incompatible Activities Statement and determine whether additions/changes are needed to achieve the intent of AB 2442.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2797

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2797 without my signature.

This bill would freeze the property tax revenue transfer to the Educational Revenue Augmentation Funds (ERAF) in the 1996-97 level. In addition, this bill would repeal the use of ERAF for Special Education programs beginning in fiscal year 1997-98.

This property tax shifts of 1992-93 and 1993-94 were necessary to meet the constitutional obligations of Proposition 98. Because the ERAF is used to offset General Fund support for K-14, the redirection of the growth to local agencies would result in significant General Fund costs. While the provisions of this bill would hold Proposition 98 harmless, it would require, over approximately a 5-year period, that almost \$1 billion from non-Proposition 98 General Fund programs, such as Corrections, Higher Education and programs which support local governments, be reduced in order to continue to fund Proposition 98.

Numerous issues affecting local government finance, including trial court funding and welfare reform will require legislative resolution next year. In addition, two propositions on the November ballot would affect local government finances. Finally, any attempt to stimulate home construction by giving local governments a fiscal incentive to approve development plans should be coupled with a serious review of developer fees and other impediments to such construction.

I recognize that local governments, like the state, have had to make significant budget adjustments over the last few years as a result of the recession that plagued California in the early 1990's. Nevertheless, given the complexity of the issues confronting the State and local governments, it is inappropriate to approve a

piecemeal approach to local government financing reform. A comprehensive approach should be considered next year as a part of the budget process.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2862

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2862 without my signature.

This bill would establish the Kyle Meniketti Children's In-Home Care Act of 1996 which would require the Medi-Cal program to provide in-home medical care services, without a share of cost, to any technology-dependent child, regardless of the parent's income and resources. To the extent permitted by federal law, the bill would also allow the Department of Health Services to establish a schedule of parental contribution fee schedule based on premium costs and the parent's ability to pay.

The Department has already submitted a federal waiver request to the federal government to address the issue raised in this bill and anticipates approval of this waiver request before the end of this year. Therefore, this bill is unnecessary.

More importantly, however, the legal construction of this bill does not make clear that these services will be provided only through such a federally approved Home and Community Based Services Model waiver which assures federal financial participation. Absent such a provision, this bill could be interpreted as creating a state-only program, threatening a reduction by half in the number of children who could otherwise be served.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 30th day of September 1996, at 2:05 p.m., of Assembly Bills Nos. 2442, 2797, and 2862, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA ANN SWART-WEIKEL
Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1455

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 1455 without my signature.

This bill would authorize the Contractors State Licensing Board (CSLB) to adopt by regulations specialty license classifications which

had been used up until the CSLB was legally challenged by Home Depot regarding the inconsistency of the "general contractor" definition.

Not all the current 42 specialty classifications which require special licensure are in the best interest of the building industry or the public. Requiring additional years of experience, testing and delay for individuals in trades where there is no consumer risk limits work options for general contractors, drives prices up to consumers, and is simply anti-business and anti-competitive.

Conversely, for those specialty trades which do pose health or safety risks to consumers, I am requesting that the Contractors State Licensing Board submit a legislative proposal in January which includes only specialty classes which have consumer protection needs.

In the interim, I would call on the building industry to take advantage of the additional opportunities for business in a responsible manner without delving into areas which do require specific skill or training and which may result in potential public risk.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 30th day of September 1996, at 3:15 p.m., of Assembly Bill No. 1455, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 938

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 938 without my signature.

This bill would appropriate \$4 million to the Controller for allocation to the Department of Forestry and Fire Protection for initial attack purposes. Further, this bill would require the Board of Forestry (Board), with input from the Department of Forestry and Fire Protection, employee collective bargaining representatives and other interested parties, to review staffing levels on department fire engines and related policies. The Board would then be required to report its findings and recommendations to the chairs of the Joint Legislative Budget Committee, the Senate Committee on Budget and Fiscal Review and the Assembly Budget Committee.

Since this staffing review is already required in the 1996 Supplemental Budget Report, it is pointless to codify it in this measure. The determination of fire fighting staffing levels is far too critical for the Legislature to interject itself in that determination. The safety of fire fighters is paramount. Thus, the Department must maintain flexibility in the determination of staffing level and needs. It is our responsibility to the taxpayers of this state to ensure that

every dollar spent, whether for firefighting or education, is spent as responsibly and efficiently as possible.

Further, the California Department of Forestry has recently received approval from the Department of Finance for a \$3.3 million deficiency. These funds will be used towards fighting initial attacks and extending the fire fighting capacity in critical areas of the state.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2112

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2112 without my signature.

This bill would increase the membership of the Board of Corrections from 11 to 14. The bill adds a deputy sheriff, a chief probation officer, and a manager of county juvenile facility to the Board and additionally requires that two of the existing positions, administrator of a community based correctional program and a public member, be filled with individuals working in or having substantial expertise in juvenile justice. In addition the bill would terminate all appointed Board terms on January 1, 1997 and require that new appointees serve terms of 2, 3 or 4 years, as specified.

AB 2112 was introduced to address a concern regarding the role of deputy sheriffs in promulgating policies employed in county jails which impact officer safety. This is a legitimate issue which I am more than willing to explore with the author. However, the bill inappropriately evolved into the entire dismemberment and reorganization of the Board of Corrections requiring termination of the positions of its currently appointed members.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2559

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2559 without my signature.

This bill would exclude dielectric fluid that is removed from oil-filled equipment, filtered, and replaced into that equipment from the requirement that all used oil be managed as hazardous waste, provided it is managed according to federal regulations pertaining to used oil.

Dielectric fluids being handled during maintenance activities are already granted an exclusion from the hazardous waste management requirements, provided a limited number of conditions are met. It is both pointless to codify a practice that is already permitted and unwise to require statutory change if a better technical solution develops in the future.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2710

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2710 without my signature.

This bill is one of three bills which authorizes county drug programs designed as alternatives to incarceration or diversion.

AB 2710 is materially similar to Senate Bill 1369, which I have signed this day. In addition to authorizing drug courts, SB 1369 eliminates the practice of assigning drug offenders to rehabilitation programs without a guilty plea in favor of conviction with a deferred entry of judgment.

This second issue is a matter of some significance. Drug rehabilitation programs without a criminal conviction have been largely discredited. Deferred entry of judgment requires the offender to plead guilty prior to commencement of a rehabilitation program. If the program is successfully completed, the judgment is never entered. If the offender fails to complete the program, the conviction stands and the offender is scheduled for sentencing. Under the current diversion procedure, when the offender fails to comply, the entire trial process must commence.

Unfortunately, the remaining provisions of SB 1369 conflict with AB 2710 to the degree that they would create two separate statewide authorizations for drug courts with conflicting eligibility criteria. The confusion caused would be ill advised.

Several of the provisions of AB 2710 are particularly desirable. AB 2710 would have limited eligibility for diversion providing that the offender could have no felony convictions and no prior diversion. In addition, the bill authorized warrantless search for individuals participating in diversion programs. Current law allows felony convictions and prior diversion if more than five years prior.

I strongly urge the author to reintroduce these requirements so that they may become part of the standard for deferred entry of judgment.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 3441

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 3441 without my signature.

This bill would authorize the State Controller (SCO) to impose specified penalties upon, instead of withholding funds from, state agencies that fail to provide timely required financial reports to the SCO. It would also authorize the SCO to file small claims actions for payment of forfeiture penalties against local agencies that fail to file required reports on a timely basis, or to offset those penalties from any amounts owed to the local agency by the state.

While I am supportive of making every effort to comply with legislatively mandated reporting deadlines, it's inappropriate to further financially burden local jurisdictions with the punitive

provisions of this measure. This bill would unduly punish many small counties for lacking the available resources needed to comply with state reporting mandates.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 30th day of September 1996, at 5:20 p.m., of Assembly Bills Nos. 938, 2112, 2559, 2710, and 3441, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2769

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2769 without my signature.

This bill would consolidate the funding for 26 of the 42 categorical programs currently funded in a single item of appropriation in the Budget Act of 1996 into four major block grants to be used for general rather than specific purposes beginning July 1, 1997.

The existing item of appropriation is intended to provide districts with a limited amount of flexibility while recognizing a continuing demand for each individual categorical program. In spite of this, consideration of new ways to reorganize and consolidate the large number of categorical programs is a worthwhile goal and has been suggested by many as a means of establishing more local flexibility and accountability and achieving efficiencies and cost savings at both the state and local level. AB 2769 is a remarkable effort in this regard.

Nevertheless, AB 2769 is seriously flawed because it would establish per-pupil funding targets for the new block grants at considerably higher levels than current funding would support. In fact, the amount of new equalization funding required on an annual basis to meet these targets could exceed \$300 million.

While the bill contains neither an appropriation nor an immediate cost to fund the equalization provisions, enormous pressure would be placed on the General Fund to meet the funding targets specified in the bill. Creating such pressure inherently diminishes the flexibility that the Legislature and the Executive need to craft a budget.

It is ironic that such a bill would follow on the heels of the highest funding level ever for our K-12 schools. In the budget just enacted in July, California's schools received a year-over-year general fund increase of \$1.4 Billion, for a total of \$18.9 Billion for 1996-97, or 8 percent. The two-year increase was 17 percent, or \$2.6 Billion.

However, the hard work invested in this bill need not be lost. Were it to arrive on my desk next year, in an amended form to remove the fundings targets and statutory cost-of-living and growth allowances, I would be very interested in revisiting the issue.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2960

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2960 without my signature.

This bill would extend the sunset date for the Private Postsecondary and Vocational Education Reform Act by five years, from June 30, 1997 to June 30, 2002.

This program is at a critical stage of its overall development. The Council has done much to rid California of its prior "diploma mill" status. However, the Council is now at a point of determining some fundamental issues with respect to its overall purpose. Many of the bad operators have left the state or gone out of business. Who are the agencies still operating that are concerned about their livelihood? Quite a few, to judge by the mail to me regarding this legislation. However, and I think importantly, there has been little or no suggestion made in the correspondence to date that the Council should be eliminated. Most of the concern has dealt with two issues: (a) the level of the fees required for compliance and being able to stay in business, and (b) the manner in which the staff of the Council carry out their responsibilities.

With respect to the first, the larger, more capitalized schools do not have the same problem as the smaller schools that operate on a much smaller margin. We should do all we can to have many schools for the competition they provide. I would request that this issue be addressed either in the hearings on the Council that the author has committed to hold, or in subsequent legislation sent to me next spring to extend the life of the Council.

Secondly, I am concerned about the number of schools, all of whom are still operating, that have described a pattern of reprisals and vindictiveness in dealing with the Council staff. They are told that their only recourse is to take their questions and objections to court. Surely, the Council itself should provide some administrative appeal process short of litigation.

There has been concern expressed about the message that vetoing this bill would send. The statutes do not expire until June 30, 1997. The author has committed to hold extensive hearings this fall regarding the need for program reforms. Until that has occurred, it would be premature to extend the life of the program for such an extensive period of time. A bill can be introduced in January that would reach me before June 30, 1997.

A final note. The Council appears to have greatly impacted the operations of many fly-by-night schools, and should be commended for doing so. However, the goal is not to shut down as many schools as possible. Rather, it is the responsibility of the Council to protect students from potential scams, but to make sure there are as many options as possible available to students. There comes a point when we must be careful that we are not reducing supply for the point of reducing supply. I would like to have more assurances that we are not making it impossible or unreasonably difficult for many small businesses to operate before I extend the life of the Council.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 2188

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 2188 without my signature.

This bill would expand the penalty to retailers who sell tobacco products to minors to include an infraction punishable by a fine of \$250. Employers with more than 30 employees are exempt from the infraction. The bill would also increase the penalties to minors for purchase or receipt of tobacco products and expand the penalty to apply to possession. This bill would redirect 50% of the fine revenues for these penalties from the State and Local General Funds to local tobacco education programs. The bill also would prohibit tobacco sales to prison inmates who are minors.

The exemption from the infraction for an employer with 30 or more employees was taken at the request of the union who don't want their workers subject to an infraction for selling tobacco products to minors. This provision inappropriately sets a double standard for penalizing sellers.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 824

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

I am returning Assembly Bill No. 824 without my signature.

This bill would establish the Commission on Adult Education and Noncredit Programs (Commission); expand the list of adult education courses that could be offered for state apportionment; and require that the Superintendent of Public Instruction and the Chancellor of the California Community Colleges jointly develop a plan addressing various adult education and non-credit program issues.

It is not necessary to establish a new commission for the purposes envisioned by the bill. It would be far better for the Board of Governors of the Community Colleges and the State Board of Education to create a working group to address the issues and problems attendant to the two segments, and I would encourage them to do so.

Secondly, under current law, school district adult education and community college non-credit programs receive state apportionment funding only for specified courses. They may also offer other classes, including those in foreign language instruction, for which they may charge a fee to the pupils enrolled to cover the expenses of providing the classes.

Offering foreign language classes as one of the state-subsidized offerings could result in the displacement of other high priority education courses that are currently within the limited statutory funds provided for these programs. This will increase pressure on the state to increase the allocation to adult education. User fees, as

provided under current law, are the appropriate resource for adult courses in foreign language.

Also, it is noted that community colleges offer college credit courses in foreign languages at a modest fee which may be waived for those who demonstrate financial need. Therefore, the state already supports adults seeking multilingual skills to enhance their employment opportunities or for personal development.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 30th day of September 1996, at 10:10 p.m., of Assembly Bills Nos. 2769, 2960, 2188, and 824, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA ANN SWART-WEIKEL
Acting Chief Clerk of the Assembly

The following item veto messages from the Governor were received, and ordered printed in the Journal: and the item vetoes placed on the unfinished business file:

Item Veto—Assembly Bill No. 2179

Governor's Office, Sacramento
September 14, 1996

To the Members of the California Assembly:

I have signed on this date Assembly Bill No. 2179. However, I am reducing item 3790-001-001 (a) by \$88,562.85.

This claim is to pay for attorney fees to an individual who received a \$283,447 payment for his merit award suggestion. Regulations covering the merit award program do not allow for the payment of either interest or attorney fees. This individual received a substantial award and chose, on his own, to hire legal counsel in order to receive interest on the award amount.

The Merit Award Board Program is a voluntary program which monetarily rewards state employees for suggestions that save the state, and taxpayers, money. Retention of counsel was a decision made by an individual in an effort to compensate for what he considered to be an unreasonably long reimbursement process. Paying this claim will set a troublesome precedent with respect to attorney fees and/or interest payments, neither of which belong in a voluntary program of rewarding cost-efficient suggestions.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of September 1996, at 10:25 a.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 2179 delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Item Veto—Assembly Bill No. 574

Governor's Office, Sacramento
September 25, 1996

To the Members of the California Assembly:

This bill would make various changes to existing law regarding peace officer authority, training, and certification for deputy sheriffs involved in the supervision, security, and movement of inmates. Additionally, this bill would entitle Los Angeles safety police officers and public rangers to funding from the Peace Officers' Training Fund (POTF).

I am signing Assembly Bill No. 574, however, I am deleting the appropriation in Section 5 of the bill which would allow safety police officers and park rangers in Los Angeles County to be entitled to funding from the POTF. This provision would provide up to \$45,000 directly to the County of Los Angeles under specified conditions.

Currently, the Commission on Peace Officer Standards and Training (POST) provides financial assistance to law enforcement agencies throughout the State to increase the effectiveness of law enforcement personnel through training and career development programs. Reimbursement funding is provided to eligible law enforcement entities on a priority basis to address the needs of law enforcement agencies involved in police work. Although the bill contains a number of provisions which I support, Assembly Bill 574 would set a precedent by making an appropriation directly to a local law enforcement group, thereby eliminating the ability of POST to prioritize the allocation of these limited resources. Additionally, I am concerned that this bill may encourage other law enforcement agencies to seek funding through legislation, rather than utilizing the discretion of POST to prioritize these funds. While this group of officers merit training, reserving funds for this group of officers would limit the resources available to reimburse the existing list of eligible law enforcement agencies. For these reasons, I am vetoing provisions of Section 5, paragraph (b).

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 26th day of September 1996, at 4:47 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 574 delivered to me personally by Karen Morgan.

MELISSA ANN SWART-WEIKEL
Acting Chief Clerk of the Assembly

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Office, Sacramento
September 25, 1996

To the Members of the California Assembly:

I have on this date signed Assembly Bill No. 1068.

Unfortunately, this bill will not become operative because it contains a provision that renders the bill inoperative if AB 2460 of the 1995-96 Regular Session is not enacted. That bill will not be enacted because it was never sent to me by the Legislature.

However, the contents of this bill would help school districts in their efforts to reduce class size. The bill would:

- add an urgency clause to AB 1432 (Richter) which I have already signed;
- allow retired teachers to return for this fiscal year and the two subsequent fiscal years without a penalty on their retirement benefits;
- appropriate \$4.5 million for the district interim program, allowing for more interns in the classroom; and
- delay the requirement, until the next exam is offered, for passage of the California Basic Educational Skills Test (CBEST) for teachers who (a) did not previously have to take the test, and (b) have not taught for more than 39 months.

I support all of these provisions and would ask the Legislature to send urgency legislation to me in December that deletes the contingency in this bill on enactment of AB 2460. We need to do all we can to keep class size reduction efforts on track.

Cordially,

PETE WILSON

Governor's Office, Sacramento
September 25, 1996

To the Members of the California Assembly:

I have on this date signed Assembly Bill No. 2895; however, it will not become law because of its contingency on enactment of a bill that did not reach my desk.

This bill would have appropriated \$2.25 million of Proposition 98 funds to the Los Angeles Unified School District to provide an early intervention program for at-risk students in grades 6 through 9, inclusive, who are otherwise eligible to be served by community day schools.

I would encourage the sponsors and the author to work with my Administration to look at this concept in combination with programs envisioned in two other bills—bills which I have vetoed for reasons unrelated to the potential merits of those programs. I would like to have these programs considered for possible inclusion in the next

budget. The common thread in all three bills is one that I strongly support—trying to straighten out youth who are headed down the wrong path.

Cordially,

PETE WILSON

Governor's Office, Sacramento
September 27, 1996

To the Members of the California Assembly:

I have on this date signed Assembly Bill No. 2588.

This bill will modify the initial penalty which would be imposed on physicians and surgeons who have added, or marked-up, charges for unspecified laboratory services.

This bill is intended to provide physicians and surgeons who accidentally fail to comply with the prohibition against billing mark-ups with a reduced penalty and the opportunity to modify their billing procedures.

While I am concerned about physicians and surgeons who accidentally fail to comply with the prohibition against marked-up billings, I am troubled by the bill's potential to provide this same reduced penalty to physicians and surgeons who knowingly and willfully break the law against marked-up billings to increase their income. Further, I am concerned about the capacity of the California Medical Board to assume enforcement responsibilities on this area in the absence of a more defined plan.

To address my concerns, I am directing the Department of Consumer Affairs to work with the Medical Board of California and the medical and legal communities to carry out two objectives. First, I am directing the Department of Consumer Affairs to develop legislation for introduction in January, 1997, which will assure that those physicians and surgeons who knowingly commit fraud through mark-up billings are criminally prosecuted for first-time offenses. Second, I am directing the Department of Consumer Affairs to work with the Medical Board to assure that the Board has a defined plan of action for timely and effective enforcement of the provisions of AB 2588 and the provisions of current law regarding mark-up billings.

Cordially,

PETE WILSON

Governor's Office, Sacramento
September 29, 1996

To the Members of the California Assembly:

On this date I have signed Assembly Bill No. 3478.

I am pleased to sign AB 3478 because it embodies the best traditions of mutual support and respect maintained by the public and its most essential and heavily entrusted public servants, the peace officers and firefighters who risk their lives daily so that others may be safe.

My compliments and gratitude are extended to the author, Assemblyman Fred Aguiar. I would be remiss, however, if I did not

take this opportunity to comment on the long and torturous path this legislation took on its way to my desk.

On October 12th of last year I committed in writing to providing health benefits to the families of peace officers killed in the line of duty. My commitment was not equivocal, it stated that "I think this is a desirable policy. It gives reassurances to peace officers whose chosen profession has grown decidedly more dangerous. I would happily sign this provision." I made it equally clear that peace officers were a special class and that I would not interfere with employment contracts between local governments and non peace officer employees. This position was communicated in the veto message for AB 399 a bill sponsored by P.O.R.A.C., an association of peace officer unions.

This year P.O.R.A.C., entrusted with representing the interests of fallen officers, rejected the option of quickly passing a bill limited to the families of officers killed in the line of duty and instead spent \$500,000 on TV ads to proclaim that benefits for these families was all they actually wanted. The advertisements proclaimed that I had denied these benefits, had no compassion, and urged that I remedy the need, neglecting to disclose that I was already committed to do so in writing. The expenditure for this charade was sufficient to provide 100 of these very families with health benefits for a year.

On January 29th AB 1537 (Aguiar) a bill I sponsored to address this issue was amended to a form virtually identical to the bill signed today. As with this bill it was more beneficial in at least two material respects than the bill (AB 399, Cannella) vetoed last year. First, it included firefighters who are rightly contemplated as partners in public safety. In addition it provides health benefits for families of peace officers and firefighters who die as a result of an accident or injury in addition to those killed in the line of duty. This bill passed from the California Assembly on January 31, 1996 on a vote of 76-0. The bill was poised for expedited review in the Senate and could become law within days. The tortured path of AB 3478 did not stop here.

Despite its obvious advantages and the support of nearly every reputable peace officer and firefighter association in California, every possible hostile tactic and legislative maneuver was employed to stall, commandeer, and ultimately amend the bill back to P.O.R.A.C.'s original version. The inclusion of employees from cemetery, sanitation, mosquito abatement, and hundreds of other non-peace officer agencies resulted in the defeat of that bill.

All the while the families waited as representative fought a battle which was not theirs. Today that wait ends.

Cordially,

PETE WILSON

Governor's Office, Sacramento
September 30, 1996

To the Members of the California Assembly:

On this date I am signing Assembly Bill No. 33

This bill would require the Department of Motor Vehicles to refuse to issue or renew a driver's license or identification card to a person determined and found by federal authorities to be a deported alien.

This proposal, when it applied to persons determined to be deportable, those who have not been formally "deported", was authored by Assembly Goldsmith and sponsored by the Department of Motor Vehicles. It is my understanding that the Assemblyman Goldsmith bill failed by one vote on the Assembly floor, with one of the abstaining votes being cast by this author.

This measure is clearly inferior to the original Assemblyman Goldsmith legislation. My signing AB 33 should not be interpreted as agreement with the author's refusal to vote for the other measure. I will be urging Assemblyman Goldsmith to pursue the stronger legislation again next year.

Cordially,

PETE WILSON

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk