

CALIFORNIA LEGISLATURE  
1999–2000 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, January 7, 1999**

**SIXTH SESSION DAY**

**THIRTY-SECOND CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, January 7, 1999

The Assembly met at 7:30 a.m.

Hon. Dean Florez, Assembly Member, 30th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—72:

Aanestad	Ducheny	Longville	Runner
Ackerman	Dutra	Lowenthal	Scott
Aroner	Firebaugh	Machado	Shelley
Ashburn	Florez	Maddox	Soto
Bates	Frusetta	Maldonado	Steinberg
Battin	Gallegos	Margett	Strickland
Baugh	Granlund	Mazzoni	Strom-Martin
Brewer	Havice	McClintock	Thompson
Briggs	Hertzberg	Migden	Torlakson
Calderon	Honda	Nakano	Vincent
Campbell	House	Olberg	Washington
Cardenas	Jackson	Oller	Wayne
Cardoza	Kaloogian	Pacheco, Robert	Wesson
Corbett	Keeley	Pacheco, Rod	Wiggins
Correa	Knox	Papan	Wildman
Cox	Kuehl	Pescetti	Wright
Davis	Lempert	Reyes	Zettel
Dickerson	Leonard	Romero	Mr. Speaker

Quorum present.

**At 9:55 a.m., Hon. John Dutra, 20th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business: Assembly Members Alquist, Cunneen, Floyd, and Leach.*

*On legislative business, per diem waived for 1999–2000 Session (See Assembly Journal, later this day): Assembly Member Thomson.*

*Because of illness: Assembly Member Baldwin.*

*Because of illness in his family: Assembly Member Cedillo.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 5, 1999

*The Honorable Antonio Villaraigosa*

*Speaker*

*State Capitol, Room 219*

*Sacramento, California*

Dear Mr. Speaker: I respectfully request your approval to be excused from Floor Session on January 7th, 1999 as I have legislative business to conduct in my district that morning.

Thank you for your consideration and please feel free to contact my office if you have any questions regarding this matter.

Sincerely,

ELAINE ALQUIST, Assembly Member  
Twenty-second District

January 6, 1999

*The Honorable Antonio Villaraigosa*

*Speaker of the Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Mr. Speaker: I respectfully request to be excused from Session, Thursday, January 7, due to legislative business in my district. I will be participating in the dedication of the CHP Officer Scott M. Greenly Memorial Freeway, in my district, pursuant to my ACR 172 from last session.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

January 4, 1999

*The Honorable Antonio Villaraigosa*

*Speaker of the Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Mr. Speaker: I will be unable to attend session on Thursday, January 7, 1999 due to my attending a conference in New Orleans on the National Council of Legislators from Gaming States.

Thank you for your prompt attention to my request. Please contact my secretary Lorie Erickson at 319-2055, should you have any questions.

Cordially,

RICHARD E. FLOYD, Assembly Member  
Fifty-fifth District

January 7, 1999

*The Honorable Antonio Villaraigosa  
Speaker of the California State Assembly  
State Capitol  
Sacramento, California*

Dear Mr. Speaker: I respectfully request that I be excused from session on Thursday, January 7th, 1999 due to legislative business in my district.

Thank you for your consideration of this request. Should you have any questions please contact my Chief of Staff, Angela Wiederrich, at 319-2015.

Sincerely,

LYNNE C. LEACH, Assembly Member  
Fifteenth District

January 6, 1999

*Hon. Antonio Villaraigosa  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Villaraigosa: I respectfully request to be excused from check-in session tomorrow, Thursday, January 7, 1999. I plan on being in my district and attending to legislative business there.

Thank you.

Sincerely,

HELEN M. THOMSON, Assembly Member  
Eighth District

#### COMMUNICATIONS

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

December 8, 1998

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

Dear Chief Clerk Wilson: This letter is to inform you that I will not be accepting per-diem payment for the 1999–2000 Assembly session. Thank you in advance for your attention to this matter.

Sincerely,

ANTHONY PES CETTI, Assembly Member  
Tenth District

December 2, 1998

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

Dear Mr. Wilson: This is to state for the record that I choose to waive my per diem for the 1999–2000 Legislative Session.

Thank you for your assistance in this matter.

Sincerely,

DARRELL STEINBERG, Assembly Member  
Ninth District

December 2, 1998

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

Dear Mr. Wilson: This letter is to state for the record that I choose to waive my per diem for the 1999–2000 Legislative Session.

Thank you.

Sincerely,

HELEN M. THOMSON, Assembly Member  
Eighth District

**REPORTS**

The following letters of transmittal were presented by the Chief Clerk, and ordered printed in the Journal:

California State Auditor

98021

December 8, 1998

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 219  
Sacramento, California*

Members of the Assembly: As required by the California Public Utilities Code, Section 421(f), the Bureau of State Audits presents its audit report concerning the Public Utilities Commission’s (commission) expenditure of fees paid by freight railroad and passenger transportation companies to the commission’s Public Utilities Commission Transportation Reimbursement Account. This report concludes that the fees the commission collects from privately owned railroad and passenger transportation companies may not sufficiently cover the costs of regulating these companies. As a result, the commission’s other fee payers, such as trucking and utility companies, may be subsidizing railroad and passenger transportation regulation.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Utilities and Commerce.

## California State Auditor

97025

December 15, 1998

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 219  
Sacramento, California*

Members of the Assembly: As required by the California Penal Code, section 13892, the Bureau of State Audits presents its audit report concerning our assessment of California's 19 local forensic laboratories. This report concludes that several of the local forensic laboratories have not established comprehensive quality control systems. Further, although required for accreditation, many of the laboratories do not have proficiency testing or court monitoring programs. As a result, these laboratories will have difficulty meeting certain professional standards for forensic laboratories. Additionally, many of the laboratories have cramped facilities or outdated and improperly working equipment. Laboratories could also improve efficiency by replacing outmoded equipment, installing management information systems, and providing training programs for their staff. Finally, most of the laboratories do not track information on costs of individual tests; thus, they cannot accurately assess the cost-effectiveness of the services they provide.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Public Safety.

California State Auditor

98112

December 17, 1998

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 219  
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning improvements needed to better protect California's groundwater from contamination by gasoline components and additives. This report concludes that in spite of mounting evidence of gasoline contamination of our drinking water, the Department of Health Services and the State Water Resources Control Board missed opportunities to aggressively address the problem.

Also, the State's process for regulating the safety of its citizens' water, and especially for ensuring that gasoline does not contaminate drinking-water sources, has multiple shortcomings. The State has been inconsistent in its efforts to identify and clean up leaking underground storage tanks, and the California Environmental Protection Agency's process for auditing the local agencies responsible for issuing permits to storage tank operators and for monitoring the tanks requires

modification to assure that the agencies catch all leaks and deficiencies. Also, the Department of Health Services needs to improve its procedures to ensure that public water systems submit laboratory results promptly so agencies can identify and alleviate contamination quickly.

Finally, the Department of Health Services and the state and regional boards are not making certain that public water system operators, storage tank owners or operators, and regulatory agencies responsible for detecting and cleaning up chemical contamination are doing their jobs. To further compound this problem, the Department of Health Services, the regional boards, and the local agencies have not vigorously enforced laws that require prompt follow-up monitoring for chemical findings and contaminated sites, notifying the public about chemicals found in groundwater, and managing the cleanup of chemical contamination of groundwater.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Water, Parks and Wildlife.

California State Auditor

98001  
December 29, 1998

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its Independent Auditors' Report on the State of California's general purpose financial statements for the year ended June 30, 1998. These financial statements are presented on a basis in conformity with generally accepted accounting principles (GAAP). The financial statements show that the State's General Fund generated revenues of approximately \$3.0 billion more than it spent for fiscal year ended June 30, 1998. The General Fund ended the fiscal year with a fund balance of approximately \$547 million. The GAAP basis statements include all liabilities owed by the State while the budgetary basis statements that are used to report on the State's budget do not reflect all liabilities.

We conducted the audit to comply with the California Government Code, Section 8546.4.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Budget.

The following reports were presented by the Chief Clerk:

**The California Housing Finance Agency's 1997-98 Annual Report  
(Pursuant to Section 51005 of the California Health and Safety Code)**

Above transmitted report, together with letter of transmittal from Theresa A. Parker, Executive Director, California Housing Finance Agency, Sacramento, dated November 30, 1998, referred by the Speaker to the Committee on Housing and Community Development.

**Implementation of May 1998  
Bureau of State Audits Report Recommendations  
(Pursuant to the 1998 Budget Act Item 8620-001-0001)**

Above transmitted report, together with letter of transmittal from James M. Hall, Chairman, Fair Political Practices Commission, Sacramento, dated December 1, 1998, referred by the Speaker to the Committee on Budget.

**Quarterly Report on the  
Progress of the Department of Pesticide Regulations  
(Pursuant to the Provisions of the  
Supplemental Report of the 1998 Budget Act)**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Secretary for Environmental Protection, California Environmental Protection Agency, Sacramento, dated December 4, 1998, referred by the Speaker to the Committee on Budget.

**Condition Assessment and Master Planning Interim Report  
(Pursuant to the 1998 Budget Act, Chapter 324, Item 4300-001-0001)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, Sacramento, dated December 7, 1998, referred by the Speaker to the Committee on Budget.

**Report of Internal Affairs Investigations  
Conducted by the Inspector General During the Prior Fiscal Year  
(Pursuant to the Supplemental Report of the 1998 Budget Act,  
Item 0500-001-0001)**

Above transmitted report, together with letter of transmittal from Lloyd Wood, Inspector General, Office of the Inspector General, Sacramento, dated December 3, 1998, referred by the Speaker to the Committee on Budget.

**Report on the Activities of the  
Southern California Wetlands Clearinghouse  
(Pursuant to the Supplemental Report of the 1998 Budget Act,  
Item 3760-001-0001)**

Above transmitted report, together with letter of transmittal from Steve Horn, Deputy Executive Director, California State Coastal Conservancy, Oakland, dated December 1, 1998, referred by the Speaker to the Committee on Budget.

**Department of Fair Employment and Housing's  
Management Improvement Progress Report  
(Pursuant to the Supplemental Report of the 1998 Budget Act,  
Item 1700-001-0001)**

Above transmitted report, together with letter of transmittal from Nancy C. Gutierrez, Director, Department of Fair Employment and Housing, Sacramento, dated December 1, 1998, referred by the Speaker to the Committee on Budget.



**California Department of Food and Agriculture Status Report of  
Scientific Review of the Heavy Metals Risk Assessment  
(Pursuant to the Supplemental Report of the 1998 Budget Act,  
Item 8570-001-0001)**

Above transmitted report, together with letter of transmittal from Ann M. Veneman, Secretary, Department of Food and Agriculture, Sacramento, dated December 1, 1998, referred by the Speaker to the Committee on Budget.

**Report on Child Nutrition in California  
(Pursuant to Assembly Bill 606, Chapter 174)**

Above transmitted report, together with letter of transmittal from Daniel Alvarez, Deputy Superintendent, External Affairs Branch, Department of Education, Child Nutrition and Food Distribution Division, Sacramento, dated December 14, 1998, referred by the Speaker to the Committee on Education.

**Report on Legislation enacted in 1998 with  
State-Mandated Local Program Implications  
(Pursuant to Section 17562(b)3 of the Government Code)**

Above transmitted report, together with letter of transmittal from Craig L. Brown, Director, Department of Finance, Sacramento, dated December 11, 1998, referred by the Speaker to the Committee on Local Government.

**Quality of Life for Persons with Developmental Disabilities Moving from  
Developmental Centers into the Community  
(Pursuant to Welfare and Institutions Code, Section 4418.1)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, Sacramento, dated December 14, 1998, referred by the Speaker to the Committee on Human Services.

**Farmworker Housing Grant Program-Demonstration Program  
(Pursuant to Assembly Bill 10 and Section 50517.8 of the  
Health and Safety Code)**

Above transmitted report, together with letter of transmittal from Richard E. Mallory, Director, Department of Housing and Community Development, Sacramento, dated December 16, 1998, referred by the Speaker to the Committee on Housing and Community Development.

**California Department of Consumer Affairs'  
Arbitration Review Program's Biennial Report  
(Pursuant to Business and Professions Code Section 472.4(e))**

Above transmitted report, together with letter of transmittal from Rachel Chavez, Program Manager, Arbitration Review Program, Department of Consumer Affairs, Sacramento, dated December 1, 1998, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Information Regarding Reports of  
Settlement Agreements or Arbitration Awards  
(Pursuant to Section 806 of the Business and Professions Code)**

Above transmitted report, together with letter of transmittal from Ruth Ann Terry, MPH, RN, Executive Officer, Board of Registered Nursing, California Department of Consumer Affairs, Sacramento, dated December 14, 1998, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Financial Statements for the Three Months Ended September 30, 1998,  
Prepared Without Audit  
(Pursuant to Government Code Section 8880.22)**

Above transmitted report, together with letter of transmittal from Eugene Balonon, Director, California Lottery, Sacramento, dated December 15, 1998, referred by the Speaker to the Committee on Governmental Organization.

**Board of Vocational Nursing and Psychiatric Technicians Report on Any  
Judgment of Settlement Requiring the Licensee or His or Her Insurer  
to Pay an Amount of Damages in Excess of Three Thousand Dollars  
(Pursuant to Business and Professions Code Section 800)**

Above transmitted report, together with letter of transmittal from Theresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer, Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, Sacramento, dated December 18, 1998, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**California Integrated Waste Management Board's  
Used Oil Filter Collection Pilot Program  
(Pursuant to Chapter 822, Statutes of 1995, Assembly Bill 1103)**

Above transmitted report, together with letter of transmittal from Ralph Chandler, Executive Director, California Integrated Waste Management Board, Sacramento, dated December 21, 1998, referred by the Speaker to the Committee on Natural Resources.

**Los Angeles Basin  
Contaminated Sediments Task Force 1998 Report  
(Pursuant to Water Code Section 13396.9)**

Above transmitted report, together with letter of transmittal from Catherine Tyrrell, Los Angeles Regional Water Quality Control Board, and Jamie Kooser, California Coastal Commission, Los Angeles Contaminated Sediments Task Force, dated December 21, 1998, referred by the Speaker to the Committee on Natural Resources.

**California Department of Social Services  
State Foster Care Ombudsperson Program  
(Pursuant to Welfare and Institutions Code Section 16160)**

Above transmitted report, together with letter of transmittal from Eloise Anderson, Director, Department of Social Services, Sacramento, dated December 17, 1998, referred by the Speaker to the Committee on Human Services.

**State Board of Corrections 1998 Legislative Report  
(Pursuant to Penal Code Section 6031.2)**

Above transmitted report, together with letter of transmittal from Thomas E. McConnell, Executive Director, Board of Corrections, Sacramento, dated December 23, 1998, referred by the Speaker to the Committee on Public Safety.

**1997-98 Annual Report of the State Treasurer's  
Target Business Enterprise Program  
(Pursuant to Government Code, Section 16855)**

Above transmitted report, together with letter of transmittal from Matt Fong, State Treasurer, Office of California State Treasurer, Sacramento, dated December 31, 1998, referred by the Speaker to the Committee on Governmental Organization.

**Providing Support Living Services to  
Californians with Developmental Disabilities  
(Pursuant to the 1998 Budget Hearings)**

Above transmitted report, together with letter of transmittal from Cliff Allenby, Director, Department of Developmental Services, Sacramento, dated December 30, 1998, referred by the Speaker to the Committee on Budget.

**Audit Report Concerning the  
Public Utilities Commission's Expenditure of  
Fees Paid by Freight Railroad and Passenger Transportation Companies  
(Pursuant to the California Public Utilities Code, Section 421(f))**

Above transmitted report, together with letter of transmittal from Kurt R. Sjoberg, State Auditor, Bureau of State Audits, Sacramento, dated December 8, 1998, referred by the Speaker to the Committee on Transportation.

**Independent Auditor's Report on the  
State of California's General Purpose Financial Statements  
for the Year Ended June 30, 1998  
(Pursuant to Government Code, Section 8546.4)**

Above transmitted report, together with letter of transmittal from Kurt R. Sjoberg, State Auditor, Bureau of State Audits, Sacramento, dated December 29, 1998, referred by the Speaker to the Committee on Budget.

**Audit Report Concerning  
California's Nineteen Local Forensic Laboratories  
(Pursuant to California Penal Code, Section 13892)**

Above transmitted report, together with letter of transmittal from Kurt R. Sjoberg, State Auditor, Bureau of State Audits, Sacramento, dated December 15, 1998, referred by the Speaker to the Committee on Public Safety.

**Audit Report Concerning  
Improvements Needed to Better Protect California's Groundwater  
from Contamination by Gasoline Components and Additives  
(Requested by the Joint Legislative Audit Committee)**

Above transmitted report, together with letter of transmittal from Kurt R. Sjoberg, State Auditor, Bureau of State Audits, Sacramento, dated December 17, 1998, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 132—Migden.** An act to amend Section 7316 of the Business and Professions Code, relating to cosmetology.

**ASSEMBLY BILL NO. 133—Strom-Martin (Principal coauthor: Mazzoni).** An act to amend Sections 52122 and 52123 of the Education Code, relating to class size reduction.

**ASSEMBLY BILL NO. 134—Thomson (Senator Perata, coauthor).** An act to amend Section 21450 of, and to add Sections 21456.2 and 21456.3 to, the Vehicle Code, relating to transportation.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following bills were referred to committee.

<i>Senate</i>	
<i>Bill No.</i>	<i>Committee</i>
1	----- Nat. Res.

**AUTHOR'S AMENDMENTS  
Committee on Natural Resources**

January 7, 1999

Mr. Speaker: The Chair of your Committee on Natural Resources reports:  
Senate Bill No. 1

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**SENATE BILL NO. 1**—An act to amend Section 14581 of, to amend, add, and repeal Section 14575 of, and to add and repeal Section 14585 of, the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 12 Noon, Monday, January 11, 1999.

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ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 7, 1999**

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The following measure was amended in the Assembly on this day:

<b>SB</b>	<b>RN</b>
1	9901285

<b>Daily Total:</b>	<b>1</b>
<b>Cumulative Total:</b>	<b>1</b>

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