

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 10

INTERIM STUDY RECESS

Assembly Chamber, Sacramento
Tuesday, October 14, 2003

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2003–04 Regular Session was printed while the Assembly was in Interim Study Recess:

COMMUNICATIONS

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

September 29, 2003

The Honorable Herb Wesson, Jr.
Speaker of the Assembly
State Capitol Building, Room 219
Sacramento, California

RE: Request to waive per diem for Monday, September 29, 2003
Dear Mr. Speaker: Please consider my request to waive per diem for today, Monday, September 29, 2003.

Very truly yours,

DARIO FROMMER, Assembly Member
Forty-third District

September 30, 2003

The Honorable Herb Wesson
Speaker of the Assembly
California State Legislature
State Capitol Building, Room 219
Sacramento, California

Dear Speaker Wesson: I would like to waive my Member’s per-diem for September 29, 2003.

If you have any questions you may contact me or my Chief of Staff Tim Rosales at (916) 319-2075.

Sincerely,

GEORGE A. PLESCIA, Assembly Member
Seventy-fifth District

October 2, 2003

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

RE: Appointment of Angela J. Reddock
to State Board of Barbering and Cosmetology

Dear Mr. Wilson: Please be advised I have appointed Ms. Angela J. Reddock to the State Board of Barbering and Cosmetology. This is a term appointment starting October 2, 2003 and the expiration date is January 1, 2007. Ms. Reddock will be replacing Ms. Tamara Rasberry.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

October 2, 2003

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

RE: Appointment of Holly Mitchell
to Commission on the Status of Women

Dear Mr. Wilson: Please be advised I have appointed Ms. Holly Mitchell to the Commission on the Status of Women. This is a term appointment starting October 2, 2003, and the expiration date is July 1, 2007. Ms. Mitchell will be replacing Ms. Lucie Bava.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

October 2, 2003

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

RE: Appointment of Halford Fairchild
to State Bar Commission on Access to Justice

Dear Mr. Wilson: Please be advised I have appointed Dr. Halford Fairchild to the State Bar Commission on Access to Justice. This is a pleasure term appointment starting October 2, 2003 and the expiration date is October 1, 2005. Dr. Fairchild will be replacing Ms. Angela Oh.

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

October 10, 2003

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

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

- Assemblymember Patricia Bates
- Assemblymember John Benoit
- Assemblymember Judy Chu
- Assemblymember Lou Correa
- Assemblymember Paul Koretz
- Assemblymember Lloyd Levine
- Assemblymember Ken Maddox
- Assemblymember George Nakano

Sincerely,

HERB J. WESSON, JR.
Speaker of the California Assembly

The following communication was presented by the Chief Clerk from:

Diana M. Bonta, R.N., Dr P.H., Director, Department of Health Services, dated August 11, 2003, relative to a delay in submitting a report relative to Medi-Cal: Local Educational Agency Services (required pursuant to Senate Bill 231, Chapter 655, Statutes of 2001). Referred by the Speaker to the Committee on Health.

Proposed Initiatives

The following communications were presented by the Chief Clerk from:

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

**Limits on Class Size.
Initiative Constitutional Amendment.
SA 2003RF0030**

Referred by the Speaker to the Committee on Education.

**Sexual Orientation, Status, Conduct Or Relationships.
Initiative Constitutional Amendment.
SA 2003RF0032**

Referred by the Speaker to the Committee on Judiciary.

**Children's Hospital Projects. Grant Program. Bond Act.
Initiative Statute.
SA 2003RF0033**

Referred by the Speaker to the Committee on Health.

Proposed Referendum

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

**Referendum Title and Summary.
Referendum Petition to Overturn Domestic Partner Law.
SA 2003RF0042**

Referred by the Speaker to the Committee on Judiciary.

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

99028.2

September 24, 2003

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

Members of the Assembly: As required by Chapter 479, Statutes of 1999, the Bureau of State Audits (bureau) presents its second audit report concerning the procurement of a single, statewide automated child support system by the Department of Child Support Services (department), with the Franchise Tax Board (board) acting as its agent. The statute requires the bureau to monitor the evaluation and selection process for any signs of bias or favoritism toward any bidder.

In December 2002, we reported on the project team's progress toward procuring the main part of the system, referred to as the child support enforcement system, through June 2002. That report discussed the project team's evaluation of the single bid that had a proposed contract price of almost \$1.2 billion received from the IBM Group. During our evaluation of the process the team used to score the proposal, nothing came to our attention to cause us to conclude that the project team deviated from the predefined evaluation criteria.

This report discusses the procurement process through July 14, 2003, the date the State signed a contract with the IBM Group to design, develop, and implement the child support enforcement system. Though federal and state agencies approving the project expressed various concerns about the terms of the contract and the feasibility study developed by the project team, the project team received the required approvals after satisfying these concerns and obtained a contract price totaling \$801 million for the system. During our monitoring of the negotiation sessions, nothing came to our attention that would lead us to believe that the negotiations resulted in significant changes in the contract that might violate the requirements in Chapter 479, Statutes of 1999, or the solicitation document. Our limited review of the contract found that it included the major business need areas that the child

support enforcement system must address and the compensation method agreed to by the parties did not violate the law and was within the parameters of the solicitation document.

Although the project team has now executed the contract for the child support enforcement system, it is still more than a year away from procuring a contractor for the state disbursement unit, a separate system for collecting, disbursing, and recording child support payments.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

Above report referred to the Committee on Human Services.

The following reports were presented by the Chief Clerk:

**Department of General Services Quarterly Report on
Capitol Area East End Complex
(Pursuant to Government Code Section 8169.5)**

Above report referenced in communication from William J. Jefferds, Ed.D., Director, Department of General Services, dated 9/24/03, stating availability of report at DGS website, referred by the Speaker to the Committee on Business and Professions.

**Reducing California's Petroleum Dependence
(Pursuant to Assembly Bill 2076, Chapter 936
Statutes of 2000)**

Above transmitted report, together with letter of transmittal from William J. Keese, Chairman, Energy Commission and Alan C. Lloyd, Ph.D, Chairman, Air Resources Board, California Energy Commission and Air Resources Board, dated August 25, 2003, referred by the Speaker to the Committee on Transportation.

**Pregnant and Parenting Women's
Alternative Sentencing Program Act
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from Edward S. Alameida, Jr., Director, Department of Corrections, dated September 24, 2003, referred by the Speaker to the Committee on Public Safety.

**AB 312 Expenditure Plan I for 2003–04 Fiscal Year
(Pursuant to Assembly Bill 312, Chapter 1020, Statutes of 2002)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated September 22, 2003, referred by the Speaker to the Committee on Education.

**National Family Caregiver Support Program
Final Legislative Status Report: Building a Foundation—
Initial Implementation Results
(Pursuant to Budget Act 2001)**

Above transmitted report, together with letter of transmittal from Lynda Terry, Director, Department of Aging, dated September 23, 2003, referred by the Speaker to the Committee on Budget.

**Citizen's Option for Public Safety (COPS) Grant Program
(Pursuant to Assembly Bill 3229, Chapter 134, Statutes of 1996)**

Above transmitted report, together with letter of transmittal from Elizabeth G. Hill, Legislative Analyst, Legislative Analyst's Office, dated August 20, 2003, referred by the Speaker to the Committee on Public Safety.

**Ethnic/Race/Gender Business Ownership Report
(Pursuant to Assembly Bill 1084, Chapter 882, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from David L. Dawson, Chief Deputy State Controller, Administration, Office of California State Controller, dated September 9, 2003, referred by the Speaker to the Committee on Business and Professions.

Small Business and DVBE Contracting Activity Report

Above transmitted report, together with letter of transmittal from Shirley Tsagris, Procurement Contracting Officer, Emergency Medical Services Authority, dated September 3, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**2003 Annual Report to the Legislature for
the California Medical Assistance Commission**

Above transmitted report, together with letter of transmittal from J. Keith Berger, Executive Director, California Medical Assistance Commission, dated September 18, 2003, referred by the Speaker to the Committee on Health.

**Notification of Data Used in
Advance Apportionment Fiscal Year 2003–2004
(Pursuant to Education Code Section 41339.1)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated August 22, 2003, referred by the Speaker to the Committee on Education.

**Year 2002 Utility Procurement of Goods, Services and Fuel from
Women, Minority, and Disabled Veteran-owned Business Enterprises
(Pursuant to Public Utilities Code Section 8283(e))**

Above transmitted report, together with letter of transmittal from William Ahern, Executive Director, Public Utilities Commission, dated September 2, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Small Business/Disabled Veterans Business Enterprise (DVBE)
Annual Report 2002–03**

Above transmitted report, together with letter of transmittal from Denise Choye, Administrative Services, Fair Employment and Housing Commission, dated September 2, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Contracting Report:
Disabled Veteran Business Enterprise Participation
Fiscal Year 2002–2003**

Above transmitted report, together with letter of transmittal from Timothy W. Boyer, Interim Executive Director, Board of Equalization, dated September 8, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual 2002–2003 Contracting Report for
Small Business Participation and
Disabled Veteran Business Enterprise Participation**

Above transmitted report, together with letter of transmittal from Anna Schneider, Office Technician, Coastal Conservancy, dated August 29, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Evaluation of the Centers for
Complex Civil Litigation Pilot Program
(Pursuant to Government Code Section 68617)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council Of California, dated October 2, 2003, referred by the Speaker to the Committee on Judiciary.

**Juvenile Justice in California—2002
(Pursuant to Penal Code 13010 (g) and 13012 (d))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated October 2, 2003, referred by the Speaker to the Committee on Public Safety.

**Medi-Cal Reimbursement for Telepsychiatry
(Pursuant to Supplemental Report of the 2002 Budget Act
Item 4440-101-0001)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated October 1, 2003, referred by the Speaker to the Committee on Budget.

**Small Business and DVBE
Annual Contract Activity Report
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from K. Maurice Johannessen, Secretary, Department of Veterans Affairs, dated September 26, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**California's Caregiver Resource Center System Annual Report
(Pursuant to Welfare and Institutions Code, Section 4365.5)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated October 3, 2003, referred by the Speaker to the Committee on Insurance.

**Effectiveness of Integrated Services for
Homeless Adults with Serious Mental Illness
(Pursuant to Assembly Bill 2034, Chapter 518, Statutes of 2000)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, dated September 30, 2003, referred by the Speaker to the Committee on Health.

**Bulletin 118 Update 2003, California's Groundwater
(Pursuant to Budget Act of 1999)**

Above transmitted report, together with letter of transmittal from Michael J. Spear, Interim Director, Department of Water Resources, dated October 3, 2003, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**California Innocence Protection Program
(Pursuant to Budget Act, Chapter 106, Statutes of 2001
Item 8100-101-001)**

Above transmitted report, together with letter of transmittal from Wayne Strumpfer, Interim Executive Director, Office of Criminal Justice Planning, dated August 13, 2003, referred by the Speaker to the Committee on Budget.

**Quarterly Progress Report for
the Office of Criminal Justice Planning (OCJP) Evaluation Unit
(July, August, September 2003)
(Pursuant to Fiscal Year 1998-99 Supplemental Budget Language
(Item 8100-001-001))**

Above transmitted report, together with letter of transmittal from Shirley Wang, Acting Chief Deputy Director, Office of Criminal Justice Planning, dated September 30, 2003, referred by the Speaker to the Committee on Budget.

**Report to the Legislature of Expenditures as of June 30, 2003,
for Toxic Substances Enforcement Program
(Pursuant to Health and Safety Code Section 25174 (a)(4)(c))**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated October 1, 2003, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Taxpayer's Bill of Rights—Annual Report to the Legislature
(Pursuant to Revenue and Taxation Code Sections 21006 and 21009(a))**

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

**Small Business/Disabled Veterans
Business Enterprise Report (DVBE) for Fiscal Year 2002-03
(Pursuant to Public Contract Code Section 10115.5 and
Military and Veterans Code 999.7)**

Above transmitted report, together with letter of transmittal from Robert Nishimoto, Deputy Secretary, California Technology, Trade and Commerce Agency, dated August 27, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Dental Board of California's
Enforcement Monitor's Third Report
(Pursuant to Business and Professions Code Section 1601.3)**

Above transmitted report, together with letter of transmittal from Kristy Wiese, Deputy Director, Division of Legislative and Regulatory Review, Department of Consumer Affairs, dated August 26, 2003, referred by the Speaker to the Committee on Business and Professions.

**Special Report to the Legislature on Senate Bill 780.
California Freedom of Access to Clinic and Church Entrances Act and
Reproductive Rights Law Enforcement Act
(Pursuant to Senate Bill 780, Statutes of 2001)**

Above transmitted report, together with letter of transmittal from Sue Johnsrud, Director, Administrative Services Division, Department of Justice, dated August 29, 2003, referred by the Speaker to the Committee on Public Safety.

Probation Services Task Force Final Report

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated September 9, 2003, referred by the Speaker to the Committee on Public Safety.

**July, 2003 Report of Lifer Parole Hearings
(Pursuant to Penal Code Section 3041 (d))**

Above transmitted report, together with letter of transmittal from Marvin E. Speed, Executive Officer, Board of Prison Terms, dated August 12, 2003, referred by the Speaker to the Committee on Public Safety.

**Annual Small Business/DVBE Participation Report
(Pursuant to Public Contract Code Section 14840)**

Above transmitted report, together with letter of transmittal from Robert L. Therkelsen, Executive Director, California Energy Commission, dated August 26, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Small Business/Disabled Veterans
Business Enterprise Contract Participation Report for
Fiscal Year 2002-03
(Pursuant to Government Code Section 14835)**

Above transmitted report, together with letter of transmittal from Val F. Siebal, Chief Deputy Director, Office of Environmental Health Hazard Assessment, dated September 5, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

**Small Business/Disabled Veterans Business Enterprise Report (DVBE)
for Fiscal Year 2002-03
(Pursuant to Government Code Section 14840)**

Above transmitted report, together with letter of transmittal from Ronald J. Lucero, Chief, Business Management Bureau, Department of Insurance, dated August 29, 2003, referred by the Speaker to the Committee on Utilities and Commerce.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 30, 2003

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1217

And reports the same correctly enrolled, and presented to the Governor on the 30th day of September, 2003, at 12:15 p.m.

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 Messages**Veto Message—Assembly Bill No. 218**

Governor's Office, Sacramento
September 24, 2003

To Members of the California State Assembly:

I am returning Assembly 218 (Simitian) without my signature.

This bill would require the Department of Housing and Community Development to defer to the Department of Finance when there is a dispute between a local government and the Department of Housing and Community Development with the definition of a housing unit. It further requires the Department of Finance to make a written determination in resolving such disputes.

Under current law, the Department of Housing and Community Development has the statutory responsibility to ensure that local housing elements are in compliance with State law and that each local jurisdiction is properly planning for and addressing the State's housing need. In light of current law, I see no added value to include the Department of Finance in the review of local housing elements. Therefore, I am unable to sign this proposed legislation.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 25th day of September 2003 at 2:15 p.m., of Assembly Bill No. 218, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 183

Governor's Office, Sacramento
September 22, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 183 without my signature.

This bill would expand Medi-Cal benefits to include services provided by a licensed marriage and family therapist and a licensed clinical social worker that are within the scope of Medi-Cal covered benefits. Although this expansion would be implemented only to the extent that funds are appropriated for this purpose, this bill would result in pressure to expand Medi-Cal benefits to include services provided by licensed marriage and family therapists and licensed clinical social workers. While there may be some offsetting cost savings by substituting more costly licensed professional care for less costly

licensed professional care, the bill would likely still result in cost pressures of at least hundreds of thousands of dollars and would require the establishment of 4.0 new positions (3.8 personnel years). Due to the significant decline in General Fund revenues, I am vetoing this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 642

Governor's Office, Sacramento
September 22, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 642 without my signature.

This bill would require, commencing in 2005, the Superintendent of Public Instruction (SPI) to conduct a periodic review of the statewide adopted content standards and to hold regional public hearings. This bill would also require the State Board of Education (SBE) to adopt or reject any changes to the content standards that the SPI deems necessary or desirable and to adopt conforming changes, as necessary, to the statewide performance standards.

I vetoed a similar bill last year and continue to believe that the review process is unnecessary and could result in administrative activities that yield no improvement to the academic content standards. The SBE has the authority to adopt changes to the content standards, as they deem necessary.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 22nd day of September 2003 at 3:28 p.m., of Assembly Bills Nos. 183 and 642, without the Governor's signature, together with a statement of his objection thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 43

Governor's Office, Sacramento
October 9, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 43 without my signature.

This bill would rename the Long-Term Care Integration pilot program as the Chronic Care Integration (CCI) Program, and establish CCI as an ongoing program. This bill would also make significant programmatic changes, including expansion of CCI sites and increased administrative activities for the Department of Health Services. This bill specifies that CCI would be implemented only to the extent that funds are appropriated, although it would authorize the Department to suspend 2003–04 Long-Term Care Integration program grant awards and redirect those funds to establish the State staff.

While I am strongly supportive of efforts to improve the coordination, quality, and cost-effectiveness of long-term care services in the State, this bill would expand State government at a time of fiscal uncertainty. Upon full implementation, this bill could result in

administrative expenditures of \$1 million General Fund and the establishment of 20 positions to monitor, coordinate, and develop CCI program sites. Due to the significant reduction in General Fund revenues and the on-going need to reduce State staff, I am vetoing this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 436

Governor's Office, Sacramento
October 9, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 436 without my signature. This bill would allow Santa Clara County to establish a five-year pilot program to allow a county hospital-based utilization review committee to authorize reimbursement for Medi-Cal services. This bill would result in pressure for annual funding of approximately \$402,000 (\$148,000 General Fund) and 4.0 positions within the Department of Health Services for development of regulations and a state plan amendment, as well as ongoing monitoring and oversight activities associated with the Santa Clara County utilization review pilot project. In addition, this bill would likely result in increased Medi-Cal benefit costs as a result of the hospital utilization review committee denying fewer treatment authorization requests than would otherwise have been denied by existing department staff. Due to the significant decline in General Fund revenues, I cannot sign this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 946

Governor's Office, Sacramento
October 9, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 946 without my signature.

This bill authorizes cities, counties, or cities and counties to develop clean needle and syringe exchange programs. This bill authorizes syringe exchange programs in any city, county, or city and county by the action of: 1) a county board of supervisors and the local health officer or health commission of that county; 2) or the city council, the mayor, and the local health officer of a city with a health department, or the city council and the mayor of a city without a health department. Additionally, it would eliminate the need for counties to periodically authorize the syringe exchange program pursuant to a declaration of local emergency.

I am committed to the underlying goal of the bill which is to reduce the transmission of HIV and hepatitis C (HCV) among injection drug users. However, I have signed legislation that already makes hypodermic needles and syringes available from authorized, legally sanctioned syringe exchange programs located throughout California. I worked hard with the author of that legislation to bring law enforcement and health officials together on a bill that would decriminalize supervised needle exchange programs. This bill undermines the key element that won my support for that legislation, by eliminating the

requirement for a local governing body to make a declaration of a local emergency due to the existence of a critical local public health crisis when establishing and/or maintaining a legal syringe exchange program. While I appreciate the author's hard work and dedication to this issue, I cannot sign this measure.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 10th day of October 2003 at 2:20 p.m., of Assembly Bills Nos. 43, 436, and 946, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 51

Governor's Office, Sacramento

October 10, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 51 without my signature.

This bill requires the land use element of the general plan to identify categories of land use, if any, that provide for certain child care facilities and would take effect upon the next revision of a local jurisdiction's housing element.

As I have emphasized in the past, I fully recognize the importance of child care facilities, which prompted me to sign AB 305 (Mullin) this year. AB 305 addresses the need for child care facilities in a cost neutral manner as it provides developers additional density bonuses, concession, or incentives if a child care facility is included in a developer's housing project.

I vetoed a similar bill last year, AB 2954 (Simitian) because it would have resulted in a reimbursable state mandate. According to the Department of Finance, this bill would result in a reimbursable mandate on local government. While I appreciate the author's effort in diligently addressing this issue, I am unable to sign this legislation in light of California's fiscal condition.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 274

Governor's Office, Sacramento

October 10, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 274 without my signature.

This bill would create a rebuttable presumption that a person's action to discharge, demote suspend, or reduce the hours of an employee is retaliatory if it occurs within 60 days after the employee has exercised any rights enumerated under the Labor Code.

This bill could allow any employee who suspects the possibility of an adverse action to stall that action by fabricating a complaint. It would also make it difficult for a supervisor to legitimately discipline a

problem employee who has exercised any right given under the Labor Code. This bill would create a burden on employers who would constantly have to defend any disciplinary action taken. Lastly, AB 274 has the potential to pre-empt a collective bargaining agreement's grievance procedures, and could interfere with the ability for the parties to negotiate a settlement.

This bill is similar to AB 2990 which I vetoed last session. While this bill attempts to address the concerns of AB 2990, it still conflicts with the presumption of innocence until proven guilty.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 692

Governor's Office, Sacramento
October 10, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 692 without my signature.

I have the greatest respect for the author of this bill and fully support the design build process, as evidenced by my signature on six separate bills that have authorized design build on a limited basis for local governments, schools, state office buildings and transit agencies. I support the author's attempt to involve state employees in the process as well, and believe that we should not preclude their inclusion in design build opportunities in the future.

I also recognize the Legislature's commitment to expediting these particular projects throughout the state. Unfortunately, as drafted, the bidding procedures included in this bill create legal, liability and accountability obstacles that threaten to undermine the benefits being sought through the design-build process.

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

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1219

Governor's Office, Sacramento
October 10, 2003

To the Members of the California Assembly:

I am returning Assembly Bill 1219 without my signature.

This bill would establish the within the Department of Corrections (CDC) a Correctional Education Board (Board). The Board would be required to adopt and enforce all rules and regulations for the management and operation of educational programs within CDC, including operating procedures and the goals of correctional education.

This measure, which is nearly identical to Senate Bill 1845 which I vetoed in 2000, and Senate Bill 404 which I vetoed in 2001, would result in major General Fund costs, potentially in excess of \$200 million annually according to the Department of Finance, to expand correctional education programs. Additionally, the bill would also require additional funds to be appropriated to correctional education programs even if the overall prison population declines due to the

success of correctional educational programs. Given the State's budget circumstances, I cannot support a bill that increases State spending in situations where declining caseloads should produce General Fund savings.

Additionally, this bill would remove management control of educational programs at the institutional level. The bill also prohibits the redistribution of funds appropriated for correctional education programs for other purposes without the approval of two-thirds of the Board. Effectively, this bill would impair CDC's ability to manage its resources.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1392

Governor's Office, Sacramento

October 10, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 1392 without my signature.

Last year's SB 1950, which went into effect January 1 of this year, required the Medical Board to prioritize cases with respect to the greatest potential of patient harm. Although this bill is a well-intentioned attempt to aid the Medical Board in prioritizing the vast number of patient complaints it receives each year, the newly created statutory priorities specified in SB 1950 already ensure the Medical Board cannot pursue less serious offenses until cases involving more serious offenses have been pursued.

Further, the Board would be informing consumers in writing that their complaint is not a priority to the Board and the consumer should try to seek redress elsewhere. This is not good consumer policy for a public agency whose mission is to protect and serve consumers.

For the aforementioned reasons, I am unable to sign AB 1392.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1438

Governor's Office, Sacramento

October 10, 2003

To the Members of the California Assembly:

I am returning Assembly Bill 1438 without my signature.

This bill would allow business entities being investigated for alleged illegal activity to demand from the investigating government agency copies of records seized and to receive those copies or access to the records for copying within five business days.

While there may be some instances where entities under investigation should be allowed copies of seized records, existing law provides for relief. A business may petition the court which issued the search warrant that it would suffer financial harm unless it is provided a copy of the seized records. If the court is satisfied the business would suffer financial harm it has the authority to order that copies of the business records be produced within a reasonable timeframe and turned over to the business. Although the proponents of the bill have given anecdotal examples, no substantive documentation has been provided evidencing

that legitimate businesses are being put out of business because they cannot obtain copies of seized records through the existing court process.

Under AB 1438, not only would law enforcement have to examine the documents seized within a short five-business day duration, but if law enforcement requests additional time or otherwise objects to returning the documents, the District Attorney's Office will have to intervene, become familiarized with the investigation, and file a motion with the court, all within the same short five-business days period. This process would be especially onerous for contraband materials such as pornography, which would require specialized investigators to review the material and highly skilled prosecutors versed in constitutional law to file a motion with the court for delays or denials.

The immediate return of seized documents will almost always "tip off" a target of an investigation, during a time when the investigation is incomplete and the target can still take actions to cover tracks and dissuade witnesses.

While AB 1438 does give prosecutors a qualified judicial remedy where furnishing copies "will pose a significant risk of *ongoing* criminal activity" the burden rests with the prosecution to show that this risk exists rather than with the business to show that it does not. This procedure offers no protection, however, where the crime is already complete but the suspect under investigation remains uncharged.

AB 1438 would create additional costs for state and local governments at a time when governmental entities are required to cut current programs and staffing levels. As statute currently provides a cost-efficient method by which business entities may request copies of seized records through the courts, I find it fiscally unsound at this time to establish a more costly process and place an additional burden on government agencies.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 12th day of October 2003 at 12:20 p.m., of Assembly Bills Nos. 51, 274, 692, 1219, 1392 and 1438 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 94

Governor's Office, Sacramento
October 11, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 94 without my signature.

This bill would allow select local governments to impose a property tax rate in excess of Proposition 13's 1% cap to fund pension obligations for programs that were approved prior to July 1, 1978. I am concerned that this bill would permit local governments to raise property taxes without voter approval. Under Proposition 218, no tax may be imposed by local governments without a vote of the people.

I understand the fiscal pressures local governments are facing in these difficult economic times. However, this measure is not an appropriate remedy because it does not require cities to obtain voter approval of increased property taxes.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 773

Governor's Office, Sacramento
October 11, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 773 without my signature. This bill would change the composition of the Ventura County Transportation Commission (VCTC).

While I appreciate the author's efforts to change the voting membership of the VCTC so that cities and supervisors are more adequately represented, I have reservations about signing such an important measure when it does not have the consensus of those involved and affected. In the spirit of good government and good public policy, AB 773 needs to have further public viewing and a consensus reached before being enacted.

I would therefore encourage the proponents and opponents to work together in the next few months and return in January with a measure that is mutually acceptable to everyone. If a consensus can be reached on how the VCTC should be reconfigured, I would encourage the legislature to pass such legislation.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 12th day of October 2003 at 12:21 p.m., of Assembly Bills Nos. 94 and 773 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN
Assistant Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 52

Governor's Office, Sacramento
October 12, 2003

To the Members of the California Assembly:

I am returning Assembly Bill 52 without my signature.

This bill, in conjunction with SB 19, would indefinitely uncap the apportionment for local educational agencies to offer supplemental instruction for pupils in grades 2–6 who have been identified as being at risk of retention.

During the last five years, I have provided schools with unprecedented resources directed toward ensuring that schools are provided with the essential elements for bringing students to grade level standards. Specifically, I have provided over \$2 billion for supplemental instruction; more than \$705 million has been provided for standards aligned professional development to provide teachers with the knowledge and skills necessary to teach to the standards; another

\$1.1 billion has been devoted to administrator professional development and additional teacher training to further improve the schools instructional program; almost \$955 million has gone to low performing schools to reform and develop cohesive standards-based programs; over \$1.7 billion has been allocated for instructional materials; and this year I have given school districts 100% flexibility for categorical programs to help meet local needs, including supplemental instruction.

Given the State's fiscal outlook and the significant funding I have provided to help students meet the new standards, it would not be fiscally prudent, at this time to remove the cap. For these reasons, I cannot support this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 331

Governor's Office, Sacramento

October 12, 2003

To the Members of the California Assembly:

I am returning Assembly Bill 331 without my signature. This bill would suspend the one week required waiting period for Unemployment Insurance for employees involved in a lockout or labor dispute.

This measure would place additional pressure on the State's Unemployment Insurance fund, which is already strained due the current economic conditions.

For this reason, I cannot support this measure.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 446

Governor's Office, Sacramento

October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 446 without my signature.

As I have emphasized in the past, this Administration strongly believes that State employees should be paid on a timely basis, and we have worked diligently with the State Controller to accomplish that.

Last year I vetoed SB 360, which is nearly identical to this bill. Similarly, this bill is not needed because the Federal Fair Labor Standards Act already provides for the payment of wages, including overtime, prior to the close of the next subsequent pay period. The State is also subject to Labor Code Section 207, which requires regular pay days.

Additionally, according to the Department of Finance, the provisions of this bill would result in increased workload and undetermined costs to the State Controller, resulting from the necessary revamping of the payroll system. At a time when the State is operating with limited staff resources and striving to further reduce State expenditures, this bill is unnecessary.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 457

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 457 without my signature.

This bill would authorize the State of California, the California State University System, the Judicial Branch, CalPERS contracting agencies, local schools and community colleges, and 1937 Act counties to offer an incentive of up to two years service credit or two years of age to employees who agree to retire within a certain timeframe.

While this bill contains many safeguards, including requirements that the incentive is bargained for and that cost savings must result, there is still a very real potential that public employers will be paying to encourage retirements that would have occurred even without that incentive. Further the existence of a retirement incentive program such as a "Golden Handshake" has the unintended consequence of delaying rather than encouraging timely retirements; specifically, employees who normally would retire delay that retirement awaiting the implementation of a Golden Handshake.

At any rate, I have already signed AB 719 and AB 55 this year, which would allow State and local government employees to purchase up to 5 years of service to enhance retirement benefits. These benefits will encourage early retirement at no cost to the public employer. Therefore, I am unable to sign this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 487

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 487 without my signature.

This bill would require the imposition of two new fees on consumers who rent cars in California.

I believe it is inappropriate to impose new fees purely for the benefit of one industry. In addition, stating these new rental car fees separately is misleading to consumers who may not be aware that advertised rental car prices do not include vehicle license fee charges.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 522

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 522 without my signature.

This bill would have required local agencies to accept an identification card issued by the Mexican Consulate Office, or Matricula Consular, as an official form of identification to the extent permitted by federal law.

Under current law, any local agency is free to accept identification cards issued by the Mexican Consulate Office, and a number already have. However, I recently signed SB 60, which allows taxpaying immigrants to obtain either a valid California identification card or valid California's driver's license. Thus, there is no need to sign this measure.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 526

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning AB 526 (Chan) without my signature. This bill would permit Alameda County to create a pilot program for county elections whereby individuals could register and vote at specified locations during the 14 day period up to and including election day.

While I appreciate the author's efforts to increase voter participation, I continue to have concerns that same day registration will lead to logistical problems and overall confusion at the polls on election day.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 643

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 643 without my signature.

This bill would allow the legislature to make appointments to the Occupational Safety and Health Standards Board in the event that a vacancy exists for more than 60 days.

I am vetoing this bill because it would interfere with the separation of powers between the executive and legislative branches of government.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 828Governor's Office, Sacramento
October 12, 2003*To the Members of the California Assembly:*

I am returning Assembly Bill 828 without my signature.

AB 828 requires elections officials to establish and implement alternative voting procedures in the event a precinct board runs out of ballots. It also requires every county to develop an alternative voting procedure in the event that an electronic voting system fails.

While I appreciate the author's effort in addressing such issues, I am concerned that allowing voters to use any type of paper to cast his or her vote could lead to voter fraud and confusion. Furthermore, according to the Department of Finance, this bill could result in a significant reimbursable state mandated program for the requirement that polling places follow specified procedures when a precinct runs out of ballots. Therefore, I am unable to sign this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 899Governor's Office, Sacramento
October 12, 2003*To Members of the California State Assembly:*

I am returning Assembly Bill 899 without my signature.

This bill would require the State to enter into a binding arbitration with employees of the California Department of Forestry Firefighters (Collective Bargaining Unit 8) when an impasse has been declared over economic issues.

I am unable to sign this bill because it would erode the authority of the State fiscal and employment policymakers to ensure that the State's policies in these areas are followed. Collective bargaining between the State and employee unions should be left between those two entities and not to an outside arbitrator.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 12th day of October 2003 at 10:47 p.m., of Assembly Bills Nos. 52, 331, 446, 457, 487, 522, 526, 643, 828, and 899, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1027

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 1027 without my signature.

By requiring extensive joint salary surveys for Bargaining Unit 10, the California Association of Professional Scientists, this bill would duplicate existing surveys conducted by the Department of Personnel Administration. Additionally, the salary survey required under this bill conflicts with AB 2477, which I signed last year. AB 2477 established the Excluded and Exempt Employee Salary-Setting Task Force. The Task Force's mandate is to develop and recommend by July 1, 2004, an equitable salary and benefit setting process for excluded and exempt employees in State government.

Finally, this bill would require the Department of Personnel Administration to "meet and confer in good faith" with the California Association of Professional Scientists over salary survey methodology for supervisory employee classes. By utilizing this term of art in the context of salary issues affecting supervisory employees, this bill could be construed as a step to extending collective bargaining rights to an excluded employee organization. Given these concerns, I am unable to sign AB 1027 in its current form.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1051

Governor's Office, Sacramento
October 12, 2003

To the Members of the California State Assembly:

I am returning Assembly Bill 1051 without my signature.

This bill would revise and recast the statutory provisions that govern the methodology by which public agencies providing public utility services assess their capital costs for providing those services to school districts, community college districts, California State University, University of California, and State agencies.

Current law, enacted in 1988, requires capital costs assessed upon the State and other public entities to be proportionate to those entities' use. AB 1051 would define "capital facilities fees" as those capital costs related solely to providing service to new or expanding customers. Unfortunately, this change in definition would exclude capital costs related to maintaining, repairing, or upgrading existing utility infrastructure from the requirement that costs be allocated proportionately, or otherwise be negotiated.

In redefining the terms "service rate/charge" and "surcharge," this measure would allow new capital facilities fees, fee increases, and surcharges to be imposed without mutual agreement and removes the "actually serving" and price deflator limitations. In addition, it imposes a short statute of limitations on recovering past overcharges and provides little in the way of notice and disclosure for new fees and fee

increases. These existing statutory provisions are the only protections that educational facilities and State agencies have against being unfairly charged.

I am concerned about the potentially significant fiscal impact on public entities and state agencies, specifically, educational institutions. Public utility providers should provide more information about how capital costs are allocated by rate class. I note that some public agencies providing utility services already make such information available to their customers.

For these reasons, I am unable to approve this measure at this time.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1093

Governor's Office, Sacramento

October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 1093 without my signature.

This bill would enact the California Living Wage Act, which will require the State of California, and any employer that contracts with the state, to pay a living wage to its employees.

Although I support the concept of higher wages for workers, this bill would:

- Result in increased General Fund costs that are not included in the Budget Act of 2003;
- Increase contracting costs for all state departments at a time when they can least afford it;
- Reduce competition for state contracts, thereby driving up costs and limiting the types of solutions available to state agencies;
- Raise policy concerns about the appropriateness of paying a living wage to high school and college students, who work part time for the state and who are presumably not independent wage earners;
- In addition, it is not clear which state entity, the Department of Finance or the Department of Industrial Relations, would be responsible for adjusting the wage annually, nor under what circumstances the CCPI would be discarded in favor of an "adequate living wage standard" as determined by DIR.

In light of the State's current economic condition, I am hesitant to sign this measure at this time and would hope the next Administrations reconsider this proposal in better economic times.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1133

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 1133 without my signature:

This bill provides that if a judgment for unpaid wages or penalties remains unsatisfied for 6 months after the judgment becomes final, a penalty equal to the amount of the judgment is applied. This penalty is then applied every 6 months the judgment remains unsatisfied, up to a maximum of 4 times.

This bill is intended to encourage employers to promptly satisfy judgments entered against them by the Labor Commissioners Office. However, existing law already provides that interest on judgments accrues at a rate of 10 percent per annum on the principal amount of a judgment, which remains unsatisfied.

I applaud the author for his efforts to ensure prompt payment of unpaid wages and any associated penalties. While the current 10 percent per annum rate on a judgment may not be a sufficient penalty, potentially doubling a judgment 240 percent in a two-year period is excessive. I encourage the Legislature to find a more appropriate penalty scheme.

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

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1245

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 1245 without my signature.

This bill would require the Attorney General (AG) to forward a draft copy of a proposed initiative to the Secretary of State (SOS). SOS is then required to post the draft, including the names of the proponents, on its web site for 30 days to facilitate public comment on the measure. The public comments will be retained on the web site for 90 days. After 120 days, proponents have the option to direct the AG to prepare the draft as originally presented, a revised draft, or posed a revised draft on SOS's web site for another 30 days.

Specifically, under this bill, I am concerned that an initiative could receive either a negative or positive public comment while displayed on the SOS' web site; the proponents may then revise the initiative, but is not required to repost it. Consequently, the public may see one version of the initiative prior to the election and an entirely different initiative during the election. Furthermore, this bill would cost approximately \$100,000 in General Fund, which is prohibitive in light of California's fiscal condition.

While I fully recognize the intent of this bill is to facilitate public comment on statewide initiatives and appreciate the efforts of the author in addressing such issue, I am unable to sign this bill in its current form.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1308

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Assembly:

I am returning Assembly Bill 1308 without my signature.

This bill would (1) authorize the Department of Alcohol and Drug Programs (DADP), to develop a fee system for alcohol and other drug (AOD) providers, (2) require courts to receive agreement from providers before discontinuing narcotic replacement therapy, (3) require the DADP to publish treatment protocols for AOD addiction services in local correctional facilities by January 1, 2007, and (4) prioritize future grants designated for local correctional facilities that have programs consistent with the DADP's treatment protocols.

While there is value in making treatment available to the in-custody population, this bill would heavily burden counties that do not have the resources to establish a program and would effectively bar them from receiving state grant support because those funds would perpetually be out of reach. The priority consideration granted to counties with an approved plan will create a two-tier system. This measure ensures that those counties that do not currently run programs continue to be disadvantaged in their quest to develop like programs.

I believe that the DADP should publish a treatment protocol for AOD addiction in correctional facilities. It is important to establish a "best-practice" approach for treating inmates addicted to drugs. As local and State correctional facilities voluntarily begin to follow the model protocol, the rate of repeat incarceration for AOD-related crimes should decrease.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1715

Governor's Office, Sacramento
October 12, 2003

To the Members of the California State Assembly:

I am returning Assembly Bill 1715 without my signature.

This bill would make it an unlawful employment practice for an employer that has five or more employees to require an employee to waive any rights or procedures under the Fair Employment and Housing Act as a condition of employment. I vetoed a similar bill last year. As I stated last year, there is no question that employees have the right to be free from discrimination and sexual harassment on the job, and I have signed landmark legislation to further achieve that aim.

I do believe that the arbitration process needs to be addressed to ensure that it is fair and cost-efficient for all parties. That is why I was pleased to sign SB 475 (Escutia) in 2001, which provided for the creation of ethical guidelines for arbitrators in alternative dispute resolution (ADR). There may be other reforms to the arbitration process that the Legislature can adopt which will be fair to employees and employers alike.

California Department of Fair Employment and Housing laws apply to businesses with five or more employees. This bill would apply to small businesses, the entities most likely to benefit from ADR. In my State of the State address I pledged to help California's small businesses

to compete and thrive in California. I am concerned about adversely affecting the ability of California business to cost efficiently resolve disputes.

I am proud of my civil rights record and proud of the many significant civil rights measures this Legislature has authored, passed and presented to me for signature. I want to thank the sponsors, the supporters and all of the members of the Legislature for their dedication to insuring California has the strongest civil rights laws in the nation. Attached is a partial list of civil rights bills passed by the Legislature that I was honored to sign.

Sincerely,

GRAY DAVIS

Veto Message, Assembly Bill No. 1715—Referenced Attachment

California Civil Rights Legislation signed under Davis Administration

- AB 26 (Migden, 1999) and AB 25 (Migden, 2001) established the nation's first Domestic Partner Registry, extended health care benefits to domestic partners and provided domestic partners with hospital visitation rights.
- AB 537 (Kuehl, 1999) prohibits harassment and discrimination of students on the basis of sexual orientation.
- AB 1001 (Villaraigosa, 1999) amended the Fair Employment and Housing Act to prohibit discrimination in employment and housing on the basis of sexual orientation.
- AB 1670 (Kuehl, 1999), The California Civil Rights Amendments of 1999, gave women, disabled workers, and others greater protection against discrimination; extended anti-discrimination laws to applicants for employment and job training, and prohibited discrimination against employees and applicants based on lawful conduct outside of employment.
- AB 2222 (Kuehl, 1999) and SB 1098 (Burton, 1999) expanded employment rights for Californians with disabilities and banned housing discrimination based on income or financial status.
- AB 1856 (Kuehl, 2000) expressly provided that employees of any entity covered under the California Fair Employment and Housing Act may be personally liable for prohibited harassment perpetrated by a co-employee.
- AB 1088 (Jackson, 2001) protects individuals from gender discrimination pricing and required businesses to display prices and signs summarizing California's laws prohibiting gender discrimination in the prices charged for services.
- AB 2225 (Migden, 2001) ended the statewide ban on adoption by unmarried couples.
- SB 1661 (Kuehl, 2002) extended disability compensation and family leave to domestic partners
- AB 17 (Kehoe, 2003) requires every state contractor to provide the same benefits to domestic partners as are provided to spouses.
- AB 196 (Leno, 2003) expanded the definition of sex discrimination prohibited under the FEHA to include gender. Gender is defined as the employee's actual sex, or the employer's perception of the employee's identity, appearance, or behavior, even if these characteristics differ from those traditionally associated with the employee's sex at birth.

- AB 205 (Goldberg, 2003) expands the rights and responsibilities of registered domestic partners.
- AB 458 (Chu, 2003) ensures that foster children and others in the foster care community are not subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or human immunodeficiency virus (HIV) status.

RECEIPT

I acknowledge receipt this 12th day of October 2003 at 10:49 p.m., of Assembly Bills Nos. 1027, 1051, 1093, 1133, 1245, 1308, and 1715, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

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

Signing Messages

Governor's Message—Assembly Bill No. 24

Governor's Office, Sacramento

September 20, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 24. The bill would extend, from 2004 to 2006, the requirement that home sellers give notice to prospective home purchasers about any past release of an illegal controlled substance on the residential property. The bill also allows for the creation of a brochure containing information regarding swimming pool and spa safety. The bill encourages an unnamed private entity, in consultation with the Epidemiology and Prevention for Injury Control (EPIC) Branch of the California Department of Health Services (DHS), to produce an informative brochure for consumer use. If a private entity produces the document and donates it to the department, DHS must review and approve the brochure within 18 months, and place the document on its web site.

Drowning is a leading cause of death, disability and injury for children under five, with half of these drownings occurring in residential pools. The state should take additional steps to inform and remind pool owners and users of steps they can take to minimize the risk of drownings. I am directing the Department of Health Services to implement this bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 786

Governor's Office, Sacramento

September 20, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 786, but I wish to advise the Assembly that implementation of this law is dependent upon federal action.

This bill requires the County of San Mateo, on a pilot project basis, to adopt the Minimum Data Set-Home Care (MDS-HC) assessment

instrument for use by home- and community-based health programs in San Mateo County that serve elderly and disabled persons. Many of these programs receive funding from State-administered programs that use federal funds, such as the Medi-Cal program, and must comply with federal requirements to maintain eligibility for federal funding. The federal government will sometimes modify those requirements, upon request by the appropriate State agency. If a federal agency requires submission of a federal Medicaid waiver for implementation of AB 786, the Department of Health Services would incur substantial costs for preparation of that request.

This bill, however, provides that State funds shall not be appropriated for its purposes. I wish to clarify that, to avoid this inconsistency, implementation of this bill will proceed only if no federal agency requires a State agency to submit a federal waiver for modification of federal requirements as a condition for continued federal funding with the implementation of AB 786.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 938

Governor's Office, Sacramento
September 20, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 938. This bill establishes the Licensed Mental Health Provider Education Program (Program) and the Mental Health Practitioner Education Fund. The Program would provide scholarships and loan forgiveness to mental health professionals, who agree to serve in certain medically underserved areas upon graduation. The Program would be funded through a \$10 fee added to the fees paid by licensed clinical social workers, psychologists and marriage and family therapists at the time of license renewal.

The shortage of mental health providers is one of the most urgent issues facing the mental health system. I am signing this bill with the understanding that the Office of Statewide Health Planning and Development (OSHPD) will implement it within existing resources. I will support legislation that gives OSHPD an additional year for implementation beyond the 1/1/05 start date currently in the bill.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1783

Governor's Office, Sacramento
September 20, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1783 which would delete the January 1, 2004, sunset on the postsecondary education cross enrollment program, and would authorize the host campus to charge an administrative fee that is sufficient to cover the costs incurred by that campus, rather than the currently authorized fee of \$10.

Lifting this cap without a policy to ensure a consistent fee policy in place could lead to unequal treatment of cross enrolled students across the segments. I am signing this bill with the understanding that this issue

will be revisited next year to establish a policy requiring a consistent fee on an annual basis, in a manner that provides fair treatment within each postsecondary education segment.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 170

Governor's Office, Sacramento
September 22, 2003

To Members of the California Legislature:

I am signing Assembly Bill 170, which requires the amendment of each city and county's General Plan within the next five years to incorporate strategies for air quality improvement.

This bill makes provisions for long term planning within the San Joaquin Valley to address the serious air pollution problems impacting the Valley's residents.

This bill does not result in a reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the requirements of this act. As stated in the bill, it is the intent of this legislation for local agencies to use their existing fee authority given under California Government Code Sections 65104 and 66014 to acquire any additional funds needed to implement the provisions of this bill.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1266

Governor's Office, Sacramento
September 28, 2003

To Members of the California Legislature:

Assembly Bill 1266 makes various statutory changes necessary to implement the education portion of the 2003 Budget Act, and generates savings and cost avoidance in 2003–04.

I am signing this measure with the expectation that the Legislature will pass clean-up legislation to eliminate language that could retroactively deny 2003–04 Governor's Scholars Awards to students who were eligible to receive an award and complied with the underlying standardized tests during Spring 2003. Since students have already earned this entitlement, it is not possible to retroactively change statute to deny them the awards for which they are eligible under current law.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1576

Governor's Office, Sacramento
September 28, 2003

To Members of the California Legislature:

I am signing Assembly Bill 1576 which authorizes local building code enforcement agencies to issue citations for failure to strap, anchor or brace a water heater in residential rental units as required by existing law. In addition, this bill also prohibits landlords from evicting tenants

on the basis that the eviction is required for the landlord to comply with the requirements that residential water heaters be anchored or strapped to resist falling due to an earthquake.

In signing this measure, I am also directing the Department of Housing and Community Development to implement the provisions of the bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 826

Governor's Office, Sacramento
September 29, 2003

To Members of the California Legislature:

I am signing Assembly Bill 826, which will require the Department of Toxic Substances Control to develop regulations by December 31, 2005 establishing standards for managing the handling and storage of perchlorate and create a framework for a statewide data base of facilities using perchlorate.

In adopting these regulations I am directing the Department to take measures that protect the confidentiality of perchlorate storage facility locations to ensure protection of homeland security.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 591

Governor's Office, Sacramento
October 1, 2003

To Members of the Legislature:

I am signing Assembly Bill 591, which would encourage the advisory group established jointly by Chapter 31, Statutes of 2002 (AB 1412) and Chapter 989, Statutes of 2002 (SB 1934), to identify career technical education courses that meet state-adopted academic content standards for high school graduation and that satisfy admission requirements for the University of California (UC) and the California State University (CSU).

I am signing this bill with the understanding that the Superintendent of Public Instruction will use existing resources to implement this measure.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1548

Governor's Office, Sacramento
October 2, 2003

To Members of the California Assembly:

I am signing Assembly Bill 1548, which will establish the Office of Education and the Environment (OEE) within the California Environmental Protection Agency to develop environmental education principles and a model curriculum for grades kindergarten through 12.

The bill creates a logical, cost-neutral approach to teach environmental principles and resource conservation in California classrooms. The measure also aligns state agency environmental based

education programs with State approved education content standards and curriculum requirements. This creates more effective environmental education programs and helps focus limited state dollars to a unified educational effort.

Now that a coordinated statewide environmental education program is in place, I am directing all state departments and agencies that expend environmental education funds for teaching children in primary and secondary schools to allocate funding for implementation of this program. However, the bill has some technical problems that could impede implementation. I am signing this measure with the understanding the author will work with CalEPA next year to correct a drafting error and require school districts to consider the environmental education principles when adopting instructional materials.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 390

Governor's Office, Sacramento

October 8, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 390, which requires that specified health facilities test their diesel backup generator in accordance with the most recent standard set by the Joint Commission on the Accreditation of Healthcare Organizations, which would reduce the current testing requirement from weekly or every other week depending on facility type to monthly. These provisions would be repealed as of January 1, 2009. I am directing Department of Health Services to absorb the cost of this bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 942

Governor's Office, Sacramento

October 8, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 942, which authorizes a school district, in the absence of a credentialed school nurse or other licensed nurse, to provide voluntary emergency medical training to school personnel to administer emergency medical assistance to pupils with diabetes suffering from severe hypoglycemia if standards are developed. This bill also permits certain pupils to test their own blood glucose levels and to provide diabetes self-care in any area of the school or grounds upon parent or guardian request.

I am signing this bill because it is vital that we give schools added options to assist diabetic students in need. However, I am concerned that this bill, if enacted, would possibly expose school personnel and schools to the risk of legal and financial liability in the event of injury to a pupil. A pending Legislative Counsel opinion will make a finding on this matter of liability. I am signing this bill with an understanding that the

author has committed to pursue cleanup legislation that would provide stronger legal protections for schools and school staff in the event that the pending Legislative Counsel opinion identifies such a problem.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1326

Governor's Office, Sacramento
October 8, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1326 because I am supportive of experimentation with the delivery of subsidized child care.

This bill would establish a five-year pilot project for subsidized child care in San Mateo County authorizing the County to set its own eligibility criteria and reimbursement rates for providers who wish to participate. The bill would require that the pilot project be approved by the local child care planning council, the County Board of Supervisors, and the Child Development Division (CDD) of the State Department of Education (SDE). Furthermore, the bill would require the County to submit an annual report summarizing the results of the pilot to the Legislature, the Department of Social Services (DSS), and the SDE, and demonstrate by the end of the first complete fiscal year an increase in enrollment over the level of the final quarter of the 2002–03 fiscal year.

The state's child care system is currently overly complicated and inequitable in many respects with regard to ensuring services to the neediest families. This Administration has proposed significant changes to the State's Child Care programs over the last several years in an effort to more equitably serve the state's neediest families and to promote cost containment, including recognition of the problems in high cost counties. The Governor's Budget for 2003 also proposed state-county realignment that would have authorized counties to do all of the things envisioned in this bill and more. While those proposals have resulted in modest levels of reform, I am still aware that more needs to be done.

In signing this bill, I do so with the understanding that this bill will not result in the need for any additional state funding than would have been allocated to San Mateo County providers under current law, including funding for CalWORKs child care programs. While the provisions of this bill do not explicitly ensure this to be the case, I strongly encourage the Superintendent to work closely with the Administration through the Department of Social Services and the Department of Finance to ensure consensus approval of the County's plan prior to any contract changes being approved. I understand the author's intent is consistent with this cost neutral intent, so that this level of review should not impede a thoughtful plan from being implemented.

Further, there should be cleanup legislation to not only codify these understandings, but to remove the restrictions imposed by this bill on the ability of the county to adjust the family fee schedule to raise local revenue for the purpose of making more significant access possible. This would increase the likelihood that any intended increase in reimbursement rates to providers or extension of income ceilings for continued family eligibility would be able to mitigate the higher costs and slower turnover of waiting lists that would result due to these potential local policy changes. The current fee schedule does not

necessarily reflect the optimum balance of parental contributions to assist families and I believe counties should have the flexibility to determine if increases are appropriate for the families they serve. Lastly, I am also concerned that this bill may be construed to authorize exemptions from the recent emergency regulations promulgated by the Superintendent on the use of the Regional Market Rate Survey in voucher based programs and the policy decision made by the Legislature in the 2003–04 budget process to eliminate services to 13 year olds. It is, again, my understanding that no contracts be amended to undo these agreed upon reforms.

I hope that this pilot program will improve self-sufficiency for families, impact positively on school readiness and success, and improve access to the neediest families within existing levels of funding.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 879

Governor's Office, Sacramento
October 9, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 879. This bill requires the Department of Health Services (DHS) Through Office of AIDS, to appoint and convene a task force to develop recommendations for the use of post-exposure prophylaxis (PEP) in the general population. This bill also establishes requirements for task force membership and specifies that the task force members serve without compensation. The recommendations shall be posted on the department's website.

California physicians frequently struggle with a wide range of concerns when evaluating a patient for HIV PEP treatment, including making an accurate assessment of the exposure risk and determining the optimal treatment approach and duration. The guidelines created pursuant to this bill would provide a standardized clinical response and a course of action for all California patients, regardless of whether they receive medical treatment in a rural, urban, or suburban setting.

I am directing DHS to implement this bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 47

Governor's Office, Sacramento
October 10, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 47, which requires the Board of Forestry to adopt regulations by January 1, 2005, to require timber harvest plans (THP) to include maps depicting the location and boundaries of past, present, and reasonably foreseeable future projects on land owned

by a THP applicant. In addition, this bill requires the Board of Forestry to consider impacts of the regulations on smaller landowners in order to avoid excessive costs on those landowners.

In signing this measure, I am also directing the Department of Forestry and Fire Protection to implement the provisions of the bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 54

Governor's Office, Sacramento

October 10, 2003

To the Members of the California Assembly:

I am signing Assembly Bill 54, which would require the California Commission on Teacher Credentialing (CTC) in consultation with the State Department of Education, to contract with an independent evaluator, as specified, to conduct a study of the availability and effectiveness of cultural competency training (professional development programs) for teachers and administrators in culturally diverse public schools.

Last year, I vetoed a similar bill (AB 2604) and its funding because the new teacher preparation program requirements had just been implemented. I am signing AB 54 this year because the new requirements have been in place long enough to study their effectiveness.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 245

Governor's Office, Sacramento

October 10, 2003

To the Members of the California State Legislature:

I am signing Assembly Bill 245 which creates an infraction punishable by a fine of up to \$250 for an individual attending a professional sporting event who throws any object on or across the court or field of play with the intent to interfere with or distract a player and for individuals at sporting events who enter the court or field of play without permission from an authorized person. This bill also exempts individuals convicted of this infraction from paying the associated penalties and surcharges.

I am signing AB 245 based on a commitment from the author to introduce clean-up legislation that would delete the provision of this bill that exempts individuals from paying penalties and surcharges.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 593

Governor's Office, Sacramento

October 10, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 593, which requires that Secretary of State (SOS) to provide voter registration forms to all high schools, community colleges, California State University, and University of

California campuses. This bill eliminates the requirement that a permanent absentee voter who fails to vote in the primary be deleted from the permanent absentee voter list. This bill also directs the Department of Motor Vehicles (DMV) to forward digitized signatures (electronic copy) of individuals who register to vote to the SOS.

While I have always supported efforts to increase voter participation, I have vetoed similar bills in the past due largely to the mandate provision of such bills. Such mandate is not included on this bill. I note, however, that I am still concerned with the potential State costs associated with this bill in light of California's fiscal condition.

Therefore, to address the potential State costs associated with this bill, the SOS and the author have agreed that implementation of this bill, including the requirement that DMV forward digitized signatures to SOS, will be based on availability of federal funds from the Help America Vote Act of 2002.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 855

Governor's Office, Sacramento

October 10, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 855 contingent upon the authors pursuing clean-up legislation in January 2004.

This bill requires the Department of General Services (DGS) to compile and make available on request an inventory of State property available for wireless telecommunications facilities, and authorizes DGS to enter into agreements to lease State property to site wireless telecommunication facilities. This bill also sets aside 15% of the revenues generated from the new wireless telecommunication facility leases to provide grants to nonprofit, community-based organizations for accessing e-government services (digital divide).

AB 855 will provide new opportunities for locating wireless telecommunications facilities throughout the state and will encourage construction of wireless telecommunications facilities on suitable State property that will enhance wireless service quality for Californians. It is estimated that this bill will generate between \$20 and \$40 million to the State's General Fund through revenues raised by lease fees from wireless carriers that choose to locate equipment on property designated by the state.

This bill will result in a "win-win" outcome, enhancing providers' ability to locate wireless facilities and, subsequently, generating additional revenues for digital divide projects. AB 855 will help to close the technology gap that exists between access to technology resources and the state's low-income, disabled, and rural populations by supporting the work of community technology centers. This bill creates a new source of funding to enhance this effort as well as a new source of revenue for the State General Fund.

The authors have agreed that the clean-up legislation will clarify: 1) DGS will not enter into a lease of state property without the approval of the state entity that has control over the property; and 2) that if a wireless telecommunication facility is sited on land purchased with money from a continuously appropriated special fund, all revenue generated from the lease shall be deposited into that special fund.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 998

Governor's Office, Sacramento

October 10, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 998, which establishes a Nontoxic Dry Cleaning Incentive Trust Fund to encourage California dry cleaners to switch from the dry cleaning solvent perchloroethylene (PCE) to less toxic alternatives. Fees on each gallon of PCE purchased would fund a demonstration project and provide incentive grants to dry cleaners to switch to less toxic alternatives.

AB 998 provides the financial incentives needed for dry cleaners to use the cleanest possible alternatives to PCE, a known carcinogen. There are two known non-toxic and non-smog forming alternative technologies available to the dry cleaning industry: wet cleaning with water and carbon dioxide cleaning. As an example, Hanger Cleaners in San Diego uses carbon dioxide cleaning and reports positive customer response and a cleaner environment for employees and the surrounding community. I am proud to join eight other states that have passed similar laws to promote alternatives to PCE.

Although I am signing this bill, I am greatly troubled by an increasing California pollution problem caused by emergent contaminants fouling our water and air, such as PCE, chrome 6, MTBE, radiation, PBDE, and perchlorate. Therefore, I challenge the author and stakeholders to continue the leadership shown by this measure and lead the way next year to devise an innovative solution to address the cross-media pollution problems caused by PCE and the other emergent contaminants.

I am signing this bill with the understanding that the Air Resources Board, Office of Environmental Health Hazard Assessment and Department of Health Services implement this measure within existing staff resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1208

Governor's Office, Sacramento

October 10, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1208, which allows board members of small rural districts (e.g., such as a small irrigation district) to have a financial interest in a contract provided that: (1) the board member is a member of a special district serving a population less than 5,000; (2) the contract is for either maintenance or repair of the district's property; (3) the board member did not participate in the formulation of the

contract; and (4) at a public meeting, the governing body of the district determines that the property acquisition or maintenance and repair services cannot otherwise be obtained at a reasonable price. Additionally, this bill specifies that if a party challenges the contract, the district shall bear the burden of proof to show the contract fits within the definition of a remote interest.

I vetoed a similar bill, SB 2064 (Costa, 2000), because it would have diminished the level of public protection by expanding established conflict of interest rules. As drafted, AB 1208 has addressed my concerns. Specifically, AB 1208 requires that the contract cannot otherwise be obtained at a reasonable price and places the burden of proof on the district should there be a challenge by any party to the contract. Given these safeguards, I am signing AB 1208.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1497

Governor's Office, Sacramento
October 10, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1497, which makes changes to the current landfill oversight process.

In signing this measure, I am also directing the Integrated Waste Management Board to implement the provisions of the bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1521

Governor's Office, Sacramento
October 10, 2003

To the Members of the California Legislature:

Assembly Bill 1521 specifies the dates on which an all-mail ballot election may be conducted and allows municipal elections to be held on five different election dates. I have vetoed a similar bill, AB 718 (Pacheco), this session because certain provisions would have had a significant reimbursable State-mandated cost to the General Fund. This bill no longer has the mandate cost provision. Therefore, I am signing this bill.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1688

Governor's Office, Sacramento
October 10, 2003

To Members of the California Legislature:

I am signing Assembly Bill 1688 which helps to control the exploitations of labor law violations in the car wash and polish industry. It requires any employer that operates a car wash and polish business to register with the Labor Commissioner and to comply with applicable statutory and regulatory requirements. In addition, this bill creates the Car Wash Worker Restitution Fund for the purpose of providing restitution to car wash workers that are injured by a car wash and polish

business' failure to pay wages. A portion of the car wash and polish industry registration fee will be used for administration and enforcement of the Car Wash Worker Restitution Fund.

This bill addresses the concerns that I voiced in vetoing a SB 1097 (Hayden, 1999), a similar bill. Additionally, since vetoing that bill, my Labor Commissioner has conducted enforcement sweeps of this industry across the state. The Labor Commissioner has found multiple violations of California labor law, including: illegal cash pay, child labor law violations and failure inadequate workers compensation insurance. In addition, through these investigations, it became evident that this segment of the work force is often reluctant to report these crimes to a governmental agency for fear of retaliation. Therefore, the licensing and enforcement program created by this bill is necessary to protect these vulnerable workers.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1631

Governor's Office, Sacramento
October 12, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1631, which eliminates the requirements in existing law that a school district must be operating on a multi-track year-round (MTYRE) schedule in order to be eligible to receive a supplemental grant for any project when it plans to demolish an existing single-story building and replace it with a multi-story building.

Last year I vetoed a similar bill because I was concerned that severely overcrowded school districts would be competing for the same funding as other school districts. My concerns have been mitigated since the voters passed Proposition 47 in November 2002, which provided that critically overcrowded schools have a separate funding source (\$1.7 billion) for modernization and new construction. Therefore, the competition for supplemental grants between critically overcrowded districts and other school districts no longer exists.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1719

Governor's Office, Sacramento
October 12, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 1719, which would strengthen the notification and reporting requirements in existing law regarding complaints filed with the State Department of Occupational Safety and Health and extends the sunset for the state's electrician certification program. This bill would also specify the organization authorized to establish an alternative dispute resolution procedure for licensed jockeys.

I am signing this measure because the Department of Industrial Relations indicates this bill can be implemented within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 14

Governor's Office, Sacramento

October 12, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 14, which would allow the Los Angeles Unified School District (LAUSD) to establish a job order contracting process that would allow contractors to competitively bid adjustment factors to projects with pre-determined unit prices, with the contract being awarded to the contractor that bids the lowest adjustment factor. LAUSD would be authorized to implement and utilize the alternative pilot process for small public works modernization and maintenance projects that do not exceed \$1 million until December 1, 2007. The bill would also add legislative intent language indicating that a moratorium be placed on the enactment of any additional legislation authorizing school districts to use job order contracting until the Legislature has received the reports required pursuant to this bill.

Last year I vetoed a similar bill (AB 2841) because it did not have adequate protections for ensuring an that open and competitive bidding process would be used for public works and maintenance projects.

I am signing AB 14 because it includes safeguards requiring LAUSD to competitively bid its job order contract projects, clarifies that the bill does not preclude the district from using the traditional method of contracting, specifies that the contracts are awarded to the lowest bidder, and prohibits the district from using job order contracts if the district determines this approach will result in higher costs than the traditional contract method.

In addition, I believe that job order contracting could result in cost savings for modernization projects of the LAUSD. This bill gives further assurances that small contractors are not discouraged by the size of the district and the potential quantity of work. In this regard, I encourage the school district to bid job order contracts on a "local district" basis within the district, rather than on a district-wide basis.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 71

Governor's Office, Sacramento

October 12, 2003

To Members of the California State Assembly:

I am signing Assembly Bill 71 which would require the establishment of a program to license tobacco retailers, wholesalers/distributors, importers, and cigarette manufacturers, administered by the State Board of Equalization (BOE). The bill also includes additional fines and penalties for sales of tobacco to minors, including license suspension, with such suspension or revocation for tobacco sales to minors in effect only after repeated violations and if the state rate of tobacco sales to minors is 13 percent or greater.

I am signing this measure because it is a step in the right direction to combat the illegal sales of cigarettes and related tax evasion.

However, fighting the deadly effects of tobacco has been a top priority of my Administration and California is the worldwide leader in tobacco control. In the last five years this administration has:

- Fought the tobacco industry and won. Our hard hitting and thought provoking ad campaign has unmasked the industry's hidden agenda to lure Californians to their tobacco products;
- Reduced the rate of youth smoking to one of the lowest in the nation and reduced the adult smoking rate faster than any other state;
- Reduced the rate of sales of tobacco to minors to an all time low;
- Enacted tough anti-smoking laws to create smoke-free zones around children's playgrounds and public buildings, expand enforcement of laws prohibiting sales of tobacco to minors to include sales over the internet and through the mail, and prohibit cigarette sales through self service displays; and
- Established a government-wide effort to identify and stop predatory retailers who sell tobacco to our children.

I am strongly opposed to the provisions of this measure that allow a vendor to remain licensed by the State to sell tobacco after they have been sanctioned numerous times for selling cigarettes to minors. I urge the Legislature to enact tougher legislation next year that enables the state to aggressively monitor and enforce laws prohibiting tobacco sales to minors and specifies stronger penalties on those who violate the law.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 264

Governor's Office, Sacramento
October 12, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 264 to accommodate special district circumstances that require exceptions from current law. Normally, I would be reluctant to support policy that would reduce school district capacity to fund future capital needs because it would be contrary to the long-term interests of both the districts and the State. However, this bill's provisions are very limited in scope as only 25 percent of the proceeds could be used, and it applies only to school districts with declining enrollment and to property that has been previously sold. Thus the bill would be applicable in very limited circumstances; therefore I am willing to provide an exception given the current funding constraints such districts face.

I would, however, discourage future legislation that would broaden school districts ability to utilize proceeds from the sale or lease of surplus property to support operational activities. Such legislation would set a bad precedent. Allowing access to these resources for operational purposes would risk discouraging school districts from making the necessary budget decisions to achieve long-term fiscal health.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1137

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Legislature:

I am signing Assembly Bill 1137 which increases the oversight responsibilities of chartering entities, makes the renewal of a charter petition contingent upon meeting specified academic performance criteria, and augments the Charter School Categorical Block Grant.

Future legislation will be needed to clarify the academic accountability measures included in this bill to ensure that these measures serve as adequate indicators of a charter school's academic performance. Further, there must be a comprehensive reconsideration of the specific inclusion or exclusion of specific categorical programs as part of the Charter School Categorical Block Grant in light of the importance of specific incentive funding programs such as the Instructional Materials Funding Realignment Program.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1337

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Legislature:

I am signing Assembly Bill 1337 that would require special education hearing officers to issue specified written findings prior to rendering a decision to place, or reimburse for placement, a pupil with exceptional needs in a nonpublic, nonsectarian school or agency (NPS/A).

I am signing this bill because I believe it will help ensure that NPS/A placements will only be used when they are absolutely necessary to meet the educational needs of a student. However, I am concerned about the bill's requirement that hearing officers assert in written findings that the district's program has not complied with legal requirements. Specifically, I am concerned that such a requirement would inappropriately encourage hearing officers to make this finding, even when it is not accurate. Further, by requiring such findings, the bill may jeopardize federal education funding.

I am signing this bill with a commitment from the author that she will work with the Department of Finance to craft cleanup legislation that will be pursued in the second year of this legislative session so as not to jeopardize federal funding.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1685

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Legislature:

I am signing Assembly Bill 1685, which reauthorizes the California Public Utilities Commission's Self-Generation Incentive Program until December 31, 2008, providing the solar and the distributed generation (DG) industry greater financial certainty and Californians

greater energy independence. This program provides the largest source of renewable energy project funding in the nation with \$125 million per year for solar, wind, fuel cell, and co-generation projects.

AB 1685 codifies the Self-Generation Incentives Program, continuing the development of new, cleaner electric power. It is important that investors who finance new projects leading the state to energy independence have assurance that this program will continue to support them. However, I do not believe this codification abrogates the PUC's underlying authority to establish or continue similar incentive programs in the future.

I am concerned by the disqualification of "waste gas" fired internal combustion engines from the program. These sources can have lower emissions than the alternative of directly flaring the waste gas to the air. I understand the author has agreed to introduce legislation next year which addresses this issue and ensures that not only the producers of the cleanest and most efficient gas distributed generation projects continue to participate in the program, but that those who reduce emissions by generating power using "waste" gas also qualify for the program.

I would also encourage the author to include a mechanism to certify compliance with the efficiency standards to ensure that qualifying clean and efficient distributed generation projects can establish eligibility for the program.

For these reasons, I am signing this measure.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 862

Governor's Office, Sacramento

October 12, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 862, which provides that any state agency seeking to employ outside legal counsel must provide the representative of Bargaining Unit 2, California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE), with a written notice. The notice shall include a copy of the complaint or other pleadings, justification for the contract, nature of legal services, estimated hourly wage to be paid under the contract, estimated length of the contract, and identity of the person or party entering into the contract. This bill also specifies that disclosures under this bill are deemed to be privileged communications and shall not be construed to be waiver of any privilege.

I vetoed a similar bill, SB 2850 (Firebaugh), last year because it did not provide adequate protection with regards to information that are attorney-client privilege, work product or deliberative process. As drafted, AB 862 has addressed my concerns. Specifically, AB 862 specifies that disclosures under this bill are deemed to be privileged communications and shall not be construed to be waiver of any privilege. Given these safeguards, I am signing AB 862.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 654

Governor's Office, Sacramento
October 12, 2003

To the Members of the California Legislature:

I am signing Assembly Bill 654, expresses legislative intent with respect to CSUS utilization of part time faculty. It expresses laudable goals for equitable and respectful treatment of these important public servants.

However, implementing the intent language of AB 654 will be costly and may adversely affect other aspects of community college programs, particularly in these times of funding shortages.

The intent language of AB 654 should not be implemented until there are adequate fiscal resources available.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 424

Governor's Office, Sacramento
October 12, 2003

To Members of the California State Legislature:

I am signing Assembly Bill 424 which would expedite the selection process of classified employees in the State's largest school district, while protecting the integrity of their merit-based selection process.

The protections in this bill include that: (1) the bill only applies to LAUSD and institutes a pilot program which sunsets January 1, 2006; (2) although classified positions can be made from any rank on the eligibility list, the district must consider relevant background and training, placement on the eligibility list and site seniority; and (3) this bill will expand the ability of the school district to make proper "job-person" matches from among individuals who have established their qualifications through a merit-based examination.

I am a strong proponent of the merit-based selection process. Providing flexibility on a pilot basis, with the protections noted, is warranted given the challenges posed by the unique size and geographic area of the LAUSD.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 290

Governor's Office, Sacramento

October 12, 2003

To the Members of the California Legislature:

I am pleased to sign Assembly Bill 290, which would amend current requirements regarding the notification of the intent to layoff a classified employee for both K–12 local education agencies and community colleges by extending the notification period from 30 days to 45 days and would require short-term employees to be given layoff notices before permanent classified employees are laid off.

Notification of the intent to layoff a classified employee for both K–12 local education agencies and community colleges is currently a requirement. This bill simply designates the time period in which a notice of intent to layoff must be extended to a classified employee. This action does not meet a higher level of service or create a new program, therefore does not create a reimbursable State mandate.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 455

Governor's Office, Sacramento

October 8, 2003

To the Members of the California State Legislature:

I am signing Assembly Bill 455, which enacts the Toxics in Packaging Prevention Act, which will ban the sale of packaging that includes lead, mercury, cadmium or hexavalent chromium.

I am pleased to join the eighteen other states that have already enacted similar legislation, substantially reducing or eliminating land and water contamination contributed by heavy metals found in packaging materials. AB 455 is an important environmental protection measure for California which will promote pollution prevention at the source by reducing and eliminating the use of harmful chemicals in these materials.

I applaud Assemblywoman Chu's leadership in authoring this bill. However, there are several technical problems in this bill which may impede implementation that should be addressed next year. I ask the author to work with the Department of Toxic Substances Control to resolve these issues.

Sincerely,

GRAY DAVIS

INDEX OF GOVERNOR'S MESSAGES

Assembly Bills	Journal Page
14 signing message	4027
24 signing message	4015
43 veto	3999
47 signing message	4021
51 veto	4001
52 veto	4005
54 signing message	4022
71 signing message	4027
94 veto	4004
170 signing message	4017
183 veto	3998
218 veto	3998
245 signing message	4022
264 signing message	4028
270 veto	4001
274 veto	4001
290 signing message	4032
331 veto	4006
390 signing message	4019
424 signing message	4031
436 veto	4000
446 veto	4006
455 signing message	4032
457 veto	4007
487 veto	4007
522 veto	4008
526 veto	4008
591 signing message	4018
593 signing message	4022
642 veto	3999
643 veto	4008
654 signing message	4031
692 veto	4002
773 veto	4005
786 signing message	4015
826 signing message	4018
828 veto	4009
855 signing message	4023
862 signing message	4030
879 signing message	4021
899 veto	4009
938 signing message	4016
942 signing message	4019
946 veto	4000
998 signing message	4024
1027 veto	4010
1051 veto	4010
1093 veto	4011
1133 veto	4012
1137 signing message	4029
1208 signing message	4024
1219 veto	4002

1245	veto	4012
1266	signing message	4017
1308	veto	4013
1326	signing message	4020
1337	signing message	4029
1392	veto	4003
1438	veto	4003
1497	signing message	4025
1521	signing message	4025
1548	signing message	4018
1576	signing message	4017
1631	signing message	4026
1685	signing message	4029
1688	signing message	4025
1715	veto	4013
1719	signing message	4026
1783	signing message	4016

HERB J. WESSON, JR., Speaker

PAM CAVILEER, Minute Clerk

O