

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 12, 1998

TWO HUNDRED FIFTY-FOURTH SESSION DAY

SIX HUNDRED NINETEENTH 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, August 12, 1998

The Assembly met at 7 a.m.

Hon. Jim Morrissey, Assembly Member, 69th 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—73:

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

Quorum present.

At 12:15 p.m., Hon. Jan Goldsmith, 75th 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 Lempert.

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

Because of illness: Assembly Member Takasugi.

Because of illness in his family: Assembly Member Perata.

EXPLANATIONS OF ABSENCE

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

August 10, 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, August 12, 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

August 11, 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, August 12, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member
Twenty-fourth District

August 11, 1998

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

Dear Mr. Speaker: This letter is to inform you and our honorable body that I will be absent from Session on August 12th due to previously scheduled items in my district and district office. Please note that I will not be able to perform any of my anticipated committee duties for the day.

Thank you for your attention.

Sincerely,

TED LEMPert, Assembly Member
Twenty-first District

COMMUNICATIONS

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

August 12, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Lou Papan to the Transportation Committee in place of Assemblymember Ted Lempert for the hearing on Wednesday, August 12, 1998, only.

Sincerely,

ANTONIO R. VILLARAIGOSA
 Speaker of the Assembly

August 12, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tom Torlakson to the Appropriations Committee in place of Assemblymember Michael Sweeney for the hearing on Wednesday, August 12, 1998, only.

Sincerely,

ANTONIO R. VILLARAIGOSA
 Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 12, 1998

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

Assembly Concurrent Resolution No. 182

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Local Government, on August 19, 1998, at 1:30 p.m., in Room 444.

REQUEST TO SUSPEND JOINT RULES

The following requests were received, and read:

Assembly Chamber, August 12, 1998

Mr. Speaker: I request permission to suspend Joint Rule (b)(14) as it relates to Senate Bill No. 281.

MICHAEL SWEENEY

Assembly Chamber, August 11, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(13) and (14) as it relates to Assembly Bills Nos. 2107 and 2311; Assembly Constitutional Amendment No. 39; Assembly Concurrent Resolutions Nos. 180 and 182; Senate Bills Nos. 79, 218, 491, 520, 956, 974, 977, 1099, 1190, 1338, 1477, 1540, 1541, 1623, 1624, 1658, 1704, 1742, 1754, 1771, 1825, 1835, 1857, 1955, 1999, 2198, 2238, 2239, 2241; Senate Concurrent Resolutions Nos. 44 and 99; Senate Bills Nos. 2, 12, 17, 27, 34, 116, 157, 180, 224, 234, 251, 270, 287, 309, 324, 369, 378, 409, 473, 479, 485, 487, 489, 537, 555, 557, 591, 598, 619, 645, 648, 664, 676, 694, 715, 822, 854, 923, 937, 978, 1032, 1038, 1064, 1193, 1194, 1222, 1358, 1370, 1373, 1393, 1397, 1398, 1401, 1403, 1406, 1408, 1412, 1415, 1433, 1434, 1446, 1449, 1451, 1453, 1461, 1462, 1467, 1468, 1477, 1481, 1485, 1492, 1496, 1497, 1500, 1504, 1520, 1522, 1525, 1528, 1530, 1546, 1610, 1611, 1624, 1628, 1629, 1635, 1638, 1642, 1647, 1653, 1656, 1657, 1665, 1666, 1668, 1681, 1689, 1690, 1694, 1697, 1700, 1701, 1712, 1715, 1717, 1731, 1733, 1737, 1740, 1756, 1762, 1763, 1768, 1770, 1787, 1799, 1809, 1818, 1827, 1829, 1832, 1839, 1856, 1868, 1878, 1879, 1896, 1897, 1900, 1901, 1909, 1912, 1913, 1923, 1927, 1933, 1934, 1941, 1946, 1947, 1950, 1973, 1997, 2014, 2022, 2026, 2030, 2031, 2042, 2045, 2049, 2055, 2064, 2070, 2080, 2083, 2092, 2108, 2115, 2116, 2126, 2132, 2138, 2143, 2155, 2168, 2177, 2180, 2188, 2190, 2196, 2199, 2200, 2208, 2224, 2234, and 2242.

MICHAEL SWEENEY

Above requests ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS
Committee on Governmental Organization

August 12, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports: Senate Bill No. 1696

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

BROWN, Chairwoman

SENATE BILL NO. 1696—An act to amend Sections 25658 and 25659 of, to add Section 25658.3 to, and to add and repeal Section 25658.2 of, the Business and Professions Code, relating to alcoholic beverages.

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 Consumer Protection, Governmental Efficiency and Economic Development

August 4, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports the following bill pursuant to the provisions of Joint Rule 62(a):

Senate Bill No. 2102

DAVIS, Chairwoman

Above bill ordered filed with the Chief Clerk.

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Committee on Public Safety

August 5, 1998

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

Senate Bill No. 441

Senate Bill No. 2131

PERATA, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Local Government

August 5, 1998

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

Senate Bill No. 1678

Senate Bill No. 2062

SWEENEY, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Transportation

August 4, 1998

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

Senate Bill No. 1886

Senate Bill No. 2207

MURRAY, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Insurance

Date of Hearing: August 5, 1998

Mr. Speaker: Your Committee on Insurance reports:

Senate Bill No. 956

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

FIGUEROA, Chairwoman

Above bill ordered to second reading.

Committee on Natural Resources

Date of Hearing: August 10, 1998

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1615

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: August 12, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 1704

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.

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Committee on Health

Date of Hearing: August 4, 1998

Mr. Speaker: Your Committee on Health reports:
Senate Bill No. 1724

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

GALLEGOS, Chairman

Above bill ordered to second reading.

Committee on Consumer Protection, Governmental Efficiency and Economic Development

Date of Hearing: August 12, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:
Senate Bill No. 1645

With the recommendation: Do pass.

DAVIS, Chairwoman

Above bill ordered to second reading.

Date of Hearing: August 12, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:
Senate Bill No. 1742

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

DAVIS, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Committee on Education

Date of Hearing: August 12, 1998

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 17

With the recommendation: That the Senate amendments be concurred in.

MAZZONI, Chairwoman

Above bill ordered to unfinished business.

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. 1664, 1991, 2003, 2098, and 1847, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1477—An act to add Sections 2126.5 and 2127.5 to, and to repeal Sections 2126 and 2127 of, the Streets and Highways Code, relating to streets, and making an appropriation therefor.

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

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Assembly Bill No. 1644:

Figuroa, Gallegos, and Baugh.

MESSAGES FROM THE SENATE

Senate Chamber, August 12, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1331

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, August 12, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 1734

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, August 12, 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. 752
- Senate Bill No. 933
- Senate Bill No. 1110
- Senate Bill No. 1193
- Senate Bill No. 1410
- Senate Bill No. 1448
- Senate Bill No. 1564
- Senate Bill No. 1565
- Senate Bill No. 1573
- Senate Bill No. 1575
- Senate Bill No. 1577

- Senate Bill No. 1584
- Senate Bill No. 1587
- Senate Bill No. 1589
- Senate Bill No. 1602
- Senate Bill No. 1603
- Senate Bill No. 1605
- Senate Bill No. 1628
- Senate Bill No. 1657
- Senate Bill No. 1756
- Senate Bill No. 1959
- Senate Bill No. 2064

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

CONFERENCE COMMITTEE REPORTS RECEIVED

Assembly Chamber, August 12, 1998

Mr. Speaker: The Committee on Conference has met concerning:

Senate Bill 406, as amended in Assembly on August 25, 1997, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

HERSCHEL ROSENTHAL	MARTIN GALLEGOS
DIANE E. WATSON	SUSAN DAVIS

Senate Committee on Conference

Assembly Committee on Conference

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, August 13, 1998.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 12, 1998**

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

SB	RN
406	9818394 (Conf.)
1477	9817897
1696	9814689

Daily Total:	2
Cumulative Total:	7497

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