

CALIFORNIA LEGISLATURE
1999–2000 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, February 1, 1999
FOURTEENTH SESSION DAY
FIFTY-SEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, February 1, 1999

The Assembly met at 12 m.

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 Ackerman 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 12:08 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—71:

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

PRAYER

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

Life is a wonderful and mysterious gift. Every year, we witness the cycle of life by watching the trees change in each season.

The writer Harry Emerson Fosdick realized that we humans have much to learn from the natural world, he wrote:

We ask the leaf, "Are you complete in yourself?" And the leaf answers, "No, my life is in the branches." We ask the branch, and the branch answers, "No, my life is in the root." We ask the root, and it answers, "No, my life is in the trunk and the branches, and the leaves. Keep the branches stripped of leaves, and I shall die." So it is with the great tree of being. Nothing is completely and merely individual.

When we look outside at the cold landscape of winter, and see the trees standing bare of their glory, we are reminded that we are as vulnerable as the tree. Our lives are not separate and complete in and of themselves; each of us is dependent on many layers to nourish and protect us. If we were asked "Are you complete in yourself?" We would have to answer: "No, my life is in my family, my friends, my community, my faith and beliefs—if you strip me of these, then surely I shall die."

Oh, Master of the Universe, we thank You for the precious gift of friends and family who fill our lives with blessing and protect us from the storms of life. We ask of You to shelter and sustain them, for without their support, we could not do the task that is asked of us. Blessed is the Creator, the giver of life.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Thompson 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 Washington, seconded by Assembly Member Romero.

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, Cedillo, Davis, Ducheny, Villaraigosa, and Vincent.

On personal business, and waiving per diem: Assembly Member Floyd.

Because of illness: Assembly Member Shelley.

EXPLANATIONS OF ABSENCE

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

January 28, 1999

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

Dear Mr. Speaker: I respectfully request that I be excused from Floor Session Monday, February 1st, as I need to remain in my district for legislative business.

Your consideration in this matter is greatly appreciated.

Thank you,

ELAINE ALQUIST, Assembly Member
Twenty-second District

January 28, 1999

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

Dear Mr. Speaker,

I respectfully request that I be excused from session on Monday, February 1, 1999 and check-in session on Tuesday and Wednesday, February 2nd and 3rd on legislative business.

Thank you for your consideration in this matter.

Sincerely,

GILBERT A. CEDILLO, Assembly Member
Forty-sixth District

February 1, 1999

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

Dear Speaker Villaraigosa: The purpose of this letter is to notify you of my absence from Assembly Floor Session on Monday, February 1, 1999. I will be in San Diego attending a Budget and Fiscal Review Committee meeting on Local Government Finance Reform.

Thank you for your consideration on this matter.

Sincerely,

SUSAN A. DAVIS, Assembly Member
Seventy-sixth District

January 25, 1999

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

Dear Mr. Speaker: I have been invited to accompany Governor Davis on his upcoming trip to Mexico on February 1st through February 3rd, 1999. I am requesting an excuse from session on legislative business.

I plan to depart San Diego on the morning of February 1st for Los Angeles. From there, I will fly to Mexico with the delegation. I will return to Sacramento for session on Thursday, February 4th.

Thank you for your consideration of this request.

Sincerely,

DENISE MORENO DUCHENY, Assembly Member
Seventy-ninth District

February 1, 1999

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

Dear Dotson: I will be absent from floor session on Monday, Tuesday, and Wednesday, February 1st, 2nd and 3rd, due to legislative business. I am joining Governor Gray Davis and other members of a California delegation on a trade mission to Mexico.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

January 29, 1999

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

Dear Mr. Speaker: I would like to request to be excused from Floor Session on Monday and Tuesday, February 1st and 2nd due to legislative business.

I will be attending meetings in Northern California relating to California gaming.

Your consideration of this request would be greatly appreciated.

Sincerely,

EDWARD VINCENT, Assembly Member
Fifty-first District

REPORTS

The following reports were presented by the Chief Clerk:

**Employee Housing Statistical Report for the 1997 Calendar Year
(Pursuant to Health and Safety Code Section 50408)**

Above transmitted report, together with letter of transmittal from Judy Nevis, Acting Director, Department of Housing and Community Development, Sacramento, dated January 13, 1999, referred by the Speaker to the Committee on Housing and Community Development.

**California Department of Fish and Game
Poaching Strike Force Report
(Pursuant to the 1998 Budget Act, Item 3600-001-0001)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated December 30, 1998, referred by the Speaker to the Committee on Budget.

Quarterly Status Report of Major Capital Outlay Projects

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Director, Department of General Services, Sacramento, dated September 30, 1998, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Department of Corrections
Health Care Services Division Program Evaluation**

Above transmitted report, together with letter of transmittal from C.A. Terhune, Director, Department of Corrections, Sacramento, dated December 31, 1998, referred by the Speaker to the Committee on Public Safety.

**California Department of Mental Health
Status Update on the Strategic Plan for Forensic Populations
(Pursuant to the 1998 Budget Act, Item 4440-011-0001)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, California Department of Mental Health, Sacramento, dated January 8, 1999, referred by the Speaker to the Committee on Budget.

**1998-99 Second Quarter Status Update on
the Security Modifications at Napa State Hospital
(Pursuant to the 1998 Budget Act, Item 4440-011-0001)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, California Department of Mental Health, Sacramento, dated January 8, 1999, referred by the Speaker to the Committee on Budget.

**Second Annual Report on the Substance Abuse Program at
the California Substance Abuse Treatment Facility
and State Prison at Corcoran
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from C.A. Terhune, Director, Department of Corrections, Sacramento, dated January 6, 1999, referred by the Speaker to the Committee on Public Safety.

**The California Motorcyclist Safety Program
1998 Annual Report to the Legislature
(Pursuant to the California Vehicle Code Section 2936)**

Above transmitted report, together with letter of transmittal from D. O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated January 13, 1999, referred by the Speaker to the Committee on Transportation.

**Disabled Veteran Business Enterprise Annual Report
(Pursuant to the Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from D. O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated January 13, 1999, referred by the Speaker to the Committee on Transportation.

**Nonpoint Source Pollution / Capital and Infrastructure Needs
(Pursuant to the 1998 Budget Act, Item 3940-001-0001)**

Above transmitted report, together with letter of transmittal from Walt Pettit, Executive Director, State Water Resources Control Board, Sacramento, dated January 11, 1999, referred by the Speaker to the Committee on Budget.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 1, 1999

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

Assembly Bill No. 7

Assembly Bill No. 64

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 29, 1999

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

Assembly Joint Resolution No. 1

And reports the same correctly enrolled, and presented to the Secretary of State on the 29th day of January, 1999, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 242—Thomson. An act relating to forest resources.

ASSEMBLY BILL NO. 243—Wildman. An act to amend Section 1810.7 of the Insurance Code, and to add and repeal Article 5.5 (commencing with Section 1299) to Chapter 1 of Title 10 of Part 2 of the Penal Code, relating to bail enforcement.

ASSEMBLY BILL NO. 244—Ackerman. An act to add Section 25118 to the Corporations Code, relating to usury.

ASSEMBLY BILL NO. 245—Cunneen. An act to amend Sections 12022, 12022.5, and 12022.9 of, and to repeal Section 12022.55 of, the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 246—Cunneen and Honda. An act to amend Section 51553 of the Education Code, relating to instruction.

ASSEMBLY BILL NO. 247—Kuehl. An act to amend Sections 346 and 358.1 of, and to add Section 16003 to, the Welfare and Institutions Code, relating to foster parents.

ASSEMBLY BILL NO. 248—Torlakson. An act to add Article 1.7 (commencing with Section 1103) to Chapter 2 of Title 4 of Part 4 of Division 2 of, and to repeal Section 1102.6c of, the Civil Code, to amend Sections 8589.3, 8589.4, and 51183.5 of the Government Code, and to amend Sections 2621.9, 2694, and 4136 of the Public Resources Code, relating to real property disclosures.

ASSEMBLY BILL NO. 249—Papan. An act to add Section 14085.1 to the Welfare and Institutions Code, relating to human services.

ASSEMBLY BILL NO. 250—Wright. An act to amend and renumber Section 11475.3 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

ASSEMBLY BILL NO. 251—Davis. An act to add Article 7 (commencing with Section 92660) to Chapter 6 of Part 57 of the Education Code, and to add Part 1.5 (commencing with Section 104310) to Division 103 of the Health and Safety Code, relating to health care.

ASSEMBLY BILL NO. 252—Scott. An act to amend Section 69535 of the Education Code, relating to Cal Grant awards.

ASSEMBLY BILL NO. 253—Thomson. An act to amend Section 4980.41 of the Business and Professions Code, relating to licensing.

ASSEMBLY BILL NO. 254—Cedillo. An act to amend Sections 5913, 5914, 5915, 5916, and 5919 of, and to add Sections 5920, 5921, 5922, 5923, 5924, and 5925 to, the Corporations Code, and to add Section 1260.1 to the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 255—Torlakson. An act to add Article 1.5 (commencing with Section 104490) to Chapter 1 of Part 3 of Division 103 of the Health and Safety Code, relating to tobacco, and making an appropriation therefor.

ASSEMBLY BILL NO. 256—Zettel. An act to add Sections 1209.2 and 1260.2 to the Business and Professions Code, relating to waived laboratory directors.

ASSEMBLY BILL NO. 257—Vincent. An act to amend Section 9542 of the Welfare and Institutions Code, relating to Alzheimer's disease.

ASSEMBLY BILL NO. 258—Cox. An act to amend Section 56326.5 of the Government Code, relating to local agency formation.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly

Bill No.

Committee

18	-----	W.,P. & W. and Nat. Res.
24	-----	L. Gov.
26	-----	Health and Jud.
49	-----	Rev & Tax. and Ed.
76	-----	W.,P. & W.
80	-----	Higher Ed.
105	-----	Hum. S.
107	-----	P.E.,R. & S.S.
108	-----	Ed.
114	-----	Rev. & Tax.
129	-----	Trans.
137	-----	E.S. & T.M. and Ed.
138	-----	Health
139	-----	Pub. S.
140	-----	Pub. S.
141	-----	Health
143	-----	B. & F.
144	-----	Ed.
147	-----	L. Gov. and Ed.
148	-----	Ed.
149	-----	Rev. & Tax.
150	-----	Ed.

151	-----	Trans.
152	-----	Rev. & Tax.
153	-----	Hum S.
154	-----	Pub. S.
155	-----	Health
156	-----	Rev. & Tax.
157	-----	Pub. S.
158	-----	Trans.
159	-----	Trans.
160	-----	Rev. & Tax.
161	-----	Health
162	-----	Pub. S.
163	-----	Pub. S.
164	-----	E.,R. & C.A. and Higher Ed.
165	-----	L. Gov.
166	-----	Ed.
167	-----	P.E.,R. & S.S.
169	-----	Jud.
170	-----	G.O.
174	-----	Ed.
175	-----	I.T. & D.
176	-----	Pub. S.
177	-----	Jud.
181	-----	Hum. S.
182	-----	Pub. S.
183	-----	Trans.
186	-----	E.,R. & C.A.
187	-----	C.P.,G.E. & E.D. and Info. Tech.
188	-----	L. Gov.
189	-----	Rev. & Tax.
190	-----	Rev. & Tax.
191	-----	L. Gov.
192	-----	Ed. and Higher Ed.
194	-----	Trans.
195	-----	Pub. S.
197	-----	B. & F. and Jud.
198	-----	B. & F. and Jud.
200	-----	Ins. and Health
201	-----	Ins.
202	-----	Pub. S.
203	-----	Rev. & Tax. and Pub. S.
204	-----	Pub. S.
205	-----	Jud.
206	-----	Higher Ed.

House

<i>Resolution No.</i>	<i>Committee</i>
7 -----	Rls.
8 -----	I.T. & D.

Senate Concurrent

<i>Resolution No.</i>	<i>Committee</i>
1 -----	Rls.
2 -----	Rls.
3 -----	Rls.

SPECIAL COMMITTEE MEETINGS

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

Committee on Aging and Long-Term Care, on March 24, 1999, at 9 a.m., in Room 447.

SESSION SCHEDULE ANNOUNCEMENTS

Speaker pro Tempore Keeley announced the following session schedule:

Tuesday, February 2, 1999, no Check-in Session.

Wednesday, February 3, 1999, Check-in Session, 7 a.m.–3 p.m.

Thursday, February 4, 1999, Floor Session, 9 a.m.

COMMITTEE MEETING ANNOUNCEMENTS

Speaker pro Tempore Keeley announced that the Committee on Rules would meet today, upon adjournment of the Floor session, in the Tom Bane Rules Committee Room.

ADJOURN IN MEMORY

Assembly Member Cox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Durand Jones, of Folsom and Virginia L. Ward, of Folsom.

Assembly Member Leach was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Edward Melvin Vargas, of Livermore.

Assembly Member Lowenthal was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Claudia Taualu, of Long Beach; Alfred Kincaid, of Long Beach; and Nora Ouch, of Long Beach.

Assembly Member Maldonado was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patricia Kirby, of Santa Barbara.

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 Elma Wolf, of Granite Bay.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Larry Kelly, of Fresno.

MOTION TO ADJOURN

At 12:17 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Gallegos seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:17 p.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 4:10 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 7 a.m., Wednesday, February 3, 1999, out of respect to the memory of Durand Jones and Virginia L. Ward, on motion of Assembly Member Cox; out of respect to the memory of Edward Melvin Vargas, on motion of Assembly Member Leach; out of respect to the memory of Claudia Taulu, Alfred Kincaid, and Nora Ouch, on motion of Assembly Member Lowenthal; out of respect to the memory of Patricia Kirby, on motion of Assembly Member Maldonado; out of respect to the memory of Elma Wolf, on motion of Assembly Member Oller; and out of respect to the memory of Larry Kelly, on motion of Assembly Member Reyes.

FRED KEELEY, Speaker pro Tempore

PAM CAVILEER, Minute Clerk