

CALIFORNIA LEGISLATURE

2001–02 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 10

INTERIM STUDY RECESS

Assembly Chamber, Sacramento
Tuesday, October 16, 2001

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2001–02 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 17, 2001

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

Re: Select Committee on
California’s Children’s School Readiness and Health

Dear Dotson: This is to advise you that I have broadened the scope of the Select Committee on California’s Children’s Health to focus on school readiness issues as well as health issues for children in pre-school through 3rd grade. I have, therefore, changed the committee name to Select Committee on California Children’s School Readiness and Health.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

September 17, 2001

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

Re: Select Committee on Language and Access to Government
Dear Dotson: This is to advise you that I have created the Select Committee on Language and Access to Government and have appointed the following members:

Assemblymember Wilma Chan, Co-Chair
Assemblymember Juan Vargas, Co-Chair
Assemblymember Elaine Alquist
Assemblymember Judy Chu
Assemblymember Manny Diaz
Assemblymember Marco Firebaugh
Assemblymember Abel Maldonado
Assemblymember Jenny Oropeza
Assemblymember Robert Pacheco
Assemblymember Anthony Pescetti

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

September 19, 2001

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

Re: Select Committee on North Bay Transportation and Housing
Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on North Bay Transportation and Housing:

Assemblymember Lynne Leach
Assemblymember Bill Leonard
Assemblymember Virginia Strom-Martin
Assemblymember Patricia Wiggins

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

September 28, 2001

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

Re: Select Committee on Domestic Violence

Dear Dotson: This is to advise you that I have appointed Assemblymember Manny Diaz to the Select Committee on Domestic Violence.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

October 1, 2001

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

Re: Speaker’s Task Force on the Impact of Terrorism on California in the 2001–02 Regular Session.

Dear Dotson: This is to advise you that I have created the Speaker’s Task Force on the Impact of Terrorism on California in the 2001–02 Regular Session. I have appointed the following members to the task force:

- Speaker Robert M. Hertzberg, Chair
- Assemblymember Dave Cox, Vice Chair
- Assemblymember Mike Briggs
- Assemblymember John Campbell
- Assemblymember Dennis Cardoza
- Assemblymember David Cogdill
- Assemblymember Lou Correa
- Assemblymember John Dutra
- Assemblymember Hannah-Beth Jackson
- Assemblymember Jay La Suer
- Assemblymember Bill Leonard
- Assemblymember Robert Pacheco
- Assemblymember Rod Pacheco
- Assemblymember Sarah Reyes
- Assemblymember Darrell Steinberg
- Assemblymember Tony Strickland
- Assemblymember Carl Washington
- Assemblymember Herb Wesson

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

October 2, 2001

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

Re: Select Committee on the Future of California's Film Industry

Dear Dotson: This is to advise you that I have appointed the following members to the Select Committee on the Future of California's Film Industry:

Speaker Robert M. Hertzberg
Assemblymember Gil Cedillo
Assemblymember Rebecca Cohn
Assemblymember Tom Harman
Assemblymember Paul Koretz
Assemblymember Tony Strickland
Assemblymember Herb Wesson

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

October 2, 2001

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

Re: Select Committee on
Cancer Detection, Prevention and Research

Dear Dotson: Please be advised that I have broadened the scope of the Select Committee on Breast Cancer and Prostate Cancer to include all types of cancer, not limited to breast and prostate cancers only. I have, therefore, changed the name of the Committee to the Select Committee on Cancer Detection, Prevention and Research.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

October 5, 2001

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

Re: Select Committee on Community Banks

Dear Dotson: This is to advise you that I have created the Select Committee on Community Banks and have appointed Assemblymember Patricia Wiggins as Chair.

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

October 5, 2001

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

Re: Speaker’s Task Force on the Impact of Terrorism on California
Dear Dotson: This is to advise you that I have appointed the following members to the Speaker’s Task Force on the Impact of Terrorism on California:

- Assemblymember Sam Aanestad
- Assemblymember Paul Koretz
- Assemblymember Gloria Negrete McLeod
- Assemblymember Helen Thomson

Sincerely,

ROBERT M. HERTZBERG
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 17, 2001

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 632

And reports the same correctly enrolled, and presented to the Governor on the 17th day of September, 2001, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 2001

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 286 | Assembly Bill No. 873 |
| Assembly Bill No. 289 | Assembly Bill No. 938 |
| Assembly Bill No. 360 | Assembly Bill No. 1025 |
| Assembly Bill No. 366 | Assembly Bill No. 1191 |
| Assembly Bill No. 368 | Assembly Bill No. 1311 |
| Assembly Bill No. 447 | Assembly Bill No. 1335 |
| Assembly Bill No. 458 | Assembly Bill No. 1359 |
| Assembly Bill No. 509 | Assembly Bill No. 1586 |
| Assembly Bill No. 533 | Assembly Bill No. 1589 |
| Assembly Bill No. 653 | Assembly Bill No. 1681 |

And reports the same correctly enrolled, and presented to the Governor on the 18th day of September, 2001, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 2001

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 220 | Assembly Bill No. 1253 |
| Assembly Bill No. 302 | Assembly Bill No. 1259 |
| Assembly Bill No. 349 | Assembly Bill No. 1409 |
| Assembly Bill No. 539 | Assembly Bill No. 1475 |
| Assembly Bill No. 705 | Assembly Bill No. 1548 |
| Assembly Bill No. 731 | Assembly Bill No. 1570 |
| Assembly Bill No. 945 | Assembly Bill No. 1628 |
| Assembly Bill No. 1212 | Assembly Bill No. 1671 |
| Assembly Bill No. 1213 | Assembly Bill No. 1720 |
| Assembly Bill No. 1245 | Assembly Bill No. 1737 |

And reports the same correctly enrolled, and presented to the Governor on the 19th day of September, 2001, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 20, 2001

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

Assembly Bill No. 1	Assembly Bill No. 910
Assembly Bill No. 144	Assembly Bill No. 913
Assembly Bill No. 173	Assembly Bill No. 1070
Assembly Bill No. 236	Assembly Bill No. 1307
Assembly Bill No. 237	Assembly Bill No. 1324
Assembly Bill No. 437	Assembly Bill No. 1361
Assembly Bill No. 536	Assembly Bill No. 1424
Assembly Bill No. 655	Assembly Bill No. 1495
Assembly Bill No. 706	Assembly Bill No. 1534
Assembly Bill No. 833	Assembly Bill No. 1550

And reports the same correctly enrolled, and presented to the Governor on the 20th day of September, 2001, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 21, 2001

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

Assembly Bill No. 25	Assembly Bill No. 720
Assembly Bill No. 223	Assembly Bill No. 955
Assembly Bill No. 297	Assembly Bill No. 1302
Assembly Bill No. 708	Assembly Bill No. 1467
Assembly Bill No. 711	Assembly Bill No. 1664

And reports the same correctly enrolled, and presented to the Governor on the 21st day of September, 2001, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 2001

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

Assembly Bill No. 906

And reports the same correctly enrolled, and presented to the Governor on the 24th day of September, 2001, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 2001

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

Assembly Concurrent Resolution No. 32
 Assembly Concurrent Resolution No. 73
 Assembly Concurrent Resolution No. 77
 Assembly Concurrent Resolution No. 80
 Assembly Concurrent Resolution No. 87
 Assembly Concurrent Resolution No. 88
 Assembly Concurrent Resolution No. 92
 Assembly Concurrent Resolution No. 93
 Assembly Concurrent Resolution No. 95
 Assembly Concurrent Resolution No. 96
 Assembly Concurrent Resolution No. 97
 Assembly Concurrent Resolution No. 99
 Assembly Concurrent Resolution No. 100
 Assembly Concurrent Resolution No. 103
 Assembly Concurrent Resolution No. 104
 Assembly Concurrent Resolution No. 107
 Assembly Concurrent Resolution No. 108
 Assembly Concurrent Resolution No. 109
 Assembly Concurrent Resolution No. 110
 Assembly Concurrent Resolution No. 112

And reports the same correctly enrolled, and presented to the Secretary of State on the 24th day of September, 2001, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 2001

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

- Assembly Constitutional Amendment No. 9
- Assembly Joint Resolution No. 15
- Assembly Joint Resolution No. 17
- Assembly Joint Resolution No. 18
- Assembly Joint Resolution No. 20
- Assembly Joint Resolution No. 21

And reports the same correctly enrolled, and presented to the Secretary of State on the 24th day of September, 2001, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 2001

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 2 | Assembly Bill No. 829 |
| Assembly Bill No. 207 | Assembly Bill No. 864 |
| Assembly Bill No. 398 | Assembly Bill No. 1046 |
| Assembly Bill No. 479 | Assembly Bill No. 1079 |
| Assembly Bill No. 560 | Assembly Bill No. 1189 |
| Assembly Bill No. 621 | Assembly Bill No. 1230 |
| Assembly Bill No. 733 | Assembly Bill No. 1426 |
| Assembly Bill No. 762 | Assembly Bill No. 1553 |

And reports the same correctly enrolled, and presented to the Governor on the 24th day of September, 2001, at 3 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 2001

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 6 | Assembly Bill No. 951 |
| Assembly Bill No. 43 | Assembly Bill No. 1093 |
| Assembly Bill No. 146 | Assembly Bill No. 1110 |
| Assembly Bill No. 180 | Assembly Bill No. 1444 |
| Assembly Bill No. 183 | Assembly Bill No. 1471 |
| Assembly Bill No. 256 | Assembly Bill No. 1552 |
| Assembly Bill No. 322 | Assembly Bill No. 1656 |
| Assembly Bill No. 328 | Assembly Bill No. 1680 |
| Assembly Bill No. 340 | Assembly Bill No. 1696 |
| Assembly Bill No. 815 | Assembly Bill No. 1697 |

And reports the same correctly enrolled, and presented to the Governor on the 25th day of September, 2001, at 12:15 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 2001

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

- | | |
|-----------------------|-----------------------|
| Assembly Bill No. 46 | Assembly Bill No. 211 |
| Assembly Bill No. 62 | Assembly Bill No. 231 |
| Assembly Bill No. 69 | Assembly Bill No. 245 |
| Assembly Bill No. 87 | Assembly Bill No. 262 |
| Assembly Bill No. 122 | Assembly Bill No. 295 |
| Assembly Bill No. 134 | Assembly Bill No. 313 |
| Assembly Bill No. 140 | Assembly Bill No. 351 |
| Assembly Bill No. 142 | Assembly Bill No. 358 |
| Assembly Bill No. 174 | Assembly Bill No. 380 |
| Assembly Bill No. 196 | Assembly Bill No. 487 |

And reports the same correctly enrolled, and presented to the Governor on the 25th day of September, 2001, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 2001

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

Assembly Bill No. 492

Assembly Bill No. 900

Assembly Bill No. 866

Assembly Bill No. 1012

And reports the same correctly enrolled, and presented to the Governor on the 25th day of September, 2001, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 26, 2001

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

Assembly Bill No. 334

Assembly Bill No. 631

Assembly Bill No. 367

Assembly Bill No. 675

Assembly Bill No. 472

Assembly Bill No. 696

Assembly Bill No. 494

Assembly Bill No. 760

Assembly Bill No. 508

Assembly Bill No. 807

Assembly Bill No. 522

Assembly Bill No. 830

Assembly Bill No. 545

Assembly Bill No. 855

Assembly Bill No. 589

Assembly Bill No. 865

Assembly Bill No. 599

Assembly Bill No. 870

Assembly Bill No. 624

Assembly Bill No. 916

And reports the same correctly enrolled, and presented to the Governor on the 26th day of September, 2001, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 26, 2001

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

Assembly Bill No. 932

Assembly Bill No. 963

Assembly Bill No. 935

Assembly Bill No. 1011

And reports the same correctly enrolled, and presented to the Governor on the 26th day of September, 2001, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 26, 2001

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

Assembly Bill No. 606

Assembly Bill No. 649

Assembly Bill No. 933

And reports the same correctly enrolled, and presented to the Governor on the 26th day of September, 2001, at 5 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 2001

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

Assembly Bill No. 75

Assembly Bill No. 972

Assembly Bill No. 79

Assembly Bill No. 1004

Assembly Bill No. 84

Assembly Bill No. 1015

Assembly Bill No. 639

Assembly Bill No. 1018

Assembly Bill No. 663

Assembly Bill No. 1019

Assembly Bill No. 719

Assembly Bill No. 1090

Assembly Bill No. 729

Assembly Bill No. 1099

Assembly Bill No. 801

Assembly Bill No. 1111

Assembly Bill No. 828

Assembly Bill No. 1184

Assembly Bill No. 948

Assembly Bill No. 1220

And reports the same correctly enrolled, and presented to the Governor on the 27th day of September, 2001, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 2001

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1279 | Assembly Bill No. 1532 |
| Assembly Bill No. 1280 | Assembly Bill No. 1567 |
| Assembly Bill No. 1281 | Assembly Bill No. 1609 |
| Assembly Bill No. 1382 | Assembly Bill No. 1616 |
| Assembly Bill No. 1460 | Assembly Bill No. 1686 |
| Assembly Bill No. 1481 | Assembly Bill No. 1693 |
| Assembly Bill No. 1497 | Assembly Bill No. 1705 |
| Assembly Bill No. 1520 | |

And reports the same correctly enrolled, and presented to the Governor on the 27th day of September, 2001, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 27, 2001

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 63 | Assembly Bill No. 1431 |
| Assembly Bill No. 93 | Assembly Bill No. 1449 |
| Assembly Bill No. 493 | Assembly Bill No. 1477 |
| Assembly Bill No. 1298 | Assembly Bill No. 1539 |
| Assembly Bill No. 1312 | Assembly Bill No. 1611 |
| Assembly Bill No. 1331 | Assembly Bill No. 1673 |
| Assembly Bill No. 1341 | Assembly Bill No. 1717 |

And reports the same correctly enrolled, and presented to the Governor on the 27th day of September, 2001, at 4 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 28, 2001

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 121 | Assembly Bill No. 1082 |
| Assembly Bill No. 309 | Assembly Bill No. 1091 |
| Assembly Bill No. 346 | Assembly Bill No. 1118 |
| Assembly Bill No. 544 | Assembly Bill No. 1147 |
| Assembly Bill No. 637 | Assembly Bill No. 1286 |
| Assembly Bill No. 1029 | Assembly Bill No. 1329 |
| Assembly Bill No. 1038 | Assembly Bill No. 1596 |
| Assembly Bill No. 1061 | Assembly Bill No. 1617 |
| Assembly Bill No. 1073 | Assembly Bill No. 1618 |
| Assembly Bill No. 1081 | Assembly Bill No. 1626 |

And reports the same correctly enrolled, and presented to the Governor on the 28th day of September, 2001, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 28, 2001

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1679 | Assembly Bill No. 1711 |
| Assembly Bill No. 1695 | Assembly Bill No. 1723 |

And reports the same correctly enrolled, and presented to the Governor on the 28th day of September, 2001, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 28, 2001

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

Assembly Bill No. 54	Assembly Bill No. 1241
Assembly Bill No. 56	Assembly Bill No. 1249
Assembly Bill No. 177	Assembly Bill No. 1277
Assembly Bill No. 199	Assembly Bill No. 1472
Assembly Bill No. 698	Assembly Bill No. 1478
Assembly Bill No. 937	Assembly Bill No. 1503
Assembly Bill No. 960	Assembly Bill No. 1536
Assembly Bill No. 978	Assembly Bill No. 1541
Assembly Bill No. 1112	Assembly Bill No. 1675
Assembly Bill No. 1207	Assembly Bill No. 1721

And reports the same correctly enrolled, and presented to the Governor on the 28th day of September, 2001, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 1, 2001

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

Assembly Bill No. 67	Assembly Bill No. 284
Assembly Bill No. 101	Assembly Bill No. 285
Assembly Bill No. 135	Assembly Bill No. 292
Assembly Bill No. 139	Assembly Bill No. 331
Assembly Bill No. 167	Assembly Bill No. 333
Assembly Bill No. 186	Assembly Bill No. 357
Assembly Bill No. 201	Assembly Bill No. 392
Assembly Bill No. 232	Assembly Bill No. 409
Assembly Bill No. 238	Assembly Bill No. 504
Assembly Bill No. 252	Assembly Bill No. 510

And reports the same correctly enrolled, and presented to the Governor on the 1st day of October, 2001, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 1, 2001

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

Assembly Bill No. 524	Assembly Bill No. 770
Assembly Bill No. 549	Assembly Bill No. 819
Assembly Bill No. 574	Assembly Bill No. 821
Assembly Bill No. 608	Assembly Bill No. 852
Assembly Bill No. 616	Assembly Bill No. 856
Assembly Bill No. 636	Assembly Bill No. 867
Assembly Bill No. 661	Assembly Bill No. 876
Assembly Bill No. 685	Assembly Bill No. 936
Assembly Bill No. 717	Assembly Bill No. 1107
Assembly Bill No. 745	Assembly Bill No. 1621

And reports the same correctly enrolled, and presented to the Governor on the 1st day of October, 2001, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 1, 2001

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

Assembly Bill No. 1683

And reports the same correctly enrolled, and presented to the Governor on the 1st day of October, 2001, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 1, 2001

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

- | | |
|-----------------------|-----------------------|
| Assembly Bill No. 4 | Assembly Bill No. 215 |
| Assembly Bill No. 44 | Assembly Bill No. 249 |
| Assembly Bill No. 49 | Assembly Bill No. 258 |
| Assembly Bill No. 50 | Assembly Bill No. 293 |
| Assembly Bill No. 59 | Assembly Bill No. 303 |
| Assembly Bill No. 70 | Assembly Bill No. 304 |
| Assembly Bill No. 98 | Assembly Bill No. 306 |
| Assembly Bill No. 99 | Assembly Bill No. 343 |
| Assembly Bill No. 104 | Assembly Bill No. 370 |
| Assembly Bill No. 206 | Assembly Bill No. 399 |

And reports the same correctly enrolled, and presented to the Governor on the 1st day of October, 2001, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 1, 2001

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 436 | Assembly Bill No. 699 |
| Assembly Bill No. 491 | Assembly Bill No. 769 |
| Assembly Bill No. 530 | Assembly Bill No. 780 |
| Assembly Bill No. 548 | Assembly Bill No. 895 |
| Assembly Bill No. 586 | Assembly Bill No. 901 |
| Assembly Bill No. 620 | Assembly Bill No. 941 |
| Assembly Bill No. 635 | Assembly Bill No. 984 |
| Assembly Bill No. 646 | Assembly Bill No. 1078 |
| Assembly Bill No. 664 | Assembly Bill No. 1098 |
| Assembly Bill No. 673 | Assembly Bill No. 1129 |

And reports the same correctly enrolled, and presented to the Governor on the 1st day of October, 2001, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 1, 2001

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 1205 | Assembly Bill No. 1564 |
| Assembly Bill No. 1233 | Assembly Bill No. 1574 |
| Assembly Bill No. 1301 | Assembly Bill No. 1603 |
| Assembly Bill No. 1337 | Assembly Bill No. 1612 |
| Assembly Bill No. 1374 | Assembly Bill No. 1614 |
| Assembly Bill No. 1390 | Assembly Bill No. 1637 |
| Assembly Bill No. 1428 | Assembly Bill No. 1712 |
| Assembly Bill No. 1457 | Assembly Bill No. 1718 |
| Assembly Bill No. 1490 | Assembly Bill No. 1725 |
| Assembly Bill No. 1554 | Assembly Bill No. 1739 |

And reports the same correctly enrolled, and presented to the Governor on the 1st day of October, 2001 at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 2, 2001

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

Assembly Concurrent Resolution No. 5
 Assembly Concurrent Resolution No. 98
 Assembly Concurrent Resolution No. 105
 Assembly Concurrent Resolution No. 113
 Assembly Concurrent Resolution No. 115
 Assembly Concurrent Resolution No. 116
 Assembly Concurrent Resolution No. 117
 Assembly Concurrent Resolution No. 118
 Assembly Joint Resolution No. 29

And reports the same correctly enrolled, and presented to the Secretary of State on the 2nd day of October, 2001, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 2, 2001

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

Assembly Bill No. 1075	Assembly Bill No. 1389
Assembly Bill No. 1084	Assembly Bill No. 1419
Assembly Bill No. 1115	Assembly Bill No. 1429
Assembly Bill No. 1132	Assembly Bill No. 1432
Assembly Bill No. 1160	Assembly Bill No. 1502
Assembly Bill No. 1171	Assembly Bill No. 1547
Assembly Bill No. 1176	Assembly Bill No. 1602
Assembly Bill No. 1258	Assembly Bill No. 1700
Assembly Bill No. 1287	Assembly Bill No. 1706
Assembly Bill No. 1295	Assembly Bill No. 1707

And reports the same correctly enrolled, and presented to the Governor on the 2nd day of October, 2001, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, October 2, 2001

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

Assembly Bill No. 35	Assembly Bill No. 540
Assembly Bill No. 61	Assembly Bill No. 585
Assembly Bill No. 128	Assembly Bill No. 671
Assembly Bill No. 189	Assembly Bill No. 674
Assembly Bill No. 242	Assembly Bill No. 715
Assembly Bill No. 344	Assembly Bill No. 804
Assembly Bill No. 365	Assembly Bill No. 891
Assembly Bill No. 401	Assembly Bill No. 961
Assembly Bill No. 466	Assembly Bill No. 1017
Assembly Bill No. 495	

And reports the same correctly enrolled, and presented to the Governor on the 2nd day of October, 2001, at 2 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:

(NOTE: An Index of Governor's messages appears on page 4179.)

Veto Message—Assembly Bill No. 484

Governor's Office, Sacramento
September 18, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 484 without my signature.

This bill would allow higher education joint-use instructional facilities constructed after January 1, 2002, to be built to the standards contained in the California Building Standards Code rather than the Field Act if the Trustees of the California State University system or the Regents of the University of California are constructing the facilities.

I strongly support the Field Act, which provides greater earthquake protections for California schools than the California Building Standards Code. An exemption would be inconsistent with the State's policy of ensuring structural safety.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 19th day of September 2001 at 3 p.m., of Assembly Bill No. 484, 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. 1030

Governor's Office, Sacramento
September 23, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1030 without my signature.

This bill would appropriate \$140,000 and require the Superintendent of Public Instruction (SPI), in consultation with the Department of Health Services, to contract with a non-profit organization to conduct a study that would examine the lack of pupil school locker space, the weight of students' textbooks, and possible alternatives to students carrying heavy backpacks. The study would also examine the correlation between students' use of heavy backpacks and spinal damage, and the SPI would be required to report the study's findings to the Legislature by January 1, 2003.

While I am concerned with potential student health problems, there does not appear to be any documentation of long term problems caused by the use of backpacks. Medical experts advise that the incidence of any back, neck and shoulder pain can be minimized through use of a

well padded, adjustable back pack worn correctly to distribute the weight evenly. It is more appropriate that parents and local communities determine whether this is an issue of concern and work with local school districts for solutions.

For these reasons, I cannot sign this bill.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 24th day of September 2001 at 11:45 a.m., of Assembly Bill No. 1030, 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. 316

Governor's Office, Sacramento

October 1, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 316 without my signature.

This bill would create a pilot grant program through January 2004 to fund one weekend parental involvement activity in each participating elementary school, subject to funds being appropriated in the Annual Budget Act or other measure, and would require the participating school to submit a self-evaluation to the Department of Education (CDE) by May 1, 2003. This bill would also limit the grant amount to be appropriated for this purpose to \$150,000 in any fiscal year and would require the CDE to compile the information and provide it to the Legislature by July 1, 2003.

This bill would create a new pilot program, for which no funding is appropriated in the Budget Act of 2001. I am a great proponent of greater parental involvement in educational activities and have signed three bills that provide \$15 million to support more parental involvement programs. These funds are in the 2001 Budget. If this pilot program, worthy though it may be, was extended statewide it would require an additional \$132 million. Given our rapidly declining economy there are no resources to support this program.

For these reasons, I cannot support the bill.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 2nd day of October 2001 at 1:35 p.m., of Assembly Bill No. 316, 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. 767

Governor's Office, Sacramento
October 2, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 767 without my signature.

This bill would permit counties to provide aid under CalWORKs, nonhealth-care general assistance benefits, or food stamps to persons convicted of a felony for the possession or use of controlled substances if they meet one of several specified conditions related to drug treatment.

Due to continued economic uncertainty, California should not be expanding eligibility for the CalWORKs program. This bill will result in a significant change to the CalWORKs program and increase the CalWORKs caseload, resulting in an increase in costs in county administration grants and employment services.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1061

Governor's Office, Sacramento
October 2, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1061 without my signature.

This bill authorizes school personnel to assist students with non-prescription medication, provided written permission from the student's parent or guardian is on file.

The language in this bill, however, could be interpreted to impose reimbursable state-mandated requirements on schools which could reach \$40 million annually. I would consider signing a similar bill if its provisions were clearly permissive in nature rather than mandatory.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1279

Governor's Office, Sacramento
October 2, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1279 without my signature.

This bill would appropriate \$2 million General Fund to the Managed Risk Medical Insurance Board (MRMIB) for the purpose of expanding rural health demonstration projects. Ensuring access to health-care is an important goal of my Administration and to this end I have provided \$17.8 million in the 2001–02 Budget Act to support RHDP's. However, I cannot support further expansion of these projects due to the rapid decline in the economy.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1693

Governor's Office, Sacramento
October 2, 2001

To Members of the California State Assembly:

I am returning Assembly Bill No. 1693 without my signature.

This bill would require the Department of Developmental Services (DDS) to develop a rate-setting mechanism to adjust rates for local agencies providing services to developmentally disabled consumers in geographical high cost-of-living areas. Further, this bill would require the department to report to the Governor and Legislature, by March 15, 2002, on the proposed rate-setting mechanism as well as strategies and incentives to improve recruitment and retention of qualified staff.

Establishing a rate-setting mechanism to adjust rates for local agencies providing services to developmentally disabled consumers is an important priority that merits review. However, DDS is currently conducting a study, expected to be completed in the fall of 2001, that addresses development of rate-setting mechanisms. Although the rate study specifically addresses residential care, geographic cost factors are also expected to be addressed and the information gained would be relevant to all high-cost area providers. It is more appropriate to await the results of the current residential rate-setting study before requiring a new study.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 3rd day of October 2001 at 1:55 p.m., of Assembly Bills No. 767, 1061, 1279, and 1693, 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. 1626

Governor's Office, Sacramento
October 3, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1626 without my signature.

This bill would appropriate \$400,000 from the General Fund to the Office of Attorney General to fund two existing sites for the "California Safe Alternatives and Violence Education Pilot Program" (Project S.A.V.E.).

This is an excellent program. In ordinary times, I would sign it in a New York minute. Given the rapid decline of our economy, and a budget shortfall of \$1.1 billion through the first three months of this fiscal year

alone, I have no choice but to oppose additional General Fund spending, even for a program as meritorious as this one.

I would note, however, that the Budget contains \$121 million for Juvenile Justice programs, including \$4 million which was allocated to Sacramento, alone.

For these reasons, I cannot support AB 1626.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 4th day of October 2001 at 1:55 p.m., of Assembly Bill No. 1626, 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. 801

Governor's Office, Sacramento

October 4, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 801 without my signature.

This bill requires that all state-owned or state-run institutions to purchase California grown fruit and produce before considering the purchase of produce grown outside of the state. Unfortunately, the 5% preferential allowance contained in the bill could result in significant costs to state and local governments and may also invite retaliatory actions by our domestic trading partners. Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

I believe strongly in the goal of promoting California products. This year, I initiated a "Buy California" program, agreed to by the Legislature, which appropriated \$5 million to encourage consumer nutritional and food awareness and to foster purchases of high-quality California agricultural products. California received an additional \$12 million from the federal government to assist this program. Coupled with in-kind contributions from the agricultural industry, I believe this approach is a more effective means of encouraging Californians to increase their consumption and purchase of California produce.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1686

Governor's Office, Sacramento

October 4, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1686 without my signature.

This bill would establish the Rice Straw Utilization Program by allowing end users of rice straw to claim a \$15 per ton tax credit for rice straw. To achieve this goal, the bill would appropriate \$788,000 from the General Fund, an amount equal to the unallocated rice straw tax

credits from 1997 through 2000. Moreover, it would create pressure for an estimated \$350,000 General Fund appropriation each year until 2007. Given the rapid decline in the economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

The State, however, has dedicated significant resources to finding alternative uses for rice straw and biomass. In 1997, legislation was signed that established a two-year, \$5 million, grant program to develop alternative uses for rice straw. This was supplemented by an additional \$1 million in this year's budget. In 2000, I signed into law legislation that provided \$2 million for the Agricultural Biomass Utilization Account for the purpose of providing grant incentives for businesses that utilize biomass, including rice straw. These grants will be awarded by the Department of Food and Agriculture in the near future and I believe that we should give this program time to accomplish its purposes before embarking on a new approach. Finally, I recently approved the re-allocation of \$3.5 million to support the expansion of the Agricultural Biomass to Energy Incentive Grant Program by signing SB 64xx.

For the long-term benefit of the environment and the agricultural economy, we must work together to resolve the rice straw problem, and I remain committed to supporting the development of alternative uses for rice straw.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 5th day of October 2001 at 2:20 p.m., of Assembly Bill No. 801 and 1686, 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. 122

Governor's Office, Sacramento
October 5, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 122 without my signature.

This bill would provide a supplemental apportionment to qualifying school districts for snow removal costs and the costs to maintain snow removal equipment. The supplemental funding would equal 50 percent of the districts costs in excess of \$10 per unit of average daily attendance.

The 2001 Budget Act already provides funding to school districts for costs associated with removal activities. In addition, a considerable portion of the funding provided to school districts each year is provided without strings attached and can be expended on any purpose deemed important by local officials. The 2001 Budget Act provided over \$26.6 billion to K–12 districts for discretionary purposes. Moreover, our economy is rapidly declining with a revenue shortfall of \$1.1 billion in the first three months of the fiscal year alone. Therefore, I do not believe that the supplemental funding provided in this measure is warranted, and I must return this bill without my signature.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 148

Governor's Office, Sacramento
October 5, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 148 without my signature.

This bill would have required a study to determine the cost and the most cost-effective means of providing Internet access to every middle and junior high school. While I am most supportive of technology in schools, AB 148's study is duplicative of existing and very current information.

Last year, I authorized \$2 million in the budget for the California Technology Assistance Project to conduct the 2001 School Technology Survey. This very detailed survey was just completed in August and contains much of the information requested in the AB148 study. Further, the California Technology Assistance Project is currently examining how to connect schools to the Digital California Project as well as developing a Digital California Project instruction manual for schools. These two items, alone or in concert, should be able to provide the information the author of AB 148 would like. Moreover, we cannot afford anymore new General Fund spending since our economy is rapidly declining and revenues are running \$1.1 billion below budget predictions in the first three months alone.

I applaud Assemblywoman Zettel's intentions and am pleased that she shares my vision for bringing technology to our schools and to our students.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 231

Governor's Office, Sacramento
October 5, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 231 without my signature.

This bill would allow the Torrance Unified School District and the Poway Unified School District to enter into a 5-year pilot project to implement a class size reduction (CSR) program to reduce class size in kindergarten and grades 1–5, inclusive. It would also allow the average student to teacher ratio for the pilot project program participants to increase from 20:1 to 23:1.

The additional CSR program flexibility provided in this bill allowing the student teacher ratio for the pilot project to increase from 20:1 to 23:1 would conflict with my goal to ensure that classes in participating grades do not exceed 20:1. All evidence to date shows that class size reduction (20:1) is resulting in higher student achievement.

Also, given that some districts have not implemented, or fully implemented, the existing CSR program, I believe it would be more appropriate to continue to focus resources and efforts on the existing program. For these reasons, I am unable to sign the bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 272

Governor's Office, Sacramento
October 5, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 272 without my signature.

Teachers who earn certification by the National Board for Professional Teaching Standards are among the most highly skilled members of their profession and we have compensated them with bonuses of at least \$10,000 each. However, I am unwilling to support legislation exempting them from completing 150 hours of professional development activities for the rest of their career.

Many Board-certified teachers will likely be called upon to serve as mentors to beginning teachers. So they may properly discharge this important duty, I believe it is important that they annually participate in professional development activities that are aligned to state instructional standards.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 295

Governor's Office, Sacramento
October 5, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 295 without my signature.

I am dedicated to the goal of improving pupil achievement in California. Our current system of accountability, which is based on the API, is a powerful tool to achieve that goal. I am pleased that test scores have risen three years in a row. I am concerned that the changes

to the API, as proposed in this bill, would hinder the ability to use the API score as a measure of academic performance and would therefore hinder the entire system of accountability.

Equally important, the bill includes state mandates conservatively in the hundreds of millions of dollars. Given our rapidly declining economy and a budget shortfall of at least \$1.1 billion in the first three months alone, we cannot afford additional General Fund spending.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 508

Governor's Office, Sacramento
October 5, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 508 without my signature.

This bill would require that 11th grade high school students that met all requirements for receiving a Governor's Scholars Award based on the 2000 administration of the achievement test authorized by Education Code Section 60640, except for the requirement to take the standards-based math portion of the required achievement test, be provided an award from funds appropriated by Item 0954-101-0001 of the 2001 Budget Act.

While I am very sympathetic for students whose schools did not correctly administer the standards-based portion of the STAR exam, I do not believe that all taxpayers should be required to pay for the mistakes of a few school administrators. I recommend that those schools that made mistakes make efforts to resolve them themselves rather than request that taxpayers pay for the cost of their errors.

In addition, this bill would create a precedent to provide additional exemptions for other students for other reasons.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 833

Governor's Office, Sacramento
October 5, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 833 without my signature.

Reducing the number of underqualified teachers in low-performing schools is a task upon which I place great importance, and I note that the 2001 Budget Act contains over \$160 million for programs to address this issue.

Unfortunately, given our rapidly declining economy with a budget shortfall of \$1.1 billion for the first three months of the fiscal year, we cannot afford new General Fund spending.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1497

Governor's Office, Sacramento
October 5, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1497 without my signature.

This bill would allow counties to submit claims to the California Victim Compensation and Government Claims Board for recovery of costs of child victim forensic evidentiary interviews. These claims would then be paid out of the Victims Restitution Fund.

I am concerned that the use of the Victims Restitution Fund for purposes other than reimbursing direct and derivative victims of criminal acts for their out-of-pocket expenses would set a costly precedent and have a negative long term fiscal impact on the Victims Restitution Fund. In addition, counties currently provide resources to support these very important forensic evidentiary interviews, and no justification to support supplanting those funds with state resources has been offered.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 9th day of October 2001 at 10 a.m., of Assembly Bills Nos. 122, 148, 231, 272, 295, 508, 833, and 1497, 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. 49

Governor's Office, Sacramento
October 7, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 49 without my signature.

This bill would establish the Youth Mentoring and Safe Communities Grant Program, which would provide grants to local public libraries for specified youth programs during non-school hours.

I support mentoring, after-school, conflict resolution, and other programs dedicated to improving the lives of youth in California. For this reason, I have provided substantial state funding in the 2001 Budget Act for various programs in these areas. For example, the 2001 Budget Act includes \$23.9 million for mentoring programs designed to assist at-risk youth to become productive members of society and reduce juvenile crime, teenage pregnancy, gang association, and the high school dropout rate. In addition, the Budget increased funding for the Carl Washington School Safety and Violence Prevention Act from \$71 million to more than \$82 million. Moreover, the Budget contains nearly \$53 million for the Public Library Foundation, which provides funding for local libraries to use in a wide variety of areas.

Consequently, based on the level of funding already available to other programs that provide a wide range of services to California youth, and because the state has experienced a \$1.1 billion revenue shortfall in the

first three months of this fiscal year, we unfortunately cannot afford to create a new program with \$400,000 of additional costs no matter how worthy.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 292

Governor's Office, Sacramento
October 7, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 292 without my signature.

This bill requires that all Professional Development Institutes (PDI), with the exception of the Algebra Academies PDIs, be offered on sites that are widely distributed throughout the state, and are thus not offered solely on university and college campuses. This bill appropriates \$130,000 from the General Fund to the State Superintendent of Public Instruction (SPI) to reimburse school districts for the travel costs of the PDI participants. This bill authorizes school districts to apply to the SPI for the reimbursement of the costs of reimbursing the PDI participants. This bill authorizes the PDI participants to apply to their school districts of employment for the reimbursement of accommodation costs if their schools are at least 70 miles from and require over 1½ hours travel time to an institute site.

While I support widely distributing PDIs across the state, I cannot support an additional \$800,000 in General Fund spending at this time. Our economy is rapidly declining and revenues have fallen \$1.1 billion below expectation during the first three months of this fiscal year. Moreover, I signed SB 573 last year, which created opportunities for teachers who live far away from institute sites to receive training through on-line courses.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 9th day of October 2001 at 10 a.m., of Assembly Bills Nos. 49 and 292, 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. 101

Governor's Office, Sacramento
October 8, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 101 without my signature.

This bill would require the Office of Statewide Health Planning and Development to administer scholarship and grant programs for students pursuing a bachelor's or master's degree in gerontology or medical residents who complete a fellowship in geriatrics in exchange for three years of practice in geriatrics/gerontology after graduation.

I have supported increasing the professional skills of the health service clinicians to appropriately respond to senior health issues. Last year, I signed AB 1820 (Wright) the "Geriatric Medical Training Act" which requires, after January 1, 2004, applicants for a physician's license to have completed coursework in geriatric medicine in medical school or in postgraduate medical education training and requires the Medical Board of California to establish criteria that providers of continuing medical education follow to ensure attendance by licensees throughout the entire course.

While this bill has merit, it creates a new unfunded program in a period of rapid decline in our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 357

Governor's Office, Sacramento
October 8, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 357 without my signature.

This bill would raise the \$1,000 cap on health clubs to \$2,500. The bill would provide that consumers who cancel health club contracts would get a pro rata refund on any portion of the unused contract, but would exclude from this provision: 1) contracts of less than \$750; and 2) initiation fees which equal less than half of the total contract amount.

Although this bill may provide health studios with greater flexibility in providing a variety of services to their customers, I am concerned that this bill will permit health club studios to increase fees by up to 150%.

I would be willing to consider a bill that raises the \$1,000 limit on contracts, but only if it truly adds meaningful consumer protections such as a lower threshold for pro-rated refunds and a reasonable limitation on nonrefundable initiation fees.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1739

Governor's Office, Sacramento
October 8, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1739 without my signature.

This bill would require the Department of Social Services (DSS) to revise foster care placement guidelines, and modify emergency shelter and transitional housing program eligibility restrictions.

The requirements of this bill would put the DSS in the position of developing foster care placement guidelines that conflict with the provisions of the federal Adoptions and Safe Families Act, and could jeopardize more than \$300 million in Federal Financial Participation. Additionally, the Child Welfare Services Stakeholders Workgroup is conducting a thorough review of California's child welfare system, and will be making recommendations for improvements that could result in statutory or regulatory changes in this area that would be in full compliance with federal law.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 9th day of October 2001 at 10 a.m., of Assembly Bills Nos. 101, 357, and 1739, 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. 142

Governor's Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 142 without my signature.

This bill would prohibit a contract between a health care service plan and a health care provider from requiring or allowing the provider to accept financial risk for certain medications. This bill also requires the plans to reimburse providers on a fee-for-service basis for the medications the provider acquires pursuant to this bill.

This bill interferes with the private contractual relationships between plans and providers on many levels. Not only does it limit a plan and provider's ability to contract for the provider to assume the risk for certain medications, it sets the reimbursement rates for those services. Moreover, this bill effectively eliminates a plan's ability to use its strong purchasing power to buy medications in bulk at discounted rates. Not only is it bad public policy for the government to dictate the contractual relationships of private parties, this bill will lead to higher costs for consumers and employers.

Two years ago I signed SB 260, which created the Financial Solvency Standards Board within the Department of Managed Health Care. The FSSB has been working diligently with the Department to implement the provisions of SB 260 and meets monthly to continue its goal of providing comprehensive recommendations that address the complex issue of provider solvency of the State's managed health care system.

The Department and the FSSB should be allowed to continue its important work before new legislation in this area is considered.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 249

Governor's Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am returning Assembly Bill No. 249 without my signature.

This bill would codify an existing Board of Equalization regulation which allows a sales and use tax exemption for lancets and blood glucose test strips that are furnished by a registered pharmacist. In addition, it would expand the regulation by allowing the items to be dispensed either by a registered pharmacist or at the direction of a registered pharmacist. This bill would also provide a partial tax exemption for herbs, herbal formulas or preparations, vitamins, minerals, dietary supplements, orthotic devices, or other naturally occurring substances used by an acupuncturist.

Notwithstanding the merits of this measure, given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund revenue losses.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 366

Governor's Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 366 without my signature.

This bill would establish new requirements for those interested in opening new overseas trade offices and would require the Technology, Trade, and Commerce Agency (TTCA) to make recommendations to the Legislature based upon these proposals before any new offices can be established.

While I share the Legislature's goal of siting new overseas trade offices in locations that provide the greatest economic benefit to California, the process proposed by this bill is duplicative of the Legislature's current authority to influence this process through either legislation or the budget process. This procedure would divert scarce resources from the TTCA that would be better spent on the generation of new trade and foreign investment in California.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 545

Governor's Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 545 without my signature.

This bill would make it the policy of the State, in selecting locations to lease, construct, or purchase buildings for the conduct of state business, to give priority to sites within mixed-use or commercial districts that have the greatest number of specified characteristics.

This measure is substantially the same as AB 2494 that I vetoed last year. I continue to believe that the planning goals and policies outlined in AB 545 are laudable, yet some of the specified characteristics may be inconsistent with one another and may result in frivolous litigation as a result of the negative and unintended consequences caused by the bill. The Department of General Services (DGS) works closely with state agency clients, local officials, and others to select appropriate sites, utilizing criteria substantially similar to that set forth in this bill. These include minimizing costs to the state and meeting community goals such as revitalizing inner cities and renovating historic buildings where appropriate. As I stated in my veto message of AB 2494, many such efforts are underway or have recently been completed.

Concurrent with action on this legislation, I am signing an Executive Order that recognizes the state's responsibility to consider the impacts of its real estate decisions on local communities while not obligating it to rigid standards that would invite litigation and jeopardize real estate negotiations.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1091

Governor's Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1091 without my signature.

This bill, which is similar to legislation I vetoed last year, would prohibit any agreements between state departments and private entities that contain a "noncompetition" clause. Unfortunately, such a measure would eliminate any opportunity for future public-private partnerships to address California's infrastructure needs to meet the state's anticipated population growth over the next 20 years.

While the bill purports to have no effect on existing contracts, it would, in fact, impact the existing franchise agreement with the California Private Transportation Company (CPTC), owner of the State Route 91 franchise. That agreement grants CPTC the right to extend its facilities and protects the franchise from future changes in law that might impair the agreement. Because construction of one or more of the authorized extensions could require creation of an amended and restated franchise agreement signed after the effective date of this bill, that agreement could be declared void, thereby exposing the state to hundreds of millions of dollars in reimbursements to CPTC.

As I indicated in my veto of AB 2091 last year, "the State has a contractual relationship with the owners of the State Route 91 toll facility. Any participation by the State in abrogating our responsibilities

under that agreement makes the State vulnerable to legal action by the franchisee.” For these reasons, I cannot sign this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1191

Governor’s Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1191 without my signature.

While this bill would provide for a process to resolve disputes between agencies regarding responsibility for payment of required services for developmentally disabled children ages 0–6, it would indirectly create new costs for greater participation by publicly funded agencies in the service planning process. Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending of at least \$7 million annually.

However, I am directing the Health and Human Services Agency to bring the affected State agencies together to prepare a dispute resolution proposal that will not create pressure on the General Fund.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1547

Governor’s Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1547 without my signature.

This bill would appropriate \$2.5 million General Fund to establish a health-care coverage and outreach demonstration project within San Diego County. My Administration is committed to providing access to health-care coverage for uninsured children. To this end, in the 2001 Budget Act I have provided \$498.5 million for the Healthy Families Program (HFP) to serve an expected 525,000 children at income levels up to 250 percent of the Federal Poverty Level (FPL). Moreover, pending approval by the federal Centers for Medicare and Medicaid Services, I have also provided \$150.2 million to expand the HFP to provide coverage to an estimated 138,000 uninsured parents with family incomes at up to 250 percent of the FPL. Additionally, in the 2001 Budget Act I have provided \$49.6 million to support HFP/Medi-Cal for Children outreach activities.

While I agree with the goal of maximizing enrollment health-care coverage, given the rapid decline of our economy and a budget shortfall of \$1.1 million through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1656

Governor’s Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1656 without my signature.

This bill would extend the jurisdiction of the Public Utilities Commission (PUC) to certain storage activities currently governed by the California Self-Service Storage Act. This issue was considered by the Legislature in 1998 when new rules were established governing the transportation of individual storage containers. At that time, both the Legislature and the PUC concluded that PUC oversight was unnecessary.

I do not believe that PUC oversight is now necessary to protect self-service storage customers. In fact, the Senate committee analysis of AB 1656 concluded that there was no evidence of a problem that would require further regulation of this industry. For these reasons, I cannot sign this legislation.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 10th day of October 2001 at 11:07 a.m., of Assembly Bills Nos. 142, 249, 366, 545, 1091, 1191, 1547, and 1656, 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. 20

Governor’s Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 20 without my signature.

This bill would require the California Department of Aging (CDA) to conduct statewide research to identify the need for senior centers throughout the state.

While I realize the importance of collecting complete and reliable information on the need to establish senior centers across the state, this bill includes funds not appropriated in the budget. In addition, this survey creates an expectation of future funding for senior centers which may not be forthcoming due to the rapid decline in the economy.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 144

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning, Assembly Bill 144 without my signature.

This bill would permit all applicants or recipients for Cal WORKS cash aid and food stamps to retain a motor vehicle with a fair market value of \$15,000 or less if employed or engaged in work related activities. In addition, applicants or recipients who are victims of abuse would be permitted to retain a vehicle regardless of the value until they are no longer subject to or at risk of abuse.

This bill will increase CalWORKs caseloads and grant costs because more families would become or remain eligible for assistance. It will also increase the California Food Assistance Program caseload resulting in additional General Fund expenditures. Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 10th day of October 2001 at 2:50 p.m., of Assembly Bills Nos. 20 and 144, 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. 367

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 367 without my signature.

This bill would require school district governing boards to submit physical performance test results in writing to the parent or guardian of a student in grades 5, 7, and 9; require K–8 schools to double the physical education requirement for 7th and 8th grade students; require the California Department of Education (CDE) to develop curriculum content standards for school district physical education and ensure that districts are in compliance with statutory physical education requirements; and extend the sunset date for CDE's oversight of physical education from January 1, 2002 to January 1, 2007.

This bill would impose significant state-mandated costs upon school district governing boards by requiring school districts to report school physical fitness test results, in writing, to each pupil's parent or guardian. This bill's mandated reporting requirement would be reimbursable, resulting in General Fund costs in the millions of dollars. More significantly, the requirement to increase by 50% physical education time would result in additional costs of approximately

\$300 million annually. Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

I agree with the intent of this legislation to encourage a higher level of physical fitness in our state's youth and I support the extension of CDE's oversight of physical education until January 1, 2007. However, I do not believe that increasing reporting requirements of local school districts is the proper way to improve student fitness. I would consider legislation that meets the goal of increasing students' physical fitness without mandating additional requirements on school districts.

For these reasons, I cannot support AB 367.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 631

Governor's Office, Sacramento

October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 631 without my signature.

This bill would require the California Transportation Commission (CTC), in conjunction with the Department of Transportation (Caltrans), and the state's regional transportation planning agencies, to prepare and submit to the Legislature a comprehensive transportation needs assessment every five years.

Two years ago, both the CTC and Caltrans completed and delivered an exhaustive transportation needs assessment which identified the same transportation needs that the study required by this bill would presumably identify. That study provided the public, Legislature, and my Administration, important information on the state's transportation infrastructure that is both current and relevant. To duplicate such an effort at this time would not be financially prudent.

Nonetheless, as an ongoing transportation needs assessment and report as envisioned by this bill would be useful to transportation policymakers at all levels of government. Accordingly, I am directing the Secretary of the Business, Transportation and Housing Agency and the Director of Caltrans to provide recommendations on the types of fiscal and operational requirements that would be useful in developing such a report, as well as other information that would be beneficial to transportation policymakers.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 745

Governor's Office, Sacramento

October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 745 without my signature.

This bill would (1) add an alternate public member to the Commission on State Mandates, (2) limit the Commission from representing itself in court actions, (3) extend the time period by which local government agencies and school districts can file a claim for

reimbursement, (4) reduce the time period by which the State Controller's Office can audit a claim, (5) change the way claims are reimbursed through the State Mandates Claims Fund, and (6) change the way claims are removed from the State Mandates Apportionment System.

I believe that the existing timeframes for filing reimbursement claims with the state are quite generous and provide sufficient opportunity for local entities to submit reimbursement claims, therefore the changes proposed by this bill are unnecessary. In addition, by restricting the time period for the State Controller's Office to audit claims, this bill exposes the state to higher mandate claim costs. Further, while the state is required to reimburse local entities for costs mandated by the state, it should not be the State's responsibility to monitor the submission of claims by local governments and school districts to ensure claims are filed by the statutory timeframes. Accordingly, I am returning AB 745 without my signature.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1079

Governor's Office, Sacramento

October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1079 without my signature.

This bill would require every transit bus owned or operated by a public transit agency to be equipped with a two-way communications device so that the driver can communicate with the dispatcher in the event of an emergency.

I believe it is very important for local transit agencies to have and maintain these communications devices to ensure the safety of both employees and passengers. In fact, many transit agencies in California have already undertaken a local needs assessment and currently utilize such technology. I would encourage all local agencies to perform such an assessment in order to determine what type of technology would best suit their local needs. Unfortunately, given the rapid decline in our economy and a budget shortfall of \$1.1 billion in the first three months of this fiscal year alone, I must oppose the additional spending that this bill would require.

However, I am directing the Business, Transportation and Housing Agency to work with the California Transportation Commission to work with local transit agencies to assist in accessing additional assistance for this worthwhile goal. In addition, because local transportation agencies receive close to three times the amount of the state's share of the Transportation Development Act funds, I would strongly encourage local transit agencies to make purchase and maintenance of this equipment a priority to secure the safety of both drivers and the public.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1331

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1331 without my signature.

This bill would require the State Water Resources Control Board to establish a grant program to benefit local or regional projects undertaken by local public agencies that are designed to preserve the quality of prescribed groundwater supplies in Riverside County and facilitate the production, transportation, or reclamation of wastewater for beneficial uses.

While I am supportive of local efforts to protect our State's groundwater supplies, the program could create significant future pressure on the General Fund, which raises concerns during this period of fiscal constraints and limited General Fund resources. Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

However, other funding sources do exist to address the groundwater concerns in Riverside County, including State Revolving Fund loans and water reclamation funding through the Proposition 13 bond funds. We have already provided a \$600,000 grant from Proposition 13 monies and will work with the author to try to identify other existing sources of money from other than the General Fund. Given these existing programs, the case for a new grant program is not compelling.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1431

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1431 without my signature.

This bill would appropriate \$305,000 General Fund to establish a minimum of three district-based programs to provide professional development services to substitute teachers assigned to low-performing schools.

The role of substitute teachers in public education is important. However, I believe it is essential that State resources be concentrated on providing professional development services to permanent instructional staff, many of whom have not yet had an opportunity to participate in existing professional development programs. Until this goal is achieved, I do not believe it would be prudent to implement new professional development programs that are geared only toward substitute teachers.

Additionally, by requiring the Los Angeles Unified School District to participate in this program, this bill would create a reimbursable State mandate, resulting in significant General Fund costs of another one

million. Finally, given our rapidly declining economy with state revenues falling \$1.1 billion below expectations in the first three months of this fiscal year alone, I am unable to sign this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1617

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1617 without my signature.

This bill would expand the Tenth Grade Counseling Program to include County Offices of Education, would increase the program's per-student reimbursements, and would require that the program's counseling sessions include discussions of the High School Exit Exam.

While I support the provision of information and academic counseling to high school students as they work towards graduation, I am concerned that this bill would more than double the ongoing General Fund cost of the Tenth Grade Counseling Program and result in increased costs of \$11 million annually.

Given our rapidly declining economy, with state revenues falling \$1.1 billion below expectations in the first three months of this fiscal year alone, I cannot support this measure.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 11th day of September 2001 at 1:21 p.m., of Assembly Bills Nos. 367, 631, 745, 1079, 1331, 1431, and 1617, 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. 50

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 50 without my signature.

This bill would extend the Schiff-Bustamante Standards-Based Instructional Materials Program (SBIM), thereby requiring an appropriation of \$250 million annually (from 2002–03 through 2005–06) for the purchase of instructional materials in the following core areas: mathematics, language arts, history/social science, and science. The original program provided \$1 billion over four years in the four core areas, as specified.

Ensuring that students are provided the appropriate instructional materials is one of my highest priorities. My administration has allocated \$2.3 billion for books and instructional materials. A good portion of that money has not yet been spent by school districts, in part because instructional materials for reading will not be approved by the State Board until next January.

Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

Finally, I am committing to review the overall need for instructional materials and work on crafting a thoughtful process for providing funds that is more in line with the scheduled adoptions for the four core academic areas to meet the needs of school districts. For these reasons, I cannot support this bill.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 12th day of October 2001 at 2:21 p.m., of Assembly Bill No. 50, 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. 524

Governor's Office, Sacramento

October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 524 without my signature.

This bill would require the Department of Health Services to submit a federal waiver request, developed in consultation with the Department of Social Services (DSS), to secure Medi-Cal funding for eligible Personal Care Services Program (PCSP) recipients opting into the advance payment method. The bill would also require the DSS to make modifications to the Case Management Information and Payrolling System (CMIPS) to accommodate changes in the PCSP. This bill appropriates \$300,000 General Fund for this purpose.

While I am supportive of increasing federal financial participation in the In-Home Supportive Services Program by authorizing advance payment benefits under the PCSP, I cannot sign this bill in its current form. This bill would require significant changes in the CMIPS without requiring a rigorous evaluation of the costs and benefits of this bill. Therefore, given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 900

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 900 without my signature.

This bill would require counties to notify all physicians about the availability of the Maddy Emergency Medical Services Fund and make changes to its claims reimbursement process.

This bill may have merit but unfortunately it did not undergo appropriate legislative review and opportunity for public input.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 937

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 937 without my signature.

This bill would require health care service plans to consider various factors when developing rates by July 1, 2002 for the reimbursement of providers for the treatment of HIV-positive enrollees. This bill would also require that the Department of Health Services develop such risk-adjusted rates, subject to independent review by an outside 3rd party, to be applicable to managed care plans and primary care case management programs, for the treatment of HIV-positive Medi-Cal recipients.

This legislation improperly places an outside entity in the position of determining Medi-Cal rates which would set a bad precedent for other Medi-Cal rate adjustments. Requiring a particular rate-setting methodology would also limit DHS' ability to negotiate capitation rates with managed care plans in the future.

I am, however, very concerned about ensuring access to specialists for HIV/AIDS patients, which is why I signed AB 2168 last year designed to provide HIV/AIDS patients with access to standing referrals with specialists. I have been disturbed to find that due to a lack of board certification for such physicians (there is no definition of an HIV/AIDS specialist) it has been difficult for the Department of Managed Health Care to fully implement AB 2168.

Therefore, I am directing the Director of the Department of Managed Health Care to develop and adopt a regulation, to take effect as soon as possible, that defines an HIV/AIDS specialist for the purposes of this law. I believe that this approach will ensure that HIV-positive patients achieve increased access to HIV/AIDS specialists.

I have also proposed expanding continuity of care laws to ensure that people with HIV whose doctors group becomes insolvent or whose contracts are terminated with HMOs have access to the same doctor until the next open enrollment period.

I am very hopeful that these changes will increase access to the best care possible for persons with HIV.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 11th day of October 2001 at 4 p.m., of Assembly Bills Nos. 524, 900, and 937, 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. 252

Governor's Office, Sacramento

October 11, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 252 without my signature.

This bill would have established a statutory process to grant protected status to species previously thought extinct, but rediscovered. The California Endangered Species Act (CESA) is the strongest endangered species law in the nation. Under CESA, the Fish and Game Commission is authorized to provide an emergency listing for re-discovered species through their regulatory powers. There is no evidence that any harm has befallen a species previously thought to be extinct prior to protective action by the Fish and Game Commission.

While I appreciate the author's hard work in crafting this measure, the existing emergency process provides ample protection. I am therefore returning this bill without my signature.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 522

Governor's Office, Sacramento

October 11, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 522 without my signature.

This bill would require Department of Fish and Game sport fishing and hunting license agents to offer customers the opportunity to donate one dollar (\$1) to county search and rescue departments.

While I applaud the author's effort to assist California's successful search and rescue teams, this proposal increases the size and cost of government at a time when state revenues are \$1.1 billion below forecasts for the first three months of this fiscal year alone. Furthermore, all additional funds would come from increased fees for fishing and hunting licenses.

Finally, this bill will only generate minor funds for law enforcement efforts and does not justify the costs of implementation, nor would it be appropriate for DFG to be the collection agency for law enforcement.

For these reasons, I am vetoing AB 522.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 12th day of October 2001 at 4:37 p.m., of Assembly Bills Nos. 252 and 522, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

E. DOTSON WILSON
Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 186

Governor's Office, Sacramento
October 12, 2001

To the Members of the California State Assembly:

I am returning Assembly Bill No. 186 without my signature.

This bill would exempt quarter horse associations from paying to the state, the 8% out-of-state license fee, and would instead provide that for quarter horse racing, this license fee be distributed to the official registering agency as supplemental purses for the annual California-bred Quarter Horse Championship Races Program.

On July 16, 2001, I signed into law AB 413 which accomplishes the same funding purposes for the California-Bred Quarter Horse Racing Program, without impacting the state's General Fund revenue from horse racing license fees.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 346

Governor's Office, Sacramento
October 12, 2001

To the Members of the California State Assembly:

I am returning Assembly Bill No. 346 without my signature.

This bill would require the Youth and Adult Correctional Agency (YACA), in consultation with the National Institute of Corrections, the University of California and the California State University, to prepare a report regarding the development of an education and training program to improve the management and leadership skills of correctional managers at the CA Department of Corrections (CDC) and the Department of the Youth Authority (YA).

I am vetoing this measure because it would result in additional General Fund costs that are not included in the 2001 Budget Act as well as create a significant General Fund pressure to fund enhanced training programs at CDC and YA. Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

Additionally, CDC has already initiated a comprehensive evaluation of existing training programs for supervisors, managers and executives. Therefore, this measure appears duplicative and unnecessary with respect to CDC.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 504

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 504 without my signature.

This bill requires that when local school districts and the State Allocation Board develop and approve plans for “cookie cutter” schools that consideration be given to pupil and faculty safety. This consideration would include the placement, design or adequacy of school features, as it pertains to the siting of schools, traffic patterns, ingress and egress of pupils, and security devices, including alarms and other electronic safety devices.

I believe existing law places the highest priority on student safety and security starting with The Field Act of 1933. All plans utilizing school bond funds must be approved by the State Architect for compliance with the Field Act along with fire, life and safety issues. The Department of Education reviews school plans for siting issues, traffic patterns, and ingress and egress compliance. The State and local Fire Marshals approve fire safety issues and emergency access issues. The Carl Washington School Safety and Violence Prevention Act provides funds for school communication systems and finally the Department of Toxics must review and approve schools plans relating to toxic and other environmental safety issues. This year, I signed Senate Bill 575 (O'Connell) an important safety measure that requires automatic fire sprinklers in public school classrooms.

In addition to laws that insure the safe construction and operation of our schools, California has numerous student safety measures in place such as the School Safety and Violence Prevention Act, the School Law Enforcement Partnership, the Safe School Plan Implementation Grants, the Safe and Drug Free Schools program and the Communities Act Safety Plans for New Schools as well as dozens of state regulations.

I am a longstanding advocate of safe design, construction and operation of schools and student security. However, given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I cannot support additional General Fund spending on a measure that is covered under existing law.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 675

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 675 without my signature.

This bill would amend Penal Code Section 1170 to include prisoners who are medically incapacitated to be considered for the Department of Corrections' Compassionate Release Program. Additionally, this bill would make various technical changes regarding the process for reporting and releasing terminally ill and medically incapacitated inmates.

I am vetoing this bill because it could result in General Fund costs for the Department of Corrections that are not budgeted in the 2001

Budget Act. Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending. Additionally, this measure could result in the release of violent offenders to the extent that they are found to meet the conditions of release as part of the revised Compassionate Release Program.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 698

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 698 without my signature.

This bill would create the Office of Immigrant Assistance (OIA) in the Office of the Attorney General. The Attorney General has already created such an office. Therefore, this bill is duplicative.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 852

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 852 without my signature.

This bill would impose specific passenger restraint standards to school pupil activity buses (SPABs). Similar standards are already required for school buses. However, the school bus standards are intended to reflect the findings of a study being completed by the National Highway Traffic Safety Administration (NHTSA). This study focuses on the installation of restraint systems and the safety of school bus passengers, not SPABs.

I signed SB 568 (Morrow) which delays implementation of A 15 (Gallegos) pending completion of the NHTSA study. Thus, this legislation is also premature.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 855

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 855 without my signature.

This bill would require that State teacher salaries be established based upon local school district teacher salaries. By mandating that State salaries be based upon salaries established by local school districts, the fiscal controls currently exercised by the Legislature and the Governor would be removed.

I have instructed DPA to make an offer to increase the salaries of teachers at the schools for the deaf and blind and to any others DPA may deem appropriate.

Thus, this legislation is not necessary. Moreover, the matter of determining State teacher pay is best determined through the normal collective bargaining process.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 932

Governor's Office, Sacramento
October 12, 2001

To the Members of the California State Assembly:

I am returning Assembly Bill No. 932 without my signature.

This bill would establish the Youth Leadership Through Education and Crime Prevention Pilot Program. The program would provide greater opportunities for young people from disadvantaged circumstances to meet their potential while working in collaboration with law enforcement to reduce youth crime, violence, and drug use.

Although I fully support the goals of this program, given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending. I believe this program can be implemented through the use of federal Workforce Investment Act (WIA) funds.

Therefore, I am returning this bill without my signature and directing the Employment Development Department to work with the author to use the Governor's Workforce Investment Act Discretionary funds to develop proposals to address the purpose of this measure. Additionally, I have also provided \$121 million in the 2001 Budget Act for juvenile crime prevention programs that can be used for future funding of these programs.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 960

Governor's Office, Sacramento
October 12, 2001

To the Members of the California State Assembly:

I am returning Assembly Bill 960 without my signature.

This bill would appropriate \$300,000 from the General Fund to the Office of Criminal Justice Planning to support the Environmental Circuit Prosecutor Project (ECP).

Notwithstanding the merits of this excellent program, I must veto this measure. Due to the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending. However, I am directing the Environmental Protection and the Resource Agencies to bring affected state agencies and stakeholders together to help craft a long term solution for supporting the ECP.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1110

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1110 without my signature.

This bill would extend the time period from 15 to 30 days during which a State employee absent without approved leave (AWOL) can file a request for reinstatement, provide that an AWOL State employee subsequently reinstated would receive back pay and benefits from the date of appeal to the date of reinstatement, and expand the authority of the Department of Personnel Administration to set aside an AWOL separation based on fraud, discrimination, or bad faith.

This bill would result in interminable costs to the State as result of awarding a reinstated employee back pay and benefits from the date of appeal to the date of reinstatement. Additionally, this bill would encourage appeals by separated employees and extend to them benefits not provided employees, who report to work, absent an excused period leave. Finally, this bill is unnecessary since the existing 15 day period affords AWOL State employees sufficient opportunity to request reinstatement.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 13th day of October 2001 at 6:42 p.m., of Assembly Bills Nos. 186, 346, 504, 675, 698, 852, 855, 932, 960, and 1110 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 189

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 189 without my signature.

This bill would provide an enhanced 2 percent at age 55 retirement benefit formula, with a maximum benefit factor of 2.7 percent at age 65, for active and inactive State miscellaneous and State industrial members of the California Public Employees Retirement System.

This bill would result in annual costs of \$119 million (\$59.5 million General Fund) commencing in 2003–04. Moreover, retirement benefits for State employees are subject to collective bargaining and should be considered together with other compensation items in the collective bargaining process.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 199

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 199 without my signature.

This bill would allow members of the California Public Employees Retirement System whose retirement accounts have been separated due to a community property settlement to purchase retirement service credit awarded by re-depositing retirement previously withdrawn from the member's account.

Furthermore, this bill would increase the retirement liabilities of the state and local contracting agencies as a result of providing a higher retirement allowance to members upon separation of accounts. In addition, this bill works a hardship on married families who would be forced to subsidize a double dip by members who divorce.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 293

Governor's Office, Sacramento
October 12, 2001

To the Members of the California Assembly:

I am returning Assembly Bill 293 without my signature.

AB 293 would eliminate Option Settlement 5 for Peace Officer/Firefighter members in Bargaining Unit 6 and provide a Deferred Retirement Option Program as an alternative benefit program in the California Public Employees Retirement System (CalPERS) for members in State Bargaining Units 5, 6, and 8.

The bill includes provisions that should be subjects of bargaining and would inhibit the State's ability to develop a program that is cost-neutral, should the State choose to do so. If a cost neutral program is successfully bargained with the Department of Personnel Administration, the negotiated items can be included in a Memorandum of Understanding and ratified by the Legislature.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 304

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 304 without my signature.

This bill would increase the state share of county agricultural commissioner salaries. The state makes significant contributions to county agricultural programs, a portion of which is for administration and commissioner salaries, in addition to the state's direct contribution to these salaries. I cannot support substantial new spending when state revenues have dropped \$1.1 billion in the first three months alone. Therefore, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1081

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1081 without my signature.

This bill would extend participation in the Public Employees Retirement System (CalPERS) to those California State University (CSU) temporary faculty members who work at least 40 percent of full-time, but less than half time, as specified.

Under current law, participation in the CalPERS retirement system requires employees to work at least half time. This bill may result in pressure to provide similar benefits to other members of CalPERS that work less than half time, resulting in potentially significant General Fund costs.

Furthermore, this bill would result in General Fund costs of over \$800,000 in additional employer retirement contributions, in addition to pressure to provide CSU over \$1 million General Fund to cover additional social security costs. I cannot support substantial new spending when state revenues have dropped \$1.1 billion in the first three months of this fiscal year alone.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1502

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1502 without my signature.

This bill would increase the Special Death Benefit payable on and after January 1, 2002, with respect to a deceased member who have been 50 years of age or older on January 1, 2001, eliminate the six-month limitation on highest compensation reciprocity when there is a break in service between memberships, and allow former members of a County Employees' Retirement Law of 1937 ('37 Act) retirement system, who withdrew their retirement contributions from the first system, and who are now employed by a different employer, as specified, to redeposit those contributions without reestablishing membership in the first system.

Providing a one-time increase in the Special Death Benefit allowance of California Public Employees' Retirement System's State members, as specified, would result in a present value cost of \$75.5 million, and would require additional State retirement contributions of \$6.4 million (1.9 million General Fund) annually.

The provision of this bill allowing former employees of '37 Act retirement systems to retain the right to repurchase retirement credits would result in an unfunded liability since '37 Act retirement systems currently assume no liability associated with refunded service credits.

Because these costs are not included in the 2001 Budget Act and because California's economy is weakening and State revenues are falling, I must return this bill without my signature.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1554

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1554 without my signature.

This bill, an urgency measure, would provide State employees with an employer-paid health benefits contribution establishment by the 100/90 Formula, which uses a weighted average of the four health plans with the highest enrollment to determine the employer's maximum monthly contribution for health benefits.

This bill would result in increased costs to the State of \$66.2 million (\$33.1 million General Fund) for State employees in 2001–02 and (\$98.4 million General Fund) for State employees in 2002–03 and annually thereafter. This bill would circumvent the collective bargaining process for represented employees and would supersede the Department of Personnel Administration's authority to determine the State's maximum monthly contribution for health benefits for State employees excluded from the collective bargaining process.

All compensation issues should be resolved through the collective bargaining process, not through piecemeal legislation.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1680

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1680 without my signature.

This bill would require the Labor Commissioner to conduct the educational classes required for obtaining a farm labor contractor's license.

Educational classes required of farm labor contractors were mandated by legislation I previously signed. I am confident that the Department of Industrial relations will implement that measure appropriately. There is no reason to change the law.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 13th day of October 2001 at 6:44 p.m., of Assembly Bills Nos. 189, 199, 293, 304, 1081, 1502, 1554 and 1680 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 1361

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1361 without my signature.

This bill would have required the California Highway Patrol (CHP) to report annually to the Legislature on the extent to which sufficient staffing levels are being attained, and to update the 1990 staffing study.

I am vetoing the bill because there is no agreed upon standard as to what constitutes sufficient staffing for the CHP, so the value of the report is unclear. In addition, a mechanism for providing the proposed information to the Legislature already exists through the supplemental report process. A new statutory reporting requirement is not necessary.

I am, however, directing Commissioner Helmick of the Department of California Highway Patrol to update the last staffing report done in 1990 and to provide his recommendations to me. Upon receipt of the report, I will share the results with the chairpersons of the appropriate legislative committees.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1536

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1536 without my signature.

This bill would appropriate \$750,000 from the General Fund to create a truancy court pilot project in Los Angeles County. Also, the Judicial Council estimates fifteen new positions and another \$1.5 million to administer the programs.

Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending. It is possible however this program could be funded in part from the \$121 million in Juvenile Justice Prevention funds.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1679

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1679 (Shelley) without my signature.

In no other area of the law do we relieve the temporary employer or any employer of the responsibility to their employers. I am sympathetic to reports that some temporary employers are not fully meeting their obligations and I am receptive to alternate remedies.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 13th day of October 2001 at 6:45 p.m., of Assembly Bills Nos. 1361, 1536 and 1679 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 121

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 121 without my signature.

This bill would increase and annually adjust for inflation the household income threshold for participants in the Senior Citizens' and Disabled Citizens' Property Tax Deferral Program.

Although I recognize that the intent of this bill is to increase the qualifying income level to allow greater program participation, I am obligated to evaluate the bill within the overall context of its effect on the General Fund during these uncertain fiscal times. We are experiencing a rapid decline in the economy and revenues have fallen \$1.1 billion in the first three months of this fiscal year alone. I will consider an appropriate adjustment as part of next year's budget discussion. Even though I recognize the State would eventually be fully repaid with interest, I am concerned this measure would increase State expenditures in the short-term. This bill would also result in additional, unbudgeted administrative costs for the State Controller's Office.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 256

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 256 without my signature.

This bill would provide that actions or proceedings, commenced by an out-of-state seller against a California consumer who has entered into a consumer contract for goods or services, shall be filed in California even when there is an agreement between the seller and the consumer that actions will be filed another jurisdiction.

These venue issues are best left to the courts to decide and there are still differing interpretations at the United States Supreme Court and California appellate court levels. Moreover, California consumers are protected under existing law which permits a court to determine the appropriate venue to resolve a dispute.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1419

Governor's Office, Sacramento
October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1419 without my signature.

This bill would provide state-owned property, currently used by the Department of Transportation (Caltrans), for a redevelopment project in the City of San Francisco. The property would generate revenue for construction of the City's proposed "Great Expectations" project, a project that includes, among other elements, a new Transbay Transit Terminal and, as required by the bill, extension of the Peninsula Commute train to the new terminal.

While I support this exciting new project, I cannot support this bill because it would jeopardize the project schedule and cost estimates for completion of the west approach seismic retrofit portion of the San Francisco-Oakland Bay Bridge seismic retrofit and replacement project. This important safety project MUST proceed without delay.

Additionally, it contains provisions that would inadvertently impact improvements previously agreed to by the author and Caltrans. Although the author has agreed to sponsor cleanup legislation, it would not take effect in time to address the identified problems.

Caltrans has existing authority that allows it to transfer state-owned property to local governments through administrative processes. These processes allow the State to address key issues affecting the seismic retrofit program, and also allow for the consideration of appropriate terms and conditions under which the property would be transferred.

Accordingly, I am directing Caltrans to initiate procedures to transfer the property administratively with the necessary protections for the State that will also allow an important regional transportation improvement to proceed.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1477

Governor's Office, Sacramento
October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1477 without my signature.

This bill seeks to reduce unnecessary calls to the 911 emergency telephone system by authorizing every local public agency to establish a 311 non-emergency telephone system. This 311 system would be funded by the imposition of an additional surcharge on intrastate telephone communication services.

It would be premature to implement this program at this time. The Department of General Services (DGS) has conducted research on the implementation of nonemergency pilot projects and has recommended that the State not invest in a 311 system without conclusive information regarding the relative benefits of such a program. Because this bill would authorize an additional surcharge to support this program, there should be significant justification to support the proposed level of the increase. None of the pilot studies have been able to provide this justification. In addition, local governments are already authorized to impose telephone surcharges on users within their jurisdictions, and

may use those revenues to establish nonemergency telephone systems. To the extent that individual communities determine a 311 program to be beneficial, local jurisdictions may implement such programs under existing law.

Finally, funding for the implementation and development of technical and operational standards for a 311 system are not included in this bill. For these reasons, I cannot sign this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1564

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1564 without my signature.

This bill would include any federally recognized Indian tribe within the definition of "public entity" for the purposes of authorizing Caltrans to enter into cooperative agreements for state highway construction, improvements, or maintenance projects. However, the bill makes no provision to ensure that projects for Indian tribes won't supercede projects planned in the State Transportation Improvement Program (STIP), and it doesn't contain sufficient safeguards or specific requirements to ensure that both local and regional transportation plans are not negatively affected by tribal funded and supported projects.

In vetoing similar legislation last year, I stated that "it is imperative that the greater community be given the opportunity to participate in the issues surrounding the proposed highway developments." This bill would interject the state into local land use and planning decisions best left to local communities and governments.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 14th day of October 2001 at 11:32 p.m., of Assembly Bills Nos. 121, 256, 1419, 1477, and 1564 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pam Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 104

Governor's Office, Sacramento

October 13, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 104 without my signature.

This bill would increase fees on every San Francisco Bay Area motorist by up to \$4 without a vote of the electorate for the purpose of funding water quality projects that mitigate the effects of pollution caused by motor vehicles.

I have supported and the state has provided substantial funding for these types of important projects. Proposition 13, approved by the voters last year, provides \$190 million for water quality nonpoint source projects and \$90 million for watershed protection and pollution

prevention projects. In addition, I have just signed Assembly Bill 1602, which if approved by the voters on the March 2002 statewide ballot, will provide additional funds to protect our natural resources, including funds that can help address motor vehicle-related water pollution. Specifically, AB 1602 includes \$300 million for water quality projects to protect our beaches, lakes, streams and rivers from pollution.

Given the rapid decline of our economy and increasing layoffs, the amount of money this program would raise does not warrant the additional burden on the motoring public.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 177

Governor's Office, Sacramento
October 13, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 177 without my signature.

This bill would authorize a school district superintendent or designee to address the academic needs of pupils suspended for more than five days. In addition, the bill would require the superintendent or designee to inform the parent or guardian of the pupil's right to have his/her academic needs addressed along with options available to meet those needs. Lastly, the bill would deem any testimony provided in an expulsion hearing to be privileged information pursuant to Civil Code provisions.

While the bill permits school districts to choose to address the academic needs of a student on extended suspension, it requires school districts to inform the parent of the pupil's right to have academic needs addressed. This parental notification requirement, though laudatory, creates a state mandate of several million dollars. Additionally, it is not clear to me that the vast majority of the school districts are not currently providing suspended students with academic material and course work when requested. Further, I strongly support the provisions of the bill that modify the rights of witnesses in expulsion hearings that enhance the ability of expulsion proceedings witnesses to come forward without risk of retaliatory civil suits, and I would consider a bill accomplishing this purpose.

However, because AB 177 will result in several million dollars of mandated costs, I cannot support this measure.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 348

Governor's Office, Sacramento
October 13, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 348 without my signature.

This bill would make various changes regarding curriculum, model academic standards, and the attributes of career technical education courses within grades 7 through 12. These changes include revising the process by which the Superintendent of Public Instruction develops and the State Board of Education adopts curriculum standards, requiring development of model curriculum standards by May 1, 2003 for

career technical education courses, and requiring CSU, as well as requesting UC, to develop model academic standards and a high school accreditation process related to recognizing career technical education as university preparation. The bill states it is the intent of the Legislature to appropriate funds for this purpose in the 2001–02 Budget Act.

I am supportive of improving career technical education, as evidenced by the \$5.5 million included in the 2001–02 budget for this purpose. I am also supportive of the concept of having a role for employers and stakeholders in developing the model curriculum standards. However, the funds appropriated in the 2001–02 Budget Act could not be used by the Department of Education to develop the model curriculum because they are only available for allocation to local education agencies. As a consequence, this bill would impose new General Fund costs in the hundreds of thousands of dollars on the Department of Education. I am also concerned that this bill may have the potential for significant local assistance cost pressures by compelling districts to change curriculum to meet new requirements of the postsecondary institutions. Given the rapid decline of our economy and a budget shortfall of \$1.1 million through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 769

Governor's Office, Sacramento
October 13, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 769 without my signature.

This bill would establish the School-to-Career Technology Training Center Program. Twenty work force coalitions would each receive \$25,000 grants to develop training centers to provide technology instruction to CalWORKs recipients. These centers would be open for at least four hours per day and also would allow these recipients to access centers after normal school hours. Participating high schools would receive funding through either existing programs or, if providing after-school service, adult education average daily attendance (ADA) funds. Participating industries would be required to provide specified benefits to program graduates.

I am concerned that this bill would permit school districts or county offices of education to use a variety of fund sources that are currently dedicated to other programs or services, including core academic instruction. If participating schools are unable to redirect existing funds, the bill could create a Proposition 98 General Fund cost pressure of up to \$10 million. Furthermore, this bill creates an ongoing cost of at least \$1.1 million to provide adult education ADA for adults who utilize the training centers after regular school hours, and a one-time cost of \$500,000 for planning grants. Given the rapid decline of our

economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

For these reasons, I cannot support this measure.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1132

Governor's Office, Sacramento

October 13, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1132 without my signature.

This bill would clarify the conditions under which a charter school can claim supplemental instruction funding and make other changes relative to charter school funding. This bill would also codify elimination of the deficit factor for revenue limits.

This bill's provisions concerning supplemental instruction funding for charter schools are an abrupt change from the current system of funding. These provisions lack accountability and present a real opportunity for fraud or abuse. Other provisions of this bill, while desirable, do not outweigh these risks.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1213

Governor's Office, Sacramento

October 13, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1213 without my signature.

This bill would require the Superintendent of Public Instruction to establish a Pupil Transportation Task Force to define requirements for a new pupil transportation funding formula that would optimize the distribution and use of funds for pupil transportation services by school districts.

This bill would also divert funding from the Home-to-School Transportation program to the Superintendent of Public Instruction, thus reducing the amount of funding available for local districts to spend on local transportation needs. Additionally, the diversion of the \$140,000 violates the intent of Proposition 98 since it would use local assistance funds to pay for a state operations program that is not instructional in nature. For these reasons, I am unable to support this measure.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1341

Governor's Office, Sacramento
October 13, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1341 without my signature.

This bill would require the State Department of Education (SDE) to collect information regarding academic or career-related curricula from all high schools in California and make that information available on the Department of Education website.

While I am supportive of the idea of a website describing the best practices for integrated career-related curricula, schools could work voluntarily with the SDE to host such information. The data collection requirements established this bill would result in a significant State-reimbursable mandate of over \$20 million Proposition 98 General Fund. Additionally, existing law requires schools to make available to parents, every year, a prospectus including the curriculum, title, description, and instructional aim of every course offered by the school. Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year along, I have no choice but to oppose additional General Fund spending.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 14th day of October 2001 at 11:32 p.m., of Assembly Bills Nos. 104, 177, 348, 769, 1132, 1213 and 1341 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 916

Governor's Office, Sacramento
October 14, 2001

To the Members of the California Legislature:

I am returning Assembly Bill 916 without my signature.

This bill would expand the scope of currently mandated AIDS prevention instruction to include instruction in the prevention of sexually transmitted infections (STIs), thereby increasing the cost of an existing state-mandated program.

On the merits, I agree with greater inclusion of STI prevention information in the course curriculum. However, the vast majority of voluntary sex education instruction offered by school districts in the state already includes information on STIs. Imposing specific requirements for instruction would create a state-mandated program of \$3.1 million General Fund and require the state to pay even if a school district is already voluntarily providing such instruction. Given the

rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

For these reasons, I cannot sign this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1073

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1073 without my signature.

This bill would allow Adult Education in Correctional Facilities programs to increase their Average Daily Attendance (ADA) by up to 5.0 percent above the current statutory increase of 2.5 percent from 2002–03 to 2005–06, inclusive, if the increase is a result of an increase in the number of courses in the prevention of domestic violence and substance abuse. Programs that receive this proposed increase would be required to maintain, for three years, records on inmate enrollment in these courses and completion rates.

I support the Adult Education in Correctional Facilities Program and the services they provide to help reduce recidivism. This bill would triple the statutory growth in funding from 2.5 to 7.5 percent. Given our declining economy and the loss of \$1.1 billion in revenues in the first 3 months of the fiscal year alone, we cannot commit to such an increase. In fact, I recently asked all of my departments outside of law enforcement to prepare budget cuts of 15 percent. Finally, if these classes have demonstrated their effectiveness in reducing recidivism, I would expect correctional facilities to provide these classes on a priority basis from within existing resources.

For these reasons, I cannot support this measure.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1147

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1147 without my signature.

This bill seeks to restore \$2,644,000 from the General Fund to the State Department of Health Services for allocation to the local health jurisdictions for Maternal and Child Health (MCH) services.

Given the rapid decline in California's economy I was forced to make difficult choices and reduce funding to many worthwhile programs. However, recognizing the importance of the MCH program, when I vetoed the funds from the budget I directed the Department of Health Services to use its administrative authority to redirect existing funds to ensure that MCH services are maintained to the greatest extent possible and that federal funds are maximized. DHS has assured me that the funds being temporarily redirected from other programs are available for this purpose without harming or curtailing those programs.

While I appreciate the desire of the Legislature to restore these funds, doing so would only make the difficult choices ahead even more difficult given the state of our economy and the anticipated budget shortfall in the next fiscal year.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1149

Governor's Office, Sacramento

October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1149 without my signature.

This bill would direct the California Department of Corrections (CDC) to ensure that personal information relating to CDC employees is not removed from a prison facility without authorization from the warden. The bill also exempts from any potential disciplinary action a "whistleblower" employee who removes such information from a prison.

I fully support the policy expressed by this bill regarding the protection of personal information relating to employees of the California Department of Corrections. It is consistent with the existing internal policy that has already been implemented by the Department.

I must oppose this bill, however because the whistleblower exception is too broad. It would encourage the unauthorized taking of sensitive confidential documents. A whistleblower should not be encouraged to violate administrative rules or statute in reporting improper governmental activities, especially when those rules are established to protect the personal information of law enforcement employees.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1603

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1603 without my signature.

This bill would require the Board of Governors of the California Community Colleges to maintain the California Articulation Numbering (CAN) system as the common course numbering system and lead the expansion of CAN so it can be applied to all transferable courses at the California Community Colleges (CCC), and require the three higher education segments to facilitate the inclusion of the CAN system in articulation agreements.

I am supportive of activities that simplify the transfer process for community college students. This bill, however, would create a reimbursable state mandate to community colleges to participate in the CAN system, which is an unnecessary duplication of efforts already under way. In my Administration's partnership agreements with all

three segments of higher education, they have agreed to improve the ability of students to transfer between the three segments. Course articulation is one of the means they are using already to increase transfer rates.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 14th day of October 2001 at 11:32 p.m., of Assembly Bills Nos. 916, 1073, 1147, 1149 and 1603 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 167

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 167 without my signature.

This bill provides that the time and motion study developed by Riverside County in 1988 to claim reimbursement for its absentee ballot program is valid through December 31, 1999, for the purpose of reimbursement from the state.

The State Controller's audit determined that Riverside County was owed approximately half of what this bill would provide in the form of reimbursement. The best forum for resolving this dispute is the Commission on State Mandates. Accordingly, I am returning AB 167 without my signature.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 183

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 183 without my signature.

This bill would delete the sunset date for the requirement that the State reimburse local agencies for the costs of special vacancy elections as specified. Currently, this provision would sunset January 1, 2005.

Given the decline of the state economy, there is ample time to make this decision before the 2005 sunset.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1098

Governor's Office, Sacramento
October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1098 without my signature.

This bill would specify that the 1992–93 allocation from the Special District Augmentation Fund to the Los Angeles County Consolidated Fire Protection District (District) be based on the amount of property taxes “identified for transfer” to the District, not the amount of property taxes actually received by the District.

In a May 2001, State Controller's Office (SCO) audit of Los Angeles County, the SCO found that the Los Angeles County Auditor-Controller improperly allocated property taxes retroactive to 1992–93. As a result, the Education Revenue Augmentation Fund (ERAF) owes the District funds the District overpaid to the ERAF from 1992–93 through 1996–97. The SCO also found as part of that calculation correction, that the District owes the ERAF approximately \$9 million annually since 1993–94. It is my understanding that there is disagreement between the SCO and the District with regard to offsetting the amount that is owed to the District with the amounts that the District underpaid based on the calculation correction.

I am vetoing this bill because it would result in the ERAF not receiving the prospective \$9 million annual payment it is due from the District. Without these property tax revenues for schools, the State's General Fund would be required to make up this funding. In addition, I believe it is premature to address the prospective amounts owed to the ERAF based on the SCO audit without also addressing the retroactive amounts owed to the District.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1111

Governor's Office, Sacramento
October 14, 2001

To the Members of the State Assembly,

I am returning Assembly Bill No. 1111 without my signature.

This bill would establish the Elder and Dependent Adult Financial Abuse Protection Program within the Office of Criminal Justice Planning, the purpose of which would be to combat the financial abuse of elder and dependent adults.

Notwithstanding the merits of the bill, it creates a new statewide program requiring new General Fund allocation at a time when the economy is rapidly declining and state revenues have fallen \$1.1 billion during the first three months of this fiscal year alone, below budget predictions.

In addition, budgeted resources already exist to combat elder abuse. Over the past two years, I have expanded the Adult Protective Services program (APS) statewide by providing counties with funding to combat elder abuse both physical and financial. The 1999 Budget Act included a \$34.9 million allocation to the APS for enhanced investigation of reports of elder and dependent abuse, including financial abuse. This funding also included services for victims including emergency shelter, in-home protective care, food and transportation. I have also signed

legislation authorizing counties to create interagency elder death review teams, assisting the prosecution of elder abuse cases, and training nursing home staff in the recognition and reporting of such abuse. The Attorney General's Office also has a significant level of state and federal resources to investigate and prosecute cases of elder abuse.

For these reasons, I must veto this measure.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 14th day of October 2001 at 11:32 p.m., of Assembly Bills Nos. 167, 183, 1098 and 1111 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Veto Message—Assembly Bill No. 69

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 69 without my signature.

This bill would allow specific governmental entities in Los Angeles County, which are currently Southern California Edison customers, to enter into direct-access electricity contracts with the Los Angeles Department of Water and Power.

Last June, approximately two percent of the customer load in the territory served by the three investor-owned utilities (IOUs) were receiving power from direct access providers. The Public Utilities Commission (PUC) recently suspended direct access, but the percentage of load subject to direct access transactions grew to as much as 13 percent or more prior to the suspension. That growth creates a significant and unfair cost burden for those customers who continue to receive power from the IOUs and the Department of Water Resources.

This rapid growth in direct access necessitates more concise cost-containment provisions for the remaining IOU customers than those contained in this bill, and those provisions should apply to *all* direct access contracts.

Moreover, this bill does not clearly authorize fees to cover costs that may result when direct access customers return to service with an IOU, which would create new and unanticipated procurement obligations for the IOU. Those new procurement obligations could come about solely because the direct access provider no longer chooses to provide service to its customers because of rising electricity costs, and instead passes that burden on to the IOU and its customers.

Any efforts to allow direct access must be equitable for all stakeholders.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 206

Governor's Office, Sacramento
October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 206 without my signature. This bill would ease the formation of municipal utility districts.

I generally support the formation of new municipal utility districts. The State of California, however, had to step in to assume the responsibility of buying power since January because the state's flawed deregulation scheme drove two of three of our investor-owned utilities toward the brink of bankruptcy—PG&E eventually filed for bankruptcy. Since mid-February the State also assumed the responsibility for purchasing power for the customers of Sempra, as well as PG&E and Southern California Edison.

The state has incurred costs of approximately \$10 billion to keep the lights on and must sell revenue bonds to reimburse taxpayers for those expenditures. Any new municipal utility district must be structured in a way to bear its fair share of those costs. This bill makes no provision in that regard.

I would, however, sign legislation next year that meets the conditions I have expressed in this message.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1176

Governor's Office, Sacramento
October 14, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1176 without my signature.

I believe strongly that it is time to increase the level of compensation benefits offered to injured workers. It is also time to make significant improvements to the system so it better serves both the injured workers and all Californians. A comprehensive bill to improve the system should have four goals:

- 1) Providing a significant benefit increase for injured workers;
- 2) Promoting early and sustained return to work within the person's medical and work restrictions;
- 3) Implementing effective medical cost containment measures while assuring the quality of care provided; and
- 4) Targeting benefit dollars to achieve the best outcomes for injured workers.

I am concerned about the net economic impact of SB 71 and AB 1176 in these shaky economic times since I do not believe the two bills taken together adequately address the final three goals listed above.

Since there is a general agreement about the need to increase benefits for injured workers, I believe that if we work together, the legislature, my staff and the interested parties can craft a comprehensive bill reaching all four goals before the 2002 legislative session begins. For the above reasons, I must veto this bill.

Sincerely,

GRAY DAVIS

Veto Message—Assembly Bill No. 1186

Governor's Office, Sacramento
October 14, 2001

To the Members of the California State Assembly:

I am returning Assembly Bill 1186 without my signature.

Existing law specifies the percentages of the total amount wagered that are deducted for the "takeout" (i.e. license fees, purses, and commissions). This bill would allow thoroughbred racing associations and horsemen to agree between themselves to change the percentages. I do not believe this is good public policy.

Additionally, this measure would promote an activity that could have a potential for a negative impact on the horse racing industry. For example, if the agreement were to decrease the takeout, the amount returned to the wagering public would be increased. However, if the agreement were to increase the takeout, then the amount of money returned to the wagering public would be decreased. Because the bill does not specify a maximum cap for the negotiated percentage, it could dramatically change the current statutory framework. No case has been made for such a drastic change.

Many people, including breeders, depend on a healthy horse racing industry. I would be open, however, to any changes to existing statutory formulas that the California Horse Racing Board recommends. I note that the Board is opposed to this measure.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 14th day of October 2001 at 11:32 p.m., of Assembly Bills Nos. 69, 206, 1176 and 1186 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

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

Item Veto Message—Assembly Bill No. 780

Governor's Office, Sacramento
October 4, 2001

To Members of the California Legislature:

I am signing Assembly Bill 780. However, due to the rapid decline in our economy and a budget shortfall of \$1.1 billion in the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending. As a result, I am deleting the \$7 million General Fund appropriation contained in the bill.

This bill reauthorizes the pesticide mil assessment, which funds approximately 60% of the programmatic activity of the Department of Pesticide Regulation (DPR), at the current rate of 17.5 mils until June 30, 2004. I am signing this bill to maintain the current assessment rate because it does not add an additional financial burden on the

regulated industries. Moreover, this action will avoid the potential for the assessment to revert to an unacceptably low level in future years.

However, I am directing the Director of DPR to bring the stakeholders together as specified by this bill to help craft a longer term solution for support of the Department.

I am committed to the continuation of California's nationally renowned pesticide regulatory program and the benefits it provides. Because DPR has sufficient funding for the current fiscal year, I believe that addressing the funding shortfall for the 2002-03 fiscal year during the budget development process would be more appropriate.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 5th day of October 2001 at 2:21 p.m., of the Governor's statement of the items of appropriation eliminated from Assembly Bill No. 780 delivered to me personally by Casey Elliott.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

Item Veto Message—Assembly Bill No. 876

Governor's Office, Sacramento

October 5, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 876 which would appropriate \$100,000 to the State Department of Education to conduct a study of reading programs in schools with grades K-6 where at least 75 percent of the pupils have scored at or above the 80th percentile on the Standardized Testing and Reporting Program (STAR).

Ensuring that students learn to read is one of my primary education priorities. I am signing this measure but eliminating the appropriation. I am asking the Superintendent of Public Instruction to perform this study within existing resources.

Further, the state has provided millions of dollars for the development and adoption of English-Language Arts Academic Content Standards and Reading/Language Arts Frameworks. In addition, it is anticipated that the State Board Education will adopt reading/language arts materials by early 2002, all of which can be used to assist schools in developing successful reading programs.

Sincerely,

GRAY DAVIS

Item Veto Message—Assembly Bill No. 1312

Governor's Office, Sacramento
October 5, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1312, which establishes an Asian Pacific American Anti-Hate Program at the Department of Justice. However, given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I am deleting the \$250,000 General Fund appropriation contained in this bill and requesting the DOJ to conduct this important program using existing resources.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 9th day of October 2001 at 10 a.m., of the Governor's statement of the items of appropriation eliminated from Assembly Bills Nos. 876 and 1312 delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

Item Veto Message—Assembly Bill No. 830

Governor's Office, Sacramento
October 10, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 830, a bill that will establish a task force to study and recommend innovative measures to improve the delivery of legal services to California's senior citizens.

Many California seniors of low and moderate means are in need of legal advice and assistance to help them navigate through complex issues of daily living. The task force will provide the California Department of Aging and the Legislature with valuable insight and advice regarding uniform standards, accountability in service delivery, and local sources of funding for senior legal services. I support the author's efforts to enhance both the quantity and quality of legal services provided to one of California's most vulnerable populations. I am further directing the California Department of Aging to establish the task force within existing resources.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 10th day of October 2001 at 2:50 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 830 delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

Item Veto Message—Assembly Bill No. 306

Governor's Office, Sacramento
October 10, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 306 with a deletion. This bill would authorize local education agencies (LEA) to reinforce Braille instruction using a Braille instructional aide; allow Braille instruction for the functionally blind, require LEAs to provide instructional aides with notification of the specified teaching credential programs listed in the bill; appropriate \$227,000 General Fund to the California Community Colleges to offer additional training in Braille and require publishers of instructional materials to provide the state with free electronic versions of each state adopted literary title if the publisher doesn't already offer a large print version or other specialized media version.

I believe this bill will encourage earlier and greater Braille proficiency and lead to greater employment levels for Californians who are blind. However, given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have no choice but to reduce the appropriation in the bill from \$227,000 General Fund to \$100,000 General Fund.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 11th day of October 2001 at 1:21 p.m., of the Governor's statement of the items of appropriation reduced from Assembly Bill No. 306 delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

Item Veto Message—Assembly Bill No. 466

Governor's Office, Sacramento
October 10, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 466, which establishes the Mathematics and Reading Professional Development Program. The Program will greatly assist efforts to increase academic performance in California schools by enabling 176,000 teachers and 22,000 instructional aides or paraprofessionals to participate in high-quality professional development activities over a four-year period.

However, I am reducing from the bill the \$1.0 million of the \$1.2 million appropriation to the Department of Education for purposes of administering the Mathematics and Reading Professional Development Program. The compelling need for this level of funding is unclear, as the 2001 Budget Act appropriates \$515,000 to the Department of Education for the purpose of Program administration, which is responsible for the most significant workload. I am sustaining \$200 thousand to assist the Superintendent of Public Instruction in allocating the funding for this important program.

Additionally, in subsequent legislation, the provision requiring the State Board of Education to establish an appeal process for audit

findings for this program should be removed. This provision conflicts with current law, which established the Education Audits Appeal Panel.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 11th day of October 2001 at 3:59 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 466 delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Item Veto Message—Assembly Bill No. 31

Governor's Office, Sacramento

October 11, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 31 with a deletion. This bill would create the Central Valley Infrastructure Grant Program to incentivize infrastructure improvements to eight Central Valley counties. This program was to receive funding from a \$15 million appropriation contained in the 2001 Budget Act.

Given the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I am directing the Department of Housing and Community Development to use \$12 million for this grant program and to revert \$3 million to the General Fund.

Sincerely,

GRAY DAVIS

Item Veto Message—Assembly Bill No. 961

Governor's Office, Sacramento

October 11, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 961, however I am reducing the appropriation made in section 8 of this bill by \$2,142,000. This section would appropriate \$3.0 million to the Department of Education for training and administration costs associated with this program. Absent a detailed expenditure plan from the Department of Education justifying this need, I am unable to support an augmentation in excess of that which I believe is necessary to begin implementation of this program.

While I am signing this bill, I am concerned that numerous sections within this bill are unclear and may be interpreted in a way not intended, potentially resulting in significant costs. I am signing this bill with the understanding that the author will introduce urgency legislation to clean up these issues.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 12th day of October 2001 at 2:21 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bills Nos. 31 and 961 delivered to me personally by Casey Elliott.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

Item Veto Message—Assembly Bill No. 70

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Legislature:

I have signed Assembly Bill 70, which establishes a thermal imaging equipment program within the Office of Emergency Services and creates an advisory committee to develop specifications and information to facilitate the purchase of thermal imaging equipment at competitive rates. However, I am deleting Section 3, which appropriates fifty thousand dollars (\$50,000) from the General Fund.

In signing this bill, I am directing the Office of Emergency Services to begin establishing the program within existing resources. State revenues have fallen \$1.1 billion below projections in the first three months of this fiscal year alone. While I am strongly committed to protecting state public safety and firefighting efforts from budget reductions, I have no choice but to oppose additional General Fund spending.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 13th day of October 2001 at 6:46 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 70 delivered to me personally by Pamela Oto.

HUGH R. SLAYDEN
Acting Chief Clerk of the Assembly

Item Veto Message—Assembly Bill No. 343

Governor's Office, Sacramento
October 13, 2001

To Members of the California State Assembly:

I have signed Assembly Bill 343 with a deletion. I am deleting the appropriation in Section 4(b) of up to \$250,000 for the educational grant program created in Section 2 of this bill. Section 2 would create the grant program by adding Section 31119 to the Public Resources Code. Section 4(b) would allocate funds originally appropriated in Schedule (3) of Item 3760-301-00001 of the 2000 Budget Act to fund the new program.

This bill would allow the State Coastal Conservancy to use up to \$250,000 of a General Fund capital outlay appropriation to undertake educational projects for all ages relating to the protection, preservation, enhancement or maintenance of coastal resources and to award grants to nonprofit organizations, educational institutions and public agencies for this purpose. The bill would also allow the reallocation of \$3,750,000

General Fund originally appropriated for the purchase and restoration of the Bel Marin Keys property to purchase alternate properties in Marin County.

I cannot support the \$250,000 General Fund allocation at this time. To the extent that grant funding is awarded by the Conservancy to local educational agencies or to community colleges, such funds would raise the Proposition 98 funding guarantee by the same amount, thus reducing future budgetary flexibility.

Although grants awarded from non-General Fund sources should not affect the Proposition 98 guarantee, I am concerned that there may be confusion on this point in the future. Consequently, I urge the legislature to pass corrective legislation clarifying that this program cannot be used to award grants to local educational agencies or community colleges when the source of funds for those grants is the General Fund.

Sincerely,

GRAY DAVIS

Item Veto Message—Assembly Bill No. 1018

Governor's Office, Sacramento

October 13, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1018 with a line item veto.

This bill establishes the Industry-Based Certification Incentive Grant Program, which is an innovative approach to using one-time funds for matching the skills that are taught to students with the certification standards that are set by an industry. AB 1018 would allow the Department of Education (SDE) to redirect funds identified in this bill to develop model curriculum standards. Finally, this bill would require the SDE to allocate any savings resulting from this program for the purposes of the School-to-Career Technology Training Center Program, which is contained in AB 769 (Goldberg).

I am signing this bill, with the understanding that the funding earmarked for this bill will fully fund both planning grants and implementation grants, on a one-time basis, for the Industry-Based Certification Incentive Grant Program. I must however, delete the funding which is provided for the SDE for model curriculum standards, as this provision would be in conflict with the constitutional restrictions on the use of Proposition 98 funds. In addition, I am deleting the provision that requires the SDE to allocate any savings from the Industry-Based Certification Incentive Grant Program to the Industry Based Certification Incentive Grant Program. AB 769 would result in significant costs, which I cannot commit to given the fiscal condition of the state.

The following language reflects my veto action:

SEC. 3. (a) (1) Of the amount specified in Schedule (27) of Item 6110-485 of Section 2.00 of the Budget Act of 2001, four million ~~four~~ *three* hundred fifty thousand dollars (~~\$4,450,000~~) (\$4,350,000) is hereby allocated to the State Department of Education as follows:

(1) Four million three hundred fifty thousand dollars (\$4,350,000) for purposes of the Industry-Based Certification Incentive Grant Program established by Article 3.5 (commencing with Section 52360) of Chapter 9 of Part 28 of the Education Code.

(2) One hundred thousand dollars (\$100,000) for purposes of Section 51226 of the Education Code.

(b) The State Department of Education shall allocate any of the funds described in subdivision (a) that it determines are not necessary for those purposes to any of the following purposes:

(1) Article 3.5 (commencing with Section 52360) of Chapter 9 of Part 28 of the Education Code; Industry-Based Certification Incentive Grant Program.

(2) Section 51226 of the Education Code.

(3) Chapter 17.1 (commencing with Section 52360) to Chapter 9 of Part 28 of the Education Code; the School-to-Career Technology Training Center Program.

Sincerely,

GRAY DAVIS

RECEIPT

I acknowledge receipt this 14th day of October 2001 at 11:32 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bills Nos. 936, 343 and 1018 delivered to me personally by Pam Oto.

HUGH R. SLAYDEN

Acting Chief Clerk of the Assembly

Item Veto Message—Assembly Bill No. 936

Governor's Office, Sacramento

October 14, 2001

To Members of the California State Assembly:

I have signed Assembly Bill 936 with a reduction.

This bill would appropriate \$1.75 million General Fund to the Department of Housing and Community Development (HCD) to provide a grant to the City of San Diego to purchase two facilities for the homeless. The bill would also clarify that funds appropriated in the Budget Act of 2001 to the City of San Diego for a grant to the Stein Education Center shall be allocated directly to the Education Center; reappropriate funds provided in the Budget Act of 2000 for the Guadalupe Trail in the City of San Jose; and would revise provisions in the Budget Act of 2001 to direct the Department of Boating and Waterways to recalculate a specified loan to the owner of a marina at Lake Oroville.

I am reducing the appropriation to HCD from \$1.75 million to \$750,000 due to fiscal constraints and limited resources in the General Fund.

Sincerely,

GRAY DAVIS

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

Governor's Message—Assembly Bill No. 1031

Governor's Office, Sacramento
September 24, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1031, which requires reports on the long-term forecast for California's demand for natural gas, because of the critical need for complete and accurate information about the state's energy needs. However, I am directing the State Energy Resources Conservation and Development Commission to conduct the required evaluations using existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 649

Governor's Office, Sacramento
September 27, 2001

To the Members of the California Assembly:

On this date I have signed Assembly Bill 649 with these instructions.

In settlement of the matter of CAHP v. DPA et al. (Case No. C032246, the case before the State of California Third District Court of Appeal), it is the intent of Assembly Bill 649 (Negrete McLeod) that the State shall compensate sworn represented Bargaining Unit 5 employees of the California Association of Highway Patrolmen (CAHP) the estimated average total compensation for each corresponding rank for the Los Angeles Police Department, the Los Angeles Sheriff's Office, the San Diego Police Department, Oakland Police Department and the San Francisco Police Department. Total compensation shall include base salary, education incentive pay, physical performance pay, longevity pay and retirement contributions made by the employer on behalf of the employee.

The State and the CAHP shall utilize the survey methodology outlined in the document "Description of Survey Process Pursuant to Government Code 9827 Regarding the Recruitment and Retention of California Highway Patrol Officers" dated July 1, 2001. This survey methodology will be maintained as a permanent agreement between the State and the CAHP and will be introduced in legislation January 2002. Increases in the total compensation resulting from this subdivision shall be implemented through memorandum of understanding pursuant to the Ralph C. Dills Act. Failure to reach agreement shall not relieve the State of its obligation to compensate sworn represented officers of the California Highway Patrol consistent with methodology included in the above titled document.

The Appellate Court gave a verbal order to the parties to file their motion to dismiss this case based on the fact that the parties reached a settlement on or before November 14, 2001.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 110

Governor's Office, Sacramento
October 1, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 110 which would prohibit the Franchise Tax Board from imposing penalties or fines on taxpayers who wrongly claim the teacher retention tax credit, except in cases of fraud. Even though the bill appears to be unnecessary, I am signing it because the mistakes made by certain credentialed specialists who incorrectly claimed the credit were based on erroneous information posted on the Franchise Tax Board's website.

The tax credit was intended exclusively for credentialed teachers. This bill properly immunizes certain credentialed specialists who were misled about their entitlement to this tax credit for the taxable year 2000 only.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 402

Governor's Office, Sacramento
October 2, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 402, which allows Californians to designate contributions on their tax return forms to the Lupus Foundation of America (LFA), California Chapters fund. The fund will be distributed equally among all California Chapters of the LFA by the Department of Health Services. The LFA will use these funds for education and awareness, and to provide research grants to develop and advance the understanding, causes, techniques, and modalities effective in the prevention, care and treatment of Lupus.

Lupus is a chronic inflammatory disease that is difficult to diagnose and is currently incurable. However, the progress in research and treatment of Lupus has been greater in the last decade than over the past 100 years.

I would like to thank the author of this bill for bringing the matter of Lupus to my attention and know that he has personally experienced the affects of this disease through a member of his family. It is my hope that this new opportunity for California taxpayers to donate to the LFA California Chapters Fund via their tax returns will allow California the opportunity for insight, understanding, and the ability to work toward finding a cure for this disease that affects so many Californians.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1376

Governor's Office, Sacramento
October 2, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1376 which requires the California Department of Transportation (Caltrans) to apply, in cooperation with interested cities with traffic signal override systems, to the United States Department of Transportation for federal funding to conduct a research

program in one or more cities to test the effectiveness of the installation of signal emitters and sensors in emergency response vehicles in reducing accidents and injuries.

In signing this measure, I am directing Caltrans to implement the provisions of this bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1258

Governor's Office, Sacramento
October 3, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1258, which provides statutory authorization for car rental companies to rent out-of-state vehicles for intrastate travel until December 31, 2001.

This bill provides residents of the State who have been affected by the tragic events of September 11, 2001, in New York and Washington D.C., a viable transportation alternative. This will help mitigate some of the economic impact on our California economy and provide some relief to our residents who must travel during this time of National emergency.

While this bill provides rental car companies needed flexibility to meet the rental car needs of Californians, AB 1258 does not prohibit the assessment of surcharges and other fees that would normally be charged on contracts involving an out-of-state-registered vehicle. Although I am signing this legislation, I am doing so with the understanding that rental car contracts will not include any unnecessary out-of-state fees or surcharges, nor should the prorated "vehicle license fee", that is normally assessed on California registered vehicles, be collected from their customers under the circumstances covered by the legislation.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1637

Governor's Office, Sacramento
October 4, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1637 which would provide \$8 million in funding for the Klamath River Water Crisis Economic Assistance and Mitigation Program in the 2001–02 Budget Act.

Conditions of extreme water shortage and drought continue to plague both Siskiyou and Modoc counties caused by reductions in water delivery from the Klamath Project and a 69% decrease in precipitation and snowpack. Earlier this year, I made up to \$5 million in disaster assistance funding available to Siskiyou and Modoc counties to drill wells which would provide the water needed to establish cover crops thereby preventing further erosion. This well program has been successfully implemented and is providing much needed irrigation water.

This legislation, which was developed in conjunction with my Administration, farmers and other residents of the Klamath Basin community, and members of the Legislature, provides a unique combination of funding to meet the specific needs of the region's

citizens. I am hopeful that the federal government will also provide assistance to the counties affected by this calamitous water shortage.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 493

Governor's Office, Sacramento
October 4, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 493, which would allow San Mateo Community College District to receive \$1 million to establish a joint baccalaureate program with the San Francisco State University at Cañada College. This project is contingent on the Chancellor of the California Community Colleges receiving an implementation and expenditure plan from Cañada College. The bill requires the Chancellor to perform an evaluation of the collaboration.

I strongly support proposals that provide innovative instructional programs that are cost effective in meeting student needs, increasing transfers, and addressing workforce demands, such as this proposal. For this reason, I have provided \$1 million in the 2001 Budget Act on a one-time basis to cover start-up costs related to implementing this partnership between Cañada College and San Francisco State University. It is my understanding that all future costs for this partnership are to be funded through local funds or contributions. In addition, I expect the evaluation of this partnership to be performed using existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 760

Governor's Office, Sacramento
October 5, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 760, which establishes the Pupil Athletic Access and Safety Program pilot project to provide grants to two private non-profit organizations, one in each Northern and Southern California, to facilitate pupil participation and safety in high school athletics, and requires an evaluation of the pilot projects effectiveness to be submitted to the Legislature by January 1, 2005.

I am signing the bill, however, with the understanding that the 2001 Budget Act's one-time General Fund Appropriation of \$500,000 is intended, with local matching funds, to fund the entire life of the pilot project. Our economy is rapidly declining with a budget shortfall of \$1.1 billion for the first three months of the fiscal year. I am asking the Superintendent of Public Instruction to grant these monies over a three year period with the clear understanding that there will be no more funds.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 807

Governor's Office, Sacramento
October 5, 2001

To the Members of the California Legislature:

I am signing AB 807 which gives the director of the Department of Housing and Community Development discretion to spend funds to build permanent farmworker housing as well as to accommodate temporary farmworker housing needs. I am directing the Department of HCD, in the exercise of their discretion, and in only extraordinary or emergency circumstances, to deviate from the original intent of the Joe Serna, Jr. Farmworker Housing Grant Program, which is to build stable and permanent farmworker housing.

In short, the long term interest of farmworkers are better served by increasing permanent farmworker housing stock, rather than pay day to day hotel or rental housing costs.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1307

Governor's Office, Sacramento
October 5, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1307, which would allow the Commission on Teacher Credentialing (CTC) to exempt teacher credential candidates from meeting new requirements for a credential that are adopted after they begin their course of professional preparation, if taking the new coursework would extend their time in the program or require an additional cost. This bill provides reassurance to teacher candidates that their program will not be extended, while ensuring that new coursework that is aligned to the new teacher preparation standards is integrated into programs quickly. In signing this bill, it is my understanding and intent that this exemption is only applicable to the program of professional preparation and does not apply to other requirements of a teaching credential, such as those that are intended to protect the health and safety of students.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 242

Governor's Office, Sacramento
October 7, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 242, which will provide the Wildlife Conservation Board with guidelines for spending funds included in Proposition 12 intended for oak preservation. While I am signing this bill, I note that any administrative costs incurred by Resources Agency departments to implement this measure, that are not funded under the terms of this bill, will be absorbed by those departments.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 67

Governor's Office, Sacramento
October 9, 2001

To the Members of the California Legislature:

I am signing AB 67 which will allow motor homes up to 45 feet in length to operate on certain designated California roadways. Last year, I vetoed a similar bill as I was concerned about the safety impacts of these large motor homes. Since then, my Administration has been presented with data that indicates that these vehicles have an impressive and proven safety record according to the statistics maintained by the National Highway Traffic Safety Administration (NHTSA).

Moreover, AB 67 contains several other provisions that address the safety concerns I expressed last year. It requires the Commissioner of the California Highway Patrol (CHP) to collect accident statistics on these vehicles on an ongoing basis and present a report to the Legislature in order to allow both the Administration and the Legislature the opportunity to suggest necessary changes to the law. AB 67 also creates a safety committee led by the CHP Commissioner to design a safety video and provide maps of approved roadways which the motor home industry has pledged to place in **all** vehicles over 40 feet in length sold throughout the country. I believe that as a result of these measures, California will lead the nation in terms of safety measures governing the use of motor homes over 40 feet in length.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 392

Governor's Office, Sacramento
October 9, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 392; however, due to the rapid decline of our economy and a budget shortfall of \$1.1 billion in the first three months of the fiscal year alone, I have no choice but to oppose additional General Fund spending. As a result, I am directing the affected agencies to absorb any costs associated with this legislation within their existing resources.

This bill would require the Department of Corporations, the Department of Real Estate, and the Department of Insurance to notify each other of any formal enforcement or disciplinary action taken against a company or individual offering escrow services. This bill would also require each agency to maintain a database of offending escrow agents on their respective websites with direct links to corresponding lists on each of the other two departments' websites.

The sharing of information between agencies will enhance consumer protections by requiring the three major regulatory agencies of the escrow industry to inform one another of final disciplinary actions and to post these actions on their websites.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 544

Governor's Office, Sacramento
October 9, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 544 which would amend the Escrow Law to limit the Escrow Agents' Fidelity Corporation (EAFC) coverage to losses occurring in California, would require escrow agents to be responsible to EAFC for losses of escrow funds caused by employees who have failed to have current certificates from EAFC, and would remove a redundant provision from the definition of "trust obligation."

AB 544 does not make substantive changes to the definition of "trust obligation" in the Escrow Law, but instead removes a redundant provision. In light of this change, the definition of "trust obligation" continues to include all money and property on deposit or in trust with the escrow agent, including the types of checks deleted from the definition of "trust obligation."

With this understanding, I am signing AB 544 because it will not have an impact on existing law and programs.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 793

Governor's Office, Sacramento
October 9, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 793 which authorizes a Municipal Utility District (MUD) to use "best value at lowest cost" procurement practices to purchase supplies and materials in excess of \$50 000.

"Best value" procurement allows factors like product quality, reliability, and new technologies to be taken into account when making acquisition decisions. Moreover, unlike the bill I vetoed last year, AB 793 only authorizes "best value" procurement when a MUD determines that there will be a net benefit to its customers. This important change will help to protect ratepayers.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1692

Governor's Office, Sacramento
October 9, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1692 which maximizes federal funds through the U.S Department of Labor (DOL) Welfare-to-Work (WtW) Grant program to provide job skills to the hardest-to-train CalWORKS recipients. This bill supports California's "work first" approach to provide individuals with the skills and experience necessary to obtain unsubsidized employment and limits participation to the duration of the federal program. Finally, a veto of this measure would reverse America's efforts to move people from welfare to work and result in a significant loss of federal funds.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 370

Governor's Office, Sacramento

October 10, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 370 which would extend a Department of Motor Vehicles (DMV) pilot program until January 2004 authorizing the release of home addresses to private universities for parking enforcement.

This bill contains strict privacy and confidentiality language that requires private universities to adhere to various DMV strictures regarding use of the information. Moreover, DMV has no empirical data which cites abuse of this information by the private universities, or indicates any other detrimental impacts to the DMV database. In addition, this information is already available to public universities. Accordingly, I am extending this pilot program for an additional two years.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 489

Governor's Office, Sacramento

October 10, 2001

To the Members of the California Legislature:

I am signing AB 489 which will add important safeguards to existing law to protect borrowers of certain home loans from lending practices and loan terms which are unfair or potentially deceptive. Such loans target our most vulnerable citizens—seniors, first generation immigrants, and lower income families. By focusing on the serious abuses of a small minority of lenders, this bill establishes significant new protections for consumers in California.

I am concerned, however, that AB 489 does not contain definitive language that would preempt local governments from enacting their own versions of anti-predatory lending legislation. As a result, California lenders could be faced with the need to comply with multiple local ordinances in addition to current federal and state legislation in this field. Without a clear preemption provision, the lending community may be faced with the difficult decision of withdrawing from certain markets. I do not believe this would well serve the consumers of California and I would urge the Legislature to address this important issue.

In addition, the bill precludes equity based lending for covered loans, even though it has been demonstrated that such loans serve a legitimate need. Given the uncertainties of our economy, the bill may limit access to capital for those who need it most. Access to one's own equity may allow for the start of a new business, or allow a recently displaced worker additional time to secure new employment. I would again urge the Legislature to address the borrowing needs of those displaced by short term economic downturns and give such borrowers an alternative to selling their home.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 436

Governor's Office, Sacramento
October 10, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 436.

The goal of this bill is to encourage housing and retail in four specific neighborhood clusters in the City of Oakland. The areas covered by this bill currently contain one department store, 90 empty lots, and countless underutilized buildings.

AB 436 will permit the use of a focused Environmental Impact Report (EIR), eliminating the need for the analysis of alternatives, growth inducement, or cumulative impacts in the cluster areas. The provisions of this legislation will remain in effect until January 1, 2005. During that period of time, no master EIR or other CEQA document other than a focused EIR as described in this bill will be required by the City of Oakland. The affected areas are urban neighborhoods that would benefit from new high quality residential and retail development.

This bill will assist the City of Oakland in its efforts to attract 10,000 new residents to downtown, utilizing successful smart growth strategies to revitalize the urban core and expand the tax base.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 585

Governor's Office, Sacramento
October 10, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 585 which would establish alternative methods of seeking licensure as a California accountant by permitting reciprocity with other states through the Uniform Accountancy Act.

I am directing the Department of Consumer Affairs to implement the provisions of this bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 620

Governor's Office, Sacramento
October 10, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 620, which establishes the High-Tech High School Grant Program, which will provide \$2 million grants to establish ten high schools that provide a rigorous college preparation curriculum with an emphasis in science, mathematics, and engineering, or digital arts and media.

I am signing this measure with the understanding that the required advisory committee will be convened within the existing resources of both the Superintendent of Public Instruction and the Office of the Secretary for Education.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 664

Governor's Office, Sacramento
October 10, 2001

To the Members of the California Assembly:

I am signing Assembly Bill 664. This bill will provide \$2 million funding on a one-time basis to domestic violence programs that have previously received funding from the Office of Criminal Justice Planning (OCJP) but were not selected to receive funding in 2001.

The Office of Criminal Justice Planning made a decision to change the process for awarding these local assistance grants without informing the Governor's Office, which resulted in a substantial loss of funding to domestic violence shelters around the state—in many cases due to the most trivial of technicalities.

Many of these shelters had been consistently funded for years and serve rural areas where women and children who are victims of violence may find few other safe places to turn for help. I am particularly disturbed by the fact that the nation's longest-serving domestic violence shelter, located in Pasadena, lost funding because they used too many pages to describe their program.

My Administration, from Day One, has strongly supported programs to end domestic violence and protect women and children from abuse. I am directing the Department of Finance to report back to me on ways of streamlining all programs that provide financial support for domestic violence shelters in and effort to maximize existing funding and keep this important safety net intact.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1205

Governor's Office, Sacramento
October 11, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 1205 which extends the existing state supplemental funding and support of efforts by the Valley Fever Vaccine Project (VFVP) to conduct Valley Fever vaccine research, and would appropriate \$500,000 from the General Fund in fiscal year (FY) 2001–2002 to the Department of Health Services for this purpose.

Due to the rapid decline of our economy and a budget shortfall of \$1.1 billion through the first three months of this fiscal year alone, I have had no choice but to oppose additional General Fund spending. However, I am making an exception in response to a vital and immediate public health issue in the Central Valley. I am hopeful that the combination of support from state and local government and non-profit organizations will result in completion of the project, FDA approval and an important prevention strategy for Californians in the Central Valley and elsewhere.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1

Governor's Office, Sacramento
October 11, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1 which establishes a dispute resolution process at the California Public Utilities Commission for the Large Nonresidential Standard Performance Contract Program—an energy efficiency program funded by the public goods surcharge on electricity consumption.

In signing this measure, I am also directing the Public Utilities Commission to implement the provisions of the bill within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 616

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 616 which would establish three additional retirement benefit formulas, for local miscellaneous members of the California Public Employees' Retirement System (CalPERS) and would increase member contributions under those benefit formulas to 8 percent of compensation. The formulas are 3 percent at age 60, 2.5 percent at age 55, and 2.7 percent at age 55. This bill also would provide those county agencies subject to the County Employees' Retirement Law of 1937 ('37 Act), the option of providing those three retirement benefit formulas to general members (non-safety).

This bill does not provide mandatory benefits but leaves the issue to local collective bargaining.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 43

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 43 which would require the Commission on the Status of Women to perform or contract to be performed a pay equity study of the state civil service system and the employees of the University of California, Hastings College of the Law, and the California State University to determine where compensation and classification inequities exist.

This is a very important study, but given the loss of \$1.1 billion in state revenues in the first 3 months of this fiscal year, I am directing that the study be conducted within existing resources.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 313

Governor's Office, Sacramento
October 12, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 313, which requires that the Women, Infants and Children (WIC) Supplemental Nutrition program implement a system to allow program participants to shop at any authorized retail grocery store.

While I am signing this bill, I am directing the Department of Health Services to implement AAG in a manner that ensures there are adequate fraud protection measures in place. Specifically, I am directing the Department to:

- Contract with a banking entity that will be able to reimburse WIC authorized grocers under an AAG system and also provide the Department information needed to flag suspicious redemption patterns;
- Establish a WIC Fraud Unit in order to ensure that the Department prevents, detects, and prosecutes WIC program fraud as part of my zero tolerance for fraud in public programs. Establishing this unit will ensure that California remains a national leader in preventing and detecting fraud in public programs. I am directing that the department request authority for the needed investigative positions through the 2002–03 budget process.

Implementing the new fraud detection provisions as part of the AAG system will mean that the Department will not meet the bill's implementation deadline of July 1, 2002, nor will it meet the required date of July 1, 2004 for a report on the impact of AAG on WIC. Consequently, I am requesting that the author pursue legislation to extend the implementation deadlines.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 663

Governor's Office, Sacramento
October 12, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 663 because it is narrowly crafted and has a direct connection to the duties performed by lifeguards.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1614

Governor's Office, Sacramento
October 12, 2001

To the Members of the California Legislature:

I am signing AB 1614, which would create a Drug Endangered Children Program within the Office of Criminal Justice Planning (OCJP).

I fully recognize the serious consequences associated with the manufacturing of methamphetamine, particularly the resulting harm to children. In signing this measure, I am directing the OCJP to use available federal grant funds to support this program.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 414

Governor's Office, Sacramento
October 13, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 414 which bill would exempt the disposal of lead contaminated soils by a state or local agency from the hazardous waste requirements, provided that the soil is in the right-of-way of an existing highway. The bill also extends the sunset date, from July 1, 2003 to July 1, 2006, requiring certain toxic wastes to continue being disposed of at a Class I hazardous waste facility.

In signing this bill, I understand that extending the disposal restrictions will impact programs that abate childhood lead hazards. Therefore, I am directing the Department of Toxic Substances Control to work with affected state agencies to identify safe and more cost efficient disposal options for lead contaminated wastes. I am further requesting the DTSC to complete its study on lead contaminated waste as expeditiously as possible and to pursue legislation to implement the selected disposal option.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1602

Governor's Office, Sacramento
October 13, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1602, which places the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act before the voters on the March 2002 statewide ballot.

Last year, I actively supported Proposition 12, the largest resource bond in State history to be approved by the voters. Proposition 12 made up for the failure to invest in our natural resources during the 1990's, the first decade in modern history that did not have a park bond. I believe that continuing California's strong commitment to protecting our environment and investing in parks and natural resources has the added benefit of attracting tourism and stimulating our economy.

However, California's economy is rapidly declining. State revenues have fallen \$1.1 billion below projections in the first three months of the fiscal year alone. Voters will have to decide on their willingness to fund

these important projects with their tax dollars in a climate of economic uncertainty.

It is my intention, should this measure pass, to manage the rate at which these bond funds are expended in order to balance the cost of debt service with other high priority demands on the General Fund.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 25

Governor's Office, Sacramento

October 14, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 25 which would enable domestic partners to make medical decisions for incapacitated loved ones, adopt their partner's child, use sick leave to care for their partner, recover damages for wrongful death, and allow the right to be named a conservator of a will.

In California, a legal marriage is between a man and a woman. I believe the only things that can undermine the bonds of a strong marriage are ignorance and fear.

This legislation does nothing to contradict or undermine the definition of a legal marriage, nor is it about special rights. It is about civil rights, respect, responsibility, and, most of all, it is about family.

Therefore, I am honored to sign one of the strongest domestic partner laws in the nation.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 549

Governor's Office, Sacramento

October 14, 2001

To the Members of the California Legislature:

I am signing AB 549 which requires the California Energy Commission to submit a report to the Legislature by January 1, 2004, describing the Commission's plan to decrease wasteful peak load energy consumption in existing residential and nonresidential buildings. The bill directs the Commission to use existing funding to carry out the reporting requirement. The bill also directs electric and gas utilities to support the Energy Commission's development of energy efficiency building standards for new buildings.

Because of current budget constraints, I am encouraging the Energy Commission to seek matching funds for the bill through a public/private partnership. If such funding is made available, I will redirect existing State funds within the Energy Commission for carrying out the bill's requirements.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1171

Governor's Office, Sacramento
October 14, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1171 that provides funding necessary for the completion of the Toll Bridge Seismic Retrofit Program. The much needed seismic safety program will result in the retrofit of the Benecia-Martinez, Carquinez, Dumbarton, Richmond-San Rafael, San Mateo-Hayward, San Pedro-Terminal Island, San Diego-Coronado, and west span of the San Francisco-Oakland Bay Bridges and replacement of the east span of the San Francisco-Oakland Bay Bridge.

The Toll Bridge Seismic Retrofit Program is unprecedented in its complexity and has been stalled for too many years in the struggle to balance function against aesthetics, needs against costs—at all times ensuring that the highest priority remains the safety of the motorists that use the bridges.

Retrofit of most of the bridges is already complete, save the most difficult, the San Francisco-Oakland Bay Bridge. The designs for that bridge are nearly complete and preliminary construction is underway.

This bill, AB 1171, represents yet another balance—that between statewide versus regional needs. The bill not only provides the necessary funding from an appropriate mix of transportation resources, it also vests the Department of Transportation with the sole responsibility to complete the seismic retrofit program—a responsibility I am confident the Department can achieve.

This project must proceed without further delay. I am directing the Department to implement the provisions of the bill and accelerate the program whenever and wherever possible in order to provide greater safety for the nearly 300,000 commuters who rely on the San Francisco-Oakland Bay Bridge daily.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1475

Governor's Office, Sacramento
October 14, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1475 which provides technical changes and corrects a drafting oversight created when I signed AB 1541 (Keeley) in 1999. Once a religious based health care provider accepts public monies, they are obliged to abide by our State Fair Employment and Housing laws.

I am also signing AB 504 which permits an educational institution to express a preference in hiring when that educational institution's sole or primary activity is affiliated with a particular religion.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1520

Governor's Office, Sacramento
October 14, 2001

To Members of the California State Assembly:

I am signing Assembly Bill 1520, which allows any voter to apply for permanent absentee voter status.

This bill is a recognition that Californian's busy lifestyles should not be an impediment to their participation in the electoral process.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 93

Governor's Office, Sacramento
October 14, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 93 with some reluctance.

This bill will create a San Diego County Regional Airport Authority and transfer operation of San Diego International Airport-Lindbergh Field from the Unified Port District to the new Airport Authority.

The authors of this legislation, Assemblymember Howard Wayne and Senator Steve Peace are to be commended for measurably advancing the airport debate in San Diego County. For decades, civic leaders have considered a number of sites for a new international airport, including Camp Pendleton, Carmel Valley, joint use of Rodriguez International Airport in Tijuana, Miramar Marine Air Station, North Island Naval Air Station, offshore, Otay Mesa, and an expanded Lindbergh Field.

My reluctance in signing this bill stems from three concerns:

1. The transfer of San Diego International Airport to the new Authority by December 2, 2002 would be premature. Planning for a new or expanded airport and a decision on its location should precede the transfer of airport operations from the Unified Port District to the Regional Airport Authority.
2. This legislation fails to clearly vest land use powers in the Authority.
3. The Regional Airport Authority's recommendation on the location of a new international airport or expanded Lindbergh Field should be subject to a countywide public vote.

However, I am signing this bill because it advances the public debate on the future of Lindbergh Field.

Vesting exclusive responsibility in this single Authority to determine San Diego's long term airport needs is good public policy. Transferring airport facilities and providing authority to coordinate airport related mass transit with transportation planning agencies is also a positive step towards consolidating infrastructure decision making in the county. In addition, a certified audit of San Diego International Airport, commissioned jointly by the Unified Port District and the Regional Airport Authority will provide essential and objective revenue information.

The incremental approach to airport siting embodied in AB 93 is preferable to no approach at all. For this Airport Authority to

successfully accomplish its mission it must have the ability to plan and site an airport, a dedicated revenue stream, and the support of San Diego County's electorate. Therefore, I have asked for and received a commitment from the authors that urgency legislation will be introduced in January 2002 to accomplish the following:

- Provide the Regional Airport Authority with clear authority to plan and site a new international airport or expand Lindbergh Field.
- Require the Port of San Diego to fund all operating expenses of the Regional Airport Authority until the effective date of the transfer of San Diego International Airport.
- Require a countywide public vote on the recommendation of the Regional Airport Authority for an expanded Lindbergh Field or the site of a new international airport. This vote is to occur no sooner than November 2004, and no later than November 2006.
- Clarify that designating the Regional Airport Authority as the only county agency to receive state or federal grants for airport planning and improvements will not jeopardize the receipt and pass through of those grants.
- Postpone the effective date of the transfer of San Diego International Airport operations and property until the voters of San Diego County have approved the site recommendation of the Regional Airport Authority.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 54

Governor's Office, Sacramento
October 14, 2001

To the Members of the California Legislature:

I am signing AB 54.

This measure successfully addresses the concern raised last year by the Attorney General and me that AB 1416 expanded the definition of "banked games" beyond that found in decisional law.

Sincerely,

GRAY DAVIS

Governor's Message—Assembly Bill No. 1301

Governor's Office, Sacramento
October 14, 2001

To the Members of the California Legislature:

I am signing Assembly Bill 1301 in order to ensure that a scientific analysis is completed that could allow the completion of a much-needed high school in the center of Los Angeles. The state must protect \$60 million in state taxpayer funds already invested into the project, as well as the \$110 million invested by the taxpayers of the City of Los Angeles.

Until all the facts are known, it is not wise to abandon a school that is all but completed and which would allow 6,000 high school students to have a neighborhood school. It makes fiscal sense and educational sense to finish the remedial investigation and feasibility study, and then and only then decide the fate of the new Belmont High School.

Sincerely,

GRAY DAVIS

INDEX OF GOVERNOR'S MESSAGES

The following is an index of the Governor's messages contained in this day's Journal:

Assembly Bill	Journal Page
1 signing message	4172
20 veto	4123
25 signing message	4175
31 item veto	4158
43 signing message	4172
49 veto	4116
50 veto	4128
54 signing message	4178
67 signing message	4167
69 veto	4152
70 item veto	4159
93 signing message	4177
101 veto	4118
104 veto	4143
110 signing message	4163
121 veto	4141
122 veto	4113
142 veto	4119
144 veto	4124
148 veto	4113
167 veto	4150
177 veto	4144
183 veto	4150
186 veto	4132
189 veto	4136
199 veto	4137
206 veto	4153
231 veto	4114
242 signing message	4166
249 veto	4120
252 veto	4131
256 veto	4141
272 veto	4114
292 veto	4117
293 veto	4137
295 veto	4114
304 veto	4137
306 item veto	4157
313 signing message	4173
316 veto	4108
343 item veto	4159
346 veto	4132
348 veto	4144
357 veto	4118
366 veto	4120
367 veto	4124
370 signing message	4169
392 signing message	4167
402 signing message	4163

414	signing message	4174
436	signing message	4170
466	item veto	4157
484	veto	4107
489	signing message	4169
493	signing message	4165
504	veto	4133
508	veto	4115
522	veto	4131
524	veto	4129
544	signing message	4168
545	veto	4121
549	signing message	4175
585	signing message	4170
616	signing message	4172
620	signing message	4170
631	veto	4125
649	signing message	4162
663	signing message	4173
664	signing message	4171
675	veto	4133
698	veto	4134
745	veto	4125
760	signing message	4165
767	veto	4109
769	veto	4145
780	item veto	4154
793	signing message	4168
801	veto	4111
807	signing message	4166
830	item veto	4156
833	veto	4115
852	veto	4134
855	veto	4134
876	item veto	4155
900	veto	4130
916	veto	4147
932	veto	4135
936	item veto	4161
937	veto	4130
960	veto	4135
961	item veto	4158
1018	item veto	4160
1030	veto	4107
1031	signing message	4162
1061	veto	4109
1073	veto	4148
1079	veto	4126
1081	veto	4138
1091	veto	4121
1098	veto	4151
1110	veto	4136
1111	veto	4151
1132	veto	4146

1147 veto	4148
1149 veto	4149
1171 signing message	4176
1176 veto	4153
1186 veto	4154
1191 veto	4122
1205 signing message	4171
1213 veto	4146
1258 signing message	4164
1279 veto	4109
1301 signing message	4178
1307 signing message	4166
1312 item veto	4156
1331 veto	4127
1341 veto	4147
1361 veto	4140
1376 signing message	4163
1419 veto	4142
1431 veto	4127
1475 signing message	4176
1477 veto	4142
1497 veto	4116
1502 veto	4138
1520 signing message	4177
1536 veto	4140
1547 veto	4122
1554 veto	4139
1564 veto	4143
1602 signing message	4174
1603 veto	4149
1614 signing message	4174
1617 veto	4128
1626 veto	4110
1637 signing message	4164
1656 veto	4123
1679 veto	4140
1680 veto	4139
1686 veto	4111
1692 signing message	4168
1693 veto	4110
1739 veto	4119

PROCLAMATION OF THE GOVERNOR

The following Proclamations of the Governor were received and printed in the Journal:

PROCLAMATION

by the
Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; and

WHEREAS, on January 3rd, 2001, I convened the 2001–02 First Extraordinary Session of the Legislature to deal with a broad range of energy issues, including the availability and supply of electrical power and natural gas; and

WHEREAS, on May 14th, 2001, after the first extraordinary session was adjourned, I convened the Second Extraordinary Session of the Legislature to deal again with a broad range of energy issues; and

WHEREAS, it is necessary to convene the Third Extraordinary Session of the Legislature to conclude deliberations and take action on specific critical energy issues;

NOW, THEREFORE, I GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Article IV, Section 3(b) of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 9th day of October, 2001, at a time appointed by each house of the Legislature of said day for the following purpose and to legislate upon the following subjects:

To consider and act upon legislation affecting the operation, maintenance, finances, and financial viability of investor-owned utilities that provide electricity or natural gas to California residents and businesses, including their procurement portfolios and practices, and service by alternate energy providers in their service territory.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of September 2001.

GRAY DAVIS
Governor of California

ATTEST:

BILL JONES
Secretary of State



PROCLAMATION

by the
Governor of the State of California

WHEREAS, on September 27, 2001, pursuant to Article IV, section 3(b) of the Constitution of the State of California I issued a Proclamation convening the Legislature of the State of California to meet in extraordinary session on October 9, 2001, to consider and act upon legislation affecting the operation, maintenance, finances, and financial viability of investor-owned utilities that provide electricity or natural gas to California residents and businesses, including their procurement portfolios and practices, and service by alternate energy providers in their service territory; and

WHEREAS, the principal purpose of that extraordinary session was to consider enactment of legislation to implement a Memorandum of Understanding between the California Department of Water Resources and Southern California Edison, an investor-owned utility whose financial viability has been the subject of serious concern; and

WHEREAS, on October 2, 2001 the California Public Utilities Commission and Southern California Edison announced that they have settled litigation pending between them in a manner which, if approved by the United States District Court for the Central District of California, will restore the financial viability of Southern California Edison; and

WHEREAS, that settlement agreement, if approved, will make it unnecessary for the Legislature to address further the financial viability of Southern California Edison in a third extraordinary session;

NOW, THEREFORE, I GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by Article IV, Section 3(b) of the Constitution of the State of California, do hereby rescind the Proclamation issued on September 27, 2001, convening the Legislature of the State of California to meet in extraordinary session on October 9, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of the State of California to
be affixed this 2nd day of October 2001.

GRAY DAVIS
Governor of California

ATTEST:

BILL JONES
Secretary of State



(Note: The above Proclamations were received and entered in the Journal record although a Third Extraordinary Session was not convened.)

The following message from the Governor was received and ordered printed in the Journal:

EXECUTIVE ORDER D-46-01

by the

Governor of the State of California

WHEREAS, the siting of state offices in central business districts or “downtowns” can strengthen and revitalize California’s cities and towns; and

WHEREAS, the state owns, purchases, builds, and leases property, including office space, worth billions of dollars for educational, correctional, recreational, conservation, transportation, communication, public health and related public functions; and

WHEREAS, the state, having completed a legislatively mandated inventory of all its property pursuant to its asset management function established by Executive Order D-77-89, ought to engage in clear, consistent, coherent, and comprehensible practices, priorities, principles, policies, and programs concerning its holdings; and

WHEREAS, given the significant impact of the state’s commercial real estate investment, the state’s policy herein shall guide the location of both leased and newly acquired state offices. This policy is designed to support sound growth patterns in California’s cities and towns, by using existing state-owned assets, reducing costs to the state and its taxpayers in leases and operating expenses, ensuring accessibility to state services and facilities for both customers and employees, reducing traffic congestion, and improving air quality.

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

IT IS ORDERED that as the state’s chief real estate manager, the Department of General Services, as well as other entities managing state properties in populated areas shall give priority to the needs of public entities and the populations they serve consistent with the cost-effective use of state revenues.

IT IS FURTHER ORDERED that the ownership of facilities shall be preferred where the need is continuing and long-term.

IT IS FURTHER ORDERED that existing resources and facilities shall be used where adequate and appropriate.

IT IS FURTHER ORDERED that sound and smart growth patterns shall receive maximum support consistent with the foregoing state priorities, including the following considerations:

- a) Preferred siting or leasing in a central city or area of similar character immediately adjacent thereto;
- b) Construction or renovation of state-owned office buildings with site plans and architectural designs of the highest quality;
- c) Sensitivity to building design and scale and environmental concerns;
- d) Proximity to public transit and other needed infrastructure;
- e) Proximity to affordable and available housing;
- f) Pedestrian access to retail and commercial facilities, and exploiting opportunities for mixed use;

- g) Indications of the need for neighborhood economic revitalization;
- h) Opportunities to utilize structures of historic, cultural or architectural significance;
- i) Communication with residents, property owners and businesses regarding local concerns;
- j) Advice and recommendations of local elected officials and their staff with consideration to any incentives offered by local government.

IT IS FURTHER ORDERED that the Department of General Services is given responsibility and authority for implementing this order. All other state agencies and departments shall cooperate accordingly.

I FURTHER DIRECT that, as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Great Seal of California to
be affixed this 9th day of October 2001.

GRAY DAVIS
Governor of California

ATTEST:

BILL JONES
Secretary of State



MESSAGES FROM THE ACTING GOVERNOR

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

PROCLAMATION***Gisselle Acevedo-Franco******In Honor of Her Dedication and Continuous Service
to the State of California***

WHEREAS, I am delighted to honor and commend Ms. Gisselle Acevedo-Franco for her many years of community service throughout the Greater Los Angeles area and to the people of the State of California; and

WHEREAS, as Executive Director of Corporate Communications for AT&T Broadband-Southern California, Ms. Acevedo-Franco has helped to improve communications technology in Los Angeles and the surrounding areas; and she has worked to improve the city's transportation system in her former capacity as Director of Government Relations and Public Affairs of the Metropolitan Transit Authority; and

WHEREAS, in her role as a lifelong advocate for equality and fair rights of the developmentally disabled, Ms. Acevedo-Franco has also held a position with *Protection and Advocacy*—a firm that is dedicated to protecting the interests and well-being of disabled people; and

WHEREAS, Ms. Acevedo-Franco has been honored with many prestigious awards, including the Los Angeles County Human Relations Commission, *Volunteer of the Year Award*, the Hispanic Women's Council, *Community Service Award*, and the National March of Dimes *Humanitarian of the Year Award*; and she was appointed by President Clinton to the President's Commission on Mental Retardation; now, therefore be it

RESOLVED, that I, Cruz M. Bustamante, Acting Governor of the State of California, do hereby applaud the valuable contributions of Ms. Gisselle Acevedo-Franco and encourage all Californians to join me in celebrating her marvelous accomplishments.

IN WITNESS WHEREOF, I hereunto set my hand
and have caused the Great Seal of the State of
California to be affixed on this 20th day of September of
the Year Two Thousand and One.

CRUZ M. BUSTAMANTE, Acting Governor

ATTEST:

BILL JONES, Secretary of State



PROCLAMATION

Lennie Arkinstall

Los Cerritos Wetlands Steward, Inc.

In Honor of His Industrious Efforts on Behalf of Ecology

WHEREAS, for more than four years, Mr. Lennie Arkinstall has worked diligently to protect the Los Cerritos wetlands by avidly raising awareness about the importance of restoring our state's ecological treasures and has fought against threats of further pollution; and

WHEREAS, Mr. Arkinstall generously devotes his time to combing the area on a daily basis to free the Wetlands of the tens of thousands of pieces of garbage, including syringes and tires; and he has even enlisted the help of the area's homeless population and Long Beach City waste management personnel with equipment to haul away debris from the banks; and

WHEREAS, after being denied financial support from snack food companies for his efforts because of his lack of nonprofit status, Mr. Arkinstall founded, *Los Cerritos Wetlands Steward, Inc.* and was granted nonprofit status by state and federal authorities; and

WHEREAS, Mr. Arkinstall will continue to provide a cleaner environment for California's natural habitat through his work with Los Cerritos Wetlands Steward, Inc. and any future endeavors he is likely to pursue; now, therefore, be it

RESOLVED, that I, Cruz M. Bustamante, Acting Governor of the State of California, applaud the important contributions that Mr. Lennie Arkinstall continues to make to protect the Los Cerritos Wetlands from further pollution; and I encourage all Californians to join me in congratulating him on his enthusiastic efforts.

IN WITNESS WHEREOF, I hereunto set my hand
and have caused the Great Seal of the State of
California to be affixed on this 20th day of September of
the Year Two Thousand and One.

CRUZ M. BUSTAMANTE, Acting Governor

ATTEST:

BILL JONES, Secretary of State



PROCLAMATION

*Proclaiming September 20, 2001 as
Hate Crime Awareness Day*

To Help Raise Awareness
of this Extreme Expression of Prejudice
that Affects All Californians

WHEREAS, Hate Crimes are violent acts against people, property or organizations because of misperceptions about the identities of our state's many diverse groups; and

WHEREAS, the State of California is strengthened by its races, religions, ancestries and cultures and, most importantly, by its people—Californians who often wear the traditional attire of their religious beliefs, yet who help make up the very fabric of America and are willing to stand proudly and respectfully under our flag at all times; and

WHEREAS, we must come together as One California to reinforce the unity that we need to stand against the faceless forces of terror that often prey on those whose defenses are down; and

WHEREAS, I applaud our state's hard-working policewomen and men, firefighters and all of the other brave individuals who protect us and uphold the laws that our country's leadership has imposed to address these unacceptable acts of senseless retaliation and for understanding the need for local community involvement between the leadership of our communities and our law enforcement and other protective service agencies; and

WHEREAS, it should be clear in the minds of every Californian that it is the duty of every member of our society to stand by all other Californians and Americans, regardless of external appearances, beliefs or orientations, if we are to defend our state and our nation against ignorance; now, therefore, be it

RESOLVED, that I, Cruz M. Bustamante, Acting Governor of the State of California, do hereby proclaim September 20, 2001 as, *Hate Crime Awareness Day*; and I urge all Californians to join me in learning about all of our people and our cultures and orientations.

IN WITNESS WHEREOF, I hereunto set my hand
and have caused the Great Seal of the State of
California to be affixed on this 20th day of September of
the Year Two Thousand and One.

CRUZ M. BUSTAMANTE, Acting Governor

ATTEST:

BILL JONES, Secretary of State



PROCLAMATION

The Mother Mary Ann Wright Foundation

In Recognition of Extraordinary Charitable and Humanitarian Efforts

WHEREAS, I am delighted to honor and recognize those at the Mother Mary Ann Wright Foundation for their extraordinary commitment to the communities they serve, both locally and worldwide, through their involvement in feeding and clothing the hungry and homeless; and

WHEREAS, losing her own mother at the tender age of five and married at just 14, Mother Mary Ann Wright raised 12 children of her own, nine foster children and had 33 grandchildren and 38 great-grandchildren, before learning to read and write just two decades ago; and she has dedicated her life to helping the less fortunate; and

WHEREAS, originally financed only by the social security check she received, Mother Mary Ann Wright began cooking meals in her own kitchen and preparing bags of donated food for 400 needy families each day—even spending weekends serving 500 hot meals provided by the local churches to the hungry; and among the foundation’s specialties are their Thanksgiving turkeys and hot Christmas dinners; and

WHEREAS, the hard work of the Foundation is known around the world and their dedicated staff answers calls for food supplies from all over the globe; and a school that they have established in Kenya has received recognition from dignitaries such as former First Lady Barbara Bush and Pope John Paul, II; now, therefore be it

RESOLVED, that I, Cruz M. Bustamante, Acting Governor of the State of California, do hereby honor and recognize those at the Mother Mary Ann Wright Foundation for their outstanding leadership and dedication to charitable and humanitarian efforts, and thank Mother Mary Ann Wright for serving as a role model and an inspiration for all Californians.

IN WITNESS WHEREOF, I hereunto set my hand and have caused the Great Seal of the State of California to be affixed on this 20th day of September of the Year Two Thousand and One.

CRUZ M. BUSTAMANTE, Acting Governor

ATTEST:

BILL JONES, Secretary of State



ROBERT M. HERTZBERG, Speaker

PAM CAVILEER, Minute Clerk