

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 14, 1998

ONE HUNDRED FORTY-FIFTH SESSION DAY

FOUR HUNDRED NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, January 14, 1998

The Assembly met at 7 a.m.

Hon. Bruce Thompson, Assembly Member, 66th District,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—73:

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

Quorum present.

**At 1:50 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 Members Ashburn, Oller, and Poochigian.

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

Because of illness: Assembly Member Margett.

EXPLANATIONS OF ABSENCE

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

January 14, 1998

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

Dear Mr. Speaker: I respectfully request that I be excused from check-in session on Wednesday, January 14, 1998. I will be in my district on legislative business.

Thank you for your immediate attention to this matter. If you have any questions, please feel free to contact me at: 445-8498.

Best regards,

ROY ASHBURN, Assembly Member
Thirty-second District

January 14, 1998

*The Honorable Cruz M. Bustamante
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Bustamante: Please accept my request to be excused from the mandatory session check in on Wednesday, January 14, 1998. I will be participating in a California Forestry Association event out of town. Should you have any questions, please call my Chief of Staff, Dave Titus at 916-774-4430.

Sincerely,

THOMAS "RICO" OLLER, Assembly Member
Fourth District

January 13, 1998

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

Dear Speaker Bustamante: I respectfully request permission to be excused from check-in session on Wednesday, January 14, 1998, due to legislative business in my district.

Thank you for your consideration of this request. If you have any questions, please contact Michael Villines of my office.

Sincerely,

CHARLES S. POOCHIGIAN, Assembly Member
Twenty-ninth District

COMMUNICATIONS

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

January 14, 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 Nao Takasugi to the Assembly Local Government Committee to replace Assemblymember Bob Margett for today, January 14, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

January 14, 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 Carole Migden to replace Assemblymember Martha Escutia to the Assembly Insurance Committee for today, January 14, 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:

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1667—Migden. An act to amend Section 1368 of, and to add Article 12 (commencing with Section 1399.80) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to add Article 2.7 (commencing with Section 10309) to Chapter 4 of Part 2 of Division 2 of the Insurance Code, relating to health.

ASSEMBLY BILL NO. 1668—Richter. An act to add Section 214.15 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1669—Hertzberg, Bustamante, and Villaraigosa, (Senator Lockyer, coauthor). An act to amend Sections 6086.65 and 6145 of, to amend and repeal Section 6031 of, to add Sections 6001.2, 6001.5, 6001.7, and 6008.6 to, and to add, repeal, and add Section 6140 of, the Business and Professions Code, relating to the State Bar of California, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1670—Morrissey. An act to add Section 3212.11 to the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 1671—Keeley. An act to amend Sections 7550.5, 63041, 63042, and 65040.1 of, and to repeal Article 5 (commencing with Section 65041) of Chapter 1.5 of Division 1 of Title 7 of, the Government Code, to amend Sections 5096.88 and 6370.1 of, to amend the heading of Division 13.5 (commencing with Section 21190) of, to add a chapter heading immediately preceding Section 21190 of, and to add Chapter 2 (commencing with Section 21200) to Division 13.5 of, the Public Resources Code, relating to the environment, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1672—Scott. An act to amend Section 6471 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1673—Pringle. An act to add Section 60207 to the Education Code, relating to instructional materials, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1674—Pringle. An act to add Part 26.5 (commencing with Section 47000) to the Education Code, relating to schools.

ASSEMBLY BILL NO. 1675—Margett. An act to amend Section 6254.4 of the Government Code, relating to public records.

ASSEMBLY BILL NO. 1676—Bowen. An act to amend Section 17538.4 of the Business and Professions Code, relating to advertising.

ASSEMBLY BILL NO. 1677—McClintock. An act to add Sections 33101.5 and 33640.5 to the Health and Safety Code, relating to redevelopment.

REQUEST TO SUSPEND JOINT RULES

The following requests were received, and read:

Assembly Chamber, January 14, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(1) as it relates to Assembly Bills Nos. 26, 33, 457, 555, and 987.

ROBERT M. HERTZBERG

Assembly Chamber, January 14, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(1) as it relates to Assembly Bill No. 302.

MARTIN GALLEGOS

Assembly Chamber, January 14, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(1) as it relates to Assembly Bill No. 1370.

ROBERT M. HERTZBERG

Above requests ordered transmitted to the Committee on Rules.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 14, 1998

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

Assembly Bill No. 285

Assembly Bill No. 1018

Assembly Bill No. 538

Assembly Bill No. 1030

Assembly Bill No. 744

Assembly Bill No. 1525

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 14, 1998

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

Assembly Constitutional Amendment No. 7

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

January 14, 1998

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

Assembly Bill No. 263

Assembly Bill No. 312

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 263—An act relating to energy resources, and making an appropriation therefor.

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

ASSEMBLY BILL NO. 312—An act relating to state 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 Appropriations**

January 14, 1998

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

Assembly Bill No. 697

Assembly Bill No. 1528

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 697—An act to add Section 15314.5 to the Government Code, relating to state government.

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

ASSEMBLY BILL NO. 1528—An act to add Chapter 11.7 (commencing with Section 66970) to Part 40 of the Education Code, relating to financing a program for postsecondary 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.

REPORTS OF STANDING COMMITTEES

Committee on Environmental Safety and Toxic Materials

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports: Assembly Bill No. 983

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

WAYNE, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports: Assembly Bill No. 510

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.

KNOX, Chairman

Above bill ordered to second reading.

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports: Assembly Bill No. 1613

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

KNOX, Chairman

Above bill ordered to second reading.

Committee on Banking and Finance

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Banking and Finance reports: Assembly Bill No. 1203

With the recommendation: Do pass, as amended.

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.

PAPAN, Chairman

Above bill ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:
Assembly Bill No. 681
Assembly Bill No. 871
Assembly Bill No. 921

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

WAYNE, Chairman

Above bills ordered to second reading.

Committee on Human Services

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Human Services reports:
Assembly Bill No. 194
Assembly Bill No. 668
Assembly Bill No. 1276

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

ARONER, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:
Senate Bill No. 520

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

VINCENT, Chairman

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 1091

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

ESCUTIA, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 1329

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

ESCUTIA, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 707

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.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 1531

With the recommendation: Do pass.

ESCUTIA, Chairwoman

Above bill ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:
Assembly Bill No. 548

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

WAYNE, Chairman

Above bill ordered to second reading.

Committee on Health

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:
Assembly Bill No. 192

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

GALLEGOS, Chairman

Above bill ordered to second reading.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:
Assembly Bill No. 1515

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

GALLEGOS, Chairman

Above bill re-referred to the Committee on Insurance.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:
Assembly Bill No. 20
Assembly Bill No. 910
Assembly Bill No. 1373

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

GALLEGOS, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Health reports:
Assembly Bill No. 162
Assembly Bill No. 1068
Assembly Bill No. 1397

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

GALLEGOS, Chairman

Above bills re-referred to the Committee on Appropriations.

Committee on Human Services

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 933

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

ARONER, Chairwoman

Above bill ordered to second reading.

Committee on Consumer Protection, Governmental Efficiency and Economic Development

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1497

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

DAVIS, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing: January 12, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1437

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.

Committee on Judiciary

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1617

With amendments with the recommendation: Amend, and do pass, as amended.

ESCUZIA, Chairwoman

Above bill ordered to second reading.

Committee on Insurance

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 632

Assembly Bill No. 1454

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

FIGUEROA, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 14, 1998

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 333

With the recommendation: Do pass.

Pursuant to the provision of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

FIGUEROA, Chairwoman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 231

Assembly Bill No. 1290

Assembly Bill No. 384

Assembly Bill No. 1386

Assembly Bill No. 583

Assembly Bill No. 1450

Assembly Bill No. 743

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

HERTZBERG, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1236

With the recommendation: Do pass, and be re-referred to the Committee on Public Employees, Retirement and Social Security.

HERTZBERG, Chairman

Above bill re-referred to the Committee on Public Employees, Retirement and Social Security.

Date of Hearing: January 13, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1115

With the recommendation: Do pass.

HERTZBERG, Chairman

Above bill ordered to second reading.

Committee on Public Safety

January 14, 1998

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

Assembly Bill No. 432

Assembly Bill No. 687

Assembly Bill No. 577

Assembly Bill No. 1283

HERTZBERG, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Consumer Protection, Governmental Efficiency and Economic Development

January 14, 1998

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

Assembly Bill No. 1235

DAVIS, Chairwoman

Above bill ordered filed with the Chief Clerk.

Committee on Health

January 14, 1998

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

Assembly Bill No. 1312

GALLEGOS, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Transportation

January 8, 1998

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

Assembly Bill No. 394

MURRAY, Chairman

Above bill ordered filed with the Chief Clerk.

January 12, 1998

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

Assembly Bill No. 585

Assembly Bill No. 653

Assembly Bill No. 893

MURRAY, Chairman

Above bills ordered filed with the Chief Clerk.

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

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

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 218—An act to amend Section 11515 of the Vehicle Code, relating to vehicles.

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

ASSEMBLY BILL NO. 346—An act to amend Section 35401.3 of the Vehicle Code, relating to vehicles.

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

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, and ordered to third reading.

ASSEMBLY BILL NO. 569—An act to amend Section 25658.1 of the Business and Professions Code, relating to alcoholic beverages.

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

ASSEMBLY BILL NO. 277—An act relating to energy resources, and making an appropriation therefor.

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

ASSEMBLY BILL NO. 385—An act to add Sections 47606.1 and 47610.5 to the Education Code, relating to schools.

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.

ADJOURNMENT

At 4:40 p.m., the Assembly adjourned until 7 a.m., Thursday, January 15, 1998.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 14, 1998

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

AB	RN
218	9800494
263	9800417
277	9800958
312	9800879
346	9800636
385	9800421
569	9800812
697	9800826
1528	9725557

Daily Total:	9
Cumulative Total:	3618

O