

CALIFORNIA LEGISLATURE

1999–2000 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 4, 1999

SIXTEENTH SESSION DAY

SIXTIETH 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
Thursday, February 4, 1999

The Assembly met at 9:05 a.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 Kuehl moved a quorum call of the Assembly.

Motion carried. Time, 9:06 a.m.

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

Quorum Present

At 9:10 a.m., Speaker pro Tempore Keeley declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—73:

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

PRAYER

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

It was written by the philosophies of the Tao Te Ching:

If you want to see the world, don't look through the window before you have looked within. Attend to the center. The Sage is out there without going, sees without looking, acts without doing.

Sometimes we are so busy, running, looking, searching, working, we forget to simply stop, to breathe, to be. Often the answers and the wisdom we are grasping for can be found when listening to the quiet, still small voice within each of us.

Oh, Master of the Universe, grant us the ability to find You in the silence of our days and in the moments when we do not even know that we are looking for You. By attending to the center within each of us, may we find You to be in the center of all that we do.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Keeley, Assembly Member Alquist 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 Shelley, 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 Cunneen, Ducheny, Gallegos, Strickland, and Wright.

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:

February 3, 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, February 4, 1999 due to Legislative business in my district. Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member
Twenty-fourth District

January 28, 1999

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

Dear Mr. Speaker: I am requesting an excuse from session for Thursday, February 4, 1999 on legislative business. I have been asked by the Federal Department of Health and Welfare to participate in a panel on welfare reform being held in San Diego.

I plan to travel from Monterrey, Mexico to San Diego on February 3rd, speak at the conference on February 4th, and return to Sacramento for session on Monday February 8th.

Thank you for your consideration of this request.

Sincerely,

DENISE MORENO DUCHENY, Assembly Member
Seventy-ninth District

January 7, 1999

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

Dear Mr. Speaker: This letter is to request to be excused from regular session, on Thursday, February 4, 1999 to handle legislative business in my district.

Thank you for your attention regarding this matter.

Sincerely,

MARTIN GALLEGOS, Assembly Member
Fifty-seventh District

February 1, 1999

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

Dear Mr. Speaker: I respectfully request to be excused from session on Thursday, February 4, 1999. I will be in my district attending legislative business. Should you have any questions regarding this request, please feel free to contact me.

Thank you for your consideration of my request.

Sincerely,

TONY STRICKLAND, Assembly Member
Thirty-seventh District

February 1, 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 on February 4, 1999. I will be on legislative business in my district. I will be holding a series of briefings relative to the Los Angeles Coliseum as Chair of the Select Committee on Exposition Park.

Should you have any questions, please feel free to contact my office at (916) 319-2048.

Sincerely,

RODERICK D. WRIGHT, Assembly Member
Forty-eighth District

COMMUNICATIONS

The following communication was presented by the Chief Clerk from:

Connie Lemus, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiative, pursuant to Section 9007, Elections Code:

**Education. Public Funding of Private and Parochial Schools.
Student Testing for Grants and Public School Advancement.
Initiative Statute. SA 1998 RF 0022**

Referred by the Speaker to the Committee on Education.

REPORTS

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

California State Auditor

98109

January 21, 1999

*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 various counties' administration of their Emergency Medical Services (EMS) funds. This report concludes that while the six counties we reviewed appropriately allocate money to their EMS funds, legislation enacted after fiscal year 1990-91 has effectively reduced available funding for emergency medical services. Moreover, because of their own policies and legislative constraints, counties are not fully utilizing available EMS funds to reimburse emergency medical care providers.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Local Government.

The following reports were presented by the Chief Clerk:

**SB 960 Section 13 Report on Timely Resolution of Proceedings
and Commissioner Presence at Hearings**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, San Francisco, dated January 13, 1999, referred by the Speaker to the Committee on Utilities and Commerce.

**Minority, Women, and Disabled Veteran Business Enterprise
Participation Report for the
Department of Housing and Community Development
(Pursuant to Public Contract Code Section 10115)**

Above transmitted report, together with letter of transmittal from Judy Nevis, Acting Director, Department of Housing and Community Development, Sacramento, dated January 14, 1999, referred by the Speaker to the Committee on Utilities and Commerce.

**The Feasibility of a Family Buy-In Program
Under the Healthy Families Program
(Pursuant to Insurance Code Section 12693.94)**

Above transmitted report, together with letter of transmittal from Sandra Shewry, Executive Director, California Managed Risk Medical Insurance Board, Sacramento, dated January 14, 1999, referred by the Speaker to the Committee on Health.

**1997 Status Report on the Pesticide Contamination Prevention Act
(Pursuant to the Pesticide Contamination Prevention Act,
Section 13144(b))**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Secretary for Environmental Protection, California Environmental Protection Agency, Sacramento, dated December 31, 1998, referred by the Speaker to the Committee on Agriculture.

**Department of General Services Prompt Payment Report
(Pursuant to the 1998 Budget Act, Item 1760-001-0001)**

Above transmitted report, together with letter of transmittal from C.F. Grady, Deputy Director, Department of General Services, Sacramento, dated January 13, 1999, referred by the Speaker to the Committee on Budget.

**California Energy Commission's Quarterly Report Concerning the
Renewables Funding Program
(Pursuant to Public Utilities Code Article 5, Section 445(g))**

Above transmitted report, together with letter of transmittal from Michael C. Moore, Commissioner and Presiding Member, California Energy Commission, Sacramento, dated January 15, 1999, referred by the Speaker to the Committee on Utilities and Commerce.

**1999 Office of Administrative Law Determination No. 1
(Board of Veterinary Medicine, Docket No. 97-006)**

**1999 Office of Administrative Law Determination No. 2
(Delta Protection Commission, Docket No. 97-007)**

**1999 Office of Administrative Law Determination No. 3
(State Controller's Office, Docket No. 97-008)**

**1999 Office of Administrative Law Determination No. 4
(Board of Prison Terms, Docket No. 97-009)**

**(All Determinations Submitted Pursuant to
Government Code Section 11340.5)**

Above transmitted report, together with letter of transmittal from Charlene G. Mathias, Deputy Director, Office of Administrative Law, Sacramento, dated January 18, 1999, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Audit Report Concerning Various Counties' Administration of
Their Emergency Medical Services Funds
(Pursuant to a request 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 January 21, 1999, referred by the Speaker to the Committee on Local Government.

**Security Review and Audit of the California State Lottery
(Pursuant to Government Code Section 8880.46)**

Above transmitted report, together with letter of transmittal from Dennis Sequeira, Director, Finance and Administration, California Lottery, Sacramento, dated January 20, 1999, referred by the Speaker to the Committee on Governmental Organization.

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 December 31, 1998, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Capitol Area East End Complex
Report to the Legislature and Executive Summary**

Above transmitted report, together with letter of transmittal from Robert J. Houghton, Project Executive, Project Management Branch, Department of General Services, Real Estate Services Division, Sacramento, dated January 4, 1999, referred by the Speaker to the Committee on Rules.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 4, 1999

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

Assembly Bill No. 33

Assembly Bill No. 82

Assembly Bill No. 70

Assembly Bill No. 89

Assembly Bill No. 71

Assembly Bill No. 101

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 275—Corbett. An act to add Section 17097 to the Education Code, relating to portable classrooms, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 276—Longville. An act to amend Section 7102 of the Revenue and Taxation Code, relating to transportation.

ASSEMBLY BILL NO. 277—Washington. An act relating to the Compton Unified School District, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 278—Honda, Knox, Kuehl, Lempert, Romero, and Washington, (Senator Solis, coauthor). An act to add Section 11465.6 to the Welfare and Institutions Code, relating to human services.

ASSEMBLY BILL NO. 279—Wayne. An act to amend Section 3700.5 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 280—Zettel. An act to add Section 42012 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 281—Floyd. An act to amend Sections 70, 70.1, and 72 of the Labor Code, relating to the Industrial Welfare Commission.

ASSEMBLY BILL NO. 282—Torlakson. An act to add Section 129051 to the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 283—Longville. An act to amend Section 760 of the Streets and Highways Code, relating to highways.

ASSEMBLY BILL NO. 284—Strom-Martin. An act to amend Section 97.3 of the Revenue and Taxation Code, relating to local government finance.

ASSEMBLY BILL NO. 285—Corbett. An act to amend Section 1343 of the Health and Safety Code, relating to health care service plans.

ASSEMBLY BILL NO. 286—McClintock. An act to add Article 6 (commencing with Section 45080) to Chapter 4 of Part 25 of the Education Code, relating to teachers.

ASSEMBLY BILL NO. 287—Strickland. An act to add Sections 17053.20 and 23620 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 288—Wesson. An act to amend Section 31461.1 of the Government Code, relating to county employee retirement, and declaring the urgency thereof, to take effect immediately.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 5—Mazzoni (Coauthor: Senator Burton). Relative to Marin County Veterans Memorial Freeway.

ASSEMBLY CONCURRENT RESOLUTION NO. 6—Reyes (Principal Senate coauthor: Poochigian) (Coauthors: Ashburn, Briggs, Cardoza, Firebaugh, Florez, House, Kuehl, and Machado). Relative to agriculture.

ASSEMBLY JOINT RESOLUTION NO. 3—Wesson. Relative to airline overbooking.

REFERENCE OF BILLS TO COMMITTEE

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

*Assembly**Bill No.**Committee*

27	-----	Aging & L.T.C. and Hum. S.
50	-----	E.S. & T.M.
52	-----	Hum. S. and Health
58	-----	Health
59	-----	Aging & L.T.C. and Jud.
92	-----	V.A. and Jud.
124	-----	Health
145	-----	Rev. & Tax.
171	-----	Jud.
180	-----	U. & C. and I.T. & D.
193	-----	V.A.
207	-----	Pub. S.
208	-----	Pub. S.
209	-----	Ins.
210	-----	Health
211	-----	P.E.,R. & S.S.
212	-----	Hum. S.
213	-----	Higher Ed.
214	-----	Rev. & Tax.
215	-----	Health
216	-----	G.O.
217	-----	Health
219	-----	Nat. Res.
221	-----	Pub. S.
223	-----	L. Gov.
224	-----	Ins.
225	-----	Trans.
226	-----	Pub. S.
227	-----	P.E.,R. & S.S.
228	-----	E.,R. & C.A.
229	-----	B. & F. and Jud.
231	-----	Health
232	-----	P.E.,R. & S.S.
233	-----	Jud.
234	-----	Pub. S.
235	-----	Pub. S.
237	-----	W.,P. & W.
238	-----	W.,P. & W.
239	-----	Jud.
241	-----	E.S. & T.M.

*Assembly Constitutional**Amendment No.**Committee*

1	-----	Rev. & Tax. and Trans.
2	-----	E.,R. & C.A.
4	-----	Budget

*Assembly Concurrent**Resolution No.**Committee***4** ----- Rls.*Senate Concurrent**Resolution No.**Committee***5** ----- I.T. & D.**AUTHOR'S AMENDMENTS****Committee on Revenue and Taxation**

February 4, 1999

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 81

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

KNOX, Chairman

ASSEMBLY BILL NO. 81—An act to add and repeal Section 24216.6 of the Education Code, and to add and repeal Sections 17052.55, 17052.56, 23655, and 23656 of the Revenue and Taxation Code, relating to schools.

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.

AUTHOR'S AMENDMENTS**Committee on Health**

February 4, 1999

Mr. Speaker: The Chair of your Committee on Health reports:

Assembly Bill No. 34

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

GALLEGOS, Chairman

ASSEMBLY BILL NO. 34—An act relating to mental health.

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 Rules**

Date of Hearing: February 4, 1999

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 7

With the recommendation: Be adopted.

HERTZBERG, Chairman

Above resolution ordered on file.

MESSAGES FROM THE GOVERNOR

The following message from the Acting Governor was received and ordered printed in the Journal:

Proclamation Relative to Keely Smith Day

WHEREAS, as the entertainment capital of the world, California should recognize and honor individuals whose artistry and skill rank them among the very best the performing arts have to offer, and

WHEREAS, as one of the great ladies of American song, Keely Smith is highly deserving of such honor and recognition, and

WHEREAS, whether performing alone or together with great musicians like Louis Prima, Billy May and Sam Butera, Keely Smith has dazzled audiences around the world with such hits as "That Old Black Magic," "The Song is You" and "I Wish You Love," and

WHEREAS, California's twentysomething audiences currently putting retro versions of jazz and cocktail music and swing at the top of the charts should do themselves the favor of exploring the power of original items like Keely Smith, and

WHEREAS, Keely Smith will always be remembered by movie fans for her appearance in the 1958 Robert Mitchum classic "Thunder Road" and the contributions her songs made to the soundtracks of such hit films as "Big Night" and "Casino," and

WHEREAS, Keely Smith's early performances at the Sahara Hotel's Casbar helped usher in Las Vegas' reputation as a venue for top quality entertainment, and even in 1999 Keely Smith's name on a Vegas marquee can generate the same excitement as an exploding volcano, \$300 million art collection or a 900 foot high roller coaster, and

WHEREAS, along with other great entertainers including the legendary Frank Sinatra, Keely Smith will be inducted into the Las Vegas Hall of Fame on February 4th, 1999,

NOW, THEREFORE, I, JOHN L. BURTON, President pro Tempore of the California State Senate and acting Governor of the State of California, in accordance with the authority vested in me by Government Code Section 12058, hereby proclaim February 4th Nineteen Hundred and Ninety Nine to be "Keely Smith Day" in the State of California. When it comes to great music, there will never be another Keely Smith. Miss Smith, I wish you love.

I have hereunto set my hand and caused the Great
Seal of the State of California to be affixed this
2nd day of February, Nineteen Hundred and
Ninety Nine.

JOHN L. BURTON
Acting Governor

[SEAL]

ATTEST:

BILL JONES
Secretary of State

ADJOURN IN MEMORY

Assembly Member Ackerman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul Codispoti, of Fullerton.

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his father-in-law, David Lloyd Womack, of Denair.

Assembly Member Keeley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Vincent Crivello, of Monterey.

Assembly Member Margett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Lawrence Rumsey, of Glendora.

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hector Caceres, of San Francisco; and Henrietta Bogorad, of Yonkers, New York.

Assembly Member Papan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Cosmas C. Giannoulis, of San Mateo.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rabbi Alvin Fine, of San Francisco.

Assembly Member Torlakson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of L. Felipe Torres, Sr., of Pittsburg.

MOTION TO ADJOURN

At 9:20 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Shelley seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:21 a.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

SPECIAL COMMITTEE MEETINGS

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

Committee on Agriculture to convene jointly with the Committee on Consumer Protection, Governmental Efficiency and Economic Development, on March 4, 1999, at 1:30 p.m., in Room 126.

Committee on Public Employees, Retirement and Social Security, on February 9, 1999, at 1:30 p.m., in Room 437.

MESSAGES FROM THE SENATE

Senate Chamber, February 4, 1999

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

Senate Bill No. 104

Senate Bill No. 138

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, February 4, 1999

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

Senate Concurrent Resolution No. 10

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 104—An act to amend Section 87406 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 138—An act to amend Sections 18903, 19170.1, and 21465.5 of, and to add Sections 21362.1, 21573.5, and 22955.1 to, the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 10—Relative to Orange County Vietnamese-American Community Week.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 1 p.m., Monday, February 8, 1999, out of respect to the memory of David Lloyd Womack, on motion of Assembly Member House; out of respect to the memory of Hector Caceres and Henrietta Bogorad, on motion of Assembly Member Migden; out of respect to the memory of Paul Codispoti, on motion of Assembly Member Ackerman; out of respect to the memory of Vincent Crivello, on motion of Assembly Member Keeley; out of respect to the memory of Robert Lawrence Rumsey, on motion of Assembly Member Margett; out of respect to the memory of Cosmas C. Giannoulis, on motion of Assembly Member Papan; out of respect to the memory of Rabbi Alvin Fine, on motion of Assembly Member Shelley; and out of respect to the memory of L. Felipe Torres, Sr., on motion of Assembly Member Torlakson.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 4, 1999**

The following measures were amended in the Assembly on this day:

AB	RN
34	9907498
81	9900815

Daily Total:	2
Cumulative Total:	16

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