

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 7, 1998

ONE HUNDRED FORTY-FIRST SESSION DAY

FOUR HUNDRED SECOND 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
Wednesday, January 7, 1998

The Assembly met at 4:26 p.m.

Hon. Cruz M. Bustamante, Speaker 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 Battin moved a quorum call of the Assembly.

Motion carried. Time, 4:27 p.m.

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

Quorum Present

At 4:29 p.m., Speaker Bustamante declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—76:

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

PRAYER

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

O Lord, You have said that, "As the heavens are higher than the earth, so are Your ways higher than ours and Your thoughts than our thoughts." (Isaiah 55) Yet we know that Your word does not return to You empty, but accomplishes what You desire. Help us, Lord, to struggle for justice and for righteousness in all that we do, and bless this great state with Your mighty hand.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Bustamante, Assembly Member Pringle 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 Baca, seconded by Assembly Member Thompson.

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 Member Floyd.

On personal business, and waiving per diem: Assembly Members Bordonaro and Firestone.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 7, 1998

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

Dear Mr. Speaker: I respectfully request that I be excused from session today due to legislative business. I will still be chairing the Assembly Labor and Employment Committee today at 1:30 p.m.

Thank you for your consideration of this matter. Please call my office should you have any questions.

Cordially,

RICHARD E. FLOYD, Assembly Member
Fifty-fifth District

COMMUNICATIONS

The following communications were presented by the Chief Clerk from:

Bill Jones, Secretary of State, Office of the Secretary of State, dated December 23, 1997, transmitting a copy of the qualified initiative entitled "Education. Public Schools. English as Required Language of Instruction. Initiative Statute." Referred pursuant to Elections Code, Section 9034, to the Committees on Education and Elections, Reapportionment and Constitutional Amendments.

Bill Jones, Secretary of State, Office of the Secretary of State, dated December 23, 1997, transmitting a copy of the qualified initiative entitled "Political Contributions. Employers, Labor Unions. Foreign Entities. Initiative Statute." Referred pursuant to Elections Code, Section 9034, to the Committee on Elections, Reapportionment and Constitutional Amendments.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 7, 1998

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

Assembly Bill No. 297

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, January 7, 1998

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

Assembly Bill No. 73

Assembly Bill No. 215

Assembly Bill No. 231

Assembly Bill No. 238

Assembly Bill No. 302

Assembly Bill No. 540

Assembly Bill No. 630

And reports the same correctly engrossed.

Assembly Bill No. 707

Assembly Bill No. 743

Assembly Bill No. 1068

Assembly Bill No. 1081

Assembly Bill No. 1225

Assembly Bill No. 1373

Assembly Bill No. 1617

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 7, 1998

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

Assembly Bill No. 390

Assembly Bill No. 796

Assembly Bill No. 969

And reports the same correctly engrossed.

Assembly Bill No. 1166

Assembly Bill No. 1241

Assembly Bill No. 1290

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS

Committee on Human Services

January 7, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Senate Bill No. 817

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

ARONER, Chairwoman

SENATE BILL NO. 817—An act to amend Section 1502 of, and to add Article 2.6 (commencing with Section 1528) to Chapter 3 of Division 2 of, the Health and Safety Code, and to amend Sections 361.2, 777, 11402.5, and 16514 of, and to add Sections 725.6, 11402.7, and 11462.06 to, the Welfare and Institutions Code, relating to juveniles, 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.

AUTHOR'S AMENDMENTS

Committee on Water, Parks and Wildlife

January 7, 1998

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Assembly Bill No. 1350

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

MACHADO, Chairman

ASSEMBLY BILL NO. 1350—An act to amend Section 2070 of, to add Sections 2079.1, 2079.2, 2079.3, and 2079.4 to, to repeal Sections 2071.5, 2072.3, 2072.7, 2073.3, 2073.5, 2074.2, 2074.4, 2074.6, and 2076.5 of, and to repeal and add Sections 2071, 2072, 2073, 2074, 2075, 2075.5, 2076, 2077, 2078, and 2079 of the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS

Committee on Consumer Protection, Governmental Efficiency and Economic Development

January 7, 1998

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

Assembly Bill No. 1187
Assembly Bill No. 1314

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

DAVIS, Chairwoman

ASSEMBLY BILL NO. 1187—An act to add part 10.3 (commencing with Section 15740) to Division 3 of Title 2 of the Government Code, relating to economic development.

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. 1314—An act to add Section 9742.5, 9744.5, and 9749.3 to the Business and Professions Code, relating to cremated remains.

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 Environmental Safety and Toxic Materials

January 7, 1998

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 548

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

WAYNE, Chairman

ASSEMBLY BILL NO. 548—An act to add Article 8 (commencing with Section 13367) to Chapter 5 of Division 7 of the Water Code, relating to water.

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 Appropriations

January 7, 1998

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

Assembly Bill No. 277

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 277—An act relating to energy resources, and making an appropriation therefor.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS
Committee on Public Safety

January 7, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 33

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 33—An act to amend Section 1093 of the Penal Code, relating to criminal procedure.

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 Human Services

January 7, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 718

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

ARONER, Chairwoman

ASSEMBLY BILL NO. 718—An act to add Article 9 (commencing with Section 11600) to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to human services.

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 Utilities and Commerce

January 7, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Assembly Bill No. 1154

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

MARTINEZ, Chairwoman

ASSEMBLY BILL NO. 1154—An act to amend Section 841 of the Public Utilities Code, relating to public utilities.

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 Judiciary

January 7, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Assembly Bill No. 804

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

ESCUTIA, Chairwoman

ASSEMBLY BILL NO. 804—An act to amend Section 998 of the Code of Civil Procedure, relating to civil actions.

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 Banking and Finance

January 7, 1998

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:
Assembly Bill No. 1203

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

PAPAN, Chairman

ASSEMBLY BILL NO. 1203—An act to amend Sections 50124, 50302, 50306, and 50401 of the Financial Code, relating to financial institutions.

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 Public Employees, Retirement and Social Security**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 312

Assembly Bill No. 427

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

HONDA, Chairman

Above bills re-referred to the Committee on Appropriations.

Committee on Insurance

May 11, 1997

Mr. Speaker: Your Committee on Insurance reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 825

FIGUEROA, Chairwoman

Above bill ordered filed with the Chief Clerk.

Committee on Higher Education

Date of Hearing: January 6, 1998

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 521

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

LEMPERT, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 6, 1998

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 425

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

LEMPERT, Chairman

Above bill ordered to second reading.

ADJOURN IN MEMORY

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Forest "Jack" Eaton, of Illinois.

ADJOURN IN MEMORY

Assembly Member Battin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Congressman Sonny Bono, and that the following statement be printed in the Journal:

In Memoriam
Congressman Sonny Bono

I would like to express my family's and my heartfelt condolences to Sonny Bono's wife, Mary, and his children, Chianna, Chesare, Chastity and Christy. I lost a great friend on Monday. The people of California lost one of their best and brightest emissaries, and Washington lost the color and vitality he brought to everything he did.

Always sincere, Sonny was widely noted for the unsurpassed integrity he brought to his district. His heart was deeply invested in his work, making Sonny's life a truly human story. From the melodies of his hit records and the joy of his television comedy, his entrepreneurial ventures, his mayoral term in Palm Springs, and finally during his time in Congress, Sonny inspired us and showed that there is no end to what is possible in America.

But as famous as he came to be, Sonny remained a down to earth family man of extraordinary character. I first met him when we were both on the campaign trail in 1994. From that point on, Sonny's approachable, friendly style made him a valuable colleague and resource; we shared goals to protect families from drugs and crime, promote agriculture, and safeguard the environment of our southern California districts. We worked together to simplify and improve the people's government.

Sonny Bono dedicated years of his life to public service, and served as mayor of Palm Springs from 1988 to 1992. After that he was elected to Congress in 1994 as a Republican from Palm Springs in the 44th district. A tireless advocate for his district, Sonny was able to focus the attention of Washington on the fragile environment of the Salton Sea. He brought congressmen and cabinet officials out to our desert region, helping to revitalize this precious recreational and natural resource. I firmly believe that this will be his congressional legacy.

It was through acts like these that Sonny acquired his flourishing reputation as a true 'citizen legislator,' a common man of uncommon character. His humor and spirit brought him his success in entertainment and public service, and the contribution he made to our country will be deeply missed.

Sonny's death leaves my family and everyone he touched with tremendous feelings of loss, and profound sadness. Sonny's was a great and full life, ended all too soon. Today we remember that the record he built—one of integrity, service and remarkable humanity—survives, and leaves its imprint on us all.

JIM BATTIN, Assembly Member
Eightieth District

ADJOURN IN MEMORY

Assembly Members Murray and Baca were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jeremiah Cremins, of Los Angeles.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 297, ordered to third reading.

(NOTE: Later this day Assembly Bill No. 297 was re-referred to the Committee on Appropriations.)

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

Assembly Bill No. 297.

RECESS

By unanimous consent, at 5:03 p.m., Speaker Bustamante declared the Regular Session of the Assembly recessed.

IN JOINT CONVENTION

At 5:03 p.m., the Senate and Assembly met in Joint Convention. Hon. Cruz M. Bustamante, Speaker of the Assembly, presiding.

APPOINTMENT OF JOINT COMMITTEE ON ESCORT

Speaker Bustamante appointed Assembly Members Villaraigosa, Brown, Leonard, and Takasugi, and Senators Watson, Ayala, Maddy, and Kopp 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, State Treasurer Matt Fong, State 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, Jr. (District 3), and John Chiang (Acting Member, 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. Joyce L. Kennard, Hon. Marvin R. 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 GOVERNOR

Governor Wilson then proceeded to address the Joint Convention.

ADJOURNMENT OF JOINT CONVENTION

At 5:57 p.m., there being no further business, Speaker Bustamante declared the Joint Convention adjourned *sine die*.

IN ASSEMBLY

At 5:57 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:

**The Pacific Powerhouse:
Enriching Individual Potential and California's Future**

**Governor Pete Wilson
1998 State of the State Address**

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

Thank you, Happy New Year, my friends, and let me begin by thanking this Legislature for a remarkably productive 1997 . . . and by resolving to work with you . . . to make 1998 a year of which we can be just as proud.

Three Saturdays from now marks 150 years since the first discovery of gold in the South Fork of the American River—the beginning of the great California Gold Rush.

From that day to this, California has drawn risk-takers and pioneers. Men and women of all races and persuasions have struck their own gold in California.

And have they struck it big!

The state of our state is strong . . . and growing stronger every day! As we rang in the New Year, California celebrated its 55th month of economic growth.

Last year, we created more than 400,000 new jobs—economic growth one-and-a-half-times faster than the rest of the nation . . . the largest job-growth that California has seen in a decade.

Unemployment now stands at 5.6%—its lowest since the summer of '90.

More Californians are working than ever before.

Personal income grew by more than 7% last year, its biggest increase during the nineties . . . Californians enjoyed the largest growth in purchasing power in nearly a decade-and-a-half, which explains why families are buying more homes than they have in ten years.

It all adds up to success other states cannot match. In fact, it takes the entire economic and job growth of New York, Illinois, Pennsylvania and Michigan combined to equal what California has achieved in the past three years.

My friends, the “Comeback” is over. We are back.

California has become the “Powerhouse of the Pacific” . . . a beacon of industry and innovation that’s lighting the path to an age of unimaginable incandescence.

But a word of caution:

The nightmare of the early nineties wasn’t just recession. California was losing jobs wholesale—to other states suffering the same recession—because we’d ceased to be competitive . . . ceased to be attractive to investors and job-creators.

Never, ever again can we let that happen to California.

California must remain a magnet for those creative souls whose individual genius is this state’s collective greatness.

To assure that it does, we’ve cut taxes.

Today, the tax burden for California businesses and corporations is at its lowest in three decades.

For working men and women, the tax bite will be less painful this year. We gave them a \$1 billion tax cut . . . a tax cut that allows Californians to save for their children’s future . . . the biggest tax cut this state’s seen in half-a-century.

But neighboring states continue to lower their taxes . . . to lure away our jobs. Last year, every state touching California’s border passed a tax cut.

If we fail to continually address the twin issues of tax fairness and government spending, we’ll find we’ve greatly reduced the power of our “Pacific Powerhouse”.

The best way to assure a full-throttle economy is to keep spending in check . . . and hold down taxes.

It’s almost 20 years since California voters added to the Constitution—the so-called Gann Limit—to limit the growth of government spending.

In the 1980s, the Gann Limit was an effective check upon runaway spending.

Today, it no longer imposes a real limit on state spending.

We need to lower the Gann Limit . . . to put a much tighter lid on government. And we can do so without touching a single dollar of education money.

I ask the Legislature to work with me in preparing a ballot measure to set a new and tighter spending limit, to control the appetite for spending of future state governments.

California's economic and population growth make inevitable the growth of state government. But where we can, we must make it leaner, less costly, and a lot more accountable to the people it serves.

In the last two years, we've repealed some 4,000 regulations. We've transferred billions of dollars of transportation authority to local governments. We've sold more than \$100 million of unused government real estate.

By April, the private sector—not government—will take charge of the third-largest telephone system in California.

We will continue to streamline state government . . . until we can justify to taxpayers the cost and purpose of every way we're investing their tax-dollars.

At the same time, we want to enhance government's role as an enabler of economic growth.

I'll soon appoint a California Electronic Commerce Council consisting of leaders from the state's high-tech community, small business, banking and retail communities.

They'll advise us how we can best position our state trade and economic development activities to take advantage of new opportunities offered by the Internet and the explosion in electronic commerce.

The fact is the fastest-growing ports in California are the ports on the sides of computers. The Internet is as vital to California's economic future as her factories, farms and forests.

I ask that the Legislature work closely with the Council and act promptly upon its findings, so that we maximize the potential that our technology sector offers.

And we do have much to offer. But for all of California's beauty and natural amenities, investors don't create jobs so their workers have an ocean view.

Entrepreneurs who set up shop in California want a place that works. They want an assured quality of life for themselves and their employees—with schools, transportation, recreation and public safety systems they can rely on.

The time has come to invest in our 21st Century economy . . . to provide California with all the infrastructure needed for job growth and greater prosperity.

Tonight, I urge that we place a series of infrastructure bonds on the June and November ballots, to provide for needs ranging from parks and playgrounds to college libraries and dormitories.

That includes a \$1.3 million water bond.

We have a unique opportunity this year to make progress on all of the elements of a comprehensive plan for California's water future.

We must begin by resolving a Colorado River water transfer agreement among San Diego, Imperial Irrigation and the Southern California Metropolitan Water districts.

Then, we must act to assure that businesses, agriculture and the

environment will benefit equally from increased water resources for fish, farm, and factory through conservation, water reuse, flood control, underground storage, transfers and ground storage facilities.

California can afford no less of us . . . this year.

Second, we must address the present construction needs of California's K-12 schools—to meet the deferred maintenance and the space needs generated by enrollment growth.

A challenge of this magnitude—and this importance—requires a sustained, major effort.

I propose that, in each of the next four election cycles, the Legislature place on the ballot a \$2 billion state bond for school construction and repair . . . and that state bond-funding be made available to school districts only on a one-to-one matching basis, to produce a combined state-local total of \$16 billion.

Our children can afford no less.

Developer fees artificially inflate the price of housing, denying thousands of young families the dream of home-ownership. Expensive housing is a damper on our jobs-climate.

Employers simply will not come here if their workers can't afford a California mortgage payment.

So I propose we cap those fees . . . and reduce the vote required for passage of local bonds to a prudent but less stringent majority.

It's essential: No local bonds . . . no new schools.

I cannot too strongly urge you to make these needed reforms . . . so we can have all the classrooms we need . . . when we need them!

A deficit far more serious even than that of classroom space threatens California and, indeed, all America . . . the Land of the Free.

Freedom is our heritage . . . our birthright.

We rightly celebrate those who have died to keep us free.

But have we kept faith and honored their sacrifice? Or have we so abused the precious gift of freedom that we are faced with the cruel irony of losing it—not to a foreign tyrant, but—because we have lacked the discipline and responsibility to keep it.

How free is the 19-year-old who reads at second-grade level in the age of high technology?

How free is the unwed teen mother who drops out of high school and becomes addicted to crack?

How free is her innocently addicted baby—and how free will that child ever be?

On op-ed pages, liberal pundits daily decry poverty as the cause of the circumscribed lives these “victims” lead. They angrily assert that government lack of largesse, and not the individuals, is to blame.

Professor James Q. Wilson has given great wisdom to this state as well as to his students at Harvard and UCLA. Recently, he prescribed three rules for avoiding poverty: finish high school . . . have no child out of wedlock . . . have no babies before age 20.

Time and again, this Legislature has heard me decry the plight of fatherless children . . . and the epidemic increase in out-of-wedlock births that has triggered an explosion in social pathologies that barely existed a generation ago.

You've listened and you've acted upon my calls for action.

Together, we've required unwed teen mothers and their babies to live in the home of a fit parent or guardian.

We've rewarded unwed teen mothers who return to high school and penalized those who drop out.

We've discouraged repeated out-of-wedlock pregnancy by repealing the increase in welfare for a new child.

We've made adoption easier.

We've funded the vigorous prosecution of statutory rape, and funded media campaigns and community programs designed to discourage young women . . . and young men . . . from becoming young parents.

And we've recruited mentors to provide the needed adult guidance to combat out-of-wedlock births.

I thank you for what we've done.

Every way we can, we're making clear to the Nike generation that it's just irresponsible to "just do it" . . . to yield to sexual gratification when the result is a fatherless child, facing a childhood and a lifetime of poverty and public dependency.

Well, kids changing their behavior. Teen births in California are down almost 20% since 1991.

One of the best reasons for that drop in teen births is here with us tonight.

North of here, a remarkable program called the Shasta County Community Challenge is helping the children of Northern California avoid such mistakes.

The project director of the public-private partnership, a woman named, Marylee Boales, is seated in the gallery.

Visit the City of Redding and you'll find a community hard at work, teaching its children common sense and responsibility.

Stop by the River City Pizzeria. You'll find teen fathers in weekly discussion groups, where they learn that fathering a child is a commitment that brings with it heavy new obligations.

Visit the Mary Stone School and you'll find teen girls who think they want to become mothers instead taking temporary custody of "Baby Think It Over" dolls—dolls that cry, and fuss, and demand non-stop attention, just like a real baby.

After a weekend with one of those dolls, most girls have thought it over . . . and wisely reconsider motherhood.

Please join me applauding Marylee Boales.

Californians should not be forced to choose between being a good provider and being a good parent.

The budget I'll introduce Friday includes \$1.8 billion in child care for the working poor—that includes CalWORKs recipients who need such assistance.

No parent will need to leave a child untended.

It will also assure that those who deliberately cheat the system will be caught and punished.

Welfare fraud is a crime. So is any act that encourages kids to make the wrong choices in life.

Kids today face pressures that few of us did—pressure to do drugs, to have sex, to join street gangs. We are committed to making the effort to give them every chance to make the right choices. We have

aggressively pursued a preventive agenda for children from before birth onward.

But we cannot tolerate crime or violence from juveniles, or fail to protect decent citizens from gangs.

Last year, I asked that you work with me to give our people the protection they deserve and need.

I enthusiastically signed Senator Lockyer's measure to move early offenders into intervention programs before they become hardened "gang-bangers"—the "8% Solution" that's proven to be so successful in Orange County.

But California's safety requires tougher steps—intervening in the lives of more serious juvenile offenders, and prosecuting the most violent and dangerous ones in adult court.

We can't deny to law enforcement the laws they need to take back our neighborhoods from street gangs.

A juvenile who murders, rapes or commits armed robbery must stand trial as an adult. Other states, including Oregon, have made this change. So must we.

We need a centralized system of public records for all juvenile felonies, as well as public disclosure of serious offenses, so citizens and law enforcement officials know when dangerous juveniles are in our midst.

A gang member who commits a car-jacking or a home invasion should face life in prison . . . any member of a street gang who intentionally kills to further the gang's agenda should face the death penalty.

Year after year, the public has rallied on the steps of this Capitol, demanding a change to these laws. This year, let's save them the trouble.

Your child may merit a "time-out". Violent juvenile thugs deserve time behind bars.

Common sense dictates that the earlier and deeper we get to the root of a problem, the less likely it will spread.

That's been the philosophy behind all our many efforts to invest in California's children—an approach I've called "preventive" government.

Seven years later, we've dramatically changed the lives of an entire generation of Californians. We've safeguarded them and enhanced their human potential.

And that wouldn't have been possible without your help . . . or without the energy, conviction and eloquent voice lent to that cause by someone who has greatly changed my life for the better—my wife, Gayle.

Earlier today, some 600,000 children across California reported to school healthier and better prepared to learn because of our investment in Healthy Start.

. . . another half-million who once lacked health care coverage are now protected under our Healthy Families initiative.

I ask now that you work with me to make an enormous difference for children . . . from their very earliest moments.

Science now confirms what good parents already knew—children develop as much as 90% of their learning capacity in their first three years of life.

This year, I propose an Early Childhood Development effort designed

to improve children's emotional development, their potential to learn, and their ability to become fully-functional adults.

We'll expand existing pre-school services to all four-year-olds in California living beneath the federal poverty level.

We'll expand child-care for infants and toddlers, and conduct hearing screenings for newborns.

Our children must remain our greatest priority.

Thanks to the remarkable expansion of class-size reduction, 1 million of California's youngest learners now receive much more individualized instruction, and as a result are achieving more at an earlier age.

The benefit they receive will shape all the rest of their learning experience—on through high school, college or community colleges, and even graduate school.

And now they can look forward to the excitement of learning in a California "digital" high school, one of 840 high schools we're connecting to the Internet.

And high-tech education won't end with high-school in California.

We've worked closely with the leaders of California's public and private universities and colleges to transport California into the information age—by creating what we call the "Virtual University".

Tonight, I propose that we invest an additional \$14 million in this effort, to extend the range and reach of California's great institutions worldwide through cyberspace.

Exciting as its prospects are, the Virtual University does not eliminate the need to expand capacity for residential study.

As Governor and Regent, I support a tenth campus of the University of California—The University of California at Merced. My budget includes funding to advance the realization of the deserved Central Valley dream.

Americans have always believed that education is our most reliable means for advancing man's happiness. Today, California's classrooms provide exactly that—they advance hope and enthusiasm.

We're in the process of adopting world-class standards to challenge our children to meet the competition they will surely encounter in the international marketplace.

We've rightly insisted that our children learn the basics, and that parents know what their children have learned through individual student testing.

To allow our kids to compete with Asian and European students, the budget provides funding to increase the school year by seven instructional days.

That will bring to kids in every district a school year of at least 180 days of classroom instruction.

And if our kids have not learned what they must know to compete in this increasingly demanding job market, we must not do them the serious disservice of pretending that they have.

Social promotion is the worst form of false kindness.

Much is written and spoken about the importance of self-esteem to a child's success. It is important. But self-esteem must be earned by performance. It's not a government grant.

Kids who graduate only with the knowledge that they've learned little . . . have little reason to feel good about themselves.

If our kids can't do arithmetic and don't understand rudimentary science . . . if they cannot read, write and speak English . . . they won't be hired, much less promoted.

Social promotion is not honest, and not fair . . . not to kids, or parents, or employers, or taxpayers.

We must end social promotion. It teaches kids a terrible lesson: that competency doesn't count . . . that reward does not depend upon achievement.

We must begin the corrective action to put a halt to this frightful waste of human potential.

My budget includes funding for remedial summer school classes in reading for students in grades 3–6.

And I will sponsor legislation to address social promotion in greater depth and breadth. We will require students in grades 1–4, 7 and 10 who are not performing at grade level to take remedial classes in language arts, math science, and history. If they're not up to standard after taking those classes, they don't advance to the next grade.

By doing this, we change and save lives. If we can teach more kids to open books, fewer will open their veins to drugs.

But now—from those who should know better—comes the ill-conceived notion that our universities should drop the SAT—the Scholastic Achievement Test—as a means of assessing incoming freshmen.

The SAT is perhaps the best objective antidote to grade-inflation. Ending it undermines the accountability we need and are seeking at all levels of our educational system.

Sending students to college who are unprepared to do college work is the ultimate in social promotion. Exposing any youngster to a high probability of failure and disillusionment is worse than deceptive. It's destructive.

We must help educationally deprived but deserving youngsters win admission to college . . . legitimately. Outreach?

Yes, but my vision of outreach requires going into communities and in fact changing kids lives by preparing them for university admission. But to be honest and successful, the effort must begin at pre-school . . . not high-school graduation.

Tonight, I call upon every member of the UC and CSU system to do just that—to work with their host communities to provide SAT preparation in the most effective way possible: create charter schools with local school districts, or at least to become actively engaged in curriculum development for grades K–12.

That's outreach!

Having criticized education folly, let me now express my pleasure and admiration for a great school and a great principal—in fact, the “Outstanding Principal of California”: Howard Lappin, Principal of the Foshay Learning Center in South Central Los Angeles.

Twelve years ago, when he was first assigned to Foshay, one-third of Howard Lappin's students never went to class. Principal Lappin said: “Enough of that nonsense: you come to school, you go to class”. Today, Foshay's attendance rate surpasses 94%; the dropout rate is down from 22% to only 1%.

The Foshay Learning Center teaches úsñ that with attention and encouragement, children with Limited English Proficiency can become

educational high achievers. About one-third of Principal Lappin's students arrive at Foshay unable to take regular English classes.

Howard Lappin would be the first to tell you that too many kids are failing to receive something even more vital than a strong core curriculum—and that's the love and encouragement of a caring adult.

Seated up in the gallery is Edwin Franklin, an MBA candidate at the University of Southern California—one of 125 Trojans tutoring Foshay students in reading.

Edwin Franklin is a very busy young man . . . very likely, soon to be one of the successful and influential business leaders of his community.

But Edwin is not too busy to find time for the kids at the Foshay Learning Center—to help them learn to read and grow.

Edwin probably figures that the kid he helps will one day himself become a tutor and mentor to some other youngster. He may even have concluded that by changing some child's life—by expanding a kid's horizons—you change your own, and likely make more wholesome the community your own kids will grow up in.

Well, Edwin's right. He's right to care, and right to find the time to help. He's making an investment—with the potential for a rich return.

If so busy a young man can, so can the rest of us.

You don't have to read between the lines to see what they've done: the average 6th grader arrives at Foshay reading below the third-grade level. But last year, of the 65 kids who started the 12th grade, all but two were accepted to a college.

Please join me in saluting Howard Lappin, Edwin Franklin and every educator and mentor across this state who's teaching kids to be all they can be.

California—more than any place in the world—is producing the jobs of tomorrow. Employers shouldn't be compelled to import a skilled workforce because our public schools have failed to do their job.

We should never accept a state of educational have's and have-not's. But that's what we've got! It's wrong—very wrong—and we've got to change it!

All children deserve schools that inspire them to study and be creative. But not every child's that lucky. For all too many, their school is a far cry from the Foshay Learning Center.

If we knew that thousands of children were being served school lunches lacking in nutrition, we'd insist they receive a proper diet.

Well, not all children are taking part in our school renaissance. Hundreds of thousands of them are suffering from educational malnutrition. They're trapped in under-performing schools that stifle ambition.

We cannot allow this to continue . . . not if we are to honor the duty we owe California's children . . . to empower them to earn their share of the California Dream.

Tonight, I call upon you to provide "opportunity scholarships" to 15,000 children trapped in California's worst classrooms.

Please don't tell the parents of 15,000 children to be patient . . . to expect that the same system that already has wasted years of their children's precious lives is capable of correcting itself.

Given enough time, a Howard Lappin could change their schools. Good principals do that. But poor kids trapped in bad schools don't have

time. If we don't rescue them now, what will become of them?

Will they be added to the list of victims of social promotion—or lose hope altogether and drop-out? The one thing certain is: without a decent education, they will be less than they deserve to be, or could be.

I refuse to accept the absurd argument that rescuing 15,000 children from failing schools will somehow bring down the entire public school system.

By the way, tell me: how many bad schools has the public school system closed?

Forty years ago, the civil rights battle raged over getting children into good schools. Now, the battle must be joined to get them out of bad schools.

As the United Negro College Fund reminds us: “A mind is a terrible thing to waste.”

My friends, we can prevent that unconscionable waste.

If we fail to provide them opportunity scholarships, there will be 15,000 children we can't face. And every one of us should be deeply ashamed.

This is my final State of the State Address.

I'll genuinely miss this job. Even on its worst days, this is the best life I've known.

But tonight I think not of sad farewells but cheerful beginnings . . .

And I think of the words of the Welsh poet Dylan Thomas, who exhorted: “Do not go gently into that good night.”

My friends, I have absolutely no intention of going “gently into that good night”. Nor should anyone in this chamber.

Not until the day when we can return to our homes and tell our friends and neighbors that we did all we could do in the time given us by the people of California . . . to make their state safer, stronger and more secure for this generation, and for generations to come.

And that time has not yet come.

But the time has come for California to invest in infrastructure for the 21st Century . . . to spend not only money, but time and effort . . . for infrastructure of all kinds.

It's time to invest in and build an infant's neurological infrastructure . . . to stimulate the wondrous computer that is a baby's brain . . . to maximize the capacity of every child for intellectual and emotional development.

It's time to invest as much time and effort as money to reform our schools to make them worthy to receive, nurture, and expand the minds and possibilities of California's children.

And, above all, it's time to invest in values . . . in the creation of character in children, so that they have a moral compass to guide them in their quick and perilous journey to adulthood.

These investments are opportunities . . . and duties. Neglect of any of them cannot be benign. We will pay a terrible price if we are guilty of it.

That's what this State of the State message is really all about. It's about California's future, not just a report on our past.

It poses an ambitious agenda.

It asks for generous personal commitments of time and energy and caring—from those in this chamber and those whom we are privileged to serve.

Change must be made—good, important, needed change.

We're up to it. I've seen Californians rally from recession and natural disasters that would have stunned and defeated a people of less heart.

Time and again I've seen the courage and the generosity of Californians to their neighbors.

We will make these changes and empower Californians. We will turn from warehousing dependency to investment in enriching individual potential. Our legacy to America will be a new generation of Californians with better minds and better hearts than their parents.

We will meet the challenge of building the first society to embrace every ethnic group and culture on the planet. And because each of them is blessed with high achievers, California's successes in every venue will reflect our diversity . . . naturally, without artificial preferences.

We will not allow ourselves to be divided into divergent interests who simply rub up against one another like the tectonic plates of the San Andreas fault.

We will meet the tests that lie ahead, as a people proud of our many different pasts, who now share a common future . . . a proud future . . . one we resolve will offer every California child hope and equality of access to opportunity.

We will shape that future, embracing change, but clinging to the timeless unchanging values of faith and family, of individual effort and personal responsibility, without which no republic can long endure.

Our role, our responsibility is to assure that California can choose greatness. Our duty is to guarantee those seeking opportunity that we will provide it.

While others suffer change, or patiently await it, California will invent its future—and export it.

Time and time again, America has seen California rise to the occasion and triumph over peril. Through every challenge, California has offered a dream to be realized . . .

and we will again.

We will make real the dream of a republic where work is respected and rewarded, where every right is balanced by responsibility, where freedom thrives and opportunity burns bright.

We will be victors, not victims.

We will be . . . Californians!

Thank you, good night, and God Bless California.

MOTION TO ADJOURN

At 5:58 p.m., Assembly Member Villaraigosa moved that the Assembly do now adjourn.

Assembly Member Leonard seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:58 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. 1648—Richter. An act to add Chapter 3 (commencing with Section 300) to Part 1 of the Education Code, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1649—Wayne. An act to amend Section 35556 of the Education Code, relating to education.

ASSEMBLY BILL NO. 1650—Richter. An act to amend Section 13480 of the Business and Professions Code, and to amend Section 43830 of the Health and Safety Code, relating to gasoline.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 29—Granlund. A resolution to propose to the people of the State of California a revision to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 84—Richter. Relative to the Randy Jennings Memorial Bridge.

INTRODUCTION OF GUESTS

Assembly Member Washington, of the 52nd Assembly District, introduced Melanie Andrews, of Compton.

ADJOURNMENT

At 5:58 p.m., pursuant to the motion by Assembly Member Villaraigosa, the Assembly adjourned until 8:30 a.m., Thursday, January 8, 1998, out of respect to the memory of Forest “Jack” Eaton, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Congressman Sonny Bono, on motion of Assembly Member Battin; and out of respect to the memory of Jeremiah Cremins, on motion of Assembly Members Murray and Baca.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 7, 1998

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

AB	RN
33	9726487
277	9800150
548	9800139
718	9800260
804	9800126
1154	9725818
1187	9800083
1203	9800271
1314	9726013
1350	9800240

SB	RN
817	9726173

Daily Total:	11
Cumulative Total:	3563

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