

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 5, 1998

**TWO HUNDRED SECOND SESSION DAY
FIVE HUNDRED TWENTIETH 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, May 5, 1998

The Assembly met at 7 a.m.

Hon. Howard Kaloogian, Assembly Member, 74th 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—79:

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

Quorum present.

At 2:18 p.m., Hon. Kevin Murray, 47th 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 Member was granted leave of absence for the day:

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 5, 1998

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

- Assembly Bill No. 1620
- Assembly Bill No. 2075
- Assembly Bill No. 2236
- Assembly Bill No. 2274
- Assembly Bill No. 2307

- Assembly Bill No. 2355
- Assembly Bill No. 2388
- Assembly Bill No. 2456
- Assembly Bill No. 2570

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 5, 1998

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

- Assembly Bill No. 1823
- Assembly Bill No. 1906
- Assembly Bill No. 2072
- Assembly Bill No. 2311
- Assembly Bill No. 2344
- Assembly Bill No. 2488
- Assembly Bill No. 2586

- Assembly Bill No. 2608
- Assembly Bill No. 2632
- Assembly Bill No. 2698
- Assembly Bill No. 2709
- Assembly Bill No. 2800
- Assembly Bill No. 2804

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 5, 1998

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

- Assembly Bill No. 1837
- Assembly Bill No. 1865

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, May 5, 1998

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

- Assembly Bill No. 1953

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, May 5, 1998

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

- Assembly Bill No. 1807

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, May 5, 1998

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

- Assembly Bill No. 1856
- Assembly Bill No. 1869
- Assembly Bill No. 1908
- Assembly Bill No. 1954
- Assembly Bill No. 2006
- Assembly Bill No. 2114
- Assembly Bill No. 2183

- Assembly Bill No. 2215
- Assembly Bill No. 2230
- Assembly Bill No. 2291
- Assembly Bill No. 2318
- Assembly Bill No. 2623
- Assembly Bill No. 2647
- Assembly Bill No. 2811

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 5, 1998

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

Assembly Concurrent Resolution No. 100

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

BILLS CONSIDERED ENGROSSED

Unanimous consent was granted that the following bills be considered engrossed:

Assembly Bills Nos. 2132 and 2765.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, May 5, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(6) as it relates to Assembly Bill No. 2629.

KEVIN MURRAY

Above request ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS

Committee on Housing and Community Development

May 5, 1998

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 1362

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

TORLAKSON, Chairman

SENATE BILL NO. 1362—An act to amend Sections 65850, 65860, 65915, and 66021 of, and to add Section 65850.3 to, the Government Code, and to amend Sections 18035.3, 18062.2, 18070.5, and 116049.1 of, to add and repeal Section 50710.2 of, and to repeal Section 18202 of, the Health and Safety Code, relating to housing and land use.

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

May 5, 1998

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 2628

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

MACHADO, Chairman

ASSEMBLY BILL NO. 2628—An act to amend Section 7550.5 of the Government Code, and to amend Sections 10005 and 10011 of, to amend and renumber Section 10004 of, and to add Section 10004 to, 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 Local Government

May 5, 1998

Mr. Speaker: The Chair of your Committee on Local Government reports:
Assembly Bill No. 2611

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

SWEENEY, Chairman

ASSEMBLY BILL NO. 2611—An act to amend the heading of Chapter 2 (commencing with Section 26525) of, and to add Article 5 (commencing with Section 26567.1) to Chapter 2 of, Division 17 of, and to repeal Section 26581 of, the Public Resources Code, relating to geologic hazard abatement districts.

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 Health

May 5, 1998

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 2037

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

GALLEGOS, Chairman

ASSEMBLY BILL NO. 2037—An act to amend Sections 150 and 3751 of, and to add Article 4 (commencing with Section 3790) to Chapter 7 of Part 1 of Division 9 of, the Family Code, and to add Section 11475.4 to the Welfare and Institutions Code, relating to health insurance.

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 Revenue and Taxation

May 5, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 1976
Assembly Bill No. 2085

Assembly Bill No. 2144
Assembly Bill No. 2552

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

KNOX, Chairman

ASSEMBLY BILL NO. 1976—An act to amend Section 23649 of 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.

ASSEMBLY BILL NO. 2085—An act to add and repeal Sections 6053 and 6202.5 of 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.

ASSEMBLY BILL NO. 2144—An act to amend Section 30101 of, and to add and repeal Article 3 (commencing with Section 30131) of Chapter 2 of Part 13 of Division 2 of, 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.

ASSEMBLY BILL NO. 2552—An act to add and repeal Sections 12208 and 12209 of 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 Appropriations**

May 5, 1998

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

Assembly Bill No. 1792

Assembly Bill No. 2259

Assembly Bill No. 2613

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 1792—An act to add Section 637.7 to the Penal Code, relating to personal information.

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. 2259—An act to amend Section 290 of the Penal Code, relating to sex offenders.

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. 2613—An act to amend Section 12419.3 of the Government Code, relating to the Franchise Tax Board.

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 Banking and Finance**

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 1813

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

PAPAN, Chairman

Above bill re-referred to the Committee on Judiciary.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Banking and Finance reports:
Assembly Bill No. 1658

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

PAPAN, Chairman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 2219

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

KNOX, Chairman

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: May 5, 1998

Mr. Speaker: Your Committee on Human Services reports:
Senate Bill No. 1384

With the recommendation: Do pass.

Pursuant to the Provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

ARONER, Chairwoman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 2809

With the recommendation: Do pass, and be re-referred to the Committee on International Trade and Development with recommendation: To Consent Calendar.

KNOX, Chairman

Above bill re-referred to the Committee on International Trade and Development.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 2384
Assembly Bill No. 2675

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

KNOX, Chairman

Above bills ordered to second reading.

Committee on Banking and Finance

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Banking and Finance reports:
Assembly Bill No. 2694

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

PAPAN, Chairman

Above bill ordered to second reading.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 2039

Assembly Bill No. 2377

Assembly Bill No. 2452

With the recommendation: Do pass.

PAPAN, Chairman

Above bills ordered to second reading.

Committee on Human Services

Date of Hearing: April 21, 1998

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 2061

With amendments with the recommendation: Amend, and do pass, as amended.

ARONER, Chairwoman

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 2118

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

MURRAY, Chairman

Above bill ordered to second reading.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Transportation reports:

Senate Concurrent Resolution No. 73

With the recommendation: Be adopted, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 148

With the recommendation: Be adopted, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 147

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

MURRAY, Chairman

Above resolution ordered to Consent Calendar.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 432

Senate Bill No. 1358

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

MURRAY, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 2010

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

MURRAY, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 2176

With the recommendation: Do pass.

MURRAY, Chairman

Above bill ordered to second reading.

Date of Hearing: May 4, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 2326

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

MURRAY, Chairman

Above bill re-referred to the Committee on Utilities and Commerce.

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. 626

Governor's Office, Sacramento

May 5, 1998

To the Members of the California Assembly:

I am returning Assembly Bill No. 626 without my signature.

This bill would require local governments, by January 1, 2000, to adopt veterans' preference systems that would give preference to a veteran over an equally qualified candidate, or to pass a resolution stating the reasons that they do not implement such preferences.

Although this bill has a laudable intent, it is unnecessary. Local governments already have the authority to implement veterans' preferences within their employment practices. Further, if veterans would like to see such preferences implemented they can, at any time, go before a county's governing board and publicly request such actions. At that time, their locally elected officials can and should decide if a veterans' preference in their employment practices is appropriate in their community—as I would hope and urge them to do. Veterans

deserve preference for their service in my judgment, but the state should not usurp what is clearly a local policy decision.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 5th day of May 1998, at 2:22 p.m., of Assembly Bill No. 626, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

E. DOTSON WILSON
Chief Clerk of the Assembly

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

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 1620, 1953, 2075, 2236, 2274, 2456, and 2570, ordered to third reading;

Assembly Bills Nos. 2355, 2388, and 2307, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

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

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2286—An act to add Chapter 8 (commencing with Section 9250) to Part 2 of Division 13 of, the Family Code, relating to adoptions.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2554—An act to amend Section 66737 of the Education Code, relating to postsecondary education.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2705—An act to amend Sections 9711 and 9740 of, and to add Article 6 (commencing with Section 9745) to Chapter 11 of Division 8.5 of, the Welfare and Institutions Code, relating to elderly persons, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file

ASSEMBLY BILL NO. 2090—An act to add and repeal Section 12599.5 of the Health and Safety Code, relating to fireworks.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 2439—An act to amend Section 115825 of the Health and Safety Code, relating to water supplies.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2745—An act to add Section 3032 to the Family Code, relating to children.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 1767—An act to amend Sections 243 and 836 of the Penal Code, relating to domestic violence.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 1696—An act to add Section 52520 to the Health and Safety Code, relating to housing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Housing and Community Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1750—An act to amend Section 25503.7 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2285—An act to add Section 23386.5 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1810—An act to amend Section 17510.2 of, and to repeal Section 17510.87 of, the Business and Professions Code, and to amend Sections 12580, 12581, 12587, and 12599 of, and to add Sections 12581.2, 12599.1, and 12599.2 to, the Government Code, relating to charitable fundraising.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 5, 1998

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

Assembly Bill No. 1750

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

Senate Bill No. 50, on request of Assembly Member Mazzoni.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 6, 1998.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MAY 5, 1998**

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

AB	RN
1696	9810520
1767	9810448
1792	9810461
1810	9810506
1825	9810283
1976	9810544
2037	9810504
2085	9810556
2090	9810387
2144	9810427
2259	9810628
2286	9810389
2439	9810468
2552	9810533
2554	9810397
2611	9810565
2613	9810363
2628	9810366
2705	9810402
2745	9810281

SB	RN
1362	9810551

Daily Total:	21
Cumulative Total:	5149

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