

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, January 9, 1995**

**FOURTH SESSION DAY**

**THIRTY-SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, January 9, 1995

The Assembly met at 4:49 p.m.

Hon. Willie L. Brown, Jr., Senior Member of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Stephen J. Greene, Jr. reading.

#### ROLL CALL

The roll was called, and the following answered to their names—79:

Aguiar	Cannella	House	Murray, Willard
Alby	Conroy	Isenberg	Napolitano
Allen	Cortese	Johnson	Olberg
Archie-Hudson	Cunneen	Kaloogian	Poochigian
Baca	Davis	Katz	Pringle
Baldwin	Ducheny	Knight	Rainey
Bates	Escutia	Knowles	Richter
Battin	Figueroa	Knox	Rogan
Boland	Firestone	Kuehl	Setencich
Bordonaro	Friedman	Kuykendall	Sher
Bowen	Frusetta	Lee	Speier
Bowler	Gallegos	Machado	Sweeney
Brewer	Goldsmith	Martinez	Takasugi
Brown, Valerie	Granlund	Mazzoni	Thompson
Brown, Willie	Hannigan	McDonald	Tucker
Brulte	Harvey	McPherson	Vasconcellos
Burton	Hauser	Morrissey	Villaraigosa
Bustamante	Hawkins	Morrow	Weggeland
Caldera	Hoge	Mountjoy	Woods
Campbell	Horcher	Murray, Kevin	

#### Quorum Present

At 4:53 p.m., Senior Member of the Assembly Willie Brown declared a quorum of the Assembly present.

#### PRAYER

Upon invitation of Senior Member of the Assembly Willie Brown, the following prayer was offered by the Rev. Deacon Walter J. Little, Chaplain of the Senate:

As we give thanks for the lifegiving and life renewing nature of the rains let us call to mind the words of the prophet Isaiah, who said, "Just as from the heavens the rains come watering the earth and making it fertile, so shall the word of God achieve the end for which it is sent." Bless each of us in this august body, Lord, and open us to the wondrous possibilities when we realize that we are the earth made fertile by the showers of Your love; that we are the mouths that speak Your creative words; and that the kingdom is fulfilled when what is Your will becomes our will. As we respond to Your call to servanthood, may the seed planted and nurtured within us bear the fruits of justice, compassion and truth.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Senior Member of the Assembly Willie Brown, Assembly Member Brulte then led the Assembly in the pledge of allegiance to the Flag.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness in her family: Assembly Member Alpert.*

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**IN JOINT CONVENTION**

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At 5 p.m., the Senate and Assembly met in Joint Convention.

Hon. Willie L. Brown, Jr., Senior Member of the Assembly, presiding.

**APPOINTMENT OF JOINT COMMITTEE ON ESCORT**

Senior Member of the Assembly Willie Brown appointed Senators Maddy, Greene, and Killea and Assembly Members Cannella, Alby, Machado, Kuehl, Escutia and Kevin Murray as a Joint Committee on Escort to escort Governor Pete Wilson to the Joint Convention.

**INTRODUCTION OF MRS. GAYLE WILSON**

Senior Member of the Assembly Willie Brown introduced Mrs. Gayle Wilson, wife of Governor Pete Wilson.

**INTRODUCTION OF CONSTITUTIONAL OFFICERS AND SPECIAL GUESTS**

Senior Member of the Assembly Willie Brown introduced Republican Leader James L. Brulte; Kathleen Connell, State Controller; Matt Fong, State Treasurer; Dan Lungren, Attorney General; Bill Jones, Secretary of State; Delaine Eastin, Superintendent of Public Instruction; Charles Quackenbush, Insurance Commissioner; and Board of Equalization Members Johan Klehs, Dean Andal, Ernest Dronenberg, and Brad Sherman.

**INTRODUCTION OF SUPREME COURT JUSTICES**

Senior Member of the Assembly Willie Brown introduced Hon. Ronald M. George, Associate Justice of the Supreme Court and Hon. Kathryn Mickle Werdegard, Associate Justice of the Supreme Court.

**PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE**

Senior Member of the Assembly Willie Brown then presented the Honorable Bill Lockyer, President pro Tempore of the Senate.

**PRESENTATION OF LIEUTENANT GOVERNOR**

President pro Tempore Lockyer presented the Honorable Gray Davis, Lieutenant Governor.

**PRESENTATION OF GOVERNOR**

Lieutenant Governor Davis then presented the Honorable Pete Wilson, Governor of the State of California, to the Joint Convention.

**ADDRESS BY THE GOVERNOR**

Governor Wilson then proceeded to address the Joint Convention.

### ADJOURNMENT OF JOINT CONVENTION

At 5:42 p.m., there being no further business, Senior Member of the Assembly Willie Brown declared the Joint Convention adjourned *sine die*.

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### IN ASSEMBLY

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At 5:42 p.m., the Assembly reconvened.  
Hon. Willie L. Brown, Jr., Senior Member of the Assembly, presiding.

### GOVERNOR'S ADDRESS PRINTED IN JOURNAL

Pursuant to the Rules the following text of Governor Pete Wilson's State of the State address was printed in the Journal:

#### The 1995 State of the State Address of Governor Pete Wilson

Distinguished Constitutional Officers, Legislative Leaders and Members of the Legislature, Members of the Supreme Court, and my fellow Californians . . .

These past four years have shown the world what Californians are made of. We've conquered every challenge that man or Mother Nature could throw our way.

Just a year ago, a massive earthquake tore California from its sleep.

The earth ripped apart, but Californians came together and showed the heart and guts to overcome it.

When the quake first hit, Nurse Mary Morner rushed to St. John's Medical Center. With great initiative and under hellish conditions, she set up an emergency triage center on a street corner outside the hospital. For the next 5 days, she worked nearly around the clock tending the physical and emotional wounds of hundreds of quake victims.

Los Angeles Police Officer Henry Izzo was the first officer to arrive at the horrifying scene of the collapsed Northridge Meadows apartment complex. Officer Izzo organized bystanders into human chains that led the building's terrified residents through the darkness to safety.

California has *needed* heroes . . . California has been *rich* in heroes.

Here tonight are two of California's heroes. Ladies and gentlemen, Nurse Mary Morner and Officer Henry Izzo . . .

Californians have not just endured, we've prevailed.

From one of the worst natural disasters in American history, we've rebuilt one of the world's greatest cities.

We've rebuilt our state's economy. Four years ago, hundreds of jobs a day were being *lost*. Today, hundreds of jobs a day are being *created*.

Four years ago, our criminal laws were some of the nation's *weakest*. Now, with your help, we're fighting back with some of the *toughest*.

We're reforming welfare to require individual responsibility and to put people back to work—offering a model for the nation.

We're showing the nation that there is a right way—a free-market way—to reform health care—voluntarily, *without* imposing mandates on small business and *without raising taxes*.

And we've finally sent a message to Washington that it can't ignore: Stop rewarding illegal immigration . . . and stop sticking California taxpayers with the bill for your failed policy.

At long last, we've begun to see the blooming of a vibrant economic recovery across California. Hand wringing has been replaced by the ringing of cash registers.

As sales and payrolls grow, so do revenues to state government. In last year's State of the State message, I asked a distinguished Californian—former Secretary of State George Shultz—to investigate how and when California might best achieve the tax relief to sharpen our advantage in the global competition for jobs. Taxes are a cost of doing business, and a real factor in that competition.

He and his colleagues on the Task Force on California Tax Reform and Reduction have done outstanding work. Secretary Shultz is with us tonight, and I would ask him to stand to acknowledge my deep gratitude.

Their report showed the unacceptably high risk to California if we continue as one of the highest tax states in the nation.

It will *cost us jobs*.

It will *cost us opportunity*.

Job creators are personal and business taxpayers. All too many can, and do, vote with their feet for tax relief. They're paying lower taxes now in Yuma and Reno, in Salt Lake and San Antonio.

Death and taxes may be inevitable, but not taxes as high as California's.

What is inevitable is that California taxes will be death to California jobs . . . unless we lower them.

So, tonight I propose a dramatic cut in California taxes for all individuals and businesses in our state—a 15 percent reduction across the board over the next 3 years—returning to California taxpayers seven and a half billion dollars.

To working Californians, we're saying: The way to help make California an economic powerhouse is to lower the tax burden at *your house*.

We must ensure those who invest tax dollars understand they bear a special duty of care. Orange County's fiscal crisis requires that we change the law, so that it just does not permit high-risk gambling of the public's money.

To ease the burden on taxpayers, we're shrinking government. We must make government smaller . . . and *smarter*.

When a family goes shopping—for a new car or a quart of milk—they look for the best quality at the lowest price. Common sense for California families should become common practice for state government.

We should not spend tax dollars hiring state employees to do work the private sector can do as well or better for less money.

After the Northridge Earthquake, I used emergency powers to suspend regulations . . . to cut the time to do the job by cutting red tape. The result: We rebuilt the world's busiest freeway in just 64 days.

Part of our success came from contracting with private firms—to speed rebuilding and to keep down the cost.

But when the Director of Caltrans tried to use such reforms on every-day freeway projects, a judge threatened him with contempt of court.

The judge construed the state Constitution as barring us from saving time and money for the taxpayers . . . except in an emergency! If the judge is right then Dickens' Mr. Bumble was right, if not grammatical, when he declared: "The law is a ass!"

How absurd that it's against the law to make government more efficient, and to save time and tax dollars routinely!

Let's end that nonsense! I ask that lawmakers put on the ballot a constitutional amendment that will clearly allow the people of California to expand privatization, and to buy more goods and services from the private sector . . . to get the most bang for the taxpayers' buck!

Of all California's high taxes, perhaps the heaviest and most irritating is the hidden tax of over-regulation. Bureaucratic rules and red tape hit small business especially hard.

It's just not fair to burden small business owners with hiring lawyers and accountants to navigate the maze. They need to spend their time and money working to get new customers or better serving those they have.

They should be doing productive work—not paper work.

Yet, when we pass laws that add new regulations, we rarely know what the cost will be to those who *bear* the cost . . . the manufacturers and service providers.

In the 1970s, when property taxes ballooned unbearably, the people passed Proposition 13 to cap them.

Twenty years later, a similar reform is needed to halt runaway costs of regulation. So tonight, I propose a constitutional amendment to rein in the red-tape tax of regulation.

The hidden cost must be revealed.

Regulations must come with an accurate price tag. It's only fair that lawmakers first experience the sticker-shock before passing it on to producers and ultimately, the consumer.

Another threat to our entrepreneurial energy is the cost, in dollars and in jobs, of lawsuit abuse.

A plague of lawsuits is not only leaching the creative energy and capacity of even our high-tech economy, but it's undermining the average citizen's confidence in the fairness of our legal system.

In Redding, when a burglar fell through the skylight of his victim's building, the thief sued and won \$250,000.

In San Francisco, a Good Samaritan taxi driver chased and captured a mugger when the cabby pinned him against a wall with his cab. Claiming injury, the mugger won \$24,000, before the decision was overturned on appeal.

These are flagrant but not isolated cases.

Seven lawsuits are filed *every minute* of every working day in California.

And how they drive up the costs . . . of insurance . . . of doctors' bills . . . of even the price of a Big Mac at McDonald's.

But the worst of these rising costs is that lawsuits are driving *jobs out of our state*.

The scales of justice are gravely out of balance.

So, we will hold lawyers accountable for the lawsuits they file, provide juries with reasonable guidelines for making decisions, and strip criminals of the right to sue over injuries that arise from their own crimes.

We've got to stop this plague of lawsuits. The people say, "We object." It's time we say, "objection sustained."

Auto insurance is Exhibit A of how abuse of the legal system is needlessly driving up costs for all California families.

Have you seen the bumper-sticker that reads, "Hit me, I need the money"?

Too many lawyers and too much fraud are making auto insurance prohibitive for millions and millions of working Californians: It is terribly wrong and unfair when they are forced to choose between driving without required coverage, and paying premiums they can't afford.

It's time to stand up to the special interests . . . to get the lawyers out of fender-benders and to crack down on fraud.

It's time to pass reform which some call "no-fault." It will allow affordable rates for drivers. It will guarantee benefits for genuine accident victims. And it will ensure that uninsured drivers pay their fair share.

Four years ago, I urged a change of course for California. I urged that we shift our focus from remediation to prevention, especially in our public choices for children.

I still hold to that conviction. And this year, I ask you to double the funding for our AIM program, which provides prenatal care for poor working women. And I ask you to fund our REACH program, which will provide health care for all poor, uninsured children through age 5.

That will provide important help, but it's painfully clear that an even more fundamental kind of prevention is required.

We must discourage from having a child those who lack the maturity, the emotional capacity, and financial resources to function as parents. We must, in fairness to the child.

For the teenager laboring under the delusion that unwed welfare motherhood is her ticket to a place of her own and some cash, we must apply some sobering cold-water. She must learn that her options do not remotely fulfill her fantasy.

*Before* she gets pregnant, she needs to know that *after* she is, she will live with her baby in her parent's home, or in a foster family or a group home.

We must also reform welfare so that every child grows up in a home where they can learn by example the rewards of work, rather than the depression of dependency.

In Riverside County, welfare recipients learn about work by doing it—not by watching film strips or having group discussions.

We will make that the model for the rest of California's counties.

For those capable of work, welfare must be only temporary, a transition to a better life—not a way of life.

We will set a limit on our generosity, for the sake of the recipient and the taxpayer. For all able-bodied adults on welfare, the rule will be: Two years and *you're off . . . you're off . . .*

And we demand that fathers shoulder their responsibility as fathers.

We will insist that before single mothers receive a welfare check, they identify the father of their child.

We will insist the father pay child support. We've got a message for "dead-beat" dads: Your child is *your* responsibility—not the taxpayers'.

We hold *you* accountable for the children you father.

But being a father means more than just sending a check.

It means giving the love and discipline, the nurturing and guidance that young children—especially young boys—need to keep them from becoming young thugs.

There's nothing better for keeping a kid out of jail than keeping a father in the home.

Yet today, our nation faces a crisis of absent fathers. Four of every ten children in our country will go to bed tonight in a home without their father.

And these children are far more likely than their peers to grow up in poverty, drop out of school, and spend time in jail.

We can't ignore this crisis.

This year, I will convene a statewide Fathers' Summit to address the crisis of absent fathers that is unraveling the very fabric of our society.

We must reach out to help our kids choose the right path. But if they turn to violence, we will protect the people from them. That is our first responsibility.

If that means building more prisons, then we must build them. It's not what we want to do; it's what we must do.

And we must keep dangerous criminals in prison as long as they *are* dangerous.

But California law incredibly *requires* the release of criminals we know are still a grave threat to society.

In Pasadena, a vicious animal named Christopher Hubbard was sent to prison after being convicted of 20 rapes. Hubbard is up for parole this spring. He has completed his legal sentence, but was denied parole last year and the year before as too dangerous to be released. We can keep him behind bars for only one more year. Then, no matter how dangerous the threat he poses to the women of California, existing law will set him free.

No sane or civilized society can tolerate that. For as long as they remain dangerous, predators must be kept from society.

We must make that change without delay.

And when a criminal commits the ultimate crime and takes a human life, justice demands that he pay with his own.

Car-jackings and drive-by shootings have made our streets like battle zones in Bosnia or Beirut.

I ask justice . . . and protection for all neighborhoods against this brutality.

I ask the death penalty for the killers who take an innocent life committing these crimes.



And we must also make the death penalty more than just an idle threat.

If Congress wants to thump its chest about passing a tough anti-crime bill, then it must limit the virtually endless process of appeals that can be taken in federal courts. Abuse of that process is making a mockery of the death penalty.

It's past time for reform. Old age shouldn't be the leading cause of death on death row.

During the past four years, we've increased spending on public schools by \$4 billion. And even with our tax cut, we'll continue to increase our investment in California's public schools.

But improving our schools takes much more than money. It takes fundamental change in the way schools are run.

With us tonight is a man who has set the example, through all his superb career . . . challenging his students, setting high standards, demanding performance and getting it from them . . . and changing their lives forever.

He is an inspiration for his students and for the movie *Stand and Deliver*: Jaime Escalante.

We must stand and deliver for all California's kids, and bring needed lessons of reform and renewal to California's schools.

Reform should begin with the very document that governs public education in California—the state education code.

Its 11 volumes and more than 7,000 pages have prescribed everything from how many electrical sockets must be in each classroom to how many fruit trees can be on a school campus.

This absurd micro-management stifles innovation and feeds bureaucratic bloat. The fact is that it's too broken to fix.

It's time to start over.

So, the first education bill I'm asking for in this new year will abolish the present education code by 1997.

That will start the clock ticking for us to deliver a new foundation on which we can remake California schools. The new education code should be simple enough for anyone to understand and short enough to make it useful—certainly no more than a single volume.

Local control must be the cornerstone of the new code. And local control should start with giving parents a greater role in the education of their children.

Every teacher can't be a parent, but every parent must be a teacher. I will urge the Board of Education to work with textbook publishers to provide a parents' guide to assist parents in monitoring their child's progress in school.

All parents should play a central role in their child's education. And in doing so, they deserve some fundamental rights:

- . . . the right to request their child's school and teacher;
- . . . the right to monitor their child's classes;
- . . . and the right to meet with their child's teachers and see their child's test scores.

Let's pass the Parents' Bill of Rights, and make *that* the beginning of the new education code.

Next to a parent, the most important influence on a child's education is their teacher.

Our children deserve the best teachers possible.

Why then do we tolerate a system that wouldn't let George Shultz teach history, or let John Steinbeck or Amy Tan teach English, or let Bill Walsh teach gym in our public schools?

And why, when confronted with a dearth of qualified teachers of science and math, do we ignore the talent and experience of retired or out-of-work aerospace and military personnel? Our credentialing system is wasting time and talent which no other state can boast—and which our kids urgently need in their classrooms. We must open the system to that talent now.

It also makes no sense to ignore a teacher's performance when setting his or her pay. Rewarding excellence is not only an American tradition, it's essential for encouraging good teaching. We do it in every other profession, we should do it in teaching.

And when a teacher isn't doing the job, he should not stay in the classroom. We wouldn't tolerate a chef who can't cook, or a pilot who can't fly. We shouldn't tolerate a teacher who can't teach.

Good teachers don't need tenure. And our children can't afford a teacher who is just punching the clock. Tenure should be repealed.

Finally, if we expect little from our children, you can be sure that's what we'll get.

Jaime Escalante has helped high school students achieve what others said was impossible, because he set the highest standards for his students, then insisted they need those standards.

That requires standardized individual testing of every student in California.

If students fail to meet minimum standards, then promoting them to the next grade is a serious disservice to them . . . and any potential employer. It's a mockery of the education process.

We must put an end to "social promotion."

We must guarantee employers and universities that our high school graduates haven't just warmed a seat for four years, but have actually mastered the skills necessary to succeed in the 21st century. And when our students exceed these standards, they deserve to be recognized for their success.

So, to honor excellence, I propose a Governor's Diploma for every student who has proven through rigorous examination that he or she has the skills the new century will demand of them.

And all the other changes we bring to California won't be enough, if we fail to fix our children's schools.

It's for our kids that we must make these fundamental changes. So they can *learn* more and *earn* more than we have.

And I have full confidence that they will.

They've got the moxie.

After the Northridge quake struck, a Northridge Little League team kept on playing despite damaged homes and disrupted lives. They kept striving for excellence. They kept chasing their dream. And because they refused to quit, they went on to win the national championships . . . and represent our nation in the Little League World Series!

The press dubbed them the Earthquake Kids.

The Earthquake Kids recall the spirit of another California governor, who refused to allow his vision and optimism for California to be dampened by the nay-sayers and pessimists of his time.

Governor Leland Stanford, in 1863, in the midst of the Civil War, stood not far from where we are today . . . and launched the building of a great railroad that many said could not be built.

But Stanford told his audience, "There will be no delay, no backing away, there will be no uncertainty about the continued progress of California."

Let us keep faith with Leland Stanford's vision for California . . . and the hopes and dreams of the Earthquake kids . . . and all our kids.

Let's make all the change that California needs to be all that it can be—a society that demands and honors the acceptance of individual responsibility, and rewards it with unparalleled individual opportunity.

#### **QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 5:43 p.m., Senior Member of the Assembly Willie Brown declared the quorum call of the Assembly dispensed with.

#### **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 99—Burton.** An act to amend Section 12323 of the Penal Code, relating to ammunition, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 100—Hannigan.** An act to amend Section 4000.1 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 101—Conroy.** An act to repeal and add Article 5 (commencing with Section 49000) to Chapter 6 of Part 27 of the Education Code, relating to pupils.

**ASSEMBLY BILL NO. 102—Alby.** An act to add Section 97.24 to the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 103—Willard Murray.** An act to add and repeal Section 11450.21 of the Welfare and Institutions Code, relating to public social services.

**ASSEMBLY BILL NO. 104—Hauser.** An act to add Section 1376 to the Civil Code, relating to common interest developments.

**ASSEMBLY BILL NO. 105—Hannigan.** An act to add Article 2.3 (commencing with Section 56331) to Chapter 4 of Part 30 of the Education Code, relating to schools.

**ASSEMBLY BILL NO. 106—Hauser.** An act to add Section 2819 to the Penal Code, relating to prisons.

**ASSEMBLY BILL NO. 107—Boland (Principal Senate coauthor: Hayden)** An act to amend Sections 35546, 35700, 35721, and 35722 of the Education Code, relating to school district organization.

**ASSEMBLY BILL NO. 108—Hannigan.** An act to amend and supplement the Budget Act of 1994 (Chapter 139 of the Statutes of 1994) by adding Item 3790-102-721 to Section 2.00, thereof, relating to parks and recreation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY CONCURRENT RESOLUTION NO. 1—Pringle.** Relative to proclaiming Southeast Asia Genocide Remembrance Week.

**ADJOURNMENT**

At 5:44 p.m., the Assembly adjourned until 9 a.m., Tuesday, January 10, 1995.

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WILLIE L. BROWN, JR., Senior Member of the Assembly

PAM CAVILEER, Minute Clerk