

CALIFORNIA LEGISLATURE

1999–2000 REGULAR SESSION

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# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 11

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**INTERIM RECESS**

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Assembly Chamber, Sacramento  
October 12, 1999

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1999–2000 Regular Session was printed while the Assembly was in Interim Recess:

**COMMUNICATIONS**

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

August 24, 1999

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

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions Code §6710 et seq. (Amended by: Chapter 676 of 1982); (Amended by: Chapter 150 of 1983, SB 427); (Amended by: Chapter 908 of 1994, SB 2036), I have reappointed Mr. Andrew J. Hopwood to the Board for Professional Engineers and Land Surveyors. This is a term appointment starting immediately and expiring June 1, 2003.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

September 14, 1999

*E. Dotson Wilson*  
*Chief Clerk*

*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on Earthquake Safety and Preparedness:

Assemblymember Elaine Alquist  
Assemblymember John Dutra  
Assemblymember Marco Firebaugh  
Assemblymember Peter Frusetta  
Assemblymember Bob Hertzberg  
Assemblymember Mike Honda  
Assemblymember Sheila Kuehl  
Assemblymember Kerry Mazzoni  
Assemblymember Gloria Romero  
Assemblymember Kevin Shelley  
Assemblymember Herb Wesson

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

September 22, 1999

*E. Dotson Wilson*  
*Chief Clerk*

*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I have created the Select Committee on Tire Disposal and appointed the following Assemblymembers:

Honorable Dennis Cardoza, Chair  
Honorable Richard Dickerson  
Honorable Hannah-Beth Jackson  
Honorable Mike Machado  
Honorable Sarah Reyes  
Honorable Tom Torlakson  
Honorable Howard Wayne

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

September 23, 1999

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

Dear Mr. Wilson: Please be advised that I have appointed Ms. Angela E. Oh to the State Bar Commission on Access to Justice. This is a term appointment starting immediately and expiring September 23, 2001.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

September 23, 1999

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

Dear Mr. Wilson: Please be advised that pursuant to Government Code §14998.2 (Amended by: Ch. Am. 1153 of 1993, AB 1732); (Amended by: Ch. Am. 955 of 1988, AB 4680—Statham); (Amended by: Ch. Am. 35 of 1987, SB 146—Robbins); (Amended by: Ch. Am. 109 of 1985, SB 4—Robbins); (Amended by: Ch. Am. 730 of 1983, SB 535—Robbins); (Created/Amended by: Ch. 961 of 1978), I have appointed Mr. Jack Shea to the California Film Commission. This is a term appointment starting immediately and expiring March 18, 2001. Mr. Shea will be replacing Leo Geffner.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

September 30, 1999

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

Dear Mr. Wilson: Please be advised that pursuant to Health and Safety Code, §52550 (Created by: Ch. Am. 1355 of 1987, SB1297—Petris), I have appointed Ms. Janis M. Breidenbach to the California Housing Partnership Board of Directors. This is a term appointment starting immediately and expiring January 1, 2002. Ms. Breidenbach will be replacing Carrie Hawkins.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

October 7, 1999

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

Dear Mr. Wilson: Please be advised that pursuant to Health and Safety Code, §104182 (Created by: Chapter 755 of 1997, AB 1544—Ortiz, Migden and Perata), I have appointed Dr. Arnold W. Malcolm and Ms. Jane Lipstone to the Cancer Research Council. Their terms started October 4, 1999 and Ms. Lipstone's term expires on April 4, 2000 and Dr. Malcolm's term expires on April 1, 2001. This is a change from my letter dated June 15, 1999.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

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

September 16, 1999

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

Dear Mr. Wilson: On September 10, 1999 the Speaker of the Assembly granted me permission to leave before the close of session to attend my mother's burial service. My family greatly appreciates the kind words and support from my colleagues in the Legislature during this time of sorrow.

Sincerely,

GEORGE NAKANO, Assembly Member  
Fifty-third District

September 3, 1999

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

Dear Dotson: Please be advised that the following payment has been received by the Assembly Committee on Rules:

Source	City of Brentwood
Amount	\$45.90 per month until canceled by the Assembly or the City of Brentwood
Purpose	Office space
Person/Class for Whom	Assembly Member Lynn Leach
Payment Used	

Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Sincerely yours,

JONATHAN WALDIE  
 Chief Administrative Officer  
 California State Assembly

September 22, 1999

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

Dear Dotson: Please be advised that the following payment has been received by the Assembly Committee on Rules:

Source	Tulare County Board of Supervisors
Amount	\$1,030 per year until canceled by the Assembly or the Tulare County Board of Supervisors
Purpose	Office space
Person/Class for Whom	Assembly Member Sarah Reyes
Payment Used	

Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Sincerely yours,

JONATHAN WALDIE  
 Chief Administrative Officer  
 California State Assembly

September 22, 1999

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

Dear Dotson: Please be advised that the following payment has been received by the Assembly Committee on Rules:

Source	Tulare County Board of Supervisors
Amount	\$1,030 per year until canceled by the Assembly or the Tulare County Board of Supervisors
Purpose	Office space
Person/Class for Whom Payment Used	Assembly Member Mike Briggs

Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Sincerely yours,

JONATHAN WALDIE  
 Chief Administrative Officer  
 California State Assembly

October 5, 1999

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

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

Dear Mr. Schmidt and Mr. Wilson: Please be advised that on September 2, 1999, the Committee on Joint Rules approved the following item:

Request for Issuance of Subpoena for Attendance Before Legislative Committee.

Very truly yours,

ROBERT M. HERTZBERG  
 Chairman, Joint Rules Committee

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 13, 1999

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 92  | Assembly Bill No. 957  |
| Assembly Bill No. 187 | Assembly Bill No. 982  |
| Assembly Bill No. 254 | Assembly Bill No. 989  |
| Assembly Bill No. 452 | Assembly Bill No. 1229 |
| Assembly Bill No. 466 | Assembly Bill No. 1284 |
| Assembly Bill No. 648 | Assembly Bill No. 1387 |
| Assembly Bill No. 655 | Assembly Bill No. 1497 |
| Assembly Bill No. 879 | Assembly Bill No. 1638 |
| Assembly Bill No. 930 | Assembly Bill No. 1663 |
| Assembly Bill No. 936 | Assembly Bill No. 1685 |

And reports the same correctly enrolled, and presented to the Governor at 11 a.m., September 13, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 1999

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

- Assembly Concurrent Resolution No. 76
- Assembly Concurrent Resolution No. 93

And reports the same correctly enrolled, and presented to the Secretary of State on the 13th day of September, 1999, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 1999

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 145 | Assembly Bill No. 794  |
| Assembly Bill No. 194 | Assembly Bill No. 851  |
| Assembly Bill No. 216 | Assembly Bill No. 963  |
| Assembly Bill No. 221 | Assembly Bill No. 964  |
| Assembly Bill No. 349 | Assembly Bill No. 985  |
| Assembly Bill No. 404 | Assembly Bill No. 1081 |
| Assembly Bill No. 476 | Assembly Bill No. 1151 |
| Assembly Bill No. 512 | Assembly Bill No. 1293 |
| Assembly Bill No. 545 | Assembly Bill No. 1309 |
| Assembly Bill No. 745 | Assembly Bill No. 1310 |

And reports the same correctly enrolled, and presented to the Governor at 4 p.m. September 13, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 13, 1999

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

- Assembly Bill No. 1357
- Assembly Bill No. 1596

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 13, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 14, 1999

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

Assembly Bill No. 87	Assembly Bill No. 1148
Assembly Bill No. 133	Assembly Bill No. 1206
Assembly Bill No. 161	Assembly Bill No. 1228
Assembly Bill No. 494	Assembly Bill No. 1252
Assembly Bill No. 514	Assembly Bill No. 1343
Assembly Bill No. 517	Assembly Bill No. 1381
Assembly Bill No. 593	Assembly Bill No. 1403
Assembly Bill No. 631	Assembly Bill No. 1518
Assembly Bill No. 749	Assembly Bill No. 1530
Assembly Bill No. 1067	Assembly Bill No. 1595

And reports the same correctly enrolled, and presented to the Governor at 11:30 a.m., September 14, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 14, 1999

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

Assembly Bill No. 38	Assembly Bill No. 931
Assembly Bill No. 63	Assembly Bill No. 1027
Assembly Bill No. 180	Assembly Bill No. 1136
Assembly Bill No. 192	Assembly Bill No. 1363
Assembly Bill No. 208	Assembly Bill No. 1421
Assembly Bill No. 249	Assembly Bill No. 1512
Assembly Bill No. 428	Assembly Bill No. 1548
Assembly Bill No. 458	Assembly Bill No. 1574
Assembly Bill No. 731	Assembly Bill No. 1689

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 14, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 14, 1999

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

Assembly Concurrent Resolution No. 18  
 Assembly Concurrent Resolution No. 51  
 Assembly Concurrent Resolution No. 68  
 Assembly Concurrent Resolution No. 79  
 Assembly Joint Resolution No. 21  
 Assembly Joint Resolution No. 32

And reports the same correctly enrolled, and presented to the Secretary of State on the 14th day of September, 1999, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 1999

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

Assembly Bill No. 1013

And reports the same correctly enrolled, and presented to the Governor at 11 a.m., September 15, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 1999

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

Assembly Concurrent Resolution No. 91

And reports the same correctly enrolled, and presented to the Secretary of State on the 15th day of September, 1999, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 1999

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

Assembly Bill No. 27	Assembly Bill No. 892
Assembly Bill No. 64	Assembly Bill No. 900
Assembly Bill No. 170	Assembly Bill No. 910
Assembly Bill No. 181	Assembly Bill No. 917
Assembly Bill No. 366	Assembly Bill No. 952
Assembly Bill No. 414	Assembly Bill No. 1052
Assembly Bill No. 508	Assembly Bill No. 1212
Assembly Bill No. 555	Assembly Bill No. 1287
Assembly Bill No. 709	Assembly Bill No. 1453
Assembly Bill No. 850	Assembly Bill No. 1541

And reports the same correctly enrolled, and presented to the Governor at 2:15 p.m., September 15, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 1999

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

Assembly Bill No. 597	Assembly Bill No. 873
Assembly Bill No. 630	Assembly Bill No. 889
Assembly Bill No. 790	Assembly Bill No. 1193

And reports the same correctly enrolled, and presented to the Governor at 3:15 p.m., September 15, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 1999

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

Assembly Bill No. 56	Assembly Bill No. 444
Assembly Bill No. 193	Assembly Bill No. 538
Assembly Bill No. 214	Assembly Bill No. 539
Assembly Bill No. 217	Assembly Bill No. 547
Assembly Bill No. 282	Assembly Bill No. 831
Assembly Bill No. 319	Assembly Bill No. 1110
Assembly Bill No. 361	Assembly Bill No. 1165
Assembly Bill No. 363	Assembly Bill No. 1244
Assembly Bill No. 391	Assembly Bill No. 1678
Assembly Bill No. 407	Assembly Bill No. 1688

And reports the same correctly enrolled, and presented to the Governor at 12:15 p.m., September 16, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 1999

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

Assembly Joint Resolution No. 33

And reports the same correctly enrolled, and presented to the Secretary of State on the 16th day of September, 1999, at 12:15 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 1999

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

Assembly Bill No. 39	Assembly Bill No. 771
Assembly Bill No. 76	Assembly Bill No. 848
Assembly Bill No. 91	Assembly Bill No. 1048
Assembly Bill No. 604	Assembly Bill No. 1092
Assembly Bill No. 611	Assembly Bill No. 1152
Assembly Bill No. 640	Assembly Bill No. 1164
Assembly Bill No. 643	Assembly Bill No. 1319
Assembly Bill No. 740	Assembly Bill No. 1332
Assembly Bill No. 758	Assembly Bill No. 1423

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 16, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1999

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

Assembly Bill No. 1553

And reports the same correctly enrolled, and presented to the Governor at 9:15 a.m., September 17, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1999

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

Assembly Bill No. 123

Assembly Bill No. 144

Assembly Bill No. 155

Assembly Bill No. 236

Assembly Bill No. 293

Assembly Bill No. 431

Assembly Bill No. 470

Assembly Bill No. 656

Assembly Bill No. 705

Assembly Bill No. 825

Assembly Bill No. 956

Assembly Bill No. 975

Assembly Bill No. 1059

Assembly Bill No. 1202

Assembly Bill No. 1210

Assembly Bill No. 1325

Assembly Bill No. 1464

Assembly Bill No. 1492

Assembly Bill No. 1505

Assembly Bill No. 1677

And reports the same correctly enrolled, and presented to the Governor at 1:30 p.m., September 17, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1999

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

Assembly Bill No. 162

Assembly Bill No. 300

Assembly Bill No. 308

Assembly Bill No. 491

Assembly Bill No. 673

Assembly Bill No. 777

Assembly Bill No. 798

Assembly Bill No. 857

Assembly Bill No. 926

Assembly Bill No. 1014

Assembly Bill No. 1406

Assembly Bill No. 1551

Assembly Bill No. 1587

Assembly Bill No. 1645

Assembly Bill No. 1693

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 17, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 1999

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

Assembly Bill No. 33

Assembly Bill No. 34

Assembly Bill No. 59

Assembly Bill No. 248

Assembly Bill No. 313

Assembly Bill No. 394

Assembly Bill No. 435

Assembly Bill No. 437

Assembly Bill No. 510

Assembly Bill No. 527

Assembly Bill No. 574

Assembly Bill No. 596

Assembly Bill No. 607

Assembly Bill No. 667

Assembly Bill No. 703

Assembly Bill No. 891

Assembly Bill No. 923

Assembly Bill No. 992

Assembly Bill No. 1225

Assembly Bill No. 1243

And reports the same correctly enrolled, and presented to the Governor at 1:45 p.m., September 20, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 1999

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

Assembly Bill No. 1520

Assembly Bill No. 1573

Assembly Bill No. 1630

And reports the same correctly enrolled, and presented to the Governor at 1:45 p.m., September 20, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 1999

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

- Assembly Concurrent Resolution No. 73
- Assembly Concurrent Resolution No. 80
- Assembly Concurrent Resolution No. 84
- Assembly Concurrent Resolution No. 86
- Assembly Concurrent Resolution No. 88
- Assembly Concurrent Resolution No. 92
- Assembly Joint Resolution No. 31

And reports the same correctly enrolled, and presented to the Secretary of State on the 20th day of September, 1999, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 21, 1999

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 140 | Assembly Bill No. 598  |
| Assembly Bill No. 195 | Assembly Bill No. 635  |
| Assembly Bill No. 215 | Assembly Bill No. 689  |
| Assembly Bill No. 283 | Assembly Bill No. 784  |
| Assembly Bill No. 285 | Assembly Bill No. 838  |
| Assembly Bill No. 297 | Assembly Bill No. 872  |
| Assembly Bill No. 301 | Assembly Bill No. 883  |
| Assembly Bill No. 384 | Assembly Bill No. 1160 |
| Assembly Bill No. 416 | Assembly Bill No. 1345 |
| Assembly Bill No. 469 | Assembly Bill No. 1353 |

And reports the same correctly enrolled, and presented to the Governor at 11:30 a.m., September 21, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 21, 1999

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1407 | Assembly Bill No. 1635 |
| Assembly Bill No. 1480 | Assembly Bill No. 1679 |
| Assembly Bill No. 1555 |                        |

And reports the same correctly enrolled, and presented to the Governor at 11:30 a.m., September 21, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 21, 1999

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 15   | Assembly Bill No. 1282 |
| Assembly Bill No. 600  | Assembly Bill No. 1393 |
| Assembly Bill No. 614  | Assembly Bill No. 1410 |
| Assembly Bill No. 853  | Assembly Bill No. 1475 |
| Assembly Bill No. 902  | Assembly Bill No. 1534 |
| Assembly Bill No. 953  | Assembly Bill No. 1545 |
| Assembly Bill No. 1026 | Assembly Bill No. 1627 |
| Assembly Bill No. 1232 |                        |

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 21, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1999

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1012 | Assembly Bill No. 1605 |
| Assembly Bill No. 1050 | Assembly Bill No. 1657 |
| Assembly Bill No. 1383 | Assembly Bill No. 1675 |

And reports the same correctly enrolled, and presented to the Governor at 12:15 p.m., September 22, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1999

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

Assembly Bill No. 26	Assembly Bill No. 531
Assembly Bill No. 31	Assembly Bill No. 549
Assembly Bill No. 84	Assembly Bill No. 582
Assembly Bill No. 136	Assembly Bill No. 606
Assembly Bill No. 150	Assembly Bill No. 695
Assembly Bill No. 157	Assembly Bill No. 714
Assembly Bill No. 247	Assembly Bill No. 792
Assembly Bill No. 420	Assembly Bill No. 817
Assembly Bill No. 503	Assembly Bill No. 844
Assembly Bill No. 515	Assembly Bill No. 990

And reports the same correctly enrolled, and presented to the Governor at 12:15 p.m., September 22, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1999

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

Assembly Bill No. 47	Assembly Bill No. 921
Assembly Bill No. 88	Assembly Bill No. 924
Assembly Bill No. 228	Assembly Bill No. 971
Assembly Bill No. 351	Assembly Bill No. 1253
Assembly Bill No. 359	Assembly Bill No. 1314
Assembly Bill No. 406	Assembly Bill No. 1511
Assembly Bill No. 442	Assembly Bill No. 1673
Assembly Bill No. 807	

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 22, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 23, 1999

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

Assembly Bill No. 12	Assembly Bill No. 743
Assembly Bill No. 75	Assembly Bill No. 1488
Assembly Bill No. 139	Assembly Bill No. 1570
Assembly Bill No. 232	Assembly Bill No. 1584
Assembly Bill No. 738	Assembly Bill No. 1639

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 23, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1999

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

Assembly Bill No. 58	Assembly Bill No. 1432
Assembly Bill No. 62	Assembly Bill No. 1473
Assembly Bill No. 97	Assembly Bill No. 1476
Assembly Bill No. 427	Assembly Bill No. 1517
Assembly Bill No. 472	Assembly Bill No. 1571
Assembly Bill No. 543	Assembly Bill No. 1593
Assembly Bill No. 805	Assembly Bill No. 1636
Assembly Bill No. 912	Assembly Bill No. 1659
Assembly Bill No. 1231	Assembly Bill No. 1695

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 24, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1999

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 55  | Assembly Bill No. 1099 |
| Assembly Bill No. 100 | Assembly Bill No. 1154 |
| Assembly Bill No. 103 | Assembly Bill No. 1242 |
| Assembly Bill No. 110 | Assembly Bill No. 1637 |
| Assembly Bill No. 311 | Assembly Bill No. 1652 |
| Assembly Bill No. 519 | Assembly Bill No. 1686 |
| Assembly Bill No. 601 |                        |

And reports the same correctly enrolled, and presented to the Governor at 12:45 p.m., September 24, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1999

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

- Assembly Bill No. 78
- Assembly Bill No. 1001

And reports the same correctly enrolled, and presented to the Governor at 5 p.m., September 24, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1999

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 72  | Assembly Bill No. 789  |
| Assembly Bill No. 73  | Assembly Bill No. 1055 |
| Assembly Bill No. 312 | Assembly Bill No. 1155 |
| Assembly Bill No. 344 | Assembly Bill No. 1163 |
| Assembly Bill No. 402 | Assembly Bill No. 1168 |
| Assembly Bill No. 537 | Assembly Bill No. 1187 |
| Assembly Bill No. 612 | Assembly Bill No. 1236 |
| Assembly Bill No. 646 | Assembly Bill No. 1268 |
| Assembly Bill No. 658 | Assembly Bill No. 1430 |
| Assembly Bill No. 756 | Assembly Bill No. 1498 |

And reports the same correctly enrolled, and presented to the Governor at 5:05 p.m., September 24, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 1999

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

- Assembly Joint Resolution No. 25
- Assembly Joint Resolution No. 36
- Assembly Concurrent Resolution No. 69
- Assembly Concurrent Resolution No. 90

And reports the same correctly enrolled, and presented to the Secretary of State on the 27th day of September, 1999, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 1999

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

- Assembly Bill No. 1672
- Assembly Bill No. 1696

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 27, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 1999

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

Assembly Bill No. 271	Assembly Bill No. 1039
Assembly Bill No. 290	Assembly Bill No. 1207
Assembly Bill No. 370	Assembly Bill No. 1355
Assembly Bill No. 395	Assembly Bill No. 1385
Assembly Bill No. 403	Assembly Bill No. 1391
Assembly Bill No. 530	Assembly Bill No. 1451
Assembly Bill No. 633	Assembly Bill No. 1474
Assembly Bill No. 636	Assembly Bill No. 1650
Assembly Bill No. 747	Assembly Bill No. 1670
Assembly Bill No. 1020	Assembly Bill No. 1671

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 27, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 28, 1999

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

Assembly Bill No. 380	Assembly Bill No. 993
Assembly Bill No. 575	Assembly Bill No. 1127
Assembly Bill No. 724	Assembly Bill No. 1409
Assembly Bill No. 813	Assembly Bill No. 1658

And reports the same correctly enrolled, and presented to the Governor at 10:15 a.m., September 28, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 28, 1999

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

Assembly Bill No. 645  
Assembly Bill No. 1600

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 28, 1999.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 1, 1999

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

Assembly Bill No. 137  
Assembly Bill No. 387

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., October 1, 1999.

E. DOTSON WILSON, Chief Clerk

**MESSAGES FROM THE GOVERNOR**

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

**Veto Message—Assembly Bill No. 131**

Governor's Office, Sacramento  
September 16, 1999

*To Members of the Assembly:*

I am returning Assembly Bill 131 without my signature.

This bill would increase the state reimbursement for costs associated with local agencies transporting prisoners incarcerated at state prison facilities. Under AB 131, these costs incurred by local agencies would include all direct costs, and local agencies would be entitled to recover all actual direct costs for total round-trip distance.

The 1999 Budget Act includes a base augmentation intended to address reasonable and necessary costs incurred by local agencies for the transportation of prisoners to and between state prisons. The need for additional resources beyond this budget augmentation has not been demonstrated, and for this reason, I am unable to sign AB 131.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 16th day of September 1999 at 3 p.m., of Assembly Bill No. 131 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1361**

Governor's Office, Sacramento  
September 17, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1361 without my signature.

Small claims court filing fees were increased in 1998 to support court operations. This requested increase would result in a small claims filing fee increase of nearly 70% in just 2 years.

Small claims court filings have decreased 23% in the last 10 years. Each filing fee increase contributes to closing the courthouse doors.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 17th day of September 1999 at 11:15 a.m., of Assembly Bill No. 1361 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 84**

Governor's Office, Sacramento  
September 22, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 84 without my signature. Not only is this bill anti-competition and anti-consumer, it represents the worst kind of end-of-session maneuvering by special interests. A bill with an unrelated purpose was gutted and changed entirely in the final hours before the Legislature adjourned. It then was rushed through both houses with virtually no public notice, no public input and no demonstrated public need. An argument can be made that the preference by many local governments for retail economic activity over manufacturing or housing is questionable public policy that must be addressed by, among other things, looking at the fiscal arrangement between state and local governments. But matters largely involving local land-use and zoning decisions should not be preempted by the Legislature and Governor without thoughtful deliberation. As a general principle, consumers should not be limited in their choices simply through questionable governmental fiat, and that is exactly what this bill seeks to do.

However, I am signing another measure, AB 178, which provides a responsible process for dealing with the issue of large retail stores. AB 178 prohibits local governments from offering financial incentives to large retail stores or auto dealers that relocate from one jurisdiction to another jurisdiction in the same market area, unless the receiving local government offers a contract to share some of the resulting sales tax revenues with the other local government.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 22nd day of September 1999 at 4:15 p.m., of Assembly Bill No. 84 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 23**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 23 without my signature.

This bill would have transferred specified portions of certain streets, highways, and bridges from the City of Long Beach to state ownership as part of State Highway Route 710.

I recognize that the City of Long Beach and the Port of Long Beach have had ongoing and lengthy discussions with the Department of Transportation regarding the transfer of these properties. Unfortunately, a recent site investigation has disclosed four hazardous waste sites involving soil and water contamination on the property to be transferred to the state. Because state and federal hazardous waste laws charge the owner of property with responsibility for the cost of cleaning up such

contamination, this bill would burden the state with the costs of cleaning up the hazardous materials.

The bill contains no provision for the unknown but likely significant costs to the state for remediation of these sites. Therefore, the bill is premature until discussions between the City and the state regarding key issues, including liability for the hazardous material sites on the property, have been concluded.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 216**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 216 without my signature.

This bill would eliminate the current transfers of specified fines from the Alcohol Beverage Control Fund to the General Fund, and instead provide for deposit of those funds into a new Alcoholic Beverage Control Special Enforcement and Training Fund. The bill specifies that 75 percent of this new fund's annual appropriation would go to grants to local law enforcement agencies, and the remainder to the Department of Alcoholic Beverage Control for remedial licensee training and administration of the grant program.

The bill would result in a loss of \$2.7 million available to the General Fund, which was not reflected in the 1999 Budget Act.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 378**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 378 without my signature.

Assembly Bill No. 378 would permit the governing board of any non-merit system school district or community college district to delegate decisions on discipline of classified employees to binding arbitration. This bill would also clarify existing law to provide that districts that have adopted the merit system are not precluded from negotiating a provision that makes the findings and decision of a hearing officer or other authorized representative binding.

While I am supportive of binding arbitration in some cases, I see no reason to alter the current system of discipline in school and community college districts with regard to classified employees. School districts and community college districts should retain the authority granted under current law.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 558**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 558 without my signature.

Assembly Bill No. 558 would require the State Department of Education to develop and distribute a curriculum about domestic violence prevention instruction. This bill would also allow, but not require, school districts to provide domestic violence prevention instruction to pupils in grades 1 through 12.

While I am supportive of efforts to reduce domestic violence, I cannot support this bill for the following reasons. Existing law already requires instruction in the principles and practices of individual, family, and community health. In addition, if districts chose to provide such instruction this bill could result in redirections of up to \$7 million away from core academic programs. Any such issues should be addressed through the annual Budget Act. Finally, this bill contains no provision for parents to exempt their children from this instruction if they so choose.

I would support a requirement that the state's health curriculum framework, as adopted by the State Board of Education, include sections on domestic violence. This revision would be included as part of the regular curriculum framework adoption process. Any such legislation should also include a provision allowing for parents to exempt their children from instruction in this area.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 985**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 985 without my signature.

Assembly Bill No. 985 would specifically authorize schoolwide parent teacher associations or similar organizations to sell food on school sites if all income from the sales benefit schools or student organizations. This bill would prohibit food sales from occurring more than twice per month, and authorize a school district to establish a policy to limit the sale of food if the district determines that the sale would affect the financial viability of the school cafeteria program.

While I support the intent of this bill—to ensure that parent teacher associations are able to sell food to benefit their schools, I believe that the bill is unnecessary. While current state regulations restrict the sale of food by pupil and student organizations, nothing in current law or regulations prohibits the sale of food by parent teacher associations. Local school boards have the authority to set their own policies regarding such food sales, provided that those policies are consistent with state law.

Because this bill would prohibit food sales from occurring more than twice per month, it would place undue restrictions on the ability of

parent teacher associations to conduct food sales to benefit schools. Local school boards should retain the right to set their own policies regarding food sales, as provided for under current law.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 989**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 989 without my signature.

This bill would authorize the executive director of the California Coastal Commission to record a notice of violation if the director has determined that property has been developed in violation of the California Coastal Act.

The bill would inappropriately shift the burden of proof from a governmental entity to a private individual who must then affirmatively prove they did not act in violation of the Coastal Act. Current law provides the Coastal Commission with other remedies to address violations of the act. Therefore, this bill is unnecessary.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1293**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1293 without my signature.

This bill would have required the Coastal Commission to carry out public education and outreach programs relating to boating and nonpoint source pollution and would have extended the Commission's authority beyond the coastal zone for purposes of these programs.

I do not support expanding the Commission's authority beyond the coastal zone. Moreover, the Department of Boating and Waterways is the appropriate agency to carry out public education programs related to boating. In addition, programs relating to nonpoint source pollution should be carried out by the State Water Resources Control Board and the regional water quality control boards.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1370**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1370 without my signature.

This bill would enact the Earned Income Tax Credit Information Act and would require employers who must provide unemployment insurance to their employees to notify their employees that they may be eligible for the federal Earned Income Tax Credit (EITC).

Given that the EITC is federal law, it is primarily the responsibility of the federal government to educate taxpayers on its availability. It would be inappropriate for the state to impose this responsibility on businesses, as this bill would do.

Federal agencies and nonprofit groups have made commendable efforts to make those who are eligible aware of the EITC through outreach programs in many different languages. These entities also help employers interested in assisting employees in receiving credit payments.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1596**

Governor's Office, Sacramento  
September 27, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1596 without my signature.

This bill would establish the Task Force on Financing Essential School Facilities, consisting of 15 members, for the purpose of identifying federal, state, and local resources available for financing essential school facilities not eligible under the State School Facilities Program. A task force report including findings and recommendations would be due to the Legislature by July 1, 2000.

There are few challenges more important for California's future than the need to build additional school facilities. While the facilities cited by the author as ineligible under the current school facilities program are meritorious, I believe that our first commitment must be to financing additional classroom space in order to meet the state's future enrollment growth. Meeting this most basic need remains my highest priority.

In addition, the Commission on Building for the 21st Century is charged with developing a comprehensive building plan that will address the state's infrastructure needs, including school facilities. I believe that the Task Force established by this bill would duplicate the work of this Commission.

Assembly Bill No. 1596 creates a new task force whose mission is not clearly defined. I am not convinced that a task force and a corresponding appropriation of \$50,000 is appropriate at this time, as the bill does not appear to have a clearly defined purpose nor delineate specific deficiencies in the current School Facilities Program. In addition, any

such task force should include representation from the State Board of Education and the Office of the Secretary for Education.

For these reasons I cannot support this bill.

Sincerely,

GRAY DAVIS

### RECEIPT

I acknowledge receipt this 27th day of September 1999 at 10:30 a.m., of Assembly Bills Nos. 23, 216, 378, 558, 985, 989, 1293, 1370, and 1596 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

RALPH ROMO

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 214**

Governor's Office, Sacramento

September 28, 1999

*To Members of the Assembly:*

I am returning Assembly Bill 214 without my signature.

Assembly Bill 214 would require all State and municipal procuring authorities to contract only with persons or entities who agree to use or supply materials of United States origin. It also establishes for the same contracts, a 5% price preference for California-made products. The bill applies to all contracts of \$50,000 or more.

While the intent of this legislation is laudable, it could result in California companies and workers actually losing millions of dollars in domestic contract and export opportunities. As written, this bill would automatically trigger reciprocal preferences *against* California companies in 35 out of 50 states, thus negating any benefit of the preference. The bill also appears to violate the Agreement on Government Procurement provisions of the World Trade Organization, which could result in billions of dollars in retaliatory trade measures aimed at U.S. and, in particular, California industries.

The bill would also increase the cost of public works projects in California by as much as hundreds of millions of dollars. In fact, construction costs for building new public schools alone could increase as much as \$77 million.

AB 214, however, highlights a serious problem that deserves action. As a result of current procurement practices that favor the lowest bidder, foreign-made steel of questionable quality is being used in public works projects. Some of this steel has failed to meet California safety standards in major public facilities including bridges.

In order to ensure that public works projects meet the highest level of safety standards, I am issuing the attached Executive Order. This Order will:

- Require all contracting agencies, including CalTrans, to use the highest quality standards for materials permissible in pre-qualifying bidders for all public works projects.
- Direct the Department of General Services to evaluate and recommend whether "best value" contracting practices should be expanded beyond current statutory authority.
- Direct the Department of General Services to evaluate and

recommend legislative language for introduction in 2000 to broaden California's reciprocal preference laws to include additional products and services.

I support the intent of the sponsors in drafting this legislation, but I believe this legislation is too broad and would cost California businesses and workers much more than it would gain.

Sincerely,

GRAY DAVIS

#### RECEIPT

I acknowledge receipt this 29th day of September 1999 at 9:04 a.m., of Assembly Bill No. 214 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

#### **Veto Message—Assembly Bill No. 38**

Governor's Office, Sacramento

September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 38 without my signature.

Assembly Bill No. 38 would authorize any district governing board to develop a specified plan for the establishment of a comprehensive education and guidance program. Current law already authorizes any district governing board to provide a comprehensive educational counseling program for all pupils enrolled in the schools of a district.

While the general intent of the bill—to align the comprehensive education and guidance program with the National Standards for School Counseling Program is laudable, this bill is too prescriptive. If the district governing board decides to initiate a plan, this measure would mandate the plan to include, among many other things, developmentally appropriate pupil competencies, strategies for phasing out noncounseling activities currently being performed by counselors, provisions to ensure 80% of counselor time is spent in direct prevention and intervention services, and provisions for links between the educational guidance and counseling program and resources in the community. These provisions are too restrictive and may actually deter school districts from establishing a comprehensive education and guidance program.

Earlier this year, I signed AB 1113 (Florez), an education budget trailer bill, which provides \$100 million for safety related initiatives, including additional secondary school counselors. AB 1113 provides both important resources and flexibility to school districts which is not provided in AB 38.

For these reasons, I cannot support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 100**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 100 without my signature.

Although the measure is well intentioned it is flawed in several important respects:

First, tobacco related illnesses covered by MediCAL are already paid for by the state general fund. There is no need for a restricted fund to cover these costs. In addition, there are two tobacco-related funds which have been created by initiatives, Prop. 99 and Prop. 10. These propositions provide over \$400 million and almost \$700 million respectively for health and education.

Second, during my tenure as California's Lieutenant Governor, I asked the then Attorney General to sue the tobacco industry. After he refused to do so I filed an action pursuant to the California Private Attorney General Statute. Several months later, the Attorney General did file a case and our suits were joined. The causes of action seeking recoupment of health related expenditures by the state were dismissed by the Court. The cases were then settled by the parties.

Therefore, the tobacco lawsuit causes of action from which these monies derive were based on California's Unfair Competition Act (Business and Professions Code Section 17200 et seq.) and the state's false advertising law (Business and Professions Code Sec. 17500 et seq.) and not for reimbursement of health care coverage.

Finally, it is the better policy to maintain flexibility in the use of the tobacco settlement funds for other purposes as well. In the event of unforeseen fiscal emergencies, it is critical for the Administration to have discretionary control of the uses of these monies.

Therefore, while I appreciate the importance of providing sufficient health services to Californians in need of these services, I cannot sign Assembly Bill 100.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 597**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 597 without my signature.

This bill would require the Department of Transportation (Caltrans) to develop proposals for flexibility in existing statewide design standards for certain types of highways, including highways that serve as towns or city streets, highways in environmentally sensitive areas, and highway or bridge retrofit or maintenance projects. Caltrans also would be required to establish an internal working group, comprised of representatives of a broad range of interests, to assist in the development of the design standards.

Costs to form the working group and develop standards would be approximately \$300,000; however, the bill does not provide funding

necessary for implementation. This program and the funding required to implement it, should be considered as part of the normal budget process.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 662**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 662 without my signature.

This bill will apply civil discovery procedures to criminal profiteering asset forfeiture proceedings; allow a court to stay an asset forfeiture proceeding in a criminal profiteering case until a criminal proceeding is completed; requires the district attorney to locate parties who may hold security and ownership interests in the property subject to forfeiture; and provides that state forfeiture procedures and provisions preempt inconsistent local ordinances.

The bulk of this bill's provisions are laudable, giving prosecutors more tools to trace the fruits of illegal activity and to seize assets acquired by criminals in organized crime cases. While it is reasonable to provide for a uniform set of procedural protections, I do not support this bill's broad attack on local forfeiture ordinances. This language was added hastily, without proper debate and support from the law enforcement community.

It is not appropriate for the State to take away the tools from Oakland, Sacramento, and other cities considering the adoption of similar ordinances without a more careful analysis of the amount of discretion which should be left to cities to craft their own remedies in response to local conditions.

I invite the Legislature to revisit this issue next year with a measure that receives input from all interested parties and a careful analysis on the impact to public safety.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 745**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 745 without my signature.

This bill would cap the amount of a penalty assessment at \$100 for motor vehicle registration and equipment violations. The bill also requires the Department of Motor Vehicles to retain "failure to appear" records for ten years, rather than five as under current law.

This bill, while well-intentioned, may send the wrong signal that equipment violations and failures to appear in court are no longer considered serious matters. Vehicle equipment violations are enforced by law enforcement for reasons of safety. Failure to repair a defective headlight could well affect the safety of the motoring public. Reducing fines for failure to correct violations and failure to appear in court would also diminish the importance of these matters in the public's mind.

In addition, while the bill implies that the penalty limitation is exclusive to equipment violations, the bill in fact encompasses a variety

of serious offenses that are well beyond equipment violations, such as seatbelt and motorcycle helmet laws and prohibitions against the use of radar jamming devices.

Finally, the Department of Finance believes that notwithstanding other objections, this measure would not be effective unless problems in records coordination between the courts and DMV are resolved.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 889**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 889 without my signature.

The State of California can reasonably assume that people entering into marriage are fully cognizant of their contractual rights and responsibilities.

However, I would support a measure that would require the Judicial Council to create this fact sheet and make it available upon request, rather than making it mandatory.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 933**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 933 without my signature.

While this bill seeks to divert cases involving domestic violence to arbitration, it may have the effect of increasing the operations of trial courts statewide. As the cost of these court operations increase as a result of this bill, the aggregate total could create an unknown but significant pressure on the General Fund.

A more realistic and less costly alternative may be to provide security for the participants in the arbitration meeting itself, thus expending less money than is associated with a full trial proceeding and other court related services.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 952**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 952 without my signature.

While this bill has merit, it involves major budgetary expenditure and should be considered in the normal budget process.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 956**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 956 without my signature.

This measure would require the Fish and Game Commission, based on a recommendation from the Department of Fish and Game, to identify a non-listed species that would benefit from a prevention-based strategy to reduce risks to the survival of that species and halt its further decline. The bill also would require the Department to develop a recovery strategy for that species.

I am supportive of the purpose of this bill, which is to develop recovery strategies for non-listed species in order to avoid further decline of the species and to avoid potential listing as threatened or endangered under the California Endangered Species Act. However, the bill contains no funding to carry out its requirements and therefore creates an expectation for significant revenues from the General Fund. Funding for such a program should be considered in the normal budget process.

Further, the bill inadvertently requires the Director of Fish and Game to certify to the Secretary of State that sufficient funds for its implementation have been appropriated. This provision is unnecessary. The appropriate officer to determine whether funds have been appropriated for a program should be the Director of Finance.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1423**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1423 without my signature.

This bill would require local agencies to submit biannual reports on investments and the placement of their local agency moneys, to the California Debt and Investment Advisory Commission (CDIAC) under specified conditions.

The bill would result in a state reimbursable mandated cost for local agencies to submit the required reports to CDIAC. In addition, the bill would require additional resources of \$225,000 annually to the State Treasurer to support the activities of the bill. Funding for this program should be considered as part of the normal budget process.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 29th day of September 1999 at 4:35 p.m., of Assembly Bills Nos. 38, 100, 597, 662, 745, 889, 933, 952, 956, and 1423 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 604**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the California Assembly:*

I am returning Assembly Bill 604 without my signature.

This bill would require the State Water Resources Control Board (SWRCB), in consultation with other state agencies, to establish a nonpoint source program strategy and implementation plan and performance goals for management measures and submit a progress report to the Legislature on the program.

This bill is unnecessary because the SWRCB currently is working, in cooperation with 22 other state agencies, to comply with federal requirements to establish a comprehensive coastal nonpoint source pollution program, including the development of management measures. The deadlines for developing performance goals in AB 604 are inconsistent with this effort and do not reflect the commitment by appropriate federal, state, local and private interests that is necessary to address the water quality problems caused by nonpoint source pollution.

However, I am signing SB 227 which establishes the statutory framework for California's nonpoint source program and requires the SWRCB to report regularly to the Legislature. Senate Bill 227 better complements existing water quality law and takes into consideration recent negotiations with the federal government.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 29th day of September 1999 at 1:55 p.m., of Assembly Bill No. 604 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

RALPH ROMO  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 151**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 151 without my signature.

This bill is redundant. All of the named individuals are already protected. Furthermore, this bill is overly broad and requires that the Department of Justice (DOJ) submit to the Legislature a study that examines the best way to protect the:

- (1) Attorney General,
- (2) State Public Defender,
- (3) Members of the Legislature,
- (4) Judges or court commissioners,
- (5) District attorneys,
- (6) Public defenders,
- (7) Attorneys employed by the Department of Justice, the Office of the State Public Defender, or a county office of the district attorney or public defender,

- (8) City attorneys and attorneys who submit verification from their public employer that they represent the city in matters that routinely place them in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts, if those attorneys are employed by city attorneys,
- (9) Nonsworn police dispatchers,
- (10) Child abuse investigators or social workers, working in child protective services within a social services department,
- (11) Active or retired peace officers,
- (12) Employees of the Department of Corrections, the Department of the Youth Authority, or the Prison Industry Authority,
- (13) Nonsworn employees of a city police department, a county sheriff's office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes, who submit agency verification that, in the normal course of their employment, they control or supervise inmates or are required to have a prisoner in their care or custody,
- (14) County counsels assigned to child abuse cases,
- (15) Investigators employed by the Department of Justice, a county district attorney, or a county public defender,
- (16) Members of a city council,
- (17) Members of a board of supervisors,
- (18) Federal prosecutors and criminal investigators and National Park Service Rangers working in this state,
- (19) Any active or retired city enforcement officer engaged in the enforcement of the Vehicle Code or municipal parking ordinances,
- (20) The spouse or child of any person listed in paragraphs (1) to (19), inclusive, regardless of the spouse's or child's place of residence,
- (21) The surviving spouse or child of a peace officer, if the peace officer died in the line of duty.

I have no objection to legislation that calls for a study, done within existing resources, on ways to best protect the safety and confidentiality of peace officers, their spouses, and children.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 407**

Governor's Office, Sacramento  
September 28, 1999

*To Members of the Assembly:*

I am returning Assembly Bill No. 407 without my signature.

This bill would add the "immigration status" to the list of classes protected against discrimination by the Unruh Civil Rights Act (Unruh Act).

All persons should be free from discrimination. Under the Unruh Act all residents of California, regardless of immigration status, are already protected from discrimination based in their personal characteristics, specifically ethnic origin and nationality. This bill is unnecessary because the addition of "immigration status" to the list of protected classes would not materially enhance the scope of protection that is now available under the Unruh Act.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 442**

Governor's Office, Sacramento  
September 28, 1999

*To Members of the Assembly*

I am returning Assembly Bill No. 442 without my signature.

This bill would prohibit the use of state funds by an employer, either directly or indirectly, in whole or in part, to discourage unionization by an employer or any other employees. It would also require the adoption of regulations to implement these provisions and to respond to complaints by auditing to see if a violation had occurred. Violators are subject to civil damages and taxpayers would be authorized to bring action against employers, with the taxpayers being eligible to recover reasonable attorney's fees and costs as part of the judgement.

This legislation has the potential to impose an unreasonable burden on businesses in that they would have to maintain minutely-detailed records to track goods, services and funds received from the State in order to avoid violating the provisions contained therein. In addition, in the absence of a verified complaint, it would be extremely difficult, if not impossible, to determine the accuracy and truthfulness of any report or fund utilization submitted by an employer.

Finally, AB 442 also has the potential to significantly increase employers' litigation costs by providing countless opportunities for disgruntled employees to file civil actions merely in an effort to harass employers.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1040**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1040 without my signature.

While this bill individually may have merit, it must be considered in concert with the legislation already signed into law this year.

Earlier this year, I signed into law five bills which prohibit the manufacture and sale of assault weapons, ban unsafe handguns known as "Saturday Night Specials," limit the frequency of handgun purchases, require trigger locks on all firearms sold in California, and increase regulation and oversight of gun shows. Taken together, this legislation provides California with the toughest gun-control laws in the nation—much stronger than federal law. A strong majority of Californians clearly demanded and supported such action, and I made a commitment as a candidate for Governor to deliver it.

Law enforcement agencies must have time to absorb and enforce the major revisions enacted into law this year. Additionally, I would like the benefit of feedback from law enforcement officials, including prosecutors, on the effectiveness of these bills before burdening them with additional responsibilities. Accordingly, I urge the Legislature to withhold passage of any additional significant firearms-related legislation during the balance of this session until the impact of the laws recently enacted can be measured and analyzed.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1142**

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1142 without my signature.

While this bill individually may have merit, it must be considered in concert with the legislation already signed into law this year.

Earlier this year, I signed into law five bills which prohibit the manufacture and sale of assault weapons, ban unsafe handguns known as "Saturday Night Specials," limit the frequency of handgun purchases, require trigger locks on all firearms sold in California, and increase regulation and oversight of gun shows. Taken together, this legislation provides California with the toughest gun-control laws in the nation—much stronger than federal law. A strong majority of Californians clearly demanded and supported such action, and I made a commitment as a candidate for Governor to deliver it.

Law enforcement agencies must have time to absorb and enforce the major revisions enacted into law this year. Additionally, I would like the benefit of feedback from law enforcement officials, including prosecutors, on the effectiveness of these bills before burdening them

with additional responsibilities. Accordingly, I urge the Legislature to withhold passage of any additional significant firearms-related legislation during the balance of this session until the impact of the laws recently enacted can be measured and analyzed.

Sincerely,

GRAY DAVIS

#### RECEIPT

I acknowledge receipt this 30th day of September 1999 at 11:55 a.m., of Assembly Bills Nos. 151, 407, 442, 1040, and 1142 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

RALPH ROMO

Acting Chief Clerk of the Assembly

#### **Veto Message—Assembly Bill No. 851**

Governor's Office, Sacramento

October 5, 1999

I am returning Assembly Bill No. 851 without my signature.

Existing law requires every school district to ensure that all pupils in grades 7 to 12 receive AIDS prevention instruction, including instruction regarding the human immunodeficiency virus, unless the parent or guardian of the child requests otherwise.

I support requiring HIV/AIDS instruction to be medically accurate and unbiased. I recently signed Assembly Bill 246 (Chapter 234, Statutes of 1999), which requires that all sex education course materials and instruction offered by school districts to be medically accurate and free of racial, ethnic, and gender bias.

However, I believe that Assembly Bill No. 851 is unnecessary. Approximately 870 school districts are currently providing sex education instruction at their discretion. Those districts are required by Education Code Section 51533 to "stress that sexually transmitted diseases are serious possible hazards." Thus, in the vast majority of school districts in the state, this instruction already includes information on sexually transmitted infections. In addition, that instruction is required to be medically accurate and free of racial, ethnic, and gender bias.

For this reason I cannot support Assembly Bill No. 851.

Sincerely,

GRAY DAVIS

#### **Veto Message—Assembly Bill No. 1325**

Governor's Office, Sacramento

October 5, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1325 without my signature.

Assembly Bill No. 1325 would revise the current equalization process for juvenile court and county community school revenue limits by providing that, commencing in the 1999–00 fiscal year, all county offices of education with revenue limits below 115 percent of the statewide average receive a full cost-of-living adjustment. This bill

would require that funds in excess of this adjustment be used to equalize revenue limits in these programs pursuant to a new equalization formula.

While I am aware of the disproportionate inflation allocations provided to these programs under current law, I note that there remain disparities between counties' revenue limits. The purpose of the current equalization process is to close the gap between these levels of funding.

This bill would widen the funding gap by reducing equalization funding from the low-wealth counties and allocating it to the higher-wealth counties in the form of an inflation adjustment. In addition, by using a "moving target" for equalization purposes, this bill would modify the equalization process such that the allocation could extend indefinitely.

Finally, I believe that this bill is unnecessary. Current law requires that the equalization process extend until the 2000–01 fiscal year, or until these revenue limits have been sufficiently equalized. At that time, all counties will receive full cost-of-living adjustments.

For these reasons I cannot support Assembly Bill No. 1325.

Sincerely,

GRAY DAVIS

#### RECEIPT

I acknowledge receipt this 5th day of October 1999 at 4:02 p.m., of Assembly Bills Nos. 851 and 1325 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

RALPH ROMO

Acting Chief Clerk of the Assembly

#### **Veto Message—Assembly Bill No. 58**

Governor's Office, Sacramento

October 6, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 58 without my signature.

AB 58 requires any health care professional making a medical necessity decision for health care services to be licensed in California.

I have already signed Senate Bill 59 which requires an HMO's Medical Director to be licensed in this state. I am concerned, however, that AB 58 will unduly restrict the ability of health plans and insurers to retain the services of out-of-state professionals (for example, physicians from the Mayo Clinic, Johns Hopkins and Sloan-Kettering) who may be needed to make medical necessity decisions.

AB 58 would preclude out-of-state experts from making determinations regarding medical necessity which will, in some cases, inhibit the best input on critical clinical questions. While the bill would allow a California physician to consult with an out-of-state physician, the final decision would have to be made by a California licensee. This effectively prohibits plans from employing top experts to make the decisions in very specialized cases.

Out-of-state expertise provides significant benefits to patients, especially when dealing with rare diseases. While I believe very

strongly that physicians should be making medical necessity decisions, the requisite expertise to make these decisions sometimes lies beyond our borders.

I look forward to working with the Legislature to receive an improved version of this bill on my desk next year.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 123**

Governor's Office, Sacramento  
October 6, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 123 without my signature.

This bill contains an appropriation of \$110,000 Proposition 98 General Fund for 1999–00 to provide supplemental funding to school districts for snow removal. This bill specifies that the funding is for 50 percent of the actual cost of snow removal in excess of \$10 per unit of average daily attendance. This bill also specifies legislative intent that funds for this purpose continue to be appropriated in each annual Budget Act to reimburse school districts for snow removal.

The 1999 Omnibus Education Trailer Bill, AB 1115 (Strom-Martin), includes an appropriation of \$182,500 on a one-time basis for snow removal to the districts eligible under the provisions of this bill. Since AB 123 would provide additional funds to the same districts for the same purpose, I believe this legislation is unnecessary.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 444**

Governor's Office, Sacramento  
October 6, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 444 without my signature.

This bill requires the State Controller to establish an amnesty program for delinquent holders of unclaimed property. Under the amnesty program, qualified holders who remit property during the amnesty period would not have to pay interest on amounts that are past due.

Although I support the objectives of this bill, I believe the bill contains technical problems and inequities that may not have been considered by the Legislature. For example, amnesty would be available only to holders that are not, at the time of surrender of the property, the subject of an "investigation" or "audit." These terms are not defined in the bill and could include any type of inquiry regarding a holder's report or compliance with the Unclaimed Property Law, regardless of how innocuous the issue might be.

Additionally, from an equitable standpoint, the bill would allow amnesty only for holders that belatedly come forward during the limited amnesty period, but leaves those companies that previously voluntarily remitted unclaimed property to the state potentially liable for interest. It does not seem fair and reasonable that holders who comply with the law only upon the inducement of an amnesty program should be placed in a

more favorable position than those who previously voluntarily remitted unclaimed property to the state.

Moreover the severe 13 percent penalty—in addition to the 12 percent per annum interest—on holders that remit delinquent unclaimed property after the amnesty period ends may backfire and actually *discourage* voluntary compliance with the Unclaimed Property Law by those who merely failed to learn of the amnesty program in time to take advantage of it. Such a result would not only run contrary to the state's long-term interests, but also would be detrimental to owners of unclaimed property and the opportunity to recover it.

Nevertheless, amnesty for holders of unclaimed property is a worthwhile proposal since it would bring in substantial non-tax revenue to the state as well as identify new holders who may continue reporting unclaimed property to the state in the future. This would serve the dual goals of the Unclaimed Property Law: to reunite owners with their forgotten property, and provide a non-tax source of revenue to the state until the rightful owners can be located.

Therefore, I am willing to work with the author and the Legislature next year to fashion unclaimed property amnesty legislation that will provide greater equity and fewer technical problems than AB 444.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 469**

Governor's Office, Sacramento  
October 6, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 469 without my signature.

Reducing the number of beneficiaries otherwise eligible to be enrolled in managed care plans would reduce the fiscal viability of plans, which rely on size and economy of scale to manage the care of beneficiaries under a fixed monthly capitation rate for each beneficiary. Also, to the extent capitation payments are less than equivalent fee-for-service costs for beneficiaries shifted away from managed care and into fee-for-service, this bill will reduce General Fund and Federal Fund savings.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 805**

Governor's Office, Sacramento  
October 6, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 805 without my signature.

AB 805 would appropriate \$1.7 million (\$500,000 General Fund) for the Women, Infant, and Children (WIC) Farmers Market Nutrition Program. While I support the provision of nutritional services to vulnerable populations, I vetoed a similar augmentation for this purpose in the 1999–2000 budget because (1) state law shifted authority for this program to the Department of Health Services to enable continuance of this service without General Fund expense and (2) nutritional services (including fresh fruits and vegetables, in some instances) are currently available through other programs such as the WIC Supplemental

Nutrition Program, Food Stamps, the California Food Assistance Program, and the Emergency Food Assistance Program. This measure would introduce the use of General Fund resources for a program currently supported by federal funds and vendor fines and penalties.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1058**

Governor's Office, Sacramento

October 6, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1058 to the Legislature without my signature.

This bill would authorize the Air Resources Board (ARB) or a court to lower the amount of a penalty related to the use of illegal fuels if the ARB or a court determines that the operator or fuel supplier was not aware that the regulations applied to them.

I am concerned that this bill attempts to influence the outcome of a pending enforcement action while the investigation is open and settlement discussions are in progress.

The rationale for this bill is based in the inaccurate assertion that the ARB failed to provide sufficient notice to airport ground vehicle operators and fuel suppliers regarding fuel requirements. This bill sets an inappropriate precedent by legitimizing an "ignorance of the law" defense. In fact, the ARB took appropriate action to notify airport operators of new fuel standards.

This bill is unnecessary because current law requires the ARB and the courts to consider all relevant circumstances when determining whether a penalty should be assessed and the amount of the penalty. Factors such as the knowledge and intent, preventative efforts taken, and the cooperation of the business must be considered in penalty decisions. This bill could lead to needless litigation.

For these reasons, I am returning AB 1058 without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1328**

Governor's Office, Sacramento

October 6, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1328 without my signature.

Assembly Bill No. 1328 would require the Board of Trustees of the Los Angeles Community College District to establish seven trustee areas in the district, and would require members of the governing board to be elected by trustee area.

The decision to create single-member trustee areas is best made at the local level, not by the state. Furthermore, current law allows registered voters residing in the Los Angeles Community College District to petition for the creation of trustee areas.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1363**

Governor's Office, Sacramento  
October 6, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1363 without my signature.

AB 1363 establishes guidelines for school-based health centers and allows those which meet required conditions to be included as traditional and safety net providers in the Healthy Families Program (HFP).

While I believe that school-based clinics have a legitimate role in providing health care to children, it is unclear how the placement of voluntary guidelines into statute will assist the formation or continuation of such programs or the integration into managed care networks.

School health centers are deemed traditional and safety net providers for purposes of health plan contracting in the HFP if they also participate in the state's Child Health Disability Prevention program. Health plans may or may not choose to contract with a particular traditional and safety net provider. I will, however, direct the Managed Risk Medical Insurance Board to report to me by December 31, 1999 on any programmatic or health plan contracting barriers to including such school-based health centers in the Healthy Families program.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 6th day of October 1999 at 1:35 p.m., of Assembly Bills Nos. 58, 123, 444, 469, 805, 1058, 1328, and 1363 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 133**

Governor's Office, Sacramento  
October 8, 1999

*To Members of the California Assembly:*

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

This bill would allow small school districts to qualify for Class Size Reduction (CSR) funding based on an average class size of 20 students per teacher, with a maximum class size of 22 students per class. This bill would also require these school districts to obtain approval from the representative for the certificated employees or, if there is no bargaining representative of certificated employees, the school site council in order to allow averaging of class sizes over all grades participating in the K-3 CSR program.

I recognize that districts do not have control over their enrollment and that this unpredictability may be compounded in small districts. However, by allowing class sizes to be averaged over all grades in the program in the district, this bill would erode the integrity of the goal of holding class sizes to no more than 20 pupils. CSR funding should be limited to those who actually achieve smaller class sizes. The CSR

program already provides flexibility for classes to compensate for changing enrollment during the school year. The requirement for 20 pupils per class is based on the average size for each class over the entire school year.

However, I also recognize small school districts may experience more difficulty in implementing this program. Therefore, I am willing to entertain legislation that would allow small school districts to average class size within each participating grade, provided that district has exhausted all other options for participation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 192**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 192 without my signature.

Assembly Bill No. 192 would establish a new pilot program in up to 100 high schools to encourage students to consider careers in teaching.

I support strategies that promote the teaching profession among young people. That is why my budget proposal included \$1.2 million for high school teacher academies through the Partnership Academies program. In addition, I note that the California Postsecondary Education Commission and the Center on Teaching Careers both conduct outreach to encourage high school students to enter the teaching profession.

While this proposal may have merit, I note that it could lead to costs of over \$2 million in future fiscal years. Given the fiscal significance of this proposal, I believe that it should compete with other spending priorities in the development of the state budget.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 249**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 249 without my signature.

AB 249 would require the California Medical Assistance Commission (CMAC) to consider medical education programs for physicians, nurses or allied health professionals, when it negotiates contracts with California hospitals for Medi-Cal inpatient services.

This bill is not necessary as CMAC is already required to consider medical education costs as they contribute to county hospital and university medical center costs for caring for medically indigent patients, and is already permitted to consider other factors, including medical education costs generally. In addition, this bill is premature because the related study by CMAC, the University of California, and the Department of Health Services required by Chapter 799, Statutes of 1997 on the future funding of graduate medical education and other health professions training programs is expected in November 1999.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 363**

Governor's Office, Sacramento  
October 8, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 363 without my signature.

This bill would raise the post-retirement death benefit from \$600 to \$5,000 for retired school members of the Public Employees' Retirement System (PERS). In comparison, this same benefit is \$2,000 for the designated beneficiary of a state employee who dies after retirement.

School employees have recently received a generous retirement benefit package. The death benefit proposed in this bill exceeds the benefit provided to other retired state employees under PERS. There does not appear to be a compelling reason to provide retired school members with a greater death benefit than that received by state retirees.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 428**

Governor's Office, Sacramento  
October 8, 1999

*To Members of the California State Assembly:*

I am returning Assembly Bill No. 428 without my signature.

This bill would raise the burial death benefit for retired state members of the Public Employees' Retirement System (PERS) from \$2,000 to \$5,000.

Since a burial allowance is a benefit that will apply to current State employees upon retirement, this benefit would be subject to collective bargaining. The state has entered into new collective bargaining agreements with employee organizations representing state employees. The burial death benefit was not an issue that was raised by the unions in the last round of collective bargaining.

The first year cost to implement this benefit is approximately \$16,000,000. The state has extended a very fair compensation package to state employees as part of the new collective bargaining agreements. Additional benefits should be the result of the bargaining process and accompanied by a budget appropriation.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 437**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 437 without my signature.

AB 437 continuously appropriates \$2 million in General Fund dollars for deposit in the Sale of Tobacco to Minors Control Account (STAKE) for increased enforcement efforts.

While the intent of this measure to further reduce youth access to tobacco products has merit, California is currently in compliance with federal law in this regard. In addition, the Budget Act of 1999 provides over \$59 million for anti-tobacco health education, including school-based programs, competitive grants and a strengthened,

hard-hitting media campaign aimed at educating California's youngsters about the harmful effects of smoking. It is my preference that any increased funding for the STAKE program be allocated through the annual budget process.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 580**

Governor's Office, Sacramento

October 8, 1999

*To the Members of the Assembly:*

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

The objective of this well-intentioned bill, to study investment and trade growth in the context of California-Mexico relations, will be accomplished under Senate Bill No. 213, which I intend to sign.

That bill appropriates \$1,050,000 for the establishment of 17 Mexican International Trade Centers. Their purpose is to increase California's export opportunities to Mexico.

Therefore, the goal of Assembly Bill No. 580 is accomplished by my signing of Senate Bill No. 213, and the taxpayers of California are saved the \$125,000 cost of a study.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 611**

Governor's Office, Sacramento

October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 611 without my signature.

AB 611 would require the Department of Health Services to (1) review the adequacy of prenatal care information available to health care providers through continuing education programs, (2) determine the efficacy of current educational efforts targeting women regarding prenatal nutritional information within certain state programs and (3) report its findings to the Legislature by January 1, 2001.

While the intent of this measure has merit, it is unclear why such a bill is necessary. The department continually updates its prenatal care information to include the most recent information and monitors its programs to remove any barriers to the use of its services. In addition, since continuing education programs used by health care providers are principally the responsibility of professional organizations, I would suggest that funding for a comprehensive evaluation of these programs be supported with private foundation funding.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 667**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 667 without my signature.

This bill requires the California State University and the California Community Colleges, and requests the University of California and the independent colleges and universities of California to work together to improve student transfer rates and reporting.

While I am supportive of increased collaboration between the segments of higher education, I believe that this measure is premature. This bill requires that the segments track and report on student transfer patterns. This data is currently not collected for all students by academic pattern. The implementation of a student information system would be necessary to issue such a report.

I am signing Assembly Bill No. 1570, which will require the California Postsecondary Education Commission to expand its existing database to support longitudinal studies on issues such as student transfer. In the future, this system will provide information which will allow the higher education segments to meet the requirements of this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 709**

Governor's Office, Sacramento  
October 8, 1999

*To Members of the California State Assembly:*

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

Currently, polling places are required to be open between the hours of 7:00 a.m. and 8:00 p.m. on the day of any election. Assembly Bill 709 would require polling places to stay open one hour longer and close at 9:00 p.m.

While this bill would increase the time available for voters to cast their ballots, I am concerned that keeping the polls open for another hour would delay the tabulation of votes on the night of the election and yet have no discernible effect on voter turnout. According to the Secretary of State's Office, data collected from the counties and various polling organizations indicate that the busiest hours for voting are between 7 a.m. and 8 a.m., and between 5 p.m. and 6 p.m. Only approximately 5 percent of all ballots cast are voted between 7 p.m. and 8 p.m. Additionally, in a survey conducted in 1987 of various states' voting hours, states with longer polling hours did not appear to have commensurately higher voter turnout.

Apart from my concerns regarding vote tabulation and voter turnout, this bill would likely result in potentially significant state-mandated General Fund costs for which funds have not been budgeted. Accordingly, I am returning Assembly Bill No. 709 without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 798**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 798 without my signature.

Assembly Bill No. 798 would allow a school district or county office of education operating an Adults in Correctional Facilities program to claim the average of the average daily attendance (ADA) during the previous six fiscal years, or their previous year's ADA, whichever is greater, for the purposes of calculating their allowance for this program.

This bill is intended to address school districts or county offices of education that experience a temporary decline in correctional facility ADA due to extenuating circumstances, and as a result cannot restore their previous funding level.

I cannot support this bill because it would unnecessarily allow all districts, regardless of whether a district experienced a temporary decline in ADA, to use the average of their previous six years of ADA, or their previous year's ADA, to determine their funding level. In addition, I see no reason to use the average of six years of funding as the means of calculating the appropriate allowance for this program. In these ways this bill would unnecessarily increase funding for this program.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 806**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 806 without my signature.

This bill limits the amount of funds that a public entity, a contractor, or subcontractor, may hold in "retention" on public works projects to five percent of the payment and no more than five percent of the contract price, and applies all of the above requirements to all public works contracts entered into after January 1, 2000.

The state has a fiduciary responsibility to the California taxpayers to use their money wisely which includes not incurring unnecessary risks. The state's construction projects for schools, universities, community colleges, prisons, and state office facilities involve billions of dollars. While the private sector can choose contractors with whom they have experience and are familiar with their reliability and the quality of work, public entities must accept the low bidder. Because of this requirement, public entities inherently face a higher level of risk when contracting for construction projects.

While the concerns of the construction industry are real, the state has a higher responsibility to the taxpayer ensuring that publicly-funded projects are completed on budget and on time. It would be irresponsible to remove public agencies' flexibility to establish a reasonable retention limit on public works projects.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 902**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 902 without my signature.

This bill would allow the California State University (CSU) to transfer no more than \$2,000,000 between General Fund support and capital outlay appropriations to pay for feasibility studies for capital outlay projects, require an annual report of all such transfers to the Department of Finance and the Legislature, and eliminate the need for CSU to notify the Legislature for all health center projects excess of \$65,000.

I am not supportive of enacting new statutes where authority exists to meet identified needs. The authority provided in this bill to transfer funds between items of expenditures in order to fund feasibility studies is unnecessary. CSU has sufficient flexibility to fund from its support budget feasibility studies for projects it deems to have a high priority for the remainder of the current year. In future years, CSU may continue to expend support funds for this purpose, or in the alternative, CSU may budget capital outlay funds for this purpose in future years' budgets.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1027**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1027 without my signature.

Assembly Bill No. 1027 would require the State Superintendent of Public Instruction to allocate funds for the community-based English tutoring for adults program in accordance with regulations adopted by the State Board of Education, pursuant to specified criteria. The bill would require a financial review of the program, and require the State Department of Education to present an annual status report on the program to the Legislature beginning in August, 2000.

The 1999–00 budget provides \$50 million for this program, as required by Proposition 227. I am supportive of the intent of this bill—to provide the state with information on the effectiveness of this program. However, I cannot support this bill in its current form because it would provide only descriptive information regarding school districts' implementation of the program. I believe that our first concern should be the effects of the program on student achievement.

In addition, the Department of Finance estimates costs of \$2.5 million to school districts to provide the information required by the study. An issue of this magnitude should compete with other proposals during the development of the annual state budget.

For these reasons I cannot support Assembly Bill No. 1027.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1212**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1212 without my signature.

Assembly Bill No. 1212 would allow school district employees, with specified exceptions, to be eligible to serve as members of county boards of education.

This bill would violate the common law rule against the holding of incompatible offices. The purpose of this rule is to disallow a person from holding two or more offices in which he or she is in a position in one office to review and approve his or her actions in the other office, and to disallow the holding of offices wherein his or her duties and loyalties are incompatible. County boards of education have jurisdiction over several areas which would present such a conflict, such as fiscal oversight, budgeting, and student discipline and transfer.

Moreover, I note that current law prohibits school district employees from being elected or appointed members of their school district governing boards.

For this reason, I cannot support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1343**

Governor's Office, Sacramento  
October 8, 1999

*To Members of the California State Assembly:*

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

This bill would require the Workers' Compensation Appeals Board to commute attorney's fees from the end of the payment process to the beginning of the process for awards in subsequent injury cases.

This bill would result, in most cases, in the attorney being paid long before the applicant ever received any funds. Thus, applicants who need the additional compensation which has been awarded to them for their work related injury or illness would have to wait until their attorney has been paid before receiving their benefits. In some cases, where the applicant dies before sufficient benefits accrue to allow for payment of an attorney's fee, the applicant would receive no benefits while the attorney would already have received his or her fee.

Placing the priority in workers' compensation cases on payment of attorneys' fees before payments to injured workers is neither a rational nor appropriate expenditure of public funds.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 8th day of October 1999 at 2:22 p.m., of Assembly Bills Nos. 133, 192, 249, 363, 428, 437, 580, 611, 667, 709, 798, 806, 902, 1027, 1212, and 1343 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 486**

Governor's Office, Sacramento

October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 486 without my signature.

Although the provisions of this bill are optional, the concern is that the public will confuse an advisory interpretation, which is non-binding expression of the agency's interpretation of the law it enforces, with a legally binding regulation. The procedure prescribed for adopting an advisory interpretation is much the same as the procedure for adopting a regulation. An advisory interpretation would have no legal effect; would be entitled to no judicial deference; could not prescribe a penalty or course of conduct, confer a right, privilege, authority, exemption, or immunity, impose an obligation, or in any way bind or compel; and could not be used as an alternative means of adopting binding regulations. There is a potential that advisory interpretations could ultimately become underground regulations. Existing law already provides a process for declaratory decisions to be issued by a state agency that have the "same status and binding effect as any other decision issued by the agency in an adjudicative proceeding: (Gov. Code 11465.10 et seq.). State agencies have various other methods by which they may publicize their interpretation of the laws they enforce.

Existing law already provides a shortened and efficient process for adopting non-controversial regulations.

The provisions of AB 486 are duplicative of existing law and therefore, unnecessary.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 601**

Governor's Office, Sacramento

October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 601 without my signature.

This bill would appropriate \$6 million from the General Fund to the Department of Housing and Community Development for grants to property owners in the cities of Los Angeles and Compton to convert commercial property to housing or mixed residential and commercial use.

As California moves into the next century, revitalization of its numerous urban core areas is of vital importance to every community of this state. I fully support the intent of this bill; however, the funding source and limited scope of the bill is inappropriate. I would support a

similar program to be included in the housing bond proposed for the November 2000 ballot and expansion of the program to allow participation by other California communities facing downtown revitalization challenges.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1605**

Governor's Office, Sacramento

October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 1605 without my signature.

This bill would make an appropriation to the Department of Water Resources for the purposes of developing new technologies to reduce the cost of desalinating the Colorado River and other brackish waters.

While I support the bill's objective of increasing desalination efforts to reduce our dependence on existing water supplies, I believe that another funding source is more appropriate. The Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000 will provide funds for this purpose. Moreover, existing bond funds are available to finance desalination projects and feasibility studies.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1663**

Governor's Office, Sacramento

October 8, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1663 without my signature.

This bill would extend the sunset dates for the State Public Works Board Energy Efficiency Revenue Bond Program to January 1, 2005. Additionally, the bill would extend the sunset date for two California Energy Resources, Conservation and Development Commission energy efficiency loan programs to January 1, 2011.

Although I am supportive of the Public Works Board Energy Efficiency Revenue Bond Program and increasing energy efficiency in public buildings, there does not appear to be a demand for the energy efficiency loans from the Energy Conservation Assistant Account or Local Jurisdiction Energy Assistance Account because loans are available from private-sector lenders at a *lower* rate of interest. I believe resources for these programs could better serve the needs of Californians for other high priority programs.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1696**

Governor's Office, Sacramento  
October 8, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1696 without my signature.

This bill would make technical and clarifying changes to the various provisions of law governing state contracts.

I would like to thank the author for carrying this measure on behalf of the Department of General Services. Unfortunately, Senate Bill 401 and Senate Bill 966 unintentionally amended some of the same sections of the Government and Public Contract Codes as Assembly Bill 1696. This bill would chapter out some of the important provisions contained in Senate Bill 401 and Senate Bill 966.

I encourage the author to re-introduce this measure next year.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 8th day of October 1999 at 3:40 p.m., of Assembly Bills Nos. 486, 601, 1605, 1663, and 1696 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 73**

Governor's Office, Sacramento  
October 9, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 73 without my signature.

This bill would provide opportunities for public-private partnerships in developing roadside rest areas. While I support the goal of providing opportunities for public-private partnerships, I am concerned that this bill would jeopardize the priority to operate vending facilities on state property that blind vendors have under current law.

Given that this measure was amended at the end of the session and did not have adequate review to address the concerns of handicapped vendors, I am returning the bill without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 195**

Governor's Office, Sacramento  
October 9, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 195 without my signature.

This bill would require the state to reimburse local agencies for the costs (including any medical costs) of detaining offenders sentenced to state prison when: (1) the abstract of judgement has been completed, (2) the probation and sentencing reports are completed, and (3) the Department of Corrections (CDC) has been notified that the person is ready for transfer, but a physician has certified in writing and the department concurs that the person cannot be transported due to a medical condition.

This measure would require the State to pay for medical conditions existing or occurring prior to the State receiving the prisoner, conditions that are beyond the State's control. The result is a shift of medical costs that are currently being paid by counties to the State. This bill would result in significant General Fund costs that have not been included in the 1999 Annual Budget Act.

For these reasons, I am vetoing this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 395**

Governor's Office, Sacramento  
October 9, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 395 without my signature.

This bill would amend many Education Code Sections governing special education programs. Much of this bill consists of technical changes to current law that would bring the state into compliance with federal law governing special education. There are however, some sections of this bill that would exceed federal law and therefore potentially result in state mandated costs. In addition, there are new requirements, not referenced in federal law, that would increase costs to the state. This bill also eliminates the sunset date for special education.

I am unable to sign this bill as it would unnecessarily exceed requirements contained in federal law. While it is of great importance that state special education law be in compliance with federal special education law, this bill provides, in many instances, such specificity in school district or Special Education Local Plan Area requirements that it would likely be found to create significant reimbursable state mandates.

I will direct my Department of Finance and Office of the Secretary for Education to work with the Department of Education this fall to develop a proposal which does not impose any mandated costs beyond what is required in federal law. I have no objection to technical changes or requirements of state agencies which are absorbable within existing state or federal resources, as long as those changes do not impose or lead to reimbursable local mandates.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 508**

Governor's Office, Sacramento  
October 9, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 508 without my signature.

This bill, an urgency measure, would reduce San Bernardino County's fine and penalty remittance to the Trial Court Trust Fund. In addition, this bill would appropriate \$439,000 from the General Fund to the trial courts to backfill the 1998–99 fiscal year revenue loss.

Trial Court Reform, enacted under Chapter 850, Statutes of 1997, provided fiscal relief to the counties and stable funding for the trial courts. In doing so, that legislation provided a one-time adjustment to county maintenance of effort (MOE) contributions to the State into the Trial Court Trust Fund. That process, which is now complete, provided specific eligibility categories of what adjustments could be made to reflect the true county responsibility for their local trial courts as of fiscal year 1994–95. Fine and penalty revenue MOE requirements were not adjusted nor was any authority provided to do so in Chapter 850. The only subsequent adjustments enacted in later legislation were made to county fine and penalty revenue MOE requirements to correct overpayment by specific counties for a 13th month of remittance to the State. San Bernardino County received annual relief of \$581,000 beginning in 1999–00 as one of these overpayment corrections.

This bill's proposed relief to San Bernardino County for \$439,000 has no relation to the above mentioned revenue correction that has already taken place. Instead, this bill would set a precedent and begin a process for adjusting county MOE payments for audits that took place before and after fiscal year 1994–95. Trial Court Reform and its current funding structure are specified in statute. I cannot therefore support this legislation which would provide a single type of adjustment not previously authorized or afforded to other counties and would be the catalyst to again redefining the trial court funding responsibilities of the counties and the State. Furthermore, this bill would result in a significant State cost not included in the Budget Act of 1999.

For the reasons above I must veto this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 527**

Governor's Office, Sacramento  
October 9, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 527 without my signature.

The current operation of the grand jury, which follows English common law practice, has remained essentially unchanged since California was admitted to the Union in 1850 and has served us well for 150 years.

Thus, any major departures from existing practice warrants thorough and thoughtful consideration and debate within the legal community and among legal scholars. For example, there is no indication that the Law Revision Commission was asked to perform a study to determine

the efficacy of this legislation. The Law Revision Commission is equipped to study and make recommendations to the Governor and the Legislature on issues as important as this one.

AB 527 would place a new burden on what is now a reasonably effective grand jury system. Additionally, the presence of defense counsel in grand jury proceedings may lead to undue delays and interference with the grand jury's "fact finding process."

The secrecy of grand jury proceedings is an essential element of the grand jury process. AB 527 has the potential for turning "a fact finding process" into a quasi-adversarial proceeding.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 614**

Governor's Office, Sacramento

October 9, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 614 without my signature.

This bill would prohibit the installation and operation of video or surveillance cameras on schoolsites unless a school board first adopts, at a public hearing, a policy concerning the installation and operation of video or surveillance cameras. It would also require posted notices at schoolsites where video or surveillance cameras are in operation.

I believe that this bill is unnecessary. The Education Code already prohibits the use of any electronic listening or recording device in any elementary and secondary school classroom without the prior consent of the teacher and the principal. Any person, other than a pupil, who willfully violates that prohibition is guilty of a misdemeanor. In addition, the Penal Code prohibits the intentional recording of confidential information without the consent of all parties to a confidential conversation by means of any amplification or recording device, including a video camera.

It is my understanding that this bill was introduced in response to an incident in which teachers at a school site were videotaped without their knowledge or consent. Current law already addresses such situations. To impose a mandated solution on all school districts in the state in response to a problem in one district would be inappropriate and potentially costly.

For this reason I cannot support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 630**

Governor's Office, Sacramento

October 9, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 630 without my signature.

This bill would prohibit a school district from designating or offering a course of instruction that is characterized as an "honors course" unless the University of California (UC) confirms that the course would be accepted as an honors course at UC, and permits the Superintendent

of Public Instruction to allocate specified unencumbered funds to school districts to initiate or expand honors programs at high schools with a large percentage of low income pupils.

I support the concept of standardization of honors courses. However, this bill would place an undue burden on high schools in the middle of an academic year. If a large number of high schools sought approval from the University of California for their honors courses, high schools might experience delays in assigning credit for their courses. The University of California already has an articulation process for courses designated as honors courses. Nothing in existing law prohibits a school district from submitting course descriptions to UC for consideration as UC-accepted honors courses. In addition, this bill could restrict districts from designating courses as honors courses that are not required for admission to California's public universities. This might have the effect of limiting the number of honors courses offered in the state's high schools.

Finally, I would note that the new program proposed by this bill would permit the Superintendent of Public Instruction to use funding not budgeted for this purpose in the Budget Act of 1999. Such a proposal should compete with other funding priorities in the budget process, and should provide an approval role for the State Board of Education.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 853**

Governor's Office, Sacramento  
October 9, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 853 without my signature.

This bill would establish and provide funding for the Extended School Day and School Year Pilot Program for the Bellflower Unified School District's Intensive Learning Center and would also provide funding for an Extended School Year Program for the Alameda Unified School District. This bill would require the Bellflower Unified School District to perform an evaluation of the program and report its finding to the Legislative Analyst's office on or before January 1, 2003. The program would sunset on July 1, 2002.

It is my understanding that the funding provided to Bellflower is not directed toward extending the school day or school year but, rather, is intended to restore funding lost due to absences during the normal 180-day school year. Such funding serves to circumvent current law, as Bellflower and all other districts had their ADA funding rebenched by Senate Bill No. 727 (Chapter 855, Statutes of 1997). I believe this bill is inappropriate as no other district receives funding for this purpose.

For these reasons, I cannot support AB 853.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 917**

Governor's Office, Sacramento  
October 9, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 917 without my signature.

This bill would require, beginning January 1, 2000 until January 1, 2005, special elections to fill congressional, State Senate, and State Assembly vacancies, and special primary elections to be conducted on a consecutive Saturday and Sunday, or on Tuesday that is within a specified period following the issuance of an election proclamation. The Secretary of State's Office indicates that there is no evidence to suggest that voting on a Saturday and/or a Sunday would increase voter turnout. On the contrary, weekend voting is more costly, make recruitment of pollworkers more difficult, and may compromise the overall security of the elections process. Due to these concerns and since the bill could result in potentially significant costs to the General Fund which have not been budgeted, I am returning Assembly Bill No. 917 without my signature.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1026**

Governor's Office, Sacramento  
October 9, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1026 without my signature.

This bill would require an assessment of instructional needs for English language learners who are reclassified as reasonably fluent in English. It would also require parents of English language learners to be notified of the student's placement and of their right to request a waiver under specified conditions. Finally, this bill would require school development plans to include activities to ensure adequate numbers of trained staff are available for English language learners.

I believe that this bill is unnecessary because federal law and state regulations already govern the assessment and reclassification procedures for English Language Learners (ELLs). Title V regulations require that reclassification procedures be established by local governing boards and that these criteria use multiple assessment measures including input from teachers, parents and a language appraisal team. Title V regulations also require measurement of English proficiency before transferring ELL pupils from structured immersion to English language mainstream classrooms. In addition, the State Board of Education has codified the reclassification standards established by the federal court by requiring school districts to continue to provide additional and appropriate educational services to ELLs until they have demonstrated English-language proficiency comparable to that of the school district's average native English-language speakers, and recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers.

I recently signed Senate Bill No. 638, which will require annual English testing of ELL students. In addition, the Budget Act of 1999 provides \$50 million for the English Language Acquisition Program which requires local districts to conduct assessment, provide an

instructional program, provide supplemental instructional support and coordinate available services and funding for English language learners.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1375**

Governor's Office, Sacramento  
October 9, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1375 without my signature.

This bill would make it unlawful for a floral vendor to misrepresent the geographic location of its business by listing a local telephone number or a name that misrepresents the location of the business.

While this bill might help to eliminate consumer confusion, it ignores the realities of a global economy where companies located all over the world compete globally for customers.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1451**

Governor's Office, Sacramento  
October 9, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1451 without my signature.

This bill would establish a two-year implementation period for the Jack O'Connell Beginning Teacher Salary Incentive Program, established by Chapter 53 of the Statutes of 1999. This program provides incentive funding to participating school districts to increase the beginning salary for fully credentialed teachers to at least \$32,000 by the end of the 1999–00 fiscal year. The 1999 Budget Act provides \$50 million to implement this program.

Enactment of Assembly Bill No. 1451 would allow school districts to delay full implementation of the program for one year, until June 30, 2001, while they continue to receive full funding support from the State. While Assembly Bill No. 1451 would require that all funds received be used to increase the beginning salary for teachers, the bill would decrease the amount of funding many school districts would provide to reach the minimum \$32,000 target. The original intent of this program was to provide incentive funding to increase teacher salaries, thereby facilitating the recruitment and retention of people in the teaching profession. Assembly Bill No. 1451 would reduce the financial commitment of school districts in achieving this goal, and I am therefore unable to support this measure.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 9th day of October 1999 at 11:30 a.m., of Assembly Bills Nos. 73, 195, 395, 508, 527, 614, 630, 853, 917, 1026, 1375, and 1451 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

LAWRENCE A. MURMAN  
Assistant Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1160**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the Assembly:*

I am returning Assembly Bill 1160 without my signature.

This bill would make several changes to nursing-home facility oversight and enforcement: require additional training for direct-care staff in nursing facilities; establish phased increases in staffing ratios to 3.5 hours of direct care per patient per day, subject to the level of appropriation in the annual Budget Act; and require that a new acuity-based reimbursement system be developed and presented to the Legislature by January 1, 2001.

Through the 1999 Budget Act, I have already addressed legitimate nursing home quality-of-care issues. I sustained \$72 million (\$36 million General Fund) to (1) increase Medi-Cal funding for costs to raise the minimum staff-to-patient ratio from 2.9 to 3.2 hours per patient per day, and (2) provide a 5 percent wage increase to nursing-home staff involved in providing direct patient care. I understand from nursing-home operators that even the staffing-ratio increase funded in the 1999 Budget Act will be difficult to achieve, since implementation will entail the hiring of more than 5,000 additional nursing-home staff statewide (about 3,500 for Medi-Cal patients alone) by January 1, 2000.

AB 1160 would delay the effective date of the 3.2 staff-to-patient ratio until April 1, 2000, without any commensurate reduction in the funding provided in the 1999 Budget Act. Over five years, the cost of implementing the provisions of this bill establishing incremental staffing ratio increases to 3.5 hours per patient per day would exceed \$500 million (\$250 million General Fund).

Although AB 1160 contains many well-intentioned, commendable features, it does place a significant burden on the state General Fund. Additionally, I believe it is appropriate to assess the effects on the long-term care system of the staffing increases for which funding is already provided in the 1999 Budget Act prior to enacting any further significant staffing changes. Therefore, I am requesting the Department of Health Services (DHS) to allow additional time for nursing-home facilities statewide to attain the 3.2 staff-to-patient ratio and continue focusing its enforcement efforts on quality of care. However, I expect nursing home facilities to achieve reasonable compliance by April 1, 2000, with funds in the 1999 Budget Act to be expended only for staffing and wage increases that have actually occurred.

For the fiscal reasons stated above, I am unable to sign AB 1160 at this time. I remain committed to working with the Legislature during

the annual budget process in pursuing meaningful additional nursing-home reforms that will result in improved quality of care for nursing-home patients.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 10th day of October 1999 at 2:10 p.m., of Assembly Bill No. 1160 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 228**

Governor's Office, Sacramento

October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 228 without my signature.

This bill would permit an absentee voter to designate a person other than immediate family members to return an absentee ballot, and establish other requirements on local elections officials in printing absentee ballots and envelopes.

While I recognize the inconvenience of limiting those persons permitted to handle an official, completed ballot, this bill would weaken the most important safeguard against fraud by allowing virtually anyone to handle an official ballot on behalf of the voter.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 308**

Governor's Office, Sacramento

October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 308 without my signature.

This bill would add two categories for consideration in regional transportation plans, extend that planning cycle from the current two years to three years, and expand the annual report to the Legislature prepared by the California Transportation Commission (CTC) to include a summary of unfunded local road and transit maintenance, rehabilitation, and safety needs as identified in the regional transportation plans.

Although modest cost savings might be realized as a result of the change in the planning cycle, the provisions related to the scope of the regional transportation plans and the CTC reporting requirement are unnecessary. The existing statutory authority related to the preparation of regional transportation plans, as well as the direction to the CTC to prepare its annual report, is already sufficiently broad to allow consideration of road and transit maintenance, rehabilitation, and safety needs as part of those documents.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 349**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 349 without my signature.

This bill specifies that the incentive offered in 1994 for counties to switch to the Teeter Plan (method of allocating delinquent property tax revenues) shall be available to the five counties that offered the Teeter Plan before the Legislature established the incentive.

I am vetoing this bill because it would result in an annual \$2 million General Fund loss for three years. In addition, these counties elected to participate in the Plan before the incentive was offered by the Legislature and derived benefits from their choice.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 351**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 351 without my signature.

This bill requires the Attorney General to review and approve mergers and other acquisitions involving health care service plans to ensure that these transactions do not substantially lessen competition or create a monopoly in California.

While I agree with the author that this issue should receive scrutiny at the state level, I think the responsibility to examine a merger or acquisitions impact on patient care and competition should reside in my new Department of Managed Care. I would consider signing carefully crafted legislation that provides the Department of Managed Care with the authority to consider anti-competitive concerns arising out of such transactions, in consultation with the Attorney General of the State of California and federal regulators.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 792**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 792 without my signature.

This bill will provide district attorneys and public defenders with relocation expenses when a credible threat against them or their family has been received.

I recognize that some individuals have faced increased risk as part of their responsibilities as members of the criminal justice community, however there is no guarantee that relocating all the people identified in this bill removes the hazards that they must unfortunately face.

Therefore, I encourage the Legislature to revisit this issue next year with a measure that narrows the provisions to address the immediate public safety needs of district attorneys.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 912**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 912 without my signature.

This bill would waive the background check fee charged by the Department of Justice to employers receiving services through the In-Home Supportive Services program.

In my budget, I indicated a willingness to waive the background check fee for the small number of volunteers in child care centers, but see no reason to reduce the fees for employers or employees. To do otherwise would require a fee increase for all other individuals who are required to pay for a background check.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1310**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1310 without my signature.

This bill requires the Department of Health Services (Department) to establish a trial program under which Medi-Cal Treatment Authorization Requests (TARs) submitted by certified Prosthetists and Orthotists be subject to utilization controls on a preservice sampling basis.

Under current law, prosthetics, which would exceed \$500, and orthotics which exceed \$250, require prior authorization. Any relaxation of utilization controls for Medi-Cal services creates new opportunities for fraud and over-billing the Medi-Cal program. With recent history of fraudulent billing in the area of orthotics, we would anticipate that along with administrative costs associated with the trial program, there would be substantial increases associated with fraud and abuse of billing Medi-Cal.

Proponents of this legislation intended that TARs submitted by certified Prosthetists and Orthotists be expedited resulting in fewer delays in TAR adjudication. While reducing delay is a goal the Department shares, relaxing utilization controls for potentially costly medical devices are not the preferred option. The Department has convened an advisory group that is reviewing the TAR process for prosthetics and orthotics without incurring such additional costs.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1500**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1500 without my signature.

This bill would allow counties, under certain circumstances, to renew family preservation service contracts until January 1, 2006 without a competitive bid process.

I do not believe it is appropriate to establish a precedent for procurements by and for other county-administered programs by not requiring the counties to formally advertise and to seek the best solution and cost for the program through the competitive bid process. Regulations governing the administration of contracts provide for limited extensions of contracts when an emergency exists that would disrupt services to clients.

In the history of these programs, only one county, Los Angeles County (LAC), has requested waivers to the competitive bid process requirement. Since 1992, LAC has contracted with 28 lead agencies to provide family preservation service. There have been at least three requests by LAC to extend contracts or waive rebidding requirements altogether, citing the enormous difficulties in the process and the possibility of disruption of service to clients. Despite granting three time-limited extensions in consideration of planning to avoid these problems, there has not been a re-bid process by LAC.

Furthermore, renewing lead agency contracts without a competitive bidding process would deter the formation and development of new collaborative efforts in communities being served and in those communities that are not being served under the State Family Preservation and Federal Family Preservation and Support Programs. As such, this bill is contrary to the intent of this program that encourages the continuing assessment and evaluation of community needs and the flexible provision of services to strengthen families.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1511**

Governor's Office, Sacramento

October 10, 1999

*To Members of the Assembly:*

I am returning Assembly Bill 1511 without my signature.

This bill would declare that a mutual water company is not considered to be a public agency or a local agency as specified under the Marks-Roos Local Bond Pooling Act of 1985.

While I understand the intent of AB 1511 is to close a statutory loophole which inadvertently allows mutual water companies to join a "roving" joint powers authority as a local agency or public agency, I am concerned this bill may adversely affect several development projects that are already well beyond the start-up phase, potentially halting work on these projects, slowing economic growth in the affected regions of the State, and creating financial hardship for investors in these projects.

Therefore, I am unable to sign AB 1511. However, I would support subsequent legislation which expressly states that closure of this

statutory loophole is effective prospectively, ensuring that bonds already issued for projects prior to the enactment of that legislation are not jeopardized.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1534**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1534 without my signature.

This bill would provide for the Trade and Commerce Agency to issue Microenterprise Technical Assistance Grants to providers who assist current and former CalWORKs participants to establish, maintain and expand small businesses.

While I am supportive of the needs of CalWORKs recipients who operate or wish to operate small businesses, the measure is unnecessary because counties that wish to operate microenterprise demonstration projects may currently contract with local providers or the Trade and Commerce Agency to do so. Furthermore, the project could be completely funded as either a component of the counties' single allocation block grant for CalWORKs or from existing county fiscal incentives and thus have no negative impact upon the state's Temporary Assistance for Needy Families reserve or the Job Creation Investment Fund.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 10th day of October 1999 at 10:45 p.m., of Assembly Bills Nos. 228, 308, 349, 351, 792, 912, 1310, 1500, 1511, and 1534 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 645**

Governor's Office, Sacramento

October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 645 without my signature.

This bill would revise the provisions of juvenile court law to clarify the responsibilities of child welfare services, probation departments, court-appointed special advocates, and court-appointed counsel. Specifically, this bill would require designated personnel to monitor the educational rights of children, including the right to receive special education and related services if a child has special needs, and the right to receive accommodations if a child has disabilities.

I am supportive of efforts to ensure the coordination and provision of educational services for children under the jurisdiction of the court. However, this bill would impose reimbursable state mandates on local governments required to comply with provisions of this bill.

Specifically, this bill would create mandated costs for local governments to expand the scope of assessments, investigations, and case studies; consult with other agencies; develop written protocols; and include additional information in required reports. The costs associated with these provisions exceed the level of funding provided for those purposes in the Budget Act of 1999.

For this reason I am unable to support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1517**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1517 without my signature.

This bill would expand gambling by allowing progressive pot games.

I made clear last year that I do not personally favor gambling, and I certainly do not encourage others to gamble. Therefore, I am not generally inclined to support measures that allow more than a modest expansion of gaming.

This measure is also premature in that Proposition 1A will be on the March 2000 ballot, which will give voters the opportunity to vote on gaming on Indian tribal lands in California. It is appropriate to let the voters speak before addressing any further gaming issues.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1657**

Governor's Office, Sacramento

October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1657 without my signature.

AB 1657 establishes a procedure for notification by public electric utility companies to affected school districts, county offices of education, community college districts, California State University, University of California, and all state agencies, of the imposition of a new capital facilities fee or the increase of an existing capital facilities fee. The intent of this measure was to impose a prospective 120-day statute of limitations for initiating a judicial challenge to these fees.

However, AB 1657 does more than accomplish those stated purposes. Unfortunately, the bill also establishes two new statute of limitations in the Public Utilities Code relating to the imposition of utility fees and charges on the entire school community, K-12 schools and higher education, for other than electric service. These provisions would apply to capital facilities fees even when such fees have not been noticed or disclosed and arguably could be applied retroactively, thus justifying improper fees previously charged to public education entities and state agencies. The fiscal impact to the entire education community would be over \$100 million and substantially more for state agencies. Therefore, I cannot sign AB 1657 with such broad fiscal impacts on educational

facilities and state agencies relative to the imposition of capital facilities fees. If appropriate changes are made to this measure and returned to my desk, I will sign it during the next legislative session.

Sincerely,

GRAY DAVIS

### RECEIPT

I acknowledge receipt this 10th day of October 1999 at 10:46 p.m., of Assembly Bills Nos. 645, 1517, and 1657 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

### **Veto Message—Assembly Bill No. 217**

Governor's Office, Sacramento

October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 217 without my signature.

This bill would require the Department of Health Services to establish risk-adjusted capitation rates for beneficiaries with HIV based on a specific methodology and require managed care plans to pass-through an appropriate proportional amount of those rates to providers treating Medi-Cal beneficiaries with HIV.

My budget reflects a strong commitment to provide effective HIV/AIDS treatment, including a recent augmentation of \$13.4 million General Fund to expand HIV/AIDS education, prevention and care and treatment services. In addition, the Budget provides \$140.3 million to fully fund anticipated demand for the AIDS Drug Assistance Program. The Department of Health Services has also developed a special Medi-Cal rate for persons with AIDS, allowing treatment in a managed care environment. I have also just signed Assembly Bill 155, which allows disabled persons, including persons with HIV and AIDS to return to work but retain their Medi-Cal coverage.

This bill, however, is not necessary, as the need for special rates for HIV-infected Medi-Cal beneficiaries has not been identified. Further, Medi-Cal managed care plan contractors already may request special capitation rates, as in the case of the aforementioned special rates which have been established for AIDS patients. According to DHS, this bill was introduced without any prior request by any managed care plans for HIV-specific capitation rates.

Requiring the proposed rate-setting methodology would limit DHS' ability to negotiate capitation rates with managed care plans, thereby reducing the cost-effectiveness of the Medi-Cal program. Requiring managed care plans to pass-through rate changes to specialty providers is contrary to the concept of managed care because managed care plans

are given the flexibility to administer plans within the funding provided through capitation payments made by the State or private payors.

Medi-Cal managed care plans are currently required to provide medically necessary services to all plan enrollees. Managed care plans, like Medi-Cal generally, currently provide comprehensive coverage for AIDS, AIDS-related conditions, and HIV-infection.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 607**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill 607 without my signature.

This bill would provide that all children in foster care receive specified assessments, requires the Secretary of Health and Human Services to coordinate state agencies in providing services to foster children and requires child welfare service workers to obtain specified health information from children entering the foster care system.

The 1999–2000 Budget already includes \$9.9 million for the Health Care Program for Children in Foster Care which is designed to help children in foster care gain improved access to health-related services. I have also just signed Assembly Bill 543, which requires certain health information to be entered into the foster care case plan. Any additional program changes should be reviewed in the context of the budget process and other program priorities.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 714**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 714 without my signature.

This bill would expand gambling by expanding the types of individuals who may own gambling establishments in California.

I made clear last year that I do not personally favor gambling, and I certainly do not encourage others to gamble. Therefore, I am not generally inclined to support measures that allow more than a modest expansion of gaming.

This measure is also premature in that Proposition 1A will be on the March 2000 ballot, which will give voters the opportunity to vote on gaming on Indian tribal lands in California. It is appropriate to let the voters speak before addressing any further gaming issues.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1020**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1020 without my signature.

This bill would allow a foster parent, guardian, pupil advocate or designated adult to request, under specified circumstances, that a foster child be assessed for special education services and to participate in the child's individual education plan process.

While I support many features of the bill, its legal definition of "parent" is overly broad including a "pupil advocate," which would unnecessarily drive up the number of referrals at taxpayers' expense.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1039**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the Assembly:*

I am returning Assembly Bill 1039 without my signature.

Among its changes, AB 1039 would set a standard of one hour of preparation time, up to a maximum of six hours per week, to count towards a CalWORKs recipients participation requirement and establishes guidelines for a pilot program to allow counties to implement a subsidized employment program as an alternative, or in addition to, community service activities.

While I am supportive of fine tuning the CalWORKs program to optimize its implementation, I am not supportive of making any major changes. Providing subsidized employment for up to 60 months is inconsistent with the message that welfare is temporary and may reduce the incentive for recipients to find unsubsidized employment.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1155**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the Assembly:*

I am returning Assembly Bill No. 1155 without my signature.

This bill would specify that Senate Constitutional Amendment (SCA) 3 is to appear on the ballot of the November 7, 2000, statewide election, would establish deadlines and public hearing requirements for a county's adoption, on or prior to the approval of SCA 3, of a transportation expenditure plan. The proposed Constitutional Amendment would allow for the approval of a transportation special tax by the majority vote of a local electorate, rather than the current two-thirds voter approval requirement.

I believe it would be premature to enact this bill prior to the approval of SCA 3. Furthermore, I am reluctant to endorse any specific proposal to address local infrastructure needs prior to the final report by the

Commission on Building for the 21st Century. I want to address overall infrastructure needs in the context of the final report.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1345**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1345 without my signature.

AB 1345 would increase from \$3 million to \$6 million the maximum available resources in the Attorney General Antitrust Account, which are used by the Department of Justice to prosecute antitrust cases. This bill would also delete the requirement that money in the account may only be appropriated by the Legislature in the annual budget bill.

The 1999–2000 Budget Act already included an additional \$677,000 in General Fund monies to ensure that the Department of Justice has the resources necessary to address an increasing workload in the Antitrust Section. Any further additional appropriation of resources which may be necessary should be part of the normal budget process.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1406**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1406 without my signature.

This bill expands gambling by allowing mule racing.

I made clear last year that I do not personally favor gambling, and I certainly do not encourage others to gamble. Therefore, I am not generally inclined to support measures that allow more than a modest expansion of gaming.

This measure is also premature in that Proposition 1A will be on the March 2000 ballot, which will give voters the opportunity to vote on gaming on Indian tribal lands in California. It is appropriate to let the voters speak before addressing any further gaming issues.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1409**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1409 without my signature.

This bill would expand gambling by allowing specified player-dealer games in card clubs.

I made clear last year that I do not personally favor gambling, and I certainly do not encourage others to gamble. Therefore, I am not

generally inclined to support measures that allow more than a modest expansion of gaming.

This measure is also premature in that Proposition 1A will be on the March 2000 ballot, which will give voters the opportunity to vote on gaming on Indian tribal lands in California. It is appropriate to let the voters speak before addressing any further gaming issues.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1652**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1652 without my signature.

This year I have signed into law major increases in criminal penalties for employers who fail to meet workplace safety standards, employers who operate "sweatshops," and significant legislation protecting workers' rights to fair wages and overtime pay.

This legislation, while laudable in its intent, duplicates many existing enforcement efforts and contains excessive penalties.

Existing law already provides penalties against employers who issue bad checks for payment of wages. Additionally, requiring employers who engage in a pattern of violating wage and hour laws to post a declaration that there will be no further violations is unworkable and meaningless. This legislation, as drafted, is overly broad.

I would be happy to consider additional legislation to protect workers against unscrupulous employers if present enforcement efforts prove to be insufficient.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 10th day of October 1999 at 10:48 p.m., of Assembly Bills Nos. 217, 607, 714, 1020, 1039, 1155, 1345, 1406, 1409, and 1652 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 103**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the State Assembly:*

I am returning Assembly Bill 103 without my signature.

This bill would require the State Department of Health Services to create and implement by January 1, 2001 a method of reporting and tracking HIV test results by unique confidential identifier.

The State Department of Health Services is pursuing a grant from the federal Centers for Disease Control to fully fund the costs of an HIV unique confidential identifier surveillance system. If California receives such funds, I will take steps to immediately implement such a system.

My budget reflects a strong commitment towards preventing the

transmission of HIV and in providing effective treatment, including a recent augmentation of \$13.4 million General Fund to expand HIV/AIDS education, prevention and care and treatment services. In addition, the Budget provides \$140.3 million to fully fund anticipated demand for the AIDS Drug Assistance Program. Whether or not California receives federal funding for surveillance, I will ensure that California is directing its own HIV/AIDS efforts in a manner that stresses prevention, counseling and testing and have directed my Director of the State Department of Health Services to report to me by December 1, 1999 on how the state currently targets its education and prevention efforts towards areas and/or populations that may be experiencing an increase in HIV infection.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 144**

Governor's Office, Sacramento

October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 144 without my signature.

This bill would change reporting requirements associated with the Standardized Testing and Reporting (STAR) program to exclude the scores of English Language Learners who have been in a school district for fewer than 12 months from district, school, and grade level reports. This bill would require the scores of these pupils to be separately reported to the state and on the Internet.

While I appreciate the author's efforts, this measure, if signed, would conflict with the education reforms adopted by the Legislature this spring. Those reforms provide substantial financial rewards to schools based on improved student achievement. Since state law last year required English Language Learners to take the Stanford 9 examination, and these results were counted in districts' baseline scores, I am reluctant to approve a measure which would artificially raise these scores next year, and distort the consistency of the longitudinal data developed over the life of this program. It is critical to have consistent, year-to-year data as a measurement of student progress.

This year I signed into law the English Language Acquisition Program, which will provide \$55 million for supplementary English language development instruction. This program is designed to assist students in developing English language skills, as well as master the state's academic content standards. The budget also provides \$5 million to the University of California to establish the English Language Development Professional Institutes. These Institutes will train teams of teachers to provide comprehensive and rigorous instructional programs designed for English Language Learners.

I believe that the education reforms which we have already instituted will, if accompanied by the extra effort of pupils, teachers, principals, parents, and mentors, produce genuine student achievement of which we can all be legitimately proud.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 361**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 361 without my signature.

This bill requires school district governing boards to adopt rules and regulations that establish district policy regarding the training of administrators assigned to evaluate certificated employees. It also requires an administrator assigned to evaluate certificated employees to receive this training by January 1, 2005, and specifies that this training must be applied to the 150 clock hours of professional growth required by law. This bill specifies that the requirements imposed by this bill shall only apply during those fiscal years that funds are appropriated for those purposes.

I support efforts to improve the training of school administrators. That is why I established the Governor's Principal Leadership Institute at the University of California. However, I cannot support this bill because, according to the Department of Finance, it could impose costs of up to \$10 million over a five year period. Because this bill could involve significant costs to the state, including some reimbursable mandated costs, it should compete with other priorities for funding in the annual budget process. Furthermore, this proposal should be coordinated with the Governor's Principal Leadership Institute, which will commence next summer.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 470**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 470 without my signature.

This bill would, among other things, authorize school districts to enter into design-build contracts for the design and construction of projects under the state school facilities program, with a requirement to retain the services of an architect or structural engineer in order to ensure compliance with the provisions of the bill. The bill would prohibit withholding of retention proceeds by school districts using design-build contracts, and authorizes withholding of subcontractor retention proceeds by a design-build entity.

I am supportive of the design-build process in concept. However, I cannot support this bill because it prohibits the withholding of retention proceeds by school districts using design-build contracts necessary to protect taxpayers if the contractor does not fulfill his responsibilities under the contract. This provision would put public funds at risk, and for that reason I cannot support this bill.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 543**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 543 without my signature.

This bill would specify that no person shall sell cast iron plumbing pipe or fittings used for potable and wastewater piping systems unless each fitting and pipe is marked with the country of origin and the manufacturer's name.

This bill aims to hold manufacturers accountable for faulty cast iron piping. While I believe this is a worthwhile objective, this bill will make it difficult for wholesalers and retailers in California to purchase products from other states and other countries. I believe this issue is best pursued through the Federal Trade Commission, not the State of California.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1078**

Governor's Office, Sacramento  
October 10, 1999

*To the members of the Assembly:*

I am returning Assembly Bill 1078 without my signature.

This bill would authorize the release of confidential home address information to lienholders or their agents for the purpose of conducting lien sales.

I believe people should be responsible and meet their financial obligations. I am troubled, however, by releasing confidential information from the Department of Motor Vehicles. Further, this bill does not cover all of the circumstances where such information would be needed to complete a lien sale transaction. For example, it fails to acknowledge mechanics liens, liens against vessels, and lien sales conducted by lienholders and agents that reside outside of this state.

I am willing to work with the author to develop an acceptable solution to the problem that the bill was intended to address.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1207**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 1207 without my signature.

This bill attempts to address important issues concerning the health and safety of children in schools including indoor environmental quality, portable classrooms, and the use of pesticides at school facilities.

While laudable in much of its intent, this legislation contains a serious flaw which precludes me from signing it. My main concern with this bill is the overly prescriptive requirements on the use of pesticides

on school sites. Unfortunately the bill is drafted with such broad language that it creates costly requirements for schools that are not reasonable or optimal approaches to pest management.

AB 1207 would, for example, require school districts to notify parents of applications in schools of such commonly used household insecticides as Raid and Combat, or three days before applying insecticides to address pest emergencies such as hornets nests or fire ants on school property. The bill would require schools districts to notify parents of applications of pesticides even during school vacations when children would not normally be present in the school. For example, parents would need to be notified each time a summer baseball league applies weedkiller, such as Round-Up, to delineate lines on a ballfield on school property.

The California Department of Finance indicates that this measure would result in estimated costs of \$2.7 million in 2000–01, \$1.7 million in 2001–02 and \$1.2 million annually thereafter. In addition, this bill would result in reimbursable state-mandated costs estimated in the tens of millions of dollars for school districts to comply with the notification and posting requirements for pesticide use, establishing the least hazardous integrated pest management program, and training to implement the program.

In the 1999–2000 Budget Act, I set aside \$1 million to provide a comprehensive review of air quality in portable classrooms. Additionally, the Department of Health Services (DHS) conducts an Indoor Air Quality Program charged with studying indoor environmental quality and coordinating the state's response to indoor air problems. DHS's Environmental Health Investigation Branch investigates environmental health problems in the state and has consulted with several school districts at their request on recent school environmental health issues, including potential problems in portable classrooms.

I continue to believe the issue of air quality in portable classrooms is an important issue that must be addressed to ensure that any unsafe conditions are identified and promptly addressed, and I will support legislation to utilize the funds set aside in the budget toward that end.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1430**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill 1430 without my signature.

This bill would remove the requirement that electronic data transmission prescriptions be reduced to writing, permit a prescriber to electronically enter prescriptions into the computer at hospitals or pharmacies as specified, and allow dangerous drugs or devices to be furnished without a prescription as specified.

While I am generally supportive of incorporating new technologies to increase efficiency, the California Attorney General advises that this bill would (1) inappropriately broaden the authority of manufacturers and wholesalers to provide dangerous drugs and devices, (2) diminish the authority of the Board of Pharmacy to closely monitor the acquisition

and maintenance of such drugs by providers, and (3) fails to provide strict policies and procedures for identification of who may be authorized to obtain dangerous drugs. I am also aware that the federal Drug Enforcement Agency is also evaluating an electronic encrypted prescription system, which will hopefully provide additional guidance to states evaluating this issue.

I am concerned that this bill could create avenues for the illicit diversion of controlled substances and urge the author to work with the Attorney General on crafting a product that eliminates this potential.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1485**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 1485 without my signature.

This bill adds a new list of violent felonies to those offenses for which the Department of Motor Vehicles can deny or revoke an application for a certificate to drive a school bus or a vehicle used to transport developmentally disabled persons.

While this measure is well intended, it inexplicably reduces the period in which a prospective applicant convicted of enumerated offenses must wait before they can apply for a certificate and employment as a school bus driver from seven to three years. This would allow existing certificate holders who have previously been convicted of a serious or violent felony to retain their certificates.

I applaud the author for his efforts to toughen the requirements for the issuance of school bus certificates. However, I cannot support a bill that allows any individual who has committed a serious felony, including those associated with driving, regardless of how long ago the crime occurred, to be employed by a school district to drive a school bus.

Sincerely,

GRAY DAVIS

**RECEIPT**

I acknowledge receipt this 10th day of October 1999 at 10:50 p.m., of Assembly Bills Nos. 103, 144, 361, 470, 543, 1078, 1207, 1430, and 1485 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 47**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 47 without my signature.

This bill would require specified Williamson Act cancellation fees to be deposited into the Agricultural Land Stewardship Program Fund beginning on July 1, 2001.

The bill would reduce the fiscal flexibility of the state without the opportunity to judge the relative merits of the Agricultural Land Stewardship Program with other programs. Furthermore, the amount dedicated to the program under this bill would be arbitrary, depending on the amount of Williamson Act cancellation fees received each year, rather than based upon an analytical review of program needs.

In addition, the Agricultural Land Stewardship Program will be eligible for general obligation bond funding under both the park and water bonds, which will appear on the statewide ballot in March of next year.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 91**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 91 without my signature.

The costs incurred by public school employers for collective bargaining are currently reimbursable by the State. The need to extend collective bargaining in school-related joint powers agencies has not been demonstrated.

However, for school districts and county offices of education choosing to form joint powers agencies, this bill may result in situations where the State is required to backfill Public Employees' Retirement System contributions for employees whose employment is transferred to joint powers agencies. Based on this, I am unable to support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 247**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 247 without my signature.

This bill makes various changes related to the rights of foster parents to participate in dependency hearings and expands the waiver criteria for the treatment of adolescents in drug abuse recovery and treatment facilities.

While I believe that foster parents should be able to more fully participate in juvenile court dependency hearings, we should not need legislation that imposes state mandates to allow such participation. In addition, I believe that allowing additional adolescent services in adult

residential alcoholism or drug abuse recovery or treatment facilities is premature because the Department of Alcohol and Drug Programs is currently in the process of developing standards and procedures to implement the statewide Adolescent Treatment Program as required by Assembly Bill 1784 of 1988.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 312**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 312 without my signature.

This bill extends the operation of a charter school, which currently operates as a county community school, and allows the charter to receive funding as a community day school.

I understand that the original legislation that created charter schools was ambiguous concerning the administration of charter schools by county offices of education, thereby necessitating the placement of the Soledad Enrichment Action, Inc. charter in statute. However, I note that Assembly Bill No. 544 (Chapter 34, Statutes of 1998) clarified this ambiguity by allowing county offices of education to operate charter schools. Therefore, the extension of the sunset for the Soledad Enrichment Action, Inc. charter school is unnecessary. Instead, the charter school should obtain approval locally from the Los Angeles County Office of Education.

In addition, I recently signed Assembly Bill No. 1115 (Chapter 78, Statutes of 1999), which establishes a new direct funding model for charter schools. This model is designed to provide funding which is equal to the total funding that would be available to a similar non-charter school serving a similar pupil population. This charter school should be treated as all others with respect to funding from the state.

For these reasons I cannot support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 315**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 315 without my signature.

This bill would expand gambling by allowing wagering on all horseracing rather than just quarter horse racing in specified circumstances.

I made clear last year that I do not personally favor gambling, and I certainly do not encourage others to gamble. Therefore, I am not generally inclined to support measures that allow more than a modest expansion of gaming.

This measure is also premature in that Proposition 1A will be on the March 2000 ballot, which will give voters the opportunity to vote on

gaming on Indian tribal lands in California. It is appropriate to let the voters speak before addressing any further gaming issues.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 487**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 487 without my signature.

This measure, while well intentioned, allows local agencies to hire a person for park-related employment without conducting a criminal background check, provided that the job applicant is currently employed in a school district or office of education located in the same jurisdiction where the hiring agency is located. The measure also prohibits local agencies from retaining an employee or volunteer in a position having supervisory authority over a minor if it learns that the person has been convicted of an offense that would have disqualified him or her from initially being hired.

Our highest priority is to protect citizens and their children using our parks and public facilities. I cannot sanction the elimination of routine background checks, which could prevent a predator from having access to our children.

For this reason, I am vetoing AB 487.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 512**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 512 without my signature.

This bill would provide licensed private investigators and process servers a means to obtain home address information. It would further erode the public's perception of privacy and the confidentiality of private information in governmental records.

By allowing general access to confidential home address information without specifically identifying the need or specifically prohibiting this information from being shared with others, this bill violates the confidentiality in which Californians expect their information will be held.

Moreover, I recently signed historic legislation revamping collection of child support which will utilize Franchise Tax Board's ability to locate deadbeat parents, garnish wages and attach bank accounts.

I understand that this information may be necessary for private investigators and process servers to locate witnesses and others involved in civil or criminal proceedings. However, this information can be attained through private sources without violating the public trust.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 789**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 789 without my signature.

AB 789 would increase the minimum monthly personal and incidental needs allowance for age, blind or disabled Medi-Cal beneficiaries in institutional care.

This bill, while well intentioned, would result in estimated new annual General Fund costs in excess of \$2 million that was not included in the 1999–2000 budget. Any increase in the personal and incidental needs allowance should be considered as part of the annual budget deliberations.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1410**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 1410 without my signature.

Government should not operate by different rules than ordinary citizens. I am strongly in favor of government making payments in a timely fashion. The penalties for late payments, however, in this measure (24% per annum) are excessive.

I will sign a bill extending to local governments the same late payment penalties that apply to the State.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1480**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the California Assembly:*

I am returning Assembly Bill 1480 without my signature.

Though this bill contains needed reform of the Williamson Act compatible use provisions and would facilitate “land swap” easements that place property into the Agricultural Land Stewardship Program, the bill also contains a site-specific exemption for a nonagricultural manufacturing facility. The creation of such an exemption in the closing days of the session denied the opportunity for full public comment and review.

I encourage the Legislature to work with my office to fashion an appropriate bill next year.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 10th day of October 1999 at 10:52 p.m., of Assembly Bills Nos. 47, 91, 247, 312, 315, 487, 512, 789, 1410, and 1480 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 311**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill No. 311 without my signature.

This bill would expand and change the composition of the State Teacher Retirement System (STRS) Board of Directors by adding three elected members, removing restrictions on my current appointment authority, and adding three seats to the board.

While I support the election of STRS Board members, as well as the removal of restrictions on my current appointment authority, I believe that no more than two elected members would be an appropriate composition of the board. The expansion of the Board to 15 members would add unnecessary cost and could make it difficult for the board to operate efficiently.

For this reason I cannot support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 366**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 366 without my signature.

This bill would permit state annuitants and their survivors and beneficiaries to enroll in health benefit coverage provided by the Public Employees' Medical and Hospital Care Act at the time of retirement or during the open enrollment periods.

Although the actual costs are unknown, this bill could result in potentially significant General Fund costs to pay health benefit premiums for additional annuitants, dependents, survivors, and beneficiaries who previously forfeited health care benefits. In addition, the California Public Employees' Retirement System (CalPERS) indicates that it would be difficult to complement provisions of this bill because it may not be possible to establish the enrollment eligibility of some annuitants and their survivors. Further, providing health care for the group of annuitants addressed in this bill would be higher than the

program average; and as a result, lead to higher gross premium rates for the employees of the State and contracting agencies.

Under current law, CalPERS has the authority to administratively restore health benefits eligibility if the loss of eligibility was due to an error or omission.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 953**

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am returning Assembly Bill No. 953 without my signature.

This bill would adjust special education per average daily attendance (ADA) funding for necessary small special education local plan areas (SELPA), providing them with additional funding for ADA increases and minimizing the impact of declining enrollment.

I am unable to support this measure for several reasons. All SELPAs, including necessary small SELPAs, receive funding annually based on the statewide target amount per pupil. This formula, established in Assembly Bill No. 602 (Chapter 854, Statutes of 1997), was developed through lengthy negotiations and considerable input from the special education community and was designed to simplify the funding of special education. Requiring the State Department of Education to determine separate per ADA funding rates for each necessary small SELPA would further complicate funding for special education which would undermine the effort behind Assembly Bill No. 602. Finally, this bill would impose new costs on the state that were not anticipated in the Budget Act of 1999.

Despite the hard work of this very able author, I am unable to support this measure.

Sincerely,

GRAY DAVIS

**Veto Message—Assembly Bill No. 1287**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 1287 without my signature.

This bill would require persons of certain age that own or operate a motor boat to pass a written boating safety examination and obtain a certificate.

There may well be reasonable measures we can adopt to enhance the safety of boat operators, but unfortunately this bill will not accomplish that goal. There is little evidence that a written test alone will improve the piloting skills of motor boat operators or reduce boating accidents. Until such evidence is brought forth, I do not believe it is appropriate to require millions of Californians who enjoy boating as recreation to run the gauntlet of yet another government bureaucracy to obtain licenses to pilot their boats.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 10th day of October 1999 at 10:54 p.m., of Assembly Bills Nos. 311, 366, 953, and 1287 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 137**

Governor's Office, Sacramento

October 10, 1999

*To the Members of the Assembly:*

I am returning Assembly Bill 137 without my signature.

AB 137 would establish a pilot program for evaluating the presence of hazardous materials at 100 public schoolsites and requires the State Allocation Board to adopt regulations for the pilot program.

I am fully committed to ensuring that California school children are safe from environmental harm. To this end I have signed SB 162 and AB 387 by Senator Escutia and Assemblyman Wildman. Together these bills require school districts to conduct a comprehensive environmental assessment and any necessary environmental cleanup before receiving funds from the State to do new construction. In signing these bills we are working to ensure that every new public school built in California meets strict environmental standards, protecting California's children from harmful contaminants.

However, AB 137 would fail to help meet this goal in a credible or useful way. I am concerned that this bill would yield very little valuable information for the level of effort required. It is unclear how the evaluation of 100 schoolsites required by AB 137 would be useful on a statewide basis as each of the 8,000 schoolsites are inherently different.

Sincerely,

GRAY DAVIS

## RECEIPT

I acknowledge receipt this 10th day of October 1999 at 10:55 p.m., of Assembly Bill No. 137 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1553**

Governor's Office, Sacramento

October 10, 1999

*To Members of the Assembly:*

I am returning Assembly Bill No. 1553 without my signature.

I generally do not favor creating exceptions from local planning and land use laws. The property in question is a 1000 acre parcel of prime commercial property in San Bernardino County known as the "doughnut hole." It is located within the unincorporated area, but surrounded by the City of Redlands. Common sense dictates that the

City and County should cooperatively plan this parcel, and that a revenue sharing agreement should be in place if the land is to be annexed to the City of Redlands.

This is a local land use dispute and locally elected officials should resolve it. However, I note that this legislation is supported unanimously by San Bernardino County, the San Bernardino LAFCO, and the Inland Valley Development Agency, a creation of the state legislature designed to stimulate job producing industry while paying for the redevelopment of the recently closed Norton Air Force Base.

As Californians, we are in this together. There are reasonable ways development of this property can and should proceed that will benefit all the residents of San Bernardino County. At stake are additional jobs and an expanded tax base for the region. I encourage the City of Redlands, the affected property owners, and the multiple service jurisdictions to end this 10-year-old dispute quickly.

If no progress is made on a fair and equitable resolution of the development and service responsibility issues, I will look favorably on similar legislation next year.

Sincerely,

GRAY DAVIS

#### RECEIPT

I acknowledge receipt this 10th day of October 1999 at 10:56 p.m., of Assembly Bill No. 1553 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Nancy Miller.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

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

**Item Veto—Assembly Bill No. 27**

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am signing AB 27, which requires the California Health and Human Services Agency to prepare a long term care information infrastructure blueprint.

However, I am deleting the \$149,000 General Fund appropriation from the bill and instead directing the Secretary of Health and Human Services Agency to implement the provisions of AB 27 within existing resources.

Sincerely,

GRAY DAVIS

**Item Veto—Assembly Bill No. 403**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 403; however, I am deleting the \$200,000 General Fund appropriation contained in Section 1.5.

AB 403 would appropriate \$200,000 from the General Fund to the Department of Justice (DOJ) for training local law enforcement on the enforcement of firearm laws at gun shows.

Having recently signed legislation tightening regulation of gun shows, I support the need for additional training. However, primary responsibility for law enforcement at gun shows is a local responsibility, and I believe the Commission on Peace Officers Standards and Training is the appropriate state agency to provide training for local law enforcement officers.

If the Commission desires to contract with the Department of Justice to provide such training, I will provide the necessary funding in the budget process.

This bill would also require local law enforcement agencies to make available to a victim one copy of a domestic violence incident report within a specified period of time.

I believe this is an important measure that will help victims of domestic violence obtain the documentation they need to secure restraining orders as quickly as possible.

Sincerely,

GRAY DAVIS

**Item Veto—Assembly Bill No. 756**

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 756, however I am reducing the following item:

**Item 3790-302-001**—for relocation and restoration of Stilwell Hall in Monterey County, and for the stabilization and restoration of the Copperopolis Armory in Calaveras County. I reduce this item from \$3,020,000 to \$3,010,000 by deleting the funding for Copperopolis Armory.

This appropriation inappropriately diverts funding intended for high priority state park cultural heritage projects to a local project. This project should be funded from local resources.

The other budgetary augmentations and reallocations provided for in this bill are appropriate expenditures and have my full support.

Sincerely,

GRAY DAVIS

**Item Veto—Assembly Bill No. 1168**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill 1168, which creates the Noxious Weed Management Account and establishes a new local mechanism to address the eradication of noxious weeds.

However, I am reducing the appropriation in the bill from \$500,000 to \$200,000 per year for the 1999–2000, 2000–01, and 2001–02 fiscal years.

Sincerely,

GRAY DAVIS

**Item Veto—Assembly Bill No. 1645**

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 1645; however, I am eliminating the \$127,500 appropriation to the State Department of Education made in subdivision (a) of Section 2. The bill provides that this appropriation is for expenditure “exclusively for staff.” Appropriate funding levels for staff are typically determined in the annual budget change proposal process based on a workload analysis and in consideration of all other priorities. Given that the department has eight staff already devoted to this area, it should be able to implement this bill without additional staff.

I am, however, sustaining the one-time \$300,000 appropriation which will be used to develop an agricultural education curriculum. Agriculture plays a vital role in California's culture and economy. This bill will help ensure that agriculture is given the appropriate emphasis in our curriculum so that our children grow up recognizing its value.

Sincerely,

GRAY DAVIS

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

Governor's Office, Sacramento  
September 15, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 734 with the following comments.

This bill requires the Board of Governors of the California Community Colleges (CCC) to report to the Legislature and myself on various issues relating to community college financing formulas which include program based funding criteria, equalization, cost of living adjustment rates, and non-credit instruction rates. The bill requires the CCC attempt to complete this report on or before January 15, 2000. Further, the report will identify budgetary or statutory changes to accomplish the recommendations of the board.

While I agree that the CCC's recent evaluations of current funding formulas should be shared with the Legislature and Administration as intended by this bill, I am concerned that my signature may imply an endorsement for changing the existing budget process or diminish the

focus on the Partnership for Excellence. I believe any recommended changes in funding formulas should not further constrain the budget process, but rather should provide incentives to increase educational outcomes within funding available for the colleges. Furthermore, this bill's emphasis on funding formulas should not overshadow completion of the details on the Partnership for Excellence program which, for the first time in adjustments, to accountability for increased student outcomes. Consistent with my stated interests to increase accountability in all segments of education, the highest current priority for systemwide financing of the colleges should be to complete the requirements for this new \$145 million annual program.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
September 16, 1999

*To Members of the California Assembly:*

I am signing Assembly Bill 1499 with the expectation that the Department of Health Services and the Department of Social Services will develop a program that provides the necessary skills needed without imposing any undue burden on the employees.

I expect that all three agencies will concur in the nature and duration of the training program, and that the program is developed within existing resources of the departments.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
September 28, 1999

*To the Members of the Assembly:*

On this date I have signed Assembly Bill No. 1587.

I would have preferred that the former Attorney General appeal a 1997 Sacramento Superior Court decision effectively overturning previous law prohibiting a person subject to a 72-hour hold as a result of a mental disorder from owning a gun for five years. Since no appeal was taken, I have no choice but to sign this measure.

AB 1587 allows the state to persuade a judge that a person who poses a threat to public safety may not purchase or possess a gun without first demonstrating that the person will not be likely to use a firearm in a safe and lawful manner.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 6, 1999

*To the Members of the Assembly:*

Although a recent study of school bus seat belts by the National Transportation Safety Board is inconclusive, I am signing Assembly Bill 15 because the bill's requirement that seat belts be placed on newly manufactured buses does not begin until January 1, 2002, by which time a follow-up federal study and recommendations are scheduled to be completed.

The NTSB has recommended that the National Highway Traffic Safety Administration "In two years, develop performance standards for school bus occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions and rollovers."

AB 15 provides the opportunity for the National Highway Traffic Safety Administration to modify seat design to better enhance the safety of school children, and gives time for manufacturers to incorporate those changes on school buses at the same time seat belts are installed.

However, as written, AB 15 requires a specific course of action unless prohibited by the federal government's study. Therefore, I am signing this bill with the clear understanding that the author will introduce clean-up legislation to accommodate the specific findings and recommendations of the upcoming federal study.

I also am signing AB 15 on the assumption that the follow-up federal study will be completed on a timely basis, and with the author's agreement that he will extend the starting date of the legislation if that study is not completed by January 1, 2002, or if the study is inconclusive.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 56 with the following comments.

This bill will require the State Department of Education, in consultation with the State Board of Education, to convene a working group for the purpose of selecting a contractor to conduct an independent evaluation of the effects of the implementation of Proposition 227 on the education of pupils in K-12.

I am concerned that this bill implies that the state wishes students to meet standards adopted by local education agencies. This is not my intent in signing this bill. I support efforts to ensure that students meet state adopted content and performance standards. I am signing this bill because the author has assured me that she will provide clean-up legislation which removes references to district standards from this law.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 181 with the following comments.

Assembly Bill No. 181 is an urgency measure which would authorize the continued operation of a child care program administered by the City of San Diego. This program, known as "6 to 6," would be allowed to operate as a license exempt program until January 1, 2002.

While I am signing this bill, I have serious concerns regarding the exemption of this program from state licensure. This bill extends an exemption for a period of two years, which is ample time for this program to come into compliance with state standards. State licensure will ensure access to criminal background checks, safe facilities, and proper training for staff in this program.

During the next two years the "6 to 6" program should take the necessary steps to meet state licensing standards. I do not intend to sign another bill granting a further extension.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill 387. This bill, together with Senate Bill 162, protects children and school employees from hazardous health risks and ensures that all environmental contamination is addressed before schools are constructed and occupied.

It is of the utmost importance that the schools we build for the new millennium are safe, conducive learning environments for children. In signing these bills I am protecting California's children from dangerous hazardous materials by requiring every new public schoolsite to meet strict environmental standards.

However, it is not my intent, nor the intention of the author to remove the cap on the reimbursable state funding put in place by the voters in Proposition 1A.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill 394 which would require the State Department of Health Services (DHS) to adopt regulations establishing minimum nurse-to-patient ratios by licensed nurse classification and by hospital unit for all licensed hospitals.

Registered nurses are a critical component in guaranteeing patient safety and the highest quality health care. Over the past several years many hospitals, in response to managed care reimbursement contracts, have cut costs by reducing their licensed nursing staffs. In some cases,

the ratio of licensed nurses to patients has resulted in an erosion in the quality of patient care.

I do not generally support setting rigid formulas into law. However, this bill gives the DHS the flexibility needed to set realistic standards while addressing the problem of adequate nurse-to-patient ratios.

I am also directing DHS to establish minimum staffing standards only for those tasks which are exclusively under a nurse's scope of practice and not for those tasks which can be performed by unlicensed personnel. In addition, I am directing DHS to write the regulations so that the minimum required staffing does not exceed that necessary to comply with other existing standards and the levels necessary to provide quality care. In other words, the minimums should be just that, in order for hospitals to retain reasonable flexibility.

Finally, the author has agreed to my request for subsequent legislation to extend the deadline for the regulations by at least one year. This will provide the necessary lead time for DHS to consult the interested parties and to reach consensus on necessary ratios. The current regulation adoption date of January 1, 2001 cannot be met.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 8, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill 406, which would require the Public Utilities Commission (PUC) to develop and implement measures to efficiently allocate telephone numbers within telephone prefixes.

The Federal Communications Commission, at my request, granted a petition filed by the PUC giving California the ability to stop the proliferation of area code overlays and reclaim unused numbers. Also following my request, the PUC reversed plans for 11-digit dialing and overlays planned for Los Angeles, San Diego and San Jose.

Assembly Bill 406 codifies aspects of the PUC's actions and provides for key utilization studies to be completed to determine the extent of unused numbers. These studies will allow California to more efficiently allocate numbers and avoid costly and confusing area code overlays.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill 431, which revises the licensure terms and fees for real estate appraisers and makes numerous changes to the Civil Code relating to trust and deeds. However, I urge the Legislature to send me further legislation that would correct the projected deficit to the Real Estate Appraisers Regulation Fund in the 2003-04 fiscal year.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill 519 with the following comments.

I am supporting this legislation as it will bring the sexual harassment laws into conformity with other California sexual harassment prohibitions in the Government Code. In addition, this will conform California law to federal anti-sexual harassment laws. Specifically, this bill will delete the requirement that the victim of sexual harassment must ask the harasser to stop the offensive conduct before seeking legal redress.

This legislation will benefit adjudicatory bodies by providing consistent definitions and standards for deciding sexual harassment actions in business, professional and service relationships.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am signing Assembly Bill 575 which would place California in compliance with federal rules pertaining to children under the supervision of the probation department.

At my request, the author has agreed to correct in subsequent legislation a provision that would unnecessarily create a mandated local program by requiring probation departments to consult with local education agencies prior to the completion of certain tasks.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 655 with the following comments.

This bill requires the Chancellor of the California Community Colleges, the Chancellor of the California State University, the President of the University of California, and the President of the Association of Independent Colleges and Universities, by April 1, 2001, to jointly submit a report to the Legislature and the Governor containing a recommended plan and budget to significantly increase the number of students graduating from nursing programs, and provide specialty training to licensed nurses.

While I support development of the plan to ensure that California's colleges and universities have sufficient capacity in nursing programs, I am requesting the higher education segments to consider strategies to fund the plan within existing resources, including consideration of redirecting resources from low-demand programs, and to allocate a portion of annual enrollment growth funding to nursing program enrollment growth identified by the plan.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am signing Assembly Bill No. 673 with the following comments.

This bill requires the Judicial Council to request and administer federal grant moneys for child access and visitation programs, including implementation of sliding scale fees to accommodate low-income families who use the visitation and exchange services. I support implementation of the sliding scale fees if funded with federal funds only; I do not intend to commit any state funds for this purpose.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To Members of the California Assembly:*

I am signing Assembly Bill 784 which enhances my Medi-Cal fraud initiative contained in the 1999–2000 budget. This bill will require certain Medi-Cal providers to provide a bond or other security of not less than \$25,000 which gives the Department of Health Services financial protection against losses due to provider fraud and billing abuses. The bill also provides the department with authority to audit the records of more providers and suppliers to ensure invoices submitted and reimbursed are valid.

At my request, the author has agreed to introduce subsequent legislation to conform the definition of “provider” contained in the bill with the broader definition contained in the Budget Act, thus allowing consistent application of my strengthened anti-fraud efforts to all types of providers.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill 807 which would establish the Pajaro River Watershed Flood Prevention Authority with the power to undertake flood prevention and flood control protection projects in the Pajaro River Watershed.

This measure will help resolve the flooding problems that have plagued this region for years. I would urge the Authority to take into account the recommendations of the hydrological study, to be funded through the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000, when crafting flood control and protection solutions for the Pajaro River Watershed.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 910 with the following comments.

Assembly Bill No. 910 will provide funding for school library materials for school districts and county offices of education which did not apply for funding for this purpose in the 1998–99 fiscal year.

While I am signing this bill, I do not intend to approve funding in such situations again. It is the responsibility of local education agencies to apply for funding made available by the state.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 7, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 931, to establish and validate minimum standards for the competency and training of electricians, and perform other activities, as specified. However, any additional resources required by the Department of Industrial Relations to implement the provisions of this bill would need to be justified through the annual budget process.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill 993, which enacts the Marine Life Protection Act and requires the Department of Fish and Game to prepare a master plan for the management of the State's Marine Protected Areas.

In signing this measure, I am encouraging the proponents and the Department to seek assistance from private resources to help implement the provisions of the bill.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento  
October 10, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 1319 with the following comments.

This bill re-authorizes the Early Intervention for School Success (EISS) Program by extending the sunset date from June 30, 1999 to June 30, 2004. This bill also proposes various changes to the statutes governing the EISS Program, including a change in focus of the program to enhance development of reading and literacy skills, parent education resources, and alignment with state standards. This bill also requires that the program's management plan include plans to expand to serve 300 school sites by June 30, 2004.

I am supportive of this program, and have no objection to its re-authorization. I note, however, that this bill creates an expectation that the program will be expanded to 300 sites, or 100 more sites than

the program currently serves, by 2004. While this is a meritorious goal, additional funding for this program will need to be balanced against other priorities for Proposition 98 funding in the development of future state budgets.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am signing Assembly Bill 1492 which will ensure that four existing demonstration projects continue providing supportive services to individuals who have experienced life-changing head trauma. These services are substantially similar to independent living skills training provided to developmentally disabled adults. This bill would also expand services to these clients.

However, this bill would retroactively impose a cap on revenues that are attributed to the Traumatic Brain Injury (TBI) fund, resulting in a loss to the TBI Fund of \$1.1 million. Therefore, I am requesting subsequent legislation to remove this retroactive imposition of a \$500,000 revenue cap for 1997-98 and 1998-99 and allow the funds to be spent on this worthwhile program.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento

October 10, 1999

*To Members of the California Assembly:*

I am signing Assembly Bill No. 1498 with the following comments.

This bill will establish criteria for the allocation of specific funding for disadvantaged public school students to attend residential outdoor science camps.

Assembly Bill No. 1115 (Strom-Martin), the 1999 Omnibus Education Trailer bill, includes \$1.5 million from the Proposition 98 Reversion account to subsidize the costs of low-income children's participation in residential science camps. However, as I stated in my signing message, this funding is to be considered a one-time appropriation and it would be more appropriate for residential science camp programs to develop alternative funding sources for the future.

I would request that the author provide legislation next year which would require that, as a condition of funding, applicant school districts present a plan to the Department of Education which describes the sources of funding which will support their programs once this one-time state funding has been exhausted.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento

October 5, 1999

*To the Members of the Assembly:*

I am signing AB 1600, which, among other things, adds a definition of "alternative payment program" to the Child Care and Development

Services Act that includes provision of "support services." The bill's definition is technically flawed in its reference to Education Code section 8220.2. I am signing this bill with the understanding that the definitions in Education Code section 8208 of the Child Care and Development Services Act will be interpreted to apply to all state-subsidized alternative payment providers, including those serving CalWORKS families.

In addition, I want to clarify that my signature on this bill does not imply endorsement of any particular level of support services to be provided through alternative payment programs. These services are discretionary and are subject to available funding through the annual Budget Act.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento

October 10, 1999

*To Members of the Assembly:*

I am signing Assembly Bill 1685, which would modify the public notice requirements for public meetings related to local regulated substance ordinance changes and require the California Environmental Protection Agency (CalEPA) to post copies on the Internet.

In signing AB 1685 I am also directing CalEPA to implement this bill from existing resources.

Sincerely,

GRAY DAVIS

Governor's Office, Sacramento

October 8, 1999

*To the Members of the Assembly:*

I am signing Assembly Bill No. 1686, which postpones by two years the sunset date which would eliminate the Department of Information Technology.

I believe that the Department of Information Technology has proven itself to be an indispensable leader of the State's technology management strategy. The department has shown extraordinary leadership and effectiveness in its stewardship of the state's Year 2000 Program. However, creating a sunset date for a department is highly unusual and potentially deleterious. It suggests a lack of commitment to the department's mission, which has affected employee morale and impacted the department's ability to attract and retain staff in a highly competitive environment.

Therefore, I intend to sponsor legislation in the next session that would eliminate the sunset date from the Department of Information Technology, thereby reassuring the present and future employees of the state's commitment to this department's vital mission on behalf of the people of California.

Sincerely,

GRAY DAVIS

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 129:  
Jackson, Steinberg, and McClintock.

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ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

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