

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 7, 1997

THIRD SESSION DAY

THIRTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 7, 1997

The Assembly met at 4:22 p.m.

Hon. Sheila James Kuehl, 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 Leach moved a quorum call of the Assembly. Motion carried. Time, 4:23 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 4:31 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—75:

Ackerman	Davis	Leonard	Prenter
Aguiar	Ducheny	Machado	Pringle
Alby	Escutia	Margett	Runner
Alquist	Firestone	Martinez	Scott
Aroner	Frusetta	Mazzoni	Shelley
Ashburn	Gallegos	McClintock	Strom-Martin
Baca	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Havice	Morrissey	Thomson
Baugh	Hertzberg	Morrow	Torlakson
Bordonaro	Honda	Murray	Villaraigosa
Bowen	House	Napolitano	Vincent
Bowler	Kaloogian	Olberg	Washington
Brewer	Keeley	Oller	Wayne
Brown	Knox	Ortiz	Wildman
Caldera	Kuehl	Pacheco	Woods
Campbell	Kuykendall	Papan	Wright
Cardenas	Leach	Perata	Mr. Speaker
Cardoza	Lempert	Poohigian	

PRAYER

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

O Heavenly Father, Stay with us and we will begin to shine as you shine, and be a light to others. Give light to us all and teach us to show Your praise, Your truth and Your will. Make us preach without preaching—not by words, but by our example and by the force of what we do. For You Lord, are the light that enlightens the nations and we glorify you.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

At 4:33 p.m., Speaker Cruz M. Bustamante, 31st District, presiding

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 Battin.

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 Figueroa, Richter, and Thompson.

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

Because of illness in his family: Assembly Member Cunneen.

EXPLANATIONS OF ABSENCE

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

January 7, 1997

*The Honorable Cruz Bustamante, Speaker
California State Assembly
Room 219
State Capitol Building*

Dear Mr. Speaker: Pursuant to our conversation, I respectfully request to be excused from session today, January 7, 1997 on legislative business. I will be attending a retirement dinner for a county supervisor in Alameda County.

Thank you for your consideration.

Sincerely,

LIZ FIGUEROA, Assembly Member
Twentieth District

January 6, 1997

The Honorable Cruz Bustamante
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: Pursuant to our conversation Monday on the floor, please excuse me from session Tuesday and Wednesday, January 7 and 8. I have important legislative business I must attend to in my district.

Your assistance is always greatly appreciated.

Sincerely,

BRUCE THOMPSON, Assembly Member
 Sixty-sixth District

(NOTE: For letter explaining the absence of Assembly Member Richter on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for Monday, January 6, 1997.)

RECESS

By unanimous consent, at 4:56 p.m., Speaker Bustamante declared the Regular Session of the Assembly recessed.

IN JOINT CONVENTION

At 4:57 p.m., the Senate and Assembly met in Joint Convention. Hon. Cruz M. Bustamante, Speaker of the Assembly, presiding.

APPOINTMENT OF COMMITTEE ON ESCORT

Speaker Bustamante appointed Caucus Chairs, Assembly Members Battin and Shelley as a Committee on Escort to escort the Constitutional Officers and the Justices of the Supreme Court to the Dais.

APPOINTMENT OF JOINT COMMITTEE ON ESCORT

Speaker Bustamante appointed Senators Calderon, Hurtt, O'Connell and Johnson and Assembly Members Villaraigosa, Pringle, Strom-Martin, and Pacheco as a Joint Committee on Escort to escort Governor Pete Wilson to the Joint Convention.

INTRODUCTION OF MRS. GAYLE WILSON

Speaker Bustamante introduced Mrs. Gayle Wilson, wife of Governor Pete Wilson to the Joint Convention.

INTRODUCTION OF CONSTITUTIONAL OFFICERS

Speaker Bustamante introduced Lieutenant Governor Gray Davis, Attorney General Dan Lungren, Secretary of State Bill Jones, Treasurer Matt Fong, Controller Kathleen Connell, Superintendent of Public Instruction Delaine Eastin, Insurance Commissioner Charles Quackenbush, and Board of Equalization Members Johan Klehs (District 1), Dean Andal (District 2), Ernest Dronenburg (District 3), and John Chiang (representing District 4).

INTRODUCTION OF SUPREME COURT JUSTICES

Speaker Bustamante introduced Hon. Ronald M. George, Chief Justice of the Supreme Court, and Associate Justices Hon. Stanley Mosk, Hon. Marvin Baxter, Hon. Kathryn M. Werdegar, Hon. Ming Chin, and Hon. Janice Rogers Brown.

PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE

Speaker Bustamante then presented the Honorable Bill Lockyer, President pro Tempore of the Senate.

PRESENTATION OF LIEUTENANT GOVERNOR

President pro Tempore Lockyer then presented the Honorable Gray Davis, Lieutenant Governor and President of the Senate.

PRESENTATION OF GOVERNOR

Lieutenant Governor Davis then presented the Honorable Pete Wilson, Governor of the State of California, to the Joint Convention.

ADDRESS BY THE GOVERNOR

Governor Wilson then proceeded to address the Joint Convention.

ADJOURNMENT OF THE JOINT CONVENTION

At 5:42 p.m., there being no further business, Speaker Bustamante declared the Joint Convention adjourned *sine die*.

IN ASSEMBLY

At 5:42 p.m., the Assembly reconvened,
Hon. Cruz M. Bustamante, Speaker of the Assembly, presiding.

GOVERNOR'S ADDRESS PRINTED IN JOURNAL

Without objection, the following text of Governor Pete Wilson's State of the State address was printed in the Journal:

"Seizing Opportunity . . . and Creating More for Others"

Lt. Governor Davis . . . Mr. Speaker . . . Mr. President pro Tem . . . distinguished members of the Legislature . . . constitutional officers . . . distinguished members of the Supreme Court . . . my fellow Californians.

Thank you, and Happy New Year—though it's gotten off to a soggy start. My heart and prayers go out to flood victims who have suffered cruelly.

Tonight I am calling on the Legislature to sit in extraordinary session . . . to address the clear and immediate needs of those individuals, businesses, and farms victimized by those terrible floods.

And I have instructed my cabinet and all appropriate state

agencies to continue to provide all the emergency relief that is permitted under current state law, and to work with Federal Authorities to assure that communities' needs are met.

Californians are endowed with an indomitable will and a generous heart. Nature's worst, it seems, brings out our best . . . heroes like Staff Sgt. James Joseph Moore, a medic with the California National Guard.

Five days ago, Sgt. Moore was in a decidedly more interesting position—dangling from a helicopter on 60 feet of cable . . . high-voltage power lines close by . . . lifting an elderly man from his rooftop to dry land.

If that wasn't enough excitement: Two hours later, he was at it again, plucking a man from the roof of his soon-to-be submerged pickup truck.

You should know that before he went on duty that day, Sgt. Moore's wife warned him: "Don't be a hero."

(. . . Just goes to show you that husbands don't always listen to their wives.)

Sgt. Moore turns 29 in three days. But next month he gets the greatest gift any man could hope for when his wife, Denise, delivers their second child.

We applaud Sgt. Moore, and every Californian who showed uncommon valor in caring for their friends and neighbors.

Another inspiring Californian is seated over my shoulder.

His father earned a living with barber's shears. He wields another instrument: The Speaker's gavel.

I ask that you join me in applauding the Speaker of the California Assembly, Cruz Bustamante.

Mr. Speaker, I look forward to working closely with you and Senator Lockyer to achieve the full promise—the bright future—that California deserves.

It can and should be a very bright future.

For the second straight year, California's economy grew while the national economy sputtered.

We again lead the nation in job-creation—a distinction we will not surrender.

As we rang in the new year, we became the first state with a trillion-dollar economy. That's one trillion—three more zeroes than a Hideo Nomo shutout.

With such bullish forecasts of our continued economic growth, we must persist in making California yet more attractive in competing for investors and job-creators.

Why . . . because, first, California grows by 300,000 people a year.

Second, our neighboring states are relentless in their pursuit of our jobs.

We are in a horse race with them, and forced constantly to jockey for the lead.

And, my friends, no horse is invincible. I know. I bet on Cigar to win at Delmar.

First, let's build on our success.

Exports have been a spectacular part of the California Comeback.

But we need to market California aggressively.

That's why we've proposed the creation of new state trade offices in Seoul, Shanghai, and Sao Paulo.

And that's why on Saturday I'll begin a three week marketing tour of the Pacific Rim.

Second, let's continue where we know our reforms have helped.

Last year, we provided tax relief to create jobs. Economists already report that our taxcut has spurred job creation in high technology and other emerging industries.

That may explain why 28 other states cut their taxes.

Tonight I urge you to further reduce our bank and corporation tax by 10 percent over the next two years, to keep the California Comeback rolling.

Third, we must continue to slash the hidden tax of over-regulation and over-reaching that drives investors out of this state.

Speaker Bustamante can attest to this personally. For two years, he's fought to reform the State Endangered Species Act. It gives the kangaroo rat and the fairy shrimp greater standing in the food chain than the California farmer.

This year, let's complete the Speaker's good work by passing meaningful reform of the State Endangered Species Act.

Let's insist on honest science in setting standards and common sense and fairness in setting process.

And we must reform a legal system that has made the lawyer's briefcase a weapon of terror that threatens to undermine California's economy.

In just the last three years alone, it's cost us at least 650,000 jobs—that's almost the number of jobs we'll need in order to put welfare recipients to work.

California cannot afford a jobs climate that loses jobs . . . if we're to move our people from welfare to work, in the numbers and on the schedule mandated by federal welfare reform.

The welfare law signed by President Clinton requires that three-quarters of a million people on welfare find work.

If we fail to meet that requirement, the new law imposes substantial financial penalties upon us.

But greater than any financial cost is the human cost to people who stay on welfare rather than work.

A program conceived as relief for widows, abandoned women and children, has become a major incentive to the skyrocketing increase in out-of-wedlock births.

Fifty years ago, the incidence of out-of-wedlock births was 1 in 25. Today, it's 1 in 3.

And, of course, as out-of-wedlock births have increased, so has public spending—massively—for health care for the poor, for police protection, for drug and alcohol rehabilitation, for criminal courts, for prisons, probation and parole supervision.

Children born into fatherless homes are five time more likely to live in poverty. They're twice as likely to drop out of high school.

Fatherless girls are three times more likely to end up as unwed teen mothers. Fatherless boys are overwhelmingly more likely to end up behind bars.

Welfare reform offers us the opportunity and the challenge to recast our very culture . . . to insist on responsibility . . . so that

taxpayers no longer subsidize idleness, or promiscuity . . . and no longer suffer when illegitimacy hatches into social pathology.

Welfare has made fathers financially irrelevant. It is the most important of all the perverse incentives encouraging the formation of fatherless families.

That must be fundamentally and forever changed.

Tonight, I urge you to work with me to replace welfare in California and create something far better.

That is the greatest challenge facing us this year.

If we fail to address this before we adjourn, we fail not just taxpayers . . . more importantly, we fail the people whose lives we can so dramatically change for the better . . . especially poor, fatherless children.

On Thursday, when I submit the budget, I'll outline a plan to end welfare.

Tonight, let me just outline the principles that must guide our effort.

We must insist that individuals on welfare meet the same standards of responsibility, accountability and decency as do working families.

First, welfare must be a temporary transition to work and self-sufficiency. It must be strictly time-limited.

Anyone who intentionally cheats the system will be cut off from benefits immediately, and permanently.

Second, we must insist that people on welfare find jobs.

We'll help with job placement and training. We'll offer additional childcare for families on welfare.

But, we're ending welfare's warehousing of people who don't want to work. No longer will they be able to refuse a job they think beneath them.

Any legal job is better than subsidized idleness.

Any legal job is an acceptable means for entering the workforce. There's a lot more dignity in any minimum-wage job than in sitting on a couch collecting welfare.

Finally, we must renew our commitment to protecting and improving the lives of children dependent on public assistance.

When they are born out of wedlock, the child's father must be identified before the mother can collect welfare.

And to assure that children receive needed immunization, that too must be required for families on welfare.

I'll have more to say in later messages about the protection of children—both those who receive assistance and those who don't.

But for now, I ask your support for two important initiatives.

Substance abuse during pregnancy is child abuse through the umbilical cord.

That's why I've proposed an Infant Health and Protection Initiative to assure the newborns of substance-abusing parents the safety and support they deserve before they even leave the maternity ward.

Parents must agree—or they can't take the baby home.

And it's time we took a closer look at what's become another form of inexcusable child neglect: parental failure to prevent truancy.

Instead of learning the basics of reading, too many truants learn the basics of shoplifting, purse-snatching and home invasions.

Ask any cop or probation officer.

They'll tell you that the surest indicator of a career criminal-in-the-making is chronic truancy.

There's a woman here in Sacramento who's making parents take responsibility for their children's truancy.

She's holding parents accountable with the threat of being hauled before a judge. It's tough, but fair.

The results? Attendance in Sacramento schools is at a ten-year high.

Please join me in applause for the woman responsible—Sacramento County's District Attorney, Jan Scully.

To reinforce Jan Scully's good work, let's make school attendance a requirement for families to receive welfare.

And let us continue to change our schools to give children the greatest opportunity possible.

Last year, we took important steps to do just that.

And none gave me greater pleasure or produced more exciting results than shrinking class sizes in kindergarten through third grade.

Today, a million children are learning to read in classes of no more than 20.

Tonight, we're joined by a distinguished educator who can tell you how important that is to a child's development.

Dr. Charlie Mae Knight is Superintendent of the Ravenswood City Elementary School District in East Palo Alto.

Seven of Dr. Knight's schools now have smaller classes—3,500 kids getting a better start in life.

But Dr. Knight knows that reform requires more than just smaller classes. She's helping troubled boys in grades 6 through 8 learn good study habits and the value of discipline at the all-male 49ers Academy.

To help others follow that successful example, our budget last year included funding to open similar ground breaking single sex academies around the state—in this year we will build on that start.

Dr. Knight also shares my conviction that parents deserve still greater choice when their children are trapped in failing public schools. This year, I'll continue pursuing my plan of opportunity scholarships for children enrolled in the lowest performing schools.

You might ask: What's in it for her, besides the satisfaction of improving thousands of lives?

Well, not too long ago, Dr. Knight was on an airliner when a flight attendant approached her, identifying herself as a former student.

She was so grateful that she bumped Dr. Knight up to first-class.

Please join me in applauding Dr. Charlie Mae Knight and the thousands of other educators who are doing a first-class job for California's kids.

Charlie Mae Knight is special.

But what is universal is the need in every school to empower teachers and students to be all they can be.

Tonight, I ask you to join me in doubling the number of students who benefit from smaller class sizes, so that every student from kindergarten through third grade can experience the remarkable learning difference that smaller classes make.

Class-size reduction requires both more teachers and more classrooms.

Through reforms enacted last year, we're attracting qualified retired teachers back to the classrooms, and drawing teachers from other professions to enrich our classrooms with their real-life experience.

This year, to help our newest teachers, I propose expanding our Beginning Teacher Support program so they get the help they need to succeed in the classroom.

To help provide school districts with added classrooms they'll need for enrollment growth and class-size reduction, I propose a \$2 billion bond.

We must also reform the absurd school-construction process. It is outrageous.

A second-grader today will be in high school before his or her school district can deliver the classrooms required to relieve over-crowding.

I ask that you join me in making class-size reduction the spark of an even broader renaissance for California education.

An education renaissance will take more than bricks and mortar.

We must start by setting high standards, testing to ensure our children meet them and then promoting or graduating only those students who do.

Too many students continue to enter high school unprepared to do high school work.

Too many others will graduate from high school and go to college . . . to waste their first year taking the remedial English and math they should've learned in the previous twelve years.

That's why in 1995, we created the California Standards Commission to set the world-class standards our children must meet to compete in the global marketplace of the 21st Century.

The Commission has much work to do.

But its most urgent and important task is to develop reading and language standards for elementary grades.

I ask the Commission and the State Board of Education to do that first and set those standards by this summer—no later!

We can and should have assessments ready to test students on these skills by next spring.

We can't afford to let another year pass without the assurance that our youngest students are learning the basic skills they need to succeed in life.

This past year, we succeeded in deep-sixing the tragic experiment known as whole language that robbed nearly a generation of California students of their right to learn basic reading skills and left our schools ranked last in the nation in reading.

We're now totally overhauling reading in the early grades by getting back to phonics . . . to basics.

But we can't afford to ignore those children who have already moved on.

So I propose we expand our reading initiative to retrain teachers in grades 4 through 8, so older students are assured of the reading skills now available to our youngest learners.

We also must not delay in preparing our schools and our kids to harness the incredible power and riches offered by the high technology of the information age.

The information superhighway is an artery even more vital to the commerce of this state than I-5.

Students unable to use the tools of this information age will be forever at a disadvantage.

Their future won't be in supercomputers. It'll be super-sizing french fries.

That's why my administration has been working with organizations like the Detwiler Foundation—a non-profit group that solicits used computers from private companies for California's public schools, then contracts with the State Department of Corrections to refurbish the machines.

This unique public-private partnership has already placed over 24,000 computers in California classrooms.

The foundation's work is driven by the vision and energy of John Detwiler, his wife, Carolyn, and their daughter, Diana, who are with us tonight.

Please join me in thanking them for their remarkable work.

They've received enthusiastic help from someone with a long history of helping children . . . someone who's always helped me when I've needed her—my wife, Gayle.

Gayle's taken the Detwilers to dozens of California business leaders to enlist their support.

At next month's meeting of the National Governors Association, she'll introduce them to our fellow governors.

Tonight, I call on the Legislature to build on this good work by joining me to implement what I call the "digital high school"—putting up to a million computers in every high school across California.

It is a commitment to invest \$1 billion over the next four years.

We'll place Internet-capable technology in every one of California's 840 high schools.

We want every high-school graduate to be fluent in PC—that's "personal computer", not "political correctness".

And I challenge California's most resourceful private enterprises to work with us—as the Detwiler Foundation has—in achieving this ambitious goal.

An education renaissance can't be decreed from Sacramento.

It will require the participation and innovation of people from every corner of this vast and varied state.

Our class-size reduction effort worked this year because we set an ambitious goal and then let each school decide the best way to meet it.

It produced as many different solutions as there are schools.

That's why local control, innovation and parental choice must be guiding principles for improving our schools.

They are the key to the success of the charter school movement we launched five years ago in California.

It has given parents and teachers the freedom to run more than 100 of the most innovative public schools California's ever seen.

The independent Little Hoover Commission has documented their enormous success—better discipline, higher test scores and more parent satisfaction.

So let's lift the artificial cap on the number of charter schools—so that the state Board of Education need not go on opening them one at a time.

The leaders in California's public universities recognize the value of these schools.

Chancellor Munitz is with us tonight.

I'm pleased to announce that he and President Atkinson have agreed to work with us to create a new breed of charter schools.

These schools will be designed by the universities with the express purpose of setting K-12 standards and preparing California students so they come to UC and CSU ready to do university work.

I want our public colleges and universities to be affordable for any student whose ambitions and abilities take them there.

That's why I've worked with the Legislature to more than double financial aid for California's students.

This year, for the third year in a row, we will not increase fees for public universities.

And we will again increase Cal Grants—to enable a still greater number of deserving students to attend the college or university of their choice.

There's no greater gift to our children than a quality education . . . to strengthen their minds to withstand those who prey on their souls.

Recently, the *Los Angeles Times* profiled a gang that's menacing the Southland, and places as far away as Nevada, Utah and Oregon—the 18th Street Gang.

This is no gang.

It's an army of 20,000 that swells its ranks by recruiting at-risk boys to join a vast criminal conspiracy. It has rendered life in entire neighborhoods intolerable.

We cannot and will not tolerate that.

A reporter asked an 18th Streeter why he chose this life.

His response: "I don't have a brother. I've always wanted to have a brother."

We've got to get that kid a better big brother than that gang.

We must recruit a far larger army of adult mentors to prevent at-risk kids from making the wrong choices in life.

And we must finish reforming a juvenile justice system that is more relevant to Spanky, Alfalfa, and "Our Gang," than it is of the 18th Street Gang.

No duty is more urgent or will more gravely test our claim and resolve to be a civilized society.

Thirty years ago, almost to this day, I first walked through those doors as a freshman Assemblyman.

But tonight I think not of the California of thirty years ago, but of California thirty years from now.

Thirty years from now, California must have so reformed its job climate that we far outpace our competition in attracting investors and job creators . . . knowing it's the only way we'll be able to provide employment for our children and the revenues we need to invest in their future.

Thirty years from now, we must have broken the cycle of tax-paid illegitimacy and dependency . . . so that out-of-wedlock births decline and so do poverty, child abuse and crime. Truancy, crack babies and gangs must be bad memories rather than bad choices.

Thirty years from now, your children will be reading their children's reports cards and their teachers' lesson plans—all on e-mail.

California schools must be places of high test scores, high technology and high aspirations.

And if, in thirty years, I'm not satisfied with the progress, I just may run for Governor to get things moving! Don't laugh: My 94-year-old father thinks it's a great idea!

If together we succeed in making all the change that our state needs, then in thirty years California will be what it can be—a towering incandescent beacon of opportunity that burns boldly, brightly, long after every one of us has turned off the lights, closed the door and left this grand old building.

Let us leave as our legacy that California—one that reflects our creed and way of life.

Let our motto be: "Seize opportunity . . . and create more for others!"

Thank you. God bless California.

ANNOUNCEMENTS

Speaker Bustamante announced that the State of the Judiciary address would be on Tuesday, January 14, 1997, at 3:30 p.m.

MOTION TO ADJOURN

At 5:42 p.m., Assembly Member Villaraigosa moved that the Assembly do now adjourn.

Assembly Member Pringle seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:43 p.m., Speaker Bustamante 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. 97—Frusetta and Morrissey. An act relating to water, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 98—Olberg. An act to add Section 11450.02 to the Welfare and Institutions Code, relating to aid to families with dependent children.

ADJOURNMENT

At 5:44 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 8, 1997.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk