

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 6, 1998

ONE HUNDRED FORTIETH SESSION DAY

FOUR HUNDRED FIRST 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
Tuesday, January 6, 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	Escutia	Machado	Richter
Aguiar	Figueroa	Margett	Runner
Alby	Floyd	Martinez	Scott
Alquist	Frusetta	Mazzoni	Shelley
Aroner	Gallegos	McClintock	Strom-Martin
Ashburn	Goldsmith	Migden	Sweeney
Baca	Granlund	Morrissey	Takasugi
Baldwin	Havice	Morrow	Thompson
Battin	Hertzberg	Murray	Thomson
Baugh	Honda	Napolitano	Torlakson
Bowen	House	Olberg	Villaraigosa
Bowler	Kaloogian	Oller	Vincent
Brewer	Keeley	Ortiz	Washington
Campbell	Knox	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker
Ducheny	Leonard	Pringle	

Quorum present.

**At 1:20 p.m., Assistant Speaker pro Tempore Baca,
62nd 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 and Miller.

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

EXPLANATIONS OF ABSENCE

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

January 5, 1998

*The Honorable Cruz Bustamante
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 Session on Tuesday, January 6, 1998, for legislative business.

Should you have any questions concerning the above, please call my Chief of Staff, John Latimer, at 445-8492.

Sincerely,

VALERIE K. BROWN, Assembly Member
Seventh District

January 5, 1998

*The Honorable Cruz Bustamante
Speaker of the State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Bustamante: Please excuse me from check-in session on Tuesday, January 6, 1998. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member
Sixtieth District

COMMUNICATIONS

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

December 30, 1997

*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. 40420 (Amended by SB 151, Ch. 1301, 1987) [Presley], (Amended by SB 2285, Ch. 741, 1988) [Presley], I have re-appointed Mr. William A. Burke to serve on the South Coast Air Quality Management District Governing Board. The effective date of the appointment is January 15, 1998, and this is a term appointment ending January 15, 2002.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

January 5, 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 Business and Professions Code Sec. 5000 (Amended by: Ch 1273 of 1994, SB 2038—McCorquodale), I have re-appointed Mr. Baxter Rice to serve on the State Board of Accountancy. The effective date of the appointment is January 5, 1998, and this is a term appointment ending June 1, 2001.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

January 6, 1998

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

Dear Dotson: Please be advised that I am making the following committee changes:

Assembly Judiciary Committee will meet on the 1st and 3rd Tuesday of each month at 9 a.m. in Room 4202.

Assembly Insurance Committee will meet weekly at 9 a.m. on Wednesday in Room 437.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

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

January 6, 1998

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

Dear Mr. Wilson: The Joint Rules Committee of the Senate and Assembly has approved the following additional press credentials:

Capitol Enquiry
Reporter—Kathleen Campbell
1228 N Street, #10

Mom Guess What Newspaper
Photographer—Eric Thiel
1725 L Street

Steel Horse Magazine
 Reporter—James Taylor
 Reporter—George Munger
 4962 Curvewood Way

Accreditation shall be for the 1997–98 Legislative Session pursuant to Joint Rule 32.

Sincerely,

DON PERATA, Chair
 Joint Committee on Rules

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1643—Escutia. An act to amend Section 12941 of the Government Code, and to amend Section 2070 of the Unemployment Insurance Code, relating to employment.

ASSEMBLY BILL NO. 1644—Figueroa. An act to amend Sections 56.05 and 56.26 of, to amend the heading of Chapter 3 (commencing with Section 56.20) of Part 2.6 of Division 1 of, and to add Sections 56.01 and 56.106 to, the Civil Code, relating to private information.

ASSEMBLY BILL NO. 1645—Torlakson. An act to amend Section 3030 of the Family Code, relating to children.

ASSEMBLY BILL NO. 1646—Battin. An act to amend Section 3003 of the Penal Code, relating to parole.

ASSEMBLY BILL NO. 1647—Scott. An act to amend Section 87732, 87734, and 87735 of the Education Code, relating to education.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 44—Knox (Principal coauthors: Bustamante and Leonard) (Principal Senate coauthors: Lockyer and Hurtt) Alquist, Aroner, Baldwin, Bowen, Bowler, Cardenas, Davis, Escutia, Figueroa, Gallegos, Havice, Hertzberg, Honda, Kaloogian, Keeley, Kuehl, Kuykendall, Leach, Lempert, Machado, Mazzoni, Migden, Murray, Napolitano, Olberg, Papan, Perata, Poochigian, Richter, Scott, Shelley, Strom-Martin, Sweeney, Thompson, Thomson, Torlakson, Villaraigosa, Washington, Wayne, Wildman, Woods, and Wright (Senators Alpert, Brulte, Costa, Hayden, Haynes, Johnston, Karnette, Polanco, Rosenthal, Schiff, Sher, Solis, and Vasconcellos, coauthors). Relative to Israel.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, January 6, 1998

Mr. Speaker: I request permission to suspend Joint Rule 62(a) as it relates to Senate Bill No. 520.

EDWARD VINCENT

Above request ordered transmitted to the Committee on Rules.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 6, 1998

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 16 | Assembly Bill No. 569 |
| Assembly Bill No. 19 | Assembly Bill No. 585 |
| Assembly Bill No. 24 | Assembly Bill No. 609 |
| Assembly Bill No. 184 | Assembly Bill No. 923 |
| Assembly Bill No. 260 | Assembly Bill No. 959 |
| Assembly Bill No. 322 | Assembly Bill No. 1018 |
| Assembly Bill No. 333 | Assembly Bill No. 1047 |
| Assembly Bill No. 346 | Assembly Bill No. 1305 |
| Assembly Bill No. 401 | Assembly Bill No. 1307 |
| Assembly Bill No. 402 | Assembly Bill No. 1328 |
| Assembly Bill No. 427 | Assembly Bill No. 1375 |
| Assembly Bill No. 538 | Assembly Bill No. 1426 |
| Assembly Bill No. 547 | Assembly Bill No. 1439 |
| Assembly Bill No. 565 | Assembly Bill No. 1567 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 6, 1998

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 5 | Assembly Bill No. 795 |
| Assembly Bill No. 9 | Assembly Bill No. 859 |
| Assembly Bill No. 85 | Assembly Bill No. 867 |
| Assembly Bill No. 88 | Assembly Bill No. 880 |
| Assembly Bill No. 218 | Assembly Bill No. 881 |
| Assembly Bill No. 425 | Assembly Bill No. 903 |
| Assembly Bill No. 733 | Assembly Bill No. 1185 |
| Assembly Bill No. 759 | Assembly Bill No. 1327 |
| Assembly Bill No. 790 | Assembly Bill No. 1616 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 6, 1998

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 25 | Assembly Bill No. 983 |
| Assembly Bill No. 124 | Assembly Bill No. 1076 |
| Assembly Bill No. 162 | Assembly Bill No. 1136 |
| Assembly Bill No. 744 | Assembly Bill No. 1199 |
| Assembly Bill No. 778 | Assembly Bill No. 1389 |
| Assembly Bill No. 907 | Assembly Bill No. 1566 |
| Assembly Bill No. 910 | Assembly Bill No. 1613 |
| Assembly Bill No. 913 | |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS

Committee on Environmental Safety and Toxic Materials

January 6, 1998

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

Assembly Bill No. 681

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

WAYNE, Chairman

ASSEMBLY BILL NO. 681—An act to add Sections 25297.15, 25299.37.1, and 25355.8 to the Health and Safety Code, and to add Section 13307.1 to the Water Code, relating to the environment.

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 Governmental Organization

January 6, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:
Assembly Bill No. 1514

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

BROWN, Chairwoman

ASSEMBLY BILL NO. 1514—An act to amend Section 12012 of the Government Code, relating to state government.

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

January 6, 1998

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

Assembly Bill No. 1497

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

DAVIS, Chairwoman

ASSEMBLY BILL NO. 1497—An act to amend Section 11818 of the Government Code, relating to state government.

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

January 6, 1998

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

Assembly Bill No. 773

Assembly Bill No. 1232

Assembly Bill No. 1107

Assembly Bill No. 118

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 773—An act to add Division 11 (commencing with Section 19900) to the Welfare and Institutions 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.

ASSEMBLY BILL NO. 1107—An act to amend Section 12071 of, and to add Section 12071.2 to, 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.

ASSEMBLY BILL NO. 1232—An act to amend Sections 17053.7 and 23621 of the Revenue and Taxation Code, and to add Section 328 to the Unemployment Insurance 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.

ASSEMBLY BILL NO. 118—An act to add Section 11019.7 to the Government Code, relating to state agencies.

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 Transportation

January 6, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:
Assembly Bill No. 263

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

MURRAY, Chairman

ASSEMBLY BILL NO. 263—An act relating to energy resources, 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 Housing and Community Development

January 6, 1998

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 258

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

TORLAKSON, Chairman

SENATE BILL NO. 258—An act to amend and renumber Section 67575.9 of the Government Code, to amend Section 33492.4 of, to amend and renumber Sections 33320.5 and 33320.7 of, to amend and renumber Article 7 (commencing with Section 33493.1) of Chapter 4.5 of Part 1 of Division 24, as added by Chapter 222 of the Statutes of 1996, of, to add a heading as Article 1.5 (commencing with Section 33492.40) to Chapter 4.5 of Part 1 of Division 24 of, to repeal Sections 33320.6 and 33492.114 of, and to repeal Article 3 (commencing with Section 33492.60) of Chapter 4.5 of Part 1 of Division 24 of, the Health and Safety Code, relating to redevelopment.

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

January 6, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:
Assembly Bill No. 668
Assembly Bill No. 933

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

ARONER, Chairwoman

ASSEMBLY BILL NO. 668—An act relating to human services, 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.

ASSEMBLY BILL NO. 933—An act to amend Section 1596.871 of the Health and Safety Code, and to amend Section 781 of the Welfare and Institutions Code, relating to child day care facilities.

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 Governmental Organization

January 6, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:
Assembly Bill No. 1014

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

BROWN, Chairwoman

ASSEMBLY BILL NO. 1014—An act to amend and repeal Section 19809 of the Business and Professions Code, relating to gaming.

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 Employees, Retirement and Social Security

January 6, 1998

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1166

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

HONDA, Chairman

ASSEMBLY BILL NO. 1166—An act to add Section 1227 to the Government Code, relating to public employees.

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

January 6, 1998

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

Assembly Bill No. 26
Assembly Bill No. 555
Assembly Bill No. 987

Assembly Bill No. 1236
Assembly Bill No. 1386

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 26—An act to amend Section 707 of the Welfare and Institutions Code, relating to juveniles.

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.

ASSEMBLY BILL NO. 555—An act to amend Section 707 of the Welfare and Institutions Code, relating to minors.

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.

ASSEMBLY BILL NO. 987—An act to amend Section 602 of the Welfare and Institutions Code, relating to minors.

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.

ASSEMBLY BILL NO. 1236—An act to amend Section 3303 of the Government Code, relating to public employees.

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.

ASSEMBLY BILL NO. 1386—An act to add Section 668.5 to the Penal Code, relating to crimes.

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

January 6, 1998

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

Assembly Bill No. 457

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 457—An act to amend Section 11105.03 of the Penal Code, relating to state summary criminal history information, 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.

AUTHOR'S AMENDMENTS
Committee on Judiciary

January 6, 1998

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

Assembly Bill No. 1329

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

ESCUTIA, Chairwoman

ASSEMBLY BILL NO. 1329—An act to amend Sections 2924c and 2924d of the Civil Code, relating to defaults.

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 International Trade and Development

January 6, 1998

Mr. Speaker: The Chair of your Committee on International Trade and Development reports:

Assembly Bill No. 901

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

NAPOLITANO, Chairwoman

ASSEMBLY BILL NO. 901—An act to add Section 15363.15 to the Government Code, relating to international trade, 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.

AUTHOR’S AMENDMENTS

Committee on International Trade and Development

January 6, 1998

Mr. Speaker: The Chair of your Committee on International Trade and Development reports:

Assembly Bill No. 895

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

NAPOLITANO, Chairwoman

ASSEMBLY BILL NO. 895—An act to amend Section 15333.5 of, and to add Chapter 1.14 (commencing with Section 15365.75) to Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to international trade.

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 International Trade and Development

January 6, 1998

Mr. Speaker: The Chair of your Committee on International Trade and Development reports:

Assembly Bill No. 894

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

NAPOLITANO, Chairwoman

ASSEMBLY BILL NO. 894—An act to amend Sections 15311, 15315, 15363.6, 15364.4, 15364.8, 15364.9, 15364.71, 15364.74, and 15365 of, to amend the heading of Chapter 1 (commencing with Section 15310) of Part 6.7 of Division 3 of Title 2 of, and to add Section 15363.5 to, the Government Code, relating to state government.

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.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 297—An act to add Section 19823.5 to the Business and Professions Code, relating to smoking.

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

ADJOURNMENT

At 5:15 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 7, 1998.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 6 1998**

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

AB	RN	AB	RN
26	9726489	1014	9800120
118	9725914	1107	9725576
263	9725519	1166	9800156
297	9718330	1232	9725157
457	9800069	1236	9726426
555	9800021	1329	9725813
668	9726298	1386	9800006
681	9726439	1497	9726336
773	9726392	1514	9724803
894	9800137		
895	9726333	SB	RN
901	9726340	258	9725913
933	9726321		
987	9726486		

Daily Total:	24
Cumulative Total:	3552