

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 23

INTERIM STUDY RECESS

Assembly Chamber, Sacramento
October 12, 2009

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2009–10 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 30, 2009

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

RE: Appointment of Virgie Walker
to California Commission on Aging

Dear Mr. Wilson: Please be advised I have appointed Ms. Virgie Walker to the California Commission on Aging. This is a term appointment starting September 30, 2009 and the expiration date is September 30, 2012.

Sincerely,

KAREN BASS
Speaker of the Assembly

September 30, 2009

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

RE: Appointment of Areva Martin
to Advisory Commission on Special Education

Dear Mr. Wilson: Please be advised I have appointed Ms. Areva Martin to the Advisory Commission on Special Education. This is a term appointment starting September 30, 2009 and the expiration date is December 31, 2009.

Sincerely,

KAREN BASS
Speaker of the Assembly

September 30, 2009

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

RE: Appointment of Andrea Valdez
to California Board of Accountancy

Dear Mr. Wilson: Please be advised I have appointed Ms. Andrea Valdez to the California Board of Accountancy. This is a term appointment starting September 30, 2009 and the expiration date is January 1, 2013.

Sincerely,

KAREN BASS
Speaker of the Assembly

October 1, 2009

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

RE: Reappointment of Allan S. Boodnick
to Baldwin Hills Conservancy Governing Board

Dear Mr. Wilson: Please be advised I have reappointed Dr. Allan S. Boodnick to the Baldwin Hills Conservancy Governing Board. This is a term appointment starting October 1, 2009 and the expiration date is October 1, 2011.

Sincerely,

KAREN BASS
Speaker of the Assembly

October 1, 2009

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

RE: Appointment of Clark Parker
to Professional Fiduciaries Advisory Committee

Dear Mr. Wilson: Please be advised I have appointed Mr. Clark Parker to the Professional Fiduciaries Advisory Committee. This is a term appointment starting October 1, 2009 and the expiration date is January 1, 2011.

Sincerely,

KAREN BASS
Speaker of the Assembly

October 1, 2009

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

RE: Appointment of Pius Lee
to California Earthquake Insurance Authority
Governing Board and Advisory Panel

Dear Mr. Wilson: Please be advised I have appointed Mr. Pius Lee to the California Earthquake Insurance Authority Governing Board and Advisory Panel. This is a term appointment starting October 1, 2009 and the expiration date is October 1, 2013. Mr. Lee will be replacing Mr. Michael Chang.

Sincerely,

KAREN BASS
Speaker of the Assembly

October 1, 2009

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

RE: Reappointment of Lee H. Wallach
to State Bar Examining Committee

Dear Mr. Wilson: Please be advised I have reappointed Mr. Lee H. Wallach to the State Bar Examining Committee. This is a term appointment starting October 1, 2009 and the expiration date is October 1, 2013.

Sincerely,

KAREN BASS
Speaker of the Assembly

October 1, 2009

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

RE: Reappointment of Michael Alexander
to California Arts Council

Dear Mr. Wilson: Please be advised I have reappointed Mr. Michael Alexander to the California Arts Council. This is a term appointment starting October 1, 2009 and the expiration date is January 1, 2012.

Sincerely,

KAREN BASS
Speaker of the Assembly

October 1, 2009

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

RE: Reappointment of Wendy Greuel
to California Film Commission

Dear Mr. Wilson: Please be advised I have reappointed Wendy Greuel to the California Film Commission. This is a term appointment starting October 1, 2009 and the expiration date is October 1, 2011.

Sincerely,

KAREN BASS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Governmental Organization, for an informational hearing, Tuesday, October 27, 2009, at 11 a.m., in Room 4202;

Jobs, Economic Development, and the Economy, for an informational hearing, Friday, October 9, 2009, in San Diego. (This hearing was previously scheduled for October 14, 2009.);

Revenue and Taxation, for informational hearings, Thursday, October 8, 2009 at 10 a.m. and 2 p.m., and Friday, October 9, 2009 at 9 a.m., in Room 126;

Revenue and Taxation, for an informational hearing, Wednesday, October 14, 2009, at 1 p.m., in Room 126;

Transportation, to meet jointly with the Senate Committee on Transportation and Housing, for an informational hearing, Tuesday, October 20, 2009, at 2 p.m., in Room 4203;

Transportation, to meet jointly with the Senate Committee on Transportation and Housing, for an informational hearing, Wednesday, October 28, 2009, at 2 p.m., in Room 4203;

Utilities and Commerce, for an informational hearing, Wednesday, October 21, 2009, at 1 p.m., in Room 437;

Water, Parks and Wildlife, for an informational hearing, Tuesday, October 13, 2009, at 10 a.m., in Room 4202;

Select Committee on Alcohol and Drug Abuse, for an informational hearing, Monday, November 16, 2009, at 11 a.m., in Room 4202;

Select Committee on Child/Adolescent Health and Safety, for an informational hearing, Wednesday, November 4, 2009, at 1:30 p.m., in Room 447;

Select Committee on Healthcare Workforce Access, Wednesday, October 14, 2009, at 10 a.m., in Room 126;

Select Committee on Improving State Government, to meet jointly with the Senate Select Committee on Improving State Government, Thursday, October 22, 2009, at 9 a.m., in Room 4202;

Select Committee on Regional Approaches to Addressing the State's Water Crisis, Thursday, November 5, 2009, at 9 a.m., at 700 North Alameda Street, Los Angeles, and Friday, December 4, 2009, at 9 a.m. in Room 126.

MESSAGES FROM THE GOVERNOR

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

Veto Message—Assembly Bill No. 1

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1 without my signature.

While I understand the importance of negotiation and conflict resolution skills, this bill is unnecessary since nothing under current law prohibits districts from offering these courses as part of their professional development programs.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 3

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 3 without my signature.

I fully support the intent of Assembly Bill 3 to train low-income workers, people adversely impacted by the recent historic recession, and disadvantaged members of our population for good paying occupations in the California emerging green economy. My Administration is currently working with the California Workforce Investment Board and its Green Collar Jobs Council (Council) toward these ends. At my direction, the Council's membership includes key stakeholders from education, labor, state agencies, private industry, economic development and philanthropic entities. I believe it is unnecessary to legislatively establish additional mandates on existing efforts to accomplish these objectives.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 6

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 6 without my signature.

Requiring organizations that pay individuals to collect signatures to register with the Secretary of State and pay a yet-to-be-determine fee will reduce the ability of many organizations to qualify a measure for the ballot. Under the provisions of this bill a "professional firm" would include grassroots organizations that pay signature gatherers in an effort to meet the deadline to qualify a measure.

The people of California often exercise their important role in government oversight through the initiative, referendum and recall process. I cannot support a measure that places an undue burden on reform-minded Californians.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 8

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 8 without my signature.

I continue to support reforming the school finance system to make it less complex and more transparent to parents, teachers, and the public. However, this bill merely authorizes the convening of yet another working group that can be accomplished without statutory authorization. I am concerned that this bill provides the appearance of activity without actually translating to achievement. The lack of urgency in voting on the substantive issues put forth in the education Special Session can be seen as yet another example of that appearance. Since nothing under current law prohibits the objectives of this bill from being met, it is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 21

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 21 without my signature.

I support the intent of this and other measures to increase California's Renewable Portfolio Standard (RPS) target to 33% by 2020. However, as drafted this measure would make it more difficult and costly to achieve this very important goal.

As a world leader in climate change and renewable energy development, California needs a regional approach that provides streamlined regulatory processes and compliance flexibility that facilitate the timely construction of in-state resources. This legislative package does the opposite—it adds new regulatory hurdles to permitting renewable resources in the state, at the same time limiting the importation of cost-effective renewable energy from other states in the West.

On November 17, 2008, I issued Executive Order S-14-08, which sets a target that all retail sellers of electricity shall serve 33% of their load with renewable energy by 2020.

On September 15, 2009, in order to keep us moving forward, I directed the California Air Resources Board (CARB), in Executive Order S-21-09, to adopt regulations that increase procurement of renewable resources in furtherance of the Global Warming Solutions Act of 2006 (AB 32, Statutes of 2006) and its emission reduction goals.

The CARB's scoping document for the Global Warming Solutions Act of 2006 determined that achieving 33% RPS is a critical component in the fight against global warming. I expect CARB to complete the regulations implementing the 33% RPS by the fall of 2010.

I remain ready to sign legislation that codifies a workable 33% RPS mandate. California has a rare opportunity to champion the development of renewable energy and reduce greenhouse gas emissions in-state and beyond. We must seize the chance to lay the foundation for a regional effort that optimizes resources throughout the West at a lower cost to ratepayers.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 24

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 24 without my signature.

Nothing under current law prohibits the California State University (CSU) or any other entity to conduct a study regarding the feasibility of establishing another CSU campus in Chula Vista. I appreciate the author's intention to plan for options for the future, and to ensure that any study would be funded with non-State General Fund dollars. I encourage the author to work with the CSU system, local and regional entities, and all other stakeholder groups to see if this objective is viable. However, a state law mandating such a study is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 42

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 42 without my signature.

This bill would require Pacific Gas & Electric Company (PG&E) to conduct seismic fault studies on the Diablo Canyon Nuclear Power Plant and the California Energy Commission, in consultation with the Department of Conservation's California Geological Survey and the Seismic Safety Commission, to perform a peer review of PG&E's work and include its finding in the Integrated Energy Policy Report.

In 2006, I signed into law AB 1632 (Chapter 766, Statutes of 2006), which required the Energy Commission to conduct a comprehensive study of the seismic vulnerability of Diablo Canyon, as well as other areas including plant-aging related plant degradation, impacts of a major disruption, economic and environmental policy issues, nuclear waste accumulation, land use and economic implications of onsite nuclear waste storage, alternative power generation options, and license renewal issues. The study subsequently recommended that PG&E should use three-dimensional geophysical seismic reflection mapping and other advanced techniques to explore fault zones near Diablo Canyon.

In 2007, the California Public Utilities Commission (CPUC) issued a General Rate Case Decision for PG&E (Decision 07-03-044), which approved PG&E's request for ratepayer funding for a license renewal feasibility study for Diablo Canyon. The CPUC's Decision also required that PG&E incorporate the Energy Commission's AB 1632 assessments in its license renewal feasibility study, and submit the study, along with an application, to the CPUC on whether to pursue license renewal for Diablo Canyon no later than June 30, 2011.

Therefore, in light of the actions already taken by the CPUC and the Energy Commission on this matter, further legislative authorization is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 43

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 43 without my signature.

While I am supportive of the California Earthquake Authority (CEA) contracting for the services of a Chief Mitigation Officer to be responsible for the mitigation activities of the CEA, I cannot support the provision in this bill eliminating the limit on the number of civil service employees that can be employed by the CEA. For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 56

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 56 without my signature.

The addition of a new mandate, no matter how small, will only serve to increase the overall cost of health care. This, like other mandates, only increases cost in an environment in which health coverage is increasingly expensive.

California has over 40 mandates on its health care service plans and health insurance policies. While these mandates are well-intentioned, the costs associated with the cumulative effect of these mandates mean that these costs are passed through to the purchaser and consumer.

I continue to have serious concerns about the rising costs of healthcare and must weigh the potential benefits of a mandate with the comprehensive costs to the entire delivery system—and for that reason, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 57

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 57 without my signature.

I have vetoed similar bills in previous years. The reasons for my veto have not changed.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 82

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 82 without my signature.

While this bill advances an appropriate policy objective that I would normally be inclined to support, I cannot in this current fiscal environment. The implementation and oversight of a new pilot program, requiring increased monitoring and evaluation is labor-intensive, especially as both state and county welfare programs are struggling with their existing mandated activities.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 98

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 98 without my signature.

I have vetoed similar bills twice before. The addition of this mandate must be considered in the larger context of how it will increase the overall cost of health care. This, like other mandates, only increases premiums in an environment in which health coverage is increasingly expensive.

Maternity coverage is offered and available in today's individual insurance market. Consumers can choose whether they want to purchase this type of coverage, and the pricing is reflective of that choice. While the perfect world would allow for all health conditions to be covered, including maternity, I cannot allow the perfect to become the enemy of the good. There is a reason the individual insurance market regulated by the Department of Insurance is growing—consumers are choosing policies they can afford.

Essentially, I am faced with choosing between covering fewer people, but with better coverage—or allowing more people to buy a policy that offers reduced benefits at a lower cost. It is not an easy choice. However, because I continue to have serious concerns about the rising costs of healthcare and believe the potential benefits of a mandate of this magnitude will translate to fewer individuals being able to afford coverage, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 101

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 101 without my signature.

This bill would require elections officials to notify vote-by-mail (VBM) voters that their ballots must be received before the polls close on Election Day in order for their ballots to be counted.

While I support the author's intent, I believe this will result in additional costs to local governments. Given the ability of counties to voluntarily notify voters of the deadline, a statewide mandate is unnecessary. I encourage counties to consider implementing the provisions of this bill if their resources allow, but in this time of fiscal constraint, cannot support mandating them to do so.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 115

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 115 without my signature.

While I support providing more opportunities for uninsured individuals to obtain affordable health coverage, I vetoed a similar measure last year. The underlying program has never been implemented and my concerns from last year remain.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 120

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 120 without my signature.

This bill is contingent upon the enactment of Senate Bill 820. I have vetoed that bill, and am therefore unable to sign this measure.

I have encouraged the authors and interested stakeholders to work with my Department of Consumer Affairs on streamlining and improving the peer review process in a way that increases the overall effectiveness and reporting mechanisms to the Medical Board of California.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 132

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 132 without my signature.

This bill is unnecessary since the California Constitution already prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. The Constitution also states that all students and staff have the inalienable right to attend campuses which are safe, secure, and peaceful. Therefore, a codified policy statement is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 146

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 146 without my signature.

This bill is unnecessary since districts of any size may enter into contractual agreements with publishers and can negotiate any level of penalty based on a variety of contract terms, even without statutory mandate. I vetoed a similar bill last year on the same basis.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 12:55 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 1, 3, 6, 8, 21, 24, 42, 43, 56, 57, 82, 98, 101, 115, 120, 132, and 146.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 147

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 147 without my signature.

This bill requires manufacturers of electronic devices to submit documentation at the request of the Department of Toxic Substances Control (DTSC) demonstrating that the sale of their product is legal in California.

The ability to obtain basic information is fundamental to DTSC's ability to assess a manufacturer's compliance with state laws and inform the Green Chemistry Initiative. In order to obtain this information, the bill requires DTSC to have "reasonable cause," as prescribed in the bill, before making a request.

I appreciate and agree with the author's attempt to address manufacturer concerns about open-ended calls for information about specific products. Unfortunately, under the definition of "reasonable cause" in the bill, DTSC's ability to request and be provided information regarding the contents of covered electronic devices under California's Electronic Waste Recycling Act would be significantly limited.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 213

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 213 without my signature.

This bill addresses parking concerns affecting a few small streets in one city and can be handled at the local level without a change to state statutes.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 217

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 217 without my signature.

The author and I share the goal to improve alcohol, drug screening and brief intervention services in the Medi-Cal population. In fact, I proposed to include screening and brief intervention services in my 2008 May Revision. While this proposal was ultimately rejected, I appreciate the author's continued efforts to include this important service in our state's Medicaid program.

Clinical data shows that screening and brief interventions reduce avoidable health problems associated with alcohol and drug abuse, including emergency room utilization as well as reducing substance use-related arrests and traffic violations. Unfortunately, this bill contains several significant problems that prevent its implementation and put the state General Fund at risk.

I would urge the author to work with my Administration to secure a feasible proposal in next year's budget process.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 241

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 241 without my signature.

This measure would make it a crime for any person or entity to own or control more than 50 unsterilized adult dogs or cats for breeding or raising for sale as pets. I support measures designed to prevent animal cruelty and that punish persons engaged in the abuse of animals. However, this measure simply goes too far in an attempt to address the serious problem of puppy mills. An arbitrary cap on the number of animals any entity can possess throughout the state will not end unlawful, inhumane breeding practices. Instead this measure has the

potential to criminalize the lawful activities of reputable breeders, pet stores, kennels, and charitable organizations engaged in raising service and assistance dogs.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 243

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 243 without my signature.

This bill would require a judge to make an order prohibiting a person convicted of specified animal-related crimes from owning, possessing, or caring for any animals for a minimum period of time. This measure is unnecessary. Judges already have the discretion to enter an order forbidding persons from caring for animals if it's warranted. Making this order mandatory could unjustly impact individuals who make a living working with or caring for animals. Consequently, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 244

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 244 without my signature.

I have vetoed similar measures twice before. The addition of a new mandate, especially one of this magnitude, will only serve to significantly increase the overall cost of health care. This, like other mandates, also increases cost in an environment in which health coverage is increasingly expensive.

California has over 40 mandates on its health care service plans and health insurance policies. While these mandates are well-intentioned, the costs associated with the cumulative effect of these mandates mean that these costs are passed through to the purchaser and consumer.

I continue to have serious concerns about the rising costs of healthcare and must weigh the potential benefits of a mandate with the comprehensive costs to the entire delivery system—and for that reason, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 245

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 245 without my signature.

This bill reduces transparency for consumers. An expunged misdemeanor or felony conviction does not mean a healthcare provider has been found innocent of the crime or that the provider has been successfully rehabilitated. Consumers deserve to know whether their provider has been convicted of a misdemeanor or felony and should be allowed to review the physician's criminal history in its entirety.

The law must always place consumer protection above the protection of a provider's economic interest. I continue to put consumers first.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 249

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 249 without my signature. This bill is unnecessary and duplicative of requirements already required for long-term care facilities.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 261

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 261 without my signature.

While the stated intent of this bill is purported to conform state special education law to changes to the federal Individuals with Disabilities Education Act, its provisions appear to expand beyond federal requirements, and therefore could expose the State to significant reimbursable state mandate costs.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 267

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 267 without my signature.

The education finance district model proposed by this bill could allow for manipulation of parcel tax boundaries for the purpose of achieving the desired election outcome. I am concerned that voters and property owners in one county or school district could be subject to an increased special tax based on votes generated predominately in another county or school district.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 311

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 311 without my signature.

This bill is intended to represent the continuation of an important tax assessment methodology that was agreed to by all the major airlines in 2005. The original methodology brought consistency and greater efficiency to the assessment of certificated aircraft. However, this bill makes changes that do not reflect consensus. Since the existing methodology does not end until December 31, 2010, I would encourage the author and stakeholders to reach that consensus and send me legislation to that effect.

I look forward to signing a bill that is agreed to by all the parties involved.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 320

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 320 without my signature.

This measure would require the Department of Corrections and Rehabilitation and the Corrections Standards Authority, when providing funds pursuant to AB 900 (Solorio, Chapter 7, Statutes of 2007), to give coequal funding preference to counties that assist the state in either siting reentry facilities or providing existing beds and program space in county jails for use as reentry facilities. While I appreciate the Legislature's efforts to provide local jail construction funding, which could help the state achieve its goal of providing up to 6,000 new reentry beds, I cannot approve this measure because it fails to define what would constitute an acceptable "long-term agreement" between the state and local governments.

Furthermore, I am unable to sign this measure while significant reforms to AB 900 remain unaddressed as a result of the newly memorialized construction partnership between the Administration and the Federal Receiver. In order to fully implement AB 900, I urge the Legislature, at the very least, to do the following: (1) provide permissive authority for the Secretary of the Department of Corrections and Rehabilitation to accept assignment of any planning/design/construction contracts already entered into by the Receiver, and to continue projects (pursuant to Public Works Board approval) that have already begun with these contracts; (2) amend AB 900 to provide access to Phase II medical/mental health dental funding and/or shifting of funding from infill to medical/mental health/dental to construct a Consolidated Care Center facility; and (3) extend authority for the transfer of inmates to prisons in other states to July 1, 2014.

The above stated issues need to be addressed in order to expedite and facilitate the construction of both existing facility improvements and new facilities. Construction of these facilities is essential to ensure compliance with existing court mandates related to medical care, mental health care, and dental care.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 322

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 322 without my signature.

This bill would replace the term "taser" with "less lethal weapon" in various sections in the Penal Code. This measure, standing alone, does not do anything to improve public safety for the State of California. Consequently, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 324

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 324 without my signature.

While I appreciate the author and sponsors' interest in better refining their planning and service levels for the seniors in their communities, this bill is unnecessary. Local agencies can already use the specific index defined by this bill in their planning efforts. Furthermore, this bill would create General Fund cost pressures at a time when there is no ability to increase service levels.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 330

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 330 without my signature.

This bill would require a county elections official to provide at least five days of public notice prior to performing tests on vote tabulating devices. I support efforts to increase public participation in the elections process and have signed legislation allowing access for citizen organizations and the media to observe the preparation and operation of vote tabulating devices. However, creating a state-mandate, as this bill does, is unnecessary. Nothing under current law prohibits interested parties from inquiring about the time and place of testing or programming of tabulation devices. Those that wish to observe the process can contact their local elections official to obtain the information.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 335

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 335 without my signature.

This bill is similar to AB 1043 (Swanson, 2007), which I also vetoed. Like AB 1043, this bill would discourage out-of-state and multinational employers from hiring California-based workers and potentially contribute toward the growing problem of unemployment. Additionally, the bill is unnecessary because courts are already well equipped to determine when a choice of law or choice of forum provision in a private contract should be enforced in consideration of all applicable circumstances.

For these reasons, I am returning AB 335 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 337

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 337 without my signature.

This measure would require each court and probation department to ensure that information regarding the sealing and destruction of juvenile records is provided to each person for whom a petition has been filed, on or after January 1, 2011. While this information could be helpful to those individuals that qualify, competent counsel should already be providing this information. Since this measure would place an additional burden on government entities that are already facing deep cuts to court programs and probation departments due to the continuing fiscal crisis, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 338

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 338 without my signature.

This bill would eliminate voter approval requirements for the creation of an Infrastructure Financing District (IFD) and the issuance of tax allocation bonds by an IFD. In doing so, this measure would undermine the rights of voters to approve or reject proposals to redirect their tax dollars and incur public debt. Unlike the creation of a redevelopment plan, the creation of an IFD is not conditioned upon a finding of blight, or upon any other statutory or constitutional restraints other than strict voter approval requirements. As such, elections are the sole basis of public input and fiscal discipline in the creation of an IFD, and it is necessary to require voter approval.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 358

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 358 without my signature.

This measure would allow trial judges to review a prosecutor's determination of a defendant's eligibility for a deferred entry of judgment program. While there have been rare instances where a prosecutor has made an erroneous determination as to eligibility,

existing law already provides an adequate remedy. There is no evidence that requiring judges to review the prosecutor's determination would be an effective use of court resources or would improve the existing process by which determining eligibility for a deferred entry of judgment program is done.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 12:55 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 147, 213, 217, 241, 243, 244, 245, 249, 261, 267, 311, 320, 322, 324, 330, 335, 337, 338, and 358.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 368

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 368 without my signature.

This bill would delay the effective date of a quitclaim deed filed to terminate a mineral extraction lease with the State Lands Commission (Commission) until such time that the lessee restores the lease premises and the Commission formally accepts the quitclaim. The effect of this bill would be that mining lessees would have to continue to pay rent and maintain insurance and bonds before and during the reclamation process.

It is unclear why this bill is needed, since I have not seen, or have been provided, any evidence that would indicate widespread abuse of mineral extraction leases held under existing law by the oil industry, the gas industry, or the hard rock mining industry. Absent such evidence, this bill appears to be a "solution" in search of a "problem."

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 369

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 369 without my signature.

This measure is premature and would add new General Fund costs to the Medi-Cal program when significant reductions are currently being implemented. Furthermore, the new facilities are still under construction and not scheduled to provide services until at least July 2011.

I encourage the author to examine ways to provide these services in the most cost-effective manner and propose them through the annual budget process.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 374

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 374 without my signature.

While I am supportive of efforts to prevent students from dropping out of school, the objective of this bill can be accomplished administratively by the Superintendent of Public Instruction without additional statutory authorization. Therefore, this measure is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 382

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 382 without my signature.

This bill would add, among other provisions, the sexual orientation and gender identity of an inmate or ward to the list of risk factors considered as part of the California Department of Corrections and Rehabilitation’s (CDCR) inmate and ward classification and housing assignment procedures. This bill is unnecessary because CDCR already considers these factors when determining where to house inmates.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 402

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 402 without my signature.

This bill would require that an application fee of \$50 be submitted at the time a minor applies for a child labor entertainment work permit.

There have been previous proposals to move issuance of entertainment work permits to the local school districts which already issue work permits. Rather than creating a new fee and duties for the Department of Industrial Relations, it is important to administer this program in the most efficient manner by transferring this function to the schools.

For this reason, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 423

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 423 without my signature.

This bill would make additions to the membership of the 911 Advisory Board as well as expand the scope of its mission in the areas of dispatcher recruitment, training, and addressing the needs of non-English speaking callers. While I support the goals of this legislation, this measure would lead to the duplication of efforts that cannot be justified during these difficult financial times. Numerous national organizations, including the Commission on Peace Officer Standards and Training, already offer training for dispatchers.

Given the additional costs associated with this measure, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 429

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 429 without my signature.

I appreciate the author's intent to address the issue of measuring annual academic achievement growth in schools. However, this bill circumvents the authority of the State Board of Education (SBE), by not providing the SBE with the authority to approve or modify the recommendations of the Public Schools Accountability Act advisory committee.

I encourage the author to work with my Administration in the education Special Session to craft an acceptable measure.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 436

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 436 without my signature.

This bill would incrementally increase the current fee that proponents of an initiative are required to pay at the time of submitting the draft of the measure to the Attorney General (AG). Under the provisions of this bill the fee would increase from \$200 to \$2,000 in 2016.

The original fee was established to deter frivolous filings; this bill would fundamentally alter the purpose of the fees to instead be used to pay the administrative costs borne by the AG. Using the fees to reimburse the AG for actual costs sets a precedent of allowing the fees to increase to the point that it would significantly deter grassroots and volunteer efforts to qualify a measure. Whether or not the fee should be increased to reflect an amount that would deter frivolous filings today is a separate question than how the fees should be defined and distributed.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 442

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 442 without my signature.

This bill provides that a notary public may reasonably rely on a matricula consular issued by the government of the United States of Mexico as proper identification to prove the identity of an individual who executes a written instrument. While it is important that individuals be able to identify themselves for notarization purposes, the Civil Code already provides for more secure forms of identification than the matricula consular—including Mexican driver’s licenses and passports—to identify Mexican nationals, a fact which obviates the need for this legislation. Additionally, California notaries should not be required to accept a form of identification that the Federal Bureau of Investigation and the U.S. Department of Justice continue to consider untrustworthy.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 443

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 443 without my signature.

This legislation is unnecessary. Nothing in current law precludes the Department of Food and Agriculture from consulting with an industry regarding pest and disease issues or establishing appropriate science advisory panels.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 469

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 469 without my signature.

I have vetoed a similar measure before. My concerns with the bill remain the same. This bill exposes individual taxpayers to additional recordkeeping and confusion about a tax that few Californians understand and even fewer track for tax purposes.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 472

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 472 without my signature.

This bill authorizes the California Emergency Management Agency to require any state agency that publishes an Internet website to prominently display a text or graphical link to an earthquake preparedness website. This measure is unnecessary. Earthquake preparedness information is readily available on the websites of the California Emergency Management Agency, the Federal Emergency Management Agency, and the United States Geological Survey and is easily discovered by anyone searching it out. However, to ensure optimal availability of disaster preparedness information, I am instructing other agencies that respond to disasters to post links to the California Emergency Management Agency website.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 473

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning AB 473 without my signature.

This bill would require, on and after July 1, 2010, an owner of a multifamily dwelling that consists of five or more living units, to arrange for recycling services that are appropriate for the multifamily dwelling.

As I have indicated in my previous veto messages on this topic, I support efforts to reduce the amount of solid waste going to the state's landfills. However, this bill could place costly requirements directly on the owner/operators of multifamily dwellings.

It is problematic for the State to be engaged in this activity when local governments already have the authority to mandate the action envisioned by this bill. I encourage the Integrated Waste Management Board, and its successor agency as of January 1, 2010, the Department of Resources Recycling and Recovery, to continue efforts to provide adequate tools and resources to local jurisdictions in order to make available increased recycling opportunities for multifamily dwelling residents.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 476

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 476 without my signature.

The objectives of this bill are duplicative of work already being done by a variety of sources. Not only have there been reviews of California's standards and assessment system by the United States Department of Education's peer review process, the California Department of Education has a process which has included an independent alignment study and review of test items by various content and test development experts. Finally, this bill circumvents the State Board of Education in the selection of the independent evaluator and approving the evaluation and its recommendations.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 503

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 503 without my signature.

California's fiscal crisis required tough choices in our state budget. One of the most difficult choices was to eliminate funding for the Department of Public Health's domestic violence program. Since that Department no longer receives funding for this program, extending the sunset date for the advisory committee is also unnecessary.

I am, however, signing Senate Bill 273 to extend the advisory council to the California Emergency Management Agency because that program will continue to provide assistance to the victims of domestic violence.

While I regret returning this bill without my signature, our fiscal situation compels the elimination of this statutory provision.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 504

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 504 without my signature.

This bill would require the Commission on Peace Officer Standards and Training to create and make available to all law enforcement agencies training content on how to recognize and interact with persons carrying a kirpan, as specified. This measure is unnecessary. It is the policy and practice of the Commission to periodically review and update existing course curricula. If the Commission determines that training on the kirpan is warranted, it can create a program without this measure.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 513

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 513 without my signature.

I share the author's interest in promoting safer, healthier outcomes for mothers and their children. My Administration has several programs dedicated to promoting and encouraging mothers to breastfeed their infants for the multitude of health benefits it provides.

However, the addition of a new mandate, no matter how small, will only serve to increase the overall cost of health care. This, like other mandates, only increases cost in an environment in which health coverage is increasingly expensive.

California has over 40 mandates on its health care service plans and health insurance policies. While these mandates are well-intentioned, the costs associated with the cumulative effect of these mandates mean that these costs are passed through to the purchaser and consumer.

I continue to have serious concerns about the rising costs of healthcare and must weigh the potential benefits of a mandate with the comprehensive costs to the entire delivery system—and for that reason, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 517

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 517 without my signature.

While I appreciate the author's attempt to provide minimum statewide standards for body piercing, tattooing and the application of permanent cosmetics, I do not see a compelling need at this time for additional legislation. Body art guidelines were developed several years ago, and local jurisdictions have the option to establish these requirements in their own county. Many counties have chosen to do so, and I am unaware of why the state must take further action to regulate these businesses.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 527

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 527 without my signature.

Assembly Bill 527 requires that if the Labor Commissioner finds that two or more payroll records submitted for any claim or complaint brought pursuant to Section 98 of the Labor Code have been intentionally falsified, all payroll records relating to that claim or complaint shall be presumed to be false.

This bill is unwarranted and could unfairly require the Labor Commissioner to disregard accurate and appropriate evidence. In any hearing where payroll records are evaluated and it is determined that records are false, the remaining records may be viewed with suspicion. Rather than creating a presumption in statute, an evaluation of all payroll records is better left to the trier of fact.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 543

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 543 without my signature.

Since the Nurse-Family Partnership program was signed into law in 2006, there have been no private or federal funds received by the state for this program. Since there are no funds to appropriate, there is no need to extend the sunset date for the program's fund account.

Furthermore, this bill removes the Director of Finance's discretion regarding the level of sufficient funding and triggers an arbitrary threshold of \$500,000 for the establishment of a statewide program without the necessary infrastructure.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 12:55 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 368, 369, 374, 382, 402, 423, 429, 436, 442, 443, 469, 472, 473, 476, 503, 504, 513, 517, 527, and 543.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1401

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1401 without my signature.

While I support the author's goal to assist individuals converting to organic farming, I cannot support establishing an assistance program and expanding the workload of the California Department of Food and Agriculture when there is no guarantee of a funding mechanism.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1404

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1404 without my signature.

This bill limits a regulated entity's use of greenhouse gas (GHG) emission compliance offsets to no more than ten percent of its GHG reductions achieved through market mechanisms during any given compliance period.

This bill is premature and restricts the design approaches the Air Resources Board (ARB) is considering for cap-and-trade under the Climate Change Scoping Plan.

ARB is working diligently to craft the proper balance of regulatory and market mechanisms to achieve mandated emission reductions while protecting and enhancing California's economy. To that end, ARB has convened a panel of nationally recognized economic and financial experts to serve on the Economic and Allocation Advisory Committee to help design market-based compliance mechanisms as part of AB 32 (Chapter 488, Statutes of 2006) implementation.

A balanced approach is of vital importance and this bill would only serve to foreclose the opportunity to consider more options and fully vet the State's design of an effective compliance offset program.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1435

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1435 without my signature.

The Public School Accountability Act advisory committee and the Superintendent of Public Instruction already have the authority to make the recommendations specified in this bill. Therefore, this bill is unnecessary. Furthermore, the California English Language Development Test would have to be substantially revised from its current form as a diagnostic test to be a valid and reliable academic achievement test before it should be considered for inclusion in the Academic Performance Index.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1439

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1439 without my signature.

This measure would require the Director of the Office of Gang and Youth Violence Policy, subject to statutory limits and directives, to make recommendations to streamline existing state agency gang and youth violence grant programs, to create a working group to assist in this effort, and to develop a final report on their findings to be submitted to the Legislature on or before June 1, 2010. While I am supportive of anti-gang initiatives and programs, this measure would increase costs associated with the additional workload for the Office of Gang and Youth Violence Policy at a time when the state can least afford to do so.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1447

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1447 without my signature.

This bill would clarify that the State Compensation Insurance Fund (SCIF) is a state agency for purposes of the Bureau of State Audits (BSA) and its audit, evaluation, and investigatory jurisdiction and would impose a requirement that all SCIF advertising include a disclaimer indicating it is self-supported and not funded by the State of California.

This bill is unnecessary. Insurance Code §11873(b) already explicitly provides that SCIF is subject to audits by the State Auditor. Furthermore, the BSA has performed audits of SCIF several times in the past three years.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1462

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1462 without my signature.

While I understand the author's interest in securing additional resources for California hospitals, this bill is unnecessary. The California Medical Assistance Commission already takes a multitude of factors into consideration when negotiating hospital inpatient service contracts. In fact, it would be impossible to list all these various factors in statute. The broad approach already outlined in law allows the Commission administrative flexibility during negotiations in order to best serve the hospitals and the state's Medi-Cal program.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1510

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1510 without my signature.

Nothing under current law prohibits a parent or guardian of English learning students from bringing an oral language interpreter to conferences, meetings, or proceedings that are held at a school site or district building, at their own expense. Therefore, this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1512

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1512 without my signature.

This bill is unnecessary. Current law already has strong provisions and accompanying penalties for adulterated food and drug products.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1527

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1527 without my signature.

This bill requires the California Air Resources Board (ARB) to revise the project guidelines for certain existing emission reduction incentive programs to allow the receipt of other state and federal funds to be used for projects without those additional funds being included in the cost-effectiveness calculations that are used to determine ARB funding eligibility.

This bill is unnecessary. ARB already has flexibility in existing law to develop revisions to their funding guidelines, and is currently developing revisions to the Proposition 1B guidelines that will allow selective use of funds from other programs to count as matching funds for eligible projects that achieve both emission reduction and climate change benefits.

Additionally, the current language of the bill would detrimentally relax the cost-effectiveness calculations for ARB's existing emission reduction incentive programs. This results in limited state funds for air quality improvements going towards fewer and potentially more costly projects that do not produce the quantity of air quality improvements we could see under the existing program.

I recognize that the author worked diligently to try to ensure that air quality improvements would not be diminished by the bill. I encourage the author to work with ARB as they undergo their current review of the Proposition 1B and Carl Moyer guidelines and, if additional legislation is needed, introduce a bill in the next session that achieves both ARB and the author's shared goals.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1559

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1559 without my signature.

This bill requires the California Workforce Investment Board, in collaboration with local workforce investment boards, to establish a California Youth at Work Program, for the purpose of providing summer job training and work experience opportunities for youth in the state. While I support such an effort, this bill is unnecessary and could prove burdensome if it conflicts with the summer youth work programs the local workforce development boards are already in the process of developing. The American Recovery and Reinvestment Act provided funding specifically for a summer youth work program, which has already been distributed to the locals, and established specific criteria for the program. To the extent that this bill imposes additional requirements on the local workforce investment boards, it could hamper, rather than aid, in the development of effective programs.

For this reason, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1561

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1561 without my signature.

This bill would require the Division of Occupational Safety and Health (DOSH) and the Occupational Safety and Health Appeals Board (OSHAB) to prepare an annual report analyzing the outcomes of citations, notifications of failure to abate, special orders, and orders to take final action which have been appealed and have resulted in a written order of decision by the OSHAB.

While I do not discount the importance of this information, much of it is already available in current reports submitted by DOSH. As such, I believe it is unnecessary to codify preparation of an additional report. I am directing DOSH and OSHAB to work with the Legislature to ensure that the information above is appropriately included within existing reports.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1562

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1562 without my signature.

Existing state and federal law protects employees from termination due to a single wage garnishment. This bill would prohibit an employer from terminating an employee because garnishment of the employee's wages has been threatened or the employee's wages have been subjected to garnishment for the payment of five or fewer judgments at any one time.

This bill is similar to legislation I vetoed last year. While this measure is potentially less burdensome than last year's bill, this measure would still require California employers to engage in additional time-consuming, costly administrative processes.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1563

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1563 without my signature.

This bill would require the Labor Commissioner to develop and implement a specified enforcement protocol to be used in an Economic and Employment Enforcement Coalition or Bureau of Field Enforcement investigation involving a labor contractor employing 15 or more workers in the field of construction, farm labor, garment, janitorial, or security guard service when the Division of Labor Standards Enforcement has a reasonable suspicion that violations of potential financial significance are involved as specified. The proposed new law is unnecessary and would inhibit the Department of Industrial Relations' (DIR's) ability to respond to changing enforcement issues.

During 2008, DIR implemented an investigative protocol which mirrors the protocol proposed by this bill and which will ensure full compliance with Labor Code section 2810. Therefore, provisions of this bill are already operational. Further, the statutory creation of operational enforcement policy limits flexibility needed to respond to shifting enforcement needs.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1567

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1567 without my signature.

This bill would require the Employment Training Panel (ETP) to prioritize training assistance to target populations in need of employment training, including military veterans. I appreciate the service and dedication our veterans have provided to California and strongly support providing them employment training and opportunities. However, ETP already supports employment training for military veterans and its annual strategic planning process already puts a strong focus on developing training projects and partnerships in the veteran community. As California continues to struggle in these difficult economic times, this bill would reduce ETP's flexibility to meet the changing needs of California's employers and workers.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1577

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1577 without my signature.

This bill is unnecessary. The Department of Alcohol and Drug Programs and Office of Problem Gambling already has the administrative authority to target specific and diverse populations within the existing program for education, outreach and prevention activities.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1580

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1580 without my signature.

It is disappointing that a multi-year, complex bill on federal tax conformity is damaged when a single provision is inserted at the last minute, especially when the process up to that point had been built on consensus. There are many federal tax provisions that California does not conform with, many of which would be supported by some of the entities involved. Likewise, when there are provisions that others object to, these should be discarded as well.

Many provisions in this bill will help taxpayers and the state of California. However, I cannot support this bill until it reflects consensus. I would urge the Legislature to send me legislation that demonstrates the agreements reached prior to the inclusion of the last provision on erroneous refund claims.

I look forward to signing a measure that reflects all the work on this extremely important and complicated effort.

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 12:55 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 1401, 1404, 1435, 1439, 1447, 1462, 1510, 1512, 1527, 1559, 1561, 1562, 1563, 1567, 1577, and 1580.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 64

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 64 without my signature.

I support the intent of this and other measures to increase California's Renewable Portfolio Standard (RPS) target to 33% by 2020. However, as drafted this measure would make it more difficult and costly to achieve this very important goal.

As a world leader in climate change and renewable energy development, California needs a regional approach that provides streamlined regulatory processes and compliance flexibility that facilitate the timely construction of in-state resources. This legislative package does the opposite—it adds new regulatory hurdles to permitting renewable resources in the state, at the same time limiting the importation of cost-effective renewable energy from other states in the West.

On November 17, 2008, I issued Executive Order S-14-08, which sets a target that all retail sellers of electricity shall serve 33% of their load with renewable energy by 2020.

On September 15, 2009, in order to keep us moving forward, I directed California Air Resources Board (CARB), in Executive Order S-21-09, to adopt regulations that increase procurement of renewable resources in furtherance of the Global Warming Solutions Act of 2006 (AB 32, Statutes of 2006) and its emission reduction goals.

The CARB's scoping document for the Global Warming Solutions Act of 2006 determined that achieving 33% RPS is a critical component in the fight against global warming. I expect CARB to complete the regulations implementing the 33% RPS by the fall of 2010.

I remain ready to sign legislation that codifies a workable 33% RPS mandate. California has a rare opportunity to champion the development of renewable energy and reduce greenhouse gas emissions

in-state and beyond. We must seize the chance to lay the foundation for a regional effort that optimizes resources throughout the West at a lower cost to ratepayers.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 557

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 557 without my signature.

At this time I see no need for a change in the composition of the California Organic Products Advisory Committee.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 571

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 571 without my signature.

This bill would establish a Lobster Management Enhancement Supplement fee of \$300 that commercial lobster fishermen and women would be required to pay, in addition to their annual lobster permit of \$333. This supplement fee would be used to assist the Department of Fish and Game (Department) for lobster management activities and would sunset on March 31, 2015.

In addition to increasing by almost 90 percent the cost of a commercial lobster permit, thereby potentially driving some permittees out of the fishery, the bill would also impose new mandates and obligations upon the Department that still would not be adequately funded.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 579

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 579 without my signature.

I am supportive of the intent of this bill to audit the workload of salaried board members or commissioners, beginning with the California Unemployment Insurance Appeals Board. However, the legislature already has a process in place through its Joint Legislative Audit Committee, to request audits conducted by the California State Auditor on virtually any state operation. Therefore, the statutory authorization to do so in this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 599

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 599 without my signature.

This bill is a premature delegation of regulatory oversight from a state department to a private entity. If there is a more efficient manner to provide oversight for forensic alcohol laboratories, I encourage the stakeholders to work with the Department of Public Health on a solution that does not eliminate important state functions.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 600

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 600 without my signature.

This bill is unnecessary. Current law already authorizes the Department of General Services to enter into long-term leases on State-owned land that may have some potential future use to the program needs.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 611

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 611 without my signature.

This bill would require the California Emergency Management Agency (CalEMA) to consider multiple languages and needs of populations who have limited English language proficiency during emergency preparedness planning, response, and recovery.

CalEMA already considers the needs of all California’s citizens, including limited English populations, during emergency preparedness planning, response, and recovery. Not only does CalEMA’s Public Information Office work with ethnic media and ethnic community-based organizations to ensure that this population receives disaster and emergency alert and warnings, CalEMA also provides instruction to emergency managers and first-responders that includes strategic consideration for populations with limited English proficiency.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 623

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 623 without my signature.

This bill would authorize the California Architects Board (Board) to require a licensee, as a condition of renewal, to certify to the Board that he or she has completed continuing education (CE) in, or relevant to, the practice of architecture in subjects relating to health, safety, and welfare.

I am supportive of the provisions that modify the documentation requirements for the existing CE requirements, but I believe this could be done administratively. However, I do not believe we should be placing additional burdens on licensees by demanding they fulfill new continuing education requirements.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 625

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 625 without my signature.

This measure would prohibit the sale, distribution, or promotion of novelty lighters, as defined. While reducing the risks of accidental fires is important, there is simply no evidence that novelty lighters are any more to blame for incidents of accidental fires than other types of lighters or matches. In addition, this measure would place additional burdens on both state and local authorities at a time of severe budget reductions.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 627

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 627 without my signature.

I want California children to embrace healthy lifestyles because the individual and societal benefits of good nutrition and physical activity lead to life-long accomplishments. Reducing childhood obesity can lead to fewer adults with chronic health conditions and lower healthcare costs. Unfortunately, this bill would create pressure to add Proposition 98 General Fund resources to the Child and Adult Care Food program when funding for so many other education programs has been cut. It is simply not possible to initiate a new program in a fiscal environment such as this.

I would ask the sponsors to work with the State Department of Education to include information regarding healthy nutrition and physical activity guidelines in existing newsletters to child care providers to the extent this can be accomplished within existing resources.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 632

Governor’s Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 632 without my signature.

This measure would require “social networking” Internet Web sites to post disclosures informing users that photographs could be copied by persons who view the image. This measure is unnecessary. Many websites that allow users to upload content already provide disclaimers concerning the use of the content. In addition, it is common knowledge that digital images can be copied, saved, and manipulated by anyone who views them.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 653

Governor’s Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 653 without my signature.

This measure would overturn a recent court decision and extend the marital privilege to administrative, investigatory hearings conducted by law enforcement agencies. While the sanctity of marriage should be protected, peace officers must also honor the relationships they have with the agencies and communities in which they work. If the marital privilege doctrine were extended to hide corruption between peace officer spouses, the relationship between spouses may benefit. However, the law enforcement agency and its reputation within the community would suffer irreparable harm. Although this measure is narrowly drawn, society’s interest in protecting marital communications should not extend beyond the courthouse and into peace officer disciplinary proceedings.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 657

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 657 without my signature.

While I support the intent of the author and recognize the importance in developing California's health professions workforce, this bill is unnecessary and duplicative of efforts already underway.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 659

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 659 without my signature.

While I appreciate the author's intent, I would argue that the Legislature needs to consider much larger reforms to the state's tax system. California's tax system is extremely complicated and needs significant changes, as outlined in the final report recently released by the Commission on the 21st Economy. This issue, along with many other important changes, should be considered as part of an overall tax reform measure.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 666

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 666 without my signature.

I support strong fire safety standards for new developments, especially when they are located in high fire hazard severity zones. However, I have many concerns with this bill in its current form.

This bill would place an increased workload on the State without additional staff or other resources to meet the workload. Without funding to ensure this bill can be implemented, this piece of legislation cannot help prevent wildfires in our State.

In addition, it is not clear why these new requirements would be placed on counties but not cities as well. Certainly, many cities in California are as at risk for wildfires as counties.

For these reasons I cannot sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 673

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 673 without my signature.

This bill may create fiscal incentives for Regional Occupational Centers and Programs (ROC/Ps) to reduce the number of students they serve, rather than allowing districts to manage their programs based on local priorities. Furthermore, because of the categorical flexibility provided through the recent budget negotiations, the bill's focus on adjusting ROC/P enrollment caps is moot and serves no practical purpose.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 685

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 685 without my signature.

This bill creates another bureaucratic mechanism to add another layer of review to the new construction plan approval process that is unnecessary since federal law already requires that school sites provide sufficient access to all students, regardless of their gender. School districts have an incentive to ensure all of their facilities are Title IX compliant since civil remedies are available to individuals who prevail in proving a district's non-compliance with statutory and regulatory guidelines. Therefore, this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 690

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 690 without my signature.

I vetoed similar legislation previously. As I stated before, it is unnecessary to statutorily authorize a person to attend a board meeting in the absence of an ex-officio member since the meetings are open to anyone from the public to attend and provide comment.

Moreover, ex officio members serve by virtue of their experience and qualifications in sharing their perspective on issues impacting higher education. Allowing these members to appoint a substitute to attend in their absence creates a disincentive for the member to actually attend the meetings, and diminishes the value of an ex-officio member's contribution to the public discourse.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 694

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 694 without my signature.

This bill would shift authority over a portion of land from the City of San Diego to the State Lands Commission, effectively removing the ability of the city to cooperate with the United States government in the protection and public use of these tidelands and submerged lands.

Last year, I vetoed a similar measure, AB 1832 (Saldana), which would have applied to tidelands and submerged lands throughout California. I recognize that the author has limited the scope of this bill to tidelands already granted within the City of San Diego. Unfortunately, this measure suffers the same fatal flaw: it imposes trust restrictions on certain tidelands parcels which could significantly undermine the authority of local officials to administer trust resources.

Once again, I believe that local governments have an inherent interest in creating partnerships with the federal government and others in utilizing water front lands for the benefit of the people of California. I remain firm in my belief that they can do so in a way that balances both our environmental and economic interests.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 716

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 716 without my signature.

While I have consistently supported efforts to improve and coordinate services for California veterans, the provisions of this bill are already being administered through the California Department of Veterans Affairs. One exciting example of this is the Veterans Network of Care—a public/private partnership that provides social service, mental health, employment, medical and educational links for veterans and active duty personnel, as well as their families. This program was developed with a grant from Proposition 63 and contains over 15,000 web links and 250,000 pages of information.

While I appreciate the author's intent, this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 5:26 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 64, 557, 571, 579, 599, 600, 611, 623, 625, 627, 632, 653, 657, 659, 666, 673, 685, 690, 694, and 716.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 725

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 725 without my signature.

While I recognize the need to provide low cost automobile insurance to low income drivers, the effectiveness of this program is questionable given the number of policies in effect and low participation rate amongst the uninsured. Since the law this bill is looking to extend does not expire until January 1, 2011, I encourage the author and sponsor to take the next year to examine the results of the program and determine if any changes are needed to the program to ensure its success.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 730

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 730 without my signature.

This bill attempts to align enforcement provisions between the Department of Managed Health Care and the California Department of Insurance. However, it does not create this much-needed consistency, but instead continues to subject regulated entities to differing standards.

In addition, while I believe the Managed Risk Medical Insurance Program to be a possible and appropriate location for some of the penalties associated with these fines, I cannot support provisions that further limit revenue to the General Fund and decrease the state's ability to direct resources to its highest priorities.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 733

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 733 without my signature.

While I recognize the merits of this measure, it could result in unnecessary additional costs and delays and may jeopardize the success of the project in securing the billions of dollars that are needed to construct this project.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 745

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 745 without my signature.

This bill is unnecessary. The federal Department of Labor has already adopted requirements governing self-funded benefit plans and their disclosure statements. Appropriate complaint and contact information is already included in order for patients and providers to seek redress. For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 755

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 755 without my signature.

This bill unnecessarily limits the State's flexibility in the use of non-state personnel with distinct expertise and experience. In certain instances, state civil service employees may not provide the same level of expertise and may be more costly. The ability for the state to benefit from the expertise of non-state employees should not be restricted. For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 756

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 756 without my signature.

While I am supportive of greater transparency in government, this legislation would be duplicative of current reporting practices and increases workload and costs to departments at a time when the state continues to experience a significant budget shortfall. My Administration is currently implementing many of the provisions of this legislation within the existing appropriation of the Department of General Services to increase transparency.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 769

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 769 without my signature.

This bill results in significant Proposition 98 General Fund cost pressures. Absent additional funding to support this policy shift, enacting this measure would result in denying access to state funded preschool programs to other low income families who are currently on waiting lists for subsidized care. Moreover, children of those under the jurisdiction of the juvenile court system already may access child care on a priority basis under current law, to the extent that they are at risk of abuse or neglect.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 772

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 772 without my signature.

As I have stated before on similar bills, until the federal Real ID Act is implemented and the federal government adopts comprehensive immigration reform, it is inappropriate to move forward with state law in this area.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 793

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 793 without my signature.

The bill seeks to address the United States Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, which dealt with an interpretation of federal law. However, Congress has already abrogated this decision by enacting the Lilly Ledbetter Fair Pay Act earlier this year. Therefore, this bill is unnecessary as it addresses a decision that has been mooted by subsequent legislation that has no direct application in California. Moreover, as drafted, this measure is far more expansive than the federal law and could pose unreasonable and unlimited liability for California employers.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 796

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 796 without my signature.

While civic and other volunteer activities are beneficial to those who choose to participate, these activities should be in addition to, and not in place of, valuable classroom learning time with a qualified teacher. This bill is similar to legislation I previously vetoed. As indicated at that time, nothing under current law prohibits parents from working with a school to allow their child to participate in civic opportunities if they choose to do so, even without this measure. Therefore, the bill is unnecessary. For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 804

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 804 without my signature.

This bill would specifically exempt from criminal and civil liability, for dreissenid mussel infestation, any water operator that has a control and eradication plan approved by the Department of Fish and Game.

During the past two years, I signed comprehensive legislation to restrict the possession and transportation of dreissenid mussels, to require water managers to assess the threat of dreissenid mussels in their waters and develop prevention plans and conduct monitoring activities, and to authorize state inspections of waters and facilities in California, which might contain dreissenid mussels. These measures were supported by water agencies and emphasized the need for local and state entities to increase and maintain their vigilance against this potentially devastating threat.

However, the effect of this bill would be to relieve water operators from having to continue to act responsibly once they initially have an approved response plan in place, thereby shifting liability to the state for any ensuing damage resulting from the spread of dreissenid mussels. The presence of an approved plan does not ensure that subsequent actions taken by that water agency will be consistent with that plan, nor should these entities be immunized from liability for their subsequent actions.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 806

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 806 without my signature.

This bill would require the court to advise a defendant that if he or she is deported from the United States and returns illegally, he or she could be charged with federal offenses, as specified. All criminal convictions have the potential to adversely affect a defendant who thereafter commits further crimes. There is simply no reason for state courts to admonish a defendant on the consequences of committing future, potential federal crimes.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 807

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 807 without my signature.

Existing law already provides the authority for the California Department of Corrections and Rehabilitation to open and maintain restitution centers. The closings of the previous centers were based on fiscal evaluation of the operations. This bill is an unnecessary and unwarranted interference in these operations, particularly in light of the state's fiscal crisis. Additionally, this bill may be premature as ongoing litigation and measures to address the prison population are being developed.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 823

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 823 without my signature.

I continue to be supportive of reducing the impact of high polluting vehicles on the road. However, this bill eliminates an incentive subsidy provided by the Bureau of Automotive Repair's Consumer Assistance Program for a particular portion of the population. The provisions in this bill make more sense if the State could capture those savings and couple it with other incentives for vehicle owners to retire or repair high-polluting vehicles. I encourage the Legislature to work on solutions that move in that direction. Until that time, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 836

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 836 without my signature.

Earlier this year, I issued an Executive Order directing the State's Chief Information Officer (CIO) to establish the Information and Communications Technology (ICT) Digital Literacy Council for the purposes of developing a California Action Plan for ICT Digital Literacy. The CIO is charged with working with stakeholders in both the education and technology fields to develop a plan to incorporate digital literacy in our schools and workforce.

This bill would require the Superintendent of Public Instruction (SPI) to establish a task force for education technology, funded by private donations. The SPI does not need additional statutory authority to convene an internal task force for this purpose. Therefore, this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 838

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 838 without my signature.

This bill would require the Occupational Safety & Health Standards Board (OSHSB) to adopt standards to control the risk of occurrence of heat illness for employees working indoors.

As I said when vetoing similar legislation two years ago, there is no need to legislate a mandate in this area. The OSHSB has the authority to adopt regulations in this area and will do so when it determines the need for a specific standard on indoor heat.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 852

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 852 without my signature.

While I appreciate the intent to encourage electronic filing, I believe this bill imposes an additional burden on businesses during a time of extreme economic hardship. Additionally, the threshold of \$100,000 is not sufficiently high to target those businesses which have the greatest capacity to easily comply with such a mandate.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 861

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 861 without my signature.

While I strongly support efforts to streamline government, the provisions of this bill are unnecessary and duplicative of efforts currently underway at the California Department of Public Health.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 5:26 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 725, 730, 733, 745, 755, 756, 769, 772, 793, 796, 804, 806, 807, 823, 836, 838, 852, and 861.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 888

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 888 without my signature.

Existing law already allows local government the ability to enact ordinances to restrict or prohibit the possession or consumption of alcohol in public areas. This bill may actually weaken existing community standards related to alcohol possession and use. Given the unique and varying needs of California's communities, these decisions should continue to be made at a local level.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 911

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 911 without my signature.

I agree with the author and sponsors that emergency room overcrowding is a significant crisis facing our healthcare delivery system in California. Although I support the intent behind this bill, statute is not necessary and I do not believe it will provide any significant improvement to the underlying problem.

Hospitals and emergency room physicians have a strong and compelling interest to reduce emergency room overcrowding. I would encourage them to use the crowding score outlined in this bill and work to develop full-capacity protocols that best address their individual hospital needs.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 921

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 921 without my signature.

This bill would require county probation officers and parole officers to ensure that minors under the jurisdiction of the juvenile court be provided with written notification of services and benefits they may be eligible for upon termination of court jurisdiction. This bill also would require probation officers and parole officers to provide assistance in obtaining those services and benefits. This bill would create local mandated costs attributable to the requirement that county probation officers provide specified information and assistance to juvenile wards of the court.

Given the state's severe economic climate and the social services reductions being implemented, it is not prudent to expand requirements imposed on state and local governmental programs.

Therefore, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 943

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 943 without my signature.

This bill would prohibit the use of consumer credit reports for employment purposes unless the information is either substantially job related, as defined, or required by law to be disclosed to or obtained by the user of the report.

This bill is similar to legislation I vetoed last year on the basis that California's employers and businesses have inherent needs to obtain information about applicants for employment and existing law already provides protections for employees from improper use of credit reports. As with last year's bill, this measure would also significantly increase the exposure for potential litigation over the use of credit checks.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 988

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 988 without my signature.

This bill would require the Commission on Peace Officer Standards and Training to create and make available to all law enforcement agencies training content on the U Visa. This measure is unnecessary. It is the policy and practice of the Commission to periodically review and update existing course curricula. If the Commission determines that training on the U Visa is warranted, it can create a program without this measure.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1006

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1006 without my signature.

This bill requires the state to consider the residential location of the workforce to be housed in the building, giving a priority to areas that can demonstrate the highest reduction of miles traveled by its workforce. This bill is unnecessary, as the Department of General Services already considers a number of factors when considering where to locate a building. Further, I believe the highest priority for locating state buildings is, and should remain, the ability to provide services to the citizens of California.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1007

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1007 without my signature.

I am unaware of any school board intentionally withholding action on a student representation petition. Therefore, I believe this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1017

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1017 without my signature.

This measure would require law enforcement agencies to annually report to the Department of Justice (DOJ) information pertaining to the total number of rape kits received and tested during the preceding calendar year, the total number of untested kits in its possession as of January 1 of the reporting year, and the number of rape kits that law enforcement has requested to be tested that remain untested.

I strongly support efforts to ensure that rape kits are analyzed and processed in a timely manner in order to identify and prosecute sex offenders. However, requiring law enforcement agencies to provide backlog statistics to the DOJ would place significant cost burdens on these agencies and would divert scarce resources away from processing these kits. In addition, this measure does not require the DOJ to do anything with the reports received. Assuming that the DOJ would have to administer, collect, and manage these records, this could impose additional cost pressures on the DOJ.

Since this measure would create additional state costs that cannot be accommodated in a time of fiscal crisis, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1049

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1049 without my signature.

I have reviewed the merits of this bill. After careful and deliberative consideration, I do not believe it is necessary to sign this bill at this time.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1068

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1068 without my signature.

This bill prohibits signature gathering contracts from being contingent upon a measure qualifying for the ballot. The purported goal of this measure is to discourage fraudulent signature gathering practices. However, this type of contract does not have a direct correlation to fraudulent activities by signature gatherers.

While I appreciate the proponents' concerns with how the initiative process is sometimes used, this bill targets companies that use a business strategy based on their guarantee of success. I cannot support limiting how proponents of a measure negotiate a contract for gathering signatures.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1069

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1069 without my signature.

This bill is not necessary and is duplicative of coordinated efforts already performed by the California Department of Food and Agriculture, Office of Environmental Health Hazard Assessment, California Poison Control System, and the Department of Pesticide Regulation.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1087

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1087 without my signature.

Measures that increase the sales and use tax revenues collected by the state must be approved by two-thirds of the Legislature as required by Proposition 13. While I understand the author's intent to simplify the calculation of sales and use taxes, this bill would directly increase the amount of sales tax revenue collected from the consumer. Thus, this bill is a tax levy and requires a two-thirds vote of the Legislature.

Since this bill was only approved by a majority vote, this bill presents constitutional issues. For this reason, I will not reconsider this bill until it receives a two-thirds vote of the Legislature.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1096

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1096 without my signature.

This bill would require that elections officials provide electronic copies of precinct maps to any interested person and increases the frequency that these maps must be updated.

While I support the author's efforts to increase the availability of detailed precinct maps in electronic format, I believe this will result in additional costs to local governments. Existing law allows a county to provide this information in electronic format; therefore, a statewide mandate is unnecessary. I encourage counties to consider implementing the provisions of this bill if their resources allow, but in this time of fiscal constraint, cannot support mandating them to do so.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1115

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1115 without my signature.

This bill would revise the distribution of federal Land and Water Conservation (LCWF) dollars, which are currently a dedicated source of federal funds allocated to the Wildlife Conservation Board, the Department of Fish and Game, the Department of Water Resources, the Department of Boating and Waterways, and the Department of Parks and Recreation and, instead, require these funds to be allocated through a competitive grant program that would also include nine state conservancies within the Natural Resources Agency.

I recognize that these nine state conservancies currently do not have access to federal LCWF dollars, which are provided to states to encourage and enhance outdoor recreational opportunities. However,

the state agencies to which these federal funds are currently dedicated rely on them to help fund quality outdoor recreational projects. Furthermore, these agencies have also experienced deep cuts in their budgets due to the state's current fiscal situation. As such, I cannot authorize redistributing this federal funding at this time.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1120

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1120 without my signature.

I am very supportive of the author's genuine intent to control school facility construction costs. However, this bill is unnecessary, since nothing under current law prohibits the Department of General Services to distribute information or work with school districts on the use of constructability reviews when it is appropriate. For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1122

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1122 without my signature.

I am concerned with the scope and unintended consequences of this bill and that it does not assure the humane and ethical treatment and welfare of animals. This bill has unknown costs associated with the enforcement and implementation of prohibiting the sale of live animals in specified venues and could drive the selling of animals underground or to private sites.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1132

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1132 without my signature.

While I fully support the Donate Life program, this bill would cap the amount the Department of Motor Vehicles can recover for its administrative costs under the program and removes the flexibility of the Department to cover its future costs as inflation and other expenditures increase.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1136

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1136 without my signature.

This bill would create a situation whereby certain county retirees could change their retirement elections and increase their benefits as a result. I am concerned that this could create unfunded increases to county retirement costs. At this time, even small increases would be unacceptable.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1158

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1158 without my signature.

This bill is unnecessary because local governments are already free to address any form of development as part of a transit village plan, including educational facilities. In addition, not all local governments have a need to include educational facilities in a transit village plan.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1173

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1173 without my signature.

This bill creates a new program for the recycling of certain residentially-generated fluorescent lamps. While I applaud the author's intent, this bill inappropriately links a waste and toxics reduction program to California's world-renowned energy efficiency efforts.

Current law requires the state's investor-owned and publicly-owned utilities to charge consumers a public goods charge and use a portion of the money collected on energy efficiency programs. One of those programs has traditionally been to incentivize the purchase of more energy-efficient compact fluorescent lamps (CFLs) by providing monetary incentives to both manufacturers and retailers to reduce the increased costs of CFLs to the consumer.

By tying CFL recycling mandates to a manufacturer or retailers' participation in CFL energy efficiency programs, this bill creates a reverse incentive that could force manufacturers and retailers to choose

not to participate in either program. The result is no new improvement to CFL recycling and a potential increase in the costs of CFLs to consumers, which decreases CFL sales and undermines our energy-efficiency efforts.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 5:26 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 888, 911, 921, 943, 988, 1006, 1007, 1017, 1049, 1068, 1069, 1087, 1096, 1115, 1120, 1122, 1132, 1136, 1158, and 1173.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 18

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 18 without my signature.

I believe 30 days is a sufficient amount of time for a city council to fill a vacant seat by appointment or to call a special election.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 84

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 84 without my signature.

This bill would require elections officials to establish a free access system that allows a vote-by-mail (VBM) voter to determine if his or her ballot was counted.

While I support the author's intent, I believe this will result in additional costs to local governments. Some counties use an existing system that tracks receipt of VBM ballots to provide this information to voters. I would encourage other counties to consider implementing the provisions of this bill if their resources allow, but cannot support mandating them to do so.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 362

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 362 without my signature.

This bill would make it a crime for a person to knowingly take, possess, damage, reuse, or move any political sign without the authorization from the owner of the sign. According to the author, theft or vandalism of political signs is becoming more prevalent. This bill is unnecessary, however, because current law already prohibits acts of vandalism or theft.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 444

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 444 without my signature.

Although I am supportive of this bill's effort to allow non-governmental entities to manage funds set aside for the long-term management of lands and easements, authorizing them to hold funds without adequate fiscal assurances, as this bill would provide, is unacceptable.

I am directing the Department of Fish and Game to work with the Author and interested parties toward developing an alternative that provides sufficient protections for the financial and environmental resources subject to third-party agreements.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 566

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 566 without my signature.

While the intent of this bill is to preserve low-income housing, the fact that a majority of mobilehome park residents do not support a conversion is not an appropriate means for determining the legitimacy of a conversion. The law is not intended to allow park residents to block a request to subdivide.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 574

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 574 without my signature.

I support California's strong anti-smoking programs, as evidenced by my support for several anti-smoking bills over the last several years. I signed legislation that prohibited smoking in a vehicle with children; increased the fines and penalties for selling tobacco products to underage minors; and banned tobacco products in our state correctional facilities and state hospitals. I also support California's strong anti-smoking program and included funds for a stronger smoking cessation program in my 2007 health care reform proposal.

However, this bill is unnecessary. Current law already prohibits smoking in hospital patient care areas, waiting rooms and visiting rooms of a health facility. Hospitals also have the ability to further restrict smoking on their campuses to include open-air areas such as patios, parking lots and sidewalks.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 686

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 686 without my signature.

This bill seeks to clarify how long a voter may remain in a voting booth. Two separate code sections reference that a voter may remain in the booth for either five minutes or ten minutes, with an exception that allows for more time as long as no other voter is inconvenienced. There is no evidence that the discrepancy in current law has resulted in a significant problem for voters.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 742

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 742 without my signature.

Superior Court clerks throughout the state have worked with local elections officials to provide this information in a format that is most appropriate for their jurisdiction. Therefore this bill is unnecessary.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 811

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 811 without my signature.

This bill makes unnecessary changes to California's check cashers law with respect to check cashing identification cards and enhances the penalty for manufacturing or selling identification cards. California's check cashers law already prohibits check cashers from requiring customers to purchase identification cards and from misrepresenting the purpose of these cards. Also, existing criminal laws already prohibit any person from manufacturing and selling fraudulent identification documents.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 828

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 828 without my signature.

AB 828 is intended to require any state agency proposing green building standards to seek the input of other state agencies, environmental advocacy groups, the building construction and design industries, and other interested public parties. Also, the bill would require that green building standards be intended to protect the public's health and safety, minimize a building's impact on the environment through efficient use of natural resources, promote occupant health, and reduce strain on the local infrastructure while utilizing best available technology and building practices.

The California Building Standards Commission and other state agencies proposing building standards currently follow strict requirements for the development of all regulations, including building standards. Also, they utilize work groups and focus groups extensively in the development process. These meetings are open to all who want to participate.

In addition, the bill emphasizes that green building standards are to include, but not be limited to, site planning, water efficiency, energy efficiency, materials and resource efficiency, reduction of toxic chemicals, indoor air quality, and environmental quality. The state's current green building standards encompass these aspects of green building.

Because of this, I find the bill to be redundant of current regulatory development and adoption processes, and therefore unnecessary.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 882

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 882 without my signature.

I am sympathetic to the desires of those who have lost loved ones in vehicle collisions. However, I am concerned that posting multiple signs on highways could lead to increased driver inattention and distraction. Furthermore, the increase in the number of memorial signs could draw attraction from friends and family members who may want to place flowers or other items at the location of the sign on the state highway. Stopping along the side of the highway to get out of a vehicle and pay tribute to a loved one would place surviving friends and family members in immediate danger of being hit by another vehicle traveling at highway speeds.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 914

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 914 without my signature.

This bill would specify that the State Water Resources Control Board (Board) may take into consideration the additional criterion of impacts of mandatory minimum penalties on individual ratepayers when making a determination of "financial hardship" of a small community served by a public owned treatment works (POTW).

The bill is unnecessary since the Board already has the authority under current law to take any factor it deems appropriate into consideration when making a determination of financial hardship of a small community served by a POTW.

Furthermore, the bill's language for determining "financial hardship" is unclear, provides little to no guidance for the Board, and would only further confuse an already complex financial hardship determination process. The unintended consequence of AB 914 will be costly lawsuits and competing interpretations of the bill's vague and confusing language.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 958

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 958 without my signature.

This bill authorizes the Metropolitan Water District of Southern California to use a design-build procedure for contracts involving the design, construction, fabrication, and installation of a solar energy system in excess of \$1 million.

While I am a strong proponent of increasing our commitment to solar energy and the use of the design-build procedure for public projects, this bill contains reporting provisions not found elsewhere in existing design-build authorization.

At best these new provisions are unnecessary. But at worst, they upset the delicate balance of negotiations over the last few years on design-build procedures and set a new precedent for future design-build projects to include these provisions.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 985

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 985 without my signature.

While the goal of this measure is a worthy one, the practical legal effect is negligible. The restrictive covenants this bill would redact from certain recorded documents are already illegal and void under existing law. Existing law already allows an owner of a property with restrictive covenants to record a "Restrictive Covenant Modification" (RCM) form in order to remove any void or unenforceable covenant, condition, or restriction and permits the county recorder to waive any fees for filing the RCM.

Secondly, it is unknown if the \$2 recording fee attached to this bill to fund the redacting of restrictive covenants has any nexus to the actual cost of doing so. To make matters worse, the bill allows local municipalities to raise the recording fee, ostensibly to a "reasonably sufficient to recover the costs for performing activities related to the redaction of an unlawfully restrictive covenant". However, without a hard cap or sunset of the fee, the fee may be raised and excess amounts used to fund services or projects only remotely related to the redaction of objectionable covenants.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1186

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1186 without my signature.

This bill requires the lessor of a nonresidential building located within a nonattainment area to itemize parking costs in all lease agreements entered into or renewed after January 1, 2011 if the tenants of the building are provided free parking.

I recognize that the current cash-out parking program faces many implementation challenges and many have called for various modifications to improve this program. For this reason, I have signed SB 728 (Lowenthal) which would clarify that either the California Air Resources Board or a local air district may enforce the existing parking cash-out law.

With respect to this bill, although well-intended, I am concerned about placing an additional burden on commercial property owners at this time. It is my hope that better enforcement will shed more light on the challenges and effectiveness of this program.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1242

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1242 without my signature.

This bill would declare it to be the established policy of the State that every human being has the right to clean, affordable, and accessible water for human consumption.

Existing law establishes that domestic water use has the highest priority over other water uses. When California's water laws were established in 1943, this policy was enshrined in law.

I wholeheartedly support the underlying premise of this bill: We should be doing everything we can to ensure that our communities have access to clean, affordable water for our citizens. But the language of this bill will undoubtedly lead to potentially costly and constant litigation. This moves our limited state resources away from the day to day operations of achieving our clean water goals and puts them in the courtroom.

Additionally, while providing safe drinking water is fundamental to our laws and to human health, this bill would not enhance our current efforts in achieving this goal. The State Water Resources Control Board, the California Department of Public Health, and the Department of Water Resources are actively awarding grant funds and implementing policies and programs to protect and improve the long-term quality of drinking water supplies. Our most pressing barrier in achieving this goal is not desire, it is funding.

For this reason, I am signing AB 626 (Eng) and AB 1438 (Conway). AB 626 makes important changes to existing law that increase funding from Proposition 84 for disadvantaged communities in each hydrologic region in the state. AB 1438 modifies the Safe Drinking Water State

Revolving Fund to provide more resources to water system operators serving disadvantaged communities that often lack the resources for vital, costly water system improvements. I believe these bills will provide some additional needed tools to achieve the well-intended purpose of this measure.

The need for additional funding also places heightened importance on the need for a water infrastructure bond that includes a robust investment in increasing water quality and water supply reliability.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 9:25 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 18, 84, 362, 444, 566, 574, 686, 742, 811, 828, 882, 914, 958, 985, 1186, and 1242.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1185

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1185 without my signature.

The California Courts of Appeal have already provided a remedy for this issue, therefore this bill is unnecessary.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1222

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1222 without my signature.

This bill extends the sunset date on a statute that is not expiring until January 1, 2011. Therefore, this bill is premature and unnecessary. For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1228

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1228 without my signature.

This bill would allow the Counties of Santa Clara and Yolo to conduct all-mail ballot elections under specified conditions.

Many Californians choose to vote-by-mail (VBM) and have the option of becoming permanent VBM voters if that is their preference. On the other hand, many prefer voting in person at their local polling place. Under the provisions of this bill, one polling place would be open per city. This limit would significantly increase the distance needed to travel to vote in-person. This burden would fall disproportionately on those who are less mobile, frequently the poor, disabled and elderly. I cannot support a measure that would make it more difficult for these individuals to exercise their right to vote.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1270

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1270 without my signature.

This bill places additional requirements on information technology expenditures and system changes of the Victim Compensation and Government Claims Board (Board) that go beyond current administrative directives. The Office of the State Chief Information Officer (OCIO) was established with broad authority to oversee the information technology activities of state agencies and possesses the expertise to appropriately administer this authority. This bill usurps the OCIO's judgment and discretion in carrying out its duties and creates in statute a permanent level of oversight that goes well beyond what is required to address recent issues with the Board.

In addition, this bill requires the Board to develop specified written procedures related to the processing of applications to the Victim Compensation Program, which are consistent with recommendations made by the Bureau of State Audits. Since the Board has already agreed to these recommendations and is currently working to implement them, this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1271

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1271 without my signature.

This bill would allow a vote-by-mail (VBM) voter to authorize any other person to deliver or return their ballot to the elections official or the precinct board at any polling place within the jurisdiction.

As I have noted when vetoing similar legislation any effort to increase voter participation must be balanced against the potential increase in voter fraud. While I appreciate the author's intent and efforts

to protect against fraud, the opportunity is still too prevalent. Requiring written authorization by the voter is an important safeguard; however, there is no way to verify that the “authorized representative” is not paid by, or volunteering with a political party, campaign or other political entity. While some VBM voters could benefit from this added flexibility, it would leave the door open for bad actors to abuse the system. Therefore I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1276

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1276 without my signature.

This bill places unnecessary hurdles on international trade and unnecessarily complicates processes. Additionally, the bill would defy current agreements with the World Trade Organization and existing trade agreements. The Governor’s authority very clearly extends to both international and administrative matters, so he is well suited to represent the ideas of the California population on matters of trade.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1281

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1281 without my signature.

The California Department of Education has already put into place processes to update forms and instructions to accommodate the inclusion of multiracial students. Therefore, this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1288

Governor’s Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1288 without my signature.

This bill would prohibit the state, or a city, county, city and county, or special district from requiring an employer other than one of those government entities to use an electronic employment verification system as a condition of receiving a government contract, as a condition of applying for or maintaining a business license, or as a penalty for violating licensing or other similar laws. The bill would exclude from its provisions instances where electronic employment verification is required by federal law or as a condition of receiving federal funds.

The bill would create administrative burdens for employers receiving government funds in that a June 6, 2008, federal Executive Order 12989, as amended, requires all federal contractors, as a condition of any future federal contract, to use E-Verify to verify the employment eligibility of their workers. Employers receiving government funds would be required to sort out and identify complex funding streams and comply with both the Executive Order and provisions of this and other related laws. The bill also raises the potential for increased claims and litigation by placing new requirements in the Labor Code without also defining how the requirements will be enforced. Moreover, the bill implicates constitutional questions regarding the State's authority to impose this prohibition against charter counties and cities for matters that may constitute municipal affairs.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1312

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1312 without my signature.

There is no compelling need to extend the 2012 sunset date at this time, especially when a reasonable exemption for a particular type of business model was sought and rejected. I am not willing to extend this law to additional businesses until this problem is addressed.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1326

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1326 without my signature.

This bill seeks to assist voters who have attempted to register, but, through no fault of their own, were not registered because a third party failed to return their registration forms in a timely manner.

This bill is unnecessary. Under current law, if the elections official refuses to register any qualified elector in the county, the elector may proceed by action in the superior court to compel his or her registration. This provision covers all voters, regardless of whether or not they registered through a third party.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1328

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1328 without my signature.

This bill would allow a homeowners association (HOA) of a common interest development (CID) to enter into a contract of up to five years for water or energy efficiency programs under specified conditions.

This bill is unnecessary. Existing law limits a HOA's capacity to enter into multi-year contracts for various types of services, instead requiring a vote of the membership to enter into contracts of more than one year. This bill would override this important veto requirement, weakening the system of self governance that is central to the operations of CIDs and could result in contracts that do not reflect the approval of a majority of the members of the HOA. Further, if this bill is enacted, it could potentially expose CID members to long-term negative consequences brought about by board mistakes.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1336

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1336 without my signature.

This bill could present a significant risk of violating an individual's privacy unrelated to the enforcement of law. It may also lead to the unwarranted proliferation of camera enforcement in many other arenas.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1357

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1357 without my signature.

In the current economic times, I cannot support increasing the interest rate that pawnbrokers are permitted to charge for loans, given that its impact will be on a population that is currently least able to afford the increase.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1379

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1379 without my signature.

This bill could more than double the base fine penalty for a violation of Section 21114 of the California Vehicle Code. Although it is important to prevent loads from spilling on our roadways, there is not enough statistical evidence to show that this fine is warranted.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1385

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1385 without my signature.

This bill would authorize specified peace officers, more specifically arson investigators, employed by fire departments to use blue warning lights on authorized emergency vehicles (AEV). The bill's sponsor asserts that arson investigators are often plain clothed and drive unmarked vehicles, and as a result need the use of blue lights to be more recognizable. However, the use of blue lights would not establish the individual's identity as a peace officer without displaying some form of police identification. Additionally, all AEVs in California, including law enforcement vehicles, are required to have at least one forward facing solid red light. Since there is no legal requirement for motorists to yield to a blue warning light, I fail to see the necessity for the addition of a blue light.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1397

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1397 without my signature.

While I support the intent of this bill, some provisions inappropriately restrict the administrative and regulatory authority of the Department of Public Health for adopting or modifying the American Society for Reproductive Medicine guidelines.

I would be willing to reconsider a bill that does not infringe on the Department's regulatory authority.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1400

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1400 without my signature.

I am very supportive of the intent of this bill to maintain the safety and well being of all students attending California Community Colleges (CCC). However, as drafted, the bill creates an uneven standard between students who could be denied admission because of criminal acts they may have committed in the past.

Since I am committed to having community colleges be both safe places for quality education, as well as open institutions of hope for all students, I am asking the CCC Board of Governors to work in collaboration with CCC Chancellor Scott to work on a policy that will most effectively address this issue for the campuses.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 9:25 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 1185, 1222, 1228, 1270, 1271, 1276, 1281, 1288, 1312, 1326, 1328, 1336, 1357, 1379, 1385, 1397, and 1400.

SUE PARKER

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 2

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 2 without my signature.

I have repeatedly indicated I would support a bill that provides strong statutory protections for consumers against inappropriate rescissions by health plans. However, this bill continues to have a provision that benefits trial lawyers rather than consumers. I remain comfortable sending this bill back for a second time without my signature because of the strong consumer protections the Department of Managed Health Care and Department of Insurance have successfully implemented over the past two years. The number of rescissions industry-wide has decreased significantly since 2005. Millions of dollars have been assessed against health plans and insurers; corrective action plans have been received and approved; revised consumer disclosures have been reviewed for literacy, consistency and compliance with the settlement agreements; and lastly, the two departments are working together to ensure that all health plans meet the same standards of fairness and full disclosure. The market has changed—and it is because of my Administration's strong action in this area.

The precedent-setting 4th District Court of Appeals decision in *Hailey v. Blue Shield* relied heavily on the Department of Managed

Health Care's amicus brief. The court's reliance on this brief speaks to the strong work of the Department and the balance required when enacting consumer protections and ensuring access to the individual health plan market. I have no interest in overturning that appellate decision and the definitive interpretation of the post-claims underwriting statute.

In addition, I have signed targeted measures that prohibit plans from financially incentivizing their employees to rescind or cancel policies; require plans to offer coverage to families when the individual on the contract has been rescinded or cancelled; and most recently, I have signed Assembly Bill 108 that will prohibit a health plan from rescinding or canceling a contract after 24 months.

I would request that the Legislature send me a bill that codifies the *Hailey* decision, as I have asked for since 2008. When that occurs, I will be happy to sign that bill.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 692

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 692 without my signature.

This bill is unnecessary. A single instance in which a controversial federal rule was later revoked by a federal statute is not a reason to give broad, unchecked authority to the Franchise Tax Board for choosing whether or not to conform to future federal tax guidance.

To specifically address the controversial federal rule, I am signing Assembly Bill 11. This measure will bolster the regulatory action taken by the Franchise Tax Board on this specific federal issue, while also protecting the state's General Fund against potential legal challenges.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 764

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 764 without my signature.

Although I support the prohibition of individuals charging advance fees for mortgage loan modifications, I do not agree with the provision of this bill that will only allow fees to be collected if a modification is successful. This could adversely affect legitimate businesses that provide loan modification services. As such, I am signing SB 94 that accomplishes this prohibition against advance fees without unnecessarily harming legitimate companies.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 845

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 845 without my signature.

This bill would impose new requirements upon the Reentry Advisory Committee (RAC), including a requirement that the RAC seek and apply for federal funds, develop a comprehensive reentry plan, submit various advisory reports to the Legislature and Governor, and would also increase the number of individuals on the Committee. In addition, the RAC would be required to develop a comprehensive resource guide for use by various entities and the public. AB 845 also extends the sunset date of the RAC from January 1, 2011 to January 1, 2016.

This bill imposes several new duties upon the RAC without providing any new funding to pay for them. I cannot sign a bill that creates such unfunded mandates for the State of California during this time of fiscal crisis.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1176

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1176 without my signature.

For some time now I have lamented the fact that major issues are overlooked while many unnecessary bills come to me for consideration. Water reform, prison reform, and health care are major issues my Administration has brought to the table, but the Legislature just kicks the can down the alley.

Yet another legislative year has come and gone without the major reforms Californians overwhelmingly deserve. In light of this, and after careful consideration, I believe it is unnecessary to sign this measure at this time.

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1324

Governor's Office, Sacramento
October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1324 without my signature.

I signed a measure in 2006 to protect foster youth from identity theft that has not yet been fully implemented because of the state's fiscal challenges. This funding was appropriated in 2008 and when fully implemented, existing law will help foster youth that have been the

victims of identity theft. Since the current program is still not fully operational, I believe this measure is premature and may have the unintended consequence of shifting county workload to the state.

If, through the implementation, it becomes clear that foster youth are not being served in the way the law intended, I would be willing to reconsider this matter.

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

Sincerely,

ARNOLD SCHWARZENEGGER

Veto Message—Assembly Bill No. 1394

Governor's Office, Sacramento

October 11, 2009

To the Members of the California State Assembly:

I am returning Assembly Bill 1394 without my signature.

This bill would add a representative of the Department of Industrial Relations (DIR) to the Green Collar Jobs Council (GCJC). The bill also would create the Green Collar Jobs Account in the State Treasury and would authorize the California Workforce Investment Board (CWIB) to accept any revenues, moneys, grants, goods or services from federal or state governmental entities, philanthropic organizations, and other sources.

This bill is unnecessary. The Employment Development Department currently administers all funding for grants and workforce initiatives with Workforce Investment Act funds. Further, it is inappropriate to include the DIR as a member of the GCJC as they are not currently a member of the CWIB. The GCJC already has the authority to consult with DIR as needed.

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

Sincerely,

ARNOLD SCHWARZENEGGER

RECEIPT OF BILLS

I acknowledge receipt this 11th day of October at 11:09 p.m., of the following Assembly Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: Assembly Bills Nos. 2, 692, 764, 845, 1176, 1324, and 1394.

SUE PARKER

Assistant Chief Clerk of the Assembly

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KAREN BASS, Speaker

AMY LEACH, Minute Clerk

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