

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, June 10, 1998

TWO HUNDRED TWENTY-FIRST SESSION DAY

FIVE HUNDRED FIFTY-SIXTH 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
Wednesday, June 10, 1998

The Assembly met at 7 a.m.

Hon. Bruce Thompson, Assembly Member, 66th 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—72:

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

Quorum present.

At 2:10 p.m., Hon. Bill Campbell, 71st 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 Brown, Cunneen, and Miller.

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

Because of illness: Assembly Members Gallegos and Wright.

Because of a family emergency: Assembly Member Perata.

EXPLANATIONS OF ABSENCE

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

June 9, 1998

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

Dear Mr. Speaker: I am writing to respectfully request that I be excused from check-in Wednesday, June 10, 1998, for legislative business.

Should you have any questions concerning the above, please call my Chief of Staff, John Latimer, at extension 2007.

Sincerely,

VALERIE K. BROWN, Assembly Member
Seventh District

June 9, 1998

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session, Wednesday, June 10, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member
Twenty-fourth District

(NOTE: For letter explaining the absence of Assembly Member Miller on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for June 9, 1998.)

COMMUNICATIONS

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

June 10, 1998

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

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

Appointed Assemblymember Edward Vincent in place of Assemblymember Grace Napolitano.

Appointed Assemblymember Kevin Shelley in place of Assemblymember Don Perata.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

REPORTS

The following report was presented by the Chief Clerk:

**Hazardous Waste Fee Collections
January 1, 1998 to March 31, 1998
(Pursuant to Section 25178.1, Health and Safety Code)**

Above transmitted report, together with letter of transmittal from E.L. Sorensen, Jr., Executive Director, State Board of Equalization, Sacramento, dated June 4, 1998, referred by the Speaker to the Committee on Revenue and Taxation.

**AUTHOR'S AMENDMENTS
Committee on Education**

June 10, 1998

Mr. Speaker: The Chair of your Committee on Education reports:
Senate Bill No. 2023

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

MAZZONI, Chairwoman

SENATE BILL NO. 2023—An act to add Section 42124.5 to the Education Code, relating to school finance.

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**

June 10, 1998

Mr. Speaker: The Chair of your Committee on Health reports:
Senate Bill No. 1800
Senate Bill No. 2015

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

GALLEGOS, Chairman

SENATE BILL NO. 1800—An act to amend Sections 124975 and 124980 of, and to amend and renumber Section 125005 of, the Health and Safety Code, relating to hereditary disorders, 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. 2015—An act relating to substance abuse.

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 Human Services**

June 10, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:
Senate Bill No. 933

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

ARONER, Chairwoman

SENATE BILL NO. 933—An act relating to human services.

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 Consumer Protection, Governmental Efficiency and Economic Development

June 10, 1998

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Senate Bill No. 1360

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

DAVIS, Chairwoman

SENATE BILL NO. 1360—An act to amend Sections 7025, 7100, and 7100.1 of the Health and Safety Code, and to amend Section 7600.6 of the Probate Code, relating to human remains.

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 Labor and Employment

June 10, 1998

Mr. Speaker: The Chair of your Committee on Labor and Employment reports:

Senate Bill No. 1560

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

FLOYD, Chairman

SENATE BILL NO. 1560—An act to amend Section 10201 of the Unemployment Insurance Code, relating to the Employment Training Panel.

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 10, 1998

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

Senate Bill No. 1686

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

MAZZONI, Chairwoman

SENATE BILL NO. 1686—An act to amend Sections 33590, 33595, 33596, 56031, 56032, 56301, 56345, 56381, 56506, and 56507 of, to amend and renumber Section 56364.5, as added by Chapter 854 of the Statutes of 1997, of, to add Sections 56041.5, 56341.5, and 56342.5 to, to repeal Section 33594 of, to repeal and amend Sections 56001 and 56026 of, and to repeal and add Section 56345.1 of, the Education Code, relating to special 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 Environmental Safety and Toxic Materials**

June 10, 1998

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 2170

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

WAYNE, Chairman

SENATE BILL NO. 2170—An act to amend Sections 25318.5 and 25323 of, and to repeal Sections 25313.5, 25317.5, 25318, and 25326.6 of, the Health and Safety Code, relating to hazardous substances.

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

June 10, 1998

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

Senate Bill No. 2

Senate Bill No. 1176

Senate Bill No. 1475

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

MIGDEN, Chairwoman

SENATE BILL NO. 2—An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, delta, and coastal resources, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

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. 1176—An act to amend Section 11836 of the Health and Safety Code, and to amend Section 23103.5 of the Vehicle Code, relating to vehicles.

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. 1475—An act to amend Sections 8496 and 8837 of the Fish and Game Code, and to amend Section 6217.1 of the Public Resources Code, relating to fish.

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 Agriculture

June 10, 1998

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

Senate Bill No. 1738

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

CARDOZA, Chairman

SENATE BILL NO. 1738—An act to amend Section 19227 of, and to amend and repeal Section 19315 of, the Food and Agricultural Code, relating to licensed renderers, 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 Judiciary

June 10, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Senate Bill No. 1418

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

ESCUTIA, Chairwoman

SENATE BILL NO. 1418—An act to amend Section 6405 of, to amend the heading of Chapter 5.5 (commencing with Section 6400) of Division 3 of, to amend, repeal, and add Sections 6401, 6402, 6403, 6407, 6408, 6409, 6410, 6411, 6412, 6413, and 6415 of, to add and repeal Sections 6401.6, 6402.1, and 6412.1 of, and to repeal and add Section 6400 of, the Business and Professions Code, relating to legal document assistants.

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

June 10, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Senate Bill No. 781

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

KNOX, Chairman

SENATE BILL NO. 781—An act to add Section 7205.3 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 Human Services

June 10, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:
Senate Bill No. 831

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

ARONER, Chairwoman

SENATE BILL NO. 831—An act to amend Sections 8353, 8354, 8355, and 8358 of the Education Code, relating to human services.

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 Elections, Reapportionment and Constitutional Amendments**

June 3, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports the following bill pursuant to the provisions of Joint Rule 62(a):
Assembly Bill No. 2722

VINCENT, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Health

May 28, 1998

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

Assembly Bill No. 1758

GALLEGOS, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Labor and Employment

June 3, 1998

Mr. Speaker: Your Committee on Labor and Employment reports the following bills pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 1842

Assembly Bill No. 2378

FLOYD, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Elections, Reapportionment and Constitutional Amendments

June 3, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2159

VINCENT, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Housing and Community Development

May 27, 1998

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

Assembly Bill No. 2089

TORLAKSON, Chairman

Above bill ordered filed with the Chief Clerk.

May 27, 1998

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

Assembly Bill No. 1677

TORLAKSON, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Natural Resources

Date of Hearing: June 8, 1998

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1182

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

BOWEN, Chairwoman

Above bill ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:
Senate Bill No. 2240

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

WAYNE, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Human Services

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 1522

Senate Bill No. 1542

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

ARONER, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 1385

Senate Bill No. 1443

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

GALLEGOS, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 34

Senate Bill No. 267

Senate Bill No. 274

Senate Bill No. 473

Senate Bill No. 1548

Senate Bill No. 1658

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

GALLEGOS, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Health reports:

Senate Bill No. 1403

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

GALLEGOS, Chairman

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: June 9, 1998

Mr. Speaker: Your Committee on Human Services reports:

Senate Bill No. 2031

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

ARONER, 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. 676

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

BOWEN, Chairwoman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

SENATE BILL NO. 2053—An act to amend Section 52740 of the Education Code, relating to educational materials.

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.

SENATE BILL NO. 409—An act to add Chapter 4.5 (commencing with Section 18800) to Part 11 of the Education Code, relating to libraries.

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. 2201—An act to amend, repeal, and add Section 115825 of, and to add and repeal Section 115840.5 of, the Health and Safety Code, relating to public health.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1392—An act to amend Section 6592 of the Fish and Game Code, relating to fish.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1470—An act to amend Section 836 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1558—An act to amend Section 1382 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1420—An act to amend Sections 9000 and 9009 of the Penal Code, relating to electronic monitoring.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1549—An act to amend Section 4024.2 of the Penal Code, relating to work release.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 177—An act to amend the heading of Article 3 (commencing with Section 1550) of Chapter 2 of Division 11 of, to add Sections 1552 and 1553 to, to add Article 1 (commencing with Section 1520) to Chapter 2 of Division 11 of, and to repeal Article 1 (commencing with Section 1500) of Chapter 2 of Division 11 of, the Evidence Code, and to amend Section 1417.7 of, and to repeal and add Section 872.5 of, the Penal Code, relating to proof of the content of a writing.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1487—An act to amend Sections 2628, 2942, and 7666 of the Probate Code, relating to estates.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1511—An act to amend Section 128.6 of, and to amend and repeal Section 128.7 of, the Code of Civil Procedure, relating to civil procedure.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1620—An act to amend Section 3482.1 of the Civil Code, relating to nuisance, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1841—An act to amend Section 883 of the Code of Civil Procedure, and to amend Sections 2401.5, 8480, 9602, and 16441 of the Probate Code, relating to liability.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1865—An act to amend Section 1624 of the Civil Code, and to amend Sections 1206 and 2201 of the Commercial Code, relating to contracts.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1939—An act to amend Section 340.15 of the Code of Civil Procedure, relating to limitation of actions.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 2091—An act to amend Section 361.5 of the Welfare and Institutions Code, relating to dependent children.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 2100—An act to add Section 929 to the Penal Code, relating to grand jury reports.

Bill read second time, and ordered to Consent Calendar.

SPECIAL COMMITTEE MEETINGS

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

Assembly Select Committee on Aerospace and the Senate Committee on Economic Development, on June 17, 1998, at 3:30 p.m., in Room 127;

Local Government, on June 17, 1998, at 1:30 p.m., in Room 444 and on July 1, 1998, at 1:30 p.m., in Room, 444.

ADJOURNMENT

At 5:52 p.m., the Assembly adjourned until 8:30 a.m., Thursday, June 11, 1998.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JUNE 10, 1998**

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

SB	RN	
2	9812313	
409	9812644	
781	9813067	
831	9812706	
933	9812917	
1176	9812756	
1360	9812960	
1418	9812991	
1475	9812765	
1560	9812529	
1686	9812676	
1738	9812763	
1800	9812678	
2015	9812748	
2023	9812916	
2053	9812647	
2170	9812784	
Daily Total:		17
Cumulative Total:		5729

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