

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE JOURNAL

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## IN RECESS

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Senate Chamber, Sacramento  
Monday, October 15, 2007  
PERATA, Chair

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 12, 2007

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

SCR 52	SCR 58	SCR 61
SCR 62	SCR 65	SCR 66

Above resolutions ordered enrolled.

Assembly Chamber, September 12, 2007

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

SB 145	SB 562	SB 608	SB 1040
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And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 12, 2007

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

ACR 76	ACR 77	ACR 78
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### FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 76:** Relative to Dyslexia Awareness Month.

**Assembly Concurrent Resolution 77:** Relative to Mendez v. Westminster



**Assembly Concurrent Resolution 78:** Relative to Relative to California Bike Week.

Assembly Chamber, September 12, 2007

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1427	AB 1663	AB 484	AB 241
AB 1438	AB 1669	AB 773	AB 295
AB 1470	AB 1673	AB 1053	AB 658
AB 1473	AB 1689	AB 1091	AB 765
AB 1481	AB 1728	AB 1612	AB 771
AB 1488	AB 1739	AB 1736	AB 888
AB 1792	AB 3	AB 1749	AB 941
AB 1494	AB 5	AB 48	AB 1328
AB 1531	AB 112	AB 101	AB 1381
AB 1540	AB 234	AB 176	
AB 1560	AB 335	AB 198	
AB 1613	AB 373	AB 233	

E. DOTSON WILSON, Chief Clerk of the Assembly

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

Senate Chamber, September 12, 2007

Mr. President: The Committee on Rules has examined:

SB 14	SB 339	SB 557	SB 783
SB 20	SB 382	SB 565	SB 832
SB 103	SB 384	SB 594	SB 880
SB 134	SB 385	SB 601	SB 886
SB 178	SB 386	SB 652	SB 892
SB 184	SB 391	SB 686	SB 945
SB 190	SB 428	SB 707	SB 956
SB 193	SB 470	SB 729	SB 1017
SB 259	SB 472	SB 753	SB 1039
SB 260	SB 511	SB 754	
SB 320	SB 549	SB 756	

And reports that the same have been correctly enrolled, and presented to the Governor on the 12th day of September, 2007, at 4 p.m.

PERATA, Chair

Senate Chamber, September 12, 2007

Mr. President: The Committee on Rules has examined:

SB 5	SB 114	SB 387	SB 771
SB 13	SB 116	SB 408	SB 803
SB 17	SB 171	SB 418	SB 836
SB 18	SB 235	SB 537	SB 941
SB 99	SB 316	SB 568	

And reports that the same have been correctly enrolled, and presented to the Governor on the 12th day of September, 2007, at 4 p.m.

PERATA, Chair

Senate Chamber, September 14, 2007

Mr. President: The Committee on Rules has examined:

SB 419	SB 690	SB 767	SB 861
SB 449	SB 719	SB 829	SB 966
SB 645	SB 734	SB 839	SB 1029
SB 661	SB 735	SB 854	SB 1049
SB 666	SB 764	SB 859	

And reports that the same have been correctly enrolled, and presented to the Governor on the 14th day of September, 2007, at 4 p.m.

Senate Chamber, September 14, 2007

Mr. President: The Committee on Rules has examined:

SB 23	SB 121	SB 263	SB 345
SB 34	SB 132	SB 276	SB 373
SB 35	SB 211	SB 280	SB 539
SB 93	SB 226	SB 282	
SB 104	SB 248	SB 299	
SB 105	SB 250	SB 340	

And reports that the same have been correctly enrolled, and presented to the Governor on the 14th day of September, 2007, at 4 p.m.

PERATA, Chair

Senate Chamber, September 18, 2007

Mr. President: The Committee on Rules has examined:

SCR 52	SCR 55	SCR 58	SCR 61
SCR 62	SCR 65	SCR 66	SJR 13

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 18th day of September, 2007, at 2 p.m.

PERATA, Chair

Senate Chamber, September 18, 2007

Mr. President: The Committee on Rules has examined:

SB 555	SB 815	SB 936
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And reports that the same have been correctly enrolled, and presented to the Governor on the 18th day of September, 2007, at 2 p.m.

PERATA, Chair



## Senate Chamber, September 19, 2007

Mr. President: The Committee on Rules has examined:

SB 2	SB 94	SB 241	SB 660
SB 7	SB 120	SB 275	SB 701
SB 10	SB 123	SB 281	SB 733
SB 22	SB 137	SB 405	SB 868
SB 44	SB 139	SB 474	SB 1036
SB 45	SB 210	SB 520	
SB 65	SB 219	SB 533	
SB 70	SB 220	SB 534	

And reports that the same have been correctly enrolled, and presented to the Governor on the 19th day of September, 2007, at 11:45 a.m.

PERATA, Chair

## Senate Chamber, September 20, 2007

Mr. President: The Committee on Rules has examined:

SB 1	SB 518	SB 785	SB 942
SB 63	SB 586	SB 801	SB 943
SB 95	SB 614	SB 812	SB 962
SB 232	SB 622	SB 826	SB 976
SB 238	SB 650	SB 851	SB 1001
SB 306	SB 667	SB 862	SB 1002
SB 406	SB 717	SB 883	SB 1021
SB 430	SB 720	SB 898	SB 1046
SB 431	SB 730	SB 906	
SB 451	SB 777	SB 929	

And reports that the same have been correctly enrolled, and presented to the Governor on the 20th day of September, 2007, at 10 a.m.

PERATA, Chair

## Senate Chamber, September 20, 2007

Mr. President: The Committee on Rules has examined:

SB 172	SB 425	SB 703
SB 742	SB 1048	

And reports that the same have been correctly enrolled, and presented to the Governor on the 20th day of September, 2007, at 3 p.m.

PERATA, Chair



State Capitol, October 9, 2007

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

Appointed Ms. Eleni Tsakopoulos-Kounalakis of San Francisco as a member of the California Children and Families Commission to serve for a term ending December 12, 2010.

Appointed Ms. Deborah Schoenbaum of Novato to serve as an alternate for Commissioner Mary Shallenberger on the California Coastal Commission. Ms. Schoenbaum will serve at the pleasure of the Rules Committee.

Appointed Ms. Elizabeth Lasensky of Menlo Park as a member of the Court Reporters Board to serve for a term ending June 1, 2011.

Appointed Mr. Mohamed Suleiman of Tracy as a member of the International Genocide Memorial Commission to serve at the pleasure of the Rules Committee.

Appointed Ms. Cherri Allison of Oakland as a member of the Domestic Violence Program Advisory Council, Office of Emergency Services to serve at the pleasure of the Rules Committee.

Reappointed Ms. Ta-Lecia Arbor of Los Angeles as a member of the Baldwin Hills Conservancy Governing Board to serve for a term ending October 9, 2009.

Appointed Ms. Angela Acosta of Whittier as a member of the Student Opportunity and Access Program Project Grant Advisory Committee to serve at the pleasure of the Rules Committee.

Appointed Mr. Javier Stauring of Hawthorne and Mr. David Steinhart of Mill Valley as members of the State Commission on Juvenile Justice to serve at the pleasure of the Rules Committee.

PERATA, Chair

#### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
September 19, 2007

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective September 19, 2007, the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Michael A. Kelley	Commissioner of Financial Institutions, Business, Transportation and Housing Agency
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R. Judd Hanna	Member, Fish and Game Commission
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Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol  
September 26, 2007

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment or reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Robert G. Doyle, former sheriff and coroner, Riverside County Sheriff's Department. Appointed 08/29/07. Effective 08/29/07.

Commissioner, Board of Parole Hearings, vice Phillip S. Inglee, term expired, term ending 07/01/10.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol  
September 25, 2007

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Samuel S. Wakim

Member, California Regional  
Water Quality Control Board,  
North Coastal Region

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol  
October 9, 2007

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment or reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

John C. Harris, Chair and Chief Executive Officer, Harris Farms, Incorporated; served on the Horse Racing Board since 2001. Appointed 09/07/07. Effective 09/07/07.

Member, California Horse Racing Board, term ending 07/26/2011.

Above appointment referred to the Committee on Rules.



**SIGNING MESSAGES FROM THE GOVERNOR**

October 11, 2007

*To the Members of the California Senate:*

While I am signing Senate Bill 962, as it complements the work of the California Institute of Regenerative Medicine and will promote stem cell research, I believe follow up legislation is needed to make important technical changes. Specifically, follow up legislation is needed to provide the Department of Public Health authority for the collection and storage of cord blood as well as to tighten requirements to minimize potential General Fund pressure.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 12, 2007

*To the Members of the California Senate:*

While I am signing Senate Bill 667, it is my expectation that the appropriation included in this bill to authorize additional funding for operation of the Palomar Mountain Elementary School is on a one-time basis only. I encourage the Valley Center-Pauma Unified School District to make other arrangements in the future, if maintaining instruction at the current site cannot be absorbed within the district's normal operating revenues.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 13, 2007

*To the Members of the California Senate:*

I am signing Senate Bill 45: 1) to address constitutional issues so that the Legislature can pass a new act, with urgency, in 2008 and, 2) to allow legal actions filed prior to July 1, 2007 to still have standing in the courts. When I signed Assembly Bill 1525 earlier this year, it was with the understanding that the Legislature would pass legislation in 2007 that would reform the broken and abysmal set of laws that governed this program. Unfortunately, the Legislature was unable to come to a consensus to do so.

In January of this year, my Administration and Senator Perata's staff agreed to work cooperatively on a new reform act that would be carried in Senate Bill 823. My Administration participated in countless meetings to help craft an acceptable measure and provided comprehensive amendments—most were not accepted. Unfortunately, it became clear during that time that any attempt to build upon a broken body of law would, in fact, result in a more cumbersome and unacceptable proposal.

Consequently, my Administration proposed a new statutory foundation that is now contained in Assembly Bill 1182 so that the Department of Consumer Affairs can confidently administer the private postsecondary



program with success and effectiveness. Assembly Bill 1182 used the Oregon and Florida statutes, both nationally recognized programs, as a framework for the new Act—not the former California Act that had so many problems. Both Florida and Oregon’s programs are well respected and have often been cited as national models for private postsecondary oversight programs. I remain hopeful that this becomes the framework that the Legislature will use to work with the Administration to craft an acceptable new Act.

I have previously indicated that a reform act must:

- provide Californians with educational and vocational options in the private sector;
- protect students from illegal, unscrupulous or unethical practices;
- encourage students to make informed decisions; and
- provide a streamlined approval process for schools.

A new Act must be easily read and understood by the schools, so that they are clear about their obligations; by students, so that they know their rights; and by regulators, so they can effectively enforce the law. It should not be an act drafted so that attorneys can prosper under the guise of being student advocates. Therefore, I want to be very clear that I will not sign a bill that simply builds upon the problems of the former private postsecondary act. The problems that plagued the old act and, consequently the administration of the program, have been well documented and should be rethought or eliminated.

I truly believe that private postsecondary education provides valuable options to California’s students and will only help strengthen our economy with a well trained and educated workforce. I remain hopeful that everyone involved will continue to work diligently to ensure that our goals are met and that a new California Private Postsecondary Act will be passed in early 2008.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Governor’s Office, State Capitol

October 14, 2007

*To the Members of the California Senate:*

I am signing Senate Bill 601 recognizing that additional technical clean up is necessary to ensure that pupil physical fitness in schools is appropriately assessed. It is my understanding that the author has agreed to work with my Administration to address these concerns.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Governor’s Office, State Capitol

October 14, 2007

*To the Members of the California Senate:*

I am signing Senate Bill 666 because it would require proprietary private security officers to complete security officer skills training and require the





Bureau for Security and Investigative Services (Bureau) to develop a curriculum for this training with the assistance of an advisory committee. However, I am signing this bill with the expectation that the Legislature will provide the Bureau the legal authority to enforce these requirements.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 14, 2007

*To the Members of the California Senate:*

I am signing SB 990 which would specify the basis of cleanup standards to be used at the Santa Susana Field Laboratory property in Ventura County, California. The cleanup of this property is needed to protect the health of residents in adjacent communities.

The Boeing Company (Boeing) has signed, together with the California Environmental Protection Agency and the Resources Agency, a Letter of Intent (LOI) regarding the transfer of the property to the State, after extensive cleanup and at no cost to the State, for park, recreational or open-space use. The LOI outlines the elements of a legally binding land transfer agreement, to be developed and entered into by Boeing and the State, which would include the following key requirements:

1) Boeing would be required to clean up the Santa Susana Field Laboratory Property, prior to transfer to the State, to levels which would be acceptable for residential use and which would protect individuals living in the vicinity of the property; and

2) The property could not be used in the future for residential, agricultural, commercial, industrial or other uses, except for park, recreational or open-space uses.

To make this transfer possible, the author has agreed to carry clean-up legislation in 2008 to allow the transfer to the State of the Santa Susana Field Laboratory property after property cleanup under the terms of a written agreement that makes the elements of the LOI legally binding.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 14, 2007

*To the Members of the California Senate:*

I am signing Senate Bill 976 to create the San Francisco Bay Area Water Emergency Transportation Authority. This new entity will be responsible for the coordinated response for the water ferry transportation system in time of emergency or disaster.

While I support this bill and its goals, many issues remain to be concluded to their ultimate resolution including implementation, scope of authority, and operations. These issues must be resolved in an equitable manner for the operators and passengers, both current and future. The Legislature has committed to providing that equity and I am signing this



bill based on that commitment to the Bay Area. I urge the Legislature and the new created authority to work with Bay Area cities, ferry operators, commuters, and all other interested parties to ensure that equity is provided in the appropriate manner.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

#### VETO MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
October 5, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 93** 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.

I have vetoed nearly identical legislation twice before out of concerns that the proposed language would encourage litigation and fail to keep in check medical charges. The proponents of this year's bill have done nothing to address these concerns. As such, I am again returning this measure without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 5, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 103** without my signature.

During my administration, I have been committed to openness in government operations and the public's right to know how government spends their money. However, this bill does not offer any additional information of significance that is not already provided to the public by existing law. Local governments already provide sufficient information about the amount and timing of payments (or forgone revenue) at the time the decision is made to grant an economic development subsidy. Such decisions must be made in open meetings and all documents are subject to public review. Existing procedures already ensure that the public is informed about all decisions made by their local government representatives.

The multiple reports mandated by this bill add little value and will create costs to the General Fund in the millions of dollars. The approval processes



envisioned by this bill will likely result in major time delays in getting the economic assistance to deserving communities and citizens.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 5, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 533** without my signature.

While I am a strong proponent of prevention and support efforts to improve vaccine rates for children, I am unable to sign this bill as California's public health experts believe it is not needed. The Department of Public Health can already require that young children receive the pneumococcal vaccine. California's vaccine experts have not established a mandate as they believe it is not needed. Approximately 86 percent of children are already being vaccinated under a voluntary system.

For this reason, I am returning this bill without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 5, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 964** without my signature.

It is of the utmost importance to ensure openness and transparency of local government decision making. This bill seeks to solve a perceived defect in the Brown Act addressed in the *Wolfe v. Fremont* legal decision. In its attempt to solve the issue, this bill imposes an impractical standard for compliance on local officials and could potentially prohibit communication among officials and agency staff outside of a public meeting.

I urge the Legislature to consider legislation next year that more judiciously addresses the problem of serial meetings that result in public policy decisions.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 5th day of October 2007 at 2:57 p.m., of Senate Bills 93, 103, 533, and 964 without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Mikhael Skvarla.

BERNADETTE McNULTY  
Assistant Secretary of the Senate



Governor's Office, State Capitol  
October 10, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 137** without my signature.

While I strongly support expanded access to health coverage for low-income children, I cannot support this bill as it lacks necessary funding and is a piece-meal solution. The best way for California to increase access to services for children with special health care needs is through comprehensive health care reform. Under my reform proposal, all low-income children will have access to the Medi-Cal or Healthy Families Program. Eligible children will have access to important case management services through the California Children's Services Program.

I encourage the author and proponent of this bill to work with me to enact comprehensive health care reform and provide necessary funding to better serve children with special medical needs.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 10, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 152** without my signature.

This measure would allow a forty-five percent increase in the number of gaming tables that certain card rooms may operate. As such, this bill creates a significant exemption to the current moratorium on expanding local gaming establishments. As a similar exemption was approved just two years ago, I do not believe it is appropriate to make another exemption at this time.

For this reason, I am returning this bill without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 10, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 259** without my signature.

This bill is similar to legislation I vetoed last year. As I said at that time, I believe that the sabbatical leave system encourages faculty of the California State University to strive for professional growth and academic excellence. However, I maintain my position that determining what benefits an employee receives during a sabbatical is a matter for collective



bargaining, not legislation. For this reason I am returning this bill without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 10, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 284** without my signature.

Last year, I vetoed a substantially similar bill (Senate Bill 1397). I continue to maintain that there is no evidence that the existing unregulated status of athletic trainers poses any threat to the public health and safety. While there may be a benefit to consumers by providing a distinction for certified athletic trainers, this bill places unnecessary regulatory burdens on the athletic training profession.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 10, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 652** without my signature.

This bill makes a credible effort to clarify the often contradictory and confusing guidelines for the naming of state highways and structures. However, the process outlined in this bill essentially cedes control of the placement of these types of signs on the state highway system to local officials based on the desire of just one state legislator who requests a sign. This method could result in an undesirable plethora of signs throughout our state.

Since these are state highways, any process devised must have the final authority for the placement of these signs reside at the state level, either in a full vote of the state Legislature or by actions taken by the Executive Branch. I encourage the Legislature to work on the development of guidelines that clarifies the naming process while maintaining the ultimate authority for the placement of these signs with the State of California.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 10, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 764** without my signature.

While I share the goal of ensuring all Californians have access to physician services, I am unable to sign this bill as its goal can be more effectively accomplished administratively. In fact, my Administration already has efforts under way, in the context of my comprehensive health care reform proposal to discuss and develop strategies to improve the diversity and capacity of this State's health care workforce.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 10, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 945** without my signature.

While I strongly support existing due process protections for low-income aged, blind or disabled persons served by the In-Home Supportive Services (IHSS) program, I can not support this bill as it is unnecessary. Existing regulations already allow an IHSS recipient to authorize another person to receive notices and/or file hearings on their behalf.

For this reason, I am returning SB 945 without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 10th day of October 2007 at 3:35 p.m., of Senate Bills 137, 152, 259, 284, 652, 764 and 945 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Mikhael Skvarla.

PAULA K. ROSSETTO

Assistant Secretary of the Senate

Governor's Office, State Capitol  
October 11, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 382** without my signature.

One of the most basic rights of any citizen is the right to vote. This is why current law provides a special exemption for new citizens to register to vote up to seven days before an election. This bill allows new citizens whose

naturalization ceremonies are held less than seven days before an election to register on the day of an election itself.

Allowing any group of people, regardless of the size of the group, to register and vote on the same day poses both logistical and security concerns. Voter registration deadlines are in place to provide elections officials a reasonable opportunity to verify registration information. The People of California recognized the importance of reasonable voter registration deadlines when they rejected Proposition 52 of 2002, which would have allowed for same-day registration.

As an immigrant myself, I understand how exciting and important it is for new citizens to participate in the democratic process. Thankfully, few naturalization ceremonies are conducted within seven days of an election. I encourage the proponents of this measure and the Secretary of State to work with the federal government to ensure this continues to be the case. Coordination between the state and federal government, not enacting a law that inadvertently opens the door to fraud, is the best way to help our state's newest citizens.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 11, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 406** without my signature.

Although I understand the author's desire to require uniform statewide criteria for the issuance of work permits, I believe that the determination of such criteria is best left to the discretion of local school boards. School boards are better suited to determine the standards that meet the unique circumstances of their students and their communities. Moreover, given the State's current fiscal condition it would not be prudent to approve a measure that results in significant reimbursable state mandated costs. Establishing voluntary statewide criteria that could be used as guidelines for school districts would provide necessary flexibility, without incurring the associated state costs.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 11, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 408** without my signature.

This bill would place a durational residency requirement on anyone wishing to circulate an initiative or referendum petition. By requiring





individuals wishing to participate in the initiative process to either be registered to vote or be residents of California for a prescribed period of time, this bill unfairly limits citizens' rights. Similar schemes in other states have been ruled unconstitutional.

Although I appreciate the proponents concerns with how the initiative process is sometimes utilized, I cannot support measures that are essentially a limitation of free speech.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 11, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 439** without my signature.

This bill would require, under specified conditions, the liberal construction of the law regarding write-in votes. The aim of this bill is to allow write-in votes to be counted if the intent of the voter can be determined regardless of whether the voter has complied with voting instructions such as filling in a bubble to indicate their desire to submit a write-in choice.

Although this bill requires liberal construction of the law in very limited cases, the bill does not specify how the voter's intent could be determined. If enacted, this bill would introduce subjectivity into the electoral process without providing any direction or guidance to elections officials.

The integrity of our electoral process depends upon clear and precise rules, and any effort to inject subjectivity and ambiguity into our election laws should be avoided. Requiring that a voter fill in the corresponding bubble for a write-in candidate is necessary for the efficient administration of the vote count, and imposes a very small burden on a voter.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 11, 2007

*To the Members of the California Senate:*

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

While I support the intent of this bill to encourage use of recycled materials, I do not believe the requirements in this bill would be a prudent use of scarce transportation funds. The Department of Transportation (Caltrans) already has policies and procedures in place to promote the use of recycled material whenever and wherever it is cost effective to do so. Caltrans' Standard Specifications enable contractors to use up to 100 percent recycled aggregate in projects provided it meets performance



specifications. Since recycled materials generally are less costly, contractors have a strong incentive to use as much recycled material possible under the state's competitive bidding process.

I believe it would be wasteful and unnecessary to require Caltrans to establish a tracking system to track use of recycled and virgin material on a project-by-project basis. These funds would be better utilized by investing in the building of transportation infrastructure.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 11, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 801** without my signature.

This bill would bring the Board of Chiropractic Examiners under the auspices of the Department of Consumer Affairs, pending approval by California's voters on the June 2008 ballot.

The Board of Chiropractic Examiners is currently working with the Department of Consumer Affairs to provide essential support services and correct any prior deficiencies. I do not feel it is necessary at this time to go through the expense of placing this measure on the ballot to essentially codify existing practice. I also do not support requiring the profession's licensing fees to pay for the costs of placing this measure on the ballot.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 11, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 803** without my signature.

I am in support of providing at-risk young adults the opportunity for employment and career development that the California Conservation Corps provides. The goals of this bill are admirable. However, during the selection process of projects and sponsors that use transportation enhancement funds, Caltrans must ensure that these projects and sponsors represent the best use of these limited funds. The criteria in this bill are overly broad.

I urge the Legislature to introduce and pass legislation that narrows the scope of eligibility for participating transportation enhancement projects and sponsors.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 15, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 861** without my signature.

Two years ago, I vetoed a substantially similar bill. I commend the efforts of the North Coast Railroad Authority over the last two years to clean up the environmental hazards along the rail line and bring closer the reality of the railroad actually performing again. However, these accomplishments do not change the reasons why I vetoed the previous bill.

Since the Authority will not receive any less money of the \$60 million in state Traffic Relief Plan funds 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.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 11, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 909** without my signature.

While I recognize the important work of school boards, this bill would allow school board members to reduce funding for direct classroom instruction in order to give themselves generous pay increases. To the extent possible, I believe funding should remain in the classroom to improve student achievement.

Furthermore, instead of doubling the maximum compensation at one time, as this bill would allow, current law already provides reasonable flexibility to governing boards to increase their own compensation, by not more than five percent annually, beyond the limits already established in statute.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 11th day of October 2007 at 2:55 p.m., of Senate Bills 382, 406, 408, 439, 735, 801, 803, 861 and 909 without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

PAULA K. ROSSETTO  
Assistant Secretary of the Senate



Governor's Office, State Capitol  
October 12, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 565** without my signature.

Since a position to oversee the management of the health service areas as specified in this bill has already been established for the Veterans Home at Yountville, this bill is unnecessary. Furthermore, the provisions of this bill clearly infringe on the Executive branch's authority to administer state agencies and programs. It is more appropriate for proposals for specific services such as specified in this bill to be submitted by the Department for consideration of inclusion in the annual Governor's Budget.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 12th day of October 2007 at 12:53 p.m., of Senate Bill 565 without the Governor's signature, together with a statement of his objection thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

BERNADETTE McNULTY  
Assistant Secretary of the Senate

Governor's Office, State Capitol  
October 12, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 622** without my signature.

Although this bill is intended to promote the worthy goal of ensuring employees are not intentionally misclassified as independent contractors, thus deterring employers from conduct which may give them unfair economic advantages against their competitors, this bill also creates new mechanisms and incentives for litigation where sufficient remedies already exist. In creating new and redundant exposure to litigation and sanctions, this bill may cause businesses to avoid use of the independent contractor model even where it may be appropriately utilized. This will ultimately contribute to a negative perception of California as an inhospitable business climate.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 12, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 936** without my signature.

In 2004, we enacted historic reforms that replaced a workers' compensation system fraught with inefficiencies and plagued by litigation with a system centered on objective medical findings and helping injured workers return to work. As a result, rates have dropped over 60 percent, employers have saved billions of dollars, and return-to-work rates have increased.

One of the reasons the reforms have succeeded is the change made to the way we determine a worker's permanent disability. A highly subjective system that encouraged litigation has been replaced by one that uses objective American Medical Association guidelines as the basis for determining the severity of a worker's injury.

Some have expressed concerns that this change has reduced benefits too severely. To that end, my Administration has conducted an extensive review of the data from both the new and old disability rating schedules to determine what, if any, changes need to be made to the new system so that injured workers receive appropriate benefits. This bill, on the contrary, arbitrarily doubles the number of weeks a person may be eligible to receive permanent disability benefits. It substantially increase costs for all permanent disability awards regardless of severity and without relying on empirical data to validate the increase. I cannot support making such arbitrary changes to the system we worked so hard to reform.

Instead, I am directing the Administrative Director of the Division of Workers' Compensation to finalize her review of the new schedule and commence rulemaking as soon as possible to make any changes deemed necessary.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 12, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 942** without my signature.

This bill attempts to address a legitimate problem in the workers' compensation system. Ensuring that injured workers have access to supplemental job displacement benefit vouchers in a timely manner is an essential component of our comp system.

Unfortunately, rather than addressing existing problems this bill will create more problems. The procedures proposed by this bill for the issuance of vouchers are vague and will encourage litigation over when the vouchers are to be issued and in what amount. We have worked too hard



to remove unnecessary litigation from the work comp system to now let it back in.

I encourage the proponents of this measure to work with employers, insurers, and the Division of Workers' Compensation to find a more appropriate solution to the problems with current law.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 12th day of October 2007 at 4:23 p.m., of Senate Bills 622, 936 and 942 without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

BERNADETTE McNULTY

Assistant Secretary of the Senate

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 669** without my signature.

This bill amends current law in an effort to ensure that continuous recreation corridors created as part of the Great California Delta Trail are eligible for grants and incentives made available by Proposition 84 and Section 75065(c) of the Public Resources Code.

That statute expressly allows these funds to be used for regional and local planning purposes to: 1) promote water conservation, 2) reduce automobile use and fuel consumption, 3) encourage greater infill and compact development, 4) protect natural resources and agricultural lands, and 5) revitalize urban and community centers.

My January 2007 Budget Proposal appropriated these funds to the Department of Conservation to develop, in cooperation with the Resources Agency and the Governor's Office of Planning and Research, planning incentives and programs to further the local and regional planning goals outlined in the bond. Unfortunately, the final adopted budget did not include these provisions.

By making continuous regional recreation corridors directly eligible for these local and regional planning funds, this bill is premature. It seems consistent with statute to make regional or local land use plans that incorporate regional recreation corridors as one of its components eligible for funding made available pursuant to Section 75065(c).

Making regional recreation corridors directly eligible for this funding deserves a broader policy debate as we work together to determine the best use of these funds in the future.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 678** without my signature.

This bill would allow the State to sell or lease certain real property. However, it does not contain an exemption from the California Environmental Quality Act (CEQA).

The Department of General Services is required by law to submit a bill to the Legislature to dispose of any surplus land by sale, lease, or exchange. This process has worked well for over a decade. Over the years, the State has been authorized to sell or exchange dozens of properties, generating millions of dollars for the State of California, and these transactions contained legislatively authorized exemptions from CEQA.

However, beginning in 2005, the Legislature has selectively chosen to add millions of dollars in potential costs to this process by applying CEQA requirements prior to the sale of the State property. Under the provisions of voter approved Proposition 60A, revenues generated from the sale of surplus property are to be used to reduce the debt from the Economic Recovery Bonds approved in March 2004. Instead of generating revenue for the State to pay down debt, the Legislature has effectively placed properties like these at risk of incurring additional cost of administration and potential litigation—costs that are eventually passed on to the taxpayer. As I have stated repeatedly over the past two years, there is no reason to apply CEQA to properties that are being sold. CEQA is properly applied when the use and zoning of real property is changed not when it is simply sold.

I would be willing to consider this bill in the future, should it contain the CEQA exemption. Until that time, I am unable to sign this measure.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 727** without my signature.

This bill, along with two others I am returning without my signature, would significantly expand California's workplace leave laws. While some expansion of existing law may have merit, these laws in combination are too expansive and also fail to recognize the need for reforms to current law.

California has the strongest employment leave and workplace protection laws in the country. While these laws have been enacted with the best of intentions, they have also caused much confusion for employers and employees. Unfortunately, many California-only standards in areas such as family leave, overtime, and meal and rest periods have been developed

haphazardly and have resulted in needless litigation that has created a perception that California is not friendly to business.

Instead of expanding the confusing network of laws that presently exist, employers and employees should be working together to eliminate confusion and create a system of workplace laws that protects workers, provides reasonable leave requirements, and offers both employers and employees flexibility to meet their respective needs.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 756** without my signature.

While I support the efforts to improve reliability and accuracy of eyewitness identifications, this bill goes too far in attempting to address the problems of unreliable eyewitness identifications.

This bill would mandate that the Department of Justice (DOJ) and the Commission on Peace Officer Standards and Training (POST) consider questionable recommendations from the California Commission on the Fair Administration of Justice and require all California law enforcement agencies to adopt whichever guidelines DOJ and POST choose.

Law enforcement agencies must have the authority to develop investigative policies and procedures that they can mold to their own unique local conditions and logistical circumstances rather than be restricted to methods created that may make sense from a broad statewide perspective.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 789** without my signature.

This measure would allow the Chino Valley Unified School District to sell land that was purchased using 50 percent state school construction bond funds and yet still retain 100 percent of the proceeds from the sale. The State Allocation Board is currently considering its authority to receive a refund of the site acquisition costs that the State provided. Until that issue is resolved, which may require legislation, I am reluctant to establish a precedent by signing this bill.

As a secondary concern, the bill also would allow the District to dispose of the portion of the school site that was approved by the California





Department of Education (CDE) and considered as necessary for the master plan capacity of the site. Again, this bill would set a precedent by which districts receive State funding for master plan capacity and later are able to dispose of the property and retain the proceeds.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 826** without my signature.

This bill would request the Regents of the University of California, acting through the California Subject Matter Projects, to carry out responsibilities for developing Native American instructional materials which are currently assigned to the State Librarian under existing law.

I am concerned that this bill could inadvertently further delay the efforts in the development of Native American instructional materials, be duplicative of current efforts and increase costs. Given that the State Library has already submitted draft materials for review to the Curriculum Development and Supplemental Materials Commission, work is already substantially underway, I encourage the State Library and the California Department of Education to finish the work, so that it can be appropriately considered within the forthcoming adoption cycle, as originally intended.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 828** without my signature.

This bill would require the State Fire Marshal, in conjunction with recognized statewide fire investigation entities, to update and amend on or before January 1, 2009, standards and procedures for accelerant dogs and their handlers.

This bill is unnecessary. CAL FIRE and the State Fire Marshal have existing authority to update their standards and certification requirements as they deem appropriate. Indeed, these standards were updated only five years ago.

Nonetheless, I am directing the State Fire Marshal to review the current standards and, if necessary, work with all interested stakeholders to update





and amend them to reflect the latest applicable fire investigative techniques.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 832** without my signature.

I am supportive of efforts to address the cost of college textbooks and share the concern that these education costs have an impact on the affordability of college for many students. However, this bill focuses strictly on textbook publisher policies and fails to recognize that the affordability of textbooks is a shared responsibility among publishers, college bookstores, and faculty members.

Therefore, instead of this bill, I am signing Assembly Bill 1548. Many of the same concepts in SB 832 are included in AB 1548, but AB 1548 recognizes the shared responsibility and attempts to address the issue in a more comprehensive manner.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 836** without my signature.

California has the strongest workplace laws against discrimination and harassment in the country. These laws provide workers necessary protections from unfair retaliation, discipline, and termination for matters unrelated to job performance.

Although I support these laws, expanding workplace protections to include something as ambiguous as "familial status" is not appropriate. This bill will not only result in endless litigation to try and define what discrimination on the basis of "familial status" means, it will also unnecessarily restrict employers' ability to make personnel decisions.

For these reasons, I am returning SB 836 without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 862** without my signature.

This bill would make a number of changes to state water reports and planning, mandate review of energy production under various water management strategies, and require review of urban and agricultural water management plans.

This bill would impose significant additional demands on the Department of Water Resources (Department) without also providing the necessary funding to carry out these responsibilities. Consequently, this bill's mandates could negatively affect the Department's ability to accomplish other core mission duties.

Additionally, this bill expands the current program requiring the filing of statements for surface water diversions and use. The State Water Resources Control Board has limited funding for water right administration and is not currently authorized to collect fees from those who file statements of diversion and use. As a result, the costs of administering these additional statements will be unfairly borne by existing water fee payers.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 13th day of October 2007 at 11:28 a.m., of Senate Bills 669, 678, 727, 756, 789, 826, 828, 832, 836, and 862 without the Governor's signature, together with statements 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 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 1** without my signature.

At a time when segments of California public higher education, the University of California and the California State University, are raising fees on all students attending college in order to maintain the quality of education provided, it would not be prudent to place additional strain on the General Fund to accord the new benefit of providing state subsidized financial aid to students without lawful immigration status. Under existing law, undocumented students, who meet the required criteria, already



qualify for the lower in-state tuition rate while attending California public colleges and universities.

Therefore, I cannot sign this bill.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 8** without my signature.

The California Bay-Delta Authority (CBDA) and various State and federal implementing agencies carry out programs, projects and activities necessary to implement the CALFED Bay-Delta Program (Program). This bill would add environmental justice as a new program element of the Program and require the Program implementing agencies, both individually and collectively, to implement the environmental justice program element.

The Record of Decision (ROD), which defines the Program, establishes certain program elements grouped into categories necessary to address four identified problem areas; ecosystem quality, water quality, water supply reliability, and levee system integrity. The ROD does not include environmental justice as a program element but, instead, expressly identifies environmental justice as an implementation commitment across all program areas. Federal law, similar to state law, requires federal agencies to work with state agencies to develop a comprehensive environmental justice work plan in order to fulfill the commitment to address challenges identified within the context of Program implementation in the original environmental justice work plan written in 2000.

I believe that federal and state environmental justice law and policy are sufficiently general, yet inclusive enough, to permit each agency to adopt and implement locally appropriate policies and procedures without devoting an entire new program element to the process. My administration will continue to work with environmental and community organizations to address environmental justice issues in the public forums that have been established for that purpose.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 18** without my signature.

This bill would require the expenditure of funds from the 2006 education bond in order to fund labor compliance programs run by either the awarding body or a third party.

A recent report by the Legislative Analyst Office detailed the problems with using labor compliance programs to enforce prevailing wage law. These programs are expensive and have generated a paltry number of complaints and violations. This measure fails to address any of the problems raised in the report but instead proposes to simply continue to fund these underachieving programs.

With the passage of the historic Strategic Growth Plan in 2006, some forty billion dollars worth of public works projects will be commenced in the coming years. It is imperative that we ensure this money is used in accordance with all applicable labor and prevailing wage laws. As such, we cannot rely on the failed enforcement schemes of the past. Rather, we must look at new ways to ensure every worker on every project is receiving the wages and benefits to which he or she is entitled. Although I cannot sign this measure, I am directing my Secretary of Labor and Workforce Development to work with all interested parties to achieve this goal.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 34** without my signature.

Current law requires the Delta Vision Blue Ribbon Task Force to consider various funding options for inclusion in a strategic financing plan for the Delta. That includes developing a stable revenue source to fund maintenance of levees located within the Delta. This, combined with the plans required by prior legislation, makes this bill unnecessary.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 35** without my signature.

I am supportive of the joint-use facilities projects when they actually encourage creative mutually beneficial relationships between school districts and community partners. However, I am concerned that this bill



would expand the Joint-Use Facilities Program (Program) without ensuring that any additional funding will be available for its purposes.

Furthermore, the Program's intent to fund joint-use ventures with equal local and State contributions could be undermined if joint-use partners were able to contribute something other than fiscal resources, such as equipment with a 10-year useful life, where as the State share of the project is being funded with 30-year General Obligation Bonds.

Finally, any changes to the Program should be debated within the context of a future bond measure, to assure that these projects are not funded at the expense of other educational facility priorities.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 44** without my signature.

While I believe that California should do more to develop quality teachers in the state, I vetoed a bill similar to this one last year because it was essentially duplicative of currently funded programs that assist with the recruitment and retention of teachers. Furthermore, the 2007 Budget Act does not include funding for these particular purposes, but this bill creates ongoing cost pressures estimated in the millions of dollars in order to implement.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 63** without my signature.

While I support access to information that helps inform consumer choices, I cannot sign this bill as it is pre-empted by federal law. Federal law prohibits states from enacting labeling requirements for meat and poultry that are in addition to those federally established. Further, I am concerned that this bill would require tracking and labeling requirements that could be unworkable, costly and unenforceable.

For these reasons, I cannot sign this bill.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 65** without my signature.

I certainly support the sponsor's stated goal of the bill—to increase the number of students who graduate from colleges and universities with science, technology, engineering, and math (STEM) degrees. It is vital not only for our economy, but also for our communities, to have populations of STEM discipline students and teachers which are more reflective of California's diversity. However, this bill requires \$3 million from the General Fund—dollars that were not allocated as part of the Budget Act of 2007. Therefore, it would not be prudent to approve this measure at this time.

I look forward to a discussion next year with interested parties to see how we can more appropriately accomplish our shared goal of ensuring that our STEM students and teachers better reflect the great diversity of our state.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 171** without my signature.

This bill, which imposes a one-size fits all mandate on hospitals to establish a "zero lift" patient handling policy, is similar to measures I have vetoed the last three years. While I continue to support the goal of reducing workplace injuries, I remain convinced that this inflexible mandate is a poor alternative to giving hospitals the flexibility needed to achieve this goal in the manner that most efficiently addresses each hospital's needs and resources.

For this reason, I am returning this bill without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 13th day of October 2007 at 11:29 a.m., of Senate Bills 1, 8, 18, 34, 35, 44, 63, 65, and 171 without the Governor's signature, together with statements 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 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 226** without my signature.

This bill is substantially similar to a bill that I vetoed last year. Instead of directly repealing one method in which a person can become a real estate broker as last year's bill did, this bill attempts to revise the method via a regulatory route. There is no more evidence this year than last that this licensing method has harmed consumers in the over thirty years it has been in statute.

While I cannot sign the bill, I do support one aspect of the bill. I urge the Legislature to consider legislation next year that authorizes the Department of Real Estate Commissioner to require real estate brokers and salespersons to display his or her license number on consumer first contact materials.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 451** without my signature.

Last year I signed AB 1969 (Yee, Chapter 731, Statutes of 2006), which created standard contracts for the purchase of renewable power generated by public water and wastewater agencies. Subsequent to the enactment of AB 1969 and using their existing authority, the California Public Utilities Commission (CPUC) expanded this program to include other smaller scale renewable electricity generators.

The purpose of signing AB 1969 and the CPUC actions was to create a standard program for the purchase of clean and renewable electricity which will promote additional investment and development of these projects. Although SB 451 intends to appropriately expand this concept to all renewable electricity generators, it contains provisions which have the unintended consequence of actually stifling further development in this arena.

An analysis of this bill, overlaid by existing statute and the current regulatory scheme adopted by the CPUC, suggests that the provisions of this measure, if signed, would have the effect of allocating the entirety of the Renewable Energy Credits created by a renewable electricity generator to the Investor-Owned Utility that buys their electricity. As a result, environmental attributes such as air quality and greenhouse gas reductions would accrue solely to the utility, even if a renewable generator exports only a small part of their total generation to the utility.

Because of past and present efforts to improve air quality and reduce greenhouse gas emissions, markets for toxic air contaminant and carbon





emission reduction credits are currently being developed. The value and availability of these credits plays an important role in the analysis undertaken by a renewable energy developer to determine whether, and at what size, a project is financially viable.

The provisions of this bill would automatically transfer ownership of these credits once a renewable generator sells any amount of electricity to the Investor-Owned Utility. A proportional share, if correctly implemented, could be justified. But as written, this bill removes a significant financial incentive for renewable generators and would force them to downsize or abandon their projects.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 470** without my signature.

This bill would require the California Integrated Waste Management Board (Board) to convene a working group to develop regulations relating to the emergency disposal of animal carcasses during a State of Emergency.

This bill is redundant to current efforts being undertaken by the Board and the California Department of Food and Agriculture (CDFA). For instance, the Board recently adopted emergency regulations regarding this issue. In addition, the Board and CDFA are convening a working group to identify and rectify issues within the state's current animal disposal structure. As such, this bill is unnecessary.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 511** without my signature.

While reducing the number of false confessions is a laudable goal, I cannot support a measure that would deny law enforcement the flexibility necessary to interrogate suspects in homicide and violent felony cases when the need to do so is not clear.

Police interrogations are dynamic processes that require investigators to use acumen, skill and experience to determine which methods of interrogation are best for the situation. This bill would place unnecessary restrictions on police investigators.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.





Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 515** without my signature.

California is fortunate to be home to one of the largest populations of Armenians outside the Republic of Armenia, and the Armenian–American community contributes much to our state and nation. The creation of an Armenia trade office was prudent in 2002 when the Legislature instituted the office.

Since then, the Legislature has closed all other trade offices throughout the world and last year passed legislation mandating the creation of a state international trade strategy. The Business, Transportation, and Housing Agency is required to complete an International Trade and Investment strategy to recommend priorities for state activities by February 1, 2008. Also, the state is prohibited from establishing any new foreign office until the Legislature receives a strategy to guide the operation and activities of the office and provides statutory authority for implementing the strategy. The State's involvement in foreign trade offices should be determined by the process set forth by the Legislature last year. This bill is premature before that process is completed.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 549** without my signature.

This bill, along with two others I am returning without my signature, would significantly expand California's workplace leave laws. While some expansion of existing law may have merit, these laws in combination are too expansive and also fail to recognize the need for reforms to current law.

California has the strongest employment leave and workplace protection laws in the country. While these laws have been enacted with the best of intentions, they have also caused much confusion for employers and employees. Unfortunately, many California-only standards in areas such as family leave, overtime, and meal and rest periods have been developed haphazardly and have resulted in needless litigation that has created a perception that California is not friendly to business.

Instead of expanding the confusing network of laws that presently exist, employers and employees should be working together to eliminate confusion and create a system of workplace laws that protects workers,



provides reasonable leave requirements, and offers both employers and employees flexibility to meet their respective needs.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 557** without my signature.

This bill would allow audiologists to issue qualified medical evaluator (QME) reports relative to workers' compensation claims.

Although SB 557 would allow audiologists to issue a QME report, it would still require the final diagnosis to be made by a physician as audiologists are not able to render disability determinations in the workers' comp system. This could result in unnecessary delays for injured workers and increased costs to the system by delaying prompt resolution of claims. In addition, the proponents of this measure have not demonstrated an unmet need for evaluating hearing loss in the workers' comp system.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 609** without my signature.

This bill would prohibit a court from convicting a defendant, finding a special circumstance true, or using a fact in aggravation based on the uncorroborated testimony of an in-custody informant.

This bill would enact a broad solution to a perceived problem that arises in very few criminal cases. In-custody informant testimony is disfavored and therefore rarely used. When that kind of testimony is necessary, current criminal procedures provide adequate safeguards against its misuse. Consequently, this bill is unnecessary.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 613** without my signature.

This bill would extend the annual fee on motor vehicles in San Mateo County for the purposes of traffic congestion relief and storm water pollution mitigation until 2019. This bill is premature because the bill seeks to extend the program before a full evaluation of the pilot project has occurred. I am also concerned over the ten year length of this program as envisioned in the bill.

I encourage the Legislature to consider legislation next year after reviewing the results of the first three years of the pilot project. If the project is deemed successful, I will sign into law legislation extending the program for up to an additional four years under the current fee structure.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 13, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 615** without my signature.

While I share the author's goal of improving access to healthcare in underserved areas, I cannot sign this bill as it duplicates existing efforts. A similar scholarship program already exists and is available to pharmacy technician students. Specifically, the Healthcare Professional Education Foundation administers the Allied Healthcare Scholarship Program which is available to qualified individuals who apply for the scholarship. In addition, the shortage of pharmacy technicians is not well documented by current workforce data. I am directing the California Health and Human Services Agency to review the potential shortage in the pharmacy technician workforce and consider including this profession in healthcare workforce discussions and activities underway.

For this reason, I am returning SB 615 without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 13th day of October 2007 at 11:30 a.m., of Senate Bills 226, 451, 470, 511, 515, 549, 557, 609, 613, and 615 without the Governor's signature, together with statements 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 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 70** without my signature.

I support the goal to increase the use of biodiesel fuels, but this bill is a piecemeal approach to transportation fuels standards.

Pursuant to AB 1007 (Chapter 371, Statutes of 2005), the California Energy Commission, in partnership with the Air Resources Board, will shortly release the State Alternative Fuels Plan to increase the use of alternative transportation fuels in California. This effort will identify the most effective strategies for the State to use to increase the level of alternative fuel use in the California market. Until the AB 1007 report's findings are known and reviewed, I believe it is at best premature to consider this measure at this time.

Finally, this bill only encourages the use of biodiesel blend fuels in school and transit buses, excluding renewable diesel fuels which are potentially higher quality than biodiesel and which could greatly expand the supply of attractive diesel fuels.

For these above reasons, I cannot sign this bill.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 260** without my signature.

While I support improving access to health care services, including mental health services, I cannot support this bill as it would increase General Fund pressure at a time of continuing budget challenges. Mental health services are already included in the Medi-Cal rates for federally qualified health centers and rural health clinics. Allowing separate billing for mental health services would lead to increased costs that our state cannot afford.

For this reason, I am returning this bill.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 263** without my signature.

This bill would require the California Department of Corrections and Rehabilitation (CDCR) to conduct interdisciplinary assessments of inmates for developing offender reentry plans and determining the



appropriate treatment, services, and programming for inmates re-entering society. While I appreciate and share the author's interest in reducing the recidivism rate in California, this bill is unnecessary and could interfere with CDCR's current reforms.

Earlier this year I signed Assembly Bill 900, the Public Safety and Offender Rehabilitation Services Act of 2007. AB 900 requires the CDCR to conduct assessments of all inmates and the data from these assessments will be used to place inmates in programs that will aid in their reentry to society.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 299** without my signature.

While I appreciate the author's interest in reducing recidivism and promoting public safety, this bill is unnecessary because the California Department of Corrections and Rehabilitation already has the authority to establish and expand honor programs administratively.

For this reason, I am returning this bill without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 320** without my signature.

While I am a strong proponent of health information technology and have proposed reforms to improve the quality, safety and efficiency of health care through the use of technology, I am unable to sign this bill. State agencies have already convened experts, developed a state policy agenda to implement and sustain the use of health information technology, and are engaged in a collaborative effort to target investments to increase provider capacity to use health information technology. My comprehensive health care reform proposal would expand this work by increasing the use of standardized personal health records and electronic health records, and ensuring California's health providers have the capacity to e-prescribe by the year 2010.

For these reasons, I am returning Senate Bill 320 without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 534** without my signature.

I am concerned that this measure will lead to increased licensure fees for dental hygienists and dental assistants without providing additional consumer protections.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 660** without my signature.

I support efforts to increase the effectiveness of research, development and demonstration (RD&D) projects that will further the goals of the state in the area of climate change and green house gas emission reductions. However, I strongly believe that creating yet another substantial layer of administration, as this bill does, will hinder, rather than support, the current coordination that occurs within the Administration on climate change RD&D, as well as remove the necessary flexibility we need to continue to react to topical issues and rapidly changing technologies.

California's state agencies, outside research agencies and other key governmental entities are leading climate change research and actively supporting greenhouse gas reduction technologies, while working closely with each other on RD&D projects at the planning and implementation stages.

I believe that maintaining interagency and stakeholder coordination, communication and technology research at all points of the RD&D process is more efficient than creating yet another layer of administration and assigning it the difficult task of overseeing the planning and execution of all research activities being conducted by all of the entities within the Administration engaged as such.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

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

Although the provisions of this bill are to be implemented contingent upon the availability of funds, this bill would place a tremendous cost pressure on the General Fund to increase mental health services provided



to inmates and parolees. The California Department of Corrections and Rehabilitation estimates annual costs for the staff necessary to implement this bill would exceed \$14 million annually.

While I agree that more efforts need to be made to ensure that prisoners with mental health issues receive appropriate treatment, this bill allows people who have committed crimes to avoid punishment completely because of a mental health issue. This bill would also enable a defendant to not enter a plea or make an admission of guilt.

The mental health courts model specified in this bill is an important component of public safety and for managing our criminal justice system and I hope that the author will continue to work on mental health issues, especially as it relates to mentally ill criminal offenders so that California can reduce recidivism rates and provide proper treatment for healthier citizens.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 904** without my signature.

While this bill is intended to protect the personal information of our valued military personnel, it does not completely shield this information from public access. In addition, implementation of this bill could result in a state-mandated local program with unknown costs to the State. Given recent budget negotiations and concerns for fiscal restraint, I am returning this bill without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 906** without my signature.

Although the purpose of this bill is to clarify that a provider of medical treatments and services in the workers' compensation system may contract out the performance of specified functions, I am concerned that some provisions of this bill may inadvertently undermine existing law. For instance, this bill appears to force health plans that cover medical services later determined to be workers' compensation injuries to accept a loss on their outstanding health plan liens against workers' compensation insurers.





In addition, by providing that the changes it makes are declaratory of existing law, this bill would unfairly impact existing liens in the system.

I believe these concerns can be addressed easily with minor amendments to the bill. I encourage the proponents to work to make these changes and pass a revised bill as soon as possible next year.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 14th day of October 2007 at 5:18 pm., of Senate Bills 70, 260, 263, 299, 320, 534, 660, 851, 904, and 906 without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

BERNADETTE McNULTY

Assistant Secretary of the Senate

Governor's Office, State Capitol

October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 120** without my signature.

This bill would require restaurants with at least fourteen locations in California to display nutrition information on menus and menu boards.

The health of Californians has been a priority for my Administration. As Governor, I have outlined my Vision for a Healthy California. This vision calls on individuals, communities, businesses and government to work together to promote an environment that encourages healthy eating, regular physical activity and responsible individual choices. In addition, I have signed legislation to get junk food out of our schools as well as to provide incentives to increase purchases of fresh fruits and vegetables in low-income communities.

While I support providing people information to help them make healthy choices, this bill is impractical. As written, SB 120 would place burdens and costs upon some restaurant owners while imposing no burdens or costs on others. In addition, this bill provides restaurants with little flexibility for how they provide consumers with nutritional information. From brochures to tray liners, many restaurants are responding to consumer demand by providing nutritional information to their customers in a variety of ways. Further, more and more companies are making detailed information available online, allowing consumers to compare one restaurant's healthy dining options to another.

Inflexible mandates applied sporadically are not an effective way to continue our progress in educating Californians about healthy living. Restaurants throughout California have demonstrated that they are committed to working with me to promote this goal. In vetoing this bill, I am calling upon the restaurant community to reiterate this commitment and





continue to work with me, the proponents of this bill, and all Californians in developing effective ways to promote healthy dining options.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 121** without my signature.

This bill would create significant cost pressures on state funds at a time when there are many competing needs and limited funds available. Alternatively, I would be willing to consider elements of this bill in subsequent legislation next year if it included a phase-out of the Year Round School Grant program over a period of time and redirects those funds in 2008–09 for the purpose of assisting charter schools with their costs pursuant to SB 740. The Year Round School Grant program no longer serves the purpose for which it was created, yet charter schools face daunting challenges in financing adequate facilities to meet the demands of students and their parents. Enhancing the ability of charter schools to secure adequate facilities, will assist them in serving their unmet demand and, at the same time, will also help address the overcrowding problem this bill attempts to address.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 123** without my signature.

While I appreciate the author's continued efforts to provide pupils with disabilities with other opportunities to demonstrate that they meet the same content standards of the California High School Exit Exam (CAHSEE), this bill is premature. The State Board of Education (SBE) and the California Department of Education (CDE) is nearing a final settlement agreement with plaintiffs in the case of Chapman, et al. v. the California Department of Education, et al. This bill will not only interfere with current legal negotiations, but it also circumvents the SBE's authority.

In May 2007, the Superintendent of Public Instruction recommended, and the SBE concurred, that the CAHSEE continue as a graduation



requirement for special education students. This bill would hinder that effort.

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

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 178** without my signature.

This bill seeks to establish a statewide groundwater elevation monitoring program and would require the resulting groundwater information to be readily and widely available on or before January 1, 2010.

I recognize that this bill is attempting to provide new, useful information about groundwater elevation. However, this bill places significant and enormously costly requirements on the Department of Water Resources (Department) to undertake a great deal of work without assuring any guarantees of the receipt of any new information regarding groundwater elevations within any basin in the state.

The Department estimates that this bill would result in costs approaching \$40 million in the first five years of effort to fulfill its intent. Without also providing the necessary funding, this bill would force the Department to siphon scarce resources away from its existing core mission programs.

The Department will continue its efforts to collect groundwater data and to work with the landowners to ensure appropriate information is available. However this bill would likely not provide sufficient new information to justify the expense.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 210** without my signature.

Last year, I signed into law The Global Warming Solutions Act of 2006 (AB 32, Nunez/Pavley), which requires the California Air Resources Board (CARB) to adopt regulations for establishing a program of greenhouse gas emission limits and reduction measures. In furtherance of the goals prescribed in AB 32, on January 18, 2007, I signed Executive Order S-1-07, which called for the establishment of a Low Carbon Fuel Standard (LCFS) for transportation fuels sold in California.

Subsequently, CARB adopted the LCFS as a Discrete Early Action Measure within the scope of its implementation of AB 32. By doing so, it



formally undertook the task of putting into full effect this important effort to reduce the carbon intensity of passenger vehicle fuels.

This bill attempts to codify the LCFS and adds some potentially meritorious provisions but does so in a manner that could seriously hinder the development, distribution and adoption of low-carbon fuels. Specifically, the failure to incorporate all of the provisions outlined in the Executive Order and in particular the authority for CARB to utilize market-based mechanisms in its implementation of the LCFS creates uncertainty about whether California is committed to a market-driven LCFS. That uncertainty could curtail the interest of entrepreneurs in bringing low-carbon fuels to market, reduce the availability of capital required to produce and distribute low-carbon fuels in a consumer-convenient fashion, and raise low-carbon fuel prices.

When combined with regulatory performance standards and in the context of a properly structured regulatory framework, market-based mechanisms are essential to the cost-effective production and development of low-carbon fuels and the infrastructures for widespread distribution of those fuels. Market mechanisms are indispensable to the implementation of the LCFS and accordingly the failure to include them in this bill is unacceptable.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

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

While I strongly oppose patient dumping and believe those who engage in this behavior should be held accountable, I cannot support this bill. Hospitals already must meet specific discharge planning requirements and make appropriate arrangements for post-hospital care. Federal and state laws already provide sanctions, including potential loss of licensure and funding, against hospitals that violate licensing or certification requirements. Enforcement of existing laws is critical, however, additional penalties are premature.

Vigorous enforcement of existing requirements should be complemented by local planning efforts and coordinated service delivery. To that end, last year I signed legislation that requires hospitals to improve post-hospital transition of homeless patients. If this problem persists, in spite of current law and recently enacted requirements, legislation imposing additional penalties in the future may be appropriate.

For these reasons, I am returning SB 275 without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 396** without my signature.

This bill seeks to create a commission to study issues relating to civil filing fees. The Judicial Council already retains the authority to conduct this study and make recommendations to the Legislature. I encourage the Judicial Council to continue their progress in reforming the civil filing fee system.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 555** without my signature.

Existing law allows the Delta Protection Commission (Commission) to delegate authority to the Executive Director to determine whether to hear an appeal. Because the Commission may delegate this authority to the Executive Director, it may also take it away. As such, this bill is unnecessary. I believe this decision should be left to the discretion of the members of the Commission.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 14th day of October 2007 at 5:20 p.m., of Senate Bills 120, 121, 123, 178, 210, 275, 396, and 555 without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

BERNADETTE McNULTY

Assistant Secretary of the Senate

Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 180** without my signature.

Since I became Governor, I have made strengthening workplace protections for agricultural workers one of my top priorities. I have added labor law enforcement positions, reformed farmworker housing laws, and worked to adopt the first regulations in the nation that ensure agricultural workers have appropriate access to shade. These added protections are being implemented under existing law without the changes proposed by this bill to the historic Agricultural Labor Relations Act (ALRA). The changes this bill would make to the ALRA are unnecessary to continue



our forward progress in ensuring a better working environment for agricultural workers.

By setting in place a “card-check” organizing process, SB 180 significantly changes the protections afforded to all of California’s agricultural workers under the ALRA. This “card-check” process fundamentally alters an employee’s right to a secret ballot election that currently affords them the opportunity to cast a ballot privately without fear of coercion or manipulation by any interested parties. This bill also limits the opportunity for employees to hear and consider other viewpoints on unionization.

For these reasons, I am returning SB 180 without my signature. However, I am directing my Labor and Workforce Development Agency to work with the proponents of this bill to ensure that all labor laws and regulations are being vigorously enforced, and to make it absolutely clear to all concerned that my veto is premised on an expectation that agricultural workers receive the full protections of the law.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor’s Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 650** without my signature.

This bill is essentially identical to SB 180, which I also vetoed. The concerns I expressed in vetoing that bill apply to SB 650 as well, regardless of the insertion of a sunset clause in this measure.

For the reasons stated in my veto of SB 180, I am returning this bill without my signature.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor’s Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 1001** without my signature.

Improving the quality of California’s water supply is of the utmost importance. Many regions of our state face serious water quality challenges, and improvements in the implementation and enforcement of water quality laws and additional funding is needed to address these problems. This is why I supported Proposition 84 in last year’s election, which provided over \$1.5 billion for local and regional water quality improvements throughout the state.

This bill would make significant changes to the membership of California’s Regional Water Quality Control Boards (Regional Water



Board) and establish a new process for the State Water Resources Control Board (State Water Board) to withdraw a Regional Water Board's authority to administer water quality programs.

The revision this bill makes to the current conflict of interest definition for Regional Water Board members is absolutely essential to finding qualified candidates to fill these important posts throughout the state. I too support the author's intent to improve the performance and accountability of the State and Regional water boards, but this bill does not provide the necessary mechanism to achieve these improvements.

This bill establishes a new process for the State Water Board to withdraw a Regional Water Board's authority if the Regional Water Board substantially and continually fails to comply with state and federal water quality requirements. This process is duplicative of the appellate and administrative authority the State Water Board possesses under current law to reverse, revise, or order actions and decisions by Regional Water Boards. Under current law, if a Regional Water Board incorrectly implements, or fails to implement, federal and state water quality laws, the State Water Board has the authority to reverse a local decision, provide guidance for future decisions, and order administrative actions or changes to be made by the Regional Water Board to ensure compliance with the law.

Current law also requires Regional Water Board seats to be filled by local government officials and citizens with expertise in the fields of water conservation, fish and wildlife, agriculture, and industrial water use. This bill eliminates that expertise in favor of a broad set of qualifications for Regional Water Board members. In the absence of a broader analysis of the operations and interaction between the Regional and State water boards, it is unclear how this change improves the implementation of California's water quality laws or ensures balance on Regional Water Boards.

Notwithstanding my concerns with this bill, the author has appropriately raised legitimate concerns about California's current system for implementing and enforcing water quality laws. I agree that the time has come to have a broad discussion with all interested stakeholders to evaluate our current system and determine what improvements can be made to increase the implementation and enforcement of state and federal law as well as provide consistency and certainty of application across the state.

In anticipation of that discussion, I am directing the State Water Board to: develop a baseline of regulatory functions by all water boards and establish performance metrics to measure the effectiveness of their actions; develop a comprehensive report on enforcement priorities, performance measures, and targets; evaluate water rights and water regulatory processes to reduce processing time, increase efficiency, and reduce costs; identify opportunities to enhance consistency across the Regional Water Boards where appropriate; and compile any other information the State Water Board deems necessary for a full discussion on this issue.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol  
October 14, 2007

*To the Members of the California Senate:*

I am returning **Senate Bill 1002** without my signature.

This bill would fund many worthy programs and I would sign it as part of a comprehensive plan to address California's growing water crisis. However, other critical elements were not addressed in this bill, such as storage and conveyance, and without them this bill represents the same piecemeal approach that led us to the current crisis. Several legislative measures that are virtually identical to this bill are being considered in the Special Session on water, and I will support a measure to fund these vital programs if it reaches my desk as part of a comprehensive plan.

California voters have approved more than \$14 billion in bonds to address water and environmental issues in the last ten years. Billions of dollars were directly aimed at projects designed to address the crisis in the Delta. Yet the Delta is in worse shape today than it was a decade ago.

Throwing more money at the problem without addressing the fundamental issues to fix the Delta will only allow the crisis to worsen. With water rationing and rate increases on the horizon throughout the state, we cannot afford any further delay in making the hard decisions on how to protect California's vital water infrastructure.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 14th day of October 2007 at 10:23 p.m., of Senate Bill 180, 650, 1001 and 1002 without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts.

BERNADETTE McNULTY

Assistant Secretary of the Senate

**LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

A Title Summary Report 07-0025 dated: August 24, 2007, relating to Redistricting. Constitutional Amendment. was received from the Department of Justice and transmitted to the Committee on Rules.

An annual report dated: August 24, 2007, relating to the State Wide Automated Welfare System, was received from the Commission on Health and Safety and Workers' Compensation and transmitted to the Committee on Health.

An annual report dated: August 24, 2007, relating to Contracting Activity and Consulting Services, was received from the Teachers' Retirement System and transmitted to the Committee on Governmental Organization.





An agency report dated: September 10, 2007, relating to California Steelhead Fishing Report Restoration Card, was received from the Department of Fish and Game and transmitted to the Committee on Natural Resources and Water.

An agency report dated: September 7, 2007, relating to 2007 OAL Determination No. 16(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: September 6, 2007, relating to Capitol Outlay Report for the 2005 06 Fiscal Year, was received from the Department of Forestry And Fire Protection and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: September 6, 2007, relating to 2007 OAL Determination No. 15(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: September 5, 2007, relating to the Transmittal of Public Utilities Commission Report on Universal Telephone Service, was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A Title Summary report dated: September 5, 2007, relating to Limits on Legislators' Terms in Office. Initiative Constitutional Amendment, was received from Office of the Secretary Of State and transmitted to the Committee on Rules.

An agency report dated: August 31, 2007, relating to the CalWorks Data Master Plan, was received from the Department of Health and Human Services and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: August 30, 2007, relating to the Anti Reproductive Rights Crimes in California, 2006, was received from the Department of Justice and transmitted to the Committee on Judiciary.

A quarterly report dated: August 30, 2007, relating to the Litigation Deposit Fund, was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: August 30, 2007, relating to the 2007 OAL Determination No. 14(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: August 29, 2007, relating to Advance Release Crime in California, 2006, was received from the Department of Justice and transmitted to the Committee on Public Safety.

An agency report dated: August 29, 2007, relating to the 2007 Ten Year State Highway Operation and Protection Program, was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.





An agency report dated: August 28, 2007, relating to the Implementation Of Increased Funding to Enhance Wages For Day and Work Activity Program, was received from the Department of Developmental Services and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: August 28, 2007, relating to the Litigation and Investigation Expenses, was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: August 28, 2007, relating to the California High School Exit Exam (CAHSEE) Litigation Fiscal Year 2006 07, was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: August 28, 2007, relating to Hate Crime in California, 2006, was received from the Department of Justice and transmitted to the Committee on Public Safety.

An agency report dated: August 24, 2007, relating to the 2006–07 Contracting Activity and Consulting Services, was received from the Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

An annual report dated: August 21, 2007, relating to the Statewide Automated Welfare System, was received from the Department of Health and Human Services and transmitted to the Committee on Human Services.

An agency report dated: September 10, 2007, relating to Redistricting. Constitutional Amendment., was received from the Department of Justice and transmitted to the Committee on Elections, Reapportionment & Constitutional Amendments.

An agency report dated: August 24, 2007, relating to the Medi-Cal Managed Care Program Quarterly Update April through June 2007, was received from the Department of Health Care Services and transmitted to the Committee on Budget and Fiscal Review.

A supplemental report dated: September 5, 2007, relating to the 2007 Budget Act, was received from Office of the Legislative Analyst and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: September 10, 2007, relating to the EMS Fund FY 2006 07, was received from the County of Trinity and transmitted to the Committee on Health.

An audit report dated: September 13, 2007, relating to the Grade Separation Program, was received from California State Auditor and transmitted to the Committee on Rules.



A Title Summary Report 07-0028 dated: September 12, 2007, relating to Treatment of Farm Animals. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

An annual report dated: September 12, 2007, relating to the Vendor Service Data for FY 2005 06, was received from the Department of Developmental Services and transmitted to the Committee on Budget and Fiscal Review.

A Title Summary Report 07-0032 dated: September 12, 2007, relating to Presidential Electors. Political Party Nomination and Election By Congressional District. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0027 dated: September 12, 2007, relating to Nuclear Energy. Removal of Prohibitions on the Construction of Nuclear Power Plants. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

An agency report dated: September 12, 2007, relating to the Inmate Dental Program, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An audit report dated: September 12, 2007, relating to the Department of Housing and Community Development, was received from California State Auditor and transmitted to the Committee on Rules.

An annual report dated: September 11, 2007, relating to Fraud Deterrence and Detection Activities, was received from Employment Development Department and transmitted to the Committee on Banking, Finance and Insurance.

An agency report dated: September 19, 2007, relating to a Response to the 2007 Supplemental Budget Report, was received from the Commission on Energy Commission and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: September 19, 2007, relating to Electronic Recording Equipment Purchased and Leased by Superior Courts, was received from Judicial Council of California and transmitted to the Committee on Rules.

An annual report dated: September 14, 2007, relating to Waiver Activity January 2006 through December 2006, was received from the Department of Education and transmitted to the Committee on Education.

An audit report dated: September 20, 2007, relating to the California Whistleblower Protection Act, was received from California State Auditor and transmitted to the Committee on Rules.



A Title Summary Report 00-0041 dated: October 4, 2007, relating to the Treatment of Farm Animals. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0044 dated: October 4, 2007, relating to Class Action Lawsuits. Non Profit Organizations and Plaintiffs. Statute, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0045 dated: October 4, 2007, relating to Corporations. Shareholder Approval of Compensation. Reporting Requirements. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0046 dated: October 4, 2007, relating to Corporations. New Legal Basis to Address Corporate Fraud. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0043 dated: October 4, 2007, relating to Class Action Lawsuits. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

An agency report dated: October 4, 2007, relating to the Status of Inmate Treatment and Prison to Education Plan, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Public Safety.

An agency report dated: October 2, 2007, relating to the University of California, was received from University of California and transmitted to the Committee on Education.

An agency report dated: October 1, 2007, relating to the 2007 OAL Determination No. 18(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: October 1, 2007, relating to the Implementation of In Home Supportive Services, was received from the Department of Social services and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: October 1, 2007, relating to the DNA Fund 2006, was received from the County of Contra Costa and transmitted to the Committee on Public Safety.

An annual report dated: October 1, 2007, relating to the Annual Report for Fiscal Year 2006–2007, was received from the Board of Veterans and transmitted to the Committee on Veterans Affairs.



An agency report dated: October 1, 2007, relating to Per Diem Rates for Members of the State Legislature, was received from the Board of Victim Compensation and Government Claims and transmitted to the Committee on Judiciary.

A supplemental report dated: October 1, 2007, relating to the UC Irvine 2007 Draft Long Range Development Plan and Draft Environmental Impact Report, was received from University of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: September 25, 2007, relating to Unnecessary Barriers to Employment, was received from the Board of Barbering and Cosmetology and transmitted to the Committee on Business, Professions and Economic Development.

An agency report dated: September 25, 2007, relating to Law Revision Commission Recommendations, was received from the Commission on Law Revision Commission and transmitted to the Committee on Governmental Organization.

An annual report dated: September 25, 2007, relating to the Judicial Council's 2007 Annual Report, was received from Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: September 25, 2007, relating to the Implications of Modifying the California Single Subject Examinations to Teachers, was received from the Commission on Teacher Credentialing and transmitted to the Committee on Education.

An annual report dated: September 14, 2007, relating to the 2007-08 Tax Expenditure Report, was received from the Department of Finance and transmitted to the Committee on Revenue and Taxation.

An agency report dated: October 19, 2007, relating to Access to Student Data, was received from the Department of Education and transmitted to the Committee on Education.

An annual report dated: September 25, 2007, relating to the DNA Fund 2006, was received from the County of Riverside and transmitted to the Committee on Public Safety.

An annual report dated: October 1, 2007, relating to the DNA Fund 2006, was received from the County of Glenn and transmitted to the Committee on Public Safety.

A Title Summary Report 07-0039 dated: October 10, 2007, relating to Sentencing and Parole Reform. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

A quarterly report dated: October 10, 2007, relating to Medi Cal Fraud and Elder Abuse Quarterly Statistical Report, was received from the Department of Justice and transmitted to the Committee on Rules.



A Title Summary Report 07-0040 dated: October 10, 2007, relating to the Increase in Prisoner Rights. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

An agency report dated: October 10, 2007, relating to Electric Interceptions in 2006, was received from the Department of Justice and transmitted to the Committee on Public Safety.

A quarterly report dated: October 9, 2007, relating to the Transmittal of Public Utilities Commission Report on High cost Fund B, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

PAULA K. ROSSETTO, Minute Clerk

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