

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 8, 1998

ONE HUNDRED FORTY-SECOND SESSION DAY

FOUR HUNDRED THIRD 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
Thursday, January 8, 1998

The Assembly met at 8:35 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 Washington moved a quorum call of the Assembly.

Motion carried. Time, 8:36 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 9:03 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—76:

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

REQUEST FOR PHOTOGRAPHER

Assembly Member Baca was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

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:

O God in Heaven, You are above being, all-powerful, all-seeing, the creator of all spiritual beings and rational natures. Enlighten us Your servants that we may make bold to praise Your infinite benevolence and power. Let our prayer be well-pleasing to You and may our offenses not impede the coming of the Holy Spirit among us. For You are the Savior of our souls and bodies and we glorify You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Baca 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 Scott, seconded by Assembly Member Morrissey.

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 Member Cunneen.

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

EXPLANATIONS OF ABSENCE

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

January 7, 1998

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

Dear Mr. Speaker: I respectfully request to be excused from Session Thursday, January 8, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member
Twenty-fourth District

COMMUNICATIONS

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

December 8, 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 Government Code Sec. 15364.2 (Ch. 1387 of 1986, AB 2685—Killea) (amended by Ch. 175 of 1996, SB 1572—Monteith), I have named Ms. Claudine Cheng to serve on the World Trade Commission. The effective date of the appointment is December 8, 1997, and this is a term appointment ending December 31, 1999.

Ms. Cheng will be replacing Ms. Michelle Park-Steel.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

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

January 5, 1998

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

Dear Dotson: Please be advised that the following payment has been received by the Joint Committee on Rules in connection with the American Red Cross CPR & First Aid Training:

Source:	Farmers Group, Inc.
Amount:	\$2100
Purpose:	American Red Cross CPR & First Aid Training

Person/Class for Whom Payment Used:	Assembly and Senate Staff
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Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Sincerely,

JON WALDIE
Chief Administrative Officer
California State Assembly

REPORTS

The following reports were presented by the Chief Clerk:

**California Highway Patrol's Response to Supplemental Report of
the 1997 Budget Act
(Pursuant to the Supplemental Report of
the 1997 Budget Act Item 2720-001-0044)**

Above transmitted report, together with letter of transmittal from D. O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated December 22, 1997, referred by the Speaker to the Committee on Budget.

**Minority, Women and Disabled Veterans Business Enterprise Program
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from C. A. Terhune, Director, Department of Corrections, Sacramento, dated December 22, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**1998-99 Railroad Corporation Fees Budget, Public Utilities Commission
(Pursuant to Public Utilities Code Section 421)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, San Francisco, dated December 22, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**State Teachers' Retirement System, Quarterly Report of System Assets,
As of September 30, 1997
(Pursuant to Education Code Section 22358)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated December 23, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Internal Control and Fiscal Compliance Report for
the Fiscal Year Ended June 30, 1997
(Pursuant to Government Code Section 13405)**

Above transmitted report, together with letter of transmittal from Brenda Premo, Director, Department of Rehabilitation, Sacramento, dated December 26, 1997, referred by the Speaker to the Committee on Human Services.

**Report to the California Legislature:
Approved Mandate Claims, July 1, 1997-December 31, 1997
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Paula Higashi, Executive Director, Commission on State Mandates, Sacramento, dated December 26, 1997, referred by the Speaker to the Committee on Budget.

**Department of Consumer Affairs, Business Strategic Plan,
December 1997**

**Performance Based Budgeting Pilot Project,
Fiscal Year 1996-97 Year End Report, December 31, 1997
(Pursuant to DCA's FY 1996-97 PBB Contract)**

Above transmitted report, together with letter of transmittal from Marjorie M. Berte, Director, Department of Consumer Affairs, Sacramento, dated December 29, 1997, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Eighth Annual Report Job Classifications of Employees Paid Benefits from
The Uninsured Employers Fund (UEF)
Fiscal Year 1996-97
(Pursuant to Labor Code Section 3716.5)**

Above transmitted report, together with letter of transmittal from John C. Duncan, Acting Director, Department of Industrial Relations, Office of the Director, San Francisco, dated December 31, 1997, referred by the Speaker to the Committee on Insurance.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 8, 1998

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

- Assembly Bill No. 228
- Assembly Bill No. 263
- Assembly Bill No. 895
- Assembly Bill No. 901
- Assembly Bill No. 964
- Assembly Bill No. 1014
- Assembly Bill No. 1115

- Assembly Bill No. 1203
- Assembly Bill No. 1234
- Assembly Bill No. 1336
- Assembly Bill No. 1488
- Assembly Bill No. 1494
- Assembly Bill No. 1514

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 8, 1998

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

- Assembly Bill No. 277

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 8, 1998

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

- Assembly Bill No. 118
- Assembly Bill No. 960
- Assembly Bill No. 1232

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 8, 1998

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

- Assembly Bill No. 192
- Assembly Bill No. 194
- Assembly Bill No. 612
- Assembly Bill No. 632
- Assembly Bill No. 773
- Assembly Bill No. 785
- Assembly Bill No. 809

- Assembly Bill No. 872
- Assembly Bill No. 933
- Assembly Bill No. 1154
- Assembly Bill No. 1498
- Assembly Bill No. 1531
- Assembly Bill No. 1535

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REPORTS OF STANDING COMMITTEES
Committee on Rules

January 8, 1998

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 62(a), as it relates to the following bill be granted:

Assembly Bill No. 1239

DON PERATA, Chairman

January 8, 1998

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 62(a), as it relates to the following bill be granted:

Senate Bill No. 520

DON PERATA, Chairman

Date of Hearing: January 8, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 83

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: January 8, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 20

With the recommendation: That the resolution be re-referred to the Committee on Revenue and Taxation.

PERATA, Chairman

Above resolution re-referred to the Committee on Revenue and Taxation.

Committee on Higher Education

Date of Hearing: January 6, 1998

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 1328

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

LEMPERT, Chairman

Above bill ordered to second reading.

Committee on Labor and Employment

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Labor and Employment reports:
Assembly Bill No. 1307

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

FLOYD, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Education

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 285

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.

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 401

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

MAZZONI, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 1327

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.

MAZZONI, Chairwoman

Above bill ordered to second reading.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to
Committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
20 -----	Health
190 -----	Pub. S.
1091 -----	Jud.
1276 -----	Hum. S.
1287 -----	Rev. & Tax.
1392 -----	Pub. S.
1449 -----	Health

Assembly Constitutional

<i>Amendment No.</i>	<i>Committee</i>
21 -----	E.,R. & C.A.
28 -----	E.,R. & C.A. and Ed.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
83 -----	Rls.

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Member Leach on the occasion of her birthday.

ADJOURN IN MEMORY

Assembly Members Ackerman and Campbell were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hal Bierlein, Wayne Bowers, Michael Kelley, and Paul White, of Orange County.

Assembly Member Aguiar was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Elsie Mary Borba, longtime resident of Chino, survived by two daughters and three sons; and Charlene Girard, formerly of Chino, survived by husband David and two daughters.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Denver Pyle, of Toluca Lake; and Daryl and Shirley Arnold, of Corona del Mar.

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 Shirley Cohelan Burton, of San Francisco.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jules Viden, of Hayward; and John Purchio, of Hayward.

Assembly Member Wright was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Janet Copeland, of Los Angeles.

RE-REFERENCE OF BILLS

Assembly Member Sweeney was granted unanimous consent that Assembly Bill No. 1615 be re-referred from the Committee on Local Government to the Committee on Housing and Community Development.

ADJOURN IN MEMORY

Assembly Member Pringle was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Willam Van Bruggen, of Anaheim.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Aroner announced her intention to request that Assembly Bill No. 822 be removed from the inactive file.

ADJOURN IN MEMORY

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Tsukamoto, of Elk Grove.

Assembly Member Murray was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mattie Mae Fields, of Los Angeles.

RE-REFERENCE OF BILLS

Assembly Member Murray was granted unanimous consent that the following bills be re-referred from the Committee on Transportation as noted:

Assembly Bill No. 1613, to the Committee on Revenue and Taxation;
Senate Bill No. 55, to the Committee on Local Government.

ASSEMBLY CONCURRENT RESOLUTION NO. 83 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Murray was granted unanimous consent to take up Assembly Concurrent Resolution No. 83, without reference to file, and that the same be considered engrossed.

ASSEMBLY CONCURRENT RESOLUTION NO. 83—Relative to National Eye Care Month.

Resolution read, and adopted by the following vote:

AYES—74

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

NOES—None

Resolution ordered transmitted to the Senate.

RE-REFERENCE OF BILLS

Assembly Member Migden was granted unanimous consent that the following bills be re-referred from the Committee on Appropriations as noted:

Assembly Bill No. 118, to the Committee on Health;
Assembly Bill No. 277, to the Committee on Natural Resources;
Assembly Bill No. 960, to the Committee on Judiciary;
Assembly Bill No. 1232, to the Committee on Revenue and Taxation.

JOINT RULE 62(a) WAIVED

Assembly Member Vincent was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Constitutional Amendment No. 21 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments on Monday, January 12, 1998.

RESOLUTIONS

The following resolutions were offered:

Resolutions to Suspend Joint Rules

By Assembly Member Vincent:

Resolved, That Joint Rule 62(a) be suspended to permit the Committee on Elections, Reapportionment and Constitutional Amendments to set Senate Bill No. 520 for reconsideration and further action.

By Assembly Member Figueroa:

Resolved, That Joint Rule 62(a) be suspended to permit the Committee on Insurance to set Assembly Bill No. 1239 for reconsideration and further action.

Resolutions read, and adopted by the following vote:

AYES—74

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

NOES—None

JOINT RULE 62(a) WAIVED

Assembly Member Vincent was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 520 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments on Monday, January 12, 1998.

ADJOURN IN MEMORY

Assembly Member Scott was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Roger Barkley, of La Canada Flintridge.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Scott announced his intention to request that Assembly Bill No. 247 be removed from the inactive file.

ANNOUNCEMENTS

Assembly Member Hertzberg announced the engagement of Minerva Avila, Consultant to Assembly Rules Committee and James Toma, staff of Assembly Member Hertzberg.

RE-REFERENCE OF BILLS

Assembly Member Hertzberg was granted unanimous consent that Assembly Bill No. 1389 be re-referred from the Committee on Public Safety to the Committee on Transportation.

ADJOURN IN MEMORY

Assembly Member Strom-Martin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rachele Scoble, of Sebastopol.

RE-REFERENCE OF BILLS

Assembly Member Davis was granted unanimous consent that Assembly Bill No. 1352 be re-referred from the Committee on Education to the Committee on Human Services.

Assembly Member Knox was granted unanimous consent that Assembly Bill No. 302 be re-referred from the Committee on Revenue and Taxation to the Committee on Public Safety.

JOINT RULE 62(a) WAIVED

Assembly Member Knox was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 1232, 1287, and 1613 for hearing in the Committee on Revenue and Taxation on Monday, January 12, 1998.

GOVERNOR'S VETO STRICKEN FROM FILE

Assembly Member Knox was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1103, 846, 1015, and 701 be stricken from file.

RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Brown was granted unanimous consent that Assembly Bill No. 900 be referred from the third reading file to the Committee on Governmental Organization.

JOINT RULE 62(a) WAIVED

Assembly Member Brown was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 900 for hearing in the Committee on Governmental Organization on Monday, January 12, 1998.

ADJOURN IN MEMORY

Assembly Member Machado was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gertrude Bailey.

RE-REFERENCE OF BILLS

Assembly Member Machado was granted unanimous consent that Assembly Bill No. 540 be re-referred from the Committee on Water, Parks and Wildlife to the Committee on Local Government.

Assembly Member Figueroa was granted unanimous consent that Assembly Bill No. 1567 be re-referred from the Committee on Insurance to the Committee on Transportation.

JOINT RULE 62(a) WAIVED

Assembly Member Murray was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 1389 and 1567 for hearing in the Committee on Transportation.

ADJOURN IN MEMORY

Assembly Member Torlakson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William Sattler, of Concord.

Assembly Member Alquist was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of C.H.P. Officer Scott Greenly, of Santa Clara County.

JOINT RULE 62(a) WAIVED

Assembly Member Bowen was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 277 for hearing in the Committee on Natural Resources on Monday, January 12, 1998.

RE-REFERENCE OF BILLS

Assembly Member Escutia was granted unanimous consent that Assembly Bill No. 1373 be re-referred from the Committee on Judiciary to the Committee on Health.

CAUCUS ANNOUNCEMENTS

At 9:33 a.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

RECESS

By unanimous consent, at 9:33 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 9:48 a.m., the Assembly reconvened.

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

CAUCUS ANNOUNCEMENTS

At 9:50 a.m., Assembly Member Thompson was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 9:50 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 10:08 a.m., the Assembly reconvened.

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

**REQUEST TO CONSIDER AND ACT ON BILLS
WITHIN 30 CALENDAR DAYS**

The following request was submitted:

Assembly Chamber, January 5, 1998

Mr. Speaker: I request permission to introduce a resolution providing that Assembly Constitutional Amendment No. 28 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

MIKE HONDA

Recommendation of Rules Committee

January 8, 1998

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member Honda for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 8(a), of the Constitution and suspending Joint Rule 55 as they pertain to Assembly Constitutional Amendment No. 28 be granted.

DON PERATA, Chair

**Resolution to Dispense with Article IV, Sec. 8(a) of the Constitution
and Suspend Joint Rule 55**

Resolved, That, pursuant to Article IV, Section 8(a) of the Constitution, Assembly Constitutional Amendment No. 28 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read, and refused adoption by the following vote:

AYES—42

Alquist	Floyd	Migden	Thomson
Aroner	Gallegos	Murray	Torlakson
Baca	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Ortiz	Vincent
Brown	Honda	Papan	Washington
Cardenas	Keeley	Perata	Wayne
Cardoza	Knox	Richter	Wildman
Davis	Kuehl	Scott	Wright
Ducheny	Lempert	Shelley	Mr. Speaker
Escutia	Martinez	Strom-Martin	
Figueroa	Mazzoni	Sweeney	

NOES—21

Ackerman	Campbell	McClintock	Pringle
Alby	Granlund	Miller	Runner
Baldwin	House	Morrow	Woods
Battin	Kaloogian	Olberg	
Baugh	Leonard	Oller	
Brewer	Margett	Poochigian	

RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Migden was granted unanimous consent that Assembly Bill No. 204 be referred from the third reading file to the Committee on Insurance.

GOVERNOR'S VETO STRICKEN FROM FILE

Assembly Member Migden was granted unanimous consent that the Governor's veto of Assembly Bills Nos. 1578, 494, 501, 1099, and 418 be stricken from file.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Knox announced his intention to request that Assembly Bill No. 532 be removed from the inactive file.

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

ASSEMBLY BILL NO. 425—An act to amend Sections 8093, 16322, 17022.7, 17281, 81033, 81160, 81162, 81177, 81332, 81348, 81401, 81523, 81528, 81529, and 81530 of, to add Article 3 (commencing with Section 81050) to, and to repeal Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of, the Education Code, and to amend Sections 13143 and 19168 of the Health and Safety Code, relating to community colleges.

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

**UNFINISHED BUSINESS
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bill No. 867 were continued until the next legislative day.

REQUEST BY ASSEMBLY MEMBER NAPOLITANO

Assembly Member Napolitano was joined by the Members of the Assembly in sending expressions of kindness and warm thoughts of support to Barbara Dowling who is gravely ill, and to members of her family.

MOTION TO ADJOURN

At 10:14 a.m., Assembly Member Brewer moved that the Assembly do now adjourn.

Assembly Member Washington seconded the motion.

Motion carried.

VOTE ADDS

The following Assembly Member was granted unanimous consent to record her vote on the following item:

Assembly Concurrent Resolution No. 83: Bowen—Aye.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:16 a.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1651—Ortiz. An act to amend Section 340.1 of the Code of Civil Procedure, relating to commencement of actions.

ASSEMBLY BILL NO. 1652—Sweeney. An act to amend Sections 51871, 51872, 51874, 51875, and 51876 of, to amend and renumber Sections 51881 and 51884 of, to amend, renumber, and repeal Section 51883 of, and to add Sections 51871.5, 51872.5, and 51877.8 to, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1653—Figueroa. An act to add Chapter 8.6 (commencing with Section 52270) to Part 28 of the Education Code, relating to education.

ASSEMBLY BILL NO. 1654—Aroner. An act to amend Sections 16119, 16120.05, 16120.1, and 16121.05 of the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

ASSEMBLY BILL NO. 1655—Wright. An act to amend Section 4016.5 of the Penal Code, relating to corrections.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY JOINT RESOLUTION NO. 45—Pringle, Morrissey, and Kuykendall. Relative to state and federal supplemental benefits.

HOUSE RESOLUTION NO. 49—Martinez, Cardenas, Ducheny, Hertzberg, Perata, Scott, Torlakson, Wayne, Wildman, and Wright. Relative to social promotion in the schools.

AUTHOR'S AMENDMENTS

Committee on Education

January 8, 1998

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

Assembly Bill No. 1352

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

MAZZONI, Chairwoman

ASSEMBLY BILL NO. 1352—An act to add Sections 49494, 49495, 49506, 49507, 49521, 49522, 49537, 49538, 49546.5, 49546.7, 49548.4, 49548.5, 49561, 49562, and 49570.1, to the Education Code, relating to school nutrition programs.

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 8, 1998

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 1477

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

BROWN, Chairwoman

ASSEMBLY BILL NO. 1477—An act to add Sections 19604 and 19612.7 to the Business and Professions Code, relating to horseracing, 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 Public Safety

January 8, 1998

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

- Assembly Bill No. 126
- Assembly Bill No. 190
- Assembly Bill No. 1392

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 126—An act to amend Sections 1346 and 1347.5 of the Penal Code, relating to criminal procedure.

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. 190—An act relating to fraud.

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. 1392—An act to amend Section 12320 of the Penal Code, relating to deadly weapons.

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

January 8, 1998

Mr. Speaker: The Chair of your Committee on Local Government reports:

- Assembly Bill No. 945

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

SWEENEY, Chairman

ASSEMBLY BILL NO. 945—An act to add Article 8.5 (commencing with Section 53880) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to financing a local government improvement program 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.

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 Utilities and Commerce

January 8, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

- Assembly Constitutional Amendment No. 15

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

MARTINEZ, Chairwoman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 23 to Article IV thereof, amending Section 8 of Article VII thereof, and repealing Article XII thereof, relating to public utilities.

Resolution read second time; 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 Judiciary

January 8, 1998

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

Assembly Bill No. 737

Assembly Bill No. 1091

Assembly Bill No. 913

Assembly Bill No. 1094

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

ESCUTIA, Chairwoman

ASSEMBLY BILL NO. 737—An act to amend Section 802 of the Evidence Code, relating to witnesses.

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. 913—An act to amend Section 4337 of, and to add Section 2335.1 and 3021.5 to, the Family Code, relating to marriage.

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. 1091—An act to amend Section 366.26 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. 1094—An act to amend Sections 6560, 6561, and 6562 of, and to add Article 4 (commencing with Section 6585) to Chapter 5 of Part 3 of Division 6 of, the Probate Code, relating to trusts and wills.

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

January 8, 1998

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

Assembly Bill No. 1287

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

KNOX, Chairman

ASSEMBLY BILL NO. 1287—An act 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 Utilities and Commerce

January 8, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Assembly Bill No. 579
Assembly Bill No. 1424

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

MARTINEZ, Chairwoman

ASSEMBLY BILL NO. 579—An act to amend Sections 330 and 368 of the Public Utilities Code, and to amend Section 1 of Chapter 854 of the Statutes of 1996, relating to public utilities, 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. 1424—An act to add Section 729.6 to the Public Utilities Code, relating to telecommunications.

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 8, 1998

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Assembly Bill No. 1384

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

ESCUTIA, Chairwoman

ASSEMBLY BILL NO. 1384—An act to add Section 1175 to the Code of Civil Procedure, relating to controlled 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 Insurance

January 8, 1998

Mr. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 204
Assembly Bill No. 1454

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

FIGUEROA, Chairwoman

ASSEMBLY BILL NO. 204—An act to amend and repeal Section 3209.3 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.

ASSEMBLY BILL NO. 1454—An act to add Section 11736.1 to the Insurance 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

January 8, 1998

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

Assembly Bill No. 344

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 344—An act to amend Section 832.5 of the Penal Code, relating to peace officers: citizen complaints.

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 Utilities and Commerce

January 8, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 1154

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

MARTINEZ, Chairwoman

ASSEMBLY BILL NO. 1154—An act to amend Sections 330, 367, 368, 376, 840, and 9604 of the Public Utilities Code, relating to public utilities.

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 8, 1998

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 1276

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

ARONER, Chairwoman

ASSEMBLY BILL NO. 1276—An act to add Section 56432 to 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 Consumer Protection, Governmental Efficiency and Economic Development

January 8, 1998

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

Assembly Bill No. 969

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

DAVIS, Chairwoman

ASSEMBLY BILL NO. 969—An act to amend Sections 6704, 6706, 6710, 6717, 6730, 6731, 6732, 6735, 6735.1, 6735.6, 6738, 6751, 6751.5, 6753, 6760, 6775, 6785, 6786, 6787, and 6799 of, to amend and renumber Sections 6795, 6795.1, 6796.1, 6796.2, 6796.3, and 6796.5 of, to amend, renumber, and add Sections 6735.2, 6751.2, and 6776 of, to add Sections 6706.3, 6706.5, 6707, 6707.2, 6707.4, 6707.5, 6707.6, 6707.8, 6708, 6708.2, 6708.4, 6708.5, 6708.7, 6708.9, 6717.2, 6717.5, 6730.9, 6731.5, 6732.3, 6732.4, 6735.2, 6738.2, 6751.1, 6751.3, 6751.4, 6755.3, 6770.2, 6770.7, 6771, 6771.2, 6771.5, 6771.7, 6775.3, 6775.4, 6775.5, 6775.6, 6775.7, 6775.8, 6775.9, 6776.1, 6776.2, 6776.3, 6776.4, 6776.5, and 6776.5 to, to repeal and add Sections 6737.2 and 6742 of, and to repeal Sections 6735.3, 6735.4, 6766, and 6796 of, and to amend the headings of Article 4 (commencing with Section 6750), Article 5 (commencing with Section 6775), and Article 6 (commencing with Section 6785) of, and to add an article heading to Chapter 7 (commencing with Section 6700) of, Division 3 of, the Business and Professions Code, relating to professional engineers.

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

January 8, 1998

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

Assembly Bill No. 20
Assembly Bill No. 1397
Assembly Bill No. 1449

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

GALLEGOS, Chairman

ASSEMBLY BILL NO. 20—An act relating to public social 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. 1397—An act to amend Section 14085.51 of 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. 1449—An act to amend Section 1604 of 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.

AUTHOR'S AMENDMENTS
Committee on Utilities and Commerce

January 8, 1998

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Assembly Bill No. 487

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

MARTINEZ, Chairwoman

ASSEMBLY BILL NO. 487—An act to amend Section 6254 of the Government Code, and to amend Section 2891.1 of the Public Utilities Code, relating to telecommunications.

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

January 8, 1998

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 1515

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

GALLEGOS, Chairman

ASSEMBLY BILL NO. 1515—An act relating to health care service plans.

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.

MESSAGES FROM THE SENATE

Senate Chamber, January 8, 1998

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

Senate Joint Resolution No. 33

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE JOINT RESOLUTION NO. 33—Relative to the Washington National Airport.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Brewer the Assembly adjourned until 11 a.m., Monday, January 12, 1998, out of respect to the memory of Hal Bierlein, Wayne Bowers, Michael Kelley, and Paul White, on motion of Assembly Members Ackerman and Campbell; out of respect to the memory of Mary Tsukamoto, on motion of Assembly Member Bowler; out of respect to the memory of Willam Van Bruggen, on motion of Assembly Member Pringle; out of respect to the memory of Mattie Mae Fields, on motion of Assembly Member Murray; out of respect to the memory of Roger Barkley, on motion of Assembly Member Scott; out of respect to the memory of Rachelle Scoble, on motion of Assembly Member Strom-Martin; out of respect to the memory of Gertrude Bailey, on motion of Assembly Member Machado; out of respect to the memory of William Sattler, on motion of Assembly Member Torlakson; out of respect to the memory of Officer Scott Greenly, on motion of Assembly Member Alquist; out of respect to the memory of Elsie Mary Borba and Charlene Girard, on motion of Assembly Member Aguiar; out of respect to the memory of Denver Pyle and Daryl and Shirley Arnold, on motion of Assembly Member Brewer; out of respect to the memory of Shirley Cohelan Burton, on motion of Assembly Member Shelley, out of respect to the memory of Jules Viden and John Purchio, on motion of Assembly Member Sweeney; and out of respect to the memory of Janet Copeland, on motion of Assembly Member Wright.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 8, 1998**

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

AB	RN	AB	RN
20	9726190	1154	9800394
126	9800222	1287	9725648
190	9725550	1352	9800282
204	9726043	1384	9800412
344	9800075	1392	9800255
425	9800216	1397	9800094
487	9800283	1424	9800237
579	9800306	1449	9800022
737	9800117	1454	9800392
913	9800202	1477	9800312
945	9800246	1515*	
969	9800307		
1091	9725547	ACA	RN
1094	9800248	15	9800242
1276	9800086		

(NOTE: * Refers to amendments received in non-Legislative Counsel form.)

Daily Total:	27
Cumulative Total:	3590