

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 13, 1998

ONE HUNDRED FORTY-FOURTH SESSION DAY

FOUR HUNDRED EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 13, 1998

The Assembly met at 7 a.m.

Hon. Steven T. Kuykendall, Assembly Member, 54th 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—74:

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

Quorum present.

**At 3:35 p.m., Assistant Speaker pro Tempore Joe 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 Member Napolitano.

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

To attend a funeral in his district: Assembly Member Cunneen.

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 12, 1998

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in session, Public Safety Committee and Consumer Protection, Governmental Efficiency and Economic Development Committee to travel to my district office in Santa Fe Springs on Monday, January 12, 1998 and return on Tuesday, January 13, 1998 to attend to legislative matters.

Thank you for your prompt consideration to this matter and if you should have any questions, please feel free to contact me at (916) 445-0965.

Warmest regards,

GRACE F. NAPOLITANO, Assembly Member
Fifty-eighth 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, pursuant to Health and Safety Code Section 104365, I have appointed Lourdes Baezconde-Garbanati to the Tobacco Education and Research Oversight Committee. The effective date of the appointment is January 9, 1998.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

January 13, 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 Tony Cardenas to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee to replace Assemblymember Grace Napolitano for today, January 13, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

January 13, 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 Ed Vincent to the Assembly Public Safety Committee to replace Assemblymember Grace Napolitano for today, January 13, 1998, only

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

January 13, 1998

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

Dear Dotson: Please be advised that I am removing Assemblymember Lou Papan from the Assembly Utilities and Commerce Committee and replacing him with Assemblymember Tony Cardenas effective immediately.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

The following proposed initiatives were received by the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives pursuant to Elections Code, Section 9007:

Jury Nullification. Initiative Statute.

Referred by the Speaker to the Committee on Judiciary.

Income Taxes. Initiative Constitutional Amendment.

Referred by the Speaker to the Committee on Revenue and Taxation.

"None of the Above" Ballot Option. Initiative Statute.

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**INTRODUCTION AND FIRST READING OF
 ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1666—Alquist. An act to add Section 7110 to the Public Contract Code, and to amend Section 11478.5 of the Welfare and Institutions Code, relating to child support.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 13, 1998

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

- Assembly Bill No. 619
- Assembly Bill No. 880
- Assembly Bill No. 1201
- Assembly Bill No. 1384

- Assembly Bill No. 1449
- Assembly Bill No. 1454
- Assembly Bill No. 1515

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 13, 1998

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

- Assembly Constitutional Amendment No. 21

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 13, 1998

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

- Assembly Bill No. 50
- Assembly Bill No. 417
- Assembly Bill No. 449
- Assembly Bill No. 771
- Assembly Bill No. 795

- Assembly Bill No. 960
- Assembly Bill No. 981
- Assembly Bill No. 1290
- Assembly Bill No. 1328

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Agriculture

January 13, 1998

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

- Assembly Bill No. 1525

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

CARDOZA, Chairman

ASSEMBLY BILL NO. 1525—An act to amend Section 58889 of the Food and Agricultural Code, relating to agriculture.

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 Utilities and Commerce

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports:

- Assembly Bill No. 579
- Assembly Bill No. 1154

With the recommendation: That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study.

MARTINEZ, Chairwoman

Subject matter of the above bills referred to the Committee on Rules.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 894

Assembly Bill No. 1424

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

MARTINEZ, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 895

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

MARTINEZ, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 487

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.

MARTINEZ, 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. 1567

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

MURRAY, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 263

Assembly Bill No. 1389

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

MURRAY, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 218

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

MURRAY, Chairman

Above bill ordered to second reading.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 346

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

MURRAY, Chairman

Above bill ordered to second reading.

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 Bill No. 238
Assembly Bill No. 1336

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

VINCENT, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 12, 1998

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

Assembly Constitutional Amendment No. 21

With the recommendation: Be adopted.

VINCENT, Chairman

Above resolution ordered to second reading.

Committee on Governmental Organization

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Governmental Organization reports:
Assembly Bill No. 569

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

BROWN, Chairwoman

Above bill ordered to second reading.

Committee on Natural Resources

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Natural Resources reports:
Assembly Bill No. 277

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

BOWEN, Chairwoman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: January 7, 1998

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 385

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 Revenue and Taxation

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 215

Assembly Bill No. 1062

Assembly Bill No. 809

Assembly Bill No. 1494

Assembly Bill No. 821

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

KNOX, Chairman

Above bills re-referred to the Committee on Appropriations.

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

ASSEMBLY BILL NO. 744—An act to amend Section 1308.7 of the Labor Code, relating to employees.

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

ASSEMBLY BILL NO. 538—An act to add Section 45452 to the Education Code, relating to classified school employees.

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 CONSTITUTIONAL AMENDMENT NO. 7—A resolution to express the intent to propose to the people of the State of California an amendment to the Constitution of the State, relating to school facilities financing.

Resolution read second time; amendments proposed by the Committee on Elections, Reapportionment and Constitutional Amendments read and adopted, resolution ordered reprinted and to be re-referred to the Committee on Education.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

Assembly Bill No. 1120, on request of Assembly Member Knox.

BILLS CONSIDERED ENGROSSED

Unanimous consent was granted that the following bills be considered engrossed:

Assembly Bills Nos. 1091 and 1094.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS****MOTION 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 Friday, January 16, 1998.

MESSAGES FROM THE SENATE

Senate Chamber, January 13, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Sher, Watson and McPherson as a Committee on Conference concerning:

Assembly Bill No. 278.

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

Senate Chamber, January 13, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Lee, Johannessen and Rosenthal as a Committee on Conference concerning:

Assembly Bill No. 949.

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

ADJOURNMENT

At 3:40 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 14, 1998.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 13, 1998**

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

AB	RN
538	9800420
744	9800389
1525	9800797

ACA	RN
7	9800634

Daily Total:	4
Cumulative Total:	3609

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