

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 4

INTERIM STUDY RECESS

Assembly Chamber, Sacramento
Tuesday, October 11, 2005

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2005–06 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:

September 27, 2005

E. Dotson Wilson

Chief Clerk

State Capitol, Room 3196

Sacramento, California

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on Biotechnology:

Assemblymember Guy Houston
Assemblymember Johan Klehs
Assemblymember Mark Leno
Assemblymember George Plescia
Assemblymember Keith Richman
Assemblymember Lori Saldaña
Assemblymember Lois Wolk

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

September 27, 2005

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

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on Bridging the Achievement Gap:

Assemblymember Juan Arambula
Assemblymember Karen Bass
Assemblymember Joe Coto
Assemblymember Lynn Daucher
Assemblymember Jackie Goldberg
Assemblymember Gene Mullin
Assemblymember Mark Wyland

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

September 27, 2005

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

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on Olmstead Implementation:

Assemblymember John Benoit
Assemblymember Patty Berg
Assemblymember Wilma Chan
Assemblymember Shirley Horton
Assemblymember Dave Jones
Assemblymember Gene Mullin

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

October 6, 2005

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

Dear Dotson: Please be advised that I have appointed Assembly Member Judy Chu to the Select Committee on Biotechnology.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

October 11, 2005

*Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Reappointment of Howard Welinsky
to California Postsecondary Education Commission

Dear Mr. Wilson: Please be advised that I have reappointed Mr. Howard Welinsky to the California Postsecondary Education Commission. This is a term appointment starting October 11, 2005 and the expiration date is December 31, 2011.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

October 11, 2005

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

Dear Dotson: Please be advised that I have appointed the following members to the Joint Committee on Emergency Services and Homeland Security:

Assemblymember Pedro Nava (Vice Chair)
Assemblymember Noreen Evans
Assemblymember Ira Ruskin
Assemblymember Rebecca Cohn
Assemblymember Roger Niello
Assemblymember Rick Keene
Assemblymember John Benoit

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

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

Joint Committee on Rules
Room 3016—State Capitol
September 26, 2005

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Mr. Greg Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California

Dear Mr. Wilson and Mr. Schmidt: Please be advised that the Assembly and Senate contingents of the Joint Committee on Rules voted on August 25, 2005, and August 31, 2005, respectively, and approved the following item:

- Press Credentials for the 2005–06 Legislative Session (14–0)

Please ensure that this action is printed in the appropriate Assembly and Senate publications.

Sincerely,

CINDY MONTAÑEZ
Chair

Capitol Correspondents Association of California
925 L Street, Suite 335, Sacramento, CA 95814
916 447-9302

August 16, 2005

Joint Legislative Rules Committee:

Please find attached the list of media personnel that the Capitol Correspondents Association of California finds qualified for your committee to accredit and issue credentials for the 2005–06 legislative session.

Thank you,

STEVE GEISSINGER
Association President

Capitol Press Corps
(Applicants for media credentials)

Associated Press

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Rich Pedroncelli	916-448-9555	rpedroncelli@ap.org
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Bakersfield Californian

Vic Pollard	916-444-9697	vpollard@bakersfield.com
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Bloomberg News

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Bureau of National Affairs

Laura Mahoney	916-455-8827	lmahoney@bna.com
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James P. Sweeney	916-443-8181	jim.sweeney@uniontrib.com

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Oct. 11, 2005

ASSEMBLY JOURNAL

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Inside Washington Publishers

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Capitol Morning Report

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The Recorder, American Lawyer

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Associated Press

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ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 22, 2005

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

Assembly Bill No. 519

Assembly Bill No. 1338

Assembly Bill No. 754

Assembly Bill No. 1412

Assembly Bill No. 849

And reports the same correctly enrolled, and presented to the Governor on the 22nd day of September, 2005, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

REPORTS

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

Investigative Report I2005-2
September 21, 2005

*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: Pursuant to the California Whistleblower Protection Act, the Bureau of State Audits presents its investigative report summarizing investigations of improper governmental activity completed from January 2005 through June 2005.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Business and Professions.

California State Auditor

2005-125.1
September 30, 2005

*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 Department of Motor Vehicles' (DMV) capture of information needed for the State to calculate the fiscal year 2005–06 vehicle license fee adjustment.

The report concludes that the DMV captured sufficient information to appropriately compute that it would have collected \$6.5 billion in vehicle license fees had the 2 percent vehicle license fee rate remained in effect during fiscal year 2004–05. Specifically, the DMV made changes to its information systems to effectively bill and account for the correct vehicle license fee rate and offset. In addition, our review of 39 transactions for vehicle license fee collections and offsets revealed that the changes the DMV made to its information systems worked as intended. Finally, the DMV recorded the vehicle license fee information in sufficient detail to determine the date it collected the fees and the year for which it assessed them.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Transportation.

The following reports were presented by the Chief Clerk:

**Disabled Veterans Business Enterprise Report
(Pursuant to Military and Veterans Code Section 999.7)**

Above transmitted report, together with letter of transmittal from Catherine Witherspoon, Executive Officer, Air Resources Board, dated September 16, 2005, referred by the Speaker to the Committee on Veterans Affairs.

**Mathematics and Professional Development Program Report
(Pursuant to Assembly Bill 466, Chapter 737, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated September 16, 2005, referred by the Speaker to the Committee on Education.

**2004–05 Small Business and Disabled Veteran Business Enterprise
Participation Report
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, California State Teachers' Retirement System, dated September 8, 2005, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Health Care Provider Bill of Rights Annual Report
(Pursuant to Insurance Code Section 10133.65)**

Above transmitted report from John Garamendi, Insurance Commissioner, dated September 16, 2005, referred by the Speaker to the Committee on Health.

**Fraud Deterrence and Detection Activities
(Pursuant to Unemployment Insurance Code Section 2614)**

Above transmitted report, together with letter of transmittal from Patrick W. Henning, Director, Employment Development Department, referred by the Speaker to the Committee on Insurance.

**Consulting Services Contract Report for Fiscal Year 2004–05
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated September 23, 2005, referred by the Speaker to the Committee on Budget.

**2004–05 Small Business and Disabled Veteran Business Enterprise
Participation Report**

Above transmitted report, together with letter of transmittal from Michael C. Collins, Executive Director, State Independent Living Council, dated September 23, 2005, referred by the Speaker to the Committee on Jobs, Economic Development, and the Economy.

**Actuarial Valuation Reports as of June 30, 2004 for
the California State Teachers' Retirement System
(Pursuant to Education Code Section 22311)**

Above transmitted report, together with letter of transmittal from Jack Ehnes, Chief Executive Officer, California State Teachers' Retirement System, dated August 30, 2005, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

COMMUNICATIONS
Proposed Initiatives

The following communications were presented by the Chief Clerk from:

Tricia Knight, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated September 22, 2005 transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

Sex Offenders. Sexually Violent Predators.
Punishment, Residence Restrictions and Monitoring.
Initiative Statute. SA 2005RF0092

Referred by the Speaker to the Committee on Public Safety.

Invalidation of Domestic Partnerships. Marriage.
Initiative Constitutional Amendment. SA 2005RF0093

Referred by the Speaker to the Committee on Judiciary.

MESSAGES FROM THE GOVERNOR

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

Governor's Message—Assembly Bill No. 982

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 982 because it will allow community college health centers to continue operating and providing health services to students.

It is important to me that all students have the opportunity to thrive in higher education. Ensuring that all college students continue to have access to health care services on campuses is one step in that direction. For many low income students, the campus health centers may be the most expedient and effective health care they can receive. We should never allow health issues to be an impediment to providing hard working students the chance to succeed at California's outstanding community colleges.

While this bill allows community college districts to charge the same modest fee on all their students, regardless of income level, I encourage districts to reassess all of their spending priorities annually to ensure their campus health centers are not reducing hours or staff, before considering the step of charging fees to lower income students. Community colleges should make every effort to keep campus based fees on lower income students as affordable as possible.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1492

Governor's Office, Sacramento
September 28, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 1492 with the understanding that the sponsor has committed to pursue a technical amendment to this bill next year that would ensure the state's debt obligations, through the Public

Works Board's Lease Revenue Bond program, are met prior to any obligations made under this new financing authority.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 967

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 967 because I support providing additional flexibility for students enrolled in middle and early college high school programs to reach their educational objectives in a timely manner.

However, I have concern that the accountability and reporting requirements in the bill are insufficient. Currently, this bill only calls on the Chancellor's Office to report the total number of students enrolled pursuant to this legislation. Therefore, I am signing this bill with the understanding that the author will pursue clean up legislation specifying that the Chancellor's Office will include in their reports the types of summer courses taken by students enrolled in these programs.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1663

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 1663 that would authorize the State to sell, lease, or transfer a portion of property at the future site of the West End project for additional residential or commercial development.

However, it is unclear whether a provision in the bill allows the specific State property to be sold at less than fair market value. Since it was not the author's intention to allow for this to occur, I am signing this bill with the understanding that Assemblyman Jones will pursue clean up legislation to clarify this potentially unintended consequence.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 502

Governor's Office, Sacramento
September 30, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 502, which requires an applicant for a finance lenders license to submit fingerprints for a criminal history background check under the California Finance Lenders Law.

I am sensitive to the industry's concern that this legislation may result in application delays due to fingerprinting of individuals who may be principals in numerous subsidiary organizations multiple times.

The Department of Corporations maintains a record of individuals who have submitted fingerprints for a criminal history background check under any law administered by the department. I am directing the Department of Corporations to take the necessary and appropriate steps,

including rulemaking, if needed, to ensure that AB 502 does not result in duplicate fingerprint submissions for the same individual or application delays.

With this procedure in place, this bill will add greater borrower protections for consumers against unscrupulous actors, without adding an unnecessary burden on applicants under the California Finance Lenders Law.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1585

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 1585 which is a bill that I sponsored that directs California's Energy agencies to include a review of the feasibility of accelerating the renewable portfolio standard for electricity to 33 percent by the year 2020. Expanding the use of renewable energy has been a cornerstone of my environmental and energy action plans. Renewably energy provides clean megawatts of electricity with little or no air pollution, green house gas emissions, and some forms convert waste products to useful electricity. Identifying the opportunities and challenges associated with such an aggressive target is fundamental in making the goal a reality.

Unfortunately, this measure was joined to another measure requiring concurrent enactment and that measure did not pass the Legislature. By signing this measure I am directing the appropriate agencies to include the review required by this bill in the next update of the Integrated Energy Policy Report even though this measure will not be enacted.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1200

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

With this bill, the Legislature has taken an initial modest step towards recognizing the potential devastating impacts of a levee failure on the citizens of California. I appreciate the Legislature's willingness to enter this policy area and am signing Assembly Bill 1200. This bill requires the Department of Water Resources and the Department of Fish and Game to study and analyze the impacts levee failures in the Delta could have on water supply. While this bill has noble and necessary objectives, my Administration has already initiated these evaluations and will proceed accordingly. But more must be done.

In my January budget, I proposed to increase levee maintenance by 70 percent and this was included in the final budget. In the beginning of this legislative session I sponsored two bills that would have created a mechanism for locals to match federal and state government funding of levee construction, maintenance, and environmental mitigation. One of the bills would have also required notification to those living in flood hazard zones and provided an offer for flood insurance. I invite the

Legislature to continue to work with my Administration to further develop these proposals that will help provide the citizens of California the protection of life, property, and the environment that they expect and deserve.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 1011

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 1011 which closes a loophole in collection of the funding of the pesticide mill assessment and streamlines the product registration process by eliminating the "letter of authorization."

This bill was subject to lengthy and complex negotiations that resulted in the settlement of several issues including the need for a dispute resolution process that was agreed upon by the stakeholders and the Department of Pesticide Regulation. Additionally, it resulted in the directive for the department to conduct a study to consider more carefully the environmental consequences of data sharing agreements on the volume of pesticides sold in California. I direct the Department to include these additional elements of the agreement when it implements the provisions of this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 365

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 365 because it recognizes that greenhouse agriculture is essential to all aspects of the agricultural industry. Greenhouses used in production of agricultural crops should not be considered an industrial or commercial use. It is important to note that this bill does not change local prerogative to include greenhouse uses in local Williamson Act definitions of agricultural use or in agricultural zoning ordinances.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 18

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 18 along with two other similar bills which provide financial relief to residents and local agencies affected by natural disasters in California. Current law provides neither guidelines nor criteria for disaster assistance generally which necessitates legislation each year to provide relief, as these bills do. I am directing the Office of Emergency Services and the Governor's Office of Planning and Research to work with the Legislature to resolve this void in state law.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Message—Assembly Bill No. 164

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 164 along with two other similar bills which provide financial relief to residents and local agencies affected by natural disasters in California. Current law provides neither guidelines nor criteria for disaster assistance generally which necessitates legislation each year to provide relief, as these bills do. I am directing the Office of Emergency Services and the Governor's Office of Planning and Research to work with the Legislature to resolve this void in state law.

Sincerely,

ARNOLD SCHWARZENEGGER

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. 47

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 47 without my signature.

It is unnecessary to codify the policy directive contained in the Department of General Services (DGS) Management Memo 05-04 since the Department of Corrections and Rehabilitation (DCR) is already using a competitive bidding process for medical contracts where appropriate. This bill will impede the necessary flexibility to administer the critical medical services provided by DCR. DGS policy has eliminated the blanket policy exemption and established new requirements regarding medical services contract bidding exemptions for all state departments.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 97

Governor’s Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 97 without my signature.

School district reserve levels have been established to help districts manage budget resources wisely, to avoid fiscal problems and to identify and correct developing fiscal problems early. Relaxing minimum budget reserve standards for school districts experiencing enrollment declines would weaken the state’s fiscal accountability standards and could lead to future school districts fiscal insolvencies.

Furthermore, current law already addresses the issue of declining enrollments by funding the district at the greater of prior or current year attendance, so districts have a one year cushion to address budget reserve levels.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 168

Governor’s Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 168 without my signature.

The Department of Finance and the Legislative Analyst’s Office currently have broad authority to review and report tax expenditures to the Legislature. This bill’s restatement of the existing tax reporting requirements is redundant and unnecessary.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 384

Governor’s Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 384 without my signature.

I am a strong supporter of reduced class sizes as a way of fostering a productive learning environment for students and want to maintain a 20:1 student-teacher ratio in eligible classrooms. However, current law allows districts like Petaluma Joint Union High School District to present its case of special circumstances to justify waiving specific class size reduction (CSR) requirements. The State Board of Education is responsible for granting waivers from specific program requirements, when appropriate.

In 2004, the State Board already denied Petaluma Joint Union High School District’s request for a waiver of the CSR 20:1 ratio. It is inappropriate for the Legislature to undermine the State Board’s authority by circumventing the board’s administrative decision with this bill.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 443

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 443 without my signature.

While I applaud the author's interest in student nutrition issues, this bill would have little direct impact on the nutritional value of foods made available to students, by merely codifying in state law activities that the State Board of Education already has the authority to do. I support a more direct approach in impacting student health and nutrition issues in our schools. This is why I have recently signed into law SB 12, SB 965, and SB 281 to eliminate junk food and soda from campuses, and increase the amount of fresh fruits and vegetables available to students. Those important measures will make a more significant impact on improving the quality of food choices available to California students.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 490

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 490 without my signature.

Nothing in current law precludes a school district from sending bid notices to construction trade journals. In fact, current law already requires school districts to advertise bidding opportunities in newspapers of general circulation and allows them to post a notice on the district's website or electronic portal. This bill would require school districts to send bid notices directly to construction trade journals. Mandating this practice will simply result in a reimbursable cost to prepare and mail the additional bid notices.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 605

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 605 without my signature.

While I abhor the conduct of any student who would threaten the reputation of a school teacher or other school employee by making false claims of sexual assault, I have a greater responsibility to protect the well being of California's school children. We must do everything possible to ensure that students who have been the victims of actual or attempted sexual assaults may come forward and report these incidents

without fear of retribution. This bill could potentially result in a chilling effect on students' willingness to report.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 693

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 693 without my signature.

Integrating SCANS (U.S. Secretary of Labor's Commission for Achieving Necessary Skills) components into teacher preparation programs is a laudable goal for propelling California schools in instructional modes appropriate for the 21st Century and producing students better prepared for success in the workplace.

However, colleges and universities currently have the ability to craft their candidate training programs to meet the contemporary needs and demands of K-12 classrooms in California. The SCANS report is readily available on the Internet, and I encourage educators to investigate SCANS and ascertain the appropriate level of relevance these competencies should have in their individual classrooms. Therefore, an additional study is unnecessary.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 708

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 708 without my signature.

This bill is substantively similar to one I vetoed last year. It is unnecessary because it is redundant with current procedures already implemented by the California State University (CSU).

CSU employees are already protected from retaliation for disclosing improper activities under the California Whistleblower Protection Act. Furthermore, in 2002 the CSU Chancellor issued Executive Order 822, establishing procedures for responding to complaints filed by CSU employees or applicants. The complaint review process includes an investigation that may be conducted by an independent entity and an opportunity for the complainant to present evidence and witnesses in support of the complaint.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 853

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 853 without my signature.

This bill expands the use of Earnings Withholding Orders for Taxes (EWOTs) by lengthening the time indefinitely that employers would be required to withhold past due tax bills on behalf of the state. Current law requires employers to collect back taxes owed by their employees, but limits the length of time that the Franchise Tax Board may impose this requirement to ten years.

While I am supportive of the author's intent to increase tax collections, this bill does so at the expense of employers who have done nothing improper. The Franchise Tax Board has the authority to continue liens after the ten-year time limit and should continue to use that authority to collect overdue taxes.

For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 22nd day of September at 10:35 a.m., of Assembly Bills Nos. 47, 97, 168, 384, 443, 490, 605, 693, 708, and 853 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1057

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1057 without my signature.

This bill would require that the California High School Exit Exam (CAHSEE) be available to regularly enrolled adult education students at times and locations that are "convenient" for them. This open ended definition would likely result in programmatic and logistical difficulties for school districts associated with administering and proctoring the exam at numerous times and locations during the day, evening, and weekends. Testing "accommodations" have traditionally been reserved for students with disabilities. This bill would set an undesirable precedent of making changes to state tests simply for the convenience of students.

Furthermore, this bill would create significant test security concerns, resulting from testing outside of the classroom and at potentially non-traditional school hours. Moreover, there will likely be a need to develop a potentially large number of new test forms and test questions to ensure that the integrity of the exam is not compromised.

Given the high-stakes nature of the CAHSEE, it is important that the current reasonable and secure opportunities for students to adequately demonstrate their knowledge and ability be maintained.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1107

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1107 without my signature.

I share the author's goal of reducing particulate emissions and approved the specific 2005–06 Budget Act appropriation of \$12.5 million for the purpose of retrofitting diesel school buses, in order to reduce particulate emissions. However, this bill alters a separate grant program whose priority is to address school bus safety. The current Small School District Transportation grant program has an annual base funding level of \$4.9 million. These funds should continue to be maintained specifically for addressing the important issue of student and driver safety. Protecting the safety of students as they travel to and from school should not be compromised.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1110

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1110 without my signature.

The Budget Act of 2005 includes \$24.3 million in growth and COLA for home-to-school transportation. While I support the funding of growth and COLA for education programs when resources are available, requiring automatic spending increases in this program every year would restrict an Administration's and the Legislature's fiscal flexibility and would create new General Fund cost pressures, constraining the state's ability to prioritize school funding.

As I stated in my veto message to the author's similar bill last year, it would be irresponsible governance to restrict a future Administration and Legislature's fiscal flexibility by requiring automatic spending increases on this program every year.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1339

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1339 without my signature.

This bill requires the quarterly reporting of information currently available from the Employment Development Department. This information can be accessed easily by contacting the Department directly. Printing and delivering to the Legislature information readily available to the public is a waste of state resources.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1384

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1384 without my signature.

In December 2002, the Department of Transportation (Caltrans) submitted to the Legislature a report showing that Safety-Enhanced Double Fine Zones, by themselves, do not have any statistically significant effect on traffic safety. Caltrans suggested that if any future double fine zones are to be effective, they must be established concurrently with enhanced enforcement, public awareness campaigns, and other traffic safety measures. Unfortunately, this bill merely establishes sections of Highway Routes 1 and 101 and County Road 16 in Monterey County as double fine zones without any additional measures.

Furthermore, this bill would perpetuate the piecemeal process of using a legislative measure to establish each separate double fine zone. I encourage the Legislature to consider providing authority to Caltrans to develop a comprehensive program establishing these zones along the highest risk roadways and in areas with local governments that wish to devote extra resources to accomplish the goal of reducing traffic accident rates on the specific roadway.

For these reasons I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1628

Governor's Office, Sacramento
September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1628 without my signature.

This bill imposes additional penalties on real estate escrow agents who fail to withhold taxes on behalf of the state. Current law provides the appropriate balance between those intermediaries who are obligated to withhold taxes and those who actually owe the tax.

Escrow agents are required to withhold taxes derived in a real estate transaction yet receive no compensation from the state for performing this function. This bill stiffens the penalties for failing to properly

withhold and eliminates the “hold harmless” provision so that, if taxes are paid in the correct tax year, the escrow agent would still face the penalty.

For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1690

Governor’s Office, Sacramento

September 22, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1690 without my signature.

Requesting the Legislative Analyst’s Office (LAO) to conduct a review and issue a report does not require legislation. Any member of the Legislature may request the LAO to conduct a study. This bill was amended five times, was heard in five different committees, and debated and voted on by members in both the Assembly and Senate. After thousands of state taxpayer dollars were spent during that process, the ultimate end product resulted in a bill that is not even necessary, since its objective can be accomplished simply by sending a one page letter to the LAO requesting the information.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 22nd day of September at 10:36 a.m., of Assembly Bills Nos. 1057, 1107, 1110, 1339, 1384, 1628, and 1690, without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 723

Governor’s Office, Sacramento

September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 723 without my signature.

No one believes more strongly than I in the importance of teaching our children tolerance for all persons, irrespective of race, gender, nationality, ethnicity, religious creed, disability, or sexual orientation. However, this bill is largely duplicative of current efforts to provide more avenues to teach about tolerance and human rights.

For example, current law already establishes a Center for the Excellence on the Study of the Holocaust, Genocide, Human Rights, and Tolerance to provide teachers the training and resources to effectively teach about these subjects. In addition, the State Board of Education has adopted a Model Curriculum for Human Rights and Genocide that is available to all schools. Finally, with respect to

tolerance of a more immediate nature, the California Department of Education has posted on its website model policies on the prevention of bullying and hate-motivated behavior.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 748

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 748 without my signature.

I strongly encourage Californians to use bicycling and walking as modes of transportation when possible because of the physical fitness benefit, as well as the congestion mitigation and air quality benefits. However, this bill would inappropriately usurp control from the local governing body, the Golden Gate Highway and Transportation District. Since the District has been authorized to operate and maintain the bridge, the state should not tie its hands by foreclosing certain funding options.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 769

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 769 without my signature.

Existing law already authorizes local housing authorities to pursue enforcement of local housing laws by landlords. In fact, a number of California cities have already implemented the very program authorized by this bill. This bill is redundant and unnecessary since it merely reaffirms current law by authorizing local enforcement agencies to seek from the courts an order mandating that a landlord of substandard housing successfully complete educational courses.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 778

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 778 without my signature.

Without question, IHSS workers perform an invaluable service for California's most vulnerable citizens allowing them to remain in their own homes. Many IHSS workers have made significant personal

sacrifices in order to care for a family member or other person in need and receive relatively low wages for their work.

Having said this, if this bill were implemented, the general driving public, including many working for similar low wages, may be forced to subsidize the cost associated with these particular insureds since insurers would be precluded from rating them and charging them appropriately.

I encourage the Legislature and the insurance industry to address the narrow situation where those driving their own family members to medical appointments are not considered as driving during the “course of employment.”

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 899

Governor’s Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 899 without my signature, as it would constitute a departure from the focus of the IHSS program and increase costs for activities other than direct services to consumers.

The bill would authorize counties to reimburse IHSS providers for up to six hours of training per calendar year. Although the Administration supports improved quality for IHSS providers and training activities, I believe IHSS program resources must be prioritized to serve beneficiaries first. The purpose of the IHSS program is to provide services to enable eligible persons to remain safely in their homes as an alternative to out-of-home care. This bill is a departure from the program’s main purpose.

This bill would lead to significant increases in training costs and administrative costs for both state and counties. Covering these increased costs would reduce available state resources for other priorities including maintaining eligibility for health and human services programs that serve millions of low-income Californians.

For these reasons, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 913

Governor’s Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 913 without my signature.

This bill was amended in the final week of the legislative session to include a new provision that could allow constitutional officers to be exempted from paying annual registration fees on their privately-owned vehicles. Although the losses to the Motor Vehicle Account would be

minimal for the state's twelve officers, it is simply inappropriate to exempt elected officials from paying the fees and taxes imposed on all other California citizens.

For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 917

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 917 without my signature.

While I support the author's well placed intentions to strengthen career technical education in our public schools in order to provide meaningful career opportunities for all students, the creation of a Career Technical Education Vision Council (council) would duplicate activities performed by other entities.

In order to invigorate career technical education in California, I prefer to take immediate steps to expand and improve career technical education curriculum in our public schools, align curriculum for seamless advanced work in our community colleges, and improve the quality and availability of information for students and parents to make informed choices for their future.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 927

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 927 without my signature.

I am fully supportive of enabling child care providers to offer programs that most effectively and efficiently serve California's children and families. In fact, many child care providers currently operate full-day programs by combining various child care funding received. This bill would simply codify current practices already outlined in contractual agreements through the California Department of Education. Therefore, I do not believe it is necessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 985

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 985 without my signature.

As brave Californians fight abroad to stop terrorism, spread freedom and protect our country, it is imperative that elected leaders take all steps necessary to ensure these individuals are in no way economically or otherwise disadvantaged because of their service.

This bill, however, is not about protecting the jobs of our servicemen and women. Current state and federal law already protects the jobs of those returning from military service. The proponents have offered no evidence that the jobs in question are being outsourced. Rather, this bill is a not-so-subtle attempt by those fearful of the global marketplace to place a negative definition of outsourcing into California law. California's continued economic growth is predicated on our active participation in the worldwide economy, not in isolation.

For these reasons, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1070

Governor's Office, Sacramento
September 29, 2005

To Members of the California State Assembly:

I am returning Assembly Bill 1070 without my signature.

I respect the author's intent to address the reasonable issue of allowing local community colleges to charge students for the costs of replacing or repairing instructional equipment that has been lost or damaged. The ability to recoup such costs encourages personal responsibility and the exercise of care in using valuable equipment. However, this bill would allow community colleges to assess fees as a condition of enrollment in a course or courses, with no limit on the amount that could be charged.

I am concerned that, depending on the level of fees and the number of courses in which they are charged, this bill could deter some promising students of limited means from choosing to pursue a course of study that requires the use of costly instructional equipment. As a result, this bill could have a negative impact on the number of students who choose to enter the important career fields such as science, medicine, or nursing.

I encourage the Legislature to work with my Administration in crafting legislation that avoids these unintended consequences.

Therefore, in its current form, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 29th day of September at 1:50 p.m., of Assembly Bills Nos. 723, 748, 769, 778, 899, 913, 917, 927, 985, and 1070 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela K. Oto.

E. DOTSON WILSON
Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1227

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1227 without my signature.

The availability of affordable housing within California is an issue about which I am deeply concerned. However, this measure would not

alleviate this problem, but rather, could lead to increased litigation against our cities and counties. This bill is unnecessary since current law already protects against housing discrimination based on race, sex, color, religion, ethnicity, national origin, ancestry, lawful occupation, familial status, disability or age.

Taking away judicial discretion by mandating the payment of attorney's fees will simply encourage additional lawsuits.

For these reasons, I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1297

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1297 without my signature.

This bill mandates unnecessary restrictions on school districts ability to maintain their heating, ventilation and air conditioning (HVAC) systems. By restricting the pool of employees eligible to work on school HVAC systems, this bill will lead to reduced competition and higher costs for school districts. Mandating districts only use certain contractors or similar school district employees would simply create a reimbursable state mandate with costs in the millions of dollars annually.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 29th day of September at 1:50 p.m., of Assembly Bills Nos. 1227 and 1297 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela K. Oto.

E. DOTSON WILSON
Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 13

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 13 without my signature.

I vetoed a nearly identical bill last year because it added another non-academic state administrative requirement, thereby diverting focus from increasing student academic achievement. Administrative decisions regarding athletic team names, nicknames or mascots should be retained at the local level.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 73

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 73 without my signature.

This bill would require the Department of Health Services to establish a Web site to facilitate purchasing prescription drugs, including links to Canadian, United Kingdom, and Irish pharmacies. I am supportive of reducing the cost of prescription medications for California residents; however, this bill over-simplifies the complex safety, trade, supply, and pricing issues involved in this marketplace. I am concerned that this bill would establish a mechanism to facilitate an illegal practice, expose the state to potential tort liability, and potentially jeopardize patient safety. Finally, there would be increased fiscal impact on the General Fund for development and implementation of a state drug importation safety program.

Much more can and should be done to assist Californians in receiving cost-effective, quality healthcare. My Administration worked with Senators Ortiz and Poochigian to author Senate Bill 19 and provide safe and legal prescription drugs to over 5 million uninsured Californians at an estimated 40 percent discount. In addition to support from doctors and pharmacists, this effort was supported by consumer groups like the AARP, the AIDS Healthcare Foundation, the Mental Health Association of California, National Multiple Sclerosis Society, California Arthritis Foundation Council, Epilepsy Foundation of Northern California and the Alzheimer's Aid Society.

Unfortunately, despite the overwhelming support from these consumer groups the measure was blocked by the Legislature, so more work needs to be done.

My administration will continue to work to find ways to help California's uninsured have access to safe, legal and affordable prescription drugs.

For these reasons, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 78

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill (AB) 78 without my signature.

This bill would require pharmacy benefit managers (PBMs) to provide their clients access to detailed information about rebates and other revenue that the pharmacy benefit manager receives from pharmaceutical manufacturers, brokers, consultants or other intermediaries.

This measure is a variation on AB 1960 from 2004 which I vetoed. Although different in details, the main point of AB 78, as with AB 1960, is to compel PBMs to reveal their internal financial arrangements to their clients and potential clients. I vetoed AB 1960 because I believed

then that it would have the unintended consequence of increasing drug costs to health plans and other purchasers without providing any real consumer benefit. I have seen no new information to cause me to change that opinion.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 310

Governor's Office, Sacramento
September 29, 2005

To the Members of the California Assembly:

I am returning Assembly Bill 310 without my signature.

If a mandatory defined contribution plan is established for state and local government employees, I believe that the qualifications and standards for its investment providers is an extremely important consideration. Absent such a plan, this bill is unnecessary.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 388

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 388 without my signature.

I vetoed a nearly identical bill last year, AB 2455 (Canciamilla). The veto message remains applicable.

However, a study by the Superintendent of Public Instruction (SPI) may provide valuable information for strategies to reduce the rising costs of textbooks and other instructional materials. Since legislation is not required for the SPI to recommend ways to reduce instructional materials costs for school districts, I encourage Superintendent O'Connell to provide any applicable information that could potentially yield recommendation for school districts, legislators, the State Board of Education, and the Administration. Until that time, it is premature to enact any substantive policy changes to the adoption process.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 391

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 391 without my signature.

Unemployment benefits are predicated on the principle that workers should receive assistance when they have lost their job through no fault of their own. This principle is key to maintaining the balance that prevents both employers and workers from taking precipitous actions to affect unemployment insurance payouts.

This bill disrupts that balance by allowing workers to receive unemployment benefits when they have initiated the process for a strike that results in a lock-out. Current unemployment insurance law already

protects workers from lock-outs called by an employer when there is no strike notice.

Essentially, this bill will require that businesses subsidize the strike actions of their workers. Unemployment benefits must be maintained for workers who lose their job through no fault of their own.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 444

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 444 without my signature.

This bill will have little direct impact on the nutritional value of foods made available to students, since it merely requires the California Department of Education to consider revising its nutritional guidelines. Simply revising state level guidelines without any implementation or enforcement mechanism does not address the proliferation of unhealthy foods in any effective or timely manner.

I support a more direct approach in impacting student health and nutrition issues in our schools. This is why I have recently signed into law SB 12, SB 965, and SB 281 to eliminate junk food and soda from campuses, and increase the amount of fresh fruits and vegetables available to students. Those important measures will make a more significant impact on improving the quality of food choices available to California students.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 446

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 446 without my signature.

I vetoed a similar bill last year because of the negative effect it would have had on the California economy. This bill further erodes the ability to do business in California by creating more uncertainty regarding litigation by prohibiting any licensee or professional overseen by the Department of Consumer Affairs from including in a civil settlement agreement a provision that prohibits the other party from contacting or filing a complaint with the regulatory agency. When parties who are in dispute agree to settle, there should be some assurances that the dispute has been resolved in a satisfactory and final manner for both parties.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 524

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 524 without my signature.

This bill would require all successful bidders on State services contracts to complete a questionnaire and report on the portions of the contract that would be performed by subcontractors or employees outside of the United States.

Mandating additional reporting requirements on successful bidders of State services contracts provides marginal value to the State, especially since there is no verification requirement for the information that would be provided. This measure simply creates additional bureaucratic processes for the Department of General Services and service contractors. Placing additional requirements on contractors may result in fewer bidders in the future, leading to potentially higher costs of service contracts to the State. Therefore, it is unclear what public benefit is served by this measure.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 529

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 529 without my signature.

Employees of California State University (CSU) who believe they have been wrongfully denied reasonable accommodation for a disability so that they can return to work have access to the formal complaint procedures established by CSU. They also have available other avenues to file a complaint through the California Department of Fair Employment and Housing or the federal Equal Opportunity Employment Commission or they can file a grievance through their union. This issue may also be addressed through bargaining under the Higher Education Employee Relations Act. This bill undermines the collective bargaining process.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 29th day of September at 1:50 p.m., of Assembly Bills Nos. 13, 73, 78, 310, 388, 391, 444, 446, 524, and 529 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela K. Oto.

E. DOTSON WILSON
Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 48

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 48 without my signature.

It is essential to those working at or near the minimum wage that the adequacy of the wage is reviewed on a regular basis and raised when appropriate. The minimum wage has not been increased since 2002, and I believe it is now appropriate. This is a position I made very clear to the author. However, I have also made it clear that I do not support automatic increases to the wage that relieve elected officials of their duty to consider all of the impacts each increase to the wage will have on workers and businesses.

This autopilot mechanism fails to account for changes in the economy which could have deleterious effects on the economic health of the state. Despite numerous downward economic cycles over the last fifty years, the inflation rate identified in the bill has never gone down since the state began collecting the information in 1955. Clearly using static economic data does not account for the inevitable downward cycles and would provide increases when the private sector can least afford them.

Furthermore, minimum wage increases must not be put on autopilot or examined in a vacuum but reviewed in conjunction with other wage and hour issues that impact workers and businesses. For example, California has the most inflexible workplace scheduling rules in the country. These inflexible rules discourage the use of alternative schedules that allow workers to work fewer days every week, avoid peak commute times, and spend more time with their families. In addition, California businesses have been unreasonably hampered by the Byzantine labor law defining employer classifications.

For these reasons I cannot support this measure but, as I told the Legislature's leaders last month, I am willing to sign a minimum wage increase bill that addresses my concerns.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 51

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 51 without my signature.

This bill is nearly identical to a bill I vetoed last year because it was unnecessary. I am not aware of any compelling evidence that would warrant the extensive reporting requirements from every apprentice program that are called for in this bill. As I noted in my previous veto message, all apprenticeship programs currently undergo an approval and oversight process through the Division of Apprenticeship Standards to ensure that these programs function effectively.

Furthermore, I recently signed legislation which provided major new investments in the state's vocational education system. Assembly

Bill 51 has the potential to limit apprenticeship opportunities for young Californians, which is contrary to the bipartisan efforts to expand the vocational education system.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 169

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 169 without my signature.

I remain supportive of reasonable efforts to eradicate the historical trend of women earning less than men for doing the same work, however I still do not believe the provisions of this bill or last year's Assembly Bill 2317 are necessary in order to achieve this goal.

Current state and federal laws forbid paying an individual lower wages on account of gender and provide stiff civil and criminal penalties against employers that do so. The elimination of judicial discretion to modify the penalty coupled with the massive increases in fines will do nothing more than increase frivolous litigation and could lead to the same "shakedown" lawsuits that the citizens of California voted to curb last year by passing Proposition 64.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 195

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 195 without my signature.

This bill incorrectly presumes there is an unequal status between the parties in terms of expertise and resources in bringing actions before the State Personnel Board. This is simply not true since a significant majority of state employees who file appeals with the State Personnel Board are represented by their union or excluded employee organization.

The bill shifts a major burden of litigation onto the State because it only allows for recovery by successful Plaintiffs and does not allow the State to recover its costs and attorneys fees in the event the complaint is determined to be without merit. The bill is duplicative because federal law and state law, under FEHA, already allow for the awarding of attorney's fees and costs in discrimination actions.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 643

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 643 without my signature.

This bill would seriously impede the ability of the State, as an employer, to effect necessary policy changes. The purpose of the

supervisory meet and confer process is to allow supervisory employee organizations to present ideas and to discuss alternative means of achieving the employer's objectives. The final determination of policy and decision as to the course of action is explicitly and expressly vested with the employer. By requiring 30 days notice if the State needs to make changes to policy discussed in a previous meet and confer, this bill would erode the state's authority and its ability to make needed policy changes on a timely basis.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 816

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 816 without my signature.

This bill would require chemical manufacturers and importers to provide to the state the names and addresses of businesses to which they sell their products.

This bill is unnecessary and an invasion of privacy. Employers are currently required to notify their workers about health hazards and to provide a safe and healthy workplace. Other protective measures that ensure worker safety include the Business Plan Hazardous Materials Inventories; the Air Toxics Program; CalSites Database, Unidocs Hazardous Materials Online Inventory Database; and the Wastewater Pretreatment and Pollution Prevention Plans. Employers must also inform their employees of the availability of material safety data sheets (MSDS) relating to any chemical to which the employee may be exposed. Further, employers routinely undergo Division of Occupational Safety and Health inspections to ensure that MSDS documents are available for employees.

Assembly Bill 816 imposes an unreasonable, labor intensive and duplicative reporting requirement when there are existing programs and standards in place to ensure that employees are protected from hazardous chemical exposure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 849

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 849 without my signature because I do not believe the Legislature can reverse an initiative approved by the people of California.

I am proud California is a leader in recognizing and respecting domestic partnerships and the equal rights of domestic partners. I believe that lesbian and gay couples are entitled to full protection under the law and should not be discriminated against based upon their relationships. I support current domestic partnership rights and will

continue to vigorously defend and enforce these rights and as such will not support any rollback.

California Family Code Section 308.5 was enacted by an initiative statute passed by the voters as Proposition 22 in 2000. Article II, section 10 of the California Constitution prohibits the Legislature from amending this initiative statute without a vote of the people. This bill does not provide for such a vote.

The ultimate issue regarding the constitutionality of section 308.5 and its prohibition against same-sex marriage is currently before the Court of Appeal in San Francisco and will likely be decided by the Supreme Court.

This bill simply adds confusion to a constitutional issue. If the ban of same-sex marriage is unconstitutional, this bill is not necessary. If the ban is constitutional, this bill is ineffective.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 875

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 875 without my signature.

This bill calls for the development of an unnecessary set of standards. The Labor and Workforce Development Agency already has the authority to coordinate enforcement efforts related to the underground economy. Additionally, this bill is duplicative of efforts currently underway by the Economic and Employment Enforcement Coalition, an inter-agency task force focused on enforcement activities. This year's budget includes \$6.5 million and 62 personnel years for coordinated enforcement of the underground economy by these entities.

The state funds spent developing the standards called for in this bill would be better spent actually enforcing existing laws.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 879

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 879 without my signature.

The right to a de novo appeal of Labor Commissioner's administrative hearing decision is a long-standing right of employers. This bill is an unjustified attempt to restrict that due process right.

There is no evidence that significant numbers of employers are intentionally avoiding the administrative adjudication process in order to proceed directly to a de novo appeal. Less than one and a half percent of the approximately 50,000 claims filed with the Labor Commissioner each year are ultimately appealed to the courts. Parties that did, in fact, participate in the administrative adjudication process make many, if not most, of these appeals.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1066

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning AB 1066 without my signature.

This bill places unnecessary limitations on the use of personal service contracts as current law provides sufficient restrictions and oversight. Current law already requires the State Personnel Board to notify employee organizations of personal service contracts that may affect their agency, making a new requirement that the awarding agency provide identical notification redundant. In addition, providing one particular bargaining unit with unique notice requirements adds unwarranted confusion to the process for state contracting.

This bill also prohibits an agency from submitting a contract if in the preceding 12 months, it has attempted to contract with the same company for the same services and the State Personnel Board found that it did not comply with the conditions for a contract. This condition limits an agency's pool of contractors and inhibits contractors from doing business with the State, particularly if a rejected contractor addresses the Board's concerns, becomes compliant with the conditions for a contract, but cannot be considered for 12 months.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 29th day of September at 2:30 p.m., of Assembly Bills Nos. 48, 51, 169, 195, 643, 816, 849, 875, 879, and 1066, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Cynthia Bryant.

E. DOTSON WILSON
Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1184

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1184 without my signature.

California is facing a nursing shortage and there are not enough nurses and certified nursing assistants to provide coverage in State hospitals and health care facilities. Because the State has difficulty recruiting a sufficient number of these dedicated professionals for its hospitals and other health care facilities, the State relies on mandatory overtime staff to meet minimum level-of-care staffing requirements. My administration has made the training and recruitment of new nursing professionals a high priority, with the added goal of filling vacant nursing positions and reducing the resulting overtime throughout state service.

Additionally, the Ralph C. Dills Act requires that the state employer and the exclusive representative of rank-and-file state employees meet and confer in good faith over employee wages, hours of work, and terms and conditions of employment. This bill would unilaterally establish provisions governing hours of work for represented health care

employees, thereby, circumventing the collective bargaining process and the collective bargaining agreements negotiated between the parties. If the State is to have good faith collective bargaining, then wages, hours and terms and conditions of employment must remain subject to negotiation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1310

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1310 without my signature.

This measure prohibits large employers from offering severance packages unless the employer provides the employee extremely detailed financial disclosure information and a lengthy rescission period.

Assembly Bill 1310 would discourage employers, fearful of litigation and unwilling to absorb additional costs, from offering voluntary severance packages. It would instead encourage employers who might otherwise offer severance packages to discontinue that practice.

This bill does little more than require employees to disclose personal financial information to employers and encourage employers to discontinue offering severance. I can see no reason to enact such a bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1737

Governor's Office, Sacramento
September 29, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1737 without my signature.

This bill is unnecessary since the Department of Health Services has a unit assigned to review Medi-Cal cases to ensure appropriate cost recovery. The state does not need yet another report—certainly not one financed by the recently reformed workers' compensation system. Instead, both the Medi-Cal program and the workers' compensation system should be continuing their efforts to ensure that neither system is subsidizing the other.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 29th day of September at 2:35 p.m., of Assembly Bills Nos. 1184, 1310, 1737, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Cynthia Bryant.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1001

Governor's Office, Sacramento
September 30, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1001 without my signature.

This bill would increase the maximum document fee paid by car buyers from \$45 to \$55. Such fees are not usually discussed with the car buyer until the purchase price has been agreed upon and a disclosure is made on the conditional sales contract.

I recently signed the Car Buyer Bill of Rights and AB 1001 runs contrary to that bill's worthy goal to improve consumer protection. I do not believe that California consumers should be saddled with another hidden fee and therefore cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 30th day of September at 1:56 p.m., of Assembly Bill No. 1001, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

ELIZABETH SALMON
Executive Assistant

Veto Message—Assembly Bill No. 240

Governor's Office, Sacramento
October 4, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 240 without my signature.

This bill fails to address the critical components needed to ensure sex offenders do not have access to state funded erectile dysfunction medication. Instead, I am signing AB 522 which contains the statutory language which ensures the Department of Justice must provide the Department of Health Services the information necessary to implement the prohibition. AB 240 also fails to expand the ban to automated drug delivery systems in pharmacies, thereby creating a loophole that could result in prohibited sex offenders receiving the medication. AB 522 contains language to ensure no loopholes exist.

In addition, AB 240 does not broadly protect California's children to the level that they deserve but instead simply puts a band-aid on a growing problem. I call on the Legislature to quickly send my sponsored bills AB 231 and SB 588 which will do more to protect children than placing limited restrictions on one small segment of the parolee population. We should enact provisions that will allow for residency restrictions for all sex offenders, not just the 254 parolees that

this bill potentially affects. My bill would place more stringent restrictions on 9,231 parolees and monitor them on GPS.

If the Legislature is serious about protecting children from sex offenders, I call on them to send me AB 231 and SB 588, the most comprehensive reform of our sex offender statutes.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 632

Governor's Office, Sacramento
October 4, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 632 without my signature.

This bill fails to protect children and women from sexual predators. Rather than putting the focus on protecting kids and others from sexual offenders, AB 632 simply grows government. Under this bill not one sexual offender will spend one day longer in prison, not one sexual offender will be prohibited from living near schools, not one sexual offender will be monitored by GPS, not one sexual offender will incur more time on parole, not one parent will be given information to keep their children safe, not one more peace officer will be given resources or tools to protect our communities.

I have opposed measures to weaken Three-Strikes and supported measures to increase the amount of resources and tools available for law enforcement. Just this year I have signed several bills that will protect our children. These bills will result in a safer California by prohibiting sex offenders from living near schools and closing loopholes in our sentencing laws that allow some child abusers escape from punishment. However, there is much more that can be done to protect our communities from sexual predators.

All of these things can be done and should be done. The best way to protect our communities is for the Legislature to pass my comprehensive sex offender punishment and control reform contained in bills AB 231 and SB 588. Until we take real action, the creation of just another government board may make some feel better but will not result in protecting our neighborhoods.

This bill is a recipe to create more red-tape, not public safety.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1542

Governor's Office, Sacramento
October 4, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1542 without my signature.

The trauma of war is unfortunate, but justice for crime victims and the safety of the public must remain a paramount concern of the criminal justice system.

For these reasons I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 4th day of October at 11:21 a.m., of Assembly Bills Nos. 240, 632, and 1542, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

NEVA-MARIE PARKER
Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 1241

Governor's Office, Sacramento
October 4, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1241 without my signature.

Specific legislative authority is not necessary for the California Student Aid Commission (CSAC) to convene a working group to develop strategies to facilitate the submission of student grade point average verification to CSAC. In fact, CSAC has already convened a working group to study the barriers to the grade point average submission process. Therefore, this bill is unnecessary.

For this reason, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1357

Governor's Office, Sacramento
October 4, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1357 without my signature.

While I am supportive of the author's goal to encourage the State to adopt alternatives to petroleum-based fuels, this bill is unnecessary since it essentially duplicates existing State policy. Current law already requires the Department of General Services' Office of Fleet Administration to collect fuel use data, and thus, the provisions of this bill have been incorporated into my Administration's fleet vehicle data collection practices. While this bill provides additional rationale for data collection activities, it is not necessary.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 4th day of October at 2:25 p.m., of Assembly Bills Nos. 1241 and 1357 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

NEVA-MARIE PARKER

Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 481

Governor's Office, Sacramento

October 5, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 481 without my signature.

I am concerned that the provisions of this bill that eliminate a repossessor's obligation to determine whether an item is a personal effect may inadvertently harm debtors who have their vehicles repossessed, and create the potential for a debtor's personal effects to not be returned after a repossession of collateral.

Furthermore, provisions in this bill prohibiting any interference with the activities of a repossessor, may have the unintended consequence of exposing law enforcement personnel to potential law suits for violating the constitutional rights of borrowers. Where law enforcement action is involved in the seizure of property, borrowers have a constitutional right to due process of law. The repossession of a vehicle by a lender is a "self-help" remedy and the borrower is not entitled to a hearing prior to the repossession. By encouraging law enforcement and other regulatory agencies to take a greater role in preventing borrowers from interfering with repossession, this bill exposes these agencies, and the individuals employed by them, to liability.

Based on the above constitutional issues and other consumer-related concerns, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1097

Governor's Office, Sacramento

October 5, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1097 without my signature.

I am generally supportive of using a competitive process for public works projects, however, this bill imposes restrictions on lease-leaseback contracts that could limit competition, inadvertently limit flexibility for schools, and drive higher administrative costs, thereby potentially increasing the overall cost of building school facilities.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 5th day of October at 2:35 p.m., of Assembly Bills Nos. 481 and 1097 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

NEVA-MARIE PARKER

Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 649

Governor's Office, Sacramento

October 6, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 649 without my signature.

While I support strengthening handling and processing standards for fresh fruit and vegetable products, this bill overreaches by instilling the California Tomato Commission or joint powers authority with broad powers such as establishing quality standards, inspections, and surveillance that may be inappropriate for this type of structure. Additionally, this measure empowers the commission to seize and sell property with minimal due process.

For these reasons, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 688

Governor's Office, Sacramento

October 6, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 688 without my signature.

Medi-Cal managed care contracts are based on the concept that the managed care plan, in this case, a county organized health system (COHS), should have flexibility to manage health care for enrollees. Part of that management is negotiating rates with providers. For this reason, Medi-Cal managed care contracts do not mandate how the managed care plans spend their total monthly capitation payments. AB 688 would incorrectly assert that COHSs have an obligation to pay rate increases to Intermediate Care Facilities for the developmentally disabled (ICF/DD) and would inappropriately require the Department of Health Services (DHS) to advise COHSs of this non-existent obligation.

Additionally, the bill's requirement that DHS devise a method to advance funds to COHSs so the COHSs will pay these rate increases would clash with the objective of providing them with flexibility to negotiate rates. It could also create a precedent where other providers also request statutory guarantees of rate increases from COHSs or other Medi-Cal managed care plans.

Finally, the bill's requirement that DHS convene a workgroup to study reimbursement issues related to ICF/DD care is unnecessary.

State law is not needed to authorize provider organizations to meet, discuss topics of mutual concern, and offer proposals to the Legislature.

For these reasons, I am returning AB 688 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 779

Governor's Office, Sacramento

October 6, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 779 without my signature.

While I appreciate the author's intention to try and streamline the Medi-Cal system and decrease disenrollment of eligible beneficiaries, this bill is duplicative of existing county practices. This bill is not a cost effective way to address the issue. Medi-Cal cases are complex and there are many reasons why benefits are terminated, including the patient no longer needing services or moving out of state. Additionally, this bill is fundamentally flawed by requiring implementation on June 30, 2006. The bill does not provide an appropriation, nor did the Legislature approve funding for this legislation in the 2005–06 budget.

For these reasons, I am returning AB 779 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 795

Governor's Office, Sacramento

October 6, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 795 without my signature

This legislation is unnecessary as both of its purposes are authorized under existing law.

I strongly support the need to provide compensation to museum officers and employees at levels comparable to that provided by other museums. I also support the efforts of non-profit corporations formed exclusively to aid and assist a state museum to provide compensation for services rendered. Current law provides a mechanism for such compensation to be approved by the Department of Personnel Administration.

Current law also allows the California Science Center to contract with the Commission on Peace Officer Standards and Training to conduct a study. In fact, the issue has been addressed by two previous studies demonstrating there was not a need to convert these positions into peace officers.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 862

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 862 without my signature

This bill is unnecessary as current law provides for local and state agencies to distribute information to incarcerated parents regarding their child support obligations. In fact, there are current pilot programs operating with federal funds to accomplish what this bill would mandate state resources be spent on.

At the state level we should be looking for ways to improve child support collection so more funds get to the children, not investing in ways to alleviate the future financial burdens due to incarceration.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1230

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1230 without my signature.

I appreciate the value of audits, investigations and oversight that an Inspector General might bring to Los Angeles County's health care system. However, this bill is unnecessary because the California Constitution already gives charter counties, such as Los Angeles County, control over their government structure, including the appointment of county offices and employees. State law gives all counties the power to organize their health and human service programs. County supervisors can consolidate, integrate, and separate their duties and functions as they deem necessary. Los Angeles County previously created an Inspector General for the County's Child Services Program.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1351

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

In the waning days of the legislative session, the original content of this bill was stripped and replaced with language to allow the San Diego Regional Airport Authority to issue notes, commercial paper notes, or any other type of debt issuance permitted under law. Although it appears that this change is minor and clarifying, I have heard from more than one San Diego area legislator about the lack of a hearing on this bill. I am returning Assembly Bill 1351 without my signature so that the content of this bill can be heard by a legislative committee, so that all the interested parties can weigh in.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1380

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1380 without my signature.

This bill would require the California Public Utilities Commission (PUC) to request a delegation of authority from the Federal Communications Commission (FCC) to implement guidelines for the management of telephone number inventories.

The FCC already has six month guidelines for telephone number inventory management. This bill directs the PUC to request the authority to develop a duplicative process. Instead, California should be working cooperatively with the FCC to improve number management practices that address the challenges associated with rapidly changing technology in telecommunications.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1536

Governor's Office, Sacramento
October 6, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1536 without my signature.

This bill completely circumvents the authority of the Los Angeles Police Chief by authorizing security guards employed by the city to have the power to arrest if they enter into a Memorandum of Understanding (MOU) with the city instead of the Police Department. Just as with other grants of limited peace officer authority pursuant to the Penal Code, public officers should enter into an MOU with the appropriate law enforcement agency. Accountability is diminished by allowing an agency, other than the appropriate police agency with jurisdiction over the area, to grant traditional peace officer powers to any group.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 6th day of October at 4:20 p.m., of Assembly Bills Nos. 649, 688, 779, 795, 862, 1230, 1351, 1380, and 1536 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

NEVA-MARIE PARKER
Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 880

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 880 without my signature.

Counties have made significant progress in employing effective methods and practices for identifying and locating relatives for the purpose of finding appropriate homes for children in foster care. Current law requires counties to make considerable effort to identify and locate family members when making foster care placements. Because California is a national leader in identifying relatives of children in foster care this bill is unnecessary. In California, child welfare services are delivered by counties. Some counties already use innovative computer technology to locate family members and the remaining counties have the option to enact similar measures without the need for legislative intervention.

Additionally, the bill does not provide resources to develop the cost benefit analysis of using locator technology.

For these reasons, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 11:58 a.m., of Assembly Bill No. 880 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

NEVA-MARIE PARKER
Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 482

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 482 without my signature.

Instead, I am signing Senate Bill 755 (Poochigian), which addresses many of the same issues identified in this bill, including specifying the conditions under which English learners who receive instruction in their primary language must be administered a second test in this language. Unlike this bill, SB 755 also appropriates \$2.285 million to cover costs incurred in 2004–05 for maintaining and scoring the writing assessments pursuant to the Standardized Testing and Reporting (STAR) program and makes additional technical, conforming changes.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1115

Governor's Office, Sacramento
October 7, 2005

To Members of the California State Assembly:

I am returning Assembly Bill 1115 without my signature.

The bill is unnecessary. Existing law clearly prohibits any person other than a licensed acupuncturist or other specified health professional from practicing acupuncture. The functions performed by the "acupuncture assistant" as defined in this bill are administrative and clerical in nature and do not require regulation in order to enhance public health and safety.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1132

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1132 without my signature

Repealing the mandatory 30-day impoundment period for vehicles that law enforcement seizes because the driver does not have a valid driver's license would endanger public safety. By requiring the impounding agency to release the vehicle to the owner upon request fails to address the problem the author states he would like to solve, vehicles impounded due to joy riding.

AB 1132 severely weakens a law, which has been proven an effective measure to discourage unlicensed drivers from driving and to deter vehicle owners from irresponsibly lending their vehicle to an unlicensed driver. Enacting this measure would send a message to unlicensed drivers that it is acceptable to break the law by driving because the consequences for their actions have been eliminated. Given the existing law contains many reasonable exceptions where an owner may retrieve a vehicle from impoundment before the end of the 30-day impoundment period, this bill is unnecessary.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 1:11 p.m., of Assembly Bills Nos. 482, 1115 and 1132 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

NEVA-MARIE PARKER
Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 712

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 712 without my signature.

I am concerned about housing affordability in this state and the need to meet the housing demands of Californians. Our local government partners have an important role and tremendous responsibilities in the process.

Providing incentives for third parties to sue local governments over housing decisions, as provided in this bill, is inappropriate and does not build any additional housing. The threat of lawsuits diminishes flexibility and creativity when designing a community, and lawsuits divert valuable tax dollars that could be used by local governments.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 739

Governor's Office, Sacramento
October 7, 2005

To the Members of the California Assembly:

I am returning Assembly Bill 739 without my signature.

I support requiring disclosure of payments made for issue advocacy communications made close to an election at the local level. Unfortunately, this bill sets a much lower threshold for local candidates than state candidates. This arbitrary, "one-size-fits-all" disclosure threshold may or may not be appropriate in some local jurisdictions. For example the Mayor of one of California top cities represents more constituents than a member State Assembly. An issue advocacy campaigns in the Mayor's race would be required to report \$10,000 of issue advocacy expenditures, but could spend up to \$50,000 before reporting in the Assembly race.

I encourage local governments to consider establishing campaign disclosure rules in this area. I will work with the Legislature to establish reporting rules for issue advocacy communications that ensure adequate disclosure in both state and local elections.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 771

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 771 without my signature.

Public participation and transparency in government are essential for its efficient exercise and proper function. This bill directs the California Coastal Commission to revise its ex-parte communications standards, alters the timelines for notification, develop guidelines for reporting these communications, post these memoranda on the internet website, and include these memoranda as attachments to staff reports.

This bill lacks proper oversight of the process and is unnecessary. Because this measure exempts these new ex-parte policies from the

required oversight, due process and mandatory public participation provided by the Administrative Procedures Act it could result in less public participation and transparency in the process. The Coastal Commission already has specific ex-parte communication rules that go beyond the public disclosure requirements in the Government Code that are followed by most other boards and commissions. The Coastal Commission also has authority to amend or alter their policies, rules and regulations.

For these reasons I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1058

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning AB 1058 without my signature.

This bill would require all retailers of beef products to label beef produced outside the United States with the country where the beef was born and raised. California and the United States have the most sound food safety system in the world. Our system is a model of how local, state, and federal government work cooperatively with private food wholesalers and retailers protect consumers and provide a safe wholesome food supply.

Countries exporting beef to the United States must comply with all United States Department of Agriculture food safety standards, including those pertaining to "high risk" and non-ambulatory cattle. The requirements of this bill demand a network of tracking from the rancher, to the processor, to the importer, to the wholesaler, to the retailers that would be unworkable, costly and impossible to enforce while providing no improvement in public health protection or additional benefits to the consumer.

For these reasons, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1208

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1208 without my signature.

This bill seeks to impose a new \$5 tax on all cars in Santa Clara County and does so without a two-thirds vote of the people. While the goal of the program to increase funds for transportation infrastructure is laudable and vitally needed, I do not believe these fees should continue to be added without the approval from the people upon whom the fee is imposed.

In this year's budget, I proposed the full funding of Proposition 42 for the first time since its passage in 2002. The additional \$1.3 billion from Proposition 42 is just a fraction of the funds needed to relieve California's congested freeways and improve our roadways. Finding new funds for California's fractured infrastructure is a top priority;

however, this piecemeal approach that does not allow for a vote of the people is not the right way to accomplish the goal.

For these reasons, I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1374

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1374 without my signature.

The Gulf State hurricanes serve as a serious reminder of the importance of an integrated effort in protecting California against our own disasters. This is a priority for my administration. Part of that is a review of all the agencies, boards and commissions that have any role in disaster preparedness and relief. The Seismic Safety Commission is a stand alone advisory body for the state and local governments on earthquake safety.

Because many of the functions are duplicative of what the California Building Standards Commission and the Division of State Architect, the California Performance Review (CPR) recommended the elimination of the Commission and recommended that its functions be transferred to the Department of General Services, under which the Division of the State Architect currently resides.

Since we are reviewing how best to use the expertise the Commission provides, it is premature to extend the assessment that supports the Commission through 2013. The operation of the Commission will not be in jeopardy since their current funding source—a fee on commercial and residential insurance policies—will remain in effect through 2007.

I have directed the State and Consumer Services Agency to work with the author, the Commission, Office of Emergency Services, the Division of State Architect, the California Business Standards Commission and other stakeholders to explore further opportunities for enhanced seismic safety and increased coordination among the various state agencies involved with seismic issues.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1383

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1383 without my signature.

Solar energy offers all Californians a great opportunity to increase our peak energy production with safe reliable renewable energy. This is why I developed the "Million Solar Roofs Initiative" which is an aggressive comprehensive solar plan that will result in the creation of 3,000 mega watts of clean energy by the year 2018. Recognizing the initial capital investment for solar can be an impediment for some Californians, my plan included several incentives for those individuals including an exemption from the surcharge for all customers that participate in the state and federal rate reduction programs and a mandate that at least 10 percent of the funds spent under that program go

to affordable housing projects. This is in addition to existing law that provides an additional 25 percent increase in the amount of incentive for qualified low wealth applicants.

This bill creates the Low Income Housing Development Revolving Loan Program to help finance solar systems on affordable housing projects. As demonstrated by inclusion in my comprehensive plan, this is a concept I strongly support, however there are significant flaws with this bill. The funding sources identified as seed money for the program are the Emerging Renewable Resources Account (ERRA) at the California Energy Commission and the Self Generation Incentive Program (SGIP) at the California Public Utilities Commission. The ERRA has a zero balance and will not have any additional funding through December 31, 2008 and the SGIP program is limited to commercial and industrial projects. Additionally, the SGIP program is a reimbursement program for the Investor Owned Utilities; no funding is ever collected making it unclear how any seed money would be made available.

I encourage the Legislature to pass my “Million Solar Roof Initiative” which guarantees access to affordable solar energy for all Californians, including those with limited financial means.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1406

Governor’s Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1406 without my signature.

This bill is unnecessary by requiring duplicative reporting functions and will not directly improve port security. In an effort to secure federal dollars to protect California ports, I have augmented the funding levels by \$5 million dollars this year. In addition, at my urging, the U.S. Department of Homeland Security implemented a risk-based formula for the distribution of port security funds. This new formula was more advantageous resulting in 23% of the entire allotment being awarded to California.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1524

Governor’s Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning AB 1524 without my signature.

Existing law implements the laudable public policy of increasing public access to the coast by requiring the Coastal Conservancy to accept all offers to dedicate interests in real property that provide coastal access. This bill would greatly expand the State’s financial and legal liability without increasing public access to the coast.

This bill would require the Coastal Conservancy to accept all offers to dedicate interests in real property that do not provide coastal access such as open space easements, view sheds, conservation and agricultural

easements that have not been accepted by another agency or nonprofit within 90 days of the expiration date. This bill also exempts the acceptance from approval and review by the Department of Finance and the Department of General Services.

Offers to dedicate are often good for 21 years. The preferred acceptor of these interests is a local jurisdiction or non profit established to manage real property. The State has often been successful in getting these interests accepted and developed in a timely manner. If an interest is not willingly accepted by a local government, park district, or state agency within 21 years, there may be a legitimate reason. This bill does not allow discretion for the State to protect taxpayers or avoid legal liability by not accepting these offers to dedicate.

For these reasons I cannot sign this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1768

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1768 without my signature.

The Victims Restitution Fund was established to assist all victims of crime by providing reimbursement for out of pocket expenses for costs related to the crime. I support protecting this fund so government can ensure victims do not face economic hardship after suffering at the hands of a criminal. Making a special appropriation out of this fund for a service provider, even for a program as successful as the Trauma Recovery Center at San Francisco, would endanger our ability to ensure these funds will be available to all victims throughout the state.

In addition, by using funds in the manner contemplated by this bill will compromise federal reimbursement funds to California because they are not being spent on direct victim reimbursement.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 1:12 p.m., of Assembly Bills Nos. 712, 739, 771, 1058, 1208, 1374, 1383, 1406, 1524, and 1768 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

NEVA-MARIE PARKER

Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 54

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 54 without my signature.

I am greatly concerned with the provisions that were amended into this measure, without the benefit of a public hearing, requiring the Department of General Services (DGS) to initiate a California Environmental Quality Act (CEQA) process on the properties identified prior to any sale, lease or exchange. This provision has the potential of costing California taxpayers millions of dollars.

Applying the CEQA process to these surplus properties prior to sale may result in unnecessary litigation, prolonged escrow periods and missed opportunities for the State to reduce its financial obligations under the voter approved Proposition 60A. Historically, surplus properties have generally been exempted from the CEQA process since the developer must provide for CEQA when the property is eventually developed.

Therefore, I am asking DGS to work with the Legislature to correct this unfortunate amendment and pass legislation to exempt the State and these properties from the CEQA process.

Until that time, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 417

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 417 without my signature.

This bill would codify current law and practice to treat flavored malt beverages as a malt beverage product consistent with federal standards of identity, which 49 of the 50 states follow.

I am taking this action to allow a full discussion of the issues surrounding flavored malt beverages, not to suggest that the State's regulatory administration of flavored malt beverages is flawed. It was amended late in the session and only had one full hearing with short notice. I encourage all interested parties, particularly health professionals, law enforcement and the producers of flavored malt beverages, to use this opportunity for public debate and serious consideration of the policy issues surrounding this beverage.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 564

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 564 without my signature.

While I strongly support providing all high school students with high-quality, standards-based instructional materials, the process proposed in this bill is not necessarily the appropriate mechanism to do

so. If it is determined that the State should have the added responsibility of reviewing 9 through 12 grade instructional materials, then it would be more reasonable to do so by using the existing process used for K through 8 grade review. The K through 8 review process includes input and review from the public and final decision making authority vested with the State Board of Education.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 593

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 593 without my signature.

In accordance with the provisions of Proposition 60A as approved by the voters just last year, revenue generated by the sale of surplus property is to be used to pay off the debt accrued from the Economic Recovery Bonds. This bill attempts to redirect those revenues for other program purposes. As worthy an intention as providing additional funding for higher education may be, it is the Administration's objective to prioritize reducing the State's debt first, before initiating new programmatic spending.

Furthermore, this bill would delegate important decisions regarding the allocation of state resources to a new entity, unaccountable to the people, operating outside of the annual budget process, without an expressed mandate from the people of California. In doing so, it would impair the ability of the Legislature and the Governor to make such resource decisions taking into account all of the state's needs, both in higher education, and across the spectrum of important state services.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 726

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 726 without my signature.

It is unclear why an additional evaluation of the Community-Based English Tutoring (CBET) program is necessary. AB 56 (Mazzoni), Chapter 1009, Statutes of 1999, required an evaluation of the effects of Proposition 227. This evaluation conducted by the American Institutes of Research and WestEd also includes an evaluation on the CBET program. The final report on the *Effects of the Implementation of Proposition 227 on the Education of English learners* will be submitted to the California Department of Education by October 1, 2005. After the

department's review, it will be provided to the Governor and Legislature. This bill is redundant of those current efforts, and therefore it is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 826

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 826 without my signature.

This bill is unnecessary because it proposes to create a new statewide program through the State Department of Education that duplicates efforts that are already taking place in California. For example, the Department of Health Services already implements *California 5 a Day—For Better Health Campaign* and the *California Nutrition Network for Health Active Families* to promote increased consumption of fruits and vegetables. Additionally, the Department of Food and Agriculture oversees the *Buy California Initiative*, which promotes California agriculture.

Instead of creating another duplicative program with no identifiable funding source, I would rather see any additional resources that might be available go directly toward providing fresh fruits and vegetables to schools. This is why I recently signed into law SB 281 which provides healthy alternatives through existing meal programs and makes purchasing fresh fruits and vegetables a priority.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 952

Governor's Office, Sacramento
October 7, 2005

To Members of the California State Assembly:

I am returning Assembly Bill 952 without my signature.

This measure would allow the East Side Union High School District (ESUHSD), the Oak Grove Elementary School District, and the San Jose Unified School District, under specified conditions, to deposit proceeds from the sale of surplus real property into the general fund of the school district and to use the proceeds for any one-time general fund purpose.

I am concerned that enacting legislation on this matter may interfere with pending litigation specifically involving ESUHSD, Department of Education, Office of Public School Construction and East Side Teachers Association.

For this reason, I cannot sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1263

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1263 without my signature.

I strongly support ensuring the safety of pedicure patrons, however, this measure presents more problems than it solves. While some provisions in this bill are duplicative of existing regulations, it also contains provisions that could significantly harm innocent businesses. This bill could shift responsibility for ensuring the safety of equipment from manufacturers to the Board of Barbering and Cosmetology (Board), which may have the unintended consequence of placing the Board in the position of assuming liability, in lieu of the manufacturer, for pedicure equipment.

To ensure the safety of pedicure patrons, I am directing the Department of Consumer Affairs to convene a working group consisting of the Board, county health officials, consumer groups, and pedicure equipment manufacturers, and other interested parties, to determine how we can improve the safety of pedicure equipment and ensure appropriate consumer protection without the unintended consequences created by this bill.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1531

Governor's Office, Sacramento
October 7, 2005

To Members of the California State Assembly:

I am returning Assembly Bill 1531 without my signature.

This bill would undermine the existing California High School Exit Examination (CAHSEE), weaken the ability of the state to establish minimum standards for high school diplomas, and diminish ongoing efforts to ensure that these students are receiving the assistance they deserve to successfully complete the exit exam. Under current law, students already have up to six different opportunities to pass the exit exam. Allowing school districts to offer alternative assessments at this time sends the wrong message to students, parents, teachers, and administrators that we do not expect students to achieve at the highest levels.

I believe that every student can learn, and every student can graduate high school with the skills they need to go to college or enter the workforce. We have a responsibility to each of our students to believe in them, and not to have low expectations.

This is why the 2005 Budget Act includes \$70 million for additional support services and instruction for students most at risk of not passing the CAHSEE. I believe that targeted state resources should continue to be focused on helping students prepare for the exam, rather than developing alternative assessments.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1565

Governor's Office, Sacramento
October 7, 2005

To the Members of the California Assembly:

I am returning Assembly Bill 1565 without my signature.

I completely respect the intentions of the authors of this bill in addressing the need for quality child care programs in California and share their interest in improving the quality of care in the State. However, this bill may not directly address some of the shortcomings in the system.

The Legislature has already requested an audit of the Child Care Licensing Program of the California Department of Social Services that will examine the program's oversight of providers to ensure that child care programs are maintaining a safe environment for kids. The results of that audit may provide more critical areas of concern related to health and safety that should be resolved prior to implementing a study and development of a rating system.

We all share the same goal, and I look forward to working with Assemblymembers Pavley and Benoit in the coming legislative year to address the issue of child care quality.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 1:13 p.m., of Assembly Bills Nos. 54, 417, 564, 593, 726, 826, 952, 1263, 1531, and 1565 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

NEVA-MARIE PARKER

Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 76

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 76 without my signature.

AB 76 would create the Office of Pharmaceutical Purchasing (OPP) within the California Health and Human Services Agency. This bill takes a process currently performed by the Department of General Services (DGS), which has the general charge of purchasing goods and services for State agencies, and moves it to a newly created program, the OPP, in the Health and Human Services Agency, which does not currently have any purchasing functions, capacity or resources.

As the Legislative Analyst's Office (LAO) concluded in a recent report ("Lowering the State's Costs for Prescription Drugs," February 2005), the creation of a new state drug purchasing office could be costly, create organizational difficulties, and provide little strategic advantage to the State over the current arrangement in which procurement duties are already largely concentrated.

Many of the concepts in this legislation are a part of DGS's strategic purchasing initiatives and can be accomplished administratively

without creating a costly and inefficient new bureaucracy. Accordingly, I am directing the Department of General Services to investigate and implement options and strategies to achieve the greatest savings possible on prescription drugs and undertake the following activities to the extent they are feasible and would help control prescription drug costs:

Identify opportunities for DGS, University of California, and California Public Employees Retirement System to coordinate procurement information, consolidate drug procurement or engage in other joint activities that will result in cost savings.

Pursue opportunities for the State and other eligible entities to achieve savings through the appropriate use of generic drugs and through the federal 340B program.

These activities, in combination with the efforts DGS has already undertaken, will help control the state's rising prescription drug costs without creating a costly and unnecessary new bureaucratic entity.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 89

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 89 without my signature.

Although I share the Legislature's interest in exploring ways to provide health coverage to the uninsured, I have doubts that this report would provide useful information. The report would not account for the complex and multi-faceted decision-making process that employees and employers consider when choosing health insurance options or differentiate between part-time, seasonal and full-time workers.

Rather than imposing new reporting mandates that will be of limited or no benefit, we should strategically focus marketing of public health care programs to the harder to reach and under-enrolled Medi-Cal and Healthy Families populations. The Legislature did just that in the current budget when, at my request, they appropriated funds to reinstate the Healthy Families Certified Application Assistance program (CAA). The CAA program has proven to be an effective means for successfully enrolling children in Healthy Families and Medi-Cal. Such focused, strategic investments will actually help us enroll more eligible Californians in Medi-Cal and Health Families. The report required by this bill will do nothing to decrease the number of uninsured and I do not believe that it will yield valuable information to help in this effort.

For these reasons, I am returning Assembly Bill 89 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 313

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 313 without my signature.

This bill is unnecessary as local officials and the public already receive notices regarding proposed parole office locations and has opportunities to express any concerns or objections to the State. Parole office locations must already be consistent with and approved by local government land use authorities. Providing an additional layer of bureaucracy does not facilitate local and state planning needs.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 399

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 399 without my signature.

While the goals of this bill are laudable, the mandates in this measure are overly prescriptive and create significant state, local and private compliance costs. Additionally, this bill is inconsistent with the Integrated Waste Management Act, which expressly grants local governments discretion over what types of programs are used to achieve the State's diversion goals.

While I cannot sign this bill, I encourage the Integrated Waste Management Board to provide adequate tools and resources to local jurisdictions to implement multifamily recycling programs.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 518

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 518 without my signature.

Inherent in any long-range fiscal projections are dramatic swings in the state's economy that forecasting models have historically failed to predict. Most long-range projections in the late 1990s, for example, failed to anticipate the dramatic decline in revenues associated with the collapse of the dot-com "boom." Conversely, the revenues associated with this year's tax amnesty program far outstripped projections made as recently as one year ago.

While the state has been on this revenue roller coaster, it has failed in the past to act responsibly on the expenditure side. Programs were expanded during the dot-com boom without regard of the state's long-term ability to afford them. When that boom went bust, those programs were financed in large measure by borrowing and fund

shifts—creating the structural gap between revenues and expenditures that we continue to work to close.

I share the concerns of the author over the state's long-term fiscal outlook. It is precisely why I have argued strongly this year—and I continue to argue strongly—for the need to implement fundamental reform of the state's budgeting system. Such a reform would keep spending in check during these swings in revenue, and thereby improve the state's long-term fiscal outlook.

The Department of Finance works on long-range forecasts by making projections in major agency areas, not by department as would be required by this bill. We will continue to share this information with the Legislature as we do now. The Legislature has available to it the resources of the non-partisan Legislative Analyst, who reports directly to the Legislature. The analyst routinely makes multi-year revenue and expenditure projections, and if requested by the Legislature, is capable of providing a range of potential policy options to close any projected gaps for their consideration.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 561

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 561 without my signature.

This bill will place several mandates on the California Department of Corrections and Rehabilitation and is ultimately unnecessary. To the extent this bill codifies existing policy and practice, it is unnecessary. To the extent the bill mandates very specific provisions it removes management flexibility to respond to the changing needs of our institutions and fiscal limitations.

I appreciate and share the author's interest in improving correctional education programs within the California Department of Corrections and Rehabilitation, which is one of the reasons why I reorganized the Department effective July 1, 2005. This reorganization includes the development of the Division of Education, Vocations, and Offender Programs within Adult Programs and their mission includes many of the same goals articulated in this bill.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 609

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 609 without my signature.

This bill would require the Department of Developmental Services (DDS) to establish an advisory group to make recommendations to the Legislature on options for retaining the Agnews Developmental Center (Agnews) property or its value for the use of people with developmental disabilities.

DDS established the Advisory Committee on the Proposed Closure of

Agnews and the Bay Area Project planning teams, which undertook a long and involved process to ensure that all stakeholders, including those mentioned in this bill, were encouraged to submit input into the Agnews Closure Plan. The Closure Plan, which has received legislative approval, reflects the stakeholder recommendations, including recommendations for the disposition of the Agnews property.

Furthermore, existing law already creates a statewide process for legislative approval of the disposition of state surplus property by the Department of General Services (DGS). The DGS is required to annually report to the Legislature the lands identified as surplus by state agencies and request legislative authorization to dispose of the lands by sale or otherwise. This bill would create a separate process without DGS oversight for the disposition of the Agnews property.

My Administration will continue to work with stakeholders throughout the closure process and welcomes continued discussions about how the State can improve community services provided to people with developmental disabilities.

For these reasons I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 672

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 672 without my signature.

As California continues to grow it is every government agency's responsibility to provide additional recreational opportunities where appropriate. Increased recreation improves health and fitness, instills an appreciation of our state's natural resources, and can provide excellent opportunities for families to spend more time together.

Assembly Bill 672 creates new state policy concerning drinking water reservoirs for activities such as shoreline fishing and nonmotorized boats and attempts to encourage additional recreation activities around drinking water reservoirs by requiring the managing agency to develop recreation plans. I agree with the intent of this measure. However, this bill could potentially allow access to reservoirs that contain treated drinking water or are considered vulnerable to significant security risk. As a result, the legislation could place public drinking water from these reservoirs at an unacceptable risk from waterborne disease transmission or potential acts of terrorism.

For these reasons I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 696

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 696 without my signature, as it provides an opportunity for increased fraud and abuse without guaranteeing increased participation in the program as intended by the legislation.

Throughout my term, I have supported efforts to increase participation in the food stamp program, such as offering food stamps to families leaving welfare to work and improved outreach and program simplification efforts. California has taken steps to ensure fingerprinting requirements do not significantly reduce participation by providing portable finger imaging devices to counties to make it more convenient for individuals to sign up. These efforts, in combination with program simplification and outreach activities, are helping to increase enrollment of eligible families.

The Statewide Fingerprint Imaging System (SFIS) prevents fraud by discouraging applicants from illegally obtaining duplicate benefits. Our first responsibility to taxpayers is to take necessary steps to prevent fraud and abuse in public programs, which is why I cannot support this bill's elimination of the SFIS.

For these reasons, I am returning AB 696 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 698

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 698 without my signature.

I vetoed a bill last year, SB 1164, which would essentially accomplish the same purpose as this bill.

I believe that open access by the press is an important component of ensuring efficiency and effectiveness of government programs. However, this bill is unnecessary because the media currently enjoys wide ranging access to both prisons and inmates, including the right to interview random inmates during tours and specific inmates during the visitation program.

The California Department of Corrections and Rehabilitation's current policy is modeled after policies that have been upheld by the U.S. Supreme Court. The policy strikes the important balance between media access and the appropriate correctional decisions that must take into account the orderly administration of prisons.

Finally, it is important to avoid treating inmates as celebrities. Activities that would glamorize criminals at the expense of victims and the general public are unacceptable. A free flow of information from the prison environment into the outside world has taken place under the current policy as evidenced by the many published press accounts in the past year.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 4:36 p.m., of Assembly Bills Nos. 76, 89, 313, 399, 518, 561, 609, 672, 696, and 698 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

PAMELLA J. CAVILEER
Chief Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 855

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 855 without my signature.

I strongly support efforts to help people recover from drug addiction, and last year I signed legislation providing food stamp benefits to addicts in recovery. However, I cannot support this bill as it would provide cash assistance without adequate public safety protections.

California already provides resources to help meet the needs of children whose parents are ineligible for CalWORKs services because of their drug-related felony. This bill would provide cash and benefits to felony drug offenders, but does not provide adequate assurances that these individuals are abstaining from drug use. The Legislature failed to pass measures that include reasonable public safety provisions such as drug testing, use of voucher payment in lieu of cash and mandatory treatment.

Finally, I am concerned that not enough time has passed to determine whether providing food stamps to drug felons improves individuals' ability to maintain sobriety and become more self sufficient so an expansion of cash assistance at this time is premature.

For these reasons, I am returning AB 855 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1168

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1168 without my signature.

Assembly Bill 1168 establishes guiding principles for the Department of Health Services to use in the review of drinking water desalination facilities. This bill is redundant and unnecessary.

The Department of Health Services currently evaluates drinking water desalination projects. The Department applies the existing criteria to desalination projects that it applies to other forms of water treatment plants. As with any review of a drinking water source, the Department evaluates the treatment process and microbiological and chemical source contaminants to ensure the water meets drinking water standards and is safe for human consumption.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1221

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1221 without my signature.

This bill increases the membership of the California Air Resources Board by two from eleven to thirteen members. The purpose is to include representation from Sacramento and an expert on greenhouse gasses. The current composition allows for such representation.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1338

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1338 without my signature.

This bill is similar to AB 1795 which I vetoed last year. I support policies that provide children and their advocates with means to obtain and exercise their rights, however this bill is unnecessary. This bill is an overly broad and costly response to a problem that may be resolved administratively.

The Department of Social Services has taken steps to minimize this potential problem for foster youth by recently developing regulations that require a Transitional Independent Living Plan to be completed for each child in foster care. This plan includes a variety of issues, including addressing immigration status. This should enable the immigration process to be started sooner.

Current law requires the court to appoint an attorney to represent the child in dependency proceedings. In addition, counties have the option of appointing an attorney to assist in resolving the immigration status of a child. This bill will apply an overbroad solution to all counties regardless of the individual needs of each jurisdiction.

For the reasons stated above I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1466

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1466 without my signature.

I strongly agree with the intent of this bill which is to develop an eradication plan to control and eradicate tamarisk in the Colorado River watershed. However, this measure requires the Department of Water Resources, in consultation with the Department of Food and Agriculture, the Department of Fish and Game, and the Colorado River Board to develop a comprehensive plan for eradication of this plant species and the re-establishment of native vegetation. The estimated

cost to develop the plan is \$3.3 million and if implemented, the eradication costs for tamarisk are estimated to cost \$626 million.

Instead of directing only state agencies to develop the plan, legislation should provide authority and direction for the appropriate state entities to work with the other Colorado Lower Basin States, the federal government, and local water districts receiving water out of the Colorado River. Cooperation among all these entities will be required for success of any plan; therefore, it should be developed cooperatively by all these entities.

For these reasons I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1593

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1593 without my signature as it would restrict California's ability to address vendor overcharging, at the expense of maximizing the number of women and children served. The federally funded Woman, Infants and Children Supplemental Nutrition Program (WIC) provides critical food supplies and nutrition services to 1.3 million low-income pregnant women, mothers and their young children. WIC funding comes from a capped federal grant, therefore, any dollar lost due to fraudulent activities is a dollar not spent to buy food for low-income mothers and their children.

Assembly Bill 1593 limits the Department of Health Service's ability to impose penalties or sanctions when a vendor overcharges the program, purchases WIC coupons with cash or is disqualified from the Food Stamps Program. In accordance with federal law, the WIC Program already provides vendors written notification of initial violations and bases program sanctions on a pattern of practice, not on a single violation, unless the violation is very serious.

Assembly Bill 1593 would make California law inconsistent with federal law and compromise enforcement of regulations designed to maximize the number of low-income mothers and children served with available program funds.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1597

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1597 without my signature.

While I strongly support comprehensive HIV prevention efforts, have signed legislation to facilitate access to clean needles, support increased stability of locally approved syringe exchange programs and provided increased funding for local HIV prevention and education efforts, I cannot support Assembly Bill 1597. This bill would make state funding for HIV prevention and education available for the purchase of

needles, potentially limiting funding for other prevention and education activities.

Authorizing the use of state funds to purchase syringes, without appropriate local controls, including mechanisms for input from local law enforcement, and protections against the use of state funds to supplant private or local resources is not prudent.

For these reasons, I can not sign Assembly Bill 1597.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1622

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1622 without my signature.

This bill is intended to help small businesses by mandating the terms and conditions of contracts between contractors and subcontractors. However, it is likely to have the opposite effect. By statutorily directing the contents of private sector construction contracts, it is probable that contractors will hire only large subcontractors which have solid work histories and are fully bonded.

This bill unnecessarily intrudes into private business practices and has the potential to ultimately harm those it is intended to help. For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1623

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1623 without my signature.

This bill seeks to impose a new \$5 tax on all cars in the counties of Alameda, Contra Costa, Marin, Napa, and Sacramento does so without a two-thirds vote of the people. While the goal of the program to increase funds to relieve traffic congestion is a worthy proposal to consider, I do not believe these fees should continue to be added without the approval from the people upon whom the fee is imposed.

In this year's budget, I proposed the full funding of Proposition 42 for the first time since its passage in 2002. The additional \$1.3 billion from Proposition 42 is just a fraction of the funds needed to relieve California's congested freeways and improve our roadways. Finding new funds for California's fractured infrastructure is a top priority; however, this piecemeal approach that does not allow for a vote of the people is not the right way to accomplish the goal.

For these reasons, I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1625

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1625 without my signature.

I absolutely believe that the Legislature, indeed all elected officials, must base their decisions on information that is true, accurate, and complete. This bill, requiring legislative reports be submitted under penalty of perjury, only applies to individuals appointed by the Governor and confirmed by the Senate, and to the executive officer of the Franchise Tax Board and the executive director of the Board of Equalization.

The law already protects against falsified reports to the Legislature. Department heads must take oaths of office, and various Government and Penal Code provisions set forth duties, obligations, and penalties for the accurate and truthful execution of the operation of state government. Further, the Legislature may already require individuals appearing before it to testify under oath, and false testimony is a felony.

I will consider similar legislation that applies to all written materials used in the course of legislative deliberations that applies to any official of the State, elected or appointed by the Governor, the Legislature or any other constitutional officer.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 4:36 p.m., of Assembly Bills Nos. 855, 1168, 1221, 1338, 1466, 1593, 1597, 1622, 1623, and 1625 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

PAMELLA J. CAVILEER

Chief Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 239

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 239 without my signature.

This bill would require the Governor to submit with the Budget a report that contains specific information regarding current and proposed contracts for services.

The State already has an electronic reporting system that tracks the purchase of goods, services and information on contracts over \$5,000. This system became effective on July 1, 2003, and all State agencies are required to enter information on their existing contracts. The bill would require that the information also be reported on "proposed" contracts—it is questionable how that could ever be captured, and since there is no monetary limit on the size of contract to be reported—under this

scenario, a purchase of \$100 would have to be reported. Furthermore, this bill does not include any funding to create a new system or expand upon the State's existing reporting system.

For these reasons I am unable to support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 477

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 477 without my signature.

This measure, while worthy, may negatively impact the ability of persons with disabilities enrolled in the In-Home Supportive Services (IHSS) program to secure the services they require. Current IHSS consumers often report difficulty in locating, hiring, and retaining quality service providers. Increasing the number of consumers seeking services from IHSS providers may exacerbate these challenges.

In addition this measure would create millions of dollars in fiscal pressure on the State during ongoing structural budget deficits.

For these reasons, I am returning AB 477 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1395

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1395 without my signature.

Mexico is an extremely important economic and cultural partner to California. Our proximity and shared history unite us. The annual Border Governors' Conference provides the ten border states in Mexico and the United States a cooperative forum for discussing complex and important cross-border issues. Since its start, the organization has enhanced joint border efforts addressing agriculture, border crossings, education, economic development, energy, environment, health, human trafficking, tourism, and border security issues.

I welcome the Legislature's involvement in my Administration's activities related to the annual Border Governors' Conference. Bi-national work groups have formed on topics ranging from agriculture to education to border security and almost every cabinet agency plays a role in the activities of the conference throughout the year. The conference has spurred many accomplishments, but more work is yet to be done to achieve our shared goals.

Unfortunately, this bill's requirement for a California-Mexico Relations Ten Year Plan will not help accomplish those goals. Many issues have arisen and continue to arise that could not be foreseen ten

years ago. The Border Governors' Conference provides the flexibility to address timely issues. My Administration will continue to pursue avenues of common interest and mutual assistance and will do so as they need to be addressed.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1698

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1698 without my signature.

AB 1698 would require health care service plans to continue coverage of dependent children until the dependent's 26th birthday. The bill also provides that employers covered through the Public Employees Retirement System (PERS) and the University of California (UC) are not required to pay the cost of dependent coverage for dependents between the ages of 22 and 26.

I believe in providing access to affordable health insurance, however, mandating employers such as school districts and small businesses to include coverage for dependents up to the age of 26, when current dependent coverage is typically to age 19 or 24 if the dependent is in college, will impose additional costs on employers at a time when many are struggling to afford the rising costs of health care. Moreover, health insurance premiums overall may rise as the individuals most likely to elect to continue dependent coverage will be those individuals with preexisting conditions.

While I appreciate the desire of the author to make available dependent health care coverage for young adults under 26, I am concerned that this bill would have the unintended consequence of actually reducing the number of employers taking advantage of dependent health care coverage. As a result, there may be fewer persons with health insurance—not more, as contemplated by this bill.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 7:19 p.m., of Assembly Bills Nos. 239, 477, 1395, and 1698 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

PAMELLA J. CAVILEER

Chief Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 55

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 55 without my signature.

The payment contemplated in this bill is the subject of ongoing litigation, yet this bill does not end the lawsuit. This bill would authorize payments equaling over \$800 million to the Supplemental Benefit Maintenance Account. In 2003 the Legislature determined, on a one-time basis, that a payment of \$500 million was unnecessary to provide purchasing power protection to retired teachers. That determination is the subject of ongoing litigation. This additional payment of \$800 million would not resolve that litigation. If this bill made it clear it settled the lawsuit, I would consider signing it.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 163

Governor's Office, Sacramento
October 7, 2005

To Members of the California State Assembly:

I am returning Assembly Bill 163 without my signature.

I could have supported a bill that would simply revise the definition of hair threading to also include the possible incidental trimming of eyebrow hair.

I am concerned with provisions in this bill that create two separate applications for barbering and cosmetology resulting in a bifurcated examination and licensing process, which would require additional costs and workload to the Board, as well as increased costs, steps and/or time for applicants to get their California licenses. The two-step provisions created in this measure could prevent students who have worked diligently to complete their course work and pass the examination from beginning their careers immediately. The Board has offered same-day licensing to their applicants for several years and this measure could eliminate same-day licenses.

Therefore, I am directing my Secretary for State and Consumer Services Agency to examine potential options for establishing a process to accommodate those who may not want to ultimately obtain a license in California. This process should only be implemented if it does not materially impact the licensure processing time, or significantly increase the fees for California applicants.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 535

Governor's Office, Sacramento
October 7, 2005

To the Members of the California Assembly:

I am returning Assembly Bill 535 without my signature.

The creation of a narrow licensing law for nonprofit credit counselors is premature, in light of the regulatory and enforcement actions

occurring at the federal level as a result of congressional investigations and the recent federal bankruptcy law changes. Further, the National Conference of Commissioners on Uniform State Laws is in the process of adopting a uniform act in this area, which should be considered prior to legislation in California. In addition, the bill creates too small of a program to justify a new licensing law, with only 52 organizations currently complying with the filing requirement to claim the licensing exemption under existing law. Finally, the bill fails to evade state licensing and notice filing requirements, and instead places costly regulatory requirements on the legitimate charitable organizations that are the least likely to engage in abusive practices towards debtors.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 566

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 566 without my signature.

This bill is substantially similar to a bill I vetoed last year, AB 2406.

This bill imposes Sacramento judgments regarding local fire fighting needs on local governments. Fire protection service standards are directly dependent on the local decision-making process. Local agencies are in the best position to evaluate their conditions to match community needs with available resources.

Legislators should concentrate on ways to extinguish the policy fires in Sacramento and leave the real firefighting to the brave men and women who protect our local communities every day.

For these reasons I cannot support this measure. I urge the Legislature to instead focus more on constructive ways to help firefighting agencies improve the ability to respond quickly to fire incidents.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 624

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 624 without my signature.

I believe that children should be insured but this bill fails to address a critical question: How to pay for it? At a time when California has a \$7.5 billion structural deficit, this bill would cost the state almost 200 million dollars once implemented without providing a funding source or offering comprehensive children's health reform.

As written, AB 624 grants a child presumptive Medi-Cal eligibility until county eligibility workers and HFP make a final determination of the child's eligibility for the programs. This could effectively result in extending indefinitely the current two-month presumptive eligibility period for the Children's Health Disability and Prevention (CHDP) Gateway program. Not only would this generate an undetermined increase in CHDP Gateway costs due to an anticipated increase in enrollment in temporary Medi-Cal, it would discourage a final eligibility determination for and enrollment in comprehensive health

coverage programs. In addition, the bill would place a greater responsibility on the counties to follow up on Medi-Cal eligibility and would result in a substantial increase in workload. Finally, this bill does not allow enough time for the Department of Health Services, the Managed Risk Medical Insurance Board and the counties to plan and implement all the aspects of the CHDP Gateway application modification.

I have continually stated my interest in providing health coverage to low-income uninsured California children. Consistent with that interest, I have made expanding children's health coverage a top priority in a challenging fiscal time by protecting eligibility for Medi-Cal and the Healthy Families Program (HFP), funding an additional 126,000 children in HFP, and reinstating community-based certified application assistance to help reach the estimated 428,000 children who are eligible for public programs but not yet enrolled. More broadly, my budget included a \$1 billion increase in funding for health care services for over 7 million low-income Californians already eligible for public programs.

Providing access to affordable health coverage for California children has been and will continue to be an important priority for me and my Administration. While progress has been made over the past year in expanding coverage, more needs to be done. My Administration is committed to working with the Legislature and stakeholders to find a comprehensive solution to this critical priority for California, but we must do so in a manner that the State of California can afford, is funded, and that effectively targets new investments in proven strategies to provide coverage to California children.

For these reasons, I am returning AB 624 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 749

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 749 without my signature.

I share the author's concerns for protecting our marine resources. Protecting our environment, natural resources, and our oceans has been a top priority of my Administration. California has been a leader in protecting our oceans and marine resources and true to that tradition, last year I signed legislation creating the Ocean Protection Council, regulating and restricting bottom trawling, and eliminating the discharge of sewer, gray water and trash from cruise ships.

This bill has several meritorious elements such as extending the sunset on the provisions creating a "limited entry" fishery, establishment of the Dungeness Crab Advisory Committee, and after the initial arbitrary trap limit expires, vesting the Fish and Game Commission with additional management powers. However, one of the principal tasks of the Fish and Game Commission is the regulation and management of our State's fisheries. This bill creates an arbitrary per boat trap limit just for one district through legislation. Such an effort

should not be made without significant scientific and biological analysis, public discussion and consideration of alternatives. That is the role of the Fish and Game Commission.

In my veto message of a similar bill by the same author last year, I encouraged the Legislature to vest the Fish and Game Commission with additional authority to manage the Dungeness crab fishery. The Fish and Game Commission's existing authority over the Dungeness crab fishery is limited to establishing season dates, male only permitted harvest, and size. There is no evidence these management practices are not working to create a sustainable commercial fishery.

I look forward to working with the Legislature on a bill that vests the Fish and Game Commission with additional powers to manage the fishery without the arbitrary trap limits contained in this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 754

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 754 without my signature.

This bill is unnecessary because federal authorities currently can check transactions between federally licensed firearm dealers. This bill will add another layer of bureaucracy by requiring an additional check at the state level. There is no documentation that creating this additional layer of monitoring at the state level will result in a public safety benefit that is not currently derived from the federal system.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 648

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 648 without my signature.

This bill would require that developers disclose the identity of owners or occupants of a facility upon construction completion. While I am supportive of the author's stated goals to promote appropriate disclosure with respect to land development decisions, this bill is an express attempt to dictate land use and private property rights.

Further, this measure would force the disclosure of proprietary business information. In the case of a commercial project, a developer's prospective rent roll is closely held information of considerable value to competitors. The bill's requirement to name future owners of residential homes is simply ludicrous.

Builders are required to conform to, among other requirements, environmental standards, local zoning ordinances and general planning dictates; however, they have the right to lease at-will once the

obligations have been met. One can only conclude that the disclosure required by this bill will result in discrimination against builders who otherwise have done nothing wrong.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 772

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 772 without my signature.

I believe that children should be insured but this bill fails to address a critical question: How to pay for it? This bill would cost the state almost a half billion dollars a year without providing a funding source at a time when California has a \$7.5 billion structural deficit.

I have continually stated my interest in providing health coverage to low-income uninsured California children. Consistent with that interest, I have made expanding children's health coverage a top priority in a challenging fiscal time by protecting eligibility for Medi-Cal and the Healthy Families Program (HFP), funding an additional 126,000 children in HFP, and reinstating community-based certified application assistance to help reach the estimated 428,000 children who are eligible for public programs but not yet enrolled. More broadly, my budget included a \$1 billion increase in funding for health care services for over 7 million low-income Californians already eligible for public programs.

While I share the goal of insuring children in California, I have concerns with certain aspects of the roadmap provided in this legislation and for that reason I am unable to sign AB 772. The measure relies solely on the expansion of state programs as the means to increase health coverage for uninsured children. The measure includes strategies that need to be further analyzed for their relative effect on enrollment, cost effectiveness, and program integrity, and evaluated to ensure that they won't divert resources to administrative processes and investments for already enrolled children. As an example, AB 772 would eliminate documentation and verification requirements for purposes of determining eligibility, despite evidence in other states regarding error rates associated with this approach, the potential for federal disallowances and susceptibility to fraud. Additionally, AB 772 fails to include a funding source for a program that once fully implemented is expected to cost in excess of \$820 million dollars (\$444 million General Fund) annually.

Providing access to affordable health coverage for California children has been and will continue to be an important priority for me and my Administration. While progress has been made over the past year in expanding coverage, more needs to be done. My Administration is committed to working with the Legislature and stakeholders to find a solution to this critical priority for California that can be enacted next year, but we must do so in a manner that the State of California can

afford, is funded, and that effectively targets new investments in proven strategies to provide coverage to California children.

For these reasons, I am returning AB 772 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 938

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 938 without my signature.

I support requiring a general purpose committee that makes contributions to other committees that support or oppose the qualification of a ballot measure, to disclose those contributions within 10 business days. In fact, my general purpose committee that helped qualify Propositions 74, 76 and 77 voluntarily complied with the online reporting rules found in Government Code section 85309.

This bill sets a higher threshold, \$10,000 rather than \$5,000, for disclosure than in existing law. This adds further confusion to existing reporting laws. I will work with the Legislature upon its return in January to close this loophole, streamline reporting, and get more on-line disclosure for campaign contributions.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 7:20 p.m., of Assembly Bills Nos. 55, 163, 535, 566, 624, 749, 754, 648, 772, and 938 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

PAMELLA J. CAVILEER

Chief Assistant Clerk of the Assembly

Veto Message—Assembly Bill No. 153

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 153 without my signature.

This bill was amended late in the session and sent to me with only one hearing. Similar provisions were included in the 2004 budget trailer bills, without a hearing. Those provisions were invalidated by a superior court ruling. This bill will allow the Attorney General to cover all costs associated with investigations, expert witnesses and attorney fees in certain civil cases. Under the provisions of the bill, it may be possible to allow the Attorney General to hire private law firms to bring the lawsuit. The court's action provides us a second chance to decide the impact of these provisions on California's business climate.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 962

Governor’s Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 962 without my signature.

This measure, opposed by union representatives and railroad corporations alike, would impose state-only standards on the operation of railroads in California. The courts have consistently invalidated state laws based on preemption by the Federal Railway Safety Act. Uniform nationwide laws are critical to maintaining safe operations.

While this bill was introduced to improve safety, it ironically could have the opposite effect for employees, passengers, and the public.

For this reason, I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 996

Governor’s Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 996 without my signature.

This bill is unnecessary because there has been no documentation of a problem with the theft of ammunition from retail establishments. In addition, I have just signed SB 48 by Senator Scott into law which will ensure those underage will no longer be purchasing ammunition.

Requiring retail ammunition sellers to store any handgun ammunition offered for sale in a manner inaccessible to the purchaser would impose more regulation in California without a corresponding benefit to public safety. It is not clear how requiring store employees to obtain and hand customers ammunition instead of letting customers choose their own ammunition will curb crimes committed with firearms.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1113

Governor’s Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1113 without my signature.

As worded, this bill would authorize a licensed acupuncturist to diagnose within his or her own scope of practice. The term “scope of practice” is vague and leaves room for interpretation. I would consider signing a bill that authorizes an acupuncturist to diagnose specifically for the purpose of providing acupuncture treatment.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1199

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1199 without my signature.

I believe that children should be insured but this bill and AB 772 fail to address a critical question: How to pay for it? This bill would cost the state almost a half billion dollars a year without providing a funding source at a time when California has a \$7.5 billion structural deficit.

I have continually stated my interest in providing health coverage to low-income uninsured California children. Consistent with that interest, I have made expanding children's health coverage a top priority in a challenging fiscal time by protecting eligibility for Medi-Cal and the Healthy Families Program (HFP), funding an additional 126,000 children in HFP and reinstating community-based certified application assistance to help reach the estimated 428,000 children who are eligible for public programs but not yet enrolled. More broadly, my budget included a \$1 billion increase in funding for health care services for over 7 million low-income Californians already eligible for public programs.

While I share the goal of insuring children in California, I have concerns with certain aspects of the roadmap provided in AB 772 and therefore cannot sign it or AB 1199. The measures rely solely on the expansion of state programs as the means to increase health coverage for uninsured children. Further, AB 772 includes strategies that need to be further analyzed for their relative effect on enrollment, cost effectiveness, and program integrity, and evaluated to ensure that they won't divert resources to administrative processes, unproven enrollment strategies, and investments for already enrolled children. As an example, AB 772 would eliminate documentation and verification requirements for purposes of determining eligibility, despite evidence in other states regarding error rates associated with this approach, the potential for federal disallowances and susceptibility to fraud. Additionally, AB 772 fails to include a funding source for a program that once fully implemented is expected to cost in excess of \$820 million dollars (\$444 million General Fund) annually.

Providing access to affordable health coverage for California children has been and will continue to be an important priority for me and my Administration. While progress has been made over the past year in expanding coverage, more needs to be done. My Administration is committed to working with the Legislature and stakeholders to find a solution to this critical priority for California that can be enacted next year, but we must do so in a manner that the State of California can afford, is funded, and that effectively targets new investments in proven strategies to provide coverage to California children.

For these reasons I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1648

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1648 without my signature. AB 1648 would establish a Reflex Sympathetic Dystrophy (RSD) Education and Research Program in the Department of Health Services (DHS) to promote public awareness of the causes of RSD and the value of early detection, diagnosis and treatment, as well as to promote further RSD research.

Although AB 1648 allows DHS to accept funds from private and federal sources to accomplish its provisions, receipt of these funds is uncertain. A continuous reliable funding source is necessary to establish an education and research campaign. I am concerned that AB 1648 creates the expectation that an educational campaign will be conducted without an allocation to support it.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1674

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1674 without my signature.

While I share the authors' goals of using research and standardized practices to improve quality of care and control health care costs, existing government entities and private programs have already undertaken much of the work envisioned by this legislation. The federal government's Agency for Health Care Research and Quality, the National Committee for Quality Assurance, the RAND Corporation, and a wide range of other private and academic entities are already engaged in health care quality research activities. The University of California has many researchers at the forefront of these efforts.

The legislation also includes a number of fatal technical problems. The bill erroneously gives the Secretary of the Health and Human Services Agency responsibilities under the Knox-Keene Act, which is administered by the Business, Transportation and Housing Agency through the Department of Managed Health Care.

For these reasons I am returning AB 1674 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1736

Governor's Office, Sacramento
October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1736 without my signature.

I share the author and sponsor's interest in testing the efficacy of different treatment models for Medi-Cal beneficiaries. However, this bill is duplicative of current Department of Health Services (DHS) efforts and would impose significant costs on the program. DHS is currently developing a disease management program utilizing a Primary

Care Case Manager (PCCM) model, which will be implemented in a select number of fee-for-service counties (both urban and rural) and will test the efficacy of a disease management benefit to eligible Medi-Cal beneficiaries with several specific targeted diseases. The chronic care model proposed in AB 1736 is a different model for chronic disease management and would significantly increase costs because the Department would have to expand the scope of service for federally qualified health centers and rural health centers. In addition to increasing costs in the clinic model, it would be difficult to obtain necessary data for the needed evaluation because the bundled rate used for reimbursement of clinics does not show the individual services provided.

For these reasons I am returning AB 1736 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1747

Governor's Office, Sacramento

October 7, 2005

To the Members of the California State Assembly:

I am returning Assembly Bill 1747 without my signature.

The Rumsey Band of Wintun Indians is a leader among California's sovereign tribes. Their willingness to partner with the state and local governments to solve problems, protect the environment and work cooperatively with Yolo County and various public entities in the area is commendable. They are a valued and respected Tribe and member of the Yolo County community. I am encouraged by their continued willingness to work with state and local governments on so many important issues.

But allowing a tribal government that is not subject to all of the federal, state and local laws that protect the public, to participate in the exercise of public power, particularly off reservation lands, diminishes public accountability and control. This bill also presents significant policy questions regarding the proper role of a tribal sovereign when their partnership with a local government can lead to the taking of property for public purposes through eminent domain.

The simple fact is that the sovereign tribes can work cooperatively with their local governments through agreements and memoranda of understanding as contemplated in the tribal-state compacts my administration has executed.

Sincerely,

ARNOLD SCHWARZENEGGER

Receipt of Bills

I acknowledge receipt this 7th day of October at 7:22 p.m., of Assembly Bills Nos. 153, 962, 996, 1113, 1199, 1648, 1674, 1736, and 1747 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

PAMELLA J. CAVILEER

Chief Assistant Clerk of the Assembly

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FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk