

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

# ASSEMBLY JOURNAL

RECESS JOURNAL NO. 17

**INTERIM RECESS**

Assembly Chamber, Sacramento  
October 14, 1997

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 1997-98 Regular Session was printed while the Assembly was in Interim Recess:

**COMMUNICATIONS**

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

September 25, 1997

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

Dear Dotson: This is to advise you that I am establishing the Select Committee on Palliative Care and appointing Assemblymember Carole Migden as the Chair.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 30, 1997

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

Dear Dotson: This is to advise you that I am appointing Assemblymembers Bill Campbell, Virginia Strom-Martin and Bernie Richter to the Select Committee on Exposition Park.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

September 30, 1997

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

Dear Dotson: This is to advise you that I am appointing Assemblymembers Dennis Cardoza and Marilyn Brewer to the Select Committee on California Wine.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

September 30, 1997

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

Dear Dotson: This is to advise you that I am appointing Assemblymember Kevin Shelley to the Select Committee on the California Middle Class.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

October 9, 1997

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

Dear Dotson: This is to advise you that I am appointing the following Assemblymembers to the Select Committee on Palliative Care:

Assemblymember Diane Martinez  
 Assemblymember Martin Gallegos  
 Assemblymember Helen Thomson  
 Vacancies

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

October 10, 1997

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

Dear Dotson: Please be advised that I am appointing Assemblymember Deborah Ortiz to the Assembly Select Committee on Coastal Protection for Thursday, October 16, 1997 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following proposed initiatives were received by the Chief Clerk from:

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

**Corporate Campaign Contribution Ban. Lobbying Expenses Not Deductible. Initiative Statute.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Wildlife. Body-Gripping Traps Ban. Animal Poisons. Initiative Statute.**

Referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Taxes. Corporations. Initiative Statute.**

Referred by the Speaker to the Committee on Revenue and Taxation.

**Limiting Terms of Elective Office. Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Sales and Use Taxes. Reallocation. Initiative Constitutional Amendment.**

Referred by the Speaker to the Committee on Revenue and Taxation.

**REPORTS**

The following reports were presented by the Chief Clerk:

**State Employers' Industrial Disability Cost Report 1995/96 Fiscal Year (Corrected Version)**

**(Pursuant to Public Employees' Retirement Law Section 20238)**

Above transmitted report, together with letter of transmittal from Catherine Becic, Administrative Assistant, Actuarial and Employer Services Division, Public Employees' Retirement System, Sacramento, dated September 5, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Management of Fish and Wildlife on Private Lands, 1995-96  
(Pursuant to Fish and Game Code Section 3409)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated September 8, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**1997 OAL Determination No. 7  
(Pelican Bay State Prison within the Department of Corrections)  
[Docket No. 90-043]  
(Pursuant to Government Code Section 11340.5)**

Above transmitted report, together with letter of transmittal from John D. Smith, Director, Office of Administrative Law, Sacramento, dated September 16, 1997, referred by the Speaker to the Committee on Judiciary.

**State Teachers' Retirement System,  
Quarterly Report of System Asset, as of March 31, 1997  
(Pursuant to Education Code Section 22358)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated July 17, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Adult Performance Outcome Study: Wave 1 to Wave 3  
(Pursuant to Welfare and Institutions Code Section 5772(c)(3))**

Above transmitted report, together with letter of transmittal from John Nickens, Ph.D., Chairperson, California Mental Health Planning Council, Sacramento, dated August 1, 1997, referred by the Speaker to the Committee on Health.

**Asset Forfeiture, Annual Report, 1996  
(Pursuant to Health and Safety Code Section 11495)**

Above transmitted report, together with letter of transmittal from M. David Stirling, Chief Deputy Attorney General, Office of the Attorney General, Sacramento, dated August 7, 1997, referred by the Speaker to the Committee on Public Safety.

**1997 OAL Determination No. 5  
Department of Corrections, [Docket No. 90-039]  
(Pursuant to Government Code Section 11340.5)**

Above transmitted report, together with letter of transmittal from John D. Smith, Director, Office of Administrative Law, Sacramento, dated August 12, 1997, referred by the Speaker to the Committee on Judiciary.

**Consulting Services Contract Reports and Summary, 1996-97  
(Pursuant to Public Contract Code Section 10359)**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Sacramento, dated August 13, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Hazardous Waste Fee Collections, April 1, 1997–June 30, 1997  
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from E.L. Sorensen, Jr., Executive Director, State Board of Equalization, Sacramento, dated September 3, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Statistical Report of Beverage Container  
Sales, Returns, Redemption, and Recycling Rates, Semi-Annual, 1997  
(Pursuant to Public Resources Code Section 14551)**

Above transmitted report, together with letter of transmittal from Lawrence J. Goldzband, Director, Department of Conservation, Sacramento, dated September 10, 1997, referred by the Speaker to the Committee on Natural Resources.

**Report to the California Legislature and Exclusive Representatives of  
State Employees on Information Relevant to  
the Salaries for Female-Dominated Jobs, September 1997  
(Pursuant to Government Code Section 19827.2)**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Sacramento, dated September 11, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**California State Lottery,  
Fiscal Year 1996/97, Contracts Over \$100,000.00  
(Pursuant to Government Code Section 8880.56(b),(5))**

Above transmitted report, together with letter of transmittal from Melissa Meith, Chief Counsel, Legal Office, California Lottery, Sacramento, dated September 15, 1997, referred by the Speaker to the Committee on Governmental Organization.

**Statewide Language Survey, Fiscal Year 1995–96  
(Pursuant to Government Code Section 7299.6)**

Above transmitted report, together with letter of transmittal from Walter Vaughn, Acting Executive Officer, California State Personnel Board, Sacramento, dated September 19, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**The California Commission on Health and Safety and  
Workers' Compensation, 1996–97 Annual Report  
(Pursuant to Labor Code Section 77(a))**

Above transmitted report, together with letter of transmittal from Christine Baker, Executive Officer, Commission on Health and Safety and Workers' Compensation, Department of Industrial Relations, San Francisco, dated August 22, 1997, referred by the Speaker to the Committee on Insurance.

**The Construction Carve-Out Program,  
A Report of Activities in Calendar Year 1996  
(Pursuant to Labor Code Section 3201.5(i))**

Above transmitted report, together with letter of transmittal from John C. Duncan, Acting Director, Office of the Director, Department of Industrial Relations, San Francisco, dated September 26, 1997, referred by the Speaker to the Committee on Insurance.

**California, Sex Offender Identification Line, July 1997  
(Pursuant to Penal Code Section 290.4(h))**

Above transmitted report, together with letter of transmittal from Wayne R. Smith, Special Assistant, Office of the Attorney General, Sacramento, dated September 29, 1997, referred by the Speaker to the Committee on Public Safety.

**Department of Justice  
Report of Expenditures as of June 30, 1997 for Hazardous Waste  
(Pursuant to Health and Safety Code Section 25174)**

Above transmitted report, together with letter of transmittal from Wayne R. Smith, Special Assistant, Office of the Attorney General, Sacramento, dated October 1, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Financial Transactions Concerning Cities of California,  
1994-95 Fiscal Year**

Above transmitted report, together with letter of transmittal from Kathleen Connell, California State Controller, Sacramento, dated June 11, 1997, referred by the Speaker to the Committee on Local Government.

**Getting the Job Done,  
1996 Annual Report of the California Integrated Waste Management Board**

Above transmitted report, together with letter of transmittal from Daniel G. Pennington, Chairman, Integrated Waste Management Board, Sacramento, dated September 29, 1997, referred by the Speaker to the Committee on Natural Resources.

**Department of Pesticide Regulation's  
Minority, Women, and Disabled Veteran Business Enterprise Report,  
Fiscal Year 1995-96  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from James W. Wells, Director, California Environmental Protection Agency, Sacramento, dated September 30, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**ENGIROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, September 15, 1997

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

Assembly Bill No. 4

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 15, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 1997

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

Assembly Concurrent Resolution No. 12

Assembly Concurrent Resolution No. 57

Assembly Joint Resolution No. 32

And reports the same correctly enrolled, and presented to the Secretary of State on the 15th day of September, 1997, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 15, 1997

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 6    | Assembly Bill No. 1054 |
| Assembly Bill No. 358  | Assembly Bill No. 1061 |
| Assembly Bill No. 379  | Assembly Bill No. 1089 |
| Assembly Bill No. 408  | Assembly Bill No. 1103 |
| Assembly Bill No. 541  | Assembly Bill No. 1128 |
| Assembly Bill No. 739  | Assembly Bill No. 1206 |
| Assembly Bill No. 772  | Assembly Bill No. 1209 |
| Assembly Bill No. 882  | Assembly Bill No. 1280 |
| Assembly Bill No. 980  | Assembly Bill No. 1320 |
| Assembly Bill No. 1020 | Assembly Bill No. 1399 |

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 15, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 16, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 21  | Assembly Bill No. 568  |
| Assembly Bill No. 226 | Assembly Bill No. 620  |
| Assembly Bill No. 246 | Assembly Bill No. 731  |
| Assembly Bill No. 355 | Assembly Bill No. 747  |
| Assembly Bill No. 397 | Assembly Bill No. 917  |
| Assembly Bill No. 441 | Assembly Bill No. 1127 |
| Assembly Bill No. 450 | Assembly Bill No. 1189 |
| Assembly Bill No. 504 | Assembly Bill No. 1341 |
| Assembly Bill No. 513 | Assembly Bill No. 1433 |
| Assembly Bill No. 520 | Assembly Bill No. 1611 |

And reports the same correctly enrolled, and presented to the Governor at 11 a.m., September 16, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 42  | Assembly Bill No. 870  |
| Assembly Bill No. 43  | Assembly Bill No. 875  |
| Assembly Bill No. 176 | Assembly Bill No. 989  |
| Assembly Bill No. 186 | Assembly Bill No. 995  |
| Assembly Bill No. 304 | Assembly Bill No. 1088 |
| Assembly Bill No. 421 | Assembly Bill No. 1106 |
| Assembly Bill No. 475 | Assembly Bill No. 1144 |
| Assembly Bill No. 584 | Assembly Bill No. 1186 |
| Assembly Bill No. 590 | Assembly Bill No. 1458 |
| Assembly Bill No. 865 | Assembly Bill No. 1464 |

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 17, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 17, 1997

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

- Assembly Concurrent Resolution No. 74
- Assembly Joint Resolution No. 36

And reports the same correctly enrolled, and presented to the Secretary of State on the 17th day of September, 1997, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1997

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

Assembly Bill No. 193	Assembly Bill No. 838
Assembly Bill No. 202	Assembly Bill No. 839
Assembly Bill No. 248	Assembly Bill No. 847
Assembly Bill No. 267	Assembly Bill No. 968
Assembly Bill No. 326	Assembly Bill No. 1022
Assembly Bill No. 369	Assembly Bill No. 1040
Assembly Bill No. 418	Assembly Bill No. 1104
Assembly Bill No. 491	Assembly Bill No. 1191
Assembly Bill No. 595	Assembly Bill No. 1275
Assembly Bill No. 618	Assembly Bill No. 1303

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 18, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 18, 1997

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

Assembly Bill No. 699

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., September 18, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1997

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

Assembly Bill No. 301	Assembly Bill No. 1335
Assembly Bill No. 405	Assembly Bill No. 1337
Assembly Bill No. 515	Assembly Bill No. 1353
Assembly Bill No. 652	Assembly Bill No. 1460
Assembly Bill No. 690	Assembly Bill No. 1472
Assembly Bill No. 837	Assembly Bill No. 1475
Assembly Bill No. 1139	Assembly Bill No. 1505
Assembly Bill No. 1213	Assembly Bill No. 1537
Assembly Bill No. 1238	Assembly Bill No. 1588
Assembly Bill No. 1321	Assembly Bill No. 1606

And reports the same correctly enrolled, and presented to the Governor at 10:30 a.m., September 19, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1997

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

Assembly Bill No. 1545

And reports the same correctly enrolled, and presented to the Governor at 3:15 p.m., September 19, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 19, 1997

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

Assembly Bill No. 482	Assembly Bill No. 1033
Assembly Bill No. 524	Assembly Bill No. 1163
Assembly Bill No. 530	Assembly Bill No. 1222
Assembly Bill No. 629	Assembly Bill No. 1242
Assembly Bill No. 641	Assembly Bill No. 1245
Assembly Bill No. 727	Assembly Bill No. 1296
Assembly Bill No. 874	Assembly Bill No. 1423
Assembly Bill No. 877	Assembly Bill No. 1468
Assembly Bill No. 885	Assembly Bill No. 1485
Assembly Bill No. 904	Assembly Bill No. 1520

And reports the same correctly enrolled, and presented to the Governor at 3:15 p.m., September 19, 1997.

E. DOTSON WILSON, Chief Clerk



Assembly Chamber, September 19, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 11  | Assembly Bill No. 549  |
| Assembly Bill No. 125 | Assembly Bill No. 572  |
| Assembly Bill No. 134 | Assembly Bill No. 736  |
| Assembly Bill No. 149 | Assembly Bill No. 753  |
| Assembly Bill No. 156 | Assembly Bill No. 1071 |
| Assembly Bill No. 221 | Assembly Bill No. 1105 |
| Assembly Bill No. 293 | Assembly Bill No. 1214 |
| Assembly Bill No. 320 | Assembly Bill No. 1395 |
| Assembly Bill No. 365 | Assembly Bill No. 1508 |
| Assembly Bill No. 459 | Assembly Bill No. 1518 |

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., September 19, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 39  | Assembly Bill No. 776  |
| Assembly Bill No. 52  | Assembly Bill No. 807  |
| Assembly Bill No. 167 | Assembly Bill No. 846  |
| Assembly Bill No. 195 | Assembly Bill No. 925  |
| Assembly Bill No. 381 | Assembly Bill No. 1193 |
| Assembly Bill No. 494 | Assembly Bill No. 1210 |
| Assembly Bill No. 536 | Assembly Bill No. 1266 |
| Assembly Bill No. 563 | Assembly Bill No. 1269 |
| Assembly Bill No. 673 | Assembly Bill No. 1277 |
| Assembly Bill No. 705 | Assembly Bill No. 1306 |

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 22, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1997

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

- Assembly Concurrent Resolution No. 26
- Assembly Concurrent Resolution No. 58
- Assembly Concurrent Resolution No. 68
- Assembly Joint Resolution No. 4
- Assembly Joint Resolution No. 13
- Assembly Joint Resolution No. 18

And reports the same correctly enrolled, and presented to the Secretary of State on the 22nd day of September, 1997, at 10 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 22, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 2   | Assembly Bill No. 748  |
| Assembly Bill No. 10  | Assembly Bill No. 853  |
| Assembly Bill No. 45  | Assembly Bill No. 856  |
| Assembly Bill No. 51  | Assembly Bill No. 861  |
| Assembly Bill No. 122 | Assembly Bill No. 1042 |
| Assembly Bill No. 217 | Assembly Bill No. 1126 |
| Assembly Bill No. 366 | Assembly Bill No. 1318 |
| Assembly Bill No. 411 | Assembly Bill No. 1575 |

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 22, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 23, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 49  | Assembly Bill No. 963  |
| Assembly Bill No. 351 | Assembly Bill No. 1159 |
| Assembly Bill No. 472 | Assembly Bill No. 1198 |
| Assembly Bill No. 501 | Assembly Bill No. 1224 |
| Assembly Bill No. 749 | Assembly Bill No. 1293 |
| Assembly Bill No. 764 | Assembly Bill No. 1302 |
| Assembly Bill No. 792 | Assembly Bill No. 1483 |
| Assembly Bill No. 794 | Assembly Bill No. 1553 |
| Assembly Bill No. 827 | Assembly Bill No. 1568 |
| Assembly Bill No. 931 | Assembly Bill No. 1601 |

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 23, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 23, 1997

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

- Assembly Concurrent Resolution No. 21
- Assembly Concurrent Resolution No. 76
- Assembly Concurrent Resolution No. 77
- Assembly Joint Resolution No. 37
- Assembly Joint Resolution No. 39

And reports the same correctly enrolled, and presented to the Secretary of State on the 23rd day of September, 1997, at 11:15 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 23, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 58  | Assembly Bill No. 994  |
| Assembly Bill No. 140 | Assembly Bill No. 1099 |
| Assembly Bill No. 177 | Assembly Bill No. 1190 |
| Assembly Bill No. 437 | Assembly Bill No. 1217 |
| Assembly Bill No. 594 | Assembly Bill No. 1346 |
| Assembly Bill No. 605 | Assembly Bill No. 1362 |
| Assembly Bill No. 701 | Assembly Bill No. 1429 |
| Assembly Bill No. 777 | Assembly Bill No. 1456 |
| Assembly Bill No. 940 | Assembly Bill No. 1572 |
| Assembly Bill No. 991 | Assembly Bill No. 1597 |

And reports the same correctly enrolled, and presented to the Governor at 12 m., September 23, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1997

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 178  | Assembly Bill No. 1391 |
| Assembly Bill No. 219  | Assembly Bill No. 1425 |
| Assembly Bill No. 387  | Assembly Bill No. 1480 |
| Assembly Bill No. 428  | Assembly Bill No. 1507 |
| Assembly Bill No. 545  | Assembly Bill No. 1539 |
| Assembly Bill No. 627  | Assembly Bill No. 1555 |
| Assembly Bill No. 781  | Assembly Bill No. 1556 |
| Assembly Bill No. 920  | Assembly Bill No. 1558 |
| Assembly Bill No. 957  | Assembly Bill No. 1559 |
| Assembly Bill No. 1230 | Assembly Bill No. 1612 |

And reports the same correctly enrolled, and presented to the Governor at 9:30 a.m., September 24, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 55  | Assembly Bill No. 571  |
| Assembly Bill No. 84  | Assembly Bill No. 600  |
| Assembly Bill No. 102 | Assembly Bill No. 633  |
| Assembly Bill No. 127 | Assembly Bill No. 702  |
| Assembly Bill No. 152 | Assembly Bill No. 713  |
| Assembly Bill No. 158 | Assembly Bill No. 896  |
| Assembly Bill No. 181 | Assembly Bill No. 939  |
| Assembly Bill No. 258 | Assembly Bill No. 1357 |
| Assembly Bill No. 280 | Assembly Bill No. 1363 |
| Assembly Bill No. 412 | Assembly Bill No. 1394 |

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 24, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 24, 1997

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 62   | Assembly Bill No. 1055 |
| Assembly Bill No. 115  | Assembly Bill No. 1188 |
| Assembly Bill No. 321  | Assembly Bill No. 1219 |
| Assembly Bill No. 680  | Assembly Bill No. 1223 |
| Assembly Bill No. 730  | Assembly Bill No. 1297 |
| Assembly Bill No. 738  | Assembly Bill No. 1447 |
| Assembly Bill No. 833  | Assembly Bill No. 1484 |
| Assembly Bill No. 1015 | Assembly Bill No. 1554 |
| Assembly Bill No. 1029 | Assembly Bill No. 1581 |
| Assembly Bill No. 1043 | Assembly Bill No. 1610 |

And reports the same correctly enrolled, and presented to the Governor at 12 m., September 24, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 29  | Assembly Bill No. 367  |
| Assembly Bill No. 59  | Assembly Bill No. 420  |
| Assembly Bill No. 76  | Assembly Bill No. 456  |
| Assembly Bill No. 99  | Assembly Bill No. 488  |
| Assembly Bill No. 130 | Assembly Bill No. 640  |
| Assembly Bill No. 173 | Assembly Bill No. 999  |
| Assembly Bill No. 179 | Assembly Bill No. 1065 |
| Assembly Bill No. 208 | Assembly Bill No. 1082 |
| Assembly Bill No. 241 | Assembly Bill No. 1438 |
| Assembly Bill No. 308 | Assembly Bill No. 1574 |

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., September 25, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1997

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 57  | Assembly Bill No. 1017 |
| Assembly Bill No. 242 | Assembly Bill No. 1172 |
| Assembly Bill No. 352 | Assembly Bill No. 1415 |
| Assembly Bill No. 353 | Assembly Bill No. 1479 |
| Assembly Bill No. 592 | Assembly Bill No. 1561 |
| Assembly Bill No. 670 | Assembly Bill No. 1583 |
| Assembly Bill No. 915 | Assembly Bill No. 1587 |
| Assembly Bill No. 922 |                        |

And reports the same correctly enrolled, and presented to the Governor at 10:30 a.m., September 25, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1997

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

Assembly Concurrent Resolution No. 78

Assembly Joint Resolution No. 38

And reports the same correctly enrolled, and presented to the Secretary of State on the 25th day of September, 1997, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 25, 1997

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

Assembly Bill No. 67

Assembly Bill No. 233

Assembly Bill No. 257

Assembly Bill No. 287

Assembly Bill No. 498

Assembly Bill No. 993

Assembly Bill No. 1492

Assembly Bill No. 1544

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., September 25, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, September 26, 1997

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

Assembly Bill No. 290

Assembly Bill No. 560

Assembly Bill No. 573

Assembly Bill No. 602

Assembly Bill No. 1571

Assembly Bill No. 1595

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., September 26, 1997.

E. DOTSON WILSON, Chief Clerk

### MESSAGES FROM THE GOVERNOR

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

#### **Veto Message—Assembly Bill No. 625**

Governor's Office, Sacramento

September 21, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 625 without my signature.

This bill would require the Legislative Analyst to prepare and submit a report to the Legislature on the state of health care delivery in California.

Legislation is not required to authorize the Legislative Analyst to undertake this report.

Cordially,

PETE WILSON

#### **Veto Message—Assembly Bill No. 1103**

Governor's Office, Sacramento

September 21, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1103 without my signature.

This bill would require a school district or community college district to offer a laid off permanent classified employee priority for employment in substitute service at his or her regular rate of compensation if he or she works for 21 days or more during a 60 day period.

Under current law, permanent classified employees may be terminated due to a lack of work or lack of available funds. This bill

would require a district to hire the most senior laid off employee at his or her corresponding higher rate of compensation when a district is facing a lack of funds.

Districts should retain the right to hire substitute employees at a rate of pay that will allow the district to focus its resources on its instructional program.

Further, districts should retain the right to hire as a substitute that employee who best meets the requirements for the position. That employee may be the most senior laid off permanent employee, or an altogether new employee. The decision of who is best suited for the position, however, should be left to the employer, not dictated by Sacramento.

If a school district wants to adopt a policy similar to the provisions of this bill, they have the full flexibility to do so. There is no need for state intervention in the matter.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1157**

Governor's Office, Sacramento

September 21, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1157 without my signature.

This bill would require the Department of Toxic Substance Control (DTSC) to issue a public notice not less than 30 days prior to granting a variance from hazardous waste statutes or regulations.

The variances issued by DTSC cover a wide variety of program requirements (e.g., storage time limits; administrative requirements; regulatory deadlines; recycling requirements; authorization requirements, etc.). These variances give DTSC and the regulated community the flexibility to tailor program requirements to a business's unique circumstances while continuing to ensure that the business operates in a manner that is protective of public health and the environment.

Existing law requires DTSC to make a finding that ultimately granting a variance would not impose a significant impact to human health or the environment. All variances must also be evaluated under the California Environmental Quality Act (CEQA), and published in the California Regulatory Register (commonly referred to as the "Z-register") within 30-days after the variance is granted.

Enactment of this bill would increase costs for businesses by unnecessarily impeding business operations for an additional 30 days, without providing any demonstrated level of health and safety benefits beyond the existing requirements contained under current law.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 22nd day of September, 1997, at 4:50 p.m., of Assembly Bills Nos. 625, 1103, and 1157 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

EDWARD DOTSON WILSON  
Chief Clerk of the Assembly

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

Governor's Office, Sacramento  
September 23, 1997

*To the Members of the California Assembly:*

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

This bill would require, as a five-year demonstration project, the state employer to enter into collective bargaining with supervisory employee organizations that exclusively represent employees of the Department of Forestry and Fire Protection, State Bargaining Unit 8.

This bill is nearly identical to last year's AB 277, which was vetoed. Supervisors act on behalf of state management by directing the work force, interpreting and responding to employee grievances, applying labor agreements and otherwise representing the employer on a daily basis. Providing this group with collective bargaining rights would represent a conflict of interest.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 24th day of September, 1997, at 11:55 a.m., of Assembly Bill No. 917, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 488**

Governor's Office, Sacramento  
September 26, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 488 without my signature.

This bill would exempt specified single action revolvers from the application of SB 500.

AB 488 was designed to address one of the numerous flaws of SB 500 vetoed earlier this day. In the absence of SB 500 this bill serves no purpose.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 26th day of September 1997, at 4:41 p.m., of Assembly Bill No. 488, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 452**

Governor's Office, Sacramento

September 28, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 452 without my signature.

This bill would prohibit private emergency medical transport service providers from billing health care service plans and insurers for pretransport medical services provided by a governmental agency unless the billing or collection is made on behalf of the governmental agency.

The stated intent of this legislation is to prohibit a private medical transport service from seeking payment from a health plan for services it did not provide. No private emergency medical transport service should seek or accept payment for pretransport medical services that it did not provide, nor should it be able to bill on behalf of a governmental agency that is not otherwise eligible to receive payment for pretransport services.

However, the bill implicitly provides that a health care service plan or insurer is required to provide coverage for pretransport emergency services provided by a governmental agency as long as the billing or collection is made by a private emergency medical transport service provider on behalf of the governmental agency. This would result in persons with health care coverage subsidizing tax supported emergency services. Last year I vetoed a similar bill, SB 1436, for the same reason.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 582**

Governor's Office, Sacramento

September 28, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 582 without my signature.

This bill would set forth additional legislative findings and declarations regarding telecommunications policies for the state. The bill would require the Public Utilities Commission (PUC) to report to the legislature its findings and recommendations by December 1, 1998 as to the effect of competition in telecommunications markets.

The questions raised in this legislation do not require codification. The CPUC already has numerous legislative report requirements which answer many of the questions asked in this legislation. Moreover, a simple legislative request for additional information would elicit the information requested.

This bill imposes a further requirement that the PUC speculate as to rate increases five years into the future and that service providers include such speculative predictions in customer billings. This new requirement requires a premature judgment by the commission and needless and perhaps unjustified agitation of ratepayers. It is premature and redundant at the best and unfair both to ratepayers and providers at worst.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 650**

Governor's Office, Sacramento

September 28, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 650 without my signature.

This bill would require the Employment Development Department to process applications for unemployment insurance and training benefits within 45 days if the applicant was terminated as a result of the employer's relocation to Canada or Mexico. The bill would also require the Department to provide annual refresher training to field office managers, report to the Legislature regarding the training, and design a system to measure managers' knowledge of services and programs offered by the Department.

Currently, the Department meets the more stringent federal Department of Labor time requirements of seven to fourteen days for processing unemployment insurance and training benefit claims. As such this bill is unnecessary.

In addition, the proposed management training program duplicates existing Department training and information dissemination processes.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 845**

Governor's Office, Sacramento

September 28, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 845 without my signature.

This bill would require the California Department of Social Services to conduct a study of In-Home Supportive Services (IHSS) and make specific recommendations to the Legislature not later than March 1, 1998. The study must include funding alternatives, the salaries and training of individual providers, the turnover rate among workers and other program areas.

This bill is unnecessary. The University of California, Los Angeles (UCLA), is presently conducting a study of the IHSS program under contract with the Federal Department of Health and Human Services. DSS may review the UCLA study and conduct any additional research if necessary without a legislative mandate.

Cordially,

PETE WILSON



## RECEIPT

I acknowledge receipt this 29th day of September 1997, at 1:32 p.m., of Assembly Bills Nos. 452, 582, 650, and 845, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 42**

Governor's Office, Sacramento  
September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 42 without my signature.

This bill would remove the requirement that the prosecution show that a defendant violated one of several specified protective orders with 'an act of violence' or a 'credible threat of violence' before an offender can receive a felony penalty for repeatedly violating protective orders. This bill would include a Three-Strikes exemption.

AB 42 does two things, it makes it easier to prove that repeat violation of a protective order is a felony and it reduces the penalty for those repeat violators who have serious or violent felony priors, by exempting them from Three-Strikes.

Under current law an individual, with two or more serious or violent felony priors, convicted of felony violation of a domestic violence protective order would be subject to a third strike unless the prosecutor or the court chose, in the interest of justice, to strike one or more of the priors. This bill would take that discretion from both the prosecutor and the court and exempt the violator from three-strikes even if the priors were for murder, rape, or aggravated battery.

By reducing the potential penalty for felony violation of PC 273.6, AB 42 would effectively give credence to the discredited notion that domestic violence is a family matter not a real crime and that victims of domestic violence are not real victims entitled to the full protection of the law. This bill's potential is not sufficient to warrant its negative impacts.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 520**

Governor's Office, Sacramento  
September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 520 without my signature.

This bill would require all probation officers to complete 16 hours of domestic violence training as part of the annual training requirement and to continue to receive not less than eight hours of domestic violence training and coursework every two years within the six year period following the initial training.

It is important that probation officers who handle domestic violence cases receive adequate training in this field. This is currently accomplished under the training standards promulgated

by the Board of Corrections. Probation officers are required to complete a 200 hour core course as part of their employment orientation. This course must be completed within the first twelve months of employment and includes 46 hours of instruction on family violence issues involving abusive relationships, problem assessment, crises intervention, treatment protocol, among other areas.

Following the core curriculum, journey level probation officers are required by the Board of Corrections to receive an additional 40 hours of annual training. The content of this training is specific to the officer's various assignments as determined by the probation departments. Probation officers handling domestic violence cases may participate in up to 16 hours of additional domestic violence instruction annually according to caseload needs. Probation departments are currently able to select training in this topic from over 57 certified domestic violence courses statewide.

This measure would require every probation officer to receive 16 hours of domestic violence instruction to be part of the annual training. These hours would be in addition to the 46 hours of instruction the officer has recently received in the core course and would be required even if the probation officer had limited contact with offenders or victims of domestic violence. Further, these hours would supplant other subject matter courses that may be more beneficial to the officer considering his or her assignment.

The selection of appropriate training to address specific work assignments is essential and best made by each local probation department. There is no evidence to suggest those departments are not providing sufficient training in this important area.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 618**

Governor's Office, Sacramento  
September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 618 without my signature.

This bill would require the appropriate law enforcement agency to enter into the statewide California Law Enforcement Telecommunications System (CLETS), every bench warrant issued by the court on a misdemeanor case for driving under the influence of alcohol or for domestic violence. This measure is sponsored by the Capital City Bail Association.

Current law requires court-ordered bench warrants issued on felony cases to be entered by the appropriate law enforcement agency into the national warrant system. For misdemeanor cases, sheriffs and police chiefs have discretion to determine the type of cases that are entered into CLETS. This discretion exists because the agency that places a warrant into the system must be willing to transport the arrested person from any location in California to the jurisdiction that issued the warrant regardless of distance or expense. Because of jail overcrowding and restrictions on capacity, many persons with misdemeanor warrants are simply issued citations and released. Nevertheless, law enforcement currently inputs into CLETS over 300,000 misdemeanor warrants annually.

Law enforcement opposes this measure which removes their discretion by requiring automatic entry into CLETS of every misdemeanor warrant issued for driving under the influence of alcohol by an adult or juvenile, or for misdemeanor spousal abuse or battery committed against a former spouse, fiancé, fiancée, or person with whom the defendant currently has, or previously has had a dating relationship. Although no specific information is available to determine the number of misdemeanor warrants issued for these offenses, law enforcement has estimated this measure will require an additional 400,000 entries into CLETS every year.

It is indisputable that persons who commit these crimes should be held accountable. The question is whether law enforcement should lose their discretion to determine which of these misdemeanor cases, based on the anticipated punishment, should demand their attention and resources. Considering that the offenders will be punished in different ways, some receiving jail, others only a minimal punishment, sheriffs and police should continue to exercise discretion in deciding which misdemeanor cases are placed in CLETS.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 885**

Governor's Office, Sacramento  
September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 885 without my signature.

This bill would require that the four members of the State Teachers' Retirement System Board (STRS), representing active and retired teachers, be elected from their respective constituencies rather than appointed by the Governor.

This bill is similar to SB 277, which was vetoed in 1994. The reasons supporting that veto have not changed. There is no need to substitute the current appointments process with a cumbersome election process costing the Teachers' Retirement Fund over \$125,000 a year.

Proposition 162 established in the state constitution the responsibilities and priorities for STRS Board members. As such, Board members are responsible for representing the interests of the entire system, not just those of individual constituencies. Conducting elections to name parochial representatives would undermine this principle.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 980**

Governor's Office, Sacramento  
September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 980 without my signature.

This bill would require representatives designated by the Governor or the Director of Finance to meet with county

representatives to discuss budget issues that impact county programs which counties administer as agents of the state.

This bill is unnecessary. Because counties do act as agents of the state for the delivery of many state programs, it has been my policy to provide for an ongoing dialogue between my entire Administration, including the Department of Finance, and county representatives before and after I submit the state budget to the Legislature.

Appropriately, existing law leaves to the Governor the decision as to with whom, when, and in what manner the Department of Finance and other administration representatives will meet to discuss budget and any other important questions.

It would be unwise and in fact improper to attempt to mandate in statute what must be a flexible process of consultation, and to deny to the Governor and his administration the discretion they must have to set priorities and make the process work.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1022**

Governor's Office, Sacramento

September 29, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1022 without my signature.

This bill would require any member of the Coastal Commission who receives a gift in value of \$10 or more from an interested person, to report that gift to the Coastal Commission within seven days of receipt.

Under current law, Coastal Commissioners, like other elected and appointed officials, are required to file annual statements with the Fair Political Practices Commission disclosing their investments, interests in real property, and income which includes gifts with an aggregate value of \$50 or more. This disclosure statement must include the names and addresses of each source of the gift.

This measure creates an additional and more stringent reporting requirement for members of the Coastal Commission. Moreover, it treats those members differently from everyone else with reporting requirements. This inequity is not good public policy.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 30th day of September, 1997, at 1:32 p.m., of Assembly Bills Nos. 42, 520, 618, 885, 980, and 1022, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 43**

Governor’s Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 43 without my signature.

This bill would require the Department of Motor Vehicles to conduct technologically feasible transactions on the Internet by January 1, 1999 if it determines that the cost of the transactions are cheaper than existing methods when amortized over a 10 year period. The Department is required to submit an annual report to the Legislature on the Internet transactions it proposes to implement during each subsequent fiscal year.

The Department is already developing a long term Internet strategy for placing transactions on its web site. It is unnecessary to codify existing long range planning strategies which the Department is already actively pursuing.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 358**

Governor’s Office, Sacramento  
October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 358 without my signature.

This bill would allow an owner or operator of employee housing in more than one county to choose whether the county or the Department of Housing and Community Development will enforce the Employee Housing Act (‘EHA’’).

Existing law provides counties with the option of enforcing the EHA themselves or turning this function over to the Department. Fourteen counties have chosen self-enforcement, while the remaining forty-four counties have turned to the Department.

The intent of this bill is to provide employers with employee housing in more than one county with uniform enforcement of the EHA. This bill, however, does not create uniform enforcement.

The Federal Department of Labor has enforcement jurisdiction for employee housing with fewer than five employees while the state has enforcement responsibility for employee housing with five or more employees. County officials inspect for various local health and safety requirements. This bill would not change the existing enforcement activities vested at either the federal, state, or local level.

Additionally, the process contained in the bill would be disruptive for state and local enforcement entities who would face difficulty in projecting inspection workloads, setting appropriate fees to cover the cost of the inspections and tracking compliance between local and state enforcement efforts.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 408**

Governor's Office, Sacramento

October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 408 without my signature.

This bill would change the base year for the Proposition 172 Maintenance of Effort (MOE) requirement for the City of San Clemente from 1992–93 to 1993–94.

Existing law requires that a "Maintenance of Effort threshold" be met in order to utilize Proposition 172 funds to ensure that these funds enhance rather than supplant local revenues. Existing law also requires that a minimum commitment of local resources be allocated to public safety services and establishes the 1992–93 approved budget as the base year. To receive full allocation of Proposition 172 revenues, the minimum funding level for public safety services in 1994–95 and subsequent years must equal the 1992–93 base year as adjusted by annual increases (or decreases) in the Proposition 172 sales tax allocated to the entity. Existing law intends that in no event shall an entity's minimum funding level of public safety activities fall below the 1992–93 base year.

If a city like San Clemente is able to contract for police services equal to the 1992–93 level, at a lower cost, then the remaining Proposition 172 public safety funds should be dedicated to enhance other public safety functions within the City of San Clemente. To the extent that the City of San Clemente does not need the Proposition 172 funds then the funds should revert to the county for the county's public safety needs.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 712**

Governor's Office, Sacramento

October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 712 without my signature.

This bill would authorize the Orange County Transportation Authority to execute an agreement with the Department of Transportation whereby the department would receive local gas tax funds in exchange for an equivalent amount of Transportation Planning and Development (TP&D) Account funds which in turn would be made available to the Authority.

Due in part to the \$100 million commitment of TP&D funds to the recently enacted toll bridge seismic retrofit program contained in SB 60 (Kopp), there will be little or no new cash available from the TP&D account each year. A potential \$23 million annual cash draw by Orange County would negatively impact the State's inter-city rail program and State Transit Assistance subsidies to other local entities.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1508**

Governor's Office, Sacramento

October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1508 without my signature.

This bill would appropriate \$100,000 from the General Fund to the California Office of Export Development, within the California State World Trade Commission, to implement a Rural Export Strategy to foster exports from rural areas of the state. The California Export Finance Office would be required to provide outreach to rural businesses in conjunction with the Rural Export Strategy.

This bill appropriates General Fund resources with little assurance that they will have a beneficial impact on the rural economy. This bill does not specify what outreach activities would be performed or what could be expected to be accomplished through development of a Rural Export Strategy.

The Department of Food and Agriculture has a program, Agricultural Export Program (AEP), that works closely with the federal and state commodity marketing boards, as well as with California agricultural cooperatives and individual producers, to establish strategic priorities for California exports. Establishing a program within the Office of Export Development to focus on exports from rural areas would be, in the case of agricultural products, duplicative.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 3rd day of October, 1997, at 4:34 p.m., of Assembly Bills Nos. 43, 358, 408, 712, and 1508, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1041**

Governor's Office, Sacramento

October 2, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1041 without my signature.

This bill would make various changes to tax laws administered by the Board of Equalization (BOE). This bill affects the Cigarette and Tobacco Products Tax, the Insurance Tax, Sales and Use Tax, Diesel Fuel Tax, and other taxes administered by the Board.

Every year, the Board of Equalization sponsors legislation to make technical changes to the taxation code. These changes are important so the BOE can properly administer tax laws. AB 1041, however, contains fee and penalty provisions that are beyond the parameters of technical changes to the tax code. These provisions were not

debated, nor shared with the relevant departments and agencies within my administration.

Further, AB 1041 is unnecessary. On this date I am signing SB 1102 which is virtually identical to this bill, containing the same technical provisions that will enable the BOE to properly administer tax laws.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 3rd day of October, 1997, at 5:05 p.m., of Assembly Bill No. 1041, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

ARVETTA M. DOWNS

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 140**

Governor's Office, Sacramento

October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 140 without my signature.

This bill would require the Occupational Safety and Health Standards Board of the Department of Industrial Relations to establish an advisory committee to study the need for the promulgation of safety training standards for flag persons responsible for traffic control devices where construction work is occurring.

This measure is unnecessary. Under current law, the Department of Transportation (Caltrans), is responsible for promulgating uniform standards and specifications for all official traffic control devices. Existing regulations provide that all employees involved in traffic control, including contractor employees, should be adequately trained in safe traffic control practices.

The California Occupational Safety and Health Act (Cal/OSHA), currently enforces safety regulations which apply specifically to traffic control on public streets and highways at construction sites, pursuant to Title 8 of the California Code of Regulations, Section 1598. That section adopts the requirements of the most recent Caltrans publication, the 1996 "Manual of Traffic Control for Construction and Maintenance Work Zones." Proponents can petition the standards board directly with their concerns without the need for an advisory committee.

Cordially,

PETE WILSON



**Veto Message—Assembly Bill No. 321**

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 321 without my signature.

This bill would, among other provisions, provide state safety retirement membership to specified officers and employees of the Department of Mental Health at specified facilities.

Current law requires the State Personnel Board (SPB), and the Department of Personnel Administration (DPA), to determine which classes meet the established criteria for inclusion in the safety retirement category. Thereafter, changes are negotiated through the collective bargaining process, and upon mutual agreement the proposal is submitted to the Legislature for approval.

This measure circumvents that process by adding approximately 150 classifications representing 12 bargaining units in the Department of Mental Health to safety retirement. It is doubtful whether many of those bargaining units would meet the safety criteria under the current process. Two of those units, however, have and reached agreement with DPA for inclusion into state safety. The remaining units are encouraged to follow the appropriate statutory procedure.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 494**

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 494 without my signature.

This bill would, among other provisions, establish a new citation process for specified Labor Code violations and provide that penalties collected pursuant to specific construction industry employment violations would be credited to the Industrial Relations Construction Industry Enforcement Fund (IRCIEF), instead of the general fund.

Current law provides a procedure for the enforcement of specific prevailing wage violations. This measure would establish a different and conflicting procedure, would extend the statute of limitations for recovery of penalties for failure to pay the prevailing wage and would create a process of appeal which differs substantially from the process used by the Labor Commissioner in all other civil citation actions. Moreover, the process of appeal enumerated in the measure would effectively discourage its use by employers.

The measure also proposes that fines and penalties collected for violations of public works laws be deposited into the IRCIEF instead of the General Fund under current law. This redirection is intended to augment the enforcement activities of the Division of Labor

Standards Enforcement. This provision inappropriately creates a “bounty hunter” perception which runs counter to an even-handed approach to labor law enforcement.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 594**

Governor’s Office, Sacramento

October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 594 without my signature.

This bill would make various changes to the alternative dispute resolution process relating to construction defect disputes between builders and common interest developments.

I am generally supportive of many of the changes in this bill. However, the bill raises several technical and policy issues that have not received proper consideration. In addition, some of the provisions are unnecessarily burdensome and restrictive. I encourage the interested parties to continue working together to send me a comprehensive measure that will address the problem of construction defect litigation.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 705**

Governor’s Office, Sacramento

October 4, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 705 without my signature.

This bill would, at the request of a local agency, require all state agencies to report what waste reduction programs and waste facilities the state intends to use for the handling, diversion, and disposal of solid waste. AB 705 also includes building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for the application of current laws and would mandate that these products be purchased by state agencies if they meet specified standards and cost factors.

Among other things, this bill states that upon the request of the local agency, any state agency shall declare to what extent it intends to utilize programs or facilities established by the local agency for the disposal of solid waste. If the state agency declines to utilize the locally established program or facility, it is required to identify sufficient disposal capacity for its resulting waste. Although this immediately follows the intent language about state and local agencies working together, this section provides nearly unlimited authority for local agencies to require a state agency to respond to this burdensome request. As written, the provision is broad, undefined in critical areas, and displays a lack of respect for the overall sovereignty of state agencies and a lack of understanding of state agency operations and of relevant codes and regulations.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1017**Governor's Office, Sacramento  
October 3, 1997*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1017 without my signature.

This bill would require the Department of Health Services to conduct two distinct pilot programs to test reimbursement methods related to federally qualified health centers ("FQHC") participating in the Medi-Cal program. This bill also specifies that private nonprofit community health centers shall be subject to the procedures on overpayment recovery for noninstitutional providers.

Existing law is very prescriptive concerning the Department's reimbursement of Two-Plan Model plans for services provided by their FQHC contractors. A pilot program to test alternative reimbursement methods will only be useful if it provides the Department with sufficient flexibility to ensure that Medi-Cal Program objectives are met within existing resources. The pilot programs established by this bill do not meet these requirements.

However, I have signed AB 1337, which would also establish an FQHC reimbursement pilot program. AB 1337 would provide the Department with the necessary flexibility to implement the pilot program as well as to terminate it if costs exceed existing resources.

The bill would also require that Medi-Cal treat private nonprofit community health centers as noninstitutional providers. This would allow disputed reimbursement amounts to be repaid after the appeal process rather than before the appeal process. This significantly limits the ability of the Medi-Cal program to recover overpayments in a timely manner. It also creates a state only expenditure because the federal share of the disputed funds must be returned immediately.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1539**Governor's Office, Sacramento  
October 3, 1997*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1539 without my signature.

This bill would, among other provisions, require the Los Angeles County Board of Supervisors to contract with a private, independent auditor to conduct a comprehensive performance audit of the sheriff's department every five years, with specified exceptions.

Under current law, county boards of supervisors are authorized to audit financial accounts and records of all officers or departments handling county money. These audits can occur on a biennial basis. Accordingly, the board of supervisors can request the county auditor to conduct a performance audit of the sheriff's department. This is a local issue which should be resolved at the local level. This bill would

result in estimated state mandated reimbursable costs of \$2 million every five years. The state should not be responsible for paying the oversight costs of local agencies.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1588**

Governor's Office, Sacramento

October 3, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1588 without my signature.

This bill would require the Department of Health Services to report to health plans participating under the Medi-Cal managed care Two-Plan Model Program the percentage of their capitation rates which are dedicated for the purpose of federally qualified health center ("FQHC") subcontracts. The bill would also require the Department to provide a description of the actuarial analysis used to make the determination.

This bill is unnecessary because the Department will disclose the dollar amount of FQHC costs factored into the rate for the plans contracting as part of the Two-Plan Model program once those rates have been recalculated in October 1997. In addition, the bill would create the expectation that capitation rates should be spent according to "dedicated" amounts. Any language that describes a component of a health plan's capitation rate as "dedicated" for a specified purpose is inappropriate in a managed risk environment.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 6th day of October, 1997, at 11:29 a.m., of Assembly Bills Nos. 140, 321, 494, 594, 705, 1017, 1539, and 1588, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 176**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 176 without my signature.

This bill would provide that nothing in law prohibits a public entity that is proposing to extend a fixed rail transit system from acquiring, by eminent domain, the right of way that is necessary to connect that system to an airport.

AB 176 attempts to resolve a current dispute between Cypress Lawn Cemetery and the Bay Area Rapid Transit District (BART) regarding the extension of BART to the San Francisco International Airport. The bill provides BART the ability to use eminent domain to acquire the necessary right of way if a negotiated agreement can not

be obtained by the two parties. I am not convinced that the state needs to solve this local dispute at this time.

While I am in support of extending BART to the San Francisco Airport, this bill would infringe on the rights of the owners of Cypress Lawn to negotiate a fair and equitable agreement.

Further, this bill has statewide impact that would amend a long-standing law that prohibits public entities from putting thoroughfares or utilities through a cemetery. This law is important in order to ensure that these sacred places are not disturbed.

I encourage the current negotiations to continue. This important project should move forward but at the same time Cypress Lawn and all other cemeteries statewide who, in the future, may find themselves in a similar position should have a level playing field to receive adequate compensation for their property.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 571**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 571 without my signature.

This bill would provide a peace officer employed by the Department of Fish and Game who contracts cancer, with the presumption that the illness was job-related for purposes of workers' compensation, unless proven otherwise.

Under current law, wardens employed by the Department of Fish and Game are considered peace officers and must prove their cancer was contracted as a result of employment in order to receive workers' compensation benefits. There is no evidence that wardens are being denied workers' compensation claims for cancer resulting from working conditions. Therefore, this bill is unnecessary.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 629**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 629 without my signature.

This bill would authorize local public agencies and county boards of supervisors to reclassify child protective services workers, welfare fraud investigators, child support investigators and coroners as safety members entitled to benefit enhancements. This measure would also require each county to develop a written plan to provide safe and secure working conditions for county child protective services workers.

Current law already requires employers to implement worker safety plans under the Occupational Safety and Health Act (OSHA). This act does not prohibit local governments from producing safety plans that exceed OSHA standards. Determining safety conditions

for particular departments is most appropriately decided at the local level, rather than by state mandate.

Safety member retirement was established on a limited basis for those in law enforcement and fire suppression that daily face life threatening situations. Although the retirement and disability benefits are expensive in this category, they were designed to compensate those employees whose very jobs routinely expose them to extraordinary risks. The personnel described in this bill do not fit that category.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 652**

Governor's Office, Sacramento  
October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 652 without my signature.

This bill would authorize individual school districts, county offices of education and community college districts to enter into supplemental contracts with the Public Employees' Retirement System (PERS), to provide benefit enhancements for their classified employees.

This bill is similar to SB 1451 (Hughes), which was vetoed in 1994. This bill would undermine the existing PERS retirement system by promoting locally determined supplemental contracts to the current program of retirement allowances on an ad-hoc basis.

Moreover, retirement program and administrative cost increases reduce the amount of money available for educational programs. It is imprudent at this time to authorize additional benefit enhancements that would be borne at the expense of classroom resources.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 701**

Governor's Office, Sacramento  
October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 701 without my signature.

This bill would permit the Franchise Tax Board (FTB) to disclose California income tax information to tax officials of charter cities in California. Disclosure would be under a written agreement and would be limited to information essential for tax administration purposes.

AB 701 requires FTB to furnish information concerning taxpayers to a charter city only if the application of a city's ordinance to these activities has not been held invalid in a final decision of a court of competent jurisdiction. It is not appropriate for the FTB to furnish tax information to a charter city if a legal challenge is pending. To give charter cities tax information so those cities can enforce a tax

ordinance that may be found to be illegal in a pending legal challenge is to permit them at least temporarily to enjoy an illegal windfall.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1190**

Governor's Office, Sacramento  
October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1190 without my signature.

This bill would authorize a county board of supervisors to delegate to the county health officer or authorized county agency the responsibility to examine a subpoenaed individual regarding the cause of a release or threatened release of a hazardous material from the premises of a hazardous material handler.

Current law provides local health officers substantial authority to require facilities to submit pertinent information and lists failure to comply as a criminal misdemeanor and punishable by civil penalties. In addition, Cal/OSHA has subpoena authority it may exercise in connection with incident investigation authority. Existing law also provides administering state agencies substantial facility inspection and audit authority in this area.

It is questionable that another layer of subpoena power is necessary, and certainly there is no justification for the many shortcomings of this bill.

AB 1190 does not include adequate protections for handling of confidential information, including trade secrets, nor sanctions against a government official for the unauthorized release of such secrets. Unreasonably, the bill fails to provide for notice to an employer when an employee is subpoenaed, nor does it give an employer the opportunity to be present for a subpoena-related examination of an employee, at which potentially confidential proprietary information may be divulged.

In light of existing investigatory powers the serious defects of AB 1190 unjustifiably threaten competitive disadvantage and financial jeopardy to California businesses.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1341**

Governor's Office, Sacramento  
October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1341 without my signature.

This bill would enact the 'Inclusion of Women and Minorities in Clinical Research Act.' It would require women of all ages and minorities to be included in clinical research studies.

This bill is unnecessary. It duplicates the California Health Research Fairness Act, AB 2005 (Speier), Chapter 792, Statutes of 1991, and federal law, which already require the inclusion of women and minorities in clinical research studies.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 365**

Governor's Office, Sacramento

October 5, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 365 without my signature.

This bill would require for high school graduation that a pupil complete one course in visual or performing arts *and* one course in foreign language. Current law requires one course in visual or performing arts *or* one course in foreign language.

Before the legislature starts adding graduation requirements, the adoption of what specifically we want our high school graduates to know should take place. The Commission on Academic Content and Performance Standards is currently developing standards for a variety of subjects. While neither foreign language nor art are among the subjects, it would be prudent to wait until standards are developed in other academic subjects in order that we may more clearly see where foreign language and art courses fit into the total equation.

Further, this bill is unnecessary. School districts may currently require additional graduation requirements beyond those mandated by state law, and many do. Both the California State University and the University of California require two years of foreign language study for admission, so a large number of pupils receive this training already.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 6th day of October, 1997, at 11:05 a.m., of Assembly Bills Nos. 176, 571, 629, 652, 701, 1190, 1341, and 365, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

E. DOTSON WILSON  
Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 241**

Governor's Office, Sacramento

October 7, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 241 without my signature.

This bill would authorize the formation of the Southern California Wetlands Clearinghouse and the establishment of a San Francisco Bay Wetlands Mitigation Bank Pilot Program.

As indicated in my Budget of this year, "The protection of coastal wetlands remains a high Administration priority." Thus, my Budget included \$6.26 million to fund a clearinghouse and wetlands mitigation bank. "The clearinghouse was designed to streamline the regulatory environment to enhance the State's economic climate while improving habitat benefits through the use of mitigation credits. The mitigation bank would allow for timely mitigation of small development projects while also improving habitat benefits by focusing funding on larger, ecologically preferable habitat areas."



Among other things, the structure of this bill presents several problems. First, this bill creates a new, more burdensome process. My proposal relied on authorizations and controls that currently exist in law. This approach avoided creation of a new process with its attendant bureaucracy, and allowed more funds to be used for the bank. Second, the exclusions included in the bill will result in limiting the ability to use the program for large ecologically balanced habitat areas. My program provided far more flexibility and an opportunity to realize both an environmental goal of "no net loss" and the economic goal of regulatory certainty. The fact that the provisions of the bill do not achieve the reasonable goals of any mitigation banking program, reflect the fact that it was never discussed in any policy or fiscal committee of the Legislature.

I remain hopeful that next year we can work together to achieve the objects of my Budget and more specifically provide California with a workable wetlands mitigation banking system without requiring implementation of a new, burdensome, and duplicative process.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1609**

Governor's Office, Sacramento

October 7, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1609 without my signature. This bill would revive for one year any action for personal injury or death, based upon the implant or injection of silicone gel into the body of the plaintiff, previously barred by the statute of limitation.

Silicone implants have been used for approximately forty years. An estimated 2 million American women have received silicone breast implants for reconstructive or cosmetic reasons.

While few suits were filed in the 1970s or 1980s, in 1991 a highly publicized lawsuit resulted in a large judgment against Dow Corning. This judgment was followed by a 45 day FDA moratorium on the use of silicone implants and the filing of thousands of additional suits. These suits soon became part of a Federal Class action.

The parties to the Federal Class action entered into a settlement agreement which became known as Global I. All major manufacturers of silicone (including Dow Corning, Bristol Myers, Squibb, 3M and Union Carbide) were to contribute to a fund that was to pay claims to implant recipients over a period of thirty years in the event certain medical conditions became manifest.

At the close of registration 440,000 women were found to have filed. Within a few months 100,000 of the registrants filed claims. The numbers were far greater than expected. Dow Corning filed bankruptcy and the settlement unraveled. The settlement fund remains a creditor in the Dow bankruptcy proceeding.

Several of the remaining manufacturers put together a second settlement, Global II. Women who registered with Global I were generally eligible to join Global II. Global II allowed those registrants who had some physical manifestation of a medical condition to join the settlement.

Both settlement agreements included opt-out provisions for women who chose to pursue individual lawsuits. Statutes of limitation are tolled while participants remain in the class. Those who opt out are allowed the unexpired statutory period plus one to six months in which to file state claims. Some 340,000 breast implant recipients are registered under Global II. At least 40,000 of these have opted out. Global II has recently proceeded into its claims paying mode. More than 60,000 claimants have received at least preliminary benefits.

It is decidedly unclear how many women would be impacted by AB 1609 or when their claims arose.

For any person who, since 1992, discovered a medical condition attributed to breast implants, it can hardly be said the possibility of litigation was somehow hidden. For those who knew of their condition prior to 1992 but for some reason or other allowed the statutes of limitation to run, the opportunity to file a claim was presented again incident to Global I in 1994, and continues under Global II. New filings after 1996 are considered late claims to be paid after those more timely registered. Individual claimants will receive up to \$250,000.

Tens of thousands of women have filed timely suits in state court or asserted claims during the continuing window of opportunity which has arisen incident to the class action settlement agreements.

The majority of breast implant recipients who have yet to experience medical conditions which they attribute to their implants may either retain their right to claim under Global II or, if they opt out, preserve the right to sue. In this regard it should be noted that the federal court has interpreted the law in the most generous manner so that the statute of limitations commences to run only when the claimant actually believes her medical condition was caused by the implant.

Much has been made of the similarity of this bill to the Dalkon Shield Bill of 1994. That bill invited no new litigation. This bill promises hundreds, perhaps thousands, of suits. That bill involved no increase in liability and had no impact on any existing business entity. This bill seeks to impact multiple enterprises with claims totaling billions. That bill represented the last opportunity any consumer would have to file against a manufacturer who admitted liability. This bill seeks to impact manufacturers who have acknowledged no fault and who have been absolved more often than not. They, unlike the manufacturers of Dalkon, continue to face new claims as they arise.

This bill is premised upon facts not in evidence.

It is predicated upon the assumption there has been a denial of access to the courts for breast implant recipients. To the contrary, multiple opportunities have been provided. Unlike individuals claiming tobacco related injuries, who were barred from suit until I signed SB 67 earlier this month, hundreds of thousands of breast implant recipients have, and continue, to successfully pursue their claims.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 7th day of October, 1997, at 3:30 p.m., of Assembly Bills Nos. 241 and 1609, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 248**

Governor's Office, Sacramento

October 7, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 248 without my signature.

This bill would establish the International Baccalaureate Diploma (IBD) Program.

I encourage school districts to offer the IBD, however, it should continue to be developed through local initiative using local resources. Currently, 35 schools in the state participate in this program, and 58% of the funds appropriated in this bill would be allocated to those schools that are already offering the International Baccalaureate Diploma.

In addition, the State has recently initiated the Golden State Seal Merit Diploma program to honor outstanding pupils. This honors diploma is similar to the International Baccalaureate Diploma in that both require high performance on six subject matter examinations.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 8th day of October, 1997, at 2:50 p.m., of Assembly Bill No. 248, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 320**

Governor's Office, Sacramento

October 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 320 without my signature.

This bill would establish, until January 1, 2001, the Juvenile Justice Pilot Program in three counties that would be selected by the Judicial Council. Participation would be at county option and contingent upon the availability of federal, state or private funds. Any project established under this article would be required to compile data that the Judicial Council would evaluate before reporting to the legislature.

This bill seeks to promote the use of victim-offender reconciliation programs in cases involving non-violent misdemeanants. Programs of this type are already permissible and in fact have been established

in cities and counties around the state including San Jose, Alameda, San Diego, Orange, Fresno and Sacramento.

The main thrust of AB 320 appears to be the Judicial Council study of prospective pilot programs, in an effort to establish the efficacy of victim-offender reconciliation programs.

It would appear that a study of existing victim offender reconciliation programs would be a more direct, expeditious, and less costly means of evaluation.

I am accordingly directing the Department of Finance to include \$150,000 in the 1998-99 Budget so that the Judicial Council can conduct a three county study which materially comports with the requirements articulated in AB 320.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 545**

Governor's Office, Sacramento

October 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 545 without my signature.

This bill would impose statutory standards for enrollment and disenrollment of Medi-Cal beneficiaries in Medi-Cal managed care plans.

This bill essentially codifies current Department of Health Services managed care enrollment and disenrollment policies. It is unnecessary to place in statute policies that are more appropriately the subject of regulations.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 846**

Governor's Office, Sacramento

October 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 846 without my signature.

This bill would impose statutory standards for the eviction of residents of a Residential Care Facility for the Elderly.

This bill essentially codifies current Department of Social Services Regulations. It is unnecessary to place in statute policies that are more appropriately the subject of regulations.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 999**

Governor' Office, Sacramento

October 8, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 999 without my signature.

This bill would redefine the term "urban area," so that California's enhanced smog check program would apply only to those urban areas with a population of 100,000 or more.

Currently, urbanized areas of 50,000 or more residents, that exceed air quality standards for ozone and carbon monoxide, must

participate in an enhanced vehicle inspection and maintenance program (Smog Check II). Changing the definition of urbanized area, as proposed by this bill, would exempt certain areas from this program. This would create inequities by shifting the burden of increased emission reductions from automobiles to industrial and stationary pollution sources.

It is imperative that we continue to make desired and necessary progress toward health-protective, clean air standards, avoid unnecessary exposure to federal sanctions, and ensure that California's air quality policy approach remains equitable, technologically feasible, and cost effective. Those three elements would be severely jeopardized by this bill.

Cordially,

PETE WILSON

#### RECEIPT

I acknowledge receipt this 9th day of October 1997, at 2:05 p.m., of Assembly Bills Nos. 320, 545, 846, and 999 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

#### **Veto Message—Assembly Bill No. 1464**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1464 without my signature.

This bill would require the State Water Resources Control Board (SWRCB) to prepare and publicly distribute a biennial list of targeted water bodies in coastal watersheds, which may include exceptional high quality water bodies, for the purposes of establishing priorities for funding and technical support that would protect or improve the health of those water bodies.

To minimize the risk to public health and to prevent further harm to the environment, state and local efforts do focus public funds on the repair of those impaired water bodies.

However, this bill is unnecessary. The SWRCB and the Regional Water Quality Control Boards already maintain a list of targeted waters, which was established as required by federal law.

Cordially,

PETE WILSON

#### RECEIPT

I acknowledge receipt this 10th day of October, 1997, at 3:17 p.m., of Assembly Bill No. 1464 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELLA J. CAVILEER

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 39**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 39 without my signature.

This bill would appropriate up to \$26 million for county office of education funding equalization if it is determined in February, 1998, that there are unappropriated funds from the Proposition 98 guarantee for 1997–98.

Unfortunately, the estimates in February of the current-year Proposition 98 guarantee and of the appropriations that count against it are not of sufficient certainty to warrant additional appropriations. It is not until the May revision that we get a good handle on the “settle-up” funds available from Proposition 98.

Finally, not only would this measure reduce the flexibility of the legislature and the administration in determining priorities for the 1998–99 school year, this proposal was considered in the conference committee on the 1997–98 Budget Act and was rejected by that committee.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 49**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 49 without my signature.

This bill would extend the statute of limitations for claims of workers' compensation death benefits for HIV-related diseases caused by employment, to one year within the date of death. This bill would apply to all employees.

Under current law, dependents of an employee who dies within 240 weeks from the date of a work-related injury are entitled to receive death benefits. This bill extends that period to within one year from the date of death.

The State Bar is the sponsor of this measure. Workers' compensation litigation attorneys may recover up to twelve percent of the death benefit awarded. This proposal would invite increased litigation. Extending the death benefit to all employees without regard to occupation or duty will expose employers to law suits of uncertain merit.

Earlier versions of this bill limited the extension of death benefits to specified health care and public safety employees who became HIV infected as a result of performing services within the scope of their normal duties. Those provisions were removed and the death benefit extended to all employees although the majority of them do not have exposure to HIV in the normal course and scope of duties. I could sign a more carefully focused measure.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 173**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 173 without my signature.

This bill would establish a third district intern program for K–12 teachers. This new program is unnecessary. There are already two internship programs in statute which have proven highly successful: the University Intern Program and the District Intern Program.

In fact, because of the success of the existing intern programs and the need for substantial numbers of new teachers to implement class size reduction, I signed AB 18 (Mazzoni) in February of this year to provide an additional \$4.5 million annually to support the existing university and district intern programs.

Finally, similar to AB 2432 (Aguiar), which I vetoed last year, AB 173 would require collaboration between the district and the teachers' union in developing noninstructional aspects of the program. This is inappropriate.

Cordially,

PETE WILSON

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

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

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

This bill would require the Board of Governors of the California Community Colleges to select a community college to establish a feature animation industry curriculum.

This bill is inconsistent with competitive funding processes already in place. The Board of Governors has already established an approval process through the Chancellor's Office so that community colleges can develop innovative programs. These approved programs are funded through the normal apportionment process or, if it is a pilot program, funding could be sought through an application to the Fund for Instructional Improvement. Several colleges have received approval for new curriculum which includes an animation component.

This bill is unnecessary because student and industry demand is already driving schools and colleges to offer animation programs. In addition to a number of high schools offering animation courses in the Southern California area, the Santa Monica Community College District is establishing the Academy of Entertainment and Technology which specializes in careers in animation, new media, and entertainment industry business.

Finally, the 1997–98 Budget Act already provides \$15 million for a competitive new industry collaborative program within the Economic Development program. The programs proposed in this bill should compete for those funds.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 498**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 498 without my signature.

This bill would revise and establish new procedures relating to the setting of audit guidelines and resolving audit exceptions for audits of local education agencies (LEAs).

While I support the concept of revising and clarifying the law with regard to annual audits of LEAs and the mechanisms for resolving audit exceptions, this bill does not provide an adequate solution. In fact, quite the contrary. This bill contains many provisions that are designed to preclude audit exceptions from ever being declared.

This bill would grant the Superintendent of Public Instruction (SPI) great discretion in these matters. For example, the bill would provide for the SPI to issue interpretations of statute, district by district, as legal opinions affecting the allocations and apportionment of funds. This bill further declares that such legal opinions would supersede any subsequent audit findings. Despite a declaration that these legal opinions do "not constitute a regulation," they are clearly the functional equivalent. Finally, because the legal opinion would be applicable only to the district or county office of education (COE) whose facts were considered, this creates a situation in which each district may have its own tailored legal opinion. This is a bureaucratic nightmare designed to create audit-free expenditure of more than \$30 billion of taxpayer funds.

This bill contains many other such provisions that directly avoid accountability. To sign it would be the antithesis of providing accountability.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 504**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 504 without my signature.

This bill would require the State Department of Education to (1) develop guidelines for statewide regionalization of service delivery for pupils with low incidence disabilities, and (2) develop a unified cost model for regionalized programs.

This bill is unnecessary. I have just signed AB 602 (Davis and Poochigian) which already includes more comprehensive provisions addressing these matters. Enactment of this bill would only serve to confuse the issues.

Cordially,

PETE WILSON



**Veto Message—Assembly Bill No. 781**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 781 without my signature.

This bill would make several program changes and would also extend the sunset for the Morgan-Farr-Quackenbush Education Technology Act from June 30, 1998 to January 1, 2000.

Many improvements to current law are included in the bill. However, some troublesome aspects remain. The two most problematic are:

(1) This bill reenacts current law regarding the ethnic composition of the Education Council for Technology and Learning (ECTL) as follows: "Every effort shall be made to ensure that the gender, ethnic, and racial composition of the council reflects the gender, racial, and ethnic composition of the population of the State of California and that the council is representative of the cultural and geographic diversity of the state." This language should not be included. I cannot support legislation which advocates quotas, especially for the purpose of achieving a diversity based on factors utterly irrelevant to achieving advances in California's educational technology. The standard that should be employed to direct the Council's activities is one that requires that every effort be made to reflect and address the needs of every segment of California's population. Our diverse students, representing many cultures, share a common need for educational technology to improve instruction and learning. The composition of the Council should bring to bear the best minds and experience available to create maximum opportunity for all our children.

(2) The appointments to this council should be reserved exclusively for the Executive Branch. Implementation of the Education Technology Act is an executive function, not legislative.

Cordially,

PETE WILSON

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

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

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

This bill would establish a formula for equalizing the funding of continuation high schools.

The cost of fully implementing this proposal is almost \$60 million. This bill provides \$800,000 in resources via redirection for the first year of the program. Therefore, it is a reasonable assumption that the state will be under considerable pressure to provide significant funding in future years.

Another issue, of equal or greater import, is that we don't have basic information on what impact, if any, the different rates of funding are producing in student outcomes. The problem needs to

be identified in terms of student achievement, not just discrepancies in funding, before a request for more resources can be discussed.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1189**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1189 without my signature.

Under current law, school districts receive apportionment funding for their adult education programs based upon the hourly attendance of pupils in adult education classes. School districts must be able to substantiate each hour of attendance for which funding is claimed, and must provide a full 60 minutes of instruction for each class hour for which the State provides funding.

This bill would allow school districts to claim state apportionment funding for their adult education programs for ten minutes of break time per class in adult classes scheduled for two or more hours. It would also allow school districts to adjust actual pupil attendance in certain adult classes to the nearest half-hour for reporting and claiming adult education attendance.

This bill erodes instructional time. By allowing school districts to claim state apportionment funding for ten minutes of break time per class and by allowing districts to round actual attendance up to the nearest half-hour, this bill would result in the State paying the same amount of money for decreased instructional services for adult education pupils.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1458**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1458 without my signature.

This bill would exempt the City and County of San Francisco from the state's Outdoor Advertising Act to permit advertising on "street furniture" located along state and federal highways within the City. The bill would also establish procedures for vehicle rental or leasing companies to be relieved of the responsibility for payment of traffic violations which are incurred by a lessee and recorded by camera at traffic signals.

Exempting the City and County of San Francisco from the permit process under the state's Outdoor Advertising Act would put the Department of Transportation out of compliance with federal outdoor advertising laws and regulations. This, in turn, could result in a loss of federal highway funds by the state.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 10th day of October 1997, at 4:10 p.m., of Assembly Bills Nos. 39, 49, 173, 428, 498, 504, 781, 792, 1189, and 1458 without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELLA J. CAVILEER  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1507**

Governor’s Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1507 without my signature.

This bill would establish the California Rural Development Council as a public, non-profit corporation intended on promoting rural activities, stimulating rural development innovation, strengthening the sustainability of rural communities and serving as an advisory board to the Governor’s Office and the Legislature.

This bill is unnecessary and duplicative of the intent and charter of the Rural Development Council, created by this Administration three years ago. This bill is intended to promote economic development and infrastructure growth in California’s rural regions. Such a mandate is also duplicative of the ongoing efforts of the Trade and Commerce Agency, such as the Rural Economic Development Infrastructure Panel and the Rural Economic Development Grant Program.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1597**

Governor’s Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1597 without my signature.

The author has requested that I return this bill without my signature to prevent a chaptering problem with Senate Bill No. 629, which has been previously signed.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 10th day of October 1997, at 4:10 p.m., of Assembly Bills Nos. 1507 and 1597, without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELLA J. CAVILEER  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 257**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 257 without my signature.

This bill would repeal the provision in the Labor Code which prohibits discrimination in employment on the basis of sexual orientation and add a similar provision to the California Fair Employment and Housing Act (FEHA). The measure would also include within FEHA the prohibition against sexual orientation discrimination in housing accommodations.

This bill is similar to AB 101 (T. Friedman), which was vetoed in 1991. In that veto message I stated that employees have the right to be free of such discrimination but we are compelled to apply a test of fairness so as to avoid imposing an unfair result upon employers charged with but not guilty of discrimination, and upon other employees of such employers.

The following year I signed AB 2601, by the same author of AB 101 (Friedman, Stats. 1992, Ch. 15). That measure enacted the Labor Code provision which this bill repeals. AB 2601 was a carefully crafted measure which provided the necessary resolution for employment related discrimination based on sexual or perceived sexual orientation.

The administrative procedure established by AB 2601 has been successful in creating a fair, effective, and efficient remedy to such complaints. Of the 174 cases filed with the Labor Commissioner in 1996, fully 90 percent have been resolved. Employers and employees can both file appeals with the Director of Industrial Relations, and employees are not precluded from going to court if they disagree with the final ruling of the Director.

This process relies to a far smaller extent on litigation and is intended to make employees whole through reinstatement or reimbursement as quickly as possible.

Discrimination in housing on the grounds of sexual orientation is already prohibited in California under the Unruh Act and enforced by the Department of Fair Employment and Housing or in Civil Court.

Since adequate protections already exist for those who suffer discrimination in housing and the workplace on the basis of sexual orientation, this bill is unnecessary.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 536**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 536 without my signature.

This bill would require health care service plans to disclose to the public the process used to authorize or deny health care services.

As I explained in my veto of AB 1354 and my August 7, 1997 letter to the Legislature, a copy of which is attached, I am deferring consideration of the merits of all bills related to managed care until the Legislature and I have had the opportunity to consider the recommendations of the Managed Health Care Improvement Task Force. The intent of the legislation creating the Task Force was to provide state policymakers with an accurate assessment of managed care as it exists in California today, as well as to gauge prospective public- and private-sector activities aimed at improving and promoting the quality of health care in this state.

My August 7 letter to each member of the Legislature made quite clear that the only bill I would sign prior to receiving the Task Force report was AB 38 (Figueroa). Specifically, I advised that: "Authors who insist on sending to my desk bills they have crafted without the benefit of the perspective of the Task Force's report can expect a veto." By ignoring that clear notice, the author has insisted on and received the promised veto.

Cordially,

PETE WILSON

(NOTE: The above-referenced letter of August 7, 1997 is printed on page 4831.)

**Veto Message—Assembly Bill No. 760**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 760 without my signature.

This bill would exempt Autologous Bone Marrow Transplantation and other breast cancer treatments from some of the requirements of the Friedman-Knowles Experimental Treatment Act of 1996, due to take effect on July 1, 1998.

As I explained in my veto of AB 1354 and my August 7, 1997 letter to the Legislature, a copy of which is attached, I am deferring consideration of the merits of all bills related to managed care until the Legislature and I have had the opportunity to consider the recommendations of the Managed Health Care Improvement Task Force. The intent of the legislation creating the Task Force was to provide state policymakers with an accurate assessment of managed care as it exists in California today, as well as to gauge prospective public- and private-sector activities aimed at improving and promoting the quality of health care in this state.

My August 7 letter to each member of the Legislature made quite clear that the only bill I would sign prior to receiving the Task Force report was AB 38 (Figueroa). Specifically, I advised that: "Authors who insist on sending to my desk bills they have crafted without the benefit of the perspective of the Task Force's report can expect a veto." By ignoring that clear notice, the author has insisted on and received the promised veto.

Cordially,

PETE WILSON

(NOTE: The above-referenced letter of August 7, 1997 is printed on page 4831.)

**Veto Message—Assembly Bill No. 794**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 794 without my signature.

This bill would provide that any decision or recommendation regarding the necessity or appropriateness of treatment or care that results in the denial or revision of treatment or care constitutes the practice of a healing arts profession. The bill would also require health care service plans and disability insurers to disclose to the public the process used to authorize or deny health care services. Finally, the bill would prohibit a health care service plan or disability insurer from denying care unless its employee or contractor has examined the medical records of the patient or has physically examined the patient under specified circumstances.

As I explained in my veto of AB 1354 and my August 7, 1997 letter to the Legislature, a copy of which is attached, I am deferring consideration of the merits of all bills related to managed care until the Legislature and I have had the opportunity to consider the recommendations of the Managed Health Care Improvement Task Force. The intent of the legislation creating the Task Force was to provide state policymakers with an accurate assessment of managed care as it exists in California today, as well as to gauge prospective public- and private-sector activities aimed at improving and promoting the quality of health care in this state.

My August 7 letter to each member of the Legislature made quite clear that the only bill I would sign prior to receiving the Task Force report was AB 38 (Figueroa). Specifically, I advised that: "Authors who insist on sending to my desk bills they have crafted without the benefit of the perspective of the Task Force's report can expect a veto." By ignoring that clear notice, the author has insisted on and received the promised veto.

Cordially,

PETE WILSON

(NOTE: The above-referenced letter of August 7, 1997 is printed on page 4831.)

**Veto Message—Assembly Bill No. 861**

Governor’s Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 861 without my signature.

This bill would require, after August 1, 2000, the governing board of a district to employ for positions requiring certification only persons who possess a Cross-cultural Language and Academic Development (CLAD) or Bilingual Cross-cultural Language and Academic Development (BCLAD) certificate, and rename the State Bilingual Teacher Training Assistance Program and make other changes relating to its operation.

This bill would mandate each school district to hire only teachers who possess a Cross-cultural Language and Academic Development (CLAD) or Bilingual Cross-cultural Language and Academic Development (BCLAD) certificate after August 1, 2000. While many districts have large numbers of teachers who have skills to provide them with instruction, many other schools and districts do not have this need. This bill would impose a burdensome and onerous mandate on numerous schools and districts across the state.

Further, the entire teacher credentialing system is under review based on the recent report of the SB 1422 Task Force. In addition, the legislature is deliberating over statewide reforms of the bilingual education program. This bill is premature and could contradict the results of those two deliberative processes.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 10th day of October 1997, at 4:49 p.m., of Assembly Bills Nos. 257, 536, 760, 794, and 861, without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELLA J. CAVILEER  
Acting Chief Clerk of the Assembly

The following communication is referenced in the above veto messages relative to Assembly Bills Nos. 536, 760, and 794:

Governor’s Office, Sacramento  
August 7, 1997

*To the Democratic and Republican Leadership:*

I am writing to assure that the Legislature is aware of my position regarding pending legislation related to managed health care, in light of the expectations created by the establishment of the Managed Health Care Improvement Task Force.

As you may recall, the intent of Assemblyman Richter’s bill, AB 2343, which created this Task Force, was to provided state policymakers with an accurate assessment of managed care as it exists in California today, as well as to gauge prospective public- and private-sector activities aimed at improving and promoting the quality of health care in this state. Consistent with that charge, the Task Force will provide both the Legislature and the Administration, by January 1998, with a comprehensive report on the status of

managed care and reasoned recommendations based on a thoughtful analysis of the health care system.

Given the scope of this mission and the limited time at hand, it would not only be prudent for the Legislature but an obligation we owe to members of the Task Force to wait for those recommendations rather than engage in a piecemeal, uncoordinated approach of its own. Indeed, the concerns that prompted the enactment of the Richter bill compel precisely the kind of deliberative, thoughtful review that the Task Force has undertaken. I therefor intend to—and encourage the Legislature—to honor the process it began last year with the establishment of this Task Force, and to defer further incremental legislative changes until the Task Force produces its findings and recommendations.

There is a fundamental question of the Legislature's good faith here. To keep faith with those of whom we have asked this extraordinary labor, I will not entertain any bill (except Assemblywoman Figueroa's) that seeks change to California's managed care system until I have had the opportunity to be informed of the framework recommended by the Task Force. Authors who insist on sending to my desk bills they have crafted without the benefit of the perspective of the Task Force's report can expect a veto, on the same grounds as my veto of Assemblywoman Davis' bill.

I have every reason to believe that the Managed Health Care Improvement Task Force will move us a step closer to ensuring the highest standards in health care without sacrificing quality or accessibility.

Sincerely,

PETE WILSON

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**Veto Message—Assembly Bill No. 940**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 940 without my signature.

This bill would: (1) limit the amount of funds that a public entity, contractor, or subcontractor, may hold in "retention" in public works projects to 5 percent of the payment and no more than 5 percent of the contract price; (2) waive the retention caps in a situation where a performance bond is required by a general contractor but not provided by a subcontractor; (3) apply all of the above requirements to all contracts entered into after January 1, 1998; and (4) clarify that the bill does not limit the authority of a public agency to withhold up to 150 percent of the value of the disputed work from the final payment, and prohibit a party from requiring another party to waive the requirements of this bill.

Regrettably, once again, I find a bill before me that establishes a double-standard for the treatment of the retention levels charged by public agencies. The private sector is free to establish its own level for retention in an open marketplace, where building owners, contractors and subcontractors freely enter into construction contracts, which often include a 10 percent retention level. Here



before me is a bill which would arbitrarily restrict public agencies to retention rates of half the private sector standard.

As I expressed in my veto message of AB 1949 (Conroy) last year, "Government agencies must be able to protect public construction projects from unnecessary risk in fashion similar to the private sector." I have not deviated from that stance. As a public manager, I believe it is reasonable to ask public agencies to manage public works projects according to the same standards, criteria and level of professionalism as is practiced in the private sector. It would be irresponsible of me, however, to tie the hands of public agencies with statutory restrictions and expect a similar performance standard.

I respectfully request the construction industry to negotiate with my Administration and local government agencies and to bring me a bill which streamlines various aspects of the public works process in a manner which mirrors the existing practices employed by the major construction lenders, building owners, and developers in the state. I am, however, unable to sign a bill which places public agencies at an obvious disadvantage when compared with common standards and practices in the private sector.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1362**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1362 without my signature.

This bill would make the decision of the California Supreme Court in *Santa Clara County Transportation Authority v. Guardino*, 11 Cal. 4th 220 (1995), inapplicable to "any action or proceeding in which the validity of a tax or tax increase is contested . . . if the ordinance or resolution imposing . . . that tax was adopted prior to December 14, 1995." That decision upheld the constitutionality of Government Code Section 53722 (which was enacted as part of Proposition 62) and disapproved of a 1991 appellate decision (*City of Woodlake v. Logon*) which had held portions of Proposition 62 unconstitutional.

This bill is unconstitutional. Article II, Section 10(c) of the California Constitution provides:

"[The Legislature] may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval."

Proposition 62, of which Government Code Section 53722 was part, is an initiative statute and provided that it could only be amended by a vote of the electorate. Thus, the Legislature cannot amend it, except through a vote of the People.

Nonetheless, this bill seeks to amend the effective date of Proposition 62 by making the decision upholding the constitutionality of the Proposition apply only to cases contesting taxes adopted on or after December 14, 1995. "Where a new section affects the application of the original statute or implicitly modifies its

provisions," it is an amendment. (See, e.g., *Huening v. Eu*, 231 Cal. App. 3d 761, 779 (1991).)

I am not unsympathetic, however, to those local governments which relied on the 1991 appellate decision, and note that while they have no remedy with the Legislature, they have remedies in the courts and through the initiative process with the electorate. Indeed, the courts will rule that their decisions have prospective effect only based on the reasonableness of the parties' reliance on the previous cases or rule and the effect of a retroactive decision on the administration of justice. (See, e.g., *Camper v. Workers' Comp. Appeals Bd.*, 3 Cal. 4th 679, 688 (1992).) If local government believes that a retroactive application of the Guardino decision disrupts their reasonable reliance, on a prior decision, as the Legislature's findings indicate, they have a ready remedy in the courts.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1415**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1415 without my signature.

This bill would prescribe minimum funding requirements for the University of California (UC) and the California State University (CSU).

UC and CSU are indispensable elements of the world class system of public and private higher education that is essential to California's continued success and preeminence in science, industry, medicine, agriculture, the arts and indeed all the many activities in which our state has achieved a leadership position.

To sustain and enhance that leadership—and the access and quality required under the Master Plan for Higher Education—imposes an obligation upon state government to provide UC and CSU both significant financial support, and insofar as possible a degree of certainty as to the level of the state's support.

AB 1415 is an honest and laudable effort to achieve both goals. But it proposes to do so by a fixed funding formula in statute which mandates a minimum level of General Fund support.

I yield to no one in my appreciation of the value of UC and CSU and of their importance to California. There is, however, a better way to honor our obligation to provide for their needs than by the rigidity of the statutorily—mandated autopilot spending of AB 1415 which imposes serious inflexibility upon a state budgetary process that suffers grievously from that flaw already.

The better way is by the kind of carefully negotiated compact between the state and our two systems of higher education that we have maintained throughout the second term of my administration. The existing compact has provided both UC and CSU the certainty and reliability necessary to successfully plan their growth, and has proven to be remarkably successful in allowing them to maintain the

quality, accessibility and affordability that are and must remain the hallmarks of California's higher education.

I look forward to working with the Administration of UC and CSU to achieve a second such compact, so that we keep our commitment to excellence without binding the state budget process in a fiscal strait-jacket.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1479**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1479 without my signature.

This bill would extend the State Water Resources Control Board's (SWRCB) Bay Protection and Toxic Cleanup Program (BPTCP) fee provision's from the current sunset date of January 1, 1998 until January 1, 2002 and the monitoring and evaluation activities of the program until January 1, 2003.

I have taken this action recognizing that the mandates of the BPTCP do not sunset. Indeed, the monitoring, identifying and the remediation of pollutants as provided in this program have and will continue to result in a healthier coast.

In its present form, AB 1479 is simply unworkable. Among other concerns, the bill mandates the SWRCB to adopt criteria for the assessment and categorization of areas of sediment contamination, "using a sediment quality triad approach". Although this method allows for an assessment on the chemistry, toxicity, and impact on aquatic life, it was not intended for use in human health risk assessments. I am also concerned that this bill would limit those assessments to the contamination and quality of sediment, not water. Both of these elements should be considered and studied to understand the severity of the contamination.

The BPTCP has proved itself to be a valuable and effective tool in identifying the most severely polluted and contaminated areas of the Bay. This information, used in conjunction with existing authority to impose civil actions such as Cleanup and Abatement Orders, Cease and Desist Orders and Administrative Liability Orders to take important enforcement actions against hazardous discharges and to cleanup toxic hot spots.

The State Water Resources Control Board will continue to carry out the edicts of existing law. Our coastal resources are a treasure in which we are entrusted and whose health we must guard and protect. Existing law recognizes this role and I remain committed to ensuring that funding is provided to continue the BPTCP.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 10th day of October 1997, at 9 p.m., of Assembly Bills Nos. 940, 1362, 1415, and 1479, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

RALPH ROMO

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 84**

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 84 without my signature.

This bill would establish a program that would require: (1) state agencies to give a ten percent price preference to products made with rice straw, (2) the California Integrated Waste Management board (Waste Board) to fund state agency claims for the costs of such preferences, not to exceed \$100,000, and (3) the Department of General Services to require vendors to use rice straw products to the maximum extent economically feasible.

While the intent of the bill may have merit, I am concerned that the bill may be premature. Last year, I signed AB 3345 (Chapter 991, 1996) which requires the Waste Board to complete a study on uses of agricultural wastes, including rice straw, by January 1, 2000. I believe that any new program involving the use of agricultural wastes should await completion of that study. In addition, there appears to be no basis to elevate rice straw products to a higher status for price preferences, as past price preferences claims programs have not been successful. Further, the bill would result in a significant unfunded cost to the Waste Board which would adversely impact existing high-priority programs such as permitting, enforcement and education.

Cordially,

PETE WILSON

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

Governor's Office, Sacramento

October 10, 1997

*To the Members of the California Assembly:*

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

This bill would create a panel appointed by the Secretary of the California Resources Agency. The purpose of this panel would be to create a single clearinghouse for all Geographic Information Services, and develop consistent parameters for information to be included in the Geographic Information Services database.

Among other concerns, it is counter-intuitive to create an advisory panel with seven or more members, pay their travel and per diem

and call the action government efficiency. This is particularly true when most of the goals of this program are achievable under existing law.

In short, this bill is unnecessary and creates an infrastructure to accomplish what can be done in its absence.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 158**

Governor's Office, Sacramento  
October 10, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 158 without my signature.

This bill would require the Division of Gambling Control, or the Gambling Control Commission, to consider denying a gambling license for a new gambling establishment or for the expansion of an existing gambling establishment located in a cemetery city, city of repose, necropolis or adjacent to a cemetery.

This measure is unnecessary. On this date I have signed SB 8 (Lockyer), which would create the Division of Gambling Control within the Department of Justice and the California Gambling Control Board, under specified conditions. These entities will license, regulate and investigate legal gambling in California. As such, they are vested with all powers necessary and proper to carry out their functions. Accordingly, the suitability of card club locations near cemeteries can be addressed by these newly established entities.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1015**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1015 without my signature.

This bill would increase the penalties against employers and employees who violate an occupational safety or health standard or order which causes death or great bodily injury under specified circumstances. This bill would also expand the traditional definition of employee under the Labor Code to include any person at the place of employment, including customers and others.

California's current workplace safety and health requirements and its current penalty system are among the most stringent in the nation. The Occupational Safety and Health Act (OSHA), requires employers to provide safe and healthy workplaces for their employees. Employers that fail to do so and willfully violate an OSHA standard or order which causes the death or serious injury of an employee are subject to misdemeanor prosecution under the Labor Code or felony prosecution under the Penal Code for involuntary manslaughter.

This bill would extend the definition of employee to any person who happens to be in a workplace, including customers, delivery personnel, postal workers, guests of employees, and a myriad of other unrelated individuals. California's entire workplace safety and health

standards and orders are predicated on the traditional employer and employee relationship, which under the Labor Code requires certain duties and responsibilities of both parties. It would be impractical and unfair to require businesses to have the same responsibility for every individual entering their property as for their own employees. Moreover, remedies already exist in tort law for individuals not employed by businesses to rectify the misdeeds of business owners. The law should distinguish between an employer's mere knowledge of a violation without appreciation of its danger and full knowledge amounting to reckless disregard for safety.

No matter how diligent an employer may be in attempting to ensure that a workplace is free of safety and health violations, in almost every business there are potential safety issues. While current law could impose a maximum fine of \$70,000 for merely knowing about a seemingly minor violation, which after-the-fact is determined to be more serious, this bill would increase the maximum penalty to one million dollars even though current maximum penalties are not now being imposed.

On the other hand, employers that recklessly disregard the safety and health of their employees should be subjected to severe punishment. This administration does not intend to tolerate such conduct or to make it an "affordable cost of doing business." We will not expose employees unnecessarily to dangerous situations, which also penalizes law-abiding employers. While the incidence of death resulting from egregious misdeeds of employers is rare, it does not diminish the tragedy to those individuals and their families. Therefore, I am willing to consider legislation which more carefully balances penalties and responsibilities to distinguish between a lapse deserving a penalty and truly unconscionable conduct by an employer.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 641**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 641 without my signature.

This bill would expand the list of pupil absences that must be excused for personal reasons so that these pupils will not be considered truant.

Under current law, schools are required to excuse certain pupil absences from school. Examples of pupil absences that must be considered excused include illness, doctors appointments, and death in the family. In addition, schools may, based on standards established by each school district governing board, with a written note from the pupil's parent or guardian, and approval of the school's principal, excuse pupil absences for other unspecified justifiable personal reasons.

This bill would require schools to excuse the following pupil absences from school: probation appointments, legal appointments for public defense or district attorney investigations, court-mandated drug testing, police and school investigative hearings, and school and

juvenile court administrative hearings. Because school districts, at their own discretion, may already permit schools to excuse absences for the reasons specified in AB 641, this bill is unnecessary. Further, by requiring schools to excuse the absences of pupils for these reasons, this bill would limit local control currently held by school districts.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 226**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 226 without my signature.

This bill would require a statutory split of Proposition 98 revenues, increasing the community college share from 10.26% in 1997–98 to 10.6% in 2001–2002.

Community Colleges are an integral part of California's world class higher education system. The community colleges play an essential role in workforce preparation, and serve as a gateway to additional higher education instruction.

This bill, however, is another statutorily mandated autopilot spending measure that would hamper the ability of the state to allocate its annual revenues in an effective and efficient manner. It assumes the needs of the state in various areas of activity are static, staying for years in the same exact proportion to one another. The reason we have an annual budget process is to access the necessary shifts in funding that are needed to address the most pressing needs.

Further, K–12 enrollment workload is constitutionally mandated on school districts, while community college enrollment is subject to policy choices and underlying demand variables which change from time to time in response to the state of the economy, adult population changes, high school graduation rates, and both costs and capacities of alternative higher education institutions.

Funding for higher education will continue to be a high priority for my Administration. I will work with the Administration of the Community Colleges so that we keep our commitment to excellence without binding the state budget process in a fiscal strait-jacket.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 11th day of October 1997, at 7:45 p.m., of Assembly Bills Nos. 84, 1293, 158, 1015, 641, and 226, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Heide Urie.

PAMELA J. CAVILEER

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 193**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 193 without my signature.

This bill would require that the Medi-Cal managed care enrollment contractor assign beneficiaries that have not chosen a provider, to the maximum extent possible, to Medi-Cal health plans that contract with a provider that has seen the beneficiary in the past 24 months. Providers would be allowed to submit lists of patients to the Medi-Cal enrollment contractor for the purpose of obtaining a default assignment. The bill would also require specified monthly reports from health plans and prescribe the format for the health plan provider directory.

This bill's requirements for establishing continuity of care would be cumbersome and costly to implement. In addition, the Department of Health Services is conducting a pilot project to test the use of historical Medi-Cal data to assist health plans in making default assignments. The success of the pilot project should be determined prior to any legislative action.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 405**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 405 without my signature.

This bill would require hospitals to establish a formal process to consult with its medical staff prior to making a decision to enter into, continue or terminate an exclusive contract for medical services. The bill would also apply to decisions to close a medical staff department.

This bill is unnecessary and unwise. The Legislature should not impose bureaucratic procedures on hospital management decisions. Hospital management and the medical staff can and should consult with each other on quality of care issues, and require no legislative directive to do so.

As the proponents concede, cases where management and medical staff are in conflict are rare. This bill would not resolve such a dispute. The courts afford a remedy where needed. The legislature should refrain from prescribing a stronger dosage than required. This bill over-medicates.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 931**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 931 without my signature.

This bill would establish the California Student Cooperative Housing Act and appropriate \$250,000 General Fund, as a loan, to the



newly created California Student Cooperative Housing Fund. These funds would be used by student cooperatives to leverage private funds to provide low-cost housing for students. The bill would also require the Department of Housing and Community Development (HCD) to select a private financial entity to administer the fund.

This bill is unnecessary. Current law provides state-supported programs such as financial aid or student services. In fact, the university systems in California already have their own "Department of Housing" to address student housing needs.

Additionally, HCD's primary focus is on the development of low-income and rural housing. The Department does not have any experience in the financing of student cooperative housing.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1144**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1144 without my signature.

This bill would require the Department of Transportation to verify that all construction work meets established standards and specifications. The bill would also require that, unless a contract explicitly requires the contractor to perform quality control work, work must be done by state employees or other qualified personnel.

This bill would impose unnecessary and potentially onerous requirements upon the Department in its construction inspection activities. Existing laws, regulations, and practices more than adequately ensure that the Department's construction work meets standards and specifications.

Further, this bill would upset the traditional relationship of contracting parties, particularly related to construction inspection responsibilities. Quality control testing and inspection is appropriately the responsibility of the contractor while quality assurance is traditionally the role of the Department. The ambiguity in this bill would confuse this relationship and cast a haze over the entire construction inspection process.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1214**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1214 without my signature.

This bill would require a healthcare district to first obtain voter approval when transferring 35 percent or more of its hospital assets to a for-profit corporation.

Existing law requires voter approval before 50 percent or more of a healthcare district hospital may be transferred to a nonprofit

corporation. Existing law, however, does not require voter approval if the transfer is to a for-profit corporation.

There is no sound reason to establish different thresholds for voter approval for the transfer of a healthcare district hospital. The same standards and criteria that apply to a transaction involving a nonprofit corporation should also apply to a for-profit corporation.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1335**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1335 without my signature.

This bill would specify various operational requirements for the California Postsecondary Education Commission's (CPEC) database, and make other changes to the statutory mission of CPEC.

As required by current statute, CPEC already maintains a database of higher education indicators. This bill would impose additional requirements for that database, while maintaining existing requirements intact. Due to the changing information needs of the higher education segments and an evolving technology environment, driven especially by advances on the Internet, it is unwise to dictate, in statute, the operational requirements of CPEC's database.

A comprehensive and objective evaluation CPEC's existing and proposed database requirements is appropriate and should be pursued through the budget and feasibility study report review processes, with appropriate oversight by the Department of Information Technology.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1353**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1353 without my signature.

This bill would require the Board of Governors of the California Community Colleges to prepare an annual report outlining the community college system's progress toward reaching the 75% full-time instructor goal.

Current law provides a mechanism for increasing the percentage of full-time faculty. Community college districts in which fewer than 75% of the hours of credit instruction are taught by full-time faculty are required to allocate a portion of their growth funds toward increasing their base level of full-time instructors. The 1996-97 Budget Act requires over 560 new full-time hires and the growth money in the 1997-98 Budget Act requires more than 420 additional new full-time faculty.

This bill would create pressure to increase by \$21 million annually the Proposition 98 local assistance budget to meet the Legislature's encouragement that districts increase their full-time faculty-student

contact hours by at least 2% each year. The mechanism in current law for increasing full-time faculty, coupled with community college districts' own discretion to spend their general funds on their own priorities, already provides sufficient stimulus to increase full time faculty without need for the expenditure of time and money for the annual reporting required by this bill.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1456**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1456 without my signature.

This bill would restrict the conditions under which the Commission on Teacher Credentialing (CTC) could grant waivers for teacher credentials.

The Task Force to reform teacher credentialing (the SB 1422 Task Force) has just submitted its report to the Commission on Teacher Credentialing which is currently reviewing the recommendations. The Task Force report calls for a major overhaul of the credentialing process. The provisions of this bill ought to be addressed as part of those reforms, not in a piecemeal fashion. I expect the commission to introduce legislation next year that will include provisions concerning the waiver process.

Further, this bill restricts essential waivers after June 30, 2001, to only one semester which is impractical. One semester is too little time in many cases for the school district to address the problems that have caused the need for a waiver.

Finally, this bill eliminates, after 2001, the basis for the granting waivers to special education teachers. This change is too early since the restructuring of special education credentials which is currently underway will not be completed until 2003. If the termination of special education waivers were to go into effect in 2001, many school districts would have serious problems finding teachers for special education classes.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 13th day of October 1997, at 3:25 a.m., of Assembly Bills Nos. 193, 405, 931, 1144, 1214, 1335, 1353, and 1456, without the Governor's Signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 673**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 673 without my signature.

This bill would authorize either party to an impasse under the Meyers-Milias-Brown Act, to request the establishment of a fact-finding panel under certain conditions, and specifies the scope of the fact-finding panel's authority and activities.

Under current law, the Meyers-Milias-Brown Act provides for the appointment of a mediator that is mutually agreeable to both parties if after a reasonable period of time representatives of the public agency and the recognized employee organization fail to reach agreement on matters within the scope of representation.

This measure would allow unilateral imposition of a fact-finding panel by either party to a dispute. That policy would be contrary to good-faith collective bargaining and is unlikely to bring the parties close to agreement. Rather, the process would be used for public posturing with will do nothing to solve the impasse. Moreover, the involved parties would be burdened with an additional cost which could have been spent at the negotiating table. Finally, this is a local issue that should be decided at the local level.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 134**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 134 without my signature.

This bill would expand the definition of "public school employer" to include a joint powers agency (JPA) for collective bargaining purposes.

In 1991, I vetoed a similar bill. As I stated in that veto message, joint powers agencies are currently subject to the collective bargaining process established for cities and counties, if requested by the employees. Moreover, this proposal would result in attorney and collective bargaining costs in excess of \$800,000 annually for JPAs, which must be reimbursed by the state from the Proposition 98 guarantee of the General Fund. Proposition 98 funds should primarily be spent on direct instructional services and prevention efforts for California's children.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 501**

Governor’s Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 501 without my signature.

This bill would require the Department of Health Services to implement Section 4913 of federal Public Law 105-33 with all deliberate speed.

As the author knows, this bill is unnecessary because DHS must implement and is already implementing Public Law 105-33. The program and administrative costs of implementing Public Law 105-33 have been included in the Budget Act of 1997 and will be expended with or without enactment of this bill.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1200**

Governor’s Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1200 without my signature.

This bill would make it unlawful for a school district to prohibit, on the basis of gender, a pupil from wearing pants to school without obtaining prior written consent for that prohibition from the pupil’s parent or guardian.

Under the existing school uniform policy, a school district may prohibit a female student from wearing pants to school. Current law also allows, however, that a pupil’s parents may choose not to have the pupil participate in the school’s uniform policy.

The intent of this bill is laudable, ensuring parental choice. The practical application of the bill, however, would place an undue burden on the school. Unlike existing law in which a parent opts out of school uniform policy, this bill would require that to implement a uniform policy that prohibits the wearing of pants by a female student, *prior* written consent must be obtained from the parent of that female pupil.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 13th day of October 1997, at 3:21 a.m., of Assembly Bills Nos. 673, 134, 501, and 1200, without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 44**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 44 without my signature.

This bill would require the Secretary of State to assign a task force to study the creation of a digital electoral system and to report the results to the legislature.

I am supportive of reasonable approaches to campaign and election reform. As such, I have recently signed Senate Bill 49 (Karnette, Ch. 866) which will establish an electronic filing disclosure system. The provisions of that bill will allow technology to be introduced into the campaign finance system in a reasonable and thoughtful manner yet provide adequate safeguards against misuse.

Unfortunately, I cannot say the same for AB 44. This bill calls for a task force to study establishing a digital electoral system that would, among other things, allow individuals to register to vote, sign an initiative petition and cast their vote through the use of digital technology. The use of such a system will compromise voter confidentiality and generate significant opportunities for fraud. Since the digital system would be available only to those with access to computer terminals, it would not replace the current system. Accordingly, the use of two systems would complicate voter verification procedures, further compromising the electoral process.

Although current encryption technology is making advances in providing a more secure environment to prevent tampering by third parties, no one can yet guarantee a completely safe, tamper-proof system. Without such a guarantee, a study is premature.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 369**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 369 without my signature.

This bill would require the Board of Corrections to report to the Legislature on the number of individuals who are being transferred from juvenile hall to county jail, as specified.

The proposed study does not adequately address the inherent complex issues pertaining to the incarceration of juvenile offenders. A comprehensive evaluative study and analysis should focus on juveniles housed in all local detention facilities, including juvenile halls, camps, ranches, schools and adult facilities. The information from that kind of study would accurately identify the various populations of juvenile offenders terrorizing our communities and

would assist local authorities in deciding which offenders could benefit from community-based intervention.

In that connection, I am directing the Board of Corrections to conduct an evaluation and analysis of the incarcerated juvenile offender population in local facilities patterned after the highly successful adult jail profile study.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 472**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 472 without my signature.

This bill would amend the current property tax allocation formula to increase the amount of property tax revenue allocated to "negative sum" counties and would reduce the amount of property tax revenue to K-14 schools in those counties by the same amount, commencing with the 1998-99 fiscal year.

After the adoption of Proposition 13, Chapter 282, Statutes of 1979, also known as the AB 8 "bail-out", amended the property tax allocation formula to provide relief to local taxing agencies by offsetting the loss of property tax revenues resulting from Proposition 13. This was accomplished by shifting a portion of school property tax revenues to other local taxing entities. The state replaced property tax revenue losses to schools with State General Fund money.

Chapter 282 resulted in a negative "bail-out" amount in six counties: Alpine, Lassen, Mariposa, Plumas, Stanislaus, and Trinity. However, the statute is very clear that the results of the formula could be negative. While this has been viewed as an inequity by the affected counties, the overall intent was to ensure adequate funding for local agencies given that Proposition 13 reduced property taxes by over 50 percent.

This proposal would shift a portion of the property taxes received by schools to counties, in the six negative bail-out counties. Pursuant to Proposition 98, the General Fund would be required to make up for this reduction in school funding. These shifts can only be accommodated by reducing other necessary state programs.

The restructuring of Trial Court Funding, however, which I recently signed into law, will provide approximately \$288 million relief to counties, beginning in fiscal year 1998-99. This relief for each county will far exceed the relief proposed in this measure.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1099**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1099 without my signature.

This bill would exempt \$2,500 per month of earned income from Medi-Cal share of cost for those HIV/AIDS or disabled beneficiaries

who return to work. Smaller income exemptions would apply after six months of employment until the beneficiary receives full medical insurance coverage from another source.

The Medi-Cal share of cost reduction contained in this bill is not authorized by federal Medicaid law. Accordingly, this bill would create a new entitlement program supported by only the state General Fund. In addition, the bill contains significant ambiguities that would make it difficult to implement and subject to litigation.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1568**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1568 without my signature.

This bill would make various changes to the Labor Code affecting contractors or subcontractors that violate prevailing wage laws in public works projects.

Under current law, the Labor Commissioner is responsible for enforcing prevailing wage laws. Contractors and subcontractors found in violation of those statutes may become ineligible (debarred) to bid or be awarded public works contracts for a specified period of time.

This bill would, among other provisions, essentially shift the responsibility for enforcing prevailing wage laws from the Labor Commissioner to nearly six thousand individual awarding agencies, who are neither equipped nor trained for that responsibility. Awarding agencies are already saddled with a Byzantine array of statutes, regulations and restrictions that slow the award and delivery time of a public works contract. Yet under this bill, those public agencies would be required to police contractors and subcontractors, void contracts and suspend contractors from bidding on projects if they knew or should have known that sanctions had been imposed against their subcontractor.

This measure would also establish a 135-day hearing process for contractors faced with sanctions. With that provision, public works projects could simply stop when a contract is voided, or while a contractor argues at a hearing about what he knew or should have known about the subcontractor.

While I am interested in ensuring that debarred contractors or subcontractors are not allowed to participate in public works projects, there are more streamlined ways to resolve this problem without jeopardizing the progress of public works projects themselves or by creating a new level of bureaucracy.

Cordially,

PETE WILSON



**Veto Message—Assembly Bill No. 736**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 736 without my signature.

This bill would rename and make changes to the State Deferred Maintenance Fund.

This bill would result in an annual loss of \$3 million from the General Fund. Under current law, funds received into the School Site Utilization Fund are deposited into the General Fund. This bill would require that these funds instead be deposited into the Major Maintenance Match Fund.

Any significant changes to the school maintenance program should include assurances that districts commit a sufficient amount of revenues to ensure that all facilities are maintained in a proper state of repair as a condition for receiving any state assistance for major maintenance, new construction or modernization.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 600**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 600 without my signature.

This bill would require the Department of Health Services to apply for a federal waiver to secure matching federal funds for the state-only portion of Family Planning, Access, Care and Treatment program (Family PACT). If the waiver is approved, the funds would be used to expand the Family PACT program to those at or below 200 percent of the federal poverty level who are not now eligible for the program.

This bill is unnecessary. The Department of Health Services does not require legislative authority to apply for waivers of federal requirements.

The real question is whether the best use of up to \$77 million of General Fund money is for the expansion of programs this bill contemplates. For that reason the bill is premature. It represents a commitment by the state in advance of the decision to make it.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 13th day of October 1997, at 3:22 a.m., of Assembly Bills Nos. 44, 369, 472, 1099, 1568, 736, and 600, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 1599**

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1599 without my signature.

This bill would require a county, governed by the County Employee Retirement Law of 1937, that fails to reinstate an employee who has been denied disability retirement by the county retirement board, to pay the full salary and benefits of that employee.

The stated intent of this bill is clarify existing law by codifying case law *Philips v. County of Fresno*, 225 Cal. App. 3d 1340 [1990]). In the Case of *Philips v. County of Fresno*, the court found that "Section 31725 does not mandate reinstatement to *active duty* status. The language and legislative intent reflect the purpose of the statute is to mandate reinstatement to *paid* status." The court held that an employer could not deny disability retirement on the basis of there being no disability, but then claim disability in order to deny employment income.

This bill does not make that clarification, and in fact, would further cloud the issue. Under existing law (Government Code 31725), if a county retirement board denies an application for permanent disability, the employer must either file a writ of mandate requesting judicial review, or reinstate the member to his employment effective the day following the effective date of the dismissal. Reinstatement is not a permissive act on the part of the employer. Reinstatement is mandatory, and existing law contains remedies for failure of an employer to discharge his or her duty under that law. Enactment of this bill would result in conflicting statutes, one that definitively says an employer must reinstate, and another, separate statute that sets up a separate procedure if an employer chooses not to follow that law.

Further, the open-ended nature of the bill would impose unacceptable costs on taxpayers, bringing to bear more questions than answers. The bill states that if an application for disability retirement is denied, the employer shall pay the employee his or her full salary and benefits as if the employee had been reinstated. However, there are no limits or restrictions in the bill. Is this intended to be a lifetime benefit? Can the employee be terminated? Can he be reinstated, and then terminated? If the employee accepts another job, should the payments end, or at least be offset by that income? The author rejected amendments limiting income.

In the underlying case, a Fresno County employee seeking permanent disability benefits was denied compensation after several doctors concluded that the employee exaggerated his physical and emotional problems, finding that he was not disabled. After he was denied reinstatement by the County, the court ruled that he was entitled to full pay even if he did not return to work.

There we have it, the rule of the *Philips* case: exaggerate your claim for disability and get rewarded with more than you asked for. At thirty years of age, you would be entitled to 30, perhaps 40 years of full pay. You would be entitled to regular increases, even if you

moved to another state, even if you established alternative employment. After all, its only taxpayer money.

AB 1599 is an extension of California's job destroying wrongful termination law. In an effort to address this problem, I have on multiple occasions introduced legislation which would limit so called "front pay" to five years from the time of the termination. This bill, in asserting a right to lifetime pay for a constructively terminated employee, is the antithesis of my proposal.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 418**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 418 without my signature.

This bill would create the California Collaborative for Improving Academic Preparation (CCIAP) to enhance the preparation for postsecondary education of underserved elementary and secondary pupils.

As I stated in the message accompanying my deletion of the \$2 million appropriation made for the CCIAP in the education trailer bill, this program would be a duplication of existing academic preparation programs for which a total of \$4 million in augmentations for University of California (UC) and California State University (CSU) outreach programs have been provided for 1996-97 and 1997-98. UC spends \$18 million and CSU spends \$4.6 million annually on outreach to K-14 students who are at risk of dropping out of school.

Further, other programs in existence like the Dropout Prevention Program, the Early Intervention for School Success Program, Economic Impact Air, the Miller-Unruh Reading Program, and other programs specifically focus on pupils at risk of dropping out or who need extra help in academic areas. This program would add yet another layer of funding and bureaucracy to the education of some pupils.

Finally, local schools, universities, and businesses may collaborate already; there is no need for a bill authorizing their working together.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1321**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1321 without my signature.

This bill would establish the Summer Mathematics Institute Pilot Program in Santa Clara County to serve as a model to teach mathematics to pupils experiencing difficulties in mathematics.

This program should not commence until the State Board of Education adopts new math standards in January, 1998, and until a study requested by the State Board of Education to assess methods to strengthen math instruction in grades K-12 is complete.

In addition, this bill inequitably targets a specific area in the state and the decision to place a pilot project in a specific locale should be made after considering other interested candidates through a competitive process.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1055**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 1055 without my signature.

This bill would establish the Playground Safety and Recycling Act of 1997, to be administered by the State Department of Education in consultation with the Department of Health Services, the Department of Conservation, the Department of Parks and Recreation, the California Integrated Waste Management Board, the League of California Cities, The California State Association of Counties, California Parks and Recreation Society, and other public, private and commercial entities to develop a local agency grant program to upgrade, repair, replace, or install public playground facilities, using recycled materials if possible.

A state-funded grant program is unnecessary. Playground facilities are an integral part of the school infrastructure. Any installation, upgrades, repairs, or replacements may be done in the course of regular operations, based upon the individual school's priorities, and utilizing funding already provided through a variety of sources.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 179**

Governor's Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 179 without my signature.

This bill would amend the California Public Records Act to require state agencies to provide "a copy of an electronic record in the form requested, unless, in light of surrounding circumstances, it is not reasonable to do so . . . ." It does not change the public's right of access to government documents, but only restricts the agency's discretion as to the form of the document made available.

Government agencies receive hundreds of Public Records Act requests every month. They are most often not from ordinary citizens, but from political candidates or special interest groups searching for information. Government employees spend thousands of hours each year responding to the requests—segregating the requested documents from exempt documents, such as those which invade other citizens' personal privacy. Taxpayers pay for the time expended searching for and segregating these records. However, state agencies are presently permitted to determine the form in which computer data is provided.

This bill creates a new inflexible mandate by requiring the agency to provide the electronic data in the form requested, unless it is “unreasonable” to do so, without ever defining the breadth of that exemption, thereby leaving it open to litigation. A request that an electronic record be provided in a particular form may require additional expense, burden, and time to segregate the public data from the exempt data, but the bill provides no guidance whether or to what extent that additional burden makes it “unreasonable.”

Agencies should make available to the public all documents to which public access is granted. But we need not add costs and rigidity to these obligations by specifying the form in which it will be done.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 925**

Governor’s Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 925 without my signature.

This bill would establish a San Diego County California Children’s Services (CCS) demonstration project under which the San Diego County Board of Supervisors would be required to designate a “project” to administer the State/County CCS program. The project could be a cooperative between the University of California, San Diego County, the Children’s Hospital San Diego, and any other providers and consumers who would agree to its implementation. In addition, this bill would appropriate funds to implement the “Assistance to Children at Home Demonstration Project” at the Children’s Hospital of San Diego.

Existing law already authorizes the development of demonstration projects to test alternative means of delivering CCS services. The Department of Health Services will be releasing a Request for Application later this month inviting counties to participate in the demonstration project. The Request for Application has been developed with the assistance of the University of California and several private foundations. The Request for Application process seeks to elicit a competition which approval of this bill would necessarily short-circuit and diminish.

It is unnecessary and unwise to develop two separate demonstration projects. This is especially true since the demonstration project authorized by this bill may conflict with state and federal law when implemented. I encourage the County of San Diego to eliminate those conflicts and submit an application to participate in the pilot project already being developed, which contemplates awards to three or perhaps as many as five different agencies to compare their approaches.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1210**

Governor's Office, Sacramento  
October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1210 without my signature.

This bill would require the Superintendent of Public Instruction, in consultation with the Department of Health Services and the Child Development Policy Advisory Committee, to develop criteria on the brain development of children from infancy to three years of age. This information is to be used by the Department of Education to assist with the ongoing professional development of child care staff and daily curriculum planning for children in the related contracting agencies. The bill would also require that informational materials on infant brain development be provided to all health facilities at no cost. All general acute care hospitals and all special hospitals providing maternity care would be required to provide information to parents and guardians on infant brain development.

This bill seeks the worthy objective of educating parents and those who care for our children about promising new research regarding early childhood development. I concur with the author and supporters of this measure that we should provide children, at the earliest possible age, with as much educational, health and emotional support as possible.

While its goals are admirable, the bill falls short of meeting them. It relies on a loosely defined program to develop standards for educating parents and child care workers and incorporating the new research into child care curriculums. No standards are established for implementing the developed criteria and curriculums. There is no test defined by which success can be measured.

The promise of infant brain research demands our urgent attention. I have directed my Administration to develop a better defined program with measurable goals for incorporating research on brain development of young children into child care programs and parental education. It will seek to complement rather than duplicate the extensive informational activities, both public and private, currently being undertaken; and will seek to coordinate public with private efforts and funding.

Cordially,

PETE WILSON

**RECEIPT**

I acknowledge receipt this 13th day of October 1997, at 3:15 a.m., of Assembly Bills Nos. 1599, 418, 1321, 1055, 179, 925, and 1210, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL  
Acting Chief Clerk of the Assembly

**Veto Message—Assembly Bill No. 246**

Governor's Office, Sacramento  
October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 246 without my signature.

This bill would, among other provisions, increase the jurisdictional limit in small claims cases from \$5,000 to \$7,500.

Although this bill is intended to provide consumers greater access to the court system, this increase may actually be detrimental to them. With larger claims, consumers are more likely to find themselves against corporate entities or claims adjusters who possess greater legal sophistication and more court experience. Increasing the jurisdictional amount will expose litigants to substantial liability in cases involving complex legal issues without benefit of counsel. Moreover, the jurisdictional amount was raised to \$5,000 in 1990. There has not been a sufficient rise in inflation over the past several years to justify a fifty percent increase as proposed in this bill.

The small claims court system is a fast and economical means of dispute resolution. Fairness requires that cases involving amounts larger than \$5,000, continue be resolved in civil court where greater procedural safeguards exist.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 267**

Governor's Office, Sacramento  
October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill 267 without my signature.

This bill would require the Department of General Services, on or after January 1, 1998, to not approve plans for construction or modernization of a school building unless the building contains an automatic or "superior" fire alarm and detection system that is approved by the State Fire Marshal.

The safety of school children is of paramount concern. All school sites, however, are currently required to have fire alarm systems, and districts are not prohibited from installing more sensitive detection systems.

The cost to install the fire detection systems required by this bill is estimated to be more than \$1.6 billion. The bill expresses legislative intent to fund this cost through the proceeds from the sale of a state general obligation bond. This bill, therefore, should be re-written to delay implementation to six months after the passage of a bond by the voters. Until the passage of a bond, the failure to install a costly automatic fire detection and alarm system should not be allowed to hold up needed construction or improvements.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1163**

Governor's Office, Sacramento  
October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1163 without my signature.

This bill would establish the Artists in Schools Pilot Program within the California Arts Council to award grants for arts education programs and would appropriate \$262,500 from the General Fund for this purpose.

During the entire Administration I have consistently supported, and continue to support, state funding for the arts, however, the activities prescribed in the bill should be funded at the local level. Local districts are in a position to support training in visual and performing arts, and a state-run program adds unnecessary administrative costs to absorb dollars that should instead be channeled directly to the classroom and California's children.

Cordially,

PETE WILSON

**Veto Message—Assembly Bill No. 1519**

Governor's Office, Sacramento  
October 13, 1997

*To the Members of the California Assembly:*

I am returning Assembly Bill No. 1519 without my signature.

This bill would allow spouses of deceased local peace officers and firefighters to retain their monthly death benefit upon remarriage regardless of whether the member died in the line of duty. This measure would also require the resumption of benefit payments to spouses who had them terminated upon remarriage.

In 1996, I signed AB 3478 (Aguiar, Ch. 1120), which allowed spouses of deceased local firefighters or peace officers who died in the line of duty to receive the pre-retirement monthly death benefit for life. That mandate was appropriate for those who sacrificed their lives in the line of duty.

This measure expands the entitlement of enhanced survivor benefits beyond the scope authorized by AB 3478, to include spouses of deceased local safety employees who were not killed in the line of duty. Local public agencies may elect to continue providing those benefits. However, those benefits are more appropriately negotiated at the local level through the collective bargaining process. By circumventing that process, this bill would reduce flexibility to local governments when administering their compensation programs.

Cordially,

PETE WILSON



## RECEIPT

I acknowledge receipt this 13th day of October 1997, at 3:30 a.m., of Assembly Bills Nos. 246, 267, 1163, and 1519, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL  
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—Assembly Bill No. 287**

Governor's Office, Sacramento  
October 9, 1997

*To the Members of the California Assembly:*

On this date I am signing Assembly Bill 287.

This bill would make various appropriations and changes to the Education Code as recommended by the California Department of Education.

I am reducing Section 41 by \$600,000 to reduce funding for the Pupil Testing Incentive program that is not needed to close out the program in 1997-98 or support the new STAR testing program.

Cordially,

PETE WILSON

## RECEIPT

I acknowledge receipt this 9th day of October 1997, at 8:20 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 287 delivered to me personally by Karen Morgan.

RALPH ROMO  
Acting Chief Clerk of the Assembly

**Item Veto—Assembly Bill No. 1188**

Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

On this date I have signed AB 1188.

Assembly Bill No. 1188 would restore funding for various departments that was vetoed from the Budget Act of 1997 pending enactment of legislation for a mandatory testing program for all pupils in grades 2 through 11.

I am signing AB 1188, however, I am reducing the appropriations by a total of \$6,054,000 because these projects are not of a sufficient priority to justify their funding.

I am eliminating the \$37,000 appropriation made in Section 2 from the Environmental License Plate Fund to the Department of Conservation for farmland mapping in Mendocino County.

I am eliminating the \$80,000 appropriation made in Section 4 from the Environmental License Plate Fund to the Department of Parks and Recreation to fund a grant to the City of Redondo Beach to refurbish ponds and paths in Wilderness Park.

I am reducing the appropriations made in Section 5 by a total of \$750,000 from the Public Resources Account of the Cigarette and Tobacco Products Surtax Fund to the Department of Parks and Recreation. Subsection (d) would appropriate \$500,000 to the City of Maywood to acquire land for a regional park and recreation facility. Subsection (e) would appropriate \$250,000 to the City of Clearlake for the construction of a new senior center.

I am reducing the appropriations made in Section 6 by a total of \$132,000 from the Natural Resources Infrastructure Fund to the Department of Parks and Recreation. Subsection (c) would appropriate \$100,000 to the City of San Jose for the Vietnamese Cultural Heritage Garden. Subsection (d) would appropriate \$32,000 to the Youth Garden Alliance for a community garden in Mendocino County.

I am eliminating the \$2,000,000 appropriation made in subsection (a) of Section 14 from the General Fund to the Commission on Teacher Credentialing (Proposition 98) to fund expansion of the California School Paraprofessional Teacher Training Program.

I am eliminating the \$55,000 appropriation made in subsection (b) of Section 14 from the Federal Trust Fund to the Teacher Credentials Fund to fund the costs of the Commission on Teacher Credentialing in administering the California School Paraprofessional Teacher Training Program.

I am eliminating the \$3,000,000 appropriation made in Section 16 from the Air Pollution Control Fund to the State Air Resources Board to fund stationary source air pollution control activities. This section is duplicative of Section 32 of AB 1571, and is therefore, unnecessary.

Cordially,

PETE WILSON

**Item Veto—Assembly Bill No. 1587**

Governor's Office, Sacramento

October 11, 1997

*To the Members of the California Assembly:*

On this date I have signed Assembly Bill No. 1587 with the following reductions.

AB 1587 would restore funding, for various K-12 projects, pending enactment of legislation for a mandatory testing program for all pupils in grades 2 through 11.

I am signing AB 1587, however, I am reducing the appropriations by a total of \$1,010,000. Previously these funds were vetoed from AB 1578 (Chapter 299, Statutes of 1997). The specific reductions are as follows:

I am reducing Section 1 by eliminating subdivision (e) which allocates \$10,000 to the Los Angeles Unified School District for an extended learning program at the Telfair Elementary School. This project should be funded at the local district level with one-time funds.

I am reducing Section 1 by eliminating subdivision (g) which allocates \$1,000,000 to be allocated to school districts for upgrading

playground facilities. Districts have received sufficient one-time revenues to fund this need from local resources.

Cordially,

PETE WILSON

**Item Veto—Assembly Bill No. 920**

Governor’s Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

On this day I have signed Assembly Bill No. 920.

This bill would appropriate \$275,000 from the General Fund to the State Auditor to conduct an assessment of the needs of existing forensic science laboratories and report its findings to the Legislature by January 1, 1999. I have deleted the appropriation provided for in Section 2 of this bill.

This audit can be completed within the existing appropriation of General Fund resources (\$10.1 million) made to the State Auditor and should be made a priority of the Joint Legislative Audit Committee.

Cordially,

PETE WILSON

**Item Veto—Assembly Bill No. 1571**

Governor’s Office, Sacramento

October 12, 1997

*To the Members of the California Assembly:*

Assembly Bill No. 1571 makes various appropriations for a number of governmental programs which would amend the Budget Act of 1997.

I am signing Assembly 1571, however, I am reducing the appropriations made to various sections by a total of \$38,987,000.

The specific reductions are as follows:

**Section 7 and Section 8(b) Renovation of the Solano County Courthouse**

I am deleting Section 7 and subdivision (b) of Section 8 of this bill.

I am deleting the \$50,000 legislative augmentation from the General Fund for the renovation of the Solano County Courthouse. Under current law, and the trial court funding restructuring proposal, court facility costs remain the responsibility of the county.

**Section 10 Verdugo Hills of Peace Cemetery**

I am deleting Section 10 of this bill.

Section 10 would appropriate \$1,510,000 from the General Fund to the Department of Consumer Affairs for allocation to the City of Los Angeles when the city assumes receivership of the Verdugo Hills of Peace Cemetery and conservatorship of the cemetery’s endowment care fund. This appropriation would set an undesirable precedent by using General Fund moneys to address the financial problems of local cemeteries.

**Section 12 House Migrant Farmworkers**

I am deleting Section 12 of this bill which would have appropriated \$2,500,000 from the General Fund for migrant farm workers.

I am deleting this section because this project is lower on the priority listing for funding than other projects. In addition, to fund it with state funds now would be to forego federal funding that is expected to be allocated by the Rural Development Agency within the next few years.

**Section 13 Funding for Commercial Space Projects**

I am reducing this Section from \$3,531,000 to \$3,271,000 by reducing:

(b) Manufacturing Technology Program from \$2,000,000 to \$1,740,000.

I am reducing the General Fund legislative augmentation to the Manufacturing Technology Program to \$1,740,000, which, together with the \$5,000,000 I have already approved in the Budget Act of 1997, will be sufficient to maximize available federal matching funds while continuing to require local matching efforts.

**Section 15 Job Creation Investment Fund**

I am deleting Section 15 of this bill.

I am deleting the \$5,000,000 General Fund transfer to the Job Creation Investment Fund and the subsequent appropriation from this fund. I believe this new program, which provides planning grants to counties for their economic development programs, is adequately funded by the \$5,000,000 in the Budget Act of 1997. Future funding for this program will be evaluated during the budget process, as more becomes known about what local governments propose to do and how the state can support economic development efforts which appear most promising.

**Section 17 Soil Survey in Humboldt and Del Norte Counties**

I am deleting Section 17 of the bill.

I am deleting the \$95,000 legislative augmentation from the Natural Resources Infrastructure Fund to fund a grant to the Humboldt County Resource Conservation District to conduct a soil survey in Humboldt and Del Norte Counties. This augmentation has not been analyzed and prioritized for funding with other worthwhile programs.

**Section 18 Red Mountain Fire Lookout**

I am deleting Section 18 of this bill.

I am deleting the \$32,000 legislative augmentation from the Natural Resources Infrastructure Fund to provide permanent funding for the Red Mountain Fire Lookout. After extensive evaluation, it has been determined that fire lookouts are no longer critical to firefighting efforts as they have become a secondary notification source due to increased populations moving into wildland areas and modern technology, such as cellular telephones. Consequently, it is not an efficient use of the Department of Forestry and Fire Protection's firefighting resources to staff these lookouts. This action is consistent with my previous veto of this augmentation in the Budget Act of 1997.

**Section 19 Natural Resources Infrastructure Fund**

I am deleting Section 19 of this bill.

I am deleting the \$260,000 legislative augmentation from the Natural Resources Infrastructure Fund for the following projects:

(a) \$100,000 for support of recreational opportunities for anglers within the northern portion of Region 3. This project should be analyzed and prioritized for funding along with other worthwhile projects. In addition, it is unclear if this project qualifies as an appropriate use of the Natural Resources Infrastructure Fund. This action is consistent with my previous veto of this augmentation in the Budget Act of 1997.

(b) \$160,000 for management and maintenance costs of the South Spit of Humboldt Bay. The State does not have jurisdiction over this property and, therefore, management and maintenance activities should be handled by local government. In addition, it is unclear if this project qualifies as an appropriate use of the Natural Resources Infrastructure Fund. This action is consistent with my previous veto of this augmentation in the Budget Act of 1997.

**Section 20 Natural Resources Infrastructure Fund**

I am reducing this Section from \$1,600,000 to \$600,000 by deleting:

(b) \$1,000,000 appropriation to the Wildlife Conservation Board from the Natural Resources Infrastructure Fund for the acquisition of the Mattole River Headwaters. This acquisition has not been analyzed and prioritized for funding along with other worthwhile projects.

**Section 24 1996 Safe, Clean, Reliable Water Supply Fund**

I am deleting Section 24 of this bill.

I am deleting the \$1,000,000 legislative augmentation for the Guadalupe River Parkway project from the River Parkway Subaccount of the 1996 Safe, Clean, Reliable Water Supply Fund (Proposition 204), consistent with my earlier vetoes in the Budget Act of 1997. Its priority has not been evaluated relative to other river parkway projects throughout the State.

**Section 25 Apportionment of Local Grants**

I am deleting Section 25 of this bill.

I am deleting the \$1,000,000 legislative augmentation from the General Fund by deleting:

(a) City and County of San Francisco: Esprit Park Acquisition (\$500,000)

(b) City of San Jose: Mexican Heritage Corporation and Plaza project (\$500,000) These projects have not been analyzed and prioritized for funding with other worthwhile programs.

**Section 27 City of El Monte**

I am reducing this Section from \$500,000 to \$250,000 by deleting:

(b) City of El Monte: Teen Center (\$250,000)

I am deleting the \$250,000 legislative augmentation from the Public Resources Account because this project is not of sufficiently high priority to justify the use of limited state resources.

**Section 28 Glendale Memorial Park**

I am reducing this Section from \$750,000 to \$500,000 by deleting:

(2) City of Glendale: Glendale Memorial Park (\$250,000)

I am deleting the \$250,000 legislative augmentation from the Natural Resources Infrastructure Fund because this project is not sufficiently high priority to justify the use of limited state resources. Further, no information was provided to substantiate the need for funding this project. This action is consistent with my previous veto of this augmentation in the Budget Act of 1997.

**Section 33 Nonpoint Source Abatement Grants**

I am deleting Section 33 of this bill.

I am deleting the \$600,000 legislative augmentation from the General Fund to implement coastal nonpoint source abatement grants. In determining the program activities best suited to meet its program mission, the department has determined that it gets more results from every dollar spent on its existing programs than it would receive on dollars spent on a grant program. For this reason the \$7,000,000 currently contained in the budget to implement nonpoint source abatement activities does not contain a grant component and I believe it would not be prudent to introduce such a program at this time.

**Section 34 Water Quality Monitoring Activities**

I am deleting Section 34 of this bill.

I am deleting the \$420,000 legislative augmentation from the California Environmental License Plate Fund to fund an inventory of existing water quality monitoring activities in coastal watersheds and the preparation of a report identifying the development of a comprehensive coastal monitoring program. Funding for this activity is already provided in AB 1581, which I recently signed.

**Section 37 Cleanup of Residual Waste Oil**

I am deleting Section 37 of this bill.

This provision would appropriate \$250,000 from the General Fund to the Department of Toxic Substances Control (DTSC) to fund the cleanup of residual waste oil underneath properties in the town of Nipomo.

DTSC is in the process of completing a site investigation, in conjunction with the US EPA, to determine the extent of the contamination, the potential risk posed to the residents of that area, and a search for the parties potentially responsible for the contamination. Until those issues have been resolved, it would be premature to commit additional state money to fund any costs associated with the cleanup of this particular site.

**Section 38 Battered Women's Shelters**

I am deleting Section 38 of this bill.

I am deleting the \$325,000 legislative augmentation from the General Fund for a specific battered women's shelter in Turlock. The 1997 Budget Act contains \$14,000,000 for shelters including a \$2,000,000 General Fund augmentation to expand shelter services. Each site has an opportunity to submit a request to the State for funding through the Request for Application selection process. This process provides funding for 116 shelters statewide. In light of this competitive process, it would be inappropriate to provide an appropriation to a specific shelter.

**Section 39 Department of Community Services**

I am deleting Section 39 of this bill.

I am deleting the \$3,000,000 legislative augmentation from the General Fund to the Department of Community Services and Development to provide citizenship services to legal immigrants. The Budget contains \$12,600,000 in federal adult education funds appropriated to the California Department of Education for this purpose, an approximate \$5,000,000 increase over the prior year. These funds, in addition to the approximately \$19,000,000 in Proposition 98 funds spent annually by school districts for citizenship classes should meet the needs for naturalization assistance and citizenship education.

**Section 40 Teen Center in Guerneville**

I am deleting Section 40 of this bill.

I am deleting the \$100,000 legislative augmentation from the General Fund for a teen center in Guerneville to provide for a youth facility and recreational activities. This project has not been analyzed and prioritized for funding with other competing programs.

**Section 41 Adult Protective Services**

I am reducing this section from \$5,000,000 to \$1,000,000.

I am reducing by \$4,000,000 the legislative augmentation from the General Fund for adult protective services for counties. This is a valuable program that the Administration supports; however, given limited resources and other high priority General Fund demands, I am unable to sustain the entire augmentation at this time. I will, however, review program needs and assess additional funding possibilities for this purpose during the development and prioritization of 1998-99 Governor's Budget.

**Section 42 Microenterprise Demonstration Project**

I am deleting Section 42 of this bill.

I am deleting the \$1,000,000 legislative augmentation from the Federal Trust Fund for a three-year Microenterprise Demonstration project for "at-risk" individuals and recipients of CalWORKs benefits. California's welfare reform law takes effect January 1, 1998. Given the efforts counties will undertake to develop welfare-to-work plans, it is unlikely that funding will be necessary in 1997-98. Nevertheless, I am requesting the Trade and Commerce Agency to

convene representatives from financial institutions to address methods that would facilitate local microenterprise development.

**Section 43 (a) (2) Middle College High Schools**

I am reducing the appropriation in Section 43 by deleting paragraph (2) of subdivision (a) which allocates \$450,000 from the General Fund to establish new middle college high schools. The 1997 Budget Act provides \$8,700,000 for community colleges in the Fund for Student Success, for competitive grants to increase student success based on an analysis of student outcomes. The Fund for Student Success may be used to provide grants for the Middle College High School Program. Therefore, I believe this appropriation is duplicative and unnecessary.

**Section 43 (a) (4) Inglewood Unified School District Mathematics Pilot Project**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (4) of subdivision (a) which allocates \$200,000 from the General Fund to the Mathematics Instruction Pilot Program in the Inglewood Unified School District to enhance instruction in mathematics. This program should not commence until the State Board of Education study to assess methods to strengthen math instruction in grades K–12 is complete. In addition, the pilot project could result in unfunded General Fund costs to the California Department of Education and, although it is characterized as “one-time”, I believe future augmentations would be needed since it is doubtful that meaningful results could be obtained within one year.

**Section 43 (a) (5) Santa Clara COE Summer Mathematics Institute Pilot Project**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (5) of subdivision (a) which allocates \$200,000 from the General Fund to the Summer Mathematics Institute Pilot Program to be operated by the Santa Clara County Superintendent of Schools, which would establish a model for teaching mathematics to pupils with math difficulties in grades 6 through 8. I believe that this program should not commence until the State Board of Education study to assess methods to strengthen math instruction in grades K–12 is complete. In addition, the pilot project could result in unfunded General Fund costs to the California Department of Education and although it is characterized as “one-time”, I believe future augmentations would be needed since it is doubtful that meaningful results could be obtained within one year.

**Section 43 (a) (6) Action-Agua Dulce and San Marino Unified School District's Technology**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (6) of subdivision (a) which allocates \$50,000 from the General Fund for the Action-Agua Dulce Unified School District and the San Marino Unified School District on a one-time basis for computers and infrastructure. The benefits for these projects will be limited to the local level and could be funded through various one-time appropriations or competitive technology grant programs that are available to local school districts.



**Section 43 (a) (9) San Francisco Unified School District Technology for High Schools**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (9) of subdivision (a) which allocates \$2,000,000 from the General Fund for the San Francisco Unified School District on a one-time basis for computers, infrastructure and staff development for fourteen high schools. The benefits for this project will be limited to the local level and could be funded through various one-time appropriations available to local school districts or through the multi-year, billion dollar Digital High School initiative I recently signed into law.

**Section 43 (a) (11) South Bay Union School District Science Kit Materials**

I am reducing the appropriation in Section 43 of this bill by deleting paragraph (11) of subdivision (a) which allocates \$45,000 from the General Fund to the South Bay Union High School to purchase science kit materials for students. Providing science kits is a normal expense for school districts. This project could be funded through the regular school apportionments or various one-time appropriations that are available to the district.

**Section 43 (a) 13 Glendale Unified School District Joint Use Library**

I am reducing the appropriation in Section 43 by deleting paragraph (13) of subdivision (a) which allocates \$1,000,000 from the General Fund to reimburse the Glendale Unified School District for costs incurred in modernizing facilities in connection with a joint use library revitalization project of the Edison School/Pacific Park Model Neighborhood Community. Although joint use library projects should be encouraged as a way to increase the efficiency in the use of public facilities, this particular project has recently received a \$1,000,000 grant from the State Allocation Board. Therefore, the allocation in this bill would be duplicative.

**Section 45 Homework Help Center: Liberty USD, Palmdale SD and Antioch USD**

I am deleting Section 45 of this bill.

I am deleting the \$150,000 legislative augmentation from the General Fund for Homework Help Centers. The benefits of these projects will be limited to the local level and could be funded through various one-time appropriations that are available to local educational agencies if they are a high priority at the local level.

**Section 46 Support for California Postsecondary Education Commission's Comprehensive Database**

I am deleting Section 46 of this bill.

I am deleting the \$200,000 legislative augmentation from the General Fund to the California Postsecondary Education Commission to further support its comprehensive database. The Budget Act of 1997 already contains an augmentation to support additional storage space and processing costs associated with the California Postsecondary Education Commission's comprehensive database.

**Section 48 California State University General Support**

I am reducing this section from \$7,500,000 to \$2,500,000.

I am deleting \$5,000,000 of this legislative augmentation from the General Fund for support of the California State University for the university's long range technology needs and for enrollment impaction and management. Due to competing priorities for the General Fund, I am unable to support these augmentations to the California State University budget at this time. However, I am retaining funds for the system's Economic Improvement Initiative.

**Section 50(c) Staff Development Funding**

I am reducing this Section from \$12,100,000 to \$8,100,000 by deleting:

Subdivision (c) which allocates \$4,000,000 from the General Fund to augment the Faculty and Staff Development categorical line item of the community colleges local assistance budget which is intended for the purpose of assisting districts to train faculty in the use of technology. As noted in my veto message to a similar legislative augmentation included in the 1997 Budget Act, staff development is a discretionary activity and colleges may already devote funds to this area if it is a high local priority. Additionally, the budget already includes a \$5,000,000 augmentation for this intended purpose through the Telecommunications and Technology Infrastructure program which will provide greater assurances that training funds will be effectively utilized to complement recent and future investments in technology.

**Section 51 San Jose City College Library**

I am deleting Section 51 of this bill.

I am deleting the \$765,000 legislative augmentation from the General Fund for the San Jose City College Library project, consistent with my earlier veto in the 1997 Budget Act. I am deleting this project because it circumvents the established procedures for evaluating and prioritizing the California Community College's capital outlay projects.

The State has limited resources to address education capital outlay needs. Therefore, all projects must be considered in relationship to competing needs for available resources, and these resources should be allocated to the highest priority projects as identified by the segments. The circumvention of the established prioritization process undermines this approach.

**Section 52 Office of Criminal Justice Planning**

I am deleting Section 52 of this bill.

I am deleting the \$25,000 legislative augmentation from the General Fund to the Office of Criminal Justice Planning for the purpose of funding a graffiti abatement program in the City of Tracy. This money will be used by the City to purchase a graffiti abatement machine. While this project may have merit, funding for this equipment is essentially a local responsibility and should be funded on a priority basis from local resources.

### **Section 57 Department of Justice**

I am revising Section 57 by reducing the appropriation by \$2,000,000.

I am reducing the \$5,000,000 legislative appropriation from the General Fund to the Department of Justice by \$2,000,000 to fund provisions in Section 5 of Assembly Bill 1612. These funds will be used to purchase and install livescan electronic fingerprint terminals to be located statewide in order to facilitate securing criminal background checks prior to employing or certifying individuals to work in public or private schools. I am supportive of Assembly Bill 1612 and the funding necessary to implement its provisions. However, based upon information provided by the Department of Justice, the provisions of Assembly Bill 1612 and its companion legislation, Assembly Bill 1610, can be fully implemented with an appropriation of only \$3,000,000 from the General Fund because there is adequate revenue from the fee supported Fingerprint Fee Account to fund the remaining costs associated with the enactment of these two bills. Therefore, I am reducing this appropriation by \$2,000,000.

### **Section 58 Special Commissions on Los Angeles Boundaries**

I am deleting Section 58 of this bill.

I am deleting the \$250,000 legislative augmentation from the General Fund for the proposed Special Commission on Los Angeles Boundaries that would be established in Assembly Bill 62. I am concerned about providing limited state General Fund resources to address a regional concern when the need to look at land use issues and boundary changes is of statewide concern. For this reason, I signed Assembly Bill 1484 which includes a \$250,000 appropriation for the proposed Commission on Local Governance for the 21st Century that will review statutes and policies related to reorganizations and boundary changes of local governments.

Cordially,

PETE WILSON

### **RECEIPT**

I acknowledge receipt this 13th day of October 1997, at 3:20 a.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bills Nos. 1188, 1587, 920, and 1571, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL

Acting Chief Clerk of the Assembly

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

Governor's Office, Sacramento

October 2, 1997

*To the Members of the California Assembly:*

I am signing Assembly Bill No. 1395.

This bill is part of a three bill package which would significantly improve child support enforcement in California by expanding the Franchise Tax Board's role in collecting support for the children of California. In some cases, however, local district attorneys are able to

meet or exceed the Franchise Tax Board's ability to maintain enforcement actions. Recognizing this, the bill provides an exception to allow two successful counties to maintain their own enforcement programs.

The exception is too limited. We should not prohibit counties from operating successful child support enforcement programs. Instead, we should encourage counties to set ever higher standards and strive for innovative methods to enforce child support obligations. Accordingly, I am directing my Administration to work with the Legislature to expand the exception in this bill to allow any county that is able to develop a child enforcement program that meets or exceeds the results of the Franchise Tax Board to maintain their own program.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

On this date I have signed Assembly Bill No. 875.

This measure will provide the Department of Corrections with the ability to lower the cost of incarcerating felons under its jurisdiction by authorizing contracts for a period up to 20 years with private companies for the operation of community correctional centers.

The bill would also authorize the department to contract with private companies for the operation of community correctional centers offering the therapeutic community substance abuse treatment program, and would state legislative intent for the department to contract for 3,000 privately owned and operated beds providing this program. Existing authority is sufficient to contract for substance abuse treatment programs in either state prisons or privately operated community correctional centers.

The department currently utilizes more than 1,800 beds within their institutions for the therapeutic community substance treatment programs. Funding was authorized in the 1997 Budget Act to increase this number to nearly, 3,000 beds through the 1998-99 fiscal year. It is important to monitor the operations of these programs as they grow in size to ensure they are successful.

While I am signing this bill to authorize the use of 20-year contracts for privately operated community correctional centers, it is my intention to cautiously expand therapeutic community substance abuse treatment programs. Both state prison and community correctional center locations will be considered for future expansion of this program, but at a rate designed to ensure their success.

Cordially,

PETE WILSON

Governor's Office, Sacramento  
October 3, 1997

*To the Members of the California Assembly:*

On this date I am signing Assembly Bill 838.

This bill would require the Commission on Teacher Credentialing (CTC) to grant five-year preliminary credentials to teachers from other states who possess valid teaching credentials and would specify requirements teachers would need to meet in order to continue teaching with the preliminary credential.

The author has agreed to introduce legislation to transfer the responsibility for recommending the required fee level from the Director of Finance (as specified in the bill), to the Commission on Teacher Credentialing. The author agrees that it would be more appropriate for the program fee level to be recommended by the CTC.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 6, 1997

*To the Members of the California Assembly:*

On this date I have signed AB 242.

This bill would provide \$1,062,360 for the continuation of the temporary emergency shelter program in National Guard armories.

The California National Guard plays an important role in our nation's defense and, as we all have painfully observed, has served as a critical resource in responding to the many natural disasters that have occurred during my term of office.

As the federal government has drawn down the active components of the Army and Air Force, the National Guard has experienced reductions in federal funding. Nevertheless, the number of National Guard deployments and missions under my Administration have increased dramatically, both in California and abroad. This combination has placed a severe strain on the ability of the Guard to complete their function.

The Guard's mission is to serve the nation in times of military necessity and the state in times of strife, natural disasters and emergencies. Their role is not to take the place of the counties and local government in providing shelter for the homeless.

While the California National Guard have served admirably in attempting to assist local government for what was stated to have been temporary emergency assistance, they have found themselves struggling to attend to their functions as the housing of homeless people in the armories has evolved into an apparent permanent solution for local governments that are unwilling to find long-term solutions to their homeless housing problems.

The Temporary Emergency Shelter Program began in 1987 as an emergency shelter proposal designed to assist counties during a particularly cold period. Regrettably, many local governments saw National Guard armories as a cheap solution to providing shelters and passed off their responsibilities to the state and the Guard.

In 1990, the Military Department established new criteria to institute the Temporary Emergency Shelter Program: The Military Department would provide "bridge" assistance only upon the clear understanding that local governments would without delay establish permanent shelters; local governments were required to declare an emergency and make full use of their own existing facilities, such as recreation halls and other local public facilities *before* armories would be used.

In March of 1994, the Legislature passed AB 1808 which set a sunset date of March 15, 1997 for the Temporary Emergency Shelter Program. It is important to note that yet again this bill mandated that as a condition of local government's continued use of armories, they would develop and implement long-term permanent homeless programs that would be enacted before the sunset date.

Two counties—Marin and Butte—have taken advantage of the extension of the program to open new shelters and move homeless populations out of the San Rafael and Chico armories, respectively.

It is shameful that in spite of the good will of the California National Guard, the Legislature and my office, other local governments failed to provide adequate services and protection for their citizens by providing a permanent solution to the homeless shelter problem. In fact, a number of local governments actually accelerated the placement of homeless individuals into already strained and inadequate National Guard facilities.

What was intended as a temporary solution to give time to local governments to devise means to house the homeless during cold weather spells has turned into an over decade-long program that serves neither the needs of the homeless nor the needs of the military.

National Guard facilities are designed for the training, storage and operational missions of the military. National Guard armories are woefully inadequate as shelters for the homeless. The buildings were not designed to house people. They do not meet fire-safety or earthquake or sanitation codes for the housing of individuals. They also do not meet the requirements of the Americans with Disabilities Act.

In the over a decade that the Temporary Emergency Shelter Program has been in operation, National Guard facilities have been infected by lice and TB bacteria and the hepatitis virus. There have been sewage and drainage backups and systematic failures of heating and plumbing systems, and overall failure of equipment due to non-intended use. In addition to the shortfalls of the physical plants, armories can provide no services such as counseling, health care or job training, nor can they address the personal and psychological problems that plague the homeless.

With the above mentioned problems, it is no wonder that the Temporary Emergency Shelter Program has had a significant negative impact on soldier retention levels. Units at Temporary Emergency Shelter armories have suffered a significant loss in unit strength since the beginning of the program. These losses are consistent with the decline observed by the New York National Guard after their state initiated a homeless program.

It is no wonder, given that the majority of program participants are transient males—many with a history of drug and alcohol abuse,

mental problems and criminal behavior—that National Guard members find it difficult to perform their function in such an environment. Guardsmen are citizen soldiers who do not have the professional training to handle many of the problems that arise. In numerous cases, soldiers have been injured by program participants. In addition, the lack of on-site medical personnel to evaluate incoming program participants has significantly increased the health risk to both National Guard soldiers and the homeless. Two soldiers from the Merced armory contracted tuberculosis—which was directly linked by county health officials to their working as supervisors in the Temporary Emergency Shelter Program.

The Temporary Emergency Shelter Program has also generated a great deal of animosity by local residents toward the California National Guard in the cases of those armories located in residential neighborhoods.

As Commander in Chief of the California National Guard, these concerns trouble me greatly. But my most pressing concern remains the occasions when the California National Guard is called into action during states of emergency deployment. From 1992 to 1995, the California National Guard was deployed on 772 emergency missions—more than the rest of the country combined.

Temporary Emergency Shelter Program occupation of an armory during a state of emergency has often resulted in logistical, coordination and security problems for the deploying unit.

An example of this is the 2-159 Infantry Battalion in San Jose, whose deployment during the terrible floods of 1997 was delayed an estimated 4–6 hours due to having to move homeless people out of the armory. A delay during this type of an emergency is intolerable. It did not, but might well result in severe injuries or even death, not to mention unnecessary property damage. I cannot permit the Guard to be disabled from responding immediately due to the Temporary Emergency Shelter Program. The first duty of the California National Guard is to protect the citizens of this state.

Again, local governments have ignored the problem of dealing with long-term homelessness. Although this bill authorizes the availability of specified armories for a two-year period, I will approve the funding for this program for one additional year.

The two bills I have signed—unlike the program that would have been supported by the proposed budget augmentation I vetoed—require local governments to take responsibility for dealing with operational problems arising from the Temporary Emergency Shelter Program. But they do not and cannot resolve the conflict of housing the homeless in California National Guard facilities. Local communities have had a decade to accept this responsibility. It is past time they did so.

This bill does not contain an appropriation to fund shelters in the 1998–99 fiscal year. In signing this bill, I am moved by the threat El Niño poses to the homeless in the coming winter because of the failure of local governments to come to grips with the problem for ten years.

Cordially,

PETE WILSON

Governor's Office, Sacramento  
October 8, 1997

*To the Members of the California State Assembly:*

I have on this date signed three bills (SB 521, Mountjoy; AB 592 (Kuehl); and SB 1189 (Hayden) which address several health and environmental concerns about the use of MTBE and other oxygenates in California's Cleaner Burning Gasoline (CBG).

This package does not include either a review of the effectiveness of the 1998 state and federal standards for underground storage tanks (USTs) or an evaluation of surface water bodies serving drinking water sources. In addition there is a need to review the viability of alternative oxygenates.

To address these issues, I am requesting:

- A. The State Water Resources Control Board, not later than December 1, 1997, to convene an advisory panel of knowledgeable people, including representatives from industry, local governments, and water agencies, to:
  1. Review existing databases of UST contamination sites to determine if there is a leak history associated with UST systems meeting the 1998 federal and state standards; and if so, identifying appropriate measures that would assure the prevention and detection of oxygenate releases from retail marketing facilities.
  2. Evaluate refueling facilities and practices at marinas located on surface water bodies serving as drinking water sources, and identify if any further upgrades should be made to eliminate releases to the water body.
- B. By May 1, 1998, the California Energy Commission (CEC) shall submit to the Secretary of the California Environmental Protection Agency and the Director of the Department of Health Services an evaluation of MTBE and alternative oxygenates. The evaluation shall include:
  1. Alternative additives which could be used in lieu of MTBE;
  2. In conjunction with the Air Resources Board, the State Water Resources Control Board and the Department of Health Services the CEC shall review the relative air quality effects and potential environmental risks and benefits of alternative oxygenates and the present and future ability of alternative oxygenates.

These actions are necessary to ensure that we are comprehensively addressing possible human and environmental health issues associated with oxygenates.

Cordially,

PETE WILSON



Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

On this day I have signed Assembly Bill No. 963.

This bill would require the Department of Justice (DOJ) to administer the California Gang, Crime, and Violence Prevention Partnership Program (Program) for the prevention and intervention of youth involvement in gangs, crime, and violence, and would appropriate \$3 million from the General Fund to implement the program. Funds will be disbursed on a competitive basis to community based and nonprofit agencies to provide services for at-risk juveniles.

The objectives of AB 963 are to be applauded. They comport well with my own juvenile justice package. Unfortunately, a week before the end of session, after the bill was approved by policy and fiscal committees in both houses, administration of the program was inexplicably shifted by amendment from the Office of Criminal Justice Planning to the Department of Justice.

DOJ is not equipped to administer to a program of this type and did not support the late amendments. Burdening the Department with this responsibility is not fair to the Department or the organizations competing for funds. It severely undermines the programs potential for success.

The program contemplated by AB 963 is worth salvaging. The Department of Justice and several community based organizations have urged an administrative remedy. I have directed my Office of Criminal Justice Planning to work with DOJ to craft an interagency agreement so that OCPJ may provide the services essential to the success of the program.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I have signed this date Assembly Bill No. 1378.

This bill addresses an important issue to the communities and regions throughout California that have welcomed and supported the construction of new prison facilities or the expansion of existing facilities in furtherance of the critical public safety needs of the state.

Beyond the best efforts of the state to plan for the impacts of these facilities upon local infrastructure, traffic, schools and other services, and in addition to state tax subventions which accrue to local governments as a result of these facilities, communities and regions are faced with fiscal and facility impacts which occasionally exceed their ability to continue providing basic services within their existing resources.

As such, this bill establishes a process for providing limited mitigation funding to these communities and establishes a mechanism for dividing these funds equitably between counties, cities and school districts. However, this bill, as drafted, is overbroad.

It does not limit mitigation funding as it should, to future construction of permanent prison housing facilities, to the temporary beds included in the emergency bed program authorized by the 1995 and 1996 Budget Acts, and to any future emergency bed expansions.

This measure also amends Section 7000 of the Penal Code specifying the inclusion of mitigation information in the department's five-year facilities master plan. The master plan is not the appropriate document for this information, and this provision should be removed from that statute. Instead, I have directed the Department of Corrections to include appropriate information on the location of future bed activation within its annual budget request.

The 1997 Budget Act included \$2 million for the payment of mitigation to communities that have been impacted by the department's emergency bed program. Pursuant to the provisions of this bill, I am directing the department to distribute this funding to locations where emergency beds that have been deemed temporary, have been activated as of June 30, 1997.

Finally, I am signing this bill with the commitment of the author to introduce legislation in the next session to ensure the appropriate changes are made.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 11, 1997

*To the Members of the California Assembly:*

I have signed today Assembly Bill No. 1485.

This bill would prohibit the enlargement or construction of any water storage facility system that is uphill, and within 1,000 feet of the San Marino High School in Los Angeles County, unless the Division of the Safety of Dams in the Department of Water Resources (DWR) certifies that the facility meets requirements for those facilities regulated by DWR.

This project will not be unduly delayed with the signing of this measure. Indeed, the Department of Water Resources has committed to completing the required review within four months of the plans submission.

Cordially,

PETE WILSON

Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

On this date I am signing Assembly Bill 584.

This bill would codify a code of conduct for the Los Angeles County Metropolitan Transportation Authority (MTA) and would require the Authority to appoint an inspector General for a four year term to enforce the code of conduct.

My support of the codification of the MTA's code of conduct, however, should not be construed as support for MTA to make a claim to the State for reimbursement for the enforcement of this codification.

Cordially,

PETE WILSON

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Governor's Office, Sacramento  
October 12, 1997

*To the Members of the California Assembly:*

On this date I am signing Assembly Bill 1106.

This bill would require the California Community Colleges and the State Department of Education to collaborate to ensure the continued success of Middle College Programs, which serve at-risk students, and promote the establishment of new middle college high schools on community college campuses.

I am signing this bill, but I reiterate my opposition to new local assistance funding for this program. As I indicated in my veto message to AB 1578, existing funds, such as the \$8.7 million in the Fund for Success Program in the community colleges, may be used to provide grants for the Middle College High School Program.

Cordially,

PETE WILSON

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk