

CALIFORNIA LEGISLATURE
1999-2000 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 16, 1999

TWENTIETH SESSION DAY

SEVENTY-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
Tuesday, February 16, 1999

The Assembly met at 12 noon.

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, 12:01 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 12:10 p.m., Speaker pro Tempore Keeley declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—77:

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

PRAYER

Upon invitation of Speaker pro Tempore Keeley, the following prayer was offered by Assembly Member Carl Washington, of the 52nd Assembly District:

Let us pray:

Eternal God, we thank You for this day. We thank You for this opportunity to come together once again as Members of this State Assembly.

We pray now Thy blessings upon all the business that will go forward on behalf of the citizens of the State of California.

We praise You for this Black History program that will go forward, bless all of us as we endeavor to do the will of the people of California.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Shelley, seconded by Assembly Member Rod Pacheco.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Member Aanestad.

Because of illness: Assembly Member Knox.

EXPLANATIONS OF ABSENCE

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

February 9, 1999

Dotson Wilson

Chief Clerk

California State Assembly

Sacramento, California

Dear Mr. Wilson: This letter shall serve as notification that I will be away from the Capitol on legislative business February 16–19. I will not attend Floor Session on Tuesday, February 16, and will not be available for check-in sessions or for Floor Session on Friday, February 19.

I will be in my district on legislative business, attending town hall meetings, meeting with local constituent groups and working with community leaders. I am anticipating an educational, productive week learning a great deal more about the 3rd Assembly District.

Should you have any questions regarding my absence, please contact my Chief of Staff, Brett Michelin, or me at 319-2003.

Sincerely,

SAMUEL AANESTAD, Assembly Member
Third District

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

February 16, 1999

E. Dotson Wilson
Chief Clerk
State Capitol, Room 3196
Sacramento, California

Dear Dotson: Please be advised that I have appointed the following members to the Select Committee on Gun Violence.

Assemblymember Dion Aroner
 Assemblymember Jim Cunneen
 Assemblymember Hannah-Beth Jackson
 Assemblymember Alan Lowenthal
 Assemblymember Charlene Zettel

Sincerely,

ANTONIO R. VILLARAIGOSA
 Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

February 10, 1999

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

Dear Dotson: The Senate Rules Committee has appointed Senator Figueroa to the Joint Legislative Sunset Review Committee to fill an existing vacancy and recommends that she be appointed as Chair.

Sincerely,

JOHN L. BURTON
 Chairman

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 16, 1999

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Constitutional Amendment No. 2
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, February 16, 1999

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 House Resolution No. 7
 And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

AUTHOR'S AMENDMENTS
Committee on Budget

February 16, 1999

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

Assembly Constitutional Amendment No. 4

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

DUCHENY, Chairwoman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 8 of, and by amending subdivision (d) of Section 12 of, Article IV thereof, relating to the state budget.

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

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following measures was referred to committee:

Assembly Concurrent

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

SPECIAL COMMITTEE MEETINGS

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

Budget Subcommittee No. 1, on March 5th and 6th, 1999, at the Los Angeles County Board of Supervisors Office conference room, at 9 a.m.;

Committee on Elections, Reapportionment and Constitutional Amendments, on February 23, 1999, at 10 a.m., in Room 447.

REQUEST FOR PHOTOGRAPHER

Upon request of Assembly Member Shelley, Assembly Members Soto and Bates were granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

WOMEN'S LEGISLATIVE CAUCUS

Assembly Member Davis was joined by women legislators representing the California State Assembly and Senate, wearing bluejeans for today's Floor session as a stand in solidarity to protest the recent court ruling in Italy relative to rape. Assembly Members Romero and Jackson, and by unanimous consent Senator Hughes, each addressed the assemblage in protest. Assembly Member Longville also addressed the assemblage in support of the Women's Legislative Caucus.

REQUEST FOR PHOTOGRAPHER

Assembly Member Shelley was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: February 16, 1999

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 13

With the recommendation: Be adopted.

HERTZBERG, Chairman

Above resolution ordered on file.

At 12:26 p.m., Hon. Roderick Wright, 48th District, presiding**ASSEMBLY CONCURRENT RESOLUTION NO. 13 TAKEN UP
BY UNANIMOUS CONSENT**

Upon request of Assembly Member Shelley, Assembly Member Wesson was granted unanimous consent to take up Assembly Concurrent Resolution No. 13, without reference to file, and that the same be considered engrossed.

ASSEMBLY CONCURRENT RESOLUTION NO. 13—Relative to Black History Month.

Resolution read.

Members Made Coauthors of Assembly Concurrent Resolution No. 13

Assembly Member Wesson was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 13.

Roll Call

The following Assembly Members indicated a desire to become coauthors.

Ackerman, Alquist, Aroner, Ashburn, Baldwin, Bates, Battin, Baugh, Calderon, Campbell, Cardenas, Corbett, Correa, Cox, Cunneen, Davis, Dickerson, Ducheny, Dutra, Florez, Frusetta, Gallegos, Granlund, Havice, Hertzberg, Honda, House, Jackson, Kaloogian, Keeley, Kuehl, Leach, Lempert, Leonard, Longville, Lowenthal, Machado, Maddox, Maldonado, Margett, Mazzoni, Migden, Nakano, Olberg, Oller, Robert Pacheco, Rod Pacheco, Papan, Pescetti, Reyes, Romero, Runner, Scott, Shelley, Soto, Steinberg, Strickland, Strom-Martin, Thompson, Torlakson, Wayne, Wiggins, Wildman, and Zettel.

Consideration of Assembly Concurrent Resolution No. 13, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 13—Relative to Black History Month.

Resolution read, as amended, and adopted.

Resolution ordered printed, and transmitted to the Senate.

RECESS FOR CEREMONY IN OBSERVANCE OF BLACK HISTORY MONTH

By unanimous consent at 12:25 p.m., Acting Speaker Wright declared the Assembly recessed for a special ceremony in observance of Black History Month.

The following members of the Col. George S. “Spanky” Roberts Chapter of the Tuskegee Airmen were escorted to the front of the Assembly Chamber:

Fred McLaurin, President, escorted by Assembly Members Wesson and Cox; Robert Mathews, Vice President, escorted by Assembly Members Washington and Ashburn; Calvin Hobbs, Secretary, escorted by Assembly Members Vincent and Leonard; Edith Roberts, Past President, and widow of George S. “Spanky” Roberts, escorted by Assembly Members Shelley and Rod Pacheco; Wilmer Leon, escorted by Assembly Members Hertzberg and Olberg; George Porter, escorted by Assembly Members Migden and Brewer; James Coleman, escorted by Assembly Members Ducheny and Runner; Reuben Franklin, escorted by Assembly Members Honda and Cunneen; James Williams, escorted by Assembly Members Kuehl and Pescetti; Alma Wilson, widow of Robert Wilson, escorted by Assembly Members Gallegos and Maldonado; Janie Johnson, widow of Ardis Johnson, escorted by Assembly Members Cardenas and Zettel; and William Campfield, escorted by Assembly Members Reyes and Strickland.

Speaker Villaraigosa then presented a resolution to Tuskegee Airman Fred McLaurin in recognition of Black History Month.

Without objection Senator Kevin Murray addressed the Body.

REASSEMBLED

At 12:44 p.m., the Assembly reconvened.

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

ADJOURN IN MEMORY

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 his uncle Daniel E. Shelley, of San Francisco.

(Assembly Rule 45.5 suspended.)

ANNOUNCEMENTS

Assembly Member Alquist announced that today is Chinese New Year—Year of the Rabbit.

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS**

HOUSE RESOLUTION NO. 7 (Papan)—Relative to Assembly Rules 22.5 and 69.1.

Resolution read.

Roll Call Demanded

Assembly Members Rod Pacheco, Campbell, and Dickerson, demanded a roll call.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Papan moved a call of the Assembly.

Motion carried. Time, 12:57 p.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
HOUSE RESOLUTION NO. 7**

At 1:17 p.m., on motion of Assembly Member Papan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Record Expunged and Action Rescinded on House Resolution No. 7

Assembly Member Migden was granted unanimous consent that the record be expunged and the action rescinded whereby a roll call vote was taken on this day on House Resolution No. 7, and that the resolution be passed on file, to retain its place on file.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Keeley announced that the Democratic Caucus would meet today, upon adjournment of Floor session, in the Assembly Lounge.

SESSION SCHEDULE AND OTHER ANNOUNCEMENTS

Speaker pro Tempore Keeley announced the following session schedule:

Wednesday, February 17, 1999, no Check-in

Thursday, February 18, 1999, Check-in Session 7 a.m.

Friday, February 19, 1999, Floor Session, 8:30 a.m.

Members' Statements of Economic Interest

Speaker pro Tempore Keeley announced that March 1, 1999 is the deadline to submit Members' Statements of Economic Interest to the Fair Political Practices Commission. Original forms must be filed with the Office of the Chief Clerk by 5 p.m. Any questions or requests for additional forms should be directed to the Office of the Chief Clerk, attention Ralph Romo.

Speaker pro Tempore Keeley announced that the panoramic photos of the Assembly Floor for the California State Assembly publication would be taken on March 4, 1999.

ADJOURN IN MEMORY

Assembly Members Ackerman, Bates, Baugh, Brewer, Campbell, and Maddox were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Glen Stillwell, of Newport Beach.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Robert C. Harvey, of Irvine.

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 Howard Strawn, of San Leandro.

Speaker pro Tempore Keeley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alice Hilliard, of Sacramento.

Assembly Member Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jesse Howard Lawson, Sr., of San Jose.

Assembly Member Leach was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gladys R. Vieira, of Stockton.

VOTE ADDS

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

Assembly Concurrent Resolution No. 13, Co-authors: Alquist, Granlund, Lempert, and Machado—Aye.

MOTION TO ADJOURN

At 1:20 p.m., Assembly Member Cardenas moved that the Assembly do now adjourn.

Assembly Member Battin seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:21 p.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. 438—Maddox and Zettel (Coauthor: Frusetta). An act to amend Section 48915 of the Education Code, relating to pupils.

ASSEMBLY BILL NO. 439—Pescetti (Coauthors: Aanestad, Cox, Oiler, Robert Pacheco, Steinberg, Thomson, and Zettel) (Coauthors: Senators Johannessen, Leslie, and Ortiz). An act to amend Section 9030 of the Elections Code, relating to initiative measures.

ASSEMBLY BILL NO. 440—Corbett. An act to add Section 511.5 to the Business and Professions Code, and to add Section 1395.7 to the Health and Safety Code, relating to health care services.

ASSEMBLY BILL NO. 441—Mazzoni. An act to add Sections 14317 and 14318 to the Public Resources Code, relating to public resources, and making an appropriation therefor.

ASSEMBLY BILL NO. 442—Cedillo. An act to add Section 16318 to the Government Code, relating to use of state funds.

ASSEMBLY BILL NO. 443—Mazzoni. An act to add Article 14.5 (commencing with Section 8300) to Chapter 2 of Part 6 of the Education Code, and to amend Section 11322.8 of the Welfare and Institutions Code, relating to child care.

ASSEMBLY BILL NO. 444—Dutra. An act to add Section 1578 to the Code of Civil Procedure, relating to unclaimed property.

ASSEMBLY BILL NO. 445—Ashburn. An act to amend Sections 7149, 7149.2, and 7150 of, and to add Section 7156 to, the Fish and Game Code, relating to fishing, and making an appropriation therefor.

ASSEMBLY BILL NO. 446—Oller. An act to add Section 13952.1 to the Water Code, relating to water.

ASSEMBLY BILL NO. 447—Washington. An act to amend Section 13520 of, and to add Section 13521 to, the Penal Code, relating to peace officer training, and making an appropriation therefor.

ASSEMBLY BILL NO. 448—Floyd. An act to repeal Section 21417 of the Government Code, relating to public employees.

ASSEMBLY BILL NO. 449—Maddox. An act to amend Section 1983 of, and to add Section 48927 to, the Education Code, relating to pupils.

ASSEMBLY BILL NO. 450—Ashburn. An act to amend Section 853 of the Civil Code, relating to hazardous materials.

ASSEMBLY BILL NO. 451—Maddox. An act to amend Sections 480, 502, and 502.01 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 452—Mazzoni. An act relating to long-term care programs.

ASSEMBLY BILL NO. 453—Havice. An act to amend Sections 1785.10 and 1785.13 of the Civil Code, relating to consumer credit reports.

ASSEMBLY BILL NO. 454—Havice. An act to add Article 5 (commencing with Section 48470) to Chapter 3 of Part 27 of the Education Code, relating to continuation school financing.

ASSEMBLY BILL NO. 455—Ashburn. An act to amend Section 31678.1 of the Government Code, relating to county employee retirement.

ASSEMBLY BILL NO. 456—Longville. An act to add Section 3052.5 to the Penal Code, relating to corrections.

ASSEMBLY BILL NO. 457—Scott. An act to amend Section 44010 of the Education Code, relating to school employees.

ASSEMBLY BILL NO. 458—Zettel. An act to amend Sections 8201, 8202, and 8212 of, and to add Section 8226 to, the Education Code, and to amend Section 1596.859 of the Health and Safety Code, relating to child care.

ASSEMBLY BILL NO. 459—Ackerman. An act to amend Section 1561.1 of the Financial Code, relating to investments.

ASSEMBLY BILL NO. 460—Ackerman. An act to add Section 53216.8 to the Government Code, and to amend Sections 16060.5, 16061.5, and 16061.7, of the Probate Code, relating to trusts.

ASSEMBLY BILL NO. 461—Hertzberg. An act to amend Section 14079 of the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 462—Briggs. An act to add Sections 17053.50 and 23649.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 463—Maldonado. An act to amend Section 19306 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 464—Maldonado. An act to amend Sections 6591.5 and 6907 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 465—Nakano (Coauthors: Aanestad, Corbett, and Leach) (Coauthor: Senator Rainey). An act to amend Sections 17052.12 and 23609 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 466—Mazzoni. An act to amend Sections 8360.1, 44227, 44253, 44259, 44283.2, 44404, and 44831 of, and to add Section 44402.5 to, the Education Code, relating to teachers, and making an appropriation therefor.

ASSEMBLY BILL NO. 467—Torlakson. An act to amend Section 11202.5 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 468—Baugh. An act to amend Section 11105.6 of the Penal Code, relating to bail.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 14—Gallegos. Relative to California History Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 15—Honda, Nakano, and Villaraigosa. Relative to a Day of Remembrance.

ASSEMBLY JOINT RESOLUTION NO. 7—Maldonado. Relative to the alternative minimum tax.

INTRODUCTION OF GUESTS

Speaker Villaraigosa introduced United States Senator Barbara Boxer.

Assembly Member Olberg, of the 34th Assembly District, introduced his daughter, Linden Noell Olberg.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Cardenas, the Assembly adjourned until 7 a.m., Thursday, February 18, 1999, out of respect to the memory of Daniel E. Shelley, on motion of Assembly Member Shelley; out of respect to the memory of Glen Stillwell, on motion of Assembly Members Ackerman, Bates, Baugh, Brewer, Campbell, and Maddox; out of respect to the memory of Robert C. Harvey, on motion of Assembly Member Brewer; out of respect to the memory of Howard Strawn, on motion of Assembly Member Corbett; out of respect to the memory of Alice Hilliard, on motion of Speaker pro Tempore Keeley; out of respect to the memory of Jesse Howard Lawson, Sr., on motion of Assembly Member Kuehl; and out of respect to the memory of Gladys R. Vieira, on motion of Assembly Member Leach.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 16, 1999**

The following measure was amended in the Assembly on this day:

ACA RN

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Daily Total:	1
Cumulative Total:	26

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