

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 13, 1998**

**TWO HUNDRED SEVENTH SESSION DAY**

**FIVE HUNDRED TWENTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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, May 13, 1998

The Assembly met at 7 a.m.

Hon. Tom Woods, Assembly Member, 2nd 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—76:

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

Quorum present.

**At 1:30 p.m., Hon. Jack Scott, 44th 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 Kuykendall.*

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

*Because of illness: Assembly Members Oller and Shelley.*

**EXPLANATIONS OF ABSENCE**

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

May 6, 1998

*Hon. Antonio Villaraigosa  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Villaraigosa: On Wednesday, May 13th, I have several events to attend in Long Beach. I respectfully request that my absence be approved as legislative business in the district.

Thank you for your consideration of this matter. If there are any questions, please do not hesitate to contact me at 319-2054.

Sincerely,

STEVEN T. KUYKENDALL, Assembly Member  
Fifty-fourth District

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

May 13, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Fred Keeley to the Appropriations Committee in place of Assemblymember Kevin Shelley for today's hearing only.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

May 13, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember George Runner to the Budget Subcommittee #1 in place of Assemblymember Barbara Alby for today's hearing only.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

May 13, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Dion Aroner to the Budget Subcommittee #5 in place of Assemblymember Liz Figueroa for today's hearing only.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

May 13, 1998

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

Dear Mr. Wilson: Please be advised that pursuant to Government Code 9149.1 (Chapter 1757 of 1984, Assembly Bill 2767), I have named Ms. Susan E. Lassell to serve on the Historic State Capitol Commission. The effective date of the appointment is May 13, 1998, and this is a term appointment, with the term expiring on January 1, 2004.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

May 13, 1998

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

Dear Mr. Wilson: Please be advised that pursuant to Health and Safety Code Sec. 1777, I have named Mrs. Delores Zurita to serve on the Committee on Continuing Care Contracts of the State Department of Social Services. The effective date of the appointment is May 13, 1998, and this is a term appointment, with the term expiring on January 1, 2000. Mrs. Zurita will be replacing the current vacancy for the senior citizen representing consumers.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

**SPECIAL COMMITTEE MEETINGS**

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

Budget Subcommittee No. 1, on May 19, 1998, at 1:30 p.m. in Room 444;

Budget Subcommittee No. 2, on May 21, 1998, at 1:30 p.m., in Room 447;

Budget Subcommittee No. 3, on May 20, 1998, at 4 p.m., in Room 447, and on May 21, 1998, at 4 p.m., in Room 127;

Budget Subcommittee No. 4, on May 21, 1998, at 1:30 p.m., in Room 444;

Budget Subcommittee No. 5, on May 21, 1998, at 1:30 p.m., in Room 437;

Budget Committee, on May 19, 1998, at 9 a.m., in Room 4202;

Select Committee on Coastal Protection, on June 13, 1998, at 10 a.m., in Ft. Bragg.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 13, 1998

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

- Assembly Bill No. 1835
- Assembly Bill No. 1975
- Assembly Bill No. 1995
- Assembly Bill No. 2013
- Assembly Bill No. 2055
- Assembly Bill No. 2079
- Assembly Bill No. 2147
- Assembly Bill No. 2150
- Assembly Bill No. 2153
- Assembly Bill No. 2196
- Assembly Bill No. 2197
- Assembly Bill No. 2233
- Assembly Bill No. 2270
- Assembly Bill No. 2277

- Assembly Bill No. 2297
- Assembly Bill No. 2300
- Assembly Bill No. 2345
- Assembly Bill No. 2360
- Assembly Bill No. 2409
- Assembly Bill No. 2426
- Assembly Bill No. 2491
- Assembly Bill No. 2597
- Assembly Bill No. 2648
- Assembly Bill No. 2697
- Assembly Bill No. 2704
- Assembly Bill No. 2742
- Assembly Bill No. 2763

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 13, 1998

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

- Assembly Bill No. 1776
- Assembly Bill No. 1847
- Assembly Bill No. 1869
- Assembly Bill No. 1906
- Assembly Bill No. 1924
- Assembly Bill No. 2109

- Assembly Bill No. 2114
- Assembly Bill No. 2145
- Assembly Bill No. 2245
- Assembly Bill No. 2641
- Assembly Bill No. 2698
- Assembly Bill No. 2741

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 13, 1998

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

- Assembly Concurrent Resolution No. 117
- Assembly Concurrent Resolution No. 119
- Assembly Concurrent Resolution No. 135
- Assembly Concurrent Resolution No. 137
- Assembly Concurrent Resolution No. 152

And reports the same correctly enrolled, and presented to the Secretary of State on the 13th day of May, 1998, at 1:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, May 13, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1051

And reports the same correctly enrolled, and presented to the Governor at 2 p.m.,  
May 13, 1998.

E. DOTSON WILSON, Chief Clerk

### **REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, May 13, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(5) as it  
relates to Assembly Bill No. 1847.

DON PERATA

Above request ordered transmitted to the Committee on Rules.

### **AUTHOR'S AMENDMENTS** **Committee on Public Safety**

May 13, 1998

Mr. Speaker: The Chair of the your Committee on Public Safety reports:  
Assembly Bill No. 2448

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

PERATA, Chairman

**ASSEMBLY BILL NO. 2448**—An act to amend Section 12419.10 of the  
Government Code, relating to claims.

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 Local Government**

May 11, 1998

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

Assembly Bill No. 2344

SWEENEY, Chairman

Above bill ordered filed with the Chief Clerk.

### **Committee on Insurance**

May 6, 1998

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

Assembly Bill No. 1954

FIGUEROA, Chairwoman

Above bill ordered filed with the Chief Clerk.

### **Committee on Revenue and Taxation**

May 8, 1998

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

Assembly Bill No. 2110

KNOX, Chairman

Above bill ordered filed with the Chief Clerk.

May 8, 1998

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

Assembly Bill No. 2108

KNOX, Chairman

Above bill ordered filed with the Chief Clerk.

May 8, 1998

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

Assembly Bill No. 1618

KNOX, Chairman

Above bill ordered filed with the Chief Clerk.

May 8, 1998

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

Assembly Bill No. 1691

KNOX, Chairman

Above bill ordered filed with the Chief Clerk.

Date of Hearing: May 11, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 2552

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.

Date of Hearing: May 11, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1779

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.

Date of Hearing: May 11, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1976

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.

Date of Hearing: April 13, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 2205

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.

**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. 2150, 2196, 2079, 2648, 2742, 1975, 2013, 2153, 2270, 1995, 2277, 2704, 1835, 2055, 2147, 2233, 2297, 2491, 2697, 2300, and 2409**, ordered to third reading.

(NOTE: Later this day Assembly Bill No. 2742 was re-referred to the Committee on Appropriations.)

**Assembly Bills Nos. 2597, 2360, 2197, 2345, 2426, and 2763**, ordered to the Consent Calendar.

(NOTE: Later this day Assembly Bill No. 2597 was re-referred to the Committee on Appropriations.)

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1807**—An act to add Sections 401.15 and 5096.3 to the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 2318**—An act to add Section 107.9 to the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1897**—An act to amend Section 594 of the Penal Code, relating to vandalism.

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

**ASSEMBLY BILL NO. 1926**—An act to amend Section 1103 of the Evidence Code, relating to sex offenses.

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

**ASSEMBLY BILL NO. 2022**—An act to amend Sections 12050 and 12054 of, and to add Section 12050.5 to, the Penal Code, relating to firearms.

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

**ASSEMBLY BILL NO. 2402**—An act to amend Section 1157 of the Penal Code, relating to criminal procedure.

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

**ASSEMBLY BILL NO. 2609**—An act to amend Section 626.9 of the Penal Code, relating to firearms.

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



**ASSEMBLY BILL NO. 2650**—An act relating to gang violence.

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

**ASSEMBLY BILL NO. 1697**—An act to amend Section 19604 of the Revenue and Taxation Code, relating to housing finance.

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

**ASSEMBLY BILL NO. 2692**—An act to add and repeal Sections 17251 and 24349.2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

**ASSEMBLY BILL NO. 2221**—An act to add and repeal Sections 17053.21 and 23630 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

**ASSEMBLY BILL NO. 1991**—An act to add Sections 17272 and 24444 to, and to repeal Section 17273 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

**ASSEMBLY BILL NO. 2804**—An act to amend Section 22955 of, and to add and repeal Section 24216.8 of, the Education Code, relating to the State Teachers' Retirement System, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Public Employees, Retirement and Social Security read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY BILL NO. 2386**—An act to amend Section 3100 of the Family Code, relating to visitation rights.

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. 2326**—An act to add Chapter 6.2 (commencing with Section 1225) to Part 1 of Division 1 of the Public Utilities Code, relating to railroads.

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

**ASSEMBLY BILL NO. 2314**—An act to amend Section 1936 of the Civil Code, relating to car rentals.

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.

**ASSEMBLY BILL NO. 2484**—An act to add Section 1021.2 to the Code of Civil Procedure, relating to civil actions.

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.

**ASSEMBLY BILL NO. 2065**—An act to add Section 37101.3 to the Government Code, relating to cities.

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

**ASSEMBLY BILL NO. 2647**—An act to amend Section 44842 of the Education Code, relating to school employees.

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

**ASSEMBLY BILL NO. 2460**—An act to amend Section 42238 of, and to add Sections 42238.22 and 42238.23 to, the Education Code, relating to educational resources.

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

**HOUSE RESOLUTION NO. 49**—Relative to social promotion in the schools.

Resolution read; amendments proposed by the Committee on Education read and adopted, resolution ordered reprinted and to be placed upon the third reading file.

**ASSEMBLY BILL NO. 2658**—An act to amend Sections 3320 and 3354 of, and to amend and repeal Section 3330 of, the Business and Professions Code, relating to hearing aid dispensers.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

#### **SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 1193**—An act to amend Sections 44579.5 and 44670.9 of, to repeal and add Sections 44579.1, 44670.6, 52022, and 52854 of, the Education Code, relating to education finance.

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

**SENATE BILL NO. 30**—An act to add Section 5103 to the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

**SENATE BILL NO. 1505**—An act to amend Sections 2151, 13203, 13206, 13300, 13301, and 13302 of the Elections Code, as amended by Proposition 198 of the March 26, 1996, primary election, relating to elections, and calling a special election to be consolidated with the general election of November 3, 1998, to take effect immediately, as an act calling an election.

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

**SENATE BILL NO. 175**—An act to amend Sections 33704, 38875, and 39762 of, and to amend the headings of Article 5.5 (commencing with Section 38251), Article 17 (commencing with Section 38522), Article 38 (commencing with Section 38881), and Article 39 (commencing with 38885) of Chapter 5 of, and Article 3 (commencing with Section 39721), Article 4 (commencing with Section 39731), and Article 7 (commencing with Section 39761) of Chapter 9 of, Part 3 of Division 15 of, the Food and Agricultural Code, relating to milk products.

Bill read second time; amendments proposed by the Committee on Agriculture read and adopted, bill ordered reprinted and to be 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 bills were ordered re-referred to the Committee on Appropriations:

**Assembly Bills Nos. 2597 and 2742.**

#### **ADJOURNMENT**

At 5 p.m., the Assembly adjourned until 8:30 a.m., Thursday, May 14, 1998.

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ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 13, 1998**

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

<b>AB</b>	<b>RN</b>
1697	9810992
1897	9810752
1926	9810750
1991	9810917
2022	9810822
2065	9811061
2221	9810987
2314	9810699
2326	9811065
2386	9810708
2402	9810979
2448	9809751
2460	9811200
2484	9810952
2609	9810826
2647	9810816
2650	9810828
2658	9810833
2692	9810990
2804	9811082

<b>HR</b>	<b>RN</b>
49	9810818

<b>SB</b>	<b>RN</b>
175	9811122
1193	9811048
1505	9810943

<b>Daily Total:</b>	<b>24</b>
<b>Cumulative Total:</b>	<b>5340</b>