

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Monday, January 12, 1998**

**ONE HUNDRED FORTY-THIRD SESSION DAY**

**FOUR HUNDRED SEVENTH 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  
Monday, January 12, 1998

The Assembly met at 11 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 Battin moved a quorum call of the Assembly.

Motion carried. Time, 11:05 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 11:15 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—74:

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

**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 Lord, Give us prudence, give us knowledge, and teach us how to do Your commandments. Because we are Yours, Lord, we are strangers to the world. In weakness, we are strong, in poverty we are rich and in affliction we rejoice for we have You dwelling in our hearts. Knowing this, we ask Your blessing on all that we seek to accomplish this day and forever.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Leach 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 Papan, seconded by Assembly Member Kuykendall.

**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 Alquist, Bordonaro, and Firestone.*

*Because of illness: Assembly Member Margett.*

**EXPLANATIONS OF ABSENCE**

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

January 9, 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 Monday, January 12, 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 communications were presented by the Speaker, and ordered printed in the Journal:

January 12, 1998

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

Dear Dotson: Please be advised that I am appointing Assemblymember Lou Papan to the Assembly Budget Committee to fill the vacancy and also Budget Subcommittee No. 4 effective immediately.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 12, 1998

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

Dear Dotson: Please be advised that I am appointing Assemblymember Sheila Kuehl to the Assembly Revenue and Taxation Committee to fill the vacancy for today, January 12, 1998 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

January 12, 1998

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

Dear Dotson: Please be advised that I am appointing Assemblymember Mike Honda to the Assembly Revenue and Taxation Committee to replace Assemblymember Elaine Alquist for today, January 12, 1998 only.

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 12, 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 Assembly Committee on Rules:

Source	CSUS, LegiSchool Project
Amount	\$1,935 (1,075 blank Sony video tapes)
Purpose	For use by the Assembly Television Project
Person/Class for	
Whom Payment Used	Assembly Television Project Staff

Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Sincerely yours,

JON WALDIE  
 Chief Administrative Officer  
 California State Assembly

#### REPORTS

The following reports were presented by the Chief Clerk:

**1997 Annual Report to California Legislature**  
**Volume I, Significant Issues for 1998 and**  
**Volume II, 1997 Status Report and Commission Actions**  
**(Pursuant to Government Code Sections 14535-14536)**

Above transmitted report, together with letter of transmittal from Edward G. Jordon, Chairman, California Transportation Commission, Sacramento, dated December 10, 1997, referred by the Speaker to the Committee on Transportation.

**California Integrated Waste Management Board (CIWMB)**  
**Fund 387—Integrated Waste Management Account 1997-98**  
**(Pursuant to Supplemental Report of the 1997 Budget Act)**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Secretary for Environmental Protection, Sacramento, dated December 11, 1997, referred by the Speaker to the Committee on Budget.

**State Board of Equalization Audit Program Report**  
**(Pursuant to the Supplemental Report of the Budget Act of 1997)**

Above transmitted report, together with letter of transmittal from E. L. Sorensen, Jr., Executive Director, State Board of Equalization, Sacramento, dated January 9, 1998, referred by the Speaker to the Committee on Budget.

**Population Management and Facilities Master Plan, 1998-2003**  
**(Pursuant to Chapter 905, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Francisco J. Alarcon, Director, Department of the Youth Authority, Sacramento, dated January 9, 1998, referred by the Speaker to the Committee on Public Safety.

**Minority/Women/Disabled Veteran Business Enterprise Participation  
in Contracts Awarded by the State Teachers' Retirement System  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated December 31, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**City of Long Beach, Tideland Oil Revenue Fund  
Statement of Expenditures Including Unpaid Obligations from Oil Revenue  
Fiscal Year Ended September 30, 1997  
(Pursuant to Section 10, of Chapter 138, Statutes of 1994  
First Extraordinary Session)**

Above transmitted report, together with letter of transmittal from John R. Calhoun, City Attorney, Office of the City Attorney of Long Beach, dated December 31, 1997, referred by the Speaker to the Committee on Local Government.

**Annual Report to the Legislature  
Concerning the School Employee Fund, Fiscal Year Ending, June 30, 1997  
(Pursuant to Unemployment Insurance Code Section 832)**

Above transmitted report, together with letter of transmittal from Ray Remy, Director, Employment Development Department, Sacramento, dated January 7, 1998, referred by the Speaker to the Committee on Insurance.

**Veterans Debenture Revenue Fund  
Financial Statements for the Years Ended June 30, 1997 and 1996 and  
Independent Auditors' Report**

**Veterans Farm and Home Building Fund of 1943  
Financial Statements for the Years Ended June 30, 1997 and 1996 and  
Independent Auditors' Report  
(Pursuant to Assembly Bill 2465, Chapter 184, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Jay R. Vargas, Secretary, California Department of Veterans Affairs, Sacramento, dated January 8, 1998, referred by the Speaker to the Committee on Governmental Organization.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 12, 1998

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

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 26  | Assembly Bill No. 987  |
| Assembly Bill No. 105 | Assembly Bill No. 1107 |
| Assembly Bill No. 254 | Assembly Bill No. 1154 |
| Assembly Bill No. 457 | Assembly Bill No. 1236 |
| Assembly Bill No. 487 | Assembly Bill No. 1287 |
| Assembly Bill No. 510 | Assembly Bill No. 1329 |
| Assembly Bill No. 555 | Assembly Bill No. 1386 |
| Assembly Bill No. 579 | Assembly Bill No. 1424 |
| Assembly Bill No. 668 | Assembly Bill No. 1477 |
| Assembly Bill No. 681 | Assembly Bill No. 1497 |
| Assembly Bill No. 671 | Assembly Bill No. 1552 |
| Assembly Bill No. 894 |                        |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 12, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Constitutional Amendment No. 15

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 12, 1998

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

Assembly Bill No. 20  
Assembly Bill No. 126  
Assembly Bill No. 190  
Assembly Bill No. 344  
Assembly Bill No. 548  
Assembly Bill No. 718  
Assembly Bill No. 804

Assembly Bill No. 913  
Assembly Bill No. 969  
Assembly Bill No. 1187  
Assembly Bill No. 1314  
Assembly Bill No. 1350  
Assembly Bill No. 1352  
Assembly Bill No. 1392

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 12, 1998

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

Assembly Bill No. 737  
Assembly Bill No. 945

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 12, 1998

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

Assembly Bill No. 33  
Assembly Bill No. 204  
Assembly Bill No. 425

Assembly Bill No. 1276  
Assembly Bill No. 1397

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REFERENCE OF BILLS TO COMMITTEE**

Pursuant to the Assembly Rules, the following resolution was referred to Committee:

*Senate Joint  
Resolution No.*

*Committee*

**33** ----- Rls.

**AUTHOR'S AMENDMENTS  
Committee on Public Safety**

January 12, 1998

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

Assembly Bill No. 1201

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

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 1201**—An act to amend Sections 470a, 470b, 11106, 12001, 12021, 12026, 12026.2, 12071, 12072, 12076, 12077, 12078, 12081, and 12082 of, and to add Sections 12077.5 and 12077.6 to the Penal Code, and to amend Section 2 of Chapter 1180 of the Statutes of 1988, 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.

**AUTHOR'S AMENDMENTS**  
**Committee on Public Safety**

January 12, 1998

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

Assembly Bill No. 880

Assembly Bill No. 1290

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

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 880**—An act to amend Section 368 of the Penal Code, relating to elder abuse.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**ASSEMBLY BILL NO. 1290**—An act to amend Sections 667.71 and 1170.1 of the Penal Code, and to amend Sections 676, 707, and 828.1 of the Welfare and Institutions Code, relating to kidnapping.

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 12, 1998

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

Assembly Bill No. 771

Assembly Bill No. 795

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

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 771**—An act to amend Section 116.220 of the Code of Civil Procedure, relating to small claims court.

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. 795**—An act to add Sections 3201, 3202, 3203, 3204, 3205, and 3206 to the Family Code, relating to family law.

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 12, 1998

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

Assembly Bill No. 960

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

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 960**—An act to amend Sections 3653, 4351, and 5245 of, and to add Sections 3681, 4205, 4206, 4353, and 5245.5 to, the Family Code, and to amend Section 11350.1 of the Welfare and Institutions Code, relating to support orders.

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 12, 1998

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

Assembly Bill No. 50

Assembly Bill No. 981

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

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 50**—An act to amend Section 451.5 of the Penal Code, relating to arson.

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. 981**—An act to add Sections 20910 and 21328 to the Government Code, relating to public employees, 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 Transportation**

January 12, 1998

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

Assembly Bill No. 1018

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

MURRAY, Chairman

**ASSEMBLY BILL NO. 1018**—An act to amend Section 11713.15 of the Vehicle Code, relating to vehicles.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS****Committee on Elections, Reapportionment and Constitutional Amendments**

January 12, 1998

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 21

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

VINCENT, Chairman

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 21**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 8 and Section 12 of, by amending and repealing Section 2 of, and by adding Section 2.1 to, Article IV thereof, and by amending Section 7 of Article XX thereof, relating to state government.

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.

**REPORTS OF STANDING COMMITTEES****Committee on Labor and Employment**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Labor and Employment reports:

Assembly Bill No. 744

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

FLOYD, Chairman

Above bill ordered to second reading.

**Committee on International Trade and Development**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on International Trade and Development reports:

Assembly Bill No. 901

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

NAPOLITANO, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on International Trade and Development reports:

Assembly Bill No. 894

Assembly Bill No. 895

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

NAPOLITANO, Chairwoman

Above bills re-referred to the Committee on Utilities and Commerce.

**Committee on Rules**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Rules reports:

Senate Joint Resolution No. 33

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Rules reports:  
Assembly Constitutional Amendment No. 7

With the recommendation: That the resolution be re-referred to the Committees on Elections, Reapportionment and Constitutional Amendments and Education.

PERATA, Chair

Above resolution re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments and Education.

**Committee on Governmental Organization**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Governmental Organization reports:  
Assembly Bill No. 1477

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

BROWN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**MESSAGES FROM THE GOVERNOR**

The following Budget message from the Governor was received and ordered printed in the Journal:

Governor’s Office, Sacramento  
January 9, 1998

*To the Senate and the Assembly of the California Legislature:*

I submit for your consideration the Governor’s Budget for 1998–99.

In this past year, the most productive in recent memory, our cooperation brought about a fundamental overhaul of the state’s welfare system, significant tax relief for millions of working Californians, and expansion of the reforms that are dramatically improving the health care and education of California children, so that each will be afforded full opportunity to be all that he or she can be.

While we can be proud of these accomplishments, much work remains for us to do. If we apply the same energy and determination that marked the end of our work in 1997, we can achieve even greater progress in 1998. This Budget provides a blueprint of prudent investments in California’s future—in better schools, in public safety, in preventive government, and in a stronger system of state infrastructure—that build upon our successes these past seven years.

California has been through remarkable change during the past seven years that I’ve been privileged to serve as Governor. We have withstood an unprecedented string of natural disasters, weathered the state’s worst economic recession in a half-century, and seen our state’s economy come rebounding back to lead the world in producing the jobs of the 21st Century. But throughout this turbulent period, there has been one constant: the determination, ingenuity, and spirit of our people that have powered and driven California’s return to greatness.

Let us be worthy of their spirit, and work this year to make California safer, stronger, and more secure for this generation, and for generations to come.

Sincerely,

PETE WILSON

Accompanying Governor’s Budget and Budget Summary ordered filed with the Secretary of State.

**RECEIPT**

I acknowledge receipt this 9th day of January, 1998, at 4:50 p.m., of the budget for the 1998–99 fiscal year, together with an explanatory message delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

**ADJOURN IN MEMORY**

Assembly Member Alby was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jennifer Ali Smith, of Sacramento.

Assembly Member Baca was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former City Councilmember Ralph Hernandez, of San Bernardino.

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 Dolores Ferreira, of Ontario.

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 Margaret Frick, of Newport Beach; and James Dean, of Newport Beach.

Assembly Member Frusetta was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Loren “Sonny” Franklin Paullus, of Paicines; and Lorraine Guerra, of Hollister.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alisha Lyn Miller, of Lancaster; Wyatt O. Lane, of Lancaster; Barbara Lane, of Lancaster; and Randall Miller, of Lancaster.

Assembly Member Havice was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jeannette Paumier, of Downey.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bobbie S. Cahn, of Woodland; Cameron Slane Ward, M.D., of Woodland; and E. Karl Noelting, of San Mateo.

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 June Viola Bulman, of Concord; and Jean Will of Martinez.

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 Fran Acker, of Hayward; and Peter Vigil, of San Francisco.

**REQUEST FOR PHOTOGRAPHER**

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

**ADJOURN IN MEMORY**

Assembly Member Ortiz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tina Stathos, a longtime employee of the Assembly Rules Committee and recognized the following Stathos family members, many of whom were in the rear of the Chamber: her husband Gus Stathos, son Frank Stathos and his wife Patti; son Timothy Stathos and his wife Mandy; daughter Paulette Cervantes and her husband Eddie; and grandchildren Edward Cervantes, Alex Cervantes, Jennifer Stathos, and Nicholas Stathos.

**RECESS**

By unanimous consent, at 11:27 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Migden introduced Kate Shindle, Miss America 1998 and presented a resolution commending her dedicated efforts in promoting AIDS awareness and her work in the area of HIV/AIDS prevention.

Kate Shindle then addressed the assemblage.

**REASSEMBLED**

At 11:33 a.m., the Assembly reconvened.

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

**ADJOURN IN MEMORY**

Assembly Member Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Tanaka, of Lake Forest.

**RE-REFERENCE OF BILLS**

Assembly Member Escutia was granted unanimous consent that Assembly Bill No. 737 be re-referred from the Committee on Judiciary to the Committee on Public Safety.

Assembly Member Sweeney was granted unanimous consent that Assembly Bill No. 945 be re-referred from the Committee on Local Government to the Committee on Public Safety.

**JOINT RULE 62(a) WAIVED**

Assembly Member Sweeney was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 567 for hearing in the Committee on Local Government on Wednesday, January 14, 1998, pending re-referral of the bill from the Committee on Natural Resources.

**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. 1120 be removed from the inactive file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Hertzberg was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 945 for hearing in the Committee on Public Safety on Tuesday, January 13, 1998.

Assembly Member Gallegos was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1225 for hearing in the Committee on Health on Tuesday, January 13, 1998, pending re-referral of the bill from the Committee on Transportation.

**SPECIAL COMMITTEE MEETINGS**

Assembly Member Gallegos was granted unanimous consent that the Committee on Health be permitted to hold a special meeting on Thursday January 15, 1998, off the Floor, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1225 for hearing, if the bill is not re-referred to the Committee on Health prior to Thursday.

**ADJOURN IN MEMORY**

Assembly Member Poochigian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Officer James Rapozo, of the Visalia Police Department.

**RECESS**

By unanimous consent, at 11:40 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Ducheny introduced the following delegation from the XV Legislatura de Baja California: The Honorable Javier Castaneda Pomposo, President of the Mesa Directiva; The Honorable Cesar Baylon Chacon, Vice President of the Mesa Directiva; The Honorable Miguel Guerrero Cruz, Pro-Secretary of the Mesa Directiva; The Honorable Maria de Jesus Singh Castro, Pan Caucus Coordinator; The Honorable Juan Pablo Valenzuela Garcia, Pri Caucus Coordinator; Mr. Jose Flores Bringas, Legislative Consultant; and The Honorable Oscar Reyes-Retana, Consul General of Mexico in Sacramento.

**REASSEMBLED**

At 11:41 a.m., the Assembly reconvened.

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

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Members Mazzoni and Martinez on the occasion of their birthdays.

**JOINT RULE 62(a) WAIVED**

Assembly Member Napolitano was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 894 and 895 for hearing in the Committee on Utilities and Commerce.

**ADJOURN IN MEMORY**

Assembly Member Honda was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Clyde Arbuckle, of San Jose.

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

**ASSEMBLY BILL NO. 1328**—An act to amend Section 5019.5 of, add Article 4 (commencing with Section 72040) to Chapter 1 of Part 45 of, and to amend and renumber Section 72031 of, the Education Code, relating to postsecondary education.

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.

**ASSEMBLY BILL NO. 285**—An act to add Sections 32232.5, 51220.6, and 56524.1 to the Education Code, relating to education.

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

**ASSEMBLY BILL NO. 1327**—An act to amend Section 51745.6 of the Education Code, relating to education.

Bill read second time, and ordered to Consent Calendar.

**LAST DAY TO CONSIDER GOVERNOR'S VETO**

Pursuant to Joint Rule 58.5, January 8, 1998 was the last day to consider the Governor's veto of Assembly Bill No. 1501.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

**Assembly Bill No. 822**, on request of Assembly Member Aroner;

**Assembly Bill No. 247**, on request of Assembly Member Scott;

**Assembly Bill No. 532**, on request of Assembly Member Knox.

**SESSION SCHEDULE ANNOUNCEMENT**

Speaker pro Tempore Kuehl announced the following schedule:

Tuesday, January 13, 1998, Check-in Session;

Wednesday, January 14, 1998, Check-in Session;

Thursday, January 15, 1998, Floor Session, 11 a.m.;

Friday, January 16, 1998, Floor Session, 8:30 a.m.

**CAUCUS ANNOUNCEMENTS**

Assembly Member Sweeney announced that the Local Government Caucus would meet today, at 4:30 p.m., in the Tom Bane Rules Committee Room.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Brown was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 520 and 783 be stricken from file.

Assembly Member Brewer was granted unanimous consent that the Governor's veto of Assembly Bill No. 1588 be stricken from file.

Assembly Member Davis was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 925 and 920 be stricken from file.

Assembly Member Washington was granted unanimous consent that the Governor's veto of Assembly Bill No. 958 be stricken from file.

Assembly Member Torlakson was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 594 and 1190 be stricken from file.

#### **ADJOURN IN MEMORY**

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Barbara Dowling, of La Mirada.

#### **REQUEST TO WAIVE JOINT RULE 62(a)**

Assembly Member Vincent requested unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Constitutional Amendment No. 7 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments, today.

Assembly Member Leonard withheld unanimous consent.

#### **Motion to Waive Joint Rule 62(a)**

Assembly Member Vincent moved that Joint Rule 62(a) be waived to permit Assembly Constitutional Amendment No. 7 to be set for hearing today in the Committee on Elections, Reapportionment and Constitutional Amendments.

Assembly Member Escutia seconded the motion.

The roll was opened.

#### **Call of the Assembly**

Pending the announcement of the vote, Assembly Member Villaraigosa moved a call of the Assembly.

Motion carried. Time, 11:55 a.m.

The Sergeant of Arms was directed to close the doors, and to bring in the absent members.



**CALL OF THE ASSEMBLY DISPENSED WITH ON VINCENT MOTION TO WAIVE JOINT RULE 62(a) AS IT RELATES TO ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7**

At 12:01 p.m., on motion of Assembly Member Villaraigosa, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Vincent motion to waive Joint Rule 62(a) to permit Assembly Constitutional Amendment No. 7 to be set for hearing today in the Committee on Elections, Reapportionment and Constitutional Amendments carried by the following vote:

**AYES—40**

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

**NOES—31**

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	McClintock	Prenter
Alby	Frusetta	Miller	Pringle
Ashburn	Goldsmith	Morrissey	Runner
Baldwin	Granlund	Morrow	Takasugi
Battin	House	Olberg	Thompson
Baugh	Kalooagian	Oller	Woods
Bowler	Leach	Pacheco	

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Scott was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 488 and 226 be stricken from file.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**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.

**MOTION TO ADJOURN**

At 12:02 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Brewer seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 12:03 p.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. 1656—Ducheny.** An act making appropriations for the support of the government of the State of California and for several public purposes 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.

**ASSEMBLY BILL NO. 1657—Murray.** An act to amend Section 164.56 of the Streets and Highways Code, relating to transportation.

**ASSEMBLY BILL NO. 1658—Leach.** An act to amend Section 10234 of the Business and Professions Code, relating to real estate.

**ASSEMBLY BILL NO. 1659—Richter.** An act to add Section 15202.2 to the Government Code, and to amend Section 1050 of the Penal Code, relating to homicide.

**ASSEMBLY BILL NO. 1660—Baca.** An act to amend Section 1683 of the Insurance Code, relating to insurance.

**ASSEMBLY BILL NO. 1661—Alquist.** An act to amend Sections 4502 and 4503 of, and to add Section 4015 to, the Family Code, relating to child support.

**ASSEMBLY BILL NO. 1662—Alquist.** An act to add and repeal Section 17052.9 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1663—Migden (Senator Burton, coauthor).** An act to add Section 5061 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 1664—Murray.** An act to add Chapter 7 (commencing with Section 16860) to Part 3 of Division 4 of Title 2 of the Government Code, and to add Article 1.6 (commencing with Section 10116) to Chapter 1 of Part 2 of Division 2 of the Public Contract Code, relating to state contracts. .

**ASSEMBLY BILL NO. 1665—Torlakson.** An act to amend Sections 44670.5, 44670.6, and 52870 of, and to add Chapter 1.5 (commencing with Section 51100) to Part 28 of, the Education Code, relating to education.

### RESOLUTIONS

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 85—Wildman.** Relative to the 100th anniversary of Philippine Independence.

**ASSEMBLY JOINT RESOLUTION NO. 46—Kaloogian, Oller, Ackerman, Aguiar, Alby, Ashburn, Baldwin, Battin, Baugh, Bordonaro, Bowler, Brewer, Campbell, Cunneen, Firestone, Frusetta, Goldsmith, Granlund, Hertzberg, House, Keeley, Kuykendall, Leach, Lempert, Leonard, Margett, McClintock, Miller, Morrissey, Morrow, Olberg, Pacheco, Poochigian, Prenter, Richter, Runner, Scott, Takasugi, Thompson, and Woods, (Senators Ayala, Brulte, Haynes, McPherson, O'Connell, Peace, and Rainey, coauthors).** Relative to the Washington National Airport.

### AUTHOR'S AMENDMENTS Committee on Appropriations

January 12, 1998

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

Assembly Bill No. 1030

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

MIGDEN, Chairwoman

**ASSEMBLY BILL NO. 1030—**An act to add Section 110663 to the Health and Safety Code, relating to agricultural commodities.

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 12, 1998

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

Assembly Bill No. 449

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

FIGUEROA, Chairwoman

**ASSEMBLY BILL NO. 449**—An act to amend Sections 132a, 2803.4, 4060, 4061, 4062, 4553, 4553.1, 4600, 5402, 5502, and 6315.5 of the Labor Code, relating to employment.

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 12, 1998

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

Assembly Bill No. 26

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

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 26**—An act to amend Sections 182.22 and 629.52 of, and to add Section 182.5 to, the Penal 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.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Education**

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 538

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.

**Committee on Transportation**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1225

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

MURRAY, Chairman

Above bill re-referred to the Committee on Health.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 7

With amendments with the recommendation: Amend, be adopted, as amended, and be re-referred to the Committee on Education.

VINCENT, Chairman

Above resolution re-referred to the Committee on Education.

**INTRODUCTION OF GUESTS**

Assembly Member McClintock, of the 38th Assembly District, introduced Jim Van Beveran, of Chatsworth.

Assembly Member Washington, of the 52nd Assembly District, introduced the California Youth Connection, from Los Angeles.

Assembly Member Leach, of the 15th Assembly District, introduced the following students who were winners of the Red Ribbon Week essay contest: Michelle Hurtig, of Bristow Middle School, Brentwood; Jeff Greco, of Joaquin Moraga Intermediate School, Moraga; Kristen Van Diggelen, of St. Isidore Elementary School, Danville; and Timothy Schweickert, of St. Michael's Elementary School, Livermore.

**ADJOURNMENT**

At 5:55 p.m., pursuant to the motion by Assembly Member Washington the Assembly adjourned until 7 a.m., Tuesday, January 13, 1998, out of respect to the memory of Ralph Hernandez, on motion of Assembly Member Baca; out of respect to the memory of Tina Stathos, on motion of Assembly Member Ortiz; out of respect to the memory of George Tanaka, on motion of Assembly Member Campbell; out of respect to the memory of Jennifer Ali Smith, on motion of Assembly Member Alby; out of respect to the memory of Dolores Ferreira, on motion of Assembly Member Aguiar; out of respect to the memory of Margaret Frick and James Dean, on motion of Assembly Member Brewer; out of respect to the memory of Loren "Sonny" Franklin Paullus and Lorraine Guerra, on motion of Assembly Member Frusetta; out of respect to the memory of Alisha Lyn Miller, Randall Miller, Wyatt O. Lane, and Barbara Lane, on motion of Assembly Member Runner; out of respect to the memory of Jeannette Paumier, on motion of Assembly Member Havice; out of respect to the memory of Bobbie S. Cahn, Cameron Slane Ward, M.D., and E. Karl Noelting, on motion of Assembly Member Thomson; out of respect to the memory of June Viola Bulman and Jean Will, on motion of Assembly Member Torlakson; out of respect to the memory of Fran Acker and Peter Vigil, on motion of Assembly Member Sweeney; out of respect to the memory of Officer James Rapozo, on motion of Assembly Member Poochigian; out of respect to the memory of Clyde Arbuckle, on motion of Assembly Member Honda; and out of respect to the memory of Barbara Dowling, on motion of Assembly Member Napolitano.

---

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

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

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

<b>AB</b>	<b>RN</b>
26	9800477
50	9800278
285	9725540
449	9800635
771	9800090
795	9800400
880	9800457
960	9800322
981	9726237
1018	9800390
1030	9800426
1201	9800496
1290	9800277
1328	9800214

<b>ACA</b>	<b>RN</b>
21	9800270

<b>Daily Total:</b>	<b>15</b>
<b>Cumulative Total:</b>	<b>3605</b>

O