

CALIFORNIA LEGISLATURE
1999–2000 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 28, 1999

THIRTEENTH SESSION DAY

FIFTY-THIRD 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, January 28, 1999

The Assembly met at 9 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 Shelley moved a quorum call of the Assembly.

Motion carried. Time, 9:01 a.m.

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

Quorum Present

At 9:08 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—70:

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

PRAYER

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

That great philosopher on life, Helen Keller, saw the world with such a clarity, that those of us with sight often envy her of hers.

A woman who knew the loneliness of silence, and of being separate from the world, she strove not only to participate with her fellow travelers on life's journey, but to engage them, and challenge them, to make the world better for their having been here.

She once wrote: "A sane society whose riches are happy children, men and women, beautiful with peace and creative activity, is not going to be ordained for us. We must make it ourselves. Our destiny is our responsibility, and without faith we cannot meet it competently."

As she so clearly states "Our destiny *is* our responsibility." And, the purpose of faith is to give us the courage and stamina needed to meet the often difficult challenge of transforming our ideals into reality.

May the Holy One of Blessing grant us the gift of seeing in our lifetime a world renewed, a world filled with happy children and adults, a world overflowing with the creative power of our spirits, a world at peace with itself.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MOTION TO DISPENSED WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Leonard, 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 Members Calderon, Hertzberg, Jackson, Knox, Mazzoni, and Romero.

Because of illness: Assembly Member Baldwin.

Because of illness in their families: Assembly Members Cedillo and Cunneen.

EXPLANATIONS OF ABSENCE

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

January 27, 1999

*Speaker Antonio Villaraigosa
State Capitol, Room 219
Sacramento, California*

Dear Speaker Villaraigosa,

I am requesting that I be excused from session tomorrow, January 28, to attend to legislative business in my district office.

Please contact me at 319-2058 with any questions.

Sincerely,

THOMAS M. CALDERON, Assembly Member
Fifty-eighth District

January 28, 1999

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

Dear Mr. Speaker: I respectfully request permission to be excused from Session for legislative business on Thursday, January 28, 1999.

Very truly yours,

ROBERT M. HERTZBERG, Assembly Member
Fortieth District

January 25, 1999

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

Dear Mr. Speaker: I am requesting that I be excused from Assembly Session on Thursday, January 28, 1999, so that I may be in my district for Legislative business.

Thank you for your attention to this matter.

Sincerely,

HANNAH-BETH JACKSON, Assembly Member
Thirty-fifth District

January 12, 1999

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

Dear Mr. Speaker: I respectfully request permission to be excused from Session on Thursday, January 28 due to legislative business in my district on that day.

Thank you for your attention to this matter.

Sincerely,

WALLY KNOX, Assembly Member
Forty-second District

January 26, 1999

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

Dear Mr. Speaker: I am writing to request permission to be excused from session on January 28, 1999 on legislative business.

Thank you for your consideration of this request. Please call me should you have any questions on this matter.

Sincerely,

DR. GLORIA ROMERO, Assembly Member
Forty-ninth District

(NOTE: For letter explaining the absence of Assembly Member Mazzoni on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for January 26, 1999.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 28, 1999

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

Assembly Bill No. 22

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

AUTHOR'S AMENDMENTS**Committee on Revenue and Taxation**

January 28, 1999

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

Assembly Bill No. 7

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

KNOX, Chairman

ASSEMBLY BILL NO. 7—An act to add Sections 18153 and 24996 to 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 Natural Resources**

January 28, 1999

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 64

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

WAYNE, Chairman

ASSEMBLY BILL NO. 64—An act to add Article 2.8 (commencing with Section 69.5) to Chapter 2 of Division 1 of the Harbors and Navigation Code, relating to coastal resources.

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.

SPECIAL COMMITTEE MEETINGS

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

Assembly Budget Subcommittee No. 3, on Wednesday, at 8 a.m., in Room 127;

Assembly Committee on Transportation to convene jointly with Senate Committee on Transportation, on February 8, 1999, at 1:30 p.m., in Room 4202;

Assembly Committee on Agriculture, on February 10, 1999;

Assembly Select Committee on Transportation Relief, on February 9, 1999 and February 11, 1999.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 9:10 a.m., by unanimous consent, the members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 9:10 a.m., Speaker pro Tempore Keeley declared the Assembly recessed.

REASSEMBLED

At 9:18 a.m., the Assembly reconvened.

Hon. Fred Keeley, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: January 28, 1999

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 22

With the recommendation: Do pass.

MIGDEN, Chairwoman

Date of Hearing: January 28, 1999

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 49

With the recommendation: Do pass.

MIGDEN, Chairwoman

**CONSIDERATION OF ASSEMBLY BILL NO. 22
WITHOUT REFERENCE TO FILE**

Upon request of Assembly Member Shelley, Assembly Member Longville was granted unanimous consent to take up Assembly Bill No. 22, without reference to file, for purpose of consideration.

ASSEMBLY BILL NO. 22 (Longville)—An act to amend Section 1000 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—66

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—66

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

NOES—None

Bill ordered transmitted to the Senate immediately.

CONSIDERATION OF SENATE BILL NO. 49 WITHOUT REFERENCE TO FILE

Upon request of Assembly Member Shelley, Assembly Member Longville was granted unanimous consent to take up Senate Bill No. 49, without reference to file, for purpose of consideration.

SENATE BILL NO. 49 (Johnson)—An act to amend Section 1000 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Longville.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—68

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—68

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

NOES—None

Bill ordered transmitted to the Senate immediately.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY JOINT RESOLUTION NO. 1 (Florez)—Relative to cold storms in California.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—67

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

NOES—None

Above resolution ordered enrolled.

ADJOURN IN MEMORY

Assembly Member Corbett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arthur L. Souza, of San Leandro; Frank Leo Crosetti, of Hayward; and Julia Santos Rodrigues, of San Leandro.

Assembly Member Davis was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert Condon, of San Diego.

Assembly Member Floyd was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Willie Smoots, of Carson.

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dustin Michael Haaland, of Fresno.

Assembly Member Margett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gardner L. Thurman, of Sierra Madre and Donald O. Sensenbach, of Arcadia.

Assembly Member Papan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Silvina Reis Maia, of Sacramento.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Capt. George “Jake” Stasko, of San Francisco Police Department.

Assembly Member Reyes was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Michelle Martin and Cheri Monis, of Fowler.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Timothy P. Carrere, of Woodland.

Speaker Villaraigosa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marsha K. Olivier, of Los Angeles.

Assembly Member Wesson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Larry Hampton, of Los Angeles; Amber Nicole Griffin Sawyers, of Los Angeles; and Clydia Emily Wasson, of Marina Del Rey.

Assembly Member Wildman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Chris Hays, of Burbank.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items:

Assembly Bill No. 22 and Urgency: Campbell, Cardenas, Corbett, Honda, Rod Pacheco, and Wright—Aye.

Senate Bill No. 49 and Urgency: Campbell, Cardenas, Corbett, Honda, and Wright—Aye.

Assembly Joint Resolution No. 1, Concurrence: Corbett, Honda, and Wright—Aye.

MOTION TO ADJOURN

At 9:26 a.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Corbett seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:26 a.m., Speaker pro Tempore Keeley 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. 224—Knox. An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 225—Oller. An act to amend Section 1669 of the Vehicle Code, relating to the Department of Motor Vehicles.

ASSEMBLY BILL NO. 226—Runner. An act to add Section 11174.4 to the Penal Code, relating to child protective agencies.

ASSEMBLY BILL NO. 227—Wildman. An act to add Section 21328 to the Government Code, relating to the Public Employees' Retirement System.

ASSEMBLY BILL NO. 228—Migden. An act to amend Section 3017 of, and to add Section 13312.5 to, the Elections Code, relating to elections.

ASSEMBLY BILL NO. 229—Baldwin. An act to amend Section 17002 of the Corporations Code, and to repeal Section 93 of Chapter 1200 of the Statutes of 1994, relating to limited liability companies.

ASSEMBLY BILL NO. 230—Baldwin. An act to add Section 16391.5 to the Government Code, relating to the Controller.

ASSEMBLY BILL NO. 231—Battin. An act to amend Section 4935 of, and to add Section 4939.5 to, the Business and Professions Code, relating to acupuncture.

ASSEMBLY BILL NO. 232—Alquist. An act to amend Sections 21541, 21546, 21548, 21551, 21571, 21572, 21573, 21574, 21624, 21629, 21630, and 21635 of, and to repeal Section 21550 of, the Government Code, relating to the Public Employees' Retirement System.

ASSEMBLY BILL NO. 233—Dickerson. (Coauthors: Aanestad, House, and Maddox.) (Senator Johannessen, coauthor). An act to amend Section 77003 of the Government Code, relating to court operations.

ASSEMBLY BILL NO. 234—Lowenthal. An act to amend Section 11105.3 of the Penal Code, relating to crime prevention.

ASSEMBLY BILL NO. 235—Kuehl (Senator Johnston, coauthor). An act to add Chapter 3 (commencing with Section 2050) to Division 2.5 of the Welfare and Institutions Code, relating to youth.

ASSEMBLY BILL NO. 236—Honda and Cunneen. (Coauthors: Alquist, Dutra, Frusetta, and Lempert.) (Senators McPherson and Sher, coauthors). An act to add Sections 96.27 and 97.39 to the Revenue and Taxation Code, relating to local government finance.

ASSEMBLY BILL NO. 237—Machado. An act to add Chapter 6.4 (commencing with Section 13473) to Division 7 of the Water Code, relating to water, and making an appropriation therefor.

ASSEMBLY BILL NO. 238—Honda. An act to add Sections 2271.5 and 15600.5 to, and to add Chapter 4.5 (commencing with Section 2435) to Division 3 of, the Fish and Game Code, relating to aquatic animals, and making an appropriation therefor.

ASSEMBLY BILL NO. 239—Kaloogian. An act to amend Sections 2357, 2580, 8465, and 17200 of, to add Part 18 (commencing with Section 825) to Division 2 of, and to repeal Section 7200 of, the Probate Code, relating to estates and trusts.

ASSEMBLY BILL NO. 240—Honda. An act to amend Section 3502.5 of the Government Code, relating to public employees.

ASSEMBLY BILL NO. 241—Cunneen. An act to amend Section 25160.1 of the Health and Safety Code, relating to hazardous waste.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 4—Machado. Relative to Neighborhood Watch Month.

MESSAGES FROM THE SENATE

Senate Chamber, January 28, 1999

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

Senate Concurrent Resolution No. 5

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 5—Relative to a sister state relationship with the State of Baja California.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 12 noon, Monday, February 1, 1999, out of respect to the memory of Arthur L. Souza, Frank Leo Crosetti, and Julia Santos Rodrigues on motion of Assembly Member Corbett; out of respect to the memory of Robert Condon on motion of Assembly Member Davis; out of respect to the memory of Willie Smoots on motion of Assembly Member Floyd; out of respect to the memory of Dustin Michael Haaland on motion of Assembly Member House; out of respect to the memory of Gardner L. Thurman, Donald O. Sensenbach on motion of Assembly Member Margett; out of respect to the memory of Silvina Reis Maia on motion of Assembly Member Papan; out of respect to the memory of Capt. George “Jake” Stasko on motion of Assembly Member Shelley; out of respect to the memory of Michelle Martin and Cheri Monis on motion of Assembly Member Reyes; out of respect to the memory of Timothy P. Carrere on motion of Assembly Member Thomson; out of respect to the memory of Larry Hampton, Amber Nicole Griffin Sawyers, and Clydia Emily Wasson on motion of Assembly Member Wesson; out of respect to the memory of Chris Hays on motion of Assembly Member Wildman; and out of respect to the memory of Marsha K. Olivier, on motion of Speaker Villaraigosa.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 28, 1999**

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

AB	RN	
7	9902867	
64	9901393	
Daily Total:		2
Cumulative Total:		8

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