

CALIFORNIA LEGISLATURE
1999–2000 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 25, 1999

ELEVENTH SESSION DAY

FIFTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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
Monday, January 25, 1999

The Assembly met at 12 Noon.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Cardenas moved a quorum call of the Assembly.

Motion carried. Time, 12:01 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 12:10 p.m., Speaker pro Tempore Keeley declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—72:

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

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Chaplain Rabbi Mona Alfi:

While our nation has long championed the official separation between church and state, we have also understood the value of political action being influenced by the ethical and moral beliefs, that are promoted by religions, that strive to uplift the human spirit and elevate our actions towards one another.

In February of 1795, President George Washington declared a day of national thanksgiving. The Bishop James Madison preached a sermon in honor of the day. On the topic of religion and government he taught that:

“Virtue such as republics and heaven require must have its foundation in the heart; it must penetrate the whole man; it must derive its obligations and its sanctions, not from the changeable ideas of the political moralist, or the caprice of the wisest of human legislators, but from the unchangeable father of the universe, the God of love, Whose laws and Whose will we are incited to obey by motives, the most powerful that can actuate the human soul. Men must see and feel, that it is God Himself, their maker and their judge, Who demands obedience to duties which constitute their individual, their social, their eternal happiness. Then and not till then, will virtue reign triumphant in the hearts of citizens.”¹

Legislators are entrusted by the people with the sacred obligation to enact policies and laws, but, as Bishop Madison suggested, the people hope that their government will not be influenced simply by the changing whims of the political moralists and pundits, but rather by the motivation that their actions have the power to actuate the human soul, to elevate the human condition, and to bring us together in thanksgiving and understanding.

Master of All Creation, we ask of You to grant us humility in the awesome task to which we have been entrusted, we pray that You be an inspiration in our daily actions and that You grant us wisdom and compassion in all of our endeavors.—AMEN.

¹ Bishop James Madison: “Manifestation of the Beneficence of Divine Providence towards America,” February 19, 1795.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Correa then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Cardenas, seconded by Assembly Member Rod Pacheco.

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 Granlund, Hertzberg, and Leonard.

Because of illness: Assembly Members Baldwin and Shelley.

Because of illness in their families: Assembly Members Cedillo and Cunneen.

EXPLANATIONS OF ABSENCE

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

January 19, 1999

*The Honorable Antonio R. Villaraigosa
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am requesting permission to be dismissed from session on Monday, January 25, and Tuesday, January 26, 1999 as I will be in my district on legislative business.

Thank you for your prompt attention to this request.

Sincerely,

BRETT GRANLUND, Assembly Member
Sixty-fifth District

January 25, 1999

*The Honorable Antonio Villaraigosa
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request permission to be excused from Session for legislative business on Monday, January 25, 1999 through Wednesday, January 27, 1999. I will be participating in the Surface Transit Project "rapid busway" fact-finding trip to Curitiba, Brazil organized by the City of Los Angeles.

Very truly yours,

ROBERT M. HERTZBERG, Assembly Member
Fortieth District

January 21, 1999

*The Honorable Antonio Villaraigosa
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Villaraigosa: I would like to request to be excused from session on January 25 and 26, 1999 due to legislative business in my district.

If you have any questions, please contact me or Mai Harvill at 319-2063. Thank you for your prompt response to this matter.

Sincerely,

BILL LEONARD, Assembly Member
Sixty-third District

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 22, 1999

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

Dear Mr. Wilson: Please be advised that pursuant to Unemployment Insurance Code, Section 10202 (Chapter 1074 of 1982); (amended by: Chapter 449 of 1985, SB 155—Seymour); (amended by Chapter 926 of 1989, AB 28—Johnston); (amended by: Chapter 1080 of 1993, SB 96—Johnston), I have reappointed Ms. Patricia Williams to serve on the Employment Training Panel.

The effective date of the appointment is January 22, 1999, and this is a term appointment ending January 1, 2001.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

January 15, 1999

*The Honorable Robert Hertzberg
Chairman, Assembly Rules Committee
State Capitol, Room 3016
Sacramento, California*

Dear Chairman Hertzberg,

This letter is to decline issuance of my per diem for January 16, 17, and 18 of 1999.

If you have any questions regarding this request, please contact Joanne Bovee at (916) 319-2075.

I appreciate your attention to this matter.

Sincerely,

CHARLENE ZETTEL, Assembly Member
Seventy-fifth District

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Joint Legislative Audit Committee, on February 2, 1999, at 9 a.m. in Room 447 and on February 9, 1999, at 9 a.m., in Room 447;

Joint Task Force on Workforce Investments, on January 26, 1999, at 1:30 p.m., in Room 4203;

Aging and Long Term Care to convene jointly with Senate Subcommittee on Aging and Long Term Care, on February 2, 1999, at 9 a.m., in Room 444.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 25, 1999

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 36

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

MESSAGES FROM THE SENATE

Senate Chamber, January 21, 1999

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

Assembly Joint Resolution No. 1

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

RE-REFERENCE OF BILLS

Assembly Member Cardenas was granted unanimous consent that Assembly Bill No. 53 be re-referred from the Committee on Judiciary to the Committee on Revenue and Taxation.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Cardenas announced that the Committee on Rules would meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 12:16 p.m., Speaker pro Tempore Keeley declared the Assembly recessed.

REASSEMBLED

At 12:19 p.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

JOINT RULE 62(a) WAIVED

Assembly Member Cardenas was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 49 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments pending referral.

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Member Washington on the occasion of his birthday.

SESSION SCHEDULE AND OTHER ANNOUNCEMENTS

Speaker pro Tempore Keeley announced the following session schedule:

Tuesday, January 26, Check-in Session 7 a.m.–3 p.m.;

Wednesday, January 27, No Check-in Session;

Thursday, January 28, Floor Session, 9 a.m.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Migden announced that the Committee on Appropriations would meet on Thursday, January 28, 1999.

ADJOURN IN MEMORY

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Diana Yardley, of Newport Beach.

Assembly Members Ducheny and Kaloogian were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Vince Andrade, of San Marcos.

Assembly Member Floyd was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marie Scott, of Davis.

Assembly Member Kaloogian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Adielene Anderson, of La Mesa.

Assembly Member Knox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ryan Nakagawa, of West Hollywood.

Assembly Member Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Evelyn Bevan Schipske, of Long Beach.

Assembly Member Oller was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jay Ferrill McBroom, of Roseville; and Harvey Vinciguerra, of Jackson.

Assembly Member Rod Pacheco was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dan Alleman, firefighter, of Corona, Dan Butts, firefighter, of Corona, Mike Chantry, fire engineer, of Corona, and John Jefferies, firefighter, of Corona.

Assembly Member Wayne was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dolores Catherine Clarkin, of San Diego.

MOTION TO ADJOURN

At 12:22 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Mazzoni seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:23 p.m., Speaker pro Tempore Keeley 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. 207—Thomson. An act to amend Section 633.5 of the Penal Code, relating to crime.

ASSEMBLY BILL NO. 208—Knox. An act to add Section 190.03 to the Penal Code, relating to murder.

ASSEMBLY BILL NO. 209—Cedillo. An act to amend Sections 4635, 4636, 4637, and 4638 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 210—Wildman. An act to add Article 3 (commencing with Section 49440) to Chapter 9 of Part 27 of the Education Code, relating to child health.

ASSEMBLY BILL NO. 211—Romero. An act to add Section 22754.6 to the Government Code, relating to public employees.

ASSEMBLY BILL NO. 212—Aroner. An act to add Article 9.5 (commencing with Section 8254) to Chapter 2 of Part 6 of the Education Code, relating to child care and development.

ASSEMBLY BILL NO. 213—Romero. An act to amend Section 66602 of the Education Code, relating to the California State University.

ASSEMBLY BILL NO. 214—Machado. An act to amend Section 6353 of, and to add Section 7284.3 to, the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 215—Soto. An act to add Section 1374.17 to the Health and Safety Code, relating to health care coverage.

ASSEMBLY BILL NO. 216—Wesson. An act to amend Section 25761 of, and to add Section 25761.1 to, the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 217—Wildman. An act to add Section 14105.436 to the Welfare and Institutions Code, relating to human services.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 2—Machado. Relative to discounted cable TV service.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bill was referred to committee:

Senate

Bill No.

49

Committee

----- E., R. & C.A.

AUTHOR'S AMENDMENTS

**Committee on Consumer Protection, Governmental Efficiency
and Economic Development**

January 25, 1999

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 86

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

DAVIS, Chairwoman

ASSEMBLY BILL NO. 86—An act to add Chapter 8.2 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of the Government Code, relating to state government, and making an appropriation therefor.

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.

REPORTS OF STANDING COMMITTEES

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: January 25, 1999

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 22

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

VINCENT, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Elections, Reapportionment and
Constitutional Amendments**

Date of Hearing: January 25, 1999

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 49

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

VINCENT, Chairman

Above bill re-referred to the Committee on Appropriations.

ADJOURNMENT

At 4:47 p.m., pursuant to the motion by Assembly Member Washington the Assembly adjourned until 7 a.m., Tuesday, January 26, 1999, out of respect to the memory of Diana Yardley, on motion of Assembly Member Brewer; out of respect to the memory of Vince Andrade, on motion of Assembly Members Ducheny and Kaloogian; out of respect to the memory of Marie Scott, on motion of Assembly Member Floyd; out of respect to the memory of Adielene Anderson, on motion of Assembly Member Kaloogian; out of respect to the memory of Ryan Nakagawa, on motion of Assembly Member Knox; out of respect to the memory of Jay Ferrill McBroom and Harvey Vinciguerra, on motion of Assembly Member Oller; out of respect to the memory of Dan Alleman, Dan Butts, Mike Chantry, and John Jefferies, on motion of Assembly Member Rod Pacheco; out of respect to the memory of Dolores Catherine Clarkin, on motion of Assembly Member Wayne; and out of respect to the memory of Mary Evelyn Bevan Schipske, on motion of Assembly Member Kuehl.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 25, 1999**

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

AB	RN
86	9902005
Daily Total:	1
Cumulative Total:	4

O