

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, June 9, 1998**

**TWO HUNDRED TWENTIETH SESSION DAY  
FIVE HUNDRED FIFTY-FIFTH 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  
Tuesday, June 9, 1998

The Assembly met at 7 a.m.

Hon. Howard Wayne, Assembly Member, 78th 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—75:

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

Quorum present.

**At 11:10 a.m., Hon. Carl Washington, 52nd 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 Members Miller and Napolitano.*

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

*Because of illness: Assembly Members Gallegos and Wright.*

**EXPLANATIONS OF ABSENCE**

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

June 8, 1998

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

Dear Honorable Villaraigosa: Please excuse me from check-in session on Tuesday, June 9, 1998 and Wednesday, June 10, 1998. I will be in my district on legislative business.

Thank you for your consideration of this request. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member  
Sixtieth District

June 8, 1998

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

Dear Mr. Speaker: I respectfully request to be excused from Assembly Floor Session on June 9, 1998 to attend the "How To Do Business with the United Nations": Seminar on Multilateral Procurement, of which The International Trade and Development Committee is one of the organizers and I am delivering the welcoming remarks.

Warmest regards,

GRACE F. NAPOLITANO, Assembly Member  
Fifty-eighth District

**COMMUNICATIONS**

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

June 8, 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 Section 77650 (Created by: Chapter 850 of 1997, AB 233—Escutia and Pringle), I have named Mr. Wylie A. Aitken to serve as the Representative of the State Bar or an associated attorney organization on the Task Force on Court Facilities.

The effective date of the appointment is June 8, 1998, and this is a pleasure appointment.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

June 8, 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 Unemployment Insurance Code, Section 10202 (Chapter 1074 of 1982); (amended by: Chapter 449 of 1985, SB 155—Seymour); (amended by Chapter 926 of 1989, AB 28—Johnston); (amended by: Chapter 1080 of 1993, SB 96—Johnston), I have reappointed Ms. Patricia Williams to serve on the Employment Training Panel.

The effective date of the appointment is June 8, 1998, and this is a term appointment.

Ms. Williams will continue serving the term that has been vacant since January 1, 1997, therefore making the term ending date January 1, 1999.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

June 8, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Susan Davis to the Water, Parks and Wildlife Committee in place of Assemblymember Denise Ducheny for the hearing on Tuesday, June 9, 1998, only.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

June 9, 1998

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

Dear Dotson: Please be advised that I have made the following changes on Health Committee for today's hearing only:

Appointed Assemblymember Kevin Shelley in place of Assemblymember Martin Gallegos.

Appointed Assemblymember Valerie Brown to serve as Chairperson.

Sincerely,

ANTONIO R. VILLARAIGOSA  
Speaker of the Assembly

**REPORTS**

The following reports were presented by the Chief Clerk:

**May 1998 Unemployment Insurance (UI) Fund Forecast  
(Pursuant to Section 995, Unemployment Insurance Code)**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Health and Welfare Agency, Sacramento, dated June 8, 1998, referred by the Speaker to the Committee on Insurance.

**Report of the California Managed Health Care  
Improvement Task Force  
(Pursuant to AB 2343, Chapter 815, Statutes of 1996)**

Above transmitted report, together with letter of transmittal from Alain C. Enthoven, Ph.D., Chairman, Managed Health Care Improvement Task Force, Sacramento, dated May 21, 1998, referred by the Speaker to the Committee on Health.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 9, 1998

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

Assembly Concurrent Resolution No. 162

Assembly Concurrent Resolution No. 167

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, June 9, 1998

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

Assembly Concurrent Resolution No. 160

And reports the same correctly enrolled, and presented to the Secretary of State on the 9th day of June, 1998, at 2:15 p.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS  
Committee on Rules**

June 9, 1998

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

Senate Joint Resolution No. 38

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

HERTZBERG, Chairman

**SENATE JOINT RESOLUTION NO. 38**—Relative to lyme disease.

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

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

June 9, 1998

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

Senate Bill No. 956

Senate Bill No. 2231

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

KNOX, Chairman

**SENATE BILL NO. 956**—An act relating to taxation, and making an appropriation therefor.

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.

**SENATE BILL NO. 2231**—An act to amend Section 25174.6 of the Health and Safety Code, and to amend Sections 41052.1, 43452, 43522, 50157, 60501, and 60503 of the Revenue and Taxation Code, relating to taxation.

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 Education**

June 9, 1998

Mr. Speaker: The Chair of your Committee on Education reports:  
Senate Bill No. 896

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

MAZZONI, Chairwoman

**SENATE BILL NO. 896**—An act to amend Sections 49464, 51210, 51220, 51222, and 51223 of, and to add Article 5.5 (commencing with Section 55) to Chapter 1 of Part 1 of, the Education Code, relating to physical education.

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 Education**

June 9, 1998

Mr. Speaker: The Chair of your Committee on Education reports:  
Senate Bill No. 224

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

MAZZONI, Chairwoman

**SENATE BILL NO. 224**—An act to amend Sections 41365 and 47612 of the Education Code, relating to charter schools.

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**

June 9, 1998

Mr. Speaker: The Chair of your Committee on Local Government reports:  
Senate Bill No. 139

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

SWEENEY, Chairman

**SENATE BILL NO. 139**—An act to amend Sections 54954.5 and 54956.8, and 54957.6 of the Government Code, relating to public meetings.

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**

June 9, 1998

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 1336

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

MACHADO, Chairman

**SENATE BILL NO. 1336**—An act to add Article 17.5 (commencing with Section 8585) to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

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 Insurance**

June 9, 1998

Mr. Speaker: The Chair of your Committee on Insurance reports:  
Senate Bill No. 678  
Senate Bill No. 1817

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

FIGUEROA, Chairwoman

**SENATE BILL NO. 678**—An act to amend Section 703 of the Insurance Code, relating to 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.

**SENATE BILL NO. 1817**—An act to amend Section 3368 of the Labor Code, relating to workers' compensation.

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 Public Safety**

June 9, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Senate Bill No. 1500  
Senate Bill No. 1794

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

PERATA, Chairman

**SENATE BILL NO. 1500**—An act to add Chapter 1.3 (commencing with Section 12125) to Title 2 of Part 4 of the Penal Code, relating to firearms.

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.

**SENATE BILL NO. 1794**—An act to add Section 666.7 to the Penal Code, relating to sentencing.

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 Public Safety**

June 9, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Senate Bill No. 1682

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

PERATA, Chairman

**SENATE BILL NO. 1682**—An act to amend Section 1109 of the Evidence Code, to amend Section 6380 of the Family Code, and to amend Section 1203.097 of the Penal Code, relating to domestic violence.

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 Judiciary**

June 9, 1998

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

Senate Bill No. 1401

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

ESCUTIA, Chairwoman

**SENATE BILL NO. 1401**—An act to add Chapter 2 (commencing with Section 1798.80) to Title 1.8 of Part 4 of the Civil 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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Education**

Date of Hearing: June 3, 1998

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 2053

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

MAZZONI, Chairwoman

Above bill ordered to second reading.

Date of Hearing: June 3, 1998

Mr. Speaker: Your Committee on Education reports:

Senate Bill No. 409

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

MAZZONI, Chairwoman

Above bill ordered to second reading.

**Committee on Natural Resources**

Date of Hearing: June 8, 1998

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1664

Senate Bill No. 1762

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

BOWEN, Chairwoman

Above bills re-referred to the Committee on Appropriations.



**Committee on Water, Parks and Wildlife**

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 2201

With the recommendation: Do pass.

MACHADO, Chairman

Above bill ordered to second reading.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 1392

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.

MACHADO, Chairman

Above bill ordered to second reading.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 2213

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

MACHADO, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:  
Senate Bill No. 1475

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

MACHADO, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Public Safety**

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Public Safety reports:  
Senate Bill No. 1844  
Senate Bill No. 2074  
Senate Bill No. 2202

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

PERATA, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Public Safety reports:  
Senate Bill No. 1470  
Senate Bill No. 1558

With the recommendation: Do pass.

PERATA, Chairman

Above bills ordered to second reading.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 1420

Senate Bill No. 1549

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.

PERATA, Chairman

Above bills ordered to second reading.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 334

Senate Bill No. 1229

Senate Bill No. 1417

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

PERATA, Chairman

Above bills re-referred to the Committee on Appropriations.

**Committee on Judiciary**

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1098

Senate Bill No. 2192

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

ESCUTIA, Chairwoman

Above bills re-referred to the Committee on Labor and Employment.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1608

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

ESCUTIA, Chairwoman

Above bill re-referred to the Committee on Public Safety.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 177

Senate Bill No. 1487

Senate Bill No. 1511

With the recommendation: Do pass.

ESCUTIA, Chairwoman

Above bills ordered to second reading.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1620

Senate Bill No. 1939

Senate Bill No. 1841

Senate Bill No. 2091

Senate Bill No. 1865

Senate Bill No. 2100

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.

ESCUTIA, Chairwoman

Above bills ordered to second reading.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Judiciary reports:  
Senate Bill No. 1792  
Senate Bill No. 2176

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

ESCUZIA, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Judiciary reports:  
Senate Concurrent Resolution No. 65

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

ESCUZIA, Chairwoman

Above resolution re-referred to the Committee on Appropriations.

**SPECIAL COMMITTEE MEETINGS**

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

Assembly Water, Parks and Wildlife and Senate Agriculture and Water Resources, to convene jointly on June 22, 1998, at 3 p.m.;

Higher Education, on June 15, 1998, upon adjournment of Floor session, in Room 447;

Consumer Protection, Governmental Efficiency and Economic Development and Education, on June 23, 1998, at 9 a.m., in Room 447;

Judiciary and Legislative Audit Committee, on June 24, 1998, at 8:30 a.m.;

Elections, Reapportionment and Constitutional Amendments, on June 15, 1998, at 3 p.m., in Room 127;

Human Services, on June 17, 1998.

**ADJOURNMENT**

At 4:35 p.m., the Assembly adjourned until 7 a.m., Wednesday, June 10, 1998.

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ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 9, 1998**

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

<b>SB</b>	<b>RN</b>
139	9812658
224	9811898
678	9812719
896	9812525
956	9812646
1336	9812703
1401	9810662
1500	9810724
1682	9812843
1794	9811392
1817	9810955
2231	9812170

<b>SJR</b>	<b>RN</b>
38	9812324

<b>Daily Total:</b>	<b>13</b>
<b>Cumulative Total:</b>	<b>5712</b>

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