

BILL NUMBER: SB 4
VETOED DATE: 05/03/2010

To the Members of the California State Senate:

I am returning Senate Bill 4 without my signature.

This bill would impose a ban on smoking in parks and coastal beaches owned by the state of California. While I understand and appreciate the intent of the author with respect to addressing the issues of public health protection, fire hazard mitigation and marine debris avoidance, I am unable to sign this bill for several reasons.

First, I believe this bill is an improper intrusion of government into people's lives. I have supported laws in the past that tackle the problem of smoking indoors and smoking in cars with children. But, by mandating in state law that people may not smoke outdoors in certain areas, this bill crosses an important threshold between state power and command and local decision-making. There is something inherently uncomfortable about the idea of the state encroaching in such a broad manner on the people of California.

Current law already allows discretion by local governments and the Department of Parks and Recreation (Department) to ban smoking in parks and beaches under certain circumstances. The Department has exercised its authority throughout the state and has already banned smoking in several areas where fire hazards exist. Additionally, cities and counties throughout the state have appropriately exercised their authority and banned smoking in many parks under their jurisdiction. I think this is a discretionary decision that is best left with the Department and local government.

With respect to marine debris, I understand the challenge cigarette butts cause to our beaches and marine life. But, this bill applies the ban solely to those beaches and parks owned and operated by the state of California. When considering the contiguous nature of state-owned and locally-owned beaches, the purpose of the bill is undermined if the difference between legal activity and illegal activity is literally a line in the sand. As we have seen, marine debris and litter know no boundaries. I believe a more appropriate response is to increase the fines and penalties already in law for littering in our parks and on our beaches.

For these reasons I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger