

CALIFORNIA LEGISLATURE  
1999-2000 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Thursday, March 4, 1999**  
**TWENTY-EIGHTH SESSION DAY**  
**EIGHTY-EIGHTH 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, March 4, 1999

The Assembly met at 9:45 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 Thompson moved a quorum call of the Assembly.  
Motion carried. Time, 9:46 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 10:46 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—78:

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

Travelers, coming upon a place  
whose lights and music and good food  
invites them,  
will feel at home.

How can words that point toward the Way compete?

You look and there is nothing to be seen;  
you listen, and there is nothing to be heard.

But go upon that Way, and it will never let you down.

The Tao refers to the "Way", others call it Faith, or Belief, or the Divine Path. No matter what we call it, it is a curious thing.

While it can not be seen, it lights our path.

While it can not be heard, it offers guidance.

It cannot be comprehended, or measured or weighed in a conventional manner, but its worth is invaluable to those who have discovered it.

May the Holy One of Blessing enable each of us to find the Way we are meant to walk along. As we travel on it, may we discover the strength and wisdom that lies within each of us, and may we always find comfort and feel at home in our faith. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Keeley, Assembly Member Villaraigosa 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 Member was granted leave of absence for the day:

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 4, 1999

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

Assembly Bill No. 35

Assembly Bill No. 130

Assembly Bill No. 59

Assembly Bill No. 200

Assembly Bill No. 63

Assembly Bill No. 223

Assembly Bill No. 64

Assembly Bill No. 241

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**SPECIAL COMMITTEE MEETINGS**

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

Budget Subcommittee No. 2 and Select Committee on Rural Economic Development, on April 1, 1999, at 10 a.m., in Arcata;

Committee on Information Technology to convene jointly with Senate Select Committee on Economic Development and Senate Committee on Energy, Utilities and Communications, on March 22, 1999, at 2:30 p.m.;

Committee on Information Technology, on March 19, 1999, at 9:30 a.m., in Oakland;

Select Committee on California Horse Racing Industry, on March 26, 1999, in Arcadia.

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9908526.

SALLY HAVICE

**Permission of Rules Committee**

Assembly Chamber, March 4, 1999

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9908526.

ROBERT M. HERTZBERG, Chairman

(NOTE: See Assembly Journal of February 26, 1999, page 508 for introduction of Assembly Bill No. 1619.)

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9903369.

HELEN THOMSON

**Permission of Rules Committee**

Assembly Chamber, March 4, 1999

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9903369.

ROBERT M. HERTZBERG, Chairman

(NOTE: See Assembly Journal of February 26, 1999, page 508 for introduction of Assembly Bill No. 1622.)

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO  
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communication was presented permitting the introduction of an Assembly bill:

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Floyd to introduce a bill relating to contractors. Request No. 9905254.

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9905254.

RICHARD E. FLOYD

**Permission of Rules Committee**

Assembly Chamber, March 4, 1999

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9905254.

ROBERT M. HERTZBERG, Chairman

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO  
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communication was presented permitting the introduction of an Assembly bill:

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorized Assembly Member Floyd to introduce a bill relating to property taxation. Request No. 9906227.

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9906227.

RICHARD E. FLOYD

**Permission of Rules Committee**

Assembly Chamber, March 4, 1999

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9906227.

ROBERT M. HERTZBERG, Chairman

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO  
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communication was permitted permitting the introduction of an Assembly bill:

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Floyd to introduce a bill relating to mobilehomes. Request No. 9908187.

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9908187.

RICHARD E. FLOYD

**Permission of Rules Committee**

Assembly Chamber, March 4, 1999

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9908187.

ROBERT M. HERTZBERG, Chairman

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1640—Committee on Agriculture (Cardoza (Chair), Maldonado (Vice Chair), Brewer, Florez, House, Reyes, Thomson, and Wiggins).** An act to add Section 12813 to the Food and Agricultural Code, relating to pest control.

**ASSEMBLY BILL NO. 1641—Committee on Agriculture (Cardoza (Chair), Maldonado (Vice Chair), Brewer, Florez, Frusetta, House, Reyes, Thomson, and Wiggins).** An act to add and repeal Sections 17052.11 and 23611 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1642—Floyd.** An act to amend Section 7120 of the Business and Professions Code, relating to contractors.

**ASSEMBLY BILL NO. 1643—Floyd.** An act to amend Section 469 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1644—Floyd.** An act to amend Sections 798.23 and 798.56 of the Civil Code, relating to mobilehome parks.

**ASSEMBLY BILL NO. 1645—Committee on Agriculture (Cardoza (Chair), Maldonado (Vice Chair), Brewer, Florez, Frusetta, House, Reyes, Thomson, and Wiggins).** An act to add Chapter 9 (commencing with Section 8980) to Part 6 of the Education Code, relating to agricultural education.

**ASSEMBLY BILL NO. 1646—Committee on Labor and Employment (Steinberg (Chair), Floyd, Gallegos, Migden, and Shelley).** An act to amend Sections 1726 and 1727 of, to add Sections 1741, 1742, and 1743 to, to repeal Sections 1730, 1731, 1732, 1733, and 1771.7 of, to repeal and amend Section 1775 of, and to repeal and add Section 1771.6 of, the Labor Code, relating to public works.

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly*

<i>Bill No.</i>	<i>Committee</i>
347	Pub. S. and Info. Tech.
403	Jud.
404	Rev. & Tax.
433	L. & E.
434	Hum. S. and Higher Ed.
457	Ed. and Pub. S.
469	Health
470	C.P.,G.E. & E.D. and Ed.
499	Health
511	Nat. Res.
512	Trans. and C.P.,G.E. & E.D.
513	Ed.
514	Nat. Res.
517	B. & F.
518	Health
519	Jud.
520	Health
521	Trans.
525	Jud. and Health
526	Jud.
527	Pub. S.
529	Pub. S.
531	C.P.,G.E. & E.D.
534	W.,P. & W.
535	U. & C.
537	Ed.
539	Ins.
540	Jud.
541	Trans.
542	L. & E.
543	H. & C.D.
544	C.P.,G.E. & E.D.
545	Pub. S.
546	H. & C.D.
547	E.,R. & C.A.
548	Ins.
551	L. Gov.
552	Health
554	Hum. S.
555	Trans.
556	Health
558	Ed.
560	W.,P. & W.
562	Ed.
563	Rev. & Tax.
565	Pub. S.
567	Trans.
568	Ed.
569	Rev. & Tax.

571	-----	Pub. S.
572	-----	Rev. & Tax.
576	-----	Trans.
577	-----	B. & F.
578	-----	Ed.
579	-----	Rev. & Tax.
580	-----	I. T. & D.
581	-----	Trans.
583	-----	B. & F.
585	-----	Trans.
586	-----	Ins.
587	-----	E.,R. & C.A.
588	-----	Ed.
589	-----	Pub. S.
592	-----	Jud.
593	-----	Agri.
594	-----	Jud.
595	-----	Ed.
596	-----	P.E.,R. & S.S.
597	-----	Trans.
598	-----	Ed. and Info. Tech.
599	-----	Rev. & Tax.
600	-----	Ins.
601	-----	C.P.,G.E. & E.D. and Nat. Res.
602	-----	Trans.
603	-----	Nat. Res.
605	-----	Ins.
606	-----	Pub. S.
608	-----	Hum. S.
609	-----	Ed.

*Assembly Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
14	----- Rls.

*Assembly Joint*

<i>Resolution No.</i>	<i>Committee</i>
4	----- W.,P. & W.
7	----- Rev. & Tax.
9	----- P.E.,R. & S.S.

*House*

<i>Resolution No.</i>	<i>Committee</i>
11	----- Rls.

*Senate Concurrent*

<i>Resolution No.</i>	<i>Committee</i>
7	----- Rls.

**AUTHOR'S AMENDMENTS**  
**Committee on Higher Education**

March 4, 1999

Mr. Speaker: The Chair of your Committee on Higher Education reports:

Assembly Bill No. 95

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

LEMPERT, Chairman



**ASSEMBLY BILL NO. 95**—An act to add Chapter 18 (commencing with Section 11625) to Part 7 of the Education Code, relating to remedial instruction.

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 Appropriations**

Date of Hearing: March 4, 1999

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 36

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

#### **Committee on Education**

Date of Hearing: March 3, 1999

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 150

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MAZZONI, Chairwoman

Above bill ordered to second reading.

#### **Committee on Public Safety**

Date of Hearing: March 2, 1999

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 195

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

HONDA, Chairman

Above bill ordered to second reading.

### **ADJOURN IN MEMORY**

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 Olyve Ellis, of Sacramento.

(Assembly Rule 45.5 suspended.)

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Laura Ramona Ramirez, of Sacramento.

(Assembly Rule 45.5 suspended.)

### **Moment of Silence Observed**

Speaker pro Tempore Keeley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of retired Associate Justice of the Supreme Court of the United States Hon. Harry A. Blackmun, and that the Assembly observe a moment of silence in his honor.

Assembly Member Cunneen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Katy Burt, of Cupertino; and Florence May Englebert-Robertson, of Los Altos.

Assembly Member Honda was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Max Ruiz, of San Jose.

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 Harriet Myers, of Tucson, Arizona.

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 Albert C. Markstein, of Orinda.

Assembly Member Steinberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Thomas R. Bolton, of Sacramento.

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 Bill Youmans, of Point Loma.

Assembly Member Wright was granted unanimous consent that when the Assembly adjourn on this day it do so out of respect to the memory of Amber Sawyer, of Los Angeles.

#### **MOTION TO ADJOURN**

At 10:57 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Pescetti seconded the motion.

Motion carried.

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

At 10:58 a.m., Speaker pro Tempore Keeley declared the quorum call of the Assembly dispensed with.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 4, 1999

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

Assembly Concurrent Resolution No. 9

Assembly Concurrent Resolution No. 15

And reports the same correctly enrolled, and presented to the Secretary of State on the 4th day of March, 1999, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

#### **AUTHOR'S AMENDMENTS Committee on Transportation**

March 4, 1999

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

Assembly Bill No. 134

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

TORLAKSON, Chairman

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

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 Revenue and Taxation**

March 4, 1999

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 19

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

KNOX, Chairman

**ASSEMBLY BILL NO. 19**—An act to amend Section 23153 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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**

March 4, 1999

Mr. Speaker: The Chair of your Committee on Health reports:  
Assembly Bill No. 34  
Assembly Bill No. 40  
Assembly Bill No. 254

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

GALLEGOS, Chairman

**ASSEMBLY BILL NO. 34**—An act to amend Sections 5802, 5806, and 5814 of the Welfare and Institutions Code, 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.

**ASSEMBLY BILL NO. 40**—An act to add Article 1.5 (commencing with Section 104160) to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, relating to health, 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.

**ASSEMBLY BILL NO. 254**—An act 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.

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 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 11 a.m., Monday, March 8, 1999, out of respect to the memory of Katy Burt, and Florence May Englebert-Robertson, on motion of Assembly Member Cunneen; out of respect to the memory of Max Ruiz, on motion of Assembly Member Honda; out of respect to the memory of Harriet Myers, on motion of Assembly Member Knox; out of respect to the memory of Albert C. Markstein, on motion of Assembly Member Leach; out of respect to the memory of Thomas R. Bolton, on motion of Assembly Member Steinberg; out of respect to the memory Olyve Ellis, on motion of Assembly Member Oller; out of respect to the memory of Laura Ramona Ramirez, on motion of Assembly Member Gallegos; out of respect to the memory of Amber Sawyer, on motion of Assembly Member Wright; out of respect to the memory of Justice Harry A. Blackmun, on motion of Speaker pro Tempore Keeley; and out of respect to the memory of Bill Youmans on motion of Assembly Member Wayne.

---

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

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

---

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

<b>AB</b>	<b>RN</b>	
19	9908592	
34	9908577	
40	9908660	
95	9908427	
134	9908008	
254	9908643	
<b>Daily Total:</b>		<b>6</b>
<b>Cumulative Total:</b>		<b>65</b>

O