

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE JOURNAL

IN RECESS

Senate Chamber, Sacramento
Tuesday, October 11, 2005

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2005

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 680

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, September 9, 2005

Mr. President: The Committee on Rules has examined:

SB 485

And reports that the same has been correctly enrolled, and presented to the Governor on the 9th day of September, 2005, at 3:30 p.m.

PERATA, Chair

Senate Chamber, September 12, 2005

Mr. President: The Committee on Rules has examined:

SB 37

SB 281

And reports that the same have been correctly enrolled, and presented to the Governor on the 12th day of September, 2005, at 10 a.m.

PERATA, Chair



Senate Chamber, September 12, 2005

Mr. President: The Committee on Rules has examined:

SB 2	SB 66	SB 115	SB 232
SB 18	SB 78	SB 150	SB 244
SB 33	SB 97	SB 180	SB 248
SB 35	SB 102	SB 188	SB 264
SB 40	SB 104	SB 194	SB 266
SB 57	SB 112	SB 198	SB 275

And reports that the same have been correctly enrolled, and presented to the Governor on the 12th day of September, 2005, at 4 p.m.

PERATA, Chair

Senate Chamber, September 13, 2005

Mr. President: The Committee on Rules has examined:

SB 302	SB 390	SB 430	SB 523
SB 303	SB 402	SB 444	SB 565
SB 310	SB 404	SB 469	SB 569
SB 327	SB 418	SB 484	SB 576
SB 352	SB 422	SB 512	SB 577
SB 358	SB 429	SB 518	SB 584

And reports that the same have been correctly enrolled, and presented to the Governor on the 13th day of September, 2005, at 1 p.m.

PERATA, Chair

Senate Chamber, September 13, 2005

Mr. President: The Committee on Rules has examined:

SB 610	SB 720	SB 828	SB 1016
SB 615	SB 734	SB 851	SB 1050
SB 640	SB 735	SB 869	SB 1053
SB 645	SB 743	SB 874	SB 1087
SB 657	SB 792	SB 875	SB 1106
SB 670	SB 796	SB 922	SB 1111
SB 707	SB 802	SB 1007	

And reports that the same have been correctly enrolled, and presented to the Governor on the 13th day of September, 2005, at 4 p.m.

PERATA, Chair



Senate Chamber, September 14, 2005

Mr. President: The Committee on Rules has examined:

SB 8	SB 159	SB 347	SB 567
SB 20	SB 186	SB 360	SB 581
SB 23	SB 228	SB 367	SB 618
SB 60	SB 229	SB 385	SB 643
SB 67	SB 231	SB 399	SB 644
SB 70	SB 279	SB 455	
SB 137	SB 316	SB 500	

And reports that the same have been correctly enrolled, and presented to the Governor on the 14th day of September, 2005, at 1 p.m.

PERATA, Chair

Senate Chamber, September 14, 2005

Mr. President: The Committee on Rules has examined:

SB 661	SB 689	SB 780	SB 954
SB 672	SB 719	SB 800	SB 962
SB 675	SB 755	SB 820	SB 967
SB 687	SB 771	SB 833	SB 1081
SB 688	SB 776	SB 854	

And reports that the same have been correctly enrolled, and presented to the Governor on the 14th day of September, 2005, at 4 p.m.

PERATA, Chair

Senate Chamber, September 14, 2005

Mr. President: The Committee on Rules has examined:

SB 131	SB 190	SB 314	SB 319
SB 580	SB 616	SB 701	

And reports that the same have been correctly enrolled, and presented to the Governor on the 14th day of September, 2005, at 4 p.m.

PERATA, Chair

Senate Chamber, September 14, 2005

Mr. President: The Committee on Rules has examined:

SCR 11	SCR 42	SCR 49	SCR 51
SCR 56	SCR 59	SCR 61	

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 14th day of September, 2005, at 4:30 p.m.

PERATA, Chair



Senate Chamber, September 15, 2005

Mr. President: The Committee on Rules has examined:

SB 73	SB 436	SB 650	SB 941
SB 218	SB 453	SB 658	SB 959
SB 365	SB 457	SB 674	SB 1102
SB 377	SB 586	SB 826	

And reports that the same have been correctly enrolled, and presented to the Governor on the 15th day of September, 2005, at 1 p.m.

PERATA, Chair

Senate Chamber, September 16, 2005

Mr. President: The Committee on Rules has examined:

SB 61	SB 72	SB 536	SB 557
SB 600	SB 666	SB 798	SB 1100

And reports that the same have been correctly enrolled, and presented to the Governor on the 16th day of September, 2005, at 9 a.m.

PERATA, Chair

Senate Chamber, September 19, 2005

Mr. President: The Committee on Rules has examined:

SB 65	SB 239	SB 680
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And reports that the same have been correctly enrolled, and presented to the Governor on the 19th day of September, 2005, at 10 a.m.

PERATA, Chair

Senate Chamber, September 21, 2005

Mr. President: The Committee on Rules has examined:

SB 952

And reports that the same has been correctly enrolled, and presented to the Governor on the 21st day of September, 2005, at 10 a.m.

PERATA, Chair

State Capitol, October 11, 2005

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Nora Vargas of San Diego as a member of the Dental Board of California to serve for the remainder of a term ending January 1, 2006;

Appointed Ms. Judith P. Iglehart of Piedmont as a member of the California Small Business Board to serve at the pleasure of the Rules Committee;

Appointed Ms. Lynn Suter of Meadow Vista as a member of the Tahoe Conservancy Governing Board to serve at the pleasure of the Rules Committee;



Appointed Ms. Helen D. Waukazoo of San Leandro as a member of the Commission on the Status of Women to serve for the remainder of a term ending July 1, 2009.

PERATA, Chair

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 13, 2005

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Bridgett Luther Thompson, former Regional Development Director, Hands On Bay Area; and former National Development Director, Republicans for Environmental Protection. Appointed 09/01/05. Effective 09/01/05.

Director of Conservation vice Darryl W. Young, vacant, term ending at the Pleasure of the Governor.

Paul G. Gardner, III, student, Culver City High School. Appointed 09/01/05. Effective 09/07/05.

Member, State Board of Education vice Ranjit S. Gill, term expired, term ending 07/31/06.

Althea C. Burns, Founder, Reflex Sympathetic Dystrophy Syndrome Association of California; and a member of the San Marcos Community Foundation. Appointed 08/22/05. Effective 09/12/05.

Member, Rehabilitation Appeals Board vice Ruth M. Chappell, term expired, term ending 12/24/08.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
September 13, 2005

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective September 8, 2005, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation:

Michael C. Genest Deputy Secretary
Health and Human Services Agency

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.



Governor's Office, State Capitol
September 15, 2005

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Julia M. Johnson, a Licensed Educational Psychologist, Whittier Union High School District. Appointed 08/23/05. Effective 09/13/05.

Member, Board of Behavioral Sciences, Department of Consumer Affairs vice Mark A. Burdick, term expired, term ending 06/01/08.

Kenneth Martin Keller, Executive Director, Automotive Repair Coalition of California; and former President of Greenslip, Inc. Appointed 08/26/05. Effective 08/29/05.

Member, State Athletic Commission, Department of Consumer Affairs vice Michael S. Carona, resigned, term ending 06/01/06.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
October 4, 2005

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

William H. Wade II, served in the California National Guard; and former Commanding General for the Multi-National Brigade (East) in Kosovo. Appointed 09/01/05. Effective 09/01/05.

Adjutant General of the State Military Forces, State of California vice Brigadier General John R. Alexander, being replaced, term at the Pleasure of the Governor.

Ian N. Russ, Ph.D., private practice, marriage, family and child therapist; mental health consultant for Stephen S. Wise Temple Day Schools. Appointed 09/19/05. Effective 09/29/05.

Member, Board of Behavioral Sciences, Department of Consumer Affairs vice Jane Nathanson, resigned, term ending 06/01/09.



Robert D. Brown, Director, Corporate Affairs, California State Automobile Association. Appointed 09/19/05. Effective 09/30/05.

Member, Contractors' State License Board, Department of Consumer Affairs vice Charles A. Bertucio, resigned, term ending 06/01/08.

Jack Edward Garner, Bureau Chief, Commission on Peace Officer Standards and Training. Appointed 10/01/05. Effective 10/03/05.

Commissioner, Board of Parole Hearings, newly created, term ending 07/01/08.

John T. Kehoe, Principal, consulting firm, The Kehoe Group; member, Community Advisory Board, Golden Gate University. Appointed 09/23/05. Effective 10/03/05.

Member (and designated Chair), Rehabilitation Appeals Board vice John R. Lonberg, resigned, term ending 1/1/06.

Kandiah Arulmoli, Ph.D., Principal, Earth Mechanics, Inc.; and former Senior Engineer, CH2M Hill, Inc. Appointed 09/22/05. Effective 10/03/05.

Member of the Seismic Safety Commission vice Farhang Ostadan, withdrawn from the Senate, term ending 05/15/09.

Kathleen R. Brugger, Chaffey College Board of Governors, Rancho Cucamonga; and former Board of Governors' member, Ontario-Montclair Elementary School District. Appointed 09/14/05. Effective 09/28/05.

Member of the Teachers' Retirement Board vice James H. Gray, withdrawn from the Senate, term ending 12/31/07.

Elizabeth D. Rogers, Managing Partner, Pacific Earth Resources. Appointed 09/14/05. Effective 09/28/05.

Member of the Teachers' Retirement Board vice Mark C. Battey, withdrawn from the Senate, term ending 12/31/07.

Leslie T. Schilling, Jr., President, Union Square Investments, Inc. Appointed 09/09/05. Effective 09/21/05.

Member, The Regents of The University of California vice Haim Saban, resigned, term ending 03/11/13.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
October 5, 2005

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and



consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Paul R. Green, Jr., former Regional Vice President, Primerica Financial Services; and member of the California Senior Advocates League. Appointed 09/28/05. Effective 10/04/05.

Member, Contractors' State License Board, Department of Consumer Affairs vice Henry Lozano, withdrawn from the Senate, term ending 06/01/06.

James J. Miller, Director, Building and Safety, County of Riverside. Appointed 09/19/05. Effective 10/05/05.

Member, Contractors' State License Board vice Anthony J. Elmo, term expired, term ending 06/01/09.

Russell S. Gould, Vice President for Wachovia Bank. Appointed 09/09/05. Effective 10/05/05.

Member, The Regents of The University of California vice Wardell A. Connerly, term expired, term ending 03/01/17.

Dennis S. Mileti, Ph.D., Professor Emeritus, University of Colorado at Boulder where he served as Director of the Natural Hazards Center and Chair of the Department of Sociology. Appointed 09/22/05. Effective 10/05/05.

Member of the Seismic Safety Commission vice Jimmie Yee, term expired, term ending 05/15/09.

Jack S. Worthley, Vice Chair and member, Tulare County Board of Supervisors. Appointed 09/22/05. Effective 10/04/05.

Member, Commission on State Mandates vice Michael H. McGowen, withdrawn from the Senate, term expires 4 years from 2nd commission date.

Above appointments referred to the Committee on Rules.

Signing Messages from the Governor

Governor's Office, State Capitol
April 21, 2005

To the Members of the Senate:

I am signing SB 424 which will permanently recognize April 24th as the Day of Remembrance of the Armenian Genocide. This bill also designates the period commencing the Sunday before April 24th and concluding the following Sunday as the "Days of Remembrance of the Armenian Genocide."

Between 1915 and 1923, a systematic and deliberate campaign of genocide by the Ottoman Turkish government resulted in the deaths of over 1.5 million Armenians and the exile of a people from their historic homeland. During this period, tens of thousands of displaced Armenians

took refuge in the United States, many in California. These survivors embraced this country and this state. Among them and their descendents emerged leaders in business, agriculture, sports, academics and the arts. Today, a few survivors remain as a living testament to the horror that took place 90 years ago. We must recognize crimes against humanity if we are to prevent them; silence in the face of genocide effectively encourages those who would commit such atrocities in the future.

In 1981, President Reagan said, "Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it and like too many other such persecutions of too many other peoples the lessons of the Holocaust must never be forgotten." I am proud to represent the people of the State of California in recognizing the historical persecution of the Armenian people and join with them in urging Turkey to acknowledge the fact of Armenian Genocide.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

July 21, 2005

To the Members of the Senate:

I am signing Senate Bill 76, a budget trailer bill establishing authority and appropriating funds to implement the first stage of the hydrogen highway in California.

This bill expands the technologies eligible to seek funding from Public Interest Research, Development and Demonstration Fund to include projects that serve the energy needs of both stationary and transportation purposes and provide a benefit to the electricity ratepayer. The clear intent was to provide funding opportunities for emerging technologies within the existing resources in the program not to provide an avenue or reason to raise rates to fund additional activities.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

July 25, 2005

To the Members of the Senate:

I am signing Senate Bill 387, a bill that allows the city of Calexico to encase the New River in an effort to protect human health and the environment.

The New River is an international waterway whose headwaters are in Northern Mexico near the city of Mexicali. The river flows over the international border, into California, through the City of Calexico's urban core, draining into the Salton Sea. For decades the New River has been identified as one of the most polluted rivers in the United States.

The United States and Mexican Governments have been cautiously developing a plan to address the challenges with this river. Progress has been made on studies designed to address the pollution challenges facing



the river including international cooperation to improve sewage treatment facilities in Mexico. In February, the State Water Resources Control Board initiated a pilot project as part of the Cal EPA Environmental Justice Action Plan. The pilot project will have the State Water Resources Control Board work with the Calexico New River Committee and various stakeholders to review health data on the pollutants in the river, inventory precautionary approaches, and develop an environmental risk reduction plan for the Imperial Valley that could be replicated elsewhere.

This bill and other actions occurring on the federal and international levels, will further the serious pollution challenges with the New River and its communities. But more needs to be accomplished. The various governments need to coordinate and develop a plan that recognizes the seriousness of the pollution challenges facing this river and addresses its human health and environmental impacts. As the Governor of a state that borders Mexico, I pledge to make this issue a priority as my fellow Governors and I develop action plans for increasing cross border relations and addressing the many opportunities facing border states.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

September 27, 2005

To the Members of the Senate:

I am signing Senate Bill 70 because it would authorize and fund an important revision to the mission of the community colleges Economic Development program and is a central component of my career technical education reform package.

However, this bill contains technical drafting errors which I am asking the Legislature to clean up in subsequent legislation, including:

- Specifying that \$193,000 in federal spending authority is provided to the State Department of Education for two additional, two-year limited term staff, instead of to the Board of Governors.
- Deleting the provision specifying that the appropriation of \$20.193 million applies towards the 2005–06 Proposition 98 minimum funding guarantee. \$20 million provided in the bill is a re-appropriation from the Proposition 98 Reversion Account, while the remaining \$193,000 is comprised of federal spending authority, neither of which should be applied in calculating the 2005–06 Proposition 98 minimum guarantee level.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor



Governor's Office, State Capitol
September 29, 2005

To the Members of the Senate:

I am signing Senate Bill 640 in order to support efforts to improve the quality of child care services provided to California's children while we explore other reforms in the system.

Increasing the capacity of child care providers to serve children with disabilities is a high priority for me. The one-time federal carryover funding provided through this bill will help specified counties to continue existing capacity building efforts. While I am signing this bill, it is with the understanding that the funding is one-time, and it is my expectation that these agencies continue to provide these services within existing resources in the future, as they are already required to do under the terms and conditions of their existing contracts.

I look forward to working together with Senator Escutia in the coming year to bring much needed reforms to improve the effectiveness and efficiency of the child care services system in California.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol
September 30, 2005

To the Members of the Senate:

I am signing Senate Bill 650 to provide treatment services to low income, uninsured men diagnosed with prostate cancer in California in a cost effective manner.

This measure invests more funding in direct patient care and maximizes the number of men receiving treatment. Under these program reforms, we will serve 366 men, 76 more men than the total number served in 2004-05, at nearly half the cost. I am directing the Department of Health Services to continue to monitor program cost effectiveness and work to maximize the number of men served for the amount of funds appropriated.

My signature of this bill builds upon the \$1 billion increase in overall funding contained in my budget to support health care services for low-income Californians.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol
September 30, 2005

To the Members of the Senate:

I am signing Senate Bill 798, which will establish a voluntary, county-option drug repository and distribution program to distribute surplus medications to persons in need of financial assistance. This



program will utilize drugs that would otherwise be discarded to provide free prescriptions to medically indigent patients.

I share the author's concern that some Californians are unable to purchase needed prescription drugs, which is why I proposed the California Pharmacy Assistance Program (Cal Rx) to provide prescription drug discounts to uninsured Californians. The adverse effects of not having access to affordable prescription drugs are serious—increased severity of disease, reduced productivity, and compromised quality of life. While SB 798 is not a comprehensive solution to this important problem; it provides a creative mechanism to take advantage of surplus medication that would otherwise be discarded, and get it in the hands of uninsured low-income Californians who need it.

For these reasons, I am pleased to sign Senate Bill 798.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 5, 2005

To the Members of the Senate:

I am signing Senate Bill 1100, which provides the statutory framework for implementing a five-year hospital financing demonstration project.

This waiver will help public and private safety net hospitals to continue to provide vital services to our most vulnerable citizens. No other state has received a federal waiver as favorable as California's, with more than \$18 billion in federal funding to protect and enhance the financial viability of California's safety net hospitals.

This legislation reflects an important agreement between the Administration, Legislature, California hospitals, counties, and other stakeholders regarding a new reimbursement methodology to reimburse California's safety net hospitals. SB 1100 holds public and private hospitals harmless by guaranteeing they will receive at least the same amount of federal funding they received from the previous waiver and will bring in an additional \$3 billion in new federal funds for California's health care safety net.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 6, 2005

To the Members of the Senate:

I am signing Senate Bill 897 which extends the effective date of the California trade office in Yerevan, Armenia. I am an enthusiastic supporter of promotion activities for California products and services. The state's



trade office in Armenia holds the promise of new trade opportunities in an emerging market and does so without taxpayer funds.

I am hopeful that the same bipartisan supporters of this bill will join with me next year in support of additional privately-funded offices in countries that are California's leading trade and cultural partners.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 7, 2005

To the Members of the Senate:

I am signing Senate Bill 37, a measure that will limit the usage of performance enhancing substances by high school athletes that could pose a health threat or create an unfair competitive advantage.

Although the bill does not require high school coaches to complete a training program on the harmful effects of steroids and performance enhancing dietary supplements by adolescents until December 2008, I included \$500,000 in my May Revision budget for the purpose of training these coaches. The Legislature chose to reject the funding for this proposal and those dollars were not included in the final 2005 Budget Act. I had encouraged Senator Speier to work with her colleagues in the Legislature to maintain the funding as proposed, but she was unable to secure funding. As such, the cost of this mandate on coaches will have to be borne by the school districts or the coaches themselves.

In my next budget, I will again propose to appropriate \$500,000 to fund the coaches training to accomplish the worthy goals of this bill. Historically, it has been clear that unfunded programs never accomplish the goals that are intended. Therefore, I am hoping that Senator Speier will continue her efforts to secure funding for this program next year.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 7, 2005

To the Members of the Senate:

The health and safety of children is a top priority of my Administration. It is a travesty that a four-month-old baby lost his life at the hands of his abusive father. This measure will give the courts additional tools to protect the safety of foster children placed with non-custodial parents.

It is for these reasons that I am signing Senate Bill 726.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor



Veto Messages from the Governor

Governor's Office, State Capitol
September 22, 2005

To the Members of the California Senate:

I am returning **Senate Bill 323** without my signature.

This bill creates a rigid and overly severe punishment for the failure to remit sales taxes which have been collected. I strongly support tough laws to punish and discourage scofflaws who knowingly evade taxes. However, this measure provides no flexibility for errors made by individuals with no intent to evade taxes or defraud the state. Moreover, the Board of Equalization does not contend that this bill would result in a specific level of increased compliance.

For these reasons, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

September 22, 2005

To the Members of the California Senate:

I am returning **Senate Bill 742** without my signature.

This bill would relieve the City of Eureka of a statutory obligation requiring it to remit 15 percent of the total revenue that the city generates through its management of specified tideland areas to the State. These annual remittances are required as a condition of a grant of \$750,000 that the city received from Tidelands Oil Revenue Account in 1978.

Since statehood, certain tide and submerged lands have been transferred to local jurisdictions for public trust uses of statewide benefit. Each local jurisdiction's implementing statute or agreement has various terms and conditions that guide the transfer of these lands. The California State Lands Commission, having the State's remaining jurisdiction and authority, exercises oversight responsibilities over these lands and is responsible for assuring that these trustees comply with their respective granting statutes and the legal requirements under the Public Trust Doctrine.

This bill is contrary to the original agreement memorialized in Chapter 1095, Statutes of 1978, which specified that the grant was contingent upon Eureka's agreement to make an annual remittance to the State in perpetuity. Given the State's present fiscal condition, I do not believe this revenue reduction is prudent at this time.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
September 22, 2005

To the Members of the California Senate:

I am returning **Senate Bill 765** without my signature.

This bill is a solution in search of a problem. It allows the Department of Housing and Community Development or the applicable local agency to order sewage clean-up in the event of a spill or leak.

Current law already requires the Department of Housing and Community Development to adopt and update regulations regarding mobilehome park plumbing and sewage. Today, sewage spills are cleaned up by the Department; local health officials are called in by the Department for larger and more complex situations. This bill will bifurcate the clean-up responsibility which could lead to inconsistencies and confusion.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
September 22, 2005

To the Members of the California Senate:

I am returning **Senate Bill 874** without my signature.

The overarching objective of improving the jury system is one that we should all share and work together to identify tangible direct solutions. While I am generally supportive of the policy goal of allowing more prospective jurors the opportunity to participate in their civic responsibility, this proposal is not the best mechanism to achieve that goal.

Prohibiting state agencies from contracting with entities that do not provide up to five days of regular pay for actual jury service would limit the number companies that could do business with the State of California. The Department of General Services is charged with obtaining the best value for the taxpayer in contracting for goods and services. This bill would impose an additional restriction on those contractors in order to do business with the State, restrict competition, and ultimately result in higher prices for goods and services.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
September 22, 2005

To the Members of the California Senate:

I am returning **Senate Bill 930** without my signature.

This bill is unnecessary and reduces gubernatorial discretion to appoint the appropriate individuals to the California Community College Board of Governors. The Office of the Governor is currently able to consult with



various resources, including statewide associations, when determining the most appropriate person to fill board appointments. Moreover, this bill would potentially eliminate the consideration of highly qualified persons because they are not associated with or recognized by the statewide organization representing community college governing boards.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 22, 2005

To the Members of the California Senate:

I am returning **Senate Bill 1004** without my signature.

It is common sense for a school to require suspended pupils to complete homework that is assigned to them while under suspension, with or without adopting a specific policy. Since nothing under current law prevents school districts from adopting a policy requiring suspended pupils to complete the work that is assigned to them, this bill is unnecessary.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 22nd day of September 2005 at 10:30 a.m., of Senate Bills 323, 742, 765, 874, 930, and 1004 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

DAVID VALVERDE

Chief Assistant Secretary of the Senate

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 174** without my signature.

This bill creates a new kind of class action lawsuit with no protections contained in the Code of Civil Procedure which governs traditional class action lawsuits. Traditional class action lawsuits are a special category of lawsuit preserved for patterns of alleged wrongdoing and are designed to include increased oversight by the courts to protect both the class and the defendant.

This bill will undoubtedly lead to increased litigation and could result in the same sorts of "shakedown" lawsuits that the citizens of California voted to curb last year by passing Proposition 64.

For these reasons, I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 198** without my signature.

This bill is premature since the United States Secretary of Housing and Urban Development is charged with establishing a nationwide manufactured housing installation program. This bill's duplicative standards could contradict the federal criteria to be released in the coming months.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 275** without my signature.

The California Transportation Commission is currently required to work with the Department of Transportation (Caltrans) to develop the State Transportation Improvement Program (STIP), which is the state's biennial inventory of all necessary improvement projects for the subsequent five years. Current law also requires regional transportation agencies and metropolitan planning organizations to complete a 20-year Regional Transportation Plan and periodic regional transportation improvement plans.

Californians do not need yet another report to tell them that the state's transportation needs are great. My Administration sponsored legislation this year which would have significantly improved the delivery of transportation projects. However, the Legislature failed to pass any of the three bills that encompassed this package. Time and money would be better spent actually rebuilding California's infrastructure rather than reporting on it.

For these reasons I am vetoing this measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 338** without my signature.

While I believe that Internet safety is important, this bill does virtually nothing to ensure districts do more to protect students from accessing inappropriate websites. The Superintendent of Public Instruction has the



authority and should already be taking all of the necessary steps to protect children in schools even without this bill.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 404** without my signature.

I am supportive of providing varied pathways, both traditional and expedited, which bring qualified and motivated teachers into the classroom. However, as drafted, this bill which would reestablish the California Preliminary (CAP) credential and impose a substantially more complicated process for teaching candidates to obtain a credential than any of the existing alternative credentialing programs. In fact, according to a 2003 Commission on Teacher Credentialing (CTC) report, no district requested the issuance of a CAP credential because other alternatives became available. Teacher candidates already have several alternative credential pathways: the district and university intern programs, the SB 57 Early Completion option, Cal State Teach, and the Eminence Credential.

I would be open to working with Senator Migden to refine this measure to ensure a more efficient and streamlined alternative certification process for highly qualified subject matter experts to teach in our schools.

Until that time, I am unable to sign this measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am reluctantly returning **Senate Bill 414** without my signature.

I strongly support the continuation of the Mathematics and Reading Professional Development Program. This program provides training to teachers that is aligned to California's rigorous academic standards and has been a major component of the state's education reforms.

Unfortunately, this bill contains two significant drafting flaws. First, it would allow school districts to claim funding for the same hours of staff development under both this program and the Beginning Teacher Support and Assessment program. Second, it reinstates the Instructional Time and Staff Development Reform (staff development buy-back days) program, which had previously been eliminated and its funding consolidated into a staff development block grant, without backing this funding out of the



block grant. Both of these would result in districts being “double-funded” for the same activity.

For these reasons, I am unable to sign this bill in its current form. However, I request that the Legislature work with my Administration to eliminate these problems and introduce and pass urgency legislation extending this program’s sunset date beyond its current date of June 30, 2006.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 29th day of September 2005 at 12:45 p.m., of Senate Bills 174, 198, 275, 338, 404, and 414 without the Governor’s signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

DAVID H. KNEALE
Assistant Secretary of the Senate

Governor’s Office, State Capitol
September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 523** without my signature.

California’s transportation infrastructure needs far outstrip the resources available. Given the state’s limited transportation resources, it is important to give local agencies the flexibility to use funds as they see fit rather than being forced to use the type of state-mandated formula that this bill perpetuates.

While bicycling is an important and growing component of California’s multi-modal transportation system, prioritizing expenditures on bicycle-specific programs should be a local prerogative.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor’s Office, State Capitol
September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 567** without my signature.

While I am generally supportive of school wellness policies, this bill, sponsored by the Superintendent of Public Instruction, makes no substantive contribution to the increased health of California’s students. It is unnecessary since it simply duplicates current federal law, with which schools are already required to comply. Federal law already requires schools participating in federal meal programs to establish wellness



policies, and California schools have the authority to implement more stringent policies if they so choose.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 672** without my signature.

This bill would inappropriately authorize community college districts to receive reimbursement at the "full-credit" reimbursement rate rather than the lower "non-credit" rate, for hours generated teaching credit classes at state prisons. The higher rate results in an excessive reimbursement given that when providing instruction in a correctional setting, community colleges do not incur facility or other student services costs.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 780** without my signature.

While I understand the author's intention is to address the need for a qualified physician workforce in underserved communities, this bill is unnecessary to meet that objective.

The University of California (UC) system already considers an applicant's background and personal experiences during the application process. The criteria outlined in the bill were drawn largely from existing UC medical school admissions policies and description of best practices in medical school admissions, written by the University of California experts at the invitations of a national medical organization. It is unclear how codifying the admissions criteria will significantly improve the admissions process, as the University of California is currently in compliance with the overall intent of the bill: increasing the number of physicians likely to serve in underrepresented communities.

Furthermore, the 2005 Budget appropriates \$300,000 specifically to support additional slots in the Program in Medical Education for the Latino Community. The primary purpose of the program is to train physicians to serve in underserved communities. Full implementation is expected by 2008, when the additional enrollment will total approximately 300 new



students—the equivalent of a new medical school devoted to serving the needs of currently underserved communities.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 1006** without my signature.

While I support access to technology in schools, this bill is unnecessary since the existing California School Technology Survey (Survey) already collects data on educational technology access. The current Survey could be modified to collect additional data, if necessary, without resulting in increased costs to both schools and the state.

Finally, it appears inconsistent for the Legislature to approve this bill to mandate the collection of technology data, while denying funding for the existing K–12 High Speed Network during the 2005 budget process. Instead of creating another unfunded state mandate, as this bill would do, the Legislature should be working to continue funding for the K–12 High Speed Network so that schools would not lose access to the technology currently available to them.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 29th day of September 2005 at 12:45 p.m., of Senate Bills 523, 567, 672, 780, and 1006 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

DAVID H. KNEALE

Assistant Secretary of the Senate

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 18** without my signature as it amends statutory provisions enacted by the voters, in direct conflict with Proposition 71. The measure provides that the statutory provisions, "may be amended to enhance the ability of the institute to further the purpose of the grant and loan programs created by the measure, by a bill introduced and passed no earlier than the third full calendar year following adoption, by 70 percent of the membership of both houses or the Legislature and

signed by the Governor . . . ” (California Stem Cell Research and Cures Initiative Section 8).

While I recognize the author’s important role in launching Proposition 71, commend her efforts to closely monitor implementation and share the goal of assuring responsible fiscal oversight of the California Institute of Regenerative Medicine and publicly funded stem cell research; I cannot support this bill as it is in direct conflict with the text of the Proposition as approved by the voters.

I am a strong supporter of stem cell research and the promise it holds to cure and treat serious conditions that afflict millions of Californians including diabetes, Alzheimer’s, Parkinson’s disease, and spinal cord injury. While I believe it is critical that the California Institute of Regenerative Medicine and its governing board, The Independent Citizen’s Oversight Committee be responsible stewards of public funds and abide by strict standards of fiscal responsibility, we must respect the vote of the people to prohibit amendments to the Proposition until 2008. I encourage the Legislature to pursue a performance audit through the Joint Legislative Audit Committee, rather than this legislation, to ensure increased fiscal accountability of public funding for stem cell research.

I strongly agree with components of SB 18 that strive to ensure women are informed of the risks involved with medical procedures for egg donation, to prohibit the sale of eggs and embryos and to limit their reimbursement. I will work with the Legislature to reintroduce legislation to establish these appropriate parameters for stem cell research and better inform women of risks associated with egg donation in January.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor’s Office, State Capitol
September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 188** without my signature.

This bill would provide an “income disregard” under the CalWORKs program for income received as a result of an individual’s active duty in the California National Guard.

While I sympathize with the financial hardships faced by California’s active duty military personnel and their families, the CalWORKs program is not the right vehicle for extending benefits to National Guard families. CalWORKs is an anti-poverty program designed to provide cash grants, employment services, and supportive services to low income families to assist them in moving from poverty and unemployment to self-sufficiency. Active duty National Guard members are fully employed.

I have signed several legislative measures this year designed to protect California’s military and their families from financial hardship when actively deployed. These measures include SB 513, AB 276, AB 980, AB 1594 and AB 1666. Collectively, these bills represent solutions that



both private and public institutions can implement in order to better serve our military and their families protecting California and the United States.

For these reasons, I am returning SB 188 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 314** without my signature.

I support additional workforce training funds for seasonal workers. That is why removing barriers for these populations is one of my priorities for the discretionary portion of California's Workforce Investment Act dollars.

This bill authorizes the Employment Training Panel (ETP) to fund training for workers in the state's major seasonal industries. Unfortunately, this bill lowers the ETP criteria for training eligibility in a manner that is not consistent with the goal of the program—to fund training programs that meet the needs of employers for skilled and productive workers and the need of workers for good paying, long-term jobs.

I encourage the sponsors of this measure and others representing seasonal workers to continue to pursue Workforce Investment Act funds, including the 85-percent of those funds awarded by California's local Workforce Investment Boards.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 363** without my signature.

This bill is similar to a measure I vetoed last year and imposes a one-size-fits-all mandate on hospitals to establish a "zero lift policy" requiring teams and the use of equipment to lift patients.

While I do not support this bill's inflexible mandates and am concerned that by including the provisions in the Labor Code hospitals could be sued under the "sue your boss" law enacted in 2003, I am supportive of the bill's goals. Some hospitals have already implemented aggressive lift team policies and are experiencing success in reducing workplace injuries.

However, I am puzzled by the exemption this bill grants to rural hospitals. Workplace safety laws are intended to protect all workers in an industry equally, regardless of the geographic location. If the author and proponents have exempted rural hospitals out of concern for the fiscal impact of implementing this bill, my response would be simply that



financial constraints are not limited to rural hospitals but are also felt by public and private hospitals throughout California. This is precisely why the flexibility given hospitals in existing law is desirable.

It is also important to note that as a result of extensive negotiations with the federal government, my Administration negotiated an additional \$3 billion for California's safety net hospitals over the next 5 years. I strongly encourage hospitals to use some of these new funds as well the savings from workers' compensation reform to pay for education, equipment and additional staff that may be required to comply with the spirit of this measure. If hospitals do not initiate these measures on their own, I will be willing to consider legislation next year that imposes the mandate.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 848** without my signature.

While this bill is meant to improve the economic clout of port owner-operator drivers, its provisions could violate federal antitrust law and result in many unintended consequences. This legally doubtful attempt at an antitrust exemption, or untried expansion of state regulation, is sure to become a legal battleground.

California's ports face heavy congestion and air quality problems. Motor carriers, drivers, port operators and shippers have worked cooperatively to address these issues in recent months. I recently signed Senate Bill 45, which was cooperatively negotiated between both the trucking companies and drivers, protects drivers from being assessed fees for circumstances that are out of their control, including locked gates, employee lockouts, and traffic congestion.

The litigious firestorm this bill would assuredly ignite is counter-productive to the cooperative work that must be accomplished to capture the economic potential afforded by the growth in international trade.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
September 29, 2005

To the Members of the California Senate:

I am returning **Senate Bill 1023** without my signature.

This bill would unnecessarily create a new penalty against employers and insurers for failing to comply with an order of the Workers' Compensation Appeals Board.

Existing law contains a mechanism to penalize employers or insurers that unreasonably delay or refuse to pay benefits. In fact, my 2004 workers' compensation reform package improved existing law by eliminating provisions of law that allowed trial attorneys to file frivolous claims for hundreds of thousands of dollars over disputed payments of a few hundred dollars.

With this avenue to quick profits blocked, trial attorneys are seeking a new route to fill their coffers at the expense of the entire workers' compensation system. Needless to say, I will not reinstate flawed provisions of the workers' compensation system which were reformed last year.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 29th day of September 2005 at 2:10 p.m., of Senate Bills 18, 188, 314, 363, 848, and 1023 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

DAVID VALVERDE
Chief Assistant Secretary of the Senate

Governor's Office, State Capitol
October 5, 2005

To the Members of the California Senate:

I am returning **Senate Bill 657** without my signature.

I vetoed a similar bill last year, SB 1380 (Escutia) because it was inconsistent with the State Board of Education's principles to ensure that classroom curriculum is rigorous, standards-aligned and research-based. The State of California has established nationally-acclaimed academic standards and required the adoption of instructional materials to reflect those standards. I continue to be concerned that allowing for the circumvention of the current adoption process will compromise the assurance that parents, students, and educators deserve, that the highest level of standards-aligned instructional materials are provided to schools.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 5, 2005

To the Members of the California Senate:

I am returning **Senate Bill 735** without my signature.

This bill is unnecessary. The Civil Code already specifically provides when tenants' rights organizers are not subject to civil or criminal liability for trespassing. Current law appropriately balances tenants' rights with owners' rights.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 5th day of October 2005 at 2:40 p.m., of Senate Bills 657 and 735 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts

DAVID VALVERDE
Chief Assistant Secretary of the Senate

Governor's Office, State Capitol
October 6, 2005

To the Members of the California Senate:

I am returning **Senate Bill 40** without my signature.

This bill allows the Department of Housing and Community Development (HCD) to seek receivership of a mobilehome park that is facing serious health and safety violations.

According to the author, this bill was introduced to address the very small minority of flagrantly negligent park owners who have longstanding and serious health and safety violations. Current law authorizes HCD to revoke such a park owner's permit to operate, which may be the more appropriate course rather than taking the park into temporary receivership and returning it to the same park owner once corrections have been made.

In addition, this bill requires park owners to pay the relocation costs for problems predominantly caused by other residents.

For these reasons, I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 6, 2005

To the Members of the California Senate:

I am returning **Senate Bill 106** without my signature.

This bill increases the fee for mobilehome park inspections by fifty percent with no commensurate increase in the level of protection for mobilehome park residents. The current fee of four dollars charged to park



owners provides inspection and enforcement by the Housing and Community Development Department and will sunset on January 1, 2007.

There is no compelling reason to raise the mobilehome park inspection fee at this time.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 6, 2005

To the Members of the California Senate:

I am returning **Senate Bill 348** without my signature.

This bill will not accomplish its intended goal because, under the Supremacy Clause of the United States Constitution, international trade agreements are treaties that preempt state law.

However, for advice from states and local entities on trade policy matters, the federal government has established the Intergovernmental Policy Advisory Committee on Trade (IGPAC) which is comprised entirely of state and local officials. Appointed on a bipartisan basis, the Committee makes recommendations to the United States Trade Representative and the Administration on trade policy matters. The IGPAC provides the appropriate venue for the Legislature to express its views on international trade agreements.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 6, 2005

To the Members of the California Senate:

I am returning **Senate Bill 616** without my signature.

I share the Legislature's concern over the cost of providing health care to inmates. However, since the Department of Corrections and Rehabilitation's health care program is now under federal receivership, it is possible that the process of the receiver will supercede all state laws in the area of providing health care to inmates. It is therefore meaningless to codify the expectations and restrictions for a program that will be shaped by the federal courts.

I urge the Legislature to send to me the provisions that do not relate to healthcare within the prison facilities but instead deal with paroled veterans. Trying to find ways to connect paroled veterans with the benefits



afforded to them from their military service is a very worthy goal and falls outside of the healthcare issues under federal order.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 6, 2005

To the Members of the California Senate:

I am returning **Senate Bill 851** without my signature.

This bill is intended to combine procurement statutes of the Los Angeles Transportation Commission and the Southern California Rapid Transit District, which merged in 1992. However, it includes provisions that allow for noncompetitive bidding which are not included in the procurement statutes of either of the predecessor organizations.

Governments should operate within the constraints of reasonable disclosure requirements. I cannot support a measure that so greatly expands noncompetitive bidding.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 6, 2005

To the Members of the California Senate:

I am returning **Senate Bill 917** without my signature.

I support this bill's intent to provide consumers with additional information regarding what hospitals charge for common medical procedures than what was required by Assembly Bill 1627 (Chapter 582, Statutes of 2003). However, this bill is unnecessary. Since Senate Bill 917 was introduced the Office of Statewide Health Planning and Development (OSHDP) has posted the 25 most common Diagnosis Related Groups for California's hospitals on its website.

In addition, I have signed Assembly Bill 1045, which expands OSHDP's current practice to include outpatient procedures and makes additional information available to consumers beyond what would be required under Senate Bill 917. Assembly Bill 1045 will allow consumers access to inpatient and outpatient charge information to make more informed decisions when seeking hospital care.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Receipt of Bills

I acknowledge receipt this 6th day of October 2005 at 4:35 p.m., of Senate Bills 40, 106, 348, 616, 851 and 917 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

DAVID VALVERDE
Chief Assistant Secretary of the Senate

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 60** without my signature.

This bill is premature and could undermine national security efforts to identify individuals who pose enormous risk to the safety of Californians. I have repeatedly stated that the ability to verify documents used to establish an identity must include a way to determine whether an individual is who he or she purports to be and must include a criminal background check.

In addition, enacting this bill will result in millions of dollars being spent on a process that ultimately could conflict with federal regulations. Once the federal rule making is finalized, it would be appropriate to engage in discussions relating to implementation of the Act, including whether or not a driving only certificate is appropriate in California.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 161** without my signature.

While I am supportive of providing students with information that affects their rights, this bill is unnecessary. Under current law, the Superintendent of Public Instruction (SPI) can and should be posting information on the Department of Education website to assist students in understanding their rights and helping them with important issues. Furthermore, this bill is not inclusive enough of all the rights and issues important to our students' welfare, such as a student's right to request confidentiality when reporting whether he or she has been abused or sexually assaulted.

I encourage the Legislature and any other interested parties to work with Superintendent O'Connell to ensure that he provides as much information



to students and parents to maintain the health and welfare of children in schools.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 327** without my signature.

This bill imposes restrictions on school districts use of so called "piggyback" contracts for relocatable classrooms, thereby limiting the ability of school districts to provide cost and time-efficient solutions to meet their facilities needs. By prohibiting school districts from using "piggyback" contracts for this purpose, this bill would expose more school projects to construction delays and the unpredictable bidding environment that has resulted in numerous cost overruns. By allowing piggyback contracting, a district can take advantage of lower per-building costs realized through economy of scale.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 385** without my signature.

As an immigrant whose second language is English, I know the importance of mastering English as quickly and as comprehensively as possible, in order to be successful in the United States. This bill runs counter to that goal by eliminating testing in English for limited-English-proficient (LEP) students until they have been in school in the United States for three consecutive years. By requiring testing of students in English only after three years, this bill would further weaken incentives for LEP students and their schools to work towards English proficiency.

My Administration shall continue to work on behalf of English learners so that school districts, principals, teachers, parents, and all students can concentrate on the goal of improving student achievement.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 586** without my signature.

This bill alters the settlement agreement in the case of Chapman, et al. v. the California Department of Education, et al. This bill was intended to codify provisions of the settlement agreement, which was agreed to after extensive negotiations among the parties involved, would have exempted pupils with disabilities who meet specified criteria from the California High School Exit Examination (CAHSEE) graduation requirement for one year. This bill alters significant terms of the agreement, by extending this exemption to two years, failing to require students to avail themselves of remediation, and shifting the focus for granting the exemption from the State Board of Education to local school districts, this bill is inconsistent with the terms of the settlement agreement.

Enacting this bill sends the wrong message to the over 650,000 special education students in our state, the majority of which have the ability to pass the CAHSEE. The small minority of special education students that may need the state to review how the exam impacts them, in the short run, deserve quick action, and not a two year delay.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 684** without my signature.

While I respect the author's intent to recognize the role of effected Asian, South Asian, and Pacific Islander populations in the many historical events leading up to and during World War II, this bill is unnecessary. Current law already allows school districts to incorporate the roles of effected Asian, South Asian, and Pacific Islander populations into their instruction on World War II.

Furthermore, the extensive review process culminating in the State Board of Education's adoption of content standards, curriculum frameworks, and instructional materials ensures that this information is accurate.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 688** without my signature.

While I support efforts to promote skin cancer prevention, this bill is unnecessary and duplicative of numerous efforts currently in place.

Nothing prohibits schools from integrating sun-safety instruction into lesson plans. In fact, the current Health Curriculum Framework already includes a topic of environmental health, intended to make students aware of how environmental issues affect their personal health. The framework includes expectations for students to demonstrate ways in which to enhance and maintain their health and well-being, including specific examples of using protective equipment or practices, such as using sunscreen or a hat in bright sunlight.

Currently, a specific program, administered through the U.S. Environmental Protection Agency is aimed at teaching children how to be protected from overexposure to the sun through the use of classroom based, school based, and community based materials. Moreover, the Center for Disease Control and Prevention, the World Health Organization, the National Association of School Boards, and the Department of Health Services have all published guidelines or instructional materials regarding sun safety and skin cancer prevention for schools. Much of this material is easily accessible from the Internet. The Superintendent of Public Instruction (SPI) can already access this information and should be informing schools of its availability, even without this bill.

At this point, the SPI has not requested any of this information from my Health and Human Services Agency Secretary, to be distributed to school districts. However, to assist in the effort to promote skin cancer prevention, I am directing the Department of Health Services to provide a list of the myriad of skin cancer prevention educational resources to the SPI, for distribution to school districts and county offices of education.

For the reasons stated above, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 952** without my signature.

Unfortunately, this bill includes language that would make its provisions contingent upon the enactment of Assembly Bill 54 (Negrete-McLeod),



which I was forced to veto. As a result, even if signed, this bill would never become operative.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 7th day of October 2005 at 1:20 p.m., of Senate Bills 60, 161, 327, 385, 586, 684, 688 and 952 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

PAULA K. ROSSETTO
Assistant Secretary of the Senate

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 57** without my signature.

The levels of court-ordered fines and fees have increased dramatically in recent years as many individual programs seek ways to increase their funding. However, the total amount of dollars collected or available for collection has not increased accordingly. The effect is that the addition of new fines and fees tends to reduce the imposition and collection of existing penalties, which are passed out on a prorated basis to the various funds. The Victim Compensation Program receives a significant portion of its funding from restitution fines.

While programs seeking new or additional funding in this manner might in fact be deserving or worthwhile, it is simply not possible to continue adding new recipients to the existing program distribution without reducing funding to current deserving recipients. Local EMS funds currently receive funds from penalty assessments. In recognition of the need for funding, my 2005–2006 budget contains another \$10 million dollars in General Fund for trauma centers. However, I cannot approve further attachment of this source of funding at the expense of victims and others who are likely to lose precious funding from this source if SB 57 were to become law.

For these reasons I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 239** without my signature.

I vetoed a bill last year, SB 1164, which would essentially accomplish the same purpose as this bill.

I believe that open access by the press is an important component of ensuring efficiency and effectiveness of government programs. However, this bill is unnecessary because the media currently enjoys wide ranging access to both prisons and inmates, including the right to interview random inmates during tours and specific inmates during the visitation program.

The California Department of Corrections and Rehabilitation's current policy is modeled after policies that have been upheld by the U.S. Supreme Court. The policy strikes the important balance between media access and the appropriate correctional decisions that must take into account the orderly administration of prisons.

Finally, it is important to avoid treating inmates as celebrities. Activities that would glamorize criminals at the expense of victims and the general public are unacceptable. A free flow of information from the prison environment into the outside world has taken place under the current policy as evidenced by the many published press accounts in the past year.

For these reasons I am unable to support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 455** without my signature.

Consistent statewide enforcement of California's environmental laws is paramount for the protection of California's people, property, and the environment. Last year I signed Senate Bill 391 which helped ensure victims and farm workers impacted by pesticide drift are properly cared for and it expanded penalties and liability.

Early in my Administration, I directed the California Environmental Protection Agency to develop an environmental action plan where one of the top priorities is strong enforcement of environmental protection laws. After finding inconsistent enforcement of some of its laws by local Commissioners, the Department of Pesticide Regulation worked with stakeholders and enforcement officers to develop and adopt as guidelines their 2005 Enforcement Response Policy (ERP).

Senate Bill 455 justly recognizes the need for a consistent and timely strategy for enforcement of pesticide laws. While I concur with the intended goals of this proposal, the recently adopted ERP makes this bill largely unnecessary. By requiring minimum mandatory penalties for



“exposure” rather than “harm,” which was agreed to in Senate Bill 391, this bill drastically expands liability and restricts enforcement officer discretion. This expansion will create litigation over its interpretation and uncertainty over its scope that could adversely impact the farm workers, the regulated community, our enforcement officers, and the Department.

The ERP will greatly strengthen enforcement and provide statewide consistency of our pesticide laws. Therefore, I direct the Department of Pesticide Regulation to initiate the process of putting the 2005 Enforcement Response Policy into regulation in an expedited process.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor’s Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 469** without my signature.

When special interests dominate Sacramento, the only recourse the people of California have is the initiative, the referendum and the recall. As I have previously said, at the very heart of the initiative process is the 1st Amendment of the U.S. Constitution and the core value of political speech. Any burden placed on either of these fundamental rights of Californians must be examined through a lens that favors the right of the people to address grievances with the government through initiatives, referendums, and recalls.

This bill requires different notices on petitions to reflect whether it is being circulated by a paid or volunteer circulator. The paid or volunteer status of a circulator has no bearing on the merits of the petition being presented to voters. Furthermore, under existing law, petitions must contain the following notice in 12 point type: NOTICE TO THE PUBLIC—THIS PETITION IS BEING CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

This bill attacks the initiative process and makes it more difficult for the people of California to gather signatures and qualify measures for the ballot. While difficulty of the process may be a good thing for big-money special interests and for political consultants who stand to gain financially, it is not for everyday Californians with an idea for reform.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 610** without my signature.

This bill financially penalizes non-profit hospitals which are increasing reserves to invest in important and necessary charitable activities—including purchasing state-of-the-art technology to improve the quality of patient care, complying with costly seismic safety mandates, and expanding facilities to increase access to care for low-income uninsured Californians.

This bill provides that non-profit hospitals whose operating revenues exceed operating expenses by more than ten percent would be rebuttably presumed to be operated for profit for tax purposes, regardless of whether the reinvestment of excess dollars is for legitimate charitable activities. Existing law provides adequate safeguards against the inappropriate use of any excess operating revenues.

Hospitals should be encouraged to increase investment in our communities rather than penalized for it. For this reason, I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 675** without my signature.

This bill would declare the legislative intent that any peace officer who seizes a vehicle for driving while unlicensed or driving with a suspended license, shall provide transportation for all persons traveling in the vehicle. This bill is unnecessary because current law provides an appropriate incentive for peace officers to make necessary arrangements to ensure the safety of all occupants.

The provisions of this bill intend to restrict law enforcement by mandating that transportation be provided in a specified manner. Officers are trained to use their best judgment in each situation to decide where the safest location to transport individuals left stranded after the seizure of a vehicle. The intent of this bill would severely affect law enforcement's ability to maintain the current level of service provided to the public, especially in rural areas where only one or two units may be on duty during night shifts. In every area of the state, public safety could be compromised by requiring officers to take time to transport people for potentially long distances to the specified locations in statute when they should be



responding to emergencies, aiding disabled motorists, or proactively seeking DUI drivers.

For these reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 695** without my signature.

This bill would require the Secretary for Resources to establish an on-line registry of all open space, agricultural and conservation easements purchased with state grant funds after January 1, 2000.

Existing law requires the County Recorders Office to provide on-line access to conservation easement information created within their county. Counties have been making progress toward implementing this requirement so that Californians can access this information on line. This bill would result in a nearly duplicative effort.

For these reasons I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 792** without my signature.

This bill would redirect \$5.5 million in state transportation funds originally allocated for the repayment of a federal loan which was recently forgiven. The funds are part of the \$60 million allocation to the non-operational North Coast Railroad Authority (NCRA) from the Traffic Congestion Relief Program. The bill authorizes \$1.5 million to be used for administrative expenses and the remaining \$4 million for a portion of the environmental cleanup necessary to get the railroad operational again.

Since the NCRA will not receive any less money than they originally expected, the \$5.5 million savings should revert back to the Transportation Investment Fund so that it can be allocated by the California Transportation Commission to other projects within the Transportation Congestion Relief Program.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 820** without my signature.

This bill is a very comprehensive measure that attempts to address a host of water rights issues, including surface and groundwater, in one bill. While the author should be recognized for the effort on urban water management plans, energy consumption associated with water use, and surface water diversion reports, the bill is flawed by only reviewing half the groundwater equation. By mandating extraction reports without analysis of recharge, groundwater quality, basin composition, and other issues essential to understanding the health of the groundwater basin, this bill creates a significant burden on property owners that will not provide the information necessary to lead to sustainable decision making.

The Department of Water Resources is already mandated to develop Bulletin 118, which is the statewide update on groundwater basins. The report includes a thorough analysis of groundwater including a review of boundaries and hydrographic features, yield data, water budgets, well production characteristics, water quality, and development of a water budget for each groundwater basin. A more effective approach than this bill would be for the State to work with local districts and landowners to compile the existing data on extraction, recharge, and basin composition to get a complete analysis of what we know and do not know, then develop a plan to acquire the information necessary to fill the data gaps to enhance the existing mandate for Bulletin 118 and make that document even more useful.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 1067** without my signature.

California's drinking water protection program is recognized as a model program across the nation. Our system of developing Public Health Goals and Maximum Contaminant Levels to notify and protect our citizens has served drinking water customers of public water systems effectively for many years. This bill would alter that system by changing the standards to establish a Public Health Goal and consumer notification requirements for trihalomethanes and total haloacetic acids.

The current drinking water protection program establishes the Public Health Goal based on several health based factors including the impact on sensitive populations, long term health impacts, and cancer prevention. This bill elevates one specific sensitive population above all other criteria when establishing the Public Health Goal. This directive skews the



scientific process. Additionally, this bill has different notification requirements than other substances that have already established Public Health Goals. These different requirements could cause confusion among consumers and local water districts and add unnecessary additional expense without increasing consumer protection.

For these reasons I cannot sign this legislation.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 7th day of October 2005 at 1:20 p.m., of Senate Bills 57, 239, 455, 469, 610, 675, 695, 792, 820, and 1067 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

PAULA K. ROSSETTO
Assistant Secretary of the Senate

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 23** without my signature.

Senate Bill 23 would require the Employment Development Department (EDD) to forward a notice about eligibility and enrollment for Healthy Families and Medi-Cal programs to all employers for purposes of distributing the information to all employees.

I agree with the overall objective of this bill—to increase enrollment of eligible children in the Medi-Cal and Healthy Families programs. In fact, the budget I signed funds a more effective and targeted enrollment effort. At my direction, the Healthy Families certified application assistance program that has proven to be an effective means to successfully enroll eligible children in the Healthy Families and Medi-Cal programs has been reinstated. I am concerned that the approach in SB 23 would be inefficient and ineffective. SB 23 requires the widespread distribution of a mandated notice to all employers, regardless of whether the employees and their families already receive health coverage or qualify for these public programs. This approach is not strategically designed to focus on the harder-to-reach and under enrolled populations.

This bill would require the Managed Risk Medical Insurance Board (MRMIB) to develop a process by which family contributions to the Healthy Families Program may be deducted from a financial account and a process for deduction from an applicant's pay. These regulations are unnecessary. MRMIB has had an electronic fund transfer mechanism in place for more than a year. In addition, MRMIB anticipates implementation of payroll deduction system in 2006.

Finally, this legislation does not include resources to fund the outreach, marketing, and additional reporting activities, activities that cannot be



absorbed by affected departments in light of current state budgetary constraints.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 72** without my signature.

While I support all efforts to ensure that English Learners attain English proficiency as rapidly as possible, this bill would appropriate \$20 million for supplemental instructional materials that is in addition to the \$30 million appropriation that was authorized a year ago. Despite being appropriated more than a year ago in the 2004–05 Budget Act, the funds are only now being apportioned to school districts this month, with the final apportionment to arrive in the spring of next year. Clearly, the additional \$20 million appropriated in this bill is premature. It would be more prudent to determine whether the materials school districts eventually purchase are, in fact, effective in helping students gain English language proficiency before authorizing an additional \$20 million.

For this reason, I cannot support the bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 266** without my signature.

I recognize the critical importance of trauma care in California. I provided \$10 million in the 2005–06 Budget to address priority concerns such as securing on-call physicians and promoting hospital surge capacity for times of emergency. Additionally, I directed the Emergency Medical Services Authority (EMSA) to ensure these funds target priority needs and do not supplant existing funding.

I don't want to wait until 2007 to have a report that can better inform California's policy on trauma care. I am directing EMSA, informed by its Trauma Advisory Committee, to complete its statewide trauma care plan and provide me recommendations by no later than June 1, 2006.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 360** without my signature.

This bill is intended to prohibit unscrupulous operators from evading California laws governing finance lenders and pawnbrokers, by disguising their transactions as sale and leaseback transactions. Rather than regulating this type of transaction, this bill would ban this type of consumer loans and create a higher civil legal standard than other consumer lending laws. By banning such loans, this bill restricts a type of loans that are available to consumers with poor credit and who often have few other avenues for obtaining loans. This bill could hurt the very people it was designed to help.

In order to protect consumers, I am instructing the Department of Corporations to develop a proposal that ensures that consumers of "sale and leaseback" loans are afforded the same protections as offered by California's current lending laws on other loan types.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 499** without my signature.

While I share the author's concern about the significant impact a hospital closure has on a local community, the report required by this bill will not stop a hospital from closing. SB 499 would force distressed facilities to divert scarce resources away from the critical functions of providing care and keeping the hospital doors open and instead use those resources to draft a report that would be of limited value to the community. While such a report may provide more information to the county and the local emergency medical service agency, it will not change the underlying problem that is leading to the decision to eliminate or terminate service and it lacks any enforcement mechanisms. Current law already requires hospitals that are reducing or eliminating their provision of emergency services to provide at least 90 days' notice to the State, county, and the general public. Moreover, current law also requires counties to provide the State Department of Health Services an impact report any time a hospital decides to reduce or eliminate emergency services, thereby making this bill somewhat duplicative.

This legislation does not fix the problem it is trying to address and would not prevent a hospital from closing.

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 645** without my signature.

This bill is substantially similar to Senate Bill 427 that I vetoed last year.

The establishment of a new commission is not necessary. The Legislature and the Administration can create commissions to advise them without the need for legislation. As I stated last year, the Legislature and the Administration have many resources to advise them on the issues that this commission is being created for.

For these reasons I am returning Senate Bill 645 without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 658** without my signature.

This bill seeks to impose a new \$6 tax on all cars in the counties of Alameda, Contra Costa, Del Norte, Humboldt, Los Angeles, Marin, Mendocino, Monterey, Napa, Orange, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, and Ventura and does so without a two-thirds vote of the people. While the goal of the program to increase funds to mitigate the effects of traffic congestion is a worthy proposal to consider, I do not believe these fees should continue to be added without the approval from the people upon whom the fee is imposed.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 680** without my signature.

This bill seeks to impose a new \$5 tax on all cars in Santa Clara County and does so without a two-thirds vote of the people. While the goal of the program to increase funds for transportation infrastructure is laudable and vitally needed, I do not believe these fees should continue to be added without the approval from the people upon whom the fee is imposed.

In this year's budget, I proposed the full funding of Proposition 42 for the first time since its passage in 2002. The additional \$1.3 billion from Proposition 42 is just a fraction of the funds needed to relieve California's congested freeways and improve our roadways. Finding new funds for California's fractured infrastructure is a top priority; however, this



piecemeal approach that does not allow for a vote of the people is not the right way to accomplish the goal.

For these reasons, I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 869** without my signature.

In home health education and outreach programs for low income first-time expectant mothers and their families have been shown to improve the health and development of young children. There are many approaches to home visiting programs, both in terms of duration and the types of professionals providing the service. While I support services to help improve the healthy development of young children, I also believe that a single model may not be the best approach in the diverse communities around this state, both in terms of the appropriateness for the individuals to be served as well as the cost of providing these types of services. Currently some communities have adopted the approach outlined in this legislation, while others are providing similar services through other strategies.

Because of the unique needs of our diverse communities, I would encourage the author to work with First 5 California and the local First 5 Commissions since many of these organizations already fund similar programs. Together they may identify other sources of stable funding that would help facilitate the discussion regarding the possible creation of such programs around the state.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 1086** without my signature.

One of my Administration's top priorities is to preserve our state's cultural and natural resources. Last year my budget contained an increase of over \$46 million in General Fund for programs in the Resources Agency intended to preserve and restore our natural environment. Last year I signed legislation creating the Ocean Protection Council, the 25 million acre Sierra Nevada Conservancy, regulating and restricting bottom trawling, and my Administration facilitated the permanent preservation of



the 82,000 acre Hearst Ranch including 18 miles of pristine coastline along scenic Highway 1.

This bill extends through July 1, 2011, a funding formula in statute which has not been followed for the past 5 out of 8 years. These funding priorities established in 1998 may no longer reflect the top priorities of the state, like flood control and levee restoration, ocean and resource protection, and water quality issues, to name a few.

My administration continues to work with stakeholder groups developing a plan for a sustainable Resources Agency budget. The tidelands oil revenues are just one source of funding available to make this long awaited goal a reality.

My preference is to work with the Legislature in the budget process to determine appropriate spending priorities, both short term and long term, for this revenue source.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 7th day of October 2005 at 4:45 p.m., of Senate Bills 23, 72, 266, 360, 499, 645, 658, 680, 869, and 1086 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

PAULA K. ROSSETTO
Assistant Secretary of the Senate

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 399** without my signature.

This bill would authorize health care providers who treat Medi-Cal patients injured by a third party to claim reasonable charges from the liable third party, rather than the Medi-Cal reimbursement rate. This bill would also extend counties' current lien rights against judgments to also include settlements, compromises, arbitration awards, mediation settlements, and any other recovery obtained.

Last year, I vetoed a similar bill, Senate Bill 494. I did so because I was concerned that the measure would encourage litigation and fail to keep in check medical charges.

I understand that health care providers should be reasonably compensated for services they provide, but this bill proposes a solution that provides for inflated medical and settlement costs; the impact of which will be borne by consumers in the form of higher insurance premiums.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 429** without my signature.

This bill would require the Department of Health Services to convene a public advisory group to assist in the development of standards for freshwater bathing. The department would be required to report these standards directly to the Legislature.

The Department of Health Services, in conjunction with their local government partners the California Conference of Directors of Environmental Health, already developed freshwater bathing standards. These standards are on the Department's website and can be used by any local jurisdiction to protect public health by regulating access to freshwater bathing areas that do not meet these standards. I encourage the Legislature to go to the website to review these guidelines.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 485** without my signature.

This bill would shift to the state the fiscal responsibility of funding special education out-of-home care costs—currently estimated at \$7.7 million—from county excess Educational Revenue Augmentation Funds (ERAF), despite the significant amounts of local revenue accumulated by certain county treasuries. Special education out-of-home care costs for county residents have historically been funded with ERAF. Further, it is my understanding that the affected counties have over \$100 million in obligated ERAF available at this time. We can revisit this issue in the context of next year's budget. I encourage the interested parties to sit down with the Department of Finance to resolve this issue in a manner equitable to both the state and the county.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

This bill allows the City of Palm Springs to circumvent state law that requires cities to seek the approval of their voters prior to selling a public utility. The requirement for a vote on the sale of an asset is extremely important because the local taxpayers have invested significant tax dollars in the assets of the utility. The voters of Palm Spring previously rejected



the sale of their wastewater plant to a private company and deserve the chance to decide whether selling this asset to the Desert Water Agency makes sense.

For this reason I am returning **Senate Bill 557** without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 577** without my signature.

I support the worthy goal to improve the performance of State government agencies, while reducing the cost of government. The California Performance Review made over 1,200 recommendations in their report, and this bill takes a few of those recommendations related to fiscal practices in the state. Unfortunately, the overall impact of these particular recommendations, taken in isolation, will not result in any savings or reduced costs, but will increase mandated workload on departments without sufficient resources or offsetting savings.

In particular, requiring all State agencies to use the CalATERS automated travel system will result in higher administrative costs for some departments, including the State Controller, who oversees the system. The bill places new reporting and coordinating functions on the California Service Corps, which represent a substantial workload increase that will take away from their core mission. Finally, it requires the Department of Finance and the State Controller's Office to make recommendations for developing a fiscal management system. A similar proposal was already rejected by the Legislature in last year's budget process.

I continue to encourage all the agencies and departments to use the CPR recommendations as guideposts in ongoing efforts to improve accountability throughout state government.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 600** without my signature.

I care deeply about the health and welfare of all Californians. Science based research is essential to better understand how the three main factors: behavior, environment, and genetics, interact to influence our health.

While the intent of this measure is worthy, this bill does nothing more than require a study, and a flawed one at that. The bill will only provide a partial snapshot of chemicals present in tested participants without proper



context of what the presence of specific chemical means or how it interacts with other health factors. In response, Californians may take an action that is adverse to their health and the health of their family based on incomplete information. For example, despite the facts that health experts extol the virtue and benefits of breast feeding, a new mom may choose not to breastfeed her infant for fear that a small amount of chemicals in her body may transfer to the child, depriving the infant of nutrients, disease preventing antibodies, and a reduced risk of obesity.

Any biomonitoring program must be built on a sound scientific foundation in order to provide information that can be further evaluated to direct additional research. If the program is flawed in any manner, the resources we direct towards it would essentially be wasted.

Because a properly constructed biomonitoring program could yield useful data for researchers, I am directing my Secretaries of Health and Human Services and California Environmental Protection Agencies, working with our University and academic institutions, to develop a comprehensive approach to the laudable goals of this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 800** without my signature.

This bill is unnecessary and could result in the unintended consequences of additional roadway hazards. It requires motorists driving on a freeway to slow down or move over one lane of traffic upon the approach of stopped emergency vehicles or tow trucks.

Current law already requires motorists to slow to a speed that is safe for driving conditions. Furthermore, law enforcement experts caution that the requirement to shift lanes could cause additional emergency conditions for the driver changing lanes as well as other motorists on the road. Specifically, the California Highway Patrol is concerned that this bill's mandate could create chaotic and dangerous situations at crime and collision scenes on the state's freeways.

For these reasons I cannot support this measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 1050** without my signature.

One of the sacred tenets of our democracy is that every vote needs to be counted. The question this bill attempts to address is whether county elections officials should count a vote for a write-in candidate when the voter does not mark the voting space next to the write-in candidate's name. It does so by requiring that if the number of votes a qualified write-in candidate receives plus the number of undervotes (where no vote is recorded in a particular race) is equal to or greater than the number of votes garnered by the winner (in a single election) or the minimum number of votes needed to be elected (in a multi-winner election), then the write-in candidate can request that the undervotes be tallied at county expense. At that time, the clerk would discern the voter's intent.

This process will expand the number of manual hand recounts, which will lead to an unnecessary delay in completing the canvass and certifying election results. It will require county elections officials to review every mark on ballots even in situations where it is virtually impossible for the candidate challenging the vote to prevail.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 7th day of October 2005 at 7:15 p.m., of Senate Bills 399, 429, 485, 557, 577, 600, 800, and 1050 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Tracy Fujii.

DAVID VALVERDE
Chief Assistant Secretary of the Senate

Governor's Office, State Capitol
October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 576** without my signature.

I fully support efforts to help Californians stop smoking. Due to a successful aggressive anti-tobacco campaign, California's smoking rate has decreased to 15.4 percent, a 32.5 percent decline since 1988. California is second only to Utah in terms of having the fewest smokers.

A key priority of my Administration is to increase access to affordable health insurance. An independent analysis of SB 576 by the University of California's Health Benefits Review Program indicates that this bill would impose costs of \$77 million on employers, plans and individuals but only



increase the utilization of the benefit by two-tenths of one percent. Additionally, while more than 55% of insured Californians already have tobacco cessation coverage; only ten percent of smokers trying to quit utilize the benefit.

This bill reflects a difficult policy choice: focus on providing access to affordable health insurance products that an average Californian can purchase or impose a mandate that every person or employer that pays for health insurance pays a higher premium to cover costs for a universally offered tobacco cessation benefit.

Mandating coverage is not the appropriate approach to take at this time. I believe we should build upon California's anti-smoking success and encourage plans to get more smokers to utilize existing tobacco cessation benefits and persuade additional plans to include tobacco cessation benefits on a voluntary basis. I invite the sponsors of SB 576 and the healthcare industry to work with my Administration through the Department of Health Services and the Department of Managed Health Care to challenge each other to develop affordable and efficient strategies that will further reduce smoking in California without increasing the cost of health insurance.

For the above reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 7, 2005

To the Members of the California Senate:

I am returning **Senate Bill 970** without my signature.

Under current law, a district loses the average daily attendance funding for students attending charter schools, but then does not recover that funding, in the prior year, if the students return to a non-charter school in that district. This bill was intended to address declining enrollment funding adjustment for students that transfer between charter and non-charter schools within a district. However, I am concerned that this bill is drafted in a way that may inadvertently create double funding issues. I am a strong supporter of charter schools and look forward to working with the author to address this important issue.

Therefore, I am unable to sign the bill at this time.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 7th day of October 2005 at 7:20 p.m., of Senate Bills 576 and 970 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pamela Oto.

DAVID VALVERDE
Chief Assistant Secretary of the Senate



COMMUNICATIONS AND REPORTS

The following communication was ordered printed in the Journal:
September 29, 2005

Mr. Greg Schmidt
Secretary of the Senate

Dear Mr. Schmidt: Please be advised that the Assembly and Senate contingents of the Joint Committee on Rules voted on August 25, 2005, and August 31, 2005, respectively, and approved the following item:

- Press Credentials for the 2005–06 Legislative Session (14–0)

Please ensure that this action is printed in the appropriate Senate publications.

Sincerely,

CINDY MONTAÑEZ, Chair
Joint Committee on Rules

The following reports were ordered printed in the Journal:

A report dated: July 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the California Environmental Protection Agency and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: August, 2005, relating to Property Tax Apportionments for 2004, was received from the California State Controller and transmitted to the Committee on Revenue and Taxation.

A report dated: August 10, 2005, relating to the Tandem Mass Spectrometry Project was received from the Department of Health Services and transmitted to the Committee on Health.

A final report dated: August 15, 2005, relating to the Mentally Ill Crime Reduction Grant Program, was received from the Correction Standards Authority and transmitted to the Committee on Public Safety.

A report dated: August 16, 2005, relating to the California School Age Families Education Program (Cal-SAFE), was received from the California Department of Education and transmitted to the Committee on Education.

A report dated: August 19, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the California Community Colleges and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: August 22, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the California Environmental Protection Agency and transmitted to the Committee on Government Modernization, Efficiency and Accountability.



A second quarter report dated: August 24, 2005, relating to the Seismic Safety Retrofit Program (April 1–June 30, 2005), was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

A report dated: August 24, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Board of Equalization and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: August 24, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Public Utilities Commission and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: August 26, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the California Energy Commission and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: August 29, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the California Unemployment Insurance Appeals Board and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: August 30, 2005, relating to Actuarial Valuation for June 30, 2004 was received from the California State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

A report dated: August 31, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Department of Veterans Affairs and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

An annual report dated: August 31, 2005, relating to the Placer County EMS Fund, FY 2003–04, was received from the Placer County Department of Health and Human Services and transmitted to the Committee on Health.

A report dated: September 1, 2005, relating to CalVet Insurance Plans was received from the Department of Veterans Affairs and transmitted to the Committee on Veterans Affairs.

A report dated: September 6, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Department of Insurance and transmitted to the Committee on Government Modernization, Efficiency and Accountability.



A report dated: September 7, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Department of Food and Agriculture and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: September 7, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Victim Compensation and Government Claims Board and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: September 8, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the California State Teachers' Retirement System and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: September 8, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Victim Compensation and Government Claims Board and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: September 12, 2005, relating to The 21st Century Community Learning Centers for High Schools, was received from the California Department of Education and transmitted to the Committee on Education.

An annual report dated: September, 12, 2005, relating to School Safety and Violence Prevention Act, was received from the California Department of Education and transmitted to the Committee on Education.

A Title Summary report dated: September 13, 2005, relating to Initiative Title and Summary (Revised per Court Order) Marriage. Elimination of Domestic Partnership Rights. Initiative Constitutional Amendment (Amdt. #2-NS), was received from the Department of Justice and transmitted to the Committee on Rules.

An audit report dated: September 13, 2005, relating to The Department of Corrections Contracting Practices For Private Community Correctional Facilities (CCFs) was received from the California State Auditor and transmitted to the Committee on Rules.

A report dated: September 16, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Air Resources Board and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: September 16, 2005, relating to the Mathematics and Professional Development Program, was received from the California Department of Education and transmitted to the Committee on Education.



An annual report dated: September 16, 2005, relating to the Health Care Provider Bill of Rights was received from the Insurance Commissioner and transmitted to the Committee on Insurance.

A report dated: September 16, 2005, relating to Consequences, Benefits, and Disadvantages of Imposing a State Tax on Revenue Generated License Gambling Establishments, was received from the Gambling Control Commission and transmitted to the Committee on Governmental Organization.

A final report dated: September 16, 2005, relating to the Principal Training Program for 2005, was received from the California Department of Education and transmitted to the Committee on Education.

A report dated: September 19, 2005, relating to the Employment Status of Californians with Disabilities, was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

An audit report dated: September 21, 2005, relating to the Department of Motor Vehicles, was received from the California State Auditor and transmitted to the Committee on Rules.

A report dated: September 22, 2005, relating to the Election Calendar for 2006 Gubernatorial Election Cycle was received from the California Secretary of State and transmitted to the Committee on Elections and Reapportionment and Constitutional Amendments.

A report dated: September 23, 2005, relating to the Consulting Services Contract for FY 2004–05 was received from the Department of Justice and transmitted to the Committee on Judiciary.

A report dated: September 29, 2005, relating to Fraud Deterrence and Detection Activities was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

A report dated: September 29, 2005, relating to the 2004–05 Small Business/DVOBE's Contract Activity was received from the Department of Fair Employment and Housing and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

An audit report dated: September 30, 2005, relating to the Department of Motor Vehicles, was received from the California State Auditor and transmitted to the Committee on Rules.

A report dated: October 3, 2005, relating to the Arbitration Certification Program For Years 2003 & 2004, was received from the Department of Consumer Affairs and transmitted to the Committee on Business, Professions and Economic Development.



A report dated: October 3, 2005, relating to the Organized Crime in California 2004 was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: October 3, 2005, relating to the 2004–05 Small Business/DVOBE’s Contract Activity was received from the California Department of Education and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

Notice of a delayed report dated: October 11, 2005, relating to the 2004–05 Small Business/DVOBE’s Contract Activity was received from the California Veterans Board and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

PAULA K. ROSSETTO, Minute Clerk

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