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CALIFORNIA LEGISLATURE 1997–98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, July 22, 1998

TWO HUNDRED FORTY-SIXTH SESSION DAY FIVE HUNDRED NINETY-EIGHTH 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento Wednesday, July 22, 1998

The Assembly met at 10 a.m.

Hon. Sheila James Kuehl, 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 Morrissey moved a quorum call of the Assembly. Motion carried. Time, 10:01 a.m.

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

Quorum Present

At 10:27 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—69:

Ackerman Aguiar Alby Alquist Aroner Ashburn Baca Baldwin Battin Baugh Bordonaro Bowler Brewer Brewer Brown Bustamante Campbell	Cardoza Cedillo Cunneen Davis Ducheny Figueroa Floyd Frusetta Gallegos Goldsmith Granlund Havice Hertzberg Honda House Keeley Knox	Kuykendall Leach Lempert Leonard Machado Margett Mazzoni McClintock Morrissey Murray Napolitano Olberg Oller Ortiz Pacheco Perata Poochigian	Pringle Richter Runner Scott Shelley Sweeney Thompson Thomson Torlakson Vincent Washington Wayne Wildman Woods Mr. Speaker

PRAYER

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

Lord, You have given us various talents as gifts from You, talents that we use every day to accomplish the work set before us. Yet, these talents are not essential in our prayer to You. The gift of the talents You bestow upon us is required in order to converse well with other people, but not necessary in order to speak well with You, O God. For that, we only need a sincere desire and nothing more. Strengthen our desire, Lord, to seek You through prayer at this hour and throughout the day.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Alquist 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 Havice, seconded by Assembly Member Ackerman.

LEAVES OF ABSENCE FOR THE DAY

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

Because of illness: Assembly Members Escutia, Takasugi, and Wright.

The following Assembly Members were excused for the day, and their per diem was waived: Firestone, Kaloogian, Martinez, Migden, Miller, Morrow, Papan, and Strom-Martin.

COMMUNICATIONS

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

July 22, 1998

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

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

Appointed Assemblymember Kevin Shelley in place of Assemblymember Lou Papan.

Appointed Assemblymember Wally Knox in place of Assemblymember Rod Wright.

Appointed Assemblymember Mike Sweeney in place of Assemblymember Virginia Strom-Martin.

Sincerely,

ANTONIO R. VILLARAIGOSA Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 22, 1998

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

Assembly Concurrent Resolution No. 155

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

REPORTS OF STANDING COMMITTEES Committee on Appropriations

Date of Hearing: July 15, 1998

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 2141

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

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. 2556

Governor's Office, Sacramento July 21, 1998

To the Members of the California Assembly:

I am returning Assembly Bill No. 2556 without my signature.

This bill would express the Legislature's intent that responsibility for regulating health care service plans be vested in an agency that will best ensure quality of care and be responsive to Californians, whether that is an existing agency or a new agency.

This bill is not a serious attempt at managed care reform. It does not change the law. It does not enact any new reforms. It merely states the Legislature's "intent" to enact managed care reform.

The Legislature needs to get serious about reform and approve my "Reorganization Plan No. 1 of 1998." This plan would create the Department of Managed Care to ensure that health care service plans provide quality health care to Californians. The Legislature, on party line votes, has rejected this plan without proposing one of its own. Evidently they see more value in talking about reform, as evidenced by this bill, than actually taking concrete action.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 21st day of July 1998, at 5:33 p.m., of Assembly Bill No. 2556, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

PAMELA J. CAVILEER Acting Assembly Chief Clerk

CAUCUS ANNOUNCEMENTS

At 10:29 a.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 10:29 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 1:19 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 22, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 1837 Assembly Bill No. 1907 Assembly Bill No. 247 Assembly Bill No. 681 Assembly Bill No. 771 Assembly Bill No. 2099 Assembly Bill No. 2285 Assembly Bill No. 913 Assembly Bill No. 1382 Assembly Bill No. 2498 Assembly Bill No. 1721 Assembly Bill No. 2571

Assembly Bill No. 1825

July 22, 1998.

Assembly Bill No. 2759 And reports the same correctly enrolled, and presented to the Governor at 12 m.,

E. DOTSON WILSON, Chief Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 1885:

Machado, Margett, and Hertzberg.

ADJOURN IN MEMORY

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alice Barsamian, of Alta Dena.

Assembly Member Bowen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David S. Ferren, Planning Director, City of Torrance.

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 Tom Steel, of San Francisco.

ADJOURN IN HONOR

Assembly Member Ashburn was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the 50th anniversary of Mary and David Fanucchi, of Bakersfield.

RE-REFERENCE OF BILLS

Assembly Member Shelley was granted unanimous consent that Senate Bill No. 598 be re-referred from the Committee on Natural Resources to the Committee on Water, Parks and Wildlife.

ACTION RESCINDED ON SENATE BILL NO. 302

Upon request of Assembly Member Shelley, Assembly Member Ashburn was granted unanimous consent to rescind the action whereby the Assembly, on July 7, 1998 (Assembly Journal, page 7832), passed Senate Bill No. 302, and whereby the bill was ordered transmitted to the Senate.

Consideration of Senate Bill No. 302 Without Reference to File

Assembly Member Ashburn was granted unanimous consent to take up Senate Bill No. 302, without reference to file, for purpose of amendment.

SENATE BILL NO. 302 (Costa)—An act to amend Sections 50199.50, 50199.52, 50199.53, and 50199.55 of, and to repeal Section 17008.7 of, the Health and Safety Code, and to amend Sections 17053.14, 23608.2, and 23608.3 of the Revenue and Taxation Code, relating to farmworker housing.

Bill read third time.

Motion to Amend

Assembly Member Ashburn moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Pacheco announced his intention to request that Senate Bill No. 469 be removed from the inactive file.

BILLS REMOVED FROM CONSENT CALENDAR AND PLACED UPON INACTIVE FILE

The following bill was removed from the Consent Calendar pursuant to Joint Rule 22.2 and placed on the inactive file:

Senate Bill No. 1169, on request of Assembly Member Morrissey.

CONSIDERATION OF SENATE BILL NO. 267 WITHOUT REFERENCE TO FILE

Assembly Member Villaraigosa was granted unanimous consent to take up Senate Bill No. 267, without reference to file, for purpose of amendment.

SENATE BILL NO. 267 (Maddy)—An act to add and repeal Section 16531.1 of the Government Code, making appropriations for the support of human services programs in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Assembly Member Villaraigosa moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

Announcement

Senate Bill No. 267—Intent to Co-Author

Speaker pro Tempore Kuehl announced that the State Constitution does not allow co-authors to be added to a bill by a roll call vote as is the case with Resolutions. The addition of co-authors must be incorporated into an amendment. Alternatively, the Speaker pro Tempore further announced that, without objection, the names of the following Members would be printed in the Daily Journal with intention to add as co-authors of Senate Bill No. 267:

Alquist, Baca, Bowen, Bowler, Davis, Ducheny, Gallegos, Havice, House, Keeley, Leach, Leonard, Napolitano, Ortiz, Richter, Sweeney, and Wildman.

Further Consideration of Senate Bill No. 267, As Amended, By Unanimous Consent

Assembly Member Ortiz was granted unanimous consent to take up Senate Bill No. 267, as amended, without reference to file.

SENATE BILL NO. 267 (Maddy)—An act making an appropriation for the current expenses of the government of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Ortiz.

Urgency Clause

AYES-62

Urgency clause read, and adopted by the following vote:

A120-02			
Ackerman	Cedillo	Kuykendall	Prenter
Aguiar	Cunneen	Leach	Pringle
Alquist	Davis	Lempert	Richter
Aroner	Ducheny	Leonard	Runner
Ashburn	Figueroa	Machado	Scott
Baca	Frusetta	Mazzoni	Shelley
Battin	Gallegos	McClintock	Sweeney
Baugh	Goldsmith	Morrissey	Thomson
Bordonaro	Granlund	Murray	Torlakson
Bowen	Havice	Napolitano	Vincent
Bowler	Hertzberg	Olberg	Washington
Brewer	Honda	Oller	Wayne
Brown	House	Ortiz	Wildman
Bustamante	Keeley	Pacheco	Mr. Speaker
Cardenas	Knox	Perata	-
Cardoza	Kuehl	Poochigian	

NOES—None

The question being on the passage of the bill. Bill passed by the following vote:

AYES-62

Ackerman Aguiar Alquist Aroner Ashburn Baca Battin Baugh Bordonaro Bowen Bowler Brewer Brewer Brown Bustamante Cardenas	Cedillo Cunneen Davis Ducheny Figueroa Frusetta Gallegos Goldsmith Granlund Havice Hertzberg Honda House Keeley Knox	Kuykendall Leach Leonard Machado Mazzoni McClintock Morrissey Murray Napolitano Olberg Oller Ortiz Pacheco Perata	Prenter Pringle Richter Runner Scott Shelley Sweeney Thomson Torlakson Vincent Washington Wayne Wildman Mr. Speaker
Cardoza	Kuehl	Poochigian	

NOES-None

Bill ordered transmitted to the Senate immediately.

SESSION SCHEDULE ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced the following session schedule:

Thursday, July 23, 1998, Check-in Session 7 a.m.–3 p.m.; Monday, July 27, 1998, Floor Session, 10 a.m.

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

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

Senate Bills Nos. 1450, 1807, and 1895, ordered to third reading.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Bills

SENATE BILL NO. 490 (Lewis)—An act to amend Section 3011 of the Elections Code, relating to elections.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1169 (Hurtt)—An act to amend Section 15363.10 of the Government Code, relating to economic development.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1362 (Committee on Housing and Land Use)—An act to amend Section 17621 of the Education Code, to amend Sections 65039, 65850, 65860, 65915, 66007, 66021, 66452.6, 66477, and 66498.5 of, to add Sections 65850.3 and 66413.5 to, and to repeal Section 65587.1 of, the Government Code, to amend Sections 18035.3, 18062.2, 18070.5, and 116049.1 of, to amend and repeal Section 17959.3 of, to add and repeal Section 50710.2 of, and to repeal Section 18202 of, the Health and Safety Code, and to amend Section 423.3 of the Revenue and Taxation Code, relating to housing and land use.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1367 (Wright)—An act to add Section 11011.25 to the Government Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

(For the vote on the above bill and urgency clause, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1471 (McPherson)—An act to amend Section 5810 of the Business and Professions Code, relating to interior design.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.) **SENATE BILL NO. 1476 (Costa)**—An act to amend Section 17539.5 of the Business and Professions Code, relating to sweepstakes solicitations.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1482 (Rosenthal)—An act to amend Section 366.3 of the Welfare and Institutions Code, relating to adoption.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1486 (Rainey)—An act to add Section 24305.5 to the Education Code, relating to the State Teachers' Retirement System.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1491 (Kelley)—An act to amend Sections 27900, 34501, and 34507.5 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1662 (Ayala)—An act to add Section 3304.5 to the Government Code, relating to public safety officers.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1716 (Calderon)—An act to amend Sections 10089.5, 10089.13, 10089.23, 10089.25, and 10089.26 of, and to add Section 10089.24 to, the Insurance Code, relating to earthquake insurance, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

(For the vote on the above bill and urgency clause, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1813 (Kopp)—An act to amend Section 40902 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 1924 (McPherson)—An act to add Section 25216.3 to the Health and Safety Code, relating to hazardous waste.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 2017 (Schiff)—An act to amend Sections 213.5 and 241.1 of, and to add Sections 726.5 and 728 to, the Welfare and Institutions Code, relating to juvenile court law.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.) **SENATE BILL NO. 2047 (Lewis)**—An act to add Sections 24306.7, 24307.5, and 24312 to, and to amend, repeal, and add Sections 24300, 24306, and 24307 of, the Education Code, relating to the State Teachers' Retirement System.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 2060 (Kopp)—An act to amend Sections 25215, 25233, 25242, and 25535 of, and to add Sections 25248, 25249, 25250, 25251, 25252, 25253, 25254, 25255, and 25403 to, the Corporations Code, relating to investment securities.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 2111 (Costa)—An act to amend Sections 25200.3 and 25201.5 of, to add Section 25143.13 to, and to repeal Section 25201.5.1 of, the Health and Safety Code, relating to hazardous waste.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 2150 (Peace)—An act to add Section 709.6 to the Public Utilities Code, relating to public utilities.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

SENATE BILL NO. 2187 (Schiff)—An act to amend Sections 1801 and 1801.5 of the Welfare and Institutions Code, relating to youthful offenders.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar roll call.)

Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

AYES-68

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

NOES—None

SPECIAL COMMITTEE MEETINGS

Assembly Member Ducheny was granted unanimous consent that the Committee on Budget be permitted to hold a special meeting today at 3:30 p.m., in Room 4202, and that Joint Rule 62(a) be waived for the purpose of setting the following bills for hearing:

Senate Bills Nos. 730, 737, 1517, and 1855.

CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS (RESUMED) NOTICES OF MOTIONS TO WITHDRAW BILLS FROM COMMITTEE CONTINUED

By unanimous consent that the notices of motions to withdraw Assembly Bill No. 1735 and Senate Bill No. 681 from committee were continued until Monday, July 27, 1998.

MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 23, Senate Constitutional Amendment No. 13, and Senate Bill Nos. 1419 and 1427 were continued until Monday, July 27, 1998.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record his vote on the following items:

Senate Bill No. 267 and Urgency: Kuykendall—Aye.

Consent Calendar: Kuykendall—Aye.

MOTION TO ADJOURN

At 1:53 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Aguiar seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:54 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 22, 1998

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

Assembly Bill No. 1683 Assembly Bill No. 1739

Assembly Bill No. 2230

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., July 22, 1998.

E. DOTSON WILSON, Chief Clerk

MESSAGES FROM THE SENATE

Senate Chamber, July 22, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 267

GREG P. SCHMIDT, Secretary of the Senate By John W. Rovane, Assistant Secretary

INTRODUCTION OF GUESTS

Assembly Member Thomson, of the 8th Assembly District, introduced her brother and sister-in-law Duncan and Vicki Thomson, of Davis.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 7 a.m., Thursday, July 23, 1998, out of respect to the memory of Alice Barsamian, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Tom Steel, on motion of Assembly Member Shelley; out of respect to the memory of David S. Ferren, on motion of Assembly Member Bowen; and in honor of Mary and David Fanucchi on motion of Assembly Member Ashburn.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 22, 1998

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

0016017	
267 9816817	
267 9816862	
302 9815800	

Daily Total:	2
Cumulative Total:	7305

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