

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 11

INTERIM RECESS

Assembly Chamber, Sacramento
Tuesday, October 17, 1995

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 Interim Study Recess:

COMMUNICATIONS

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

October 11, 1995

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

Dear Dotson: Please be advised that I have created the Select Committee on California's Health Care Safety Net, and have appointed the following Assemblymembers:

Barbara Friedman,
Chairwoman
Marguerite Archie-Hudson
Tom Bordonaro
Louis Caldera
Martha Escutia
Peter Frusetta

Martin Gallegos
Brett Granlund
Phil Hawkins
Barbara Lee
Bob Margett
Ted Weggeland

Sincerely,

BRIAN SETENCICH
Speaker of the Assembly

October 13, 1995

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

Dear Dotson: Please be advised of the following appointments:

Joint Legislative Sunset Review Committee

Jim Morrissey
Jackie Speier
Bruce Thompson

Sincerely,

BRIAN SETENCICH
Speaker of the Assembly

The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

94106

October 11, 1995

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 its review of various activities of the Department of Fish and Game. Specifically, we reviewed the department's cost allocation methods, the appropriateness of charges to restricted funds, and the status of department efforts to strengthen controls over purchasing and contracting. We also compared the ratio of headquarters staff to field staff over a ten-year period. Finally, we reviewed the reasonableness of costs the department has incurred in responding to the Dunsmuir chemical spill and the adequacy of its procedures to respond to similar spills.

This report concludes that, although the department has made efforts to improve its administrative processes, more improvement is needed in several areas. For example, the department does not have a written cost allocation plan and its current process inequitably charges its programs and funds. As a result, department programs and funds pay costs for which they receive no benefit.

In addition, the department's management of restricted funds is flawed because it does not always capture the actual costs of program activities paid for by these funds. Also, the department has made an inappropriate loan from restricted funds, and does not provide its managers with sufficient accounting information to allow them to properly manage these funds. Further, audits conducted by the department's auditors and our own review of the department's purchasing and contracting practices have confirmed that problems with these practices continue to be widespread. This report also

concludes that the department has not always used high-level positions appropriately.

Finally, although the department properly accounted for the charges to the Dunsmuir chemical spill, the costs for goods and services used in response to the spill were not always justified.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

The following communications were presented by the Chief Clerk from:

Kathleen F. DaRosa, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Resolution on United States Constitutional Amendment Regarding Immigration.
Initiative Statute.**

Referred by the Speaker to the Committee on Public Safety.

**Prohibition Against Discrimination or Preferential Treatment by State and
Other Public Entities.
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Judiciary.

**Preserving Minority, Women, Disabled Programs in Public Contracting,
Employment, and Education.
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Judiciary.

REPORTS

The following reports were presented by the Chief Clerk:

**City of Long Beach, Tideland Oil Revenue Fund,
Statement of Expenditures Including Unpaid Obligations
From Oil Revenue, Fiscal Year Ended June 30, 1995
(Pursuant to Section 10, Chapter 138, Statutes of 1964)**

Above transmitted report, together with letter of transmittal from John R. Calhoun, City Attorney, Long Beach, dated September 27, 1995, referred by the Speaker to the Committee on Local Government.

**Standards and Training for Corrections,
Annual Report to the Legislature
(Pursuant to Penal Code Section 6044)**

Above transmitted report, together with letter of transmittal from Thomas E. McConnell, Executive Officer, Board of Corrections, Sacramento, dated September 26, 1995, referred by the Speaker to the Committee on Public Safety.

**1994-95 Emergency Fire Suppression Expenditure Report
(Pursuant to Provision 2, Item 3540-006-001, Budget Act)**

Above transmitted report, together with letter of transmittal from Richard A. Wilson, Director, Department of Forestry and Fire Protection, Sacramento, dated September 26, 1995, referred by the Speaker to the Committee on Budget.

**California State Lottery, Fiscal Year 1994-95, Contracts Over \$100,000.00 and One Time Purchases Over \$100,000.00
(Pursuant to Government Code Section 8880.56 (b),(5))**

Above transmitted report, together with letter of transmittal from Catherine Van Aken, Chief Counsel, Legal Office, California Lottery, Sacramento, dated September 26, 1995, referred by the Speaker to the Committee on Governmental Organization.

**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 Franklin, Acting Executive Director, Public Utilities Commission, San Francisco, dated September 22, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Heavy Metals in Packaging, September 1994
(Pursuant to Assembly Bill 2393, 1992)**

Above transmitted report, together with letter of transmittal from Ralph E. Chandler, Executive Director, California Integrated Waste Management Board, Sacramento, dated September 11, 1995, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**California State Lottery, Monthly Management Information Report
(Pursuant to Government Code Section 8880.42)**

Above transmitted report, together with letter of transmittal from A.A. Pierce, Interim Director, California Lottery, Sacramento, dated September 14, 1995, referred by the Speaker to the Committee on Governmental Organization.

**Blythe Environmental Remediation Demonstration Project,
A Legislative Report 95-2CWP
(Pursuant to Health and Safety Code Section 25299.82)**

Above transmitted report, together with letter of transmittal from Walt Pettit, Executive Director, State Water Resources Control Board, Sacramento, dated September 14, 1995, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Evaluation of Youth Authority Rehabilitation Programs,
Report on Systems and Measures to Determine Program Effectiveness
(Pursuant to a Supplement to the 1994-95 Fiscal Year Budget Act)**

Above transmitted report, together with letter of transmittal from Craig L. Brown, Director, Department of the Youth Authority, Sacramento, dated September 8, 1995, referred by the Speaker to the Committee on Public Safety.

**Management of the California State Water Project, Appendix D,
Cost of Recreation and Fish and Wildlife Enhancement
(Pursuant to Water Code Section 11912)**

Above transmitted report, together with letter of transmittal from David N. Kennedy, Director, Department of Water Resources, Sacramento, dated October 3, 1995, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Statistical Report of
Beverage Container Sales, Returns, Redemption and Recycling Rates
(Pursuant to Public Resources Code Section 14551)**

Above transmitted report, together with letter of transmittal from Michael F. Byrne, Director, Department of Conservation, Sacramento, dated September 29, 1995, referred by the Speaker to the Committee on Natural Resources.

**Implementation of Chapter 1139, Statutes of 1992
(Pursuant to Government Code Section 65584.3)**

Above transmitted report, together with letter of transmittal from Timothy L. Coyle, Director, Department of Housing and Community Development, Sacramento, dated October 6, 1995, referred by the Speaker to the Committee on Housing and Community Development.

**Department of Water Resources, Contract Services Office,
Consultant Report, Contracts Entered Into
During the Dates July 1, 1994 to June 30, 1995
(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 October 3, 1995, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Summary of Department of Transportation Activities
Regarding California Public Utilities' Recommendations
(Pursuant to Public Utilities Code Section 765.7(d))**

Above transmitted report, together with letter of transmittal from William R. Schulte, Director, Safety and Enforcement Division, Public Utilities Commission, San Francisco, dated September 29, 1995, referred by the Speaker to the Committee on Transportation.

**California Environmental Protection Agency, Loaned Employee Report,
Fourth Quarter Report—(April 1, 1995–June 30, 1995), [REPORT A]**

**California Environmental Protection Agency,
Fourth Quarter Report—(April 1, 1995–June 30, 1995),
Permit Assistance Centers Staff
and California Environmental Technology Partnership Staff [REPORT B]**

**(Pursuant to 1994–95 Supplemental Report
of the 1994 Budget Act, Item 0555-001-100)**

Above transmitted report, together with letter of transmittal from Jack J. Pandol, Undersecretary, California Environmental Protection Agency, Sacramento, dated October 2, 1995, referred by the Speaker to the Committee on Budget.

**Taxpayers' Bill of Rights, Annual Report to the Legislature,
Franchise Tax Board, October 1, 1995
(Pursuant to Revenue and Taxation Code Sections 21006 and 21009(a))**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, Sacramento, dated October 1, 1995, referred by the Speaker to the Committee on Revenue and Taxation.

**Six-Year Transportation Funding Plan
(Pursuant to Streets and Highways Code Section 163)**

Above transmitted report, together with letter of transmittal from Dale E. Bonner, Deputy Legal Affairs Secretary, Governor's Office, Sacramento, dated October 16, 1995, referred by the Speaker to the Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Elections, Reapportionment and Constitutional Amendments

October 16, 1995

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1043

Assembly Bill No. 1706

Assembly Bill No. 1045

Assembly Bill No. 1712

Assembly Bill No. 1090

Assembly Bill No. 1816

Assembly Bill No. 1206

Assembly Bill No. 1926

Assembly Bill No. 1704

MCPHERSON, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Health

October 3, 1995

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

Senate Bill No. 497

GRANLUND, Chairman

Above bill ordered filed with the Chief Clerk.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 18, 1995

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

Assembly Bill No. 888

And reports the same correctly enrolled, and presented to the Governor at 9:30 a.m., September 18, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1995

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

Assembly Joint Resolution No. 37

And reports the same correctly enrolled, and presented to the Secretary of State on the 18th day of September, 1995, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1995

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

Assembly Bill No. 442

Assembly Bill No. 1677

Assembly Bill No. 706

Assembly Bill No. 1690

Assembly Bill No. 935

Assembly Bill No. 1713

Assembly Bill No. 958

Assembly Bill No. 1722

Assembly Bill No. 1021

Assembly Bill No. 1785

Assembly Bill No. 1314

Assembly Bill No. 1804

Assembly Bill No. 1525

Assembly Bill No. 1836

Assembly Bill No. 1571

And reports the same correctly enrolled, and presented to the Governor at 3:30 p.m., September 18, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1995

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

Assembly Bill No. 70
Assembly Bill No. 1100
Assembly Bill No. 1482

And reports the same correctly enrolled, and presented to the Governor at 10:15 a.m., September 19, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1995

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

Assembly Bill No. 13	Assembly Bill No. 791
Assembly Bill No. 49	Assembly Bill No. 1366
Assembly Bill No. 457	Assembly Bill No. 1664
Assembly Bill No. 532	

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 19, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 1995

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

Assembly Bill No. 6	Assembly Bill No. 552
Assembly Bill No. 76	Assembly Bill No. 1204
Assembly Bill No. 93	Assembly Bill No. 1381
Assembly Bill No. 144	Assembly Bill No. 1501
Assembly Bill No. 483	Assembly Bill No. 1887
Assembly Bill No. 486	Assembly Bill No. 1966

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 20, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 21, 1995

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

Assembly Bill No. 174	Assembly Bill No. 575
Assembly Bill No. 203	Assembly Bill No. 585
Assembly Bill No. 231	Assembly Bill No. 733
Assembly Bill No. 304	Assembly Bill No. 767
Assembly Bill No. 399	Assembly Bill No. 816
Assembly Bill No. 443	Assembly Bill No. 839

And reports the same correctly enrolled, and presented to the Governor at 3:30 p.m., September 21, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1995

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

Assembly Bill No. 25	Assembly Bill No. 625
Assembly Bill No. 257	Assembly Bill No. 662
Assembly Bill No. 371	Assembly Bill No. 666
Assembly Bill No. 376	Assembly Bill No. 940
Assembly Bill No. 389	Assembly Bill No. 1040
Assembly Bill No. 414	Assembly Bill No. 1102
Assembly Bill No. 438	Assembly Bill No. 1188
Assembly Bill No. 488	Assembly Bill No. 1252
Assembly Bill No. 512	Assembly Bill No. 1343
Assembly Bill No. 554	Assembly Bill No. 1753

And reports the same correctly enrolled, and presented to the Governor at 3:30 p.m., September 22, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1995

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

Assembly Bill No. 481
Assembly Bill No. 557
Assembly Bill No. 704
Assembly Bill No. 718
Assembly Bill No. 756
Assembly Bill No. 1024
Assembly Bill No. 1038
Assembly Bill No. 1130
Assembly Bill No. 1215
Assembly Bill No. 1228

Assembly Bill No. 1274
Assembly Bill No. 1334
Assembly Bill No. 1355
Assembly Bill No. 1549
Assembly Bill No. 1602
Assembly Bill No. 1636
Assembly Bill No. 1695
Assembly Bill No. 1777
Assembly Bill No. 1788
Assembly Bill No. 1860

And reports the same correctly enrolled, and presented to the Governor at 1:30 p.m., September 25, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1995

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

Assembly Concurrent Resolution No. 46

And reports the same correctly enrolled, and presented to the Secretary of State on the 25th day of September, 1995, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1995

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

Assembly Bill No. 133
Assembly Bill No. 265
Assembly Bill No. 320
Assembly Bill No. 510

Assembly Bill No. 1566
Assembly Bill No. 1589
Assembly Bill No. 1906

And reports the same correctly enrolled, and presented to the Governor at 3:30 p.m., September 25, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 26, 1995

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

Assembly Concurrent Resolution No. 37
Assembly Joint Resolution No. 30
Assembly Joint Resolution No. 41
Assembly Joint Resolution No. 45

And reports the same correctly enrolled, and presented to the Secretary of State on the 26th day of September, 1995, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 26, 1995

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

Assembly Bill No. 31
Assembly Bill No. 266
Assembly Bill No. 319
Assembly Bill No. 347
Assembly Bill No. 531
Assembly Bill No. 536
Assembly Bill No. 590
Assembly Bill No. 737
Assembly Bill No. 818
Assembly Bill No. 819

Assembly Bill No. 898
Assembly Bill No. 922
Assembly Bill No. 1010
Assembly Bill No. 1101
Assembly Bill No. 1103
Assembly Bill No. 1257
Assembly Bill No. 1266
Assembly Bill No. 1307
Assembly Bill No. 1520
Assembly Bill No. 1563

And reports the same correctly enrolled, and presented to the Governor at 12:15 p.m., September 26, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 26, 1995

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

Assembly Bill No. 848
Assembly Bill No. 1828
Assembly Bill No. 1868

Assembly Bill No. 1876
Assembly Bill No. 1920
Assembly Bill No. 1962

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 26, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 1995

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

Assembly Bill No. 200
Assembly Bill No. 683
Assembly Bill No. 739
Assembly Bill No. 853
Assembly Bill No. 855
Assembly Bill No. 967
Assembly Bill No. 1013
Assembly Bill No. 1217
Assembly Bill No. 1287
Assembly Bill No. 1302

Assembly Bill No. 1336
Assembly Bill No. 1361
Assembly Bill No. 1374
Assembly Bill No. 1434
Assembly Bill No. 1451
Assembly Bill No. 1532
Assembly Bill No. 1763
Assembly Bill No. 1830
Assembly Bill No. 1840
Assembly Bill No. 1964

And reports the same correctly enrolled, and presented to the Governor at 9:30 a.m., September 27, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 1995

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

Assembly Bill No. 59
Assembly Bill No. 858
Assembly Bill No. 1225
Assembly Bill No. 1523
Assembly Bill No. 1564

Assembly Bill No. 1671
Assembly Bill No. 1731
Assembly Bill No. 1851
Assembly Bill No. 1937

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., September 27, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 1995

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

Assembly Bill No. 397

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., September 27, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 28, 1995

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

Assembly Bill No. 446

And reports the same correctly enrolled, and presented to the Governor at 9:30 a.m., September 28, 1995.

E. DOTSON WILSON, 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. 997

Governor's Office, Sacramento

October 1, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 997 without my signature.

This bill would require the California Debt Limit Allocation Committee (CDLAC) to endeavor to allocate approximately two-thirds of the housing portion of the state ceiling on private activity bonds to local agencies.

The federal government allocates to each state on a per capita basis, authorization for private activity bond financing. Private activity bond financing can currently be used for housing, industrial development bonds, school loans, and pollution control. CDLAC is charged with allocating the private activity bond authorization throughout the state.

In 1995, CDLAC had \$1.57 billion of private activity bond financing authority to allocate. The demand, however, for that allocation was an unprecedented \$5.4 billion.

For this year to date, approximately 62% of the total housing portion has been allocated to local issuers. By the time the cycle is completed, this percentage is expected to increase.

As a general rule, but especially in times of scarce resources and great demand for those resources, CDLAC should retain maximum flexibility to allocate bonding authority. In this way, CDLAC can respond to economic factors and market conditions affecting the housing industry, provide bonding authority to those programs that perform better and consider the needs of the entire State. AB 997 would inappropriately restrict CDLAC's flexibility by establishing an arbitrary statutory formula based only upon whether the issuer is state or local, and without consideration of need, economic factors, ability to leverage allocation, geographic fairness or which entities can provide the best product.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 2nd day of October 1995, at 3:40 p.m., of Assembly Bill No. 997, 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. 1558

Governor's Office, Sacramento

October 1, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1558 without my signature.

This bill would authorize each school district to select one of its high schools to participate in a pupil survey regarding the performance of certificated teachers. This bill also would require the State Department of Education to submit a report to the Legislature, by January 1, 1998, evaluating the effectiveness of the pupil survey process on the performance of those teachers.

This bill is unnecessary. School districts already have the authority to conduct the surveys proposed by AB 1558. The Education Code should be simplified by excising redundant authorizing provisions, not by enacting new provisions that have no practical effect. Finally,

this bill would result in General Fund costs of approximately \$40,000 which would have to be redirected from higher priority educational programs.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 2nd day of October 1995, at 3:40 p.m., of Assembly Bill No. 1558, 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. 397

Governor's Office, Sacramento

October 2, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 397 without my signature.

This bill would make a number of changes in state corporate tax policy, reducing a variety of taxes by about \$48 million, and raising other taxes between \$16 million and \$47 million.

The best tax reform to enhance California's competitiveness and stimulate job creation was my proposal for a 15 percent personal income and corporate tax cut, phased in over three years. No other change would have had as dramatic or beneficial an effect on the business climate than this long overdue reform. I am disappointed that the Senate, unlike the Assembly, has failed to pass this significant tax reform.

Nonetheless, many of the tax reductions in AB 397 are good policy, and deserve support. In fact, my Administration sponsored the expansion of the research and development tax credit and has worked closely with the author of the aerospace workers enterprise zone provision. I have expressed in the past my support for conforming the small business expensing rules to federal law and providing consideration for the unique circumstances of the biotechnology industry. I am also proud of the progress we have made during my Administration to reform the unitary method of taxation to encourage job-creating foreign investment, although there is more work to be done in this area to ensure that California-based businesses, operating in an environment of global competition, are not placed at a disadvantage by our tax laws.

These changes would be a sensible refinement of the major tax reforms enacted on a bipartisan basis in 1993, which provided a manufacturer's investment tax credit, expanded the net operating loss carry forward deduction, and reduced the capital gains tax for small businesses, among other important changes.

However, as packaged in the closing days of this legislative session, AB 397 in its totality represents not good tax policy, but a cynical attempt to leverage tax increases on the backs of worthy tax reforms. Each of these tax proposals had been the subject of separate bills, which would have provided members of the Legislature the opportunity to vote up or down on the merits of the individual

proposals. Instead, the authors of this scheme chose an all-or-nothing approach, which not only joined 12 tax policy changes in one ponderous package, but added another six items to raise tax revenues. This ploy deprived the Legislature of their right to discern among the tax law changes, and forces me to reject the entire package.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 2nd day of October 1995, at 4 p.m., of Assembly Bill No. 397, 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. 168

Governor's Office, Sacramento

October 4, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 168 without my signature.

This bill would alter the current domestic violence diversion process by requiring the defendant to plead guilty before being diverted into a counseling program. This new procedure would defer entry of judgement and allow the court to withhold sentencing while a defendant attends a batterers treatment program. If the defendant successfully completes the program, the guilty plea is withdrawn, the charges are dropped and the case is dismissed. Furthermore, the arrest which formed the basis for the diversion is deemed to have never occurred and the defendant may indicate in response to any question concerning the offense that he/she was not arrested or diverted.

This bill is one of two measures which seeks to reform a system of diverting domestic violence offenders which has by all accounts been a failure. The universally perceived problem is a lack of accountability.

The current system allows batterers to opt to attend a counseling program without ever acknowledging that they have committed a crime and are prepared to accept the consequences.

While AB 168 is an improvement over existing law, when compared to SB 169, it is clearly less meritorious. The deferment of the sentence contemplated by AB 168 is more of a symbolic rather than a substantive change to the existing law.

It is for these reasons that I have signed SB 169 (Hayden), which eliminates the diversion process, thereby, treating this offense like any other violent crime. As a society, we can no longer continue to treat domestic violence cases as if they are no more significant than traffic violations.

With 20,000 domestic violence cases processed by the city of Los Angeles alone last year it is vitally important that we do more than make the cosmetic changes proposed by AB 168.

We must change the culture which makes domestic violence

acceptable and dispel the myth that the battering of a domestic partner is a family matter, and something less than a crime.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 580

Governor's Office, Sacramento

October 4, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 580 without my signature.

This bill would prohibit the imposition of tolls or any other fees on a specified portion of Route 580.

The Administration has no current or projected plans to initiate congestion-pricing or any other toll requirement on Route 580.

But, it is inappropriate to establish such statutory constraints on future decisions regarding specific State highways. It could preclude a response that is needed and desirable.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 709

Governor's Office, Sacramento

October 4, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 709 without my signature.

This bill would require the Office of Export Development within the World Trade Commission to establish a Japan-California Advisory Team. This bill also authorizes the Director of the Office of Export Development to establish additional advisory teams between California and other Asian countries.

The stated purpose of this bill is admirable: to develop ways for California and Japan to collaborate and promote the relationship between the two countries. This measure, however, is unnecessary and duplicative. AB 709 would mandate that the Office of Export Development create advisory bodies that the World Trade Commission already has the authority to create (AB 2685, Killea, Ch. 1387, 1986). The purpose of the World Trade Commission and the International Trade and Investment Division of the Trade and Commerce Agency is to foster relationships with the international business community in order to promote California's international trade activity. Both of these state entities already engage in multiple commercial activities with the Japanese public and private sectors and are not in need of additional governmental interference.

I have supported legislation over the past two years that established a Memorandum of Understanding with the Osaka Prefectural Government, required the Trade and Commerce Agency to host a biennial California Pacific Rim Conference, place a JETRO executive in the San Diego World Trade Center, and appropriated money in the budget to increase trade and investment positions in California's office in Tokyo.

The Trade and Commerce Agency has dutifully executed the provisions of these measures while absorbing the hundreds of thousands of dollars required to implement them. Not only will this

measure result in unfunded costs to the Agency, it will create more confusion and obstacles between public officials and business leaders from both countries.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1336

Governor's Office, Sacramento
October 4, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1336 without my signature.

This bill would establish the California Progress Commission, with the California Economic Strategy Panel serving as the Commission. The Commission would be charged with developing indicators of California's social, economic, community, and environmental well-being, and other factors "directly related to the state's economic development," and proposing quantifiable benchmarks for the year 2000 and beyond.

While I support developing indicators and benchmarks to measure California's progress in achieving our strategic goals, this bill would inappropriately dilute the focused mission of the Economic Development Strategy Panel. The Panel is charged with developing a California Economic Development Strategic Plan, which already will include indicators and benchmarks for economic growth. Expanding the scope of the Panel's efforts by adding "social, community, and environmental well-being" as factors to be considered would blur the Panel's focus and divert the momentum the Panel has already achieved.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1511

Governor's Office, Sacramento
October 4, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1511 without my signature.

This bill would grant local governments the authority to deny issuance of permits for placement of a manufactured home on property designated as historical by State and/or local government.

If local governments are interested in protecting historically significant areas in California, they should pursue listing these areas on either the State or National Register. There are virtually no rules governing the designation of local historic districts. This bill could inappropriately be used to prohibit the placement of a very valuable affordable housing alternative, and make it easier to infringe upon the rights of individual property owners.

Finally, current law allows local officials to impose architectural designs on manufactured homes that are not applied to single-family residential dwellings. This authority would seem to be sufficient to protect the historical integrity of the districts.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1528

Governor's Office, Sacramento
October 4, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1528 without my signature.

This bill would state the Legislature's intent that 30% of the cost of the federal Women, Infants and Children Farmers' Market Nutrition Act of 1992 be funded by state, private or other funds. The bill would also direct the Secretary of Food and Agriculture, in conjunction with the Secretary of Health and Welfare to provide leadership to coordinate California's participation in the WIC Farmers' Market Nutrition Act program.

Existing law already expresses legislative intent that this program be funded with private or other funds. This bill could create pressure on the General Fund to provide the match. This program should continue to be funded from private donations rather than limited General Fund resources.

It is also inappropriate for the legislature to micromanage programs under the purview of the executive branch.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 5th day of October 1995, at 9:30 a.m., of Assembly Bills Nos. 168, 580, 709, 1336, 1511, and 1528, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 585

Governor's Office, Sacramento
October 4, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 585 without my signature.

This bill would require the Santa Monica Mountains Conservancy (SMMC) to adopt a comprehensive plan for the "urban wild" within the Santa Monica Mountains Zone for the purpose of ensuring long term ecosystem sustainability. The plan shall also rank the importance of privately held open-space ownerships.

The purpose of the SMMC is to acquire real property and to coordinate trail development and recreation access within the zone. Further, SMMC may adopt a comprehensive plan for the development of the entire zone. The conservancy presently enjoys legal authority to adopt the comprehensive plan that is apparently contemplated by this bill. In that respect, the bill is unnecessary.

And even though the bill specifies that the plan to be developed is not be used to bring a legal challenge to "any land use in the urban wild, as defined . . . that is permitted and approved and that is otherwise valid," that is precisely the most likely result of a state imprimatur being given to the plan. It would likely encourage

litigation based upon a claim that a particular land use is not valid, and encourage a challenge to the valuation.

In that respect, this bill—which by the way was not sponsored by SMMC—is unwise and could produce an unfair result. Litigation would almost certainly add length and cost to the implementation of any conservancy acquisition plan.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 5th day of October 1995, at 4:30 p.m., of Assembly Bill No. 585, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1785

Governor's Office, Sacramento

October 4, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1785 without my signature.

This bill would prohibit municipally owned utilities from recovering delinquent service charges from any subsequent tenants due to non-payment by a previous resident. It would also authorize a municipally owned utility to collect a deposit from a residential applicant prior to establishing an account.

Due to a drafting error the author has requested that I veto this measure. The error substantially changes the overall intent of the measure.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 5th day of October 1995, at 4:30 p.m., of Assembly Bill No. 1785, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 839

Governor's Office, Sacramento

October 5, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 839 without my signature.

This bill would establish a process for school districts and community college districts in a geographic region to reach a written delineation of functions agreement for the provision of adult education courses.

Last year, I vetoed a similar measure, AB 1056. The primary objection to the legislation was that it would have imposed a state

solution on a local problem. Not only does this bill not address my concern, it goes even further in terms of having the state intervene.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 6th day of October 1995, at 4:00 p.m., of Assembly Bill No. 839, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1013

Governor's Office, Sacramento

October 11, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1013 without my signature.

This bill would create onerous new requirements for school districts and county boards of education when demotion of a school administrator is contemplated.

I have twice vetoed legislation similar to this. AB 1013 is not responsive to my previously stated objections. Administrators are management. Legislation that blurs the line between management and labor is not in the public interest.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1215

Governor's Office, Sacramento

October 11, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1215 without my signature.

This bill would require distribution of specified educational technology funding on a per-student basis, rather than the competitive grant award system currently used.

The 1995 budget includes not only a \$5 million augmentation to the existing program, but also another \$10 million augmentation for the acquisition of refurbished computers by schools. In addition, the Public Utilities Commission has allocated \$35 million in onetime funding for educational technology in accordance with my request. Finally, the 1995 state budget provides for two block grants for K-12 schools, distributed on a per-student basis, which total nearly \$416 million. Schools for which education technology is a priority have significant sources of new funding for education technology.

In light of this infusion of new funding in educational technology in this budget, basing allocation of this relatively modest source of education technology funds on a per-student basis would eliminate the project quality that is assured by the competitive grant process. While it may be true that the competitive grant process may make it

difficult for some schools to obtain grants, competition is an effective way for government to ensure that limited funds are directed to quality projects.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1722

Governor's Office, Sacramento
October 11, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1722 without my signature.

This bill would require all school administrators in California who supervise programs for limited-English-proficient pupils to undergo training in the methods of teaching such pupils.

The supporters of this bill confuse sensitivity with accountability. All AB 1722 would accomplish is to add yet another layer of bureaucratic regulation on programs to teach English to limited-English-proficient pupils. This bill is another example of excessive regulation that micromanages our schools and totally ignores outcomes and accountability for results.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 12th day of October 1995, at 11:15 a.m., of Assembly Bills Nos. 1013, 1215, and 1722, 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. 756

Governor's Office, Sacramento
October 12, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 756 without my signature.

This is one of a succession of bills which have sought to incrementally divest the rights of owners of stolen personal property in favor of pawn brokers who purchase the stolen goods.

By making it easier to release the "hold", this bill inappropriately limits the discretion of the line police officer. This is particularly troubling when dealing with pawnshop transactions. After the property has been released, there is little likelihood, if later it is determined to be stolen, of recovering the merchandise.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 399

Governor's Office, Sacramento
October 12, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 399 without my signature.

The bill would require local employers to continue health benefits to the spouses and dependents of peace officers killed in the line of duty. I think this is desirable policy. It gives reassurance to peace officers whose chosen profession has grown decidedly more dangerous. I would happily sign this provision.

But, this bill would also impose a mandate on local public employers that contract with the Public Employees Retirement Service to provide survivor allowances to the remarried spouses of deceased members. This is unnecessary and heavy-handed. Local agencies may bargain over this benefit under existing law.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1454

Governor's Office, Sacramento
October 12, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1454 without my signature.

This bill would establish a three year pilot gang and drug multi-jurisdictional task force for operation in the Los Angeles Area.

As I have indicated previously in my veto messages on virtually identical measures in 1992 and 1993, legislative authorization for the creation of a multi-jurisdictional task force is not required. Local government may on its own initiative enter into agreements to establish task forces as appropriate. In fact, numerous multi-jurisdictional task forces are currently in operation in this state and function, not as pilot projects, but as committed efforts to reduce drug trafficking and gang violence. This proposed program may similarly be achieved through local means.

I would also note that had the author started this project locally back in 1992, this pilot program would have expired by now.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 12th day of October 1995, at 3:25 p.m., of Assembly Bills Nos. 756, 399, and 1454 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. 590

Governor's Office, Sacramento
October 12, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 590 without my signature.

This bill would add bottled water and water filters as a Medi-Cal benefit. The bill would limit the benefit to Medi-Cal recipients who are unable to safely boil water or obtain boiled water. This bill would also limit the benefit when a county health department has made a recommendation that all tap water be boiled due to the health risk associated with cryptosporidiosis.

This bill is unnecessary because a far preferable alternative already exists. If a Medi-Cal beneficiary is incapable of boiling water or cannot obtain boiled water from a family member or friend, then the beneficiary is eligible to receive attendant services through the Medi-Cal program. Attendant services include boiling a sufficient supply of drinking water for the beneficiary.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 13th day of October 1995, at 2:25 p.m., of Assembly Bill No. 590, 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. 70

Governor's Office, Sacramento

October 13, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 70 without my signature.

This bill would provide that persons who are licensed collectors of curio relic firearms under federal law be exempted from the usual 15-day waiting period and completion of sale through a dealer for the purchase or transfer of a pistol, revolver, or other firearm capable of being concealed upon the person, if the transaction is registered with the Department of Justice and the licensed collector has a Department of Justice certificate of eligibility.

Under the definitions provided by the Bureau of Alcohol and Tobacco a commemorative firearm has the firing capability of a modern weapon.

In an effort to accommodate transport of multiple weapons without enclosing them in locked boxes the bill inadvertently exempts collectors from the prohibitions of Penal Code Section 12025, carrying concealed firearms. As law enforcement has pointed out this is a very significant departure from existing law which could compromise public safety.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 767

Governor's Office, Sacramento
October 13, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 767 without my signature.

This bill would require that property owned by the Department of Health Services (DHS) at 2151 Berkeley Way in Berkeley, be offered for conveyance to the University of California (UC), Berkeley, and gives UC two years to decide if it desires to obtain the property before it can be disposed of as surplus property.

This bill ties the conveyance of the DHS property to the requirement for UC to establish and maintain a wetlands reserve at the Richmond Field Station. While I am not opposed to UC obligating itself to develop and maintain wetlands beyond what is currently required in statute, I am opposed to establishing such a requirement in statute and tying it to DHS surplus property.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1408

Governor's Office, Sacramento
October 13, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1408 without my signature.

This bill would remove the authority of the Board of Prison Terms (BPT) to recommend to the court "compassionate release" of terminally ill inmates and instead place that authority solely in the Director of Corrections (CDC).

The existing law authorizes both the CDC and the BPT to recommend resentencing to the courts including compassionate release of terminally ill inmates. This bill is designed to eliminate the authority of the BPT because critics believe the CDC is more responsive to "compassionate release" requests.

CDC has authority over terms and release of all determinately sentenced inmates while BPT determines the release date of a much smaller group of inmates sentenced to life but parole eligible.

The underlying notion of this bill is that compassionate release requests amongst both groups should meet with more uniform results. This premise is fundamentally flawed. All of the criteria considered by both BPT and the courts incident to a compassionate release evaluation are rightly weighted against the most violent offenders. Factors include severity of the commitment offense, potential for violence and impact on victims. I am disinclined to alter the present system of evaluation.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of October 1995, at 11:17 a.m., of Assembly Bills Nos. 70, 767, and 1408, 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. 1830

Governor's Office, Sacramento

October 14, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1830 without my signature.

This bill would specifically allow the Marin County Regional Park and Open Space District to levy assessments under the Landscape and Lighting Act. Although this authority is currently available to the District under the Landscape and Lighting Act, this bill would place that authority in the District's governing statutes. This would further codify the District's ability to levy assessments without voter approval.

While I have supported bills that allow for the creation of open-space districts by resolution of the board in lieu of a petition, all of these bills specifically prohibited those districts from levying assessments under the Landscape and Lighting Act without voter approval. AB 1830 does not include this provision.

Moreover, this bill provides that if the voters approve the assessment district, then any subsequent assessments levied by the district are considered to have been levied with the voters approval. It would be inappropriate to assume that the electorate has approved any future assessments by virtue of approving the establishment of a district.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of October 1995, at 11:17 a.m., of Assembly Bill No. 1830, 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

Assistance Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1337

Governor's Office, Sacramento

October 15, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1337 without my signature.

This bill would require mobilehome park management to offer a prospective tenant a month-to-month lease, a 12-month lease, or a longer lease based upon mutual agreement between management and tenant.

The effect of this bill would be to extend the application of local rent control measures. Rent control measures distort the operation of

the housing market, ultimately increase housing costs, and reduce the availability of affordable housing.

Additionally, provisions of the Mobilehome Residency Law apply to mobilehome park residents and should not apply to prospective tenants. If a prospective mobilehome buyer does not like the terms of a lease offered from a particular park, he or she may look at mobilehomes in another park.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1529

Governor's Office, Sacramento
October 15, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1529 without my signature.

This bill provides that the possession or cultivation of marijuana for personal medicinal use, when the medicinal use has been approved by a physician and surgeon for the treatment of AIDS, cancer, glaucoma, or multiple sclerosis, be exempt from prosecution. This exemption is extended to the immediate family member, legal guardian and the primary caretaker.

The federal Food and Drug Administration has considered the value of marijuana for medical use. The FDA concluded that marijuana has no recognized medical use. FDA did, however, conclude that orally administered tetrahydrocannabinol (THC), which is an active ingredient of marijuana, has medical use, and a product containing THC can be, and is, prescribed and dispensed under federal and California law.

Moreover, this bill would for all intent and purposes legalize marijuana possession and cultivation in California. Although the bill refers to it as "medicinal marijuana", it provides absolutely no limits to the amount possessed or cultivated.

It would serve no useful purpose to enact legislation to allow for the use of marijuana for medical purposes when the FDA has concluded it is not appropriate. The enactment of AB 1529 would only serve to complicate law enforcement efforts by providing a defense to marijuana users.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1578

Governor's Office, Sacramento
October 15, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1578 without my signature.

This bill would establish the "Alternative Protest Pilot Project" as an alternative to the existing protest procedures. The pilot would continue until it has been tested on at least 5 percent of the contracts awarded in three categories defined in the bill.

This bill is unnecessary and potentially counter-productive. Executive Order W-123-95 was issued earlier this year, with specific direction to the Department of General Services to explore new and innovative bid protest resolution techniques and processes. Further,

AB 1578 would allow "illegal activity" to be a basis for filing a protest, without defining the term.

Finally, there are practical problems with some of the bill's provisions, such as the prohibition against participation by any vendor who has filed a protest on "any state government project" within the preceding fiscal year. This would be impossible to enforce, given the enormous number of state projects conducted annually.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1217

Governor's Office, Sacramento
October 15, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1217 without my signature.

This bill would require school districts to annually distribute to all district employees a copy of the current laws, school district policies, and reporting procedures pertaining to the protection of employees from violent acts. It would also require written acknowledgment of this information by any employee hired on or after January 1, 1996.

AB 1217 attempts to increase school safety through better reporting of, as well as higher awareness of, violent acts. The intent is commendable. However, the state should not have to mandate and micromanage to the level required in this bill. A much more direct approach would be to have all principals, in the first week of school, go over the reporting requirements. This could be a model policy proposed by the Association of School Administrators, rather than a mandate decreed by the state.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 133

Governor's Office, Sacramento
October 15, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 133 without my signature.

This bill would require the California Department of Corrections to physically transport inmates who have served a part of their sentence in the Security Housing Unit (SHU) in Pelican Bay State Prison to the prison facility nearest to their county of parole, up to 30 days prior to release.

Assembly Bill 133, while commendably narrowed, is similar to AB 3331 which I vetoed last year. It suffers from the same generic infirmity. The bill presumes that transporting parolees around the state will increase public safety. Once released, however, parolees are essentially free, their release site does not assure that they will either obey the law or stay in one place. Most do neither.

Further, the closest prison facility to the inmate's county of parole may simply be inappropriate from a security standpoint for inmates who have served portions of their time in a SHU. Some have in fact been transferred from the institution closest to their homes because of gang or other criminal involvement with fellow prisoners. Additionally, there may not be adequate housing available at the

facility closest to the inmate's county of parole. This bill provides neither discretion nor flexibility to the Department under those circumstances. Considering the severe overcrowding our system is now experiencing, this measure represents prison micromanagement at its worst.

I favor the more universal approach, designed to protect all Californians provided by a companion bill SB 856 (Thompson).

Senate Bill 856, signed this day, addresses the release of the most dangerous parolees on a statewide basis requiring that they report to their parole officer within two days of release and directing the Department of Corrections to issue a warrant within 24 hours of failure to report.

In addition to the issuance of warrants, however, we must have meaningful sanctions for offenders who violate parole. Current law provides only a one year maximum for parole violation regardless of the magnitude of the underlying offense(s). For that reason I sponsored introduction of AB 589 (Rainey), this year, in an effort to increase penalties for parole violation to a maximum of five years. While this effort was temporarily frustrated it will be pursued again in 1996.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1343

Governor's Office, Sacramento

October 15, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1343 without my signature.

This bill would require the Department of Corrections or the Board of Prison Terms to notify law enforcement at least 45 days, rather than 15 days, prior to the scheduled release from state prison of a violent felon. The bill also requires the Board of Prison Terms to provide notification to local law enforcement at least 30 days prior to any hearing to consider the parole suitability of any inmate. Law enforcement would be allowed to testify during the parole consideration hearing regarding the appropriate location of the parole release.

I endorse the right of law enforcement to testify regarding the community into which a felon is to be released. However, the parole consideration hearing is the wrong forum for those concerns. The parole consideration hearing focuses upon whether the inmate should be released at all. Suitability for parole is generally found, if at all, only after multiple hearings. Only then does parole placement become important. At that time, the Department of Corrections, after considering law enforcement and community recommendations, makes an administrative determination regarding the location of the parolee. I see no reason to alter that process.

I am supportive of early notification by the Department of Corrections to local law enforcement. Accordingly, I agree with the Department's policy which for some time now has provided that

violent offender notifications are to be mailed 45 days prior to the offender's release.

This bill however, abrogates the exception provided under current law when the release date could not have been reasonably anticipated by the Department. Typically this involves the restoration of behavior credits late in the offenders term. The inmate must apply for the return of those credits. Many wait until the end of their term to do so knowing that restoration will result in release within a few days. In that event, there is insufficient time for early notification.

The law controlling the late restoration of credits should be changed to emphasize public safety rather than prisoner convenience. Nonetheless, it serves no practical purpose to impose, as this bill would, statutory requirements that are so inflexible that compliance cannot be attained.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of October 1995, at 11:18 a.m., of Assembly Bills Nos. 1337, 1529, 1578, 1217, 133, and 1343, 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. 234

Governor's Office, Sacramento

October 16, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 234 without my signature.

This bill would create the Task Force on the Role of Parks and Recreation in Providing Youth Programs.

It clearly lies within the prerogative of the executive branch to carry-out, if it determines necessary, the objectives of this measure. Therefore, there is no apparent need for this legislation.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 307

Governor's Office, Sacramento

October 16, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 307 without my signature.

This bill would require the Department of Finance to prepare estimates of the reimbursable costs for every piece of legislation that would impose a state-mandated local program according to the following timelines: (a) within 21 days of introduction, (b) within 5 days of every amendment, or (c) at least 48 hours prior to a committee hearing if the deadlines in (a) and (b) would not produce an analysis in time for the hearing.

AB 307 would significantly increase the workload of the

Department of Finance for little or no benefit. While it is important that members of the Legislature be apprised fully of both the programmatic and fiscal impacts of bills which come before them, the current system produces such analyses. For example, the legislative staff of the various policy committees prepare thorough and timely analyses of bills which come before those committees for their programmatic and policy implications. For those bills which are passed out of policy committee, the Department of Finance has, and will continue to, prepare analyses of the fiscal impact.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of October 1995, at 3:58 p.m., of Assembly Bills Nos. 234 and 307, 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. 1038

Governor's Office, Sacramento

October 16, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1038 without my signature.

This bill would among other things consolidate three statutes currently designed to protect children and their custodial parents from noncustodial parents and others who intentionally disrupt rights of custody or visitation through abduction or concealment.

The bill's primary goals of simplification and clarification are achieved at the expense of proportional sentencing, traditionally providing higher penalties for more egregious conduct. Current law provides for a maximum of four years in state prison for any person who, without a right of custody, abducts a child with the intent of concealing that child from one having lawful custody. Lesser penalties apply to offending parents or others who have some legal right to custody of the child abducted or concealed.

This bill would lower the maximum penalty for child abduction to three years while eliminating the distinction between offending parents and those with no custodial rights. The significant positive changes contemplated by AB 1038 should be achieved without diminishing existing penalties.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of October 1995, at 9:45 p.m., of Assembly Bill No. 1038, 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. 1101

Governor's Office, Sacramento

October 16, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 1101 without my signature.

This bill would require health care service plan contracts which provide outpatient prescription drug benefits to include coverage for a variety of federal Food and Drug Administration approved prescription contraceptive methods. The bill would require the drug benefit be extended to the beneficiary, covered spouse and covered dependents. This bill would also prohibit any health care service plan contract that provides coverage for pregnancy services from containing any exclusion, reduction, or other limitation for those services that are more restrictive than other benefits covered by the plan.

At this time, I have only unverified estimates as to the cost and cost-effectiveness of including a contraceptive benefit in health care coverage. It would be irresponsible to mandate unknown costs upon small employers.

This added cost may be the last straw that persuades them to drop coverage for their employees. If the contraceptive benefit is either a minor increase in premium or a cost-effective means of avoiding the covered and much greater costs of pregnancy medical care, both employers and the health insurance industry (not just health care service plans) should be eager respectively to buy and to offer such coverage. This is a fundamental premise of the author of the bill. If the author's premise proves correct, self-interest and market forces should cause inclusion of a contraceptive benefit without the compulsion of a mandate. The carrot should make the stick unnecessary.

This proved to be the case with the HIPC (Health Insurance Plan of California) which made health care coverage affordable and therefore available to small employers and their employees. The industry owes both the author and the public a fair and accurate analysis of the assertion of cost benefit to small employers. I will invite industry representatives to meet with me for this purpose.

Moreover, a fundamental question is whether it is fair to place the burden for providing this benefit to society, exclusively upon employers, rather than upon society as a whole. If there is a dispute as to the cost of including a contraceptive benefit, there can be no dispute as to the wisdom . . . and kindness . . . of preventing unintended pregnancies. Preventing unintended pregnancies avoids all the increasingly heavy financial and social costs that would otherwise be suffered by the general public.

We do not impose the exclusive burden of health care costs for the

poor on employers. Medi-Cal is paid for by taxpayers—federal, state and local. And in California, we have recognized the wisdom of extending publicly subsidized prenatal care to the working poor who are not Medi-Cal eligible through the program called “Access to Infants and Mothers” (AIM).

I am directing the Department of Finance and the Department of Health Services to estimate the costs of either extending contraceptive benefits in the AIM program to women not yet pregnant, or increasing Medi-Cal eligibility to the AIM eligible working poor for the exclusive purpose of providing them a needed contraceptive benefit. I would invite the author to explore with me the feasibility of these alternative approaches.

I am also directing the Health and Welfare Agency to conduct a thorough study to determine the extent to which Medi-Cal recipients are actually using the contraceptive benefits available to them; and why—given their availability—there continues to be such an unacceptably high rate of failure to prevent unintended pregnancies.

One thing is clear beyond dispute, California and America must launch a campaign of unprecedented aggressiveness aimed at greatly increasing the use of contraception to reverse the alarming increase in unintended pregnancies and the birth of unwanted children. The costs of failing to do so are too great. They are simply unacceptable.

Unintended pregnancies too often result in abortions or unwanted children. The alarming increase in reported child abuse and child neglect results in significant part from the birth of more and more unwanted children to people who are not equipped mentally, emotionally or financially to be parents. And, when the births are out of wedlock, as are one in every three throughout the nation, the potential for tragedy increases dramatically.

Today’s unwed 14-year old mothers will all too often produce the next generation of unwed teen mothers and the juvenile thugs whom scholars predict will wreak upon America an epidemic crime wave beyond any in our history.

God love the mentoring groups who seek to provide that caring adult so needed in the life of every fatherless child—The One Hundred Black Men, the Big Brothers and Big sisters and all the rest. But for all the extraordinary good they do and all the young lives they touch and change, there are simply not enough of them.

God love all the loving adoptive parents so eager to take and cherish someone else’s child as their own. They are the ultimate gift from God to the unwanted child. But, however we may encourage them and seek to swell their numbers—as I just have by signing a bill to remove the bar that has prevented parents of one race from adopting a child of another race—there are not enough willing to be parents.

We must succeed as never before in America to make contraception the responsible choice, the available option and moral obligation to prevent unintended and unwanted pregnancies. Other civilized nations *do* succeed. We must succeed or suffer the loss of the California and America we have known and cherished.

We have not made an adequate effort, and every year we fail to do so; the job grows greater and more difficult. The younger and poorer

the woman, the higher the percentage of unintended pregnancy. The rate among those with income below poverty level is 75%. Perhaps there's a relationship between that number and the fact that of the 8.5 million women in America aged 15-19, who are at high risk of unintended pregnancy, only 32% use any contraceptive method.

It is still possible to succeed, but it is already late. We are building too many prisons all over America because too many absent fathers have failed in their fundamental responsibility as fathers: they've failed to prevent the brutalizing of their sons. The results? One is that street cops in America are eleven times more likely to suffer major personal violence today than in 1960. That's a statistic all too easy to believe when you have attended as many funerals for slain officers as I have.

So, I say "yes" to mentors, "yes" to adoptions, "yes" to abstinence and absolutely "yes" to contraception and responsible family planning. I say "no" to a California that is forced to spend too much for prisons and for welfare, and not enough for the enrichment of individual human potential.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of October 1995, at 9:46 p.m., of Assembly Bill No. 1101, 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

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

Item Veto—Assembly Bill No. 818

Governor's Office, Sacramento

October 14, 1995

To the Members of the California Assembly:

I have signed this date Assembly Bill No. 818. However, I am striking Section 10 in its entirety and I am reducing two items of appropriation in Section 11.

Section 10 would appropriate \$1 million intended for five cities which are in litigation against the Department of Corrections for small community housing programs for State inmates transferred to a local jail. Providing loans as Section 10 would have done would be inappropriate given the lawsuits.

I am also vetoing \$54,687 of the \$1,800,683.38 appropriated to the Board of Control. Two of the claims included in that appropriation should not have been approved by the Board, and therefore I am reducing the total appropriation from \$1,800,683.38 to \$1,745,996.38.

Specifically, I am reducing subitem "Total for Fund: General

\$2,538 from subitem "Total for Fund: Item 5240-001-001(A)" which would reduce that subitem from \$196,095.25 to \$193,557.25 to conform to my veto of claim number G285625.

With the above reduction and deletion, I hereby approve AB 818.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of October 1995, at 11:15 a.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 818 delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Item Veto—Assembly Bill No. 1701

Governor's Office, Sacramento

October 14, 1995

To the Members of the California Assembly:

On this date I have signed Assembly Bill No. 1701.

This bill would require the Secretary of State's Office to revise the affidavit of voter registration, eliminating the occupation of the elector and replacing it with a request for a California driver's license or identification number or other identifying number specified by the Secretary of State. This bill also requires the Secretary of State to establish a statewide voter registration system, including a candidate database, and appropriates \$5 million, as a loan, for that purpose.

I am reducing the appropriation for the loan from \$5 million to \$3.5 million, based on the Secretary of State's revised estimates for developing and implementing the statewide voter registration system. The Director of Finance is reflecting the loan appropriation as a reduction of the current year's reserve and will also determine terms and conditions for the loan which the Director deems appropriate.

With this reduction I hereby approve Assembly Bill 1701.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 16th day of October 1995, at 11:16 a.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 1701 delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

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

Governor's Office, Sacramento
October 8, 1995

To the Members of the California Assembly:

I have signed this date Assembly Bill No. 624.

This bill would adjust the penalty for possession of a firearm within 1,000 feet of a school from a straight felony punishable by 2, 3, or 5 years in the state prison to a wobbler punishable by imprisonment in the county jail for not more than one year or 2, 3, or 5 years in the state prison, under certain specified circumstances.

This bill fulfills a commitment by the author of AB 645, made prior to its enactment, to amend its provisions to allow greater prosecutorial discretion relative to offenders who have no significant prison or criminal history. The amendments ensure more certainty and proportionality in punishment.

Cordially,

PETE WILSON

Governor's Office, Sacramento
October 12, 1995

To the Members of the California Assembly:

On this date I have signed Assembly Bill No. 151.

This bill permits the limited use of chlorinated polyvinyl chloride (CPVC) piping within buildings, providing such use is permitted by a local jurisdiction prior to January 1, 1996.

This legislation affirms that issues involving the health and safety of construction standards and new building products should not be subject to environmental review. This bill takes into account not only numerous studies as to the safety of using plastic pipe for transporting potable water in residential dwellings, it acknowledges that the product is now being used in all other states in the nation.

While this legislation affects limited jurisdictions in the state, I am directing the Department of Housing and Community Development to propose adoption of emergency building standards and related regulations allowing the use of CPVC water piping within residential dwellings statewide.

Cordially,

PETE WILSON

Governor's Office, Sacramento
October 12, 1995

To the Members of the California Assembly:

I have signed on this date Assembly Bill 662.

This bill will extend the sunset date for the Career Criminal Apprehension Program (C-CAP) from January 1, 1996 to July 1, 1996. As introduced, AB 662 would have expanded the scope of the C-CAP provisions to include additional crimes such as, assault with a firearm, and drive-by shooting. AB 662 would have also authorized operation

of the C-CAP indefinitely. Unfortunately, as enacted, AB 662 fails to address all the needs of local law enforcement agencies that receive C-CAP grants.

The C-CAP program has been an extremely valuable law enforcement tool for over 16 years and should have been permanently authorized by the Legislature given its history as one of the most efficient uses of state resources. C-CAP grants are provided in three-year funding cycles. Since this legislation only extends authorization for C-CAP from January 1, 1996 to July 1, 1996, grant projects that are in their first or second grant year will remain precariously funded. I urge the legislature to resolve these issues in January so that C-CAP can be used to the best public advantage.

Cordially,

PETE WILSON

Governor's Office, Sacramento
October 16, 1995

To the Members of the California Assembly:

I have signed on this date Assembly Bill No. 265.

Last year, I vetoed SB 1273, which would have extended the statutory authority for the CLAS test. I did so because the test developed by the state Department of Education needlessly and offensively violated the privacy of students being tested by intruding into areas of inappropriate inquiry. Further, rather than involving parents, the department denied parent access to the test, effectively denying them the ability to determine the propriety of their children's participation. But at that time, I reiterated my support for a state pupil testing program that would provide: objective, world-class performance standards; questions designed to assess students' mastery of basic skills, as well as more sophisticated abilities to apply knowledge; and valid, reliable, individual student scores.

This bill goes a long way toward addressing these goals. It provides for the individual assessment of basic skills and selected applied skills in grades 2 through 10 using district-selected, published tests of academic achievement. These individual scores would be aggregated to provide school- and district-wide average scores in each of these grades. At grades 4/5, 8 and 10, the school- and district-wide scores would be augmented by the results of state-administered tests assessing both mastery of basic skills and the ability to apply academic skills, in order to provide a more complete picture of school- and district-wide performance. The state-administered tests would be developed by an entity other than the Department of Education and they would not be used to produce individual scores.

Further, the provisions of AB 265 leave the decision about whether his or her child may participate to the parent. If a parent requests exemption from the test, that request *must* be honored. Finally, the state level test will be subject to a Statewide Pupil Assessment Review Panel, composed of six members, four of whom are required to be parents.

Even with these improvements, AB 265 still has several deficiencies. Specifically, it:

- allows development of the new state tests to begin prior

to the final adoption by the State Board of Education of the rigorous academic content and performance standards recommended by the commission;

- provides for a joint appointment of the chair of the commission by the Governor and SPI;
- fails to provide for public access to test items prior to the administration of the new state tests;
- provides no funding to support the work of the Commission for the Establishment of Academic Content and Performance Standards which it creates—work that is both central to education reform and prerequisite to the development of the state-administered tests; and
- provides no funding for the legitimate administrative costs of the Department of Education.

I have received assurances from both the author and the Superintendent of Public Instruction of their commitment to introduce and secure passage of legislation to remedy each of these specific shortcomings when the Legislature reconvenes in January. With those assurances, I have signed AB 265.

Cordially,

PETE WILSON

Governor's Office, Sacramento

October 16, 1995

To the Members of the California Assembly:

I have on this date signed Assembly Bill No. 575.

Existing law prohibits hospitals from being designated as a nonpublic school for the purposes of providing services to special education preschoolers. This bill allows a single exception to that law.

However, I am advised that although AB 575 creates an exception, the affected program is such that it operates the same way as other such programs—that is, the state is only paying for the educational services of this program, and is not supporting any non-educational services through special education funding.

With that understanding, I have signed AB 575.

Cordially,

PETE WILSON

Governor's Office, Sacramento

October 16, 1995

To the Members of the California Assembly:

I am have signed on this date Assembly Bill No. 922.

This bill will provide an alternative education program for students who are expelled. In this way, AB 922 will achieve three distinct, yet overlapping, goals.

First, the remaining students who are there to learn and the teachers who want to teach will be able to concentrate on learning, rather than worrying about their personal safety. Second, these alternative programs will make the local community safer by taking these kids off the streets. And third, these alternative programs are

the best chance for these kids who have been unable to learn in a "regular" classroom.

Concern has been expressed that the requirement for each referred student to have a rehabilitation plan may create a new entitlement. I do not believe that is the author's intention nor is it mine. If in the future a court determines that a new entitlement has been created, I would be ready to revisit the provisions of AB 922 to either repeal or repair the specific requirement.

Cordially,

PETE WILSON

Governor's Office, Sacramento
October 16, 1995

To the Members of the California Assembly:

I have today signed Assembly Bill No. 1355.

This bill would provide that the civil immunity of juvenile court social workers, child protection workers and other public employees authorized to initiate or conduct investigations or proceedings pursuant to the juvenile court law shall not extend to acts of perjury, fabrication of evidence or obtaining testimony by duress, fraud or undue influence if any of these acts are committed by malice.

Social Workers practicing in the child dependency area are burdened with the extraordinary task of deciding when to set into motion the procedures for removing children from homes in which they may be endangered. Statutory provisions and the courts have conferred upon them extraordinary authority and absolute immunity from civil liability for any abuse of their authority.

There is good reason for those charged with protecting the most vulnerable of Californians to be armed with exceptional powers. Nonetheless shielding public employees from liability when they have engaged in malicious and egregiously false and wrongful conduct cannot be justified.

Several recent cases have graphically illustrated that some social workers abuse their absolute immunity in ways that subject children to harm much greater than any that existed in their homes. AB 1355 seeks to preserve the ability of social workers to perform their duties to protect children with honest zeal, but not malice that destroys innocent reputations, and destroys families.

The child protection system is designed to protect children from abusive parents, but who protects children from the abuses of the system? Just last month the California Court of Appeal, Fourth Appellate District in *Steers v. Young* 95 Daily Journal DAR 12547 urged that the application of absolute immunity in child abuse cases receive the earnest reexamination of the Legislature.

This bill, like most, is less than perfect but injects into a troubled system a degree of accountability that will continue to protect child protection workers from all but malicious acts. It will give the zealous and honest child protectors essentially the same qualified immunity that protects police officers in the honest performance of their duties.

The bill would be improved by a pleading hurdle requiring a preliminary showing of probability that the plaintiff will prevail. In the absence of such a pleading hurdle, I would hope that

conscientious juvenile court judges will compel the attendance of the social worker and test the evidence where it seems appropriate, consistent with needed confidentiality, rather than relying exclusively upon the written record. Also, the bill on its face has exclusive application to juvenile court social workers and child protection workers, and does not apply to judges or prosecutors or their employees acting at their direction and within the scope of their authority.

The fact that the bill might have been improved by an explicit statement to that effect, as well as by the inclusion of a pleading hurdle, is not sufficient reason to withhold my signature from a needed reform.

Cordially,

PETE WILSON

BRIAN SETENCICH, Speaker

PAM CAVILEER, Minute Clerk