

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 11, 1998

ONE HUNDRED SIXTY-FIRST SESSION DAY

FOUR HUNDRED THIRTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 11, 1998

The Assembly met at 7 a.m.

Hon. Tom McClintock, Assembly Member, 38th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—77:

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

Quorum present.

At 1:45 p.m., Hon. Rico Oller, 4th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

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 Cunneen.

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:

February 11, 1998

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Wednesday and Thursday, February 11 and 12, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member
Twenty-fourth District

COMMUNICATIONS

The following proposed initiatives were received by the Chief Clerk from:

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

Drug Testing. Clinical Social Worker and Counselor License Applicants. Initiative Statute.

Referred by the Speaker to the Committee on Health.

Public Schools.

Class Size Reduction. Parent-Teacher Council. Teacher Credentialing. Initiative Statute.

Referred by the Speaker to the Committee on Education.

REPORTS

The following reports were presented by the Chief Clerk:

**Department of Pesticide Regulation Report
on Plans for Providing Electronic Access to, and Electronic Copies
of the Toxicology Summaries Developed Pursuant to
the Birth Defect Prevention Act (SB 950)
(Pursuant to the Supplemental Report of the 1997 Budget Act
Item 3930-001-0001)**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Secretary for Environmental Protection, California Environmental Protection Agency, Sacramento, dated February 2, 1998, referred by the Speaker to the Committee on Budget.

**Alternative Pesticide Research
(Pursuant to the Supplemental Report of the 1997 Budget Act
Item 3930-001-0001)**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Secretary for Environmental Protection, California Environmental Protection Agency, Sacramento, dated February 2, 1998, referred by the Speaker to the Committee on Budget.

**Allocation Methodologies for Alcohol and Other Drug Program Funds
(Pursuant to the Supplemental Report of the 1997 Budget Act
Item 4200-001-0001)**

Above transmitted report, together with letter of transmittal from Andrew M. Mecca, Dr. P.H., Director, Department of Alcohol and Drug Programs, Sacramento, dated February 2, 1998, referred by the Speaker to the Committee on Budget.

**Biennial Report to the Legislature on Automation Plans
(Pursuant to Unemployment Insurance Code Sections 4901-4903)**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, dated February 5, 1998, referred by the Speaker to the Committee on Labor and Employment.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1812—Ackerman. An act to amend Section 31.5 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

ASSEMBLY BILL NO. 1813—Ackerman. An act to amend Section 1561.1 of the Financial Code, to add Section 53216.8 to the Government Code, to amend Sections 16061.5 and 16061.7 of, and to add Section 16061.9 to, the Probate Code, relating to trusts.

ASSEMBLY BILL NO. 1814—Wildman. An act to add Section 21328 to the Government Code, relating to the Public Employees' Retirement System.

ASSEMBLY BILL NO. 1815—Migden. An act to amend Sections 60604, 60605, 60640, and 60643 of the Education Code, relating to pupil testing.

ASSEMBLY BILL NO. 1816—Miller and Villaraigosa, (Coauthors: Papan, Honda, and Thomson) (Senators Solis and Watson, coauthors). An act to add Section 14105.36 to the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 1817—Takasugi. An act to amend Sections 1570.7, 1572, 1572.9, 1575.9, 1576, 1585.2, 1585.5, 1588.2, and 1588.7 of, to amend and renumber Section 1589.5 of, and to repeal Section 1589 of, the Health and Safety Code, and to amend Sections 14525, 14526, 14530, 14550, 14552.2, 14555, 14571, 14575, 14577, and 14585 of the Welfare and Institutions Code, relating to adult care services.

ASSEMBLY BILL NO. 1818—Takasugi. An act to amend Section 17321 of the Financial Code, relating to escrow agents.

ASSEMBLY BILL NO. 1819—Takasugi. An act to repeal Section 11221 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 1820—Honda. An act to add Section 11465.6 to the Welfare and Institutions Code, relating to human services.

ASSEMBLY BILL NO. 1821—Ackerman. An act to amend Sections 4600, 4600.3, and 4601 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 1822—Keeley. An act to amend Section 394.5 of the Public Utilities Code, relating to public utilities.

ASSEMBLY BILL NO. 1823—Cardenas. An act to add Section 7110 to the Public Contract Code, relating to state contracts.

ASSEMBLY BILL NO. 1824—Wildman. An act to amend Section 40611 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1825—Bowler. An act to amend Section 4466 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1826—McClintock. An act to repeal Chapter 2 (commencing with Section 35100) of Part 3 of Division 24 of the Health and Safety Code, relating to housing.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Select Committee on California's Women, on Friday, February 27, 1998, at 9:30 a.m., in Monterrey Park.

MESSAGES FROM THE GOVERNOR

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

Veto Message—Assembly Bill No. 160

Governor's Office, Sacramento
February 11, 1998

To the Members of the California Assembly:

I am returning Assembly Bill No. 160 without my signature.

This bill would require health care service plan contracts which provide outpatient prescription drug benefits and disability insurance policies to include coverage for a variety of federal Food and Drug Administration approved prescription contraceptive methods.

Comprehensive reproductive health services, including contraceptive services, are an essential element of women's health care and central to preventive care strategies. As I noted in my 1991 State of the State Address, "massive human and financial costs are associated with each unintended child that is born. Family planning education and contraceptive services are among the most sensible and humane investments we can make in our strategy of prevention."

Consistent with this commitment, I have led California in implementing a far-reaching, comprehensive prevention strategy to prevent unintended pregnancies. We have established the Partnership for Responsible Parenting (PRP) to support mentoring, information and outreach activities and a wide array of community-based prevention strategies. We have also developed the Family P.A.C.T. (Planning, Access, Care and Treatment) program, designed to make contraceptives more available to low-income women of reproductive age. All low income women with incomes below 200% of the federal poverty level are now guaranteed access to family planning services through this program. Taken together, PRP and Family P.A.C.T. have made a significant contribution to lowering educational and financial barriers to contraceptive services for the women of California.

This bill assumes that insured women do not have access to contraceptives because their health plans and insurers do not provide coverage for contraceptives. To the contrary, all but a few health care service plans and insurers in California provide policies and contracts that offer a variety of family planning services and contraceptive options. I have asked the author and sponsors to provide me with any evidence that insured women have difficulty obtaining medically appropriate family planning and contraceptive services from their plans

and insurers. The author and sponsors have not been able to provide any such evidence.

However, honoring my commitment to assure that all women have access to family planning and contraceptive services, I will sign legislation similar to this bill if it exempts religious employers and organizations based on their religious beliefs, in the manner provided in AB 2601 (1992), Chapter 915, enacting Labor Code Section 1102.1.

Were this bill to be enacted without a conscience clause, it could have an effect opposite to that intended by the author and supporters. Those religious organizations, such as Catholic diocesan offices, that object to providing coverage for contraceptives could simply drop all coverage for prescription drug benefits in order to avoid violating their religious teachings. Thus, this bill could actually decrease, rather than increase, prescription drug benefits for many women.

I invite the author and Legislature to continue working with me on this issue.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 11th day of February 1998, at 3:15 p.m., of Assembly Bill No. 160, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

ADJOURNMENT

At 3:15 p.m., the Assembly adjourned until 7 a.m., Thursday, February 12, 1998.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk