

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 27, 1998**

**ONE HUNDRED FIFTY-SECOND SESSION DAY**

**FOUR HUNDRED TWENTY-SECOND CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Tuesday, January 27, 1998

The Assembly met at 2:10 p.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Morrissey moved a quorum call of the Assembly. Motion carried. Time, 2:11 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

#### Quorum Present

At 2:28 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

**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:

*Heavenly Father, Keep up under the protection of Your wings, fortify us with love for one another and grant us unshakable peace. But before all and above all, instill in us Your fear and Your love, that Your Holy Name may also be glorified in us. For upon You alone have we placed our hopes and to You we send up glory.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Campbell 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 Shelley, seconded by Assembly Member Thompson.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

*Because of illness: Assembly Member Margett.*

**COMMUNICATIONS**

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

January 27, 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 George Runner to replace Assemblymember Tom Bordonaro on the Assembly Appropriations Committee for today, January 27, 1998, only.

Thank you for your attention to this request.

Sincerely,

**CRUZ M. BUSTAMANTE**  
Speaker of the Assembly

January 27, 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 replace Assemblymember Antonio Villaraigosa on the Assembly Appropriations Committee for today, January 27, 1998, only.

Thank you for your attention to this request.

Sincerely,

**CRUZ M. BUSTAMANTE**  
Speaker of the Assembly

January 27, 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 Brooks Firestone from the Assembly Natural Resources Committee and appointing Assemblymember Rico Oller. I am also removing Assemblymember Tom Woods as Vice-Chair of the committee and appointing Mr. Oller as Vice-Chair.

Mr. Woods will remain on the committee.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

January 27, 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 Scott Baugh to replace Assemblymember Bruce Thompson on the Assembly Appropriations Committee for today, January 27, 1998, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 27, 1998

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

Assembly Bill No. 50	Assembly Bill No. 583
Assembly Bill No. 190	Assembly Bill No. 743
Assembly Bill No. 224	Assembly Bill No. 894
Assembly Bill No. 231	Assembly Bill No. 895
Assembly Bill No. 254	Assembly Bill No. 901
Assembly Bill No. 384	Assembly Bill No. 1212
Assembly Bill No. 425	Assembly Bill No. 1373
Assembly Bill No. 521	Assembly Bill No. 1381

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 27, 1998

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

Assembly Bill No. 726  
 Assembly Bill No. 822

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
House Resolution No. 50

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 247

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 27, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 26  
Assembly Bill No. 457  
Assembly Bill No. 987

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, January 27, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(2) as it relates to Assembly Bill No. 444.

ROD PACHECO

Above request ordered transmitted to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

January 27, 1998

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(b)(2), as it relates to the following bills be granted:

Assembly Bills Nos. 266 and 444.

DON PERATA, Chairman

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 44

With the recommendation: Be adopted.

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

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 50

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

**Committee on Appropriations**

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 66  | Assembly Bill No. 960  |
| Assembly Bill No. 183 | Assembly Bill No. 981  |
| Assembly Bill No. 194 | Assembly Bill No. 1136 |
| Assembly Bill No. 204 | Assembly Bill No. 1187 |
| Assembly Bill No. 218 | Assembly Bill No. 1201 |
| Assembly Bill No. 228 | Assembly Bill No. 1352 |
| Assembly Bill No. 391 | Assembly Bill No. 1469 |
| Assembly Bill No. 423 | Assembly Bill No. 1534 |
| Assembly Bill No. 790 |                        |

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

- Assembly Bill No. 16
- Assembly Bill No. 322
- Assembly Bill No. 1314

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 bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

- |                       |                        |
|-----------------------|------------------------|
| Assembly Bill No. 302 | Assembly Bill No. 913  |
| Assembly Bill No. 598 | Assembly Bill No. 930  |
| Assembly Bill No. 646 | Assembly Bill No. 972  |
| Assembly Bill No. 718 | Assembly Bill No. 1166 |

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

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 26, 1998

Mr. Speaker: Your Committee on Appropriations reports:

- Assembly Bill No. 795

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: January 27, 1998

Mr. Speaker: Your Committee on Public Safety reports:

- Assembly Bill No. 247

With the recommendation: Do pass.

HERTZBERG, Chairman

Above bill ordered to second reading.

**Committee on Appropriations**

Date of Hearing: January 21, 1998

Mr. Speaker: Your Committee on Appropriations reports:

- Assembly Bill No. 1118

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SECOND READING OF BILLS BY UNANIMOUS CONSENT**

Pursuant to unanimous consent granted on Thursday, January 22, 1998, the following bills were taken up, without reference to file, for purpose of second reading and adoption of committee amendments:

**ASSEMBLY BILL NO. 66**—An act to amend Section 7205 of, and to add Section 7204.03 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 183**—An act to add Section 9883 to the Business and Professions Code, relating to consumer affairs.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 194**—An act to add Section 19064 to the Government Code, relating to state employment.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 204**—An act to amend Sections 139, 3209.5, 4600, 4600.3, 4600.5, and 4601 of the Labor Code, relating to workers' compensation.

Bill read second time, and ordered to third reading.

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

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 228**—An act to amend Sections 42825, 42835, 42850, and 42855 of, and to add Section 42846.5 to, the Public Resources Code, relating to waste tires.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 391**—An act to amend Sections 4142 and 4144 of the Public Resources Code, relating to fire protection.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 423**—An act to add Section 11756.6 to the Health and Safety Code, relating to substance abuse, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 790**—An act relating to healing arts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 960**—An act to amend Sections 3653, 4351, 5235, and 5241 of, and to add Section 4205 to, the Family Code, and to amend Section 11350.1 of the Welfare and Institutions Code, relating to support orders.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 981**—An act to add Section 20910 to the Government Code, relating to public employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1136**—An act to add Part 6 (commencing with Section 22400) to Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 187**—An act to amend Sections 15339.1, 15339.2, and 15339.3 of, and to amend the heading of Article 3.2 (commencing with Section 15339.1) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to economic development.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1201**—An act to amend Sections 264.2, 11160, and 13701 of the Penal Code, relating to domestic violence.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1352**—An act to add Section 123279.1 to the Health and Safety Code, relating to nutrition, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1469**—An act relating to taxation.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1534**—An act to add Article 5.5 (commencing with Section 124010) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to human services, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 16**—An act relating to tidelands and submerged lands granted by the state to the City of Long Beach.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 322**—An act to amend Section 52335.4 of, and to repeal Sections 52318 and 52319 of, the Education Code, relating to vocational education.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 1314**—An act to add Sections 9744.5 and 9749.3 to the Business and Professions Code, relating to cremated remains.

Bill read second time, and ordered to Consent Calendar.

**ASSEMBLY BILL NO. 302**—An act to amend Section 5328 of the Welfare and Institutions Code, relating to human services.

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

**ASSEMBLY BILL NO. 598**—An act to add Chapter 5 (commencing with Section 32460) to Part 19 of the Education Code, relating to minors.

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

**ASSEMBLY BILL NO. 646**—An act to amend Sections 11370.4 and 11379.8 of the Health and Safety Code, and to add Section 1202.43 to the Penal Code, relating to controlled substances.

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

**ASSEMBLY BILL NO. 718**—An act to add Chapter 5.1 (commencing with Section 16523) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to human services.

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

**ASSEMBLY BILL NO. 913**—An act to add Section 2348 to the Family Code, relating to marriage.

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



**ASSEMBLY BILL NO. 930**—An act relating to energy resources, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 972**—An act to add Section 27322.5 to the Government Code, relating to local government.

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

**ASSEMBLY BILL NO. 1166**—An act to amend Section 22138.5 of the Education Code, to amend Sections 20057, 20200, 20201, 20322, 20398, 20403, 20575, 20578, 20636, 21493, 22013, 22013.1, 22013.3, 22013.4, 22013.6, 22013.7, 22013.75, 22013.76, 22013.8, 22013.85, 22013.9, 22013.95, 22013.955, 22013.96, 22013.97, 22013.10, 22013.11, 22014, 22014.1, and 22014.5 of the Government Code, relating to public employees.

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

**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; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**ASSEMBLY BILL NO. 247**—An act to amend Sections 833 and 836 of the Penal Code, relating to peace officers.

Bill read second time, and ordered to third reading.

**ASSEMBLY BILL NO. 1118**—An act to amend Section 731 of, to add Section 731.1 to, to add Article 18.8 (commencing with Section 749.3) and Article 18.9 (commencing with Section 749.35) to, Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to financing the construction of local juvenile justice facilities 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, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

**MESSAGES FROM THE SENATE**

Senate Chamber, January 26, 1998

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

Senate Bill No. 254  
Senate Bill No. 412  
Senate Bill No. 622

Senate Bill No. 918  
Senate Bill No. 960  
Senate Bill No. 1043

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

**FIRST READING OF SENATE BILLS**

The following bills were read the first time:

**SENATE BILL NO. 254**—An act to add Section 10084.2 to the Business and Professions Code, and to add Section 1368.1 to the Civil Code, relating to real estate.

**SENATE BILL NO. 412**—An act to amend Section 10430 of, and to add Sections 10413 and 12122 to, the Public Contract Code, relating to state contracts.

**SENATE BILL NO. 622**—An act to amend Section 4638 of the Labor Code, relating to workers' compensation.

**SENATE BILL NO. 918**—An act to amend Section 2001 of the Elections Code, relating to elections.

**SENATE BILL NO. 960**—An act to add Section 4620.2 to the Welfare and Institutions Code, relating to human services.

**SENATE BILL NO. 1043**—An act to amend Section 510 of the Labor Code, relating to employment.

#### **REQUEST FOR UNANIMOUS CONSENT**

Speaker pro Tempore Kuehl was granted unanimous consent that all bills reported from committees today, and Wednesday, January 28th with a "Do Pass" or "Do Pass to Consent" recommendation, be taken up without reference to file for purpose of second reading and that the bills be ordered to the third reading file or First Day Consent Calendar; and that all bills reported from committees on Wednesday, January 28th or Thursday, January 29th, with a "Do Pass as Amended" or "Do Pass as Amended to Consent" recommendation, be taken up without reference to file for purpose of second reading and adoption of committee amendments, and that the bills be returned to the second reading file.

#### **GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member House was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 358 and 571 be stricken from file.

#### **ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that Thursday, January 29th is the last day to amend measures on the Assembly Floor, prior to January 31st, and the last day to notice intent to remove a bill from the inactive file to be returned to third reading on January 31st.

#### **ADJOURN IN MEMORY**

Assembly Member Ducheny was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mariam Baker, of Baltimore, Maryland.

Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Archie Morrison, of Marina del Rey.

Assembly Member Cunneen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Max E. Carl, of San Jose.

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 Charles Edward Kinsey, of Los Angeles.

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 Evelyn H. Dibb, of Davis; and James H. Shideler, Ph.D., of Davis.

#### **GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Villaraigosa was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1539, 257, and 1055 be stricken from file.

**BILLS RETURNED TO UNFINISHED BUSINESS FILE**

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

**Assembly Bill No. 160**, on request of Assembly Member Hertzberg.

**ADJOURN IN MEMORY**

Assembly Member Hertzberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harry S. Ashmore, of Santa Barbara.

**BILLS REMOVED FROM CONSENT CALENDAR**

The following resolution was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

**Assembly Concurrent Resolution No. 88**, on request of Assembly Member Mazzoni.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Member Barbara Alby and her husband Dennis on the occasion of their 30th wedding anniversary.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Honda was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 885, 248, and 287 be stricken from file.

**SPECIAL RECOGNITION**

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

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

Pursuant to Assembly Rule 78, Assembly Member Torlakson announced his intention to request that Assembly Bill No. 1001 be removed from the inactive file.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Wright was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1586, 1456, and 1210 be stricken from file.

Assembly Member Shelley was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 176 and 1189 be stricken from file.

Assembly Member Papan was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 1609, 1458, and 158 be stricken from file.

Assembly Member Kuehl was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 400, 365, 405, and 600 be stricken from file.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Migden:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Appropriations to meet, consider, and report Assembly Bill No. 266 for further action.

By Assembly Member Pacheco:

*Resolved*, That Joint Rule 61(b)(2) be suspended to permit the Committee on Appropriations to meet, consider, and report Assembly Bill No. 444 for further action.

Resolution read and debate was permitted, without objection, as it relates to the Resolution to Suspend Joint Rule 61 on Assembly Bill No. 444.

Resolution adopted by the following vote:

**AYES—75**

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

**NOES—None**

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 3:07 p.m., by unanimous consent, the members of the Committee on Public Safety were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, to hear Assembly Bill No. 247 and without objection, the House was permitted to continue in Floor session.

**GOVERNOR'S VETO STRICKEN FROM FILE**

Assembly Member Murray was granted unanimous consent that the Governor's Vetoes of Assembly Bills Nos. 42, 43, 49, 193, 1144, and 44 be stricken from file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting the following bills for hearing in the Committee on Appropriations today:

Assembly Bills Nos. 26, 118, 266, 294, 427, 448, 457, 796, 1437, and 444.

**CONSIDERATION OF DAILY FILE  
ASSEMBLY BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

**Assembly Bills Nos. 425, 894, 895, 901, 1212, 224, 190, 50, 254, 384, 583, and 1381,** ordered to third reading;

**Assembly Bills Nos. 231, 521, 743, and 1373,** ordered to the Consent Calendar.

**SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 1311,** ordered to third reading.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 27, 1998

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

Assembly Concurrent Resolution No. 88

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

**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. 435,** on request of Assembly Member Ducheny.

**Assembly Bill No. 550,** on request of Assembly Member Migden.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 1515 (Baugh)**—An act relating to health care service plans.

Bill read third time, and passed by the following vote:

**AYES—73**

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

**NOES—2**

Ackerman                      McClintock

Bill ordered transmitted to the Senate.

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

Bill read third time, and passed by the following vote:

**AYES—74**

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

**NOES—4**

Aroner                      Floyd                      McClintock                      Migden

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1449 (Brown)**—An act to add Section 4980.08 to the Business and Professions Code, relating to healing arts.

Bill read third time, and passed by the following vote:

**AYES—75**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 68 (Brown)**—An act to add Section 6010.40 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—77**

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

**NOES—None**

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 68: Assembly Member Cedillo, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 164 (Knox)**—An act to amend Sections 404 and 404.6 of, and to add Section 4019.1 to, the Penal Code, relating to crimes.

Bill read third time, and passed by the following vote:

**AYES—74**

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

**NOES—3**

Aroner	Ducheny	Migden
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 88 (Baca)**—An act to add Sections 24205.5, 44928.5, and 87489 to the Education Code, relating to the State Teachers' Retirement System.

Bill read third time.

**Point of Order**

Assembly Member Floyd arose to the following point of order:

Assembly Member Kaloogian is not limiting debate to the merits of Assembly Bill No. 88.

**Ruling by Speaker pro Tempore Kuehl**

The Speaker pro Tempore ruled the point of order well-taken.

The question being on the passage of the bill.



Bill passed by the following vote:

**AYES—54**

Aguiar	Escutia	Machado	Shelley
Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Ashburn	Frusetta	Migden	Thomson
Baca	Gallegos	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Cardenas	Honda	Pacheco	Wayne
Cardoza	Keeley	Papan	Wildman
Cedillo	Knox	Perata	Wright
Cunneen	Kuehl	Prenter	Mr. Speaker
Davis	Kuykendall	Runner	
Ducheny	Lempert	Scott	

**NOES—23**

Ackerman	Brewer	McClintock	Pringle
Alby	Campbell	Miller	Richter
Baldwin	Goldsmith	Morrow	Takasugi
Battin	Kaloogian	Olberg	Thompson
Baugh	Leach	Oller	Woods
Bordonaro	Leonard	Poochigian	

**Vote Changes**

By unanimous consent, the following vote changes were permitted on Assembly Bill No. 88: Assembly Members Firestone and Kuykendall, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 812 (Scott)**—An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to amend Section 18305 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Scott moved the adoption of amendments.  
Amendments read.

**Parliamentary Inquiry**

Assembly Member Pringle arose to the following parliamentary inquiry:

Will Assembly Bill No. 812 be re-referred to the Committee on Appropriations if the proposed amendments are adopted?

**Assembly Bill No. 812 Passed Temporarily**

Without objection, Assembly Bill No. 812 was passed temporarily on file.

**ASSEMBLY BILL NO. 192 (Napolitano)**—An act to add Section 102101 to the Health and Safety Code, relating to vital records.

Bill read third time, and passed by the following vote:

**AYES—77**

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

**NOES—2**

Bowen Pringle

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 285 (Honda)**—An act to add Sections 32232.5, 44276.8, and 56524.1 to the Education Code, relating to education.

Bill read third time, and passed by the following vote:

**AYES—49**

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

**NOES—25**

Ackerman	Brewer	Leonard	Pringle
Alby	Campbell	McClintock	Runner
Ashburn	Firestone	Miller	Thompson
Battin	Goldsmith	Morrow	Woods
Baugh	Granlund	Olberg	
Bordonaro	House	Oller	
Bowler	Kaloogian	Poochigian	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 417 (Davis)**—An act to amend Sections 17052.15, 17052.18, 17053.10, 17053.17, 17053.45, 17053.46, 17053.49, 23456, 23612.6, 23617.5, 23623.5, 23625, 23645, 23646, and 23649 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, and passed by the following vote:

**AYES—79**

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

**NOES—None**

Bill ordered transmitted to the Senate.

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

Bill read third time.

**Motion to Amend**

Assembly Member Washington moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 812**

**ASSEMBLY BILL NO. 812 (Scott)**—An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to amend Section 18305 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

**Reply by Speaker pro Tempore Kuehl to Parliamentary Inquiry**

The Speaker pro Tempore replied to Assembly Member Pringle's Parliamentary Inquiry earlier this day, that upon conferring with the Chair of the Committee on Appropriations, the Chair would not re-refer Assembly Bill No. 812 to the Committee on Appropriations if the proposed Scott amendments are adopted.

**Motion to Re-refer Assembly Bill No. 812 to Committee**

Assembly Member Runner moved that Assembly Bill No. 812 be re-referred to the Committee on Appropriations

Assembly Member Thompson seconded the motion.

Motion lost by the following vote:

**AYES—36**

Ackerman	Campbell	Leach	Papan
Aguiar	Cunneen	Leonard	Poochigian
Alby	Firestone	McClintock	Prenter
Ashburn	Frusetta	Miller	Pringle
Baldwin	Goldsmith	Morrissey	Richter
Battin	Granlund	Morrow	Runner
Baugh	House	Olberg	Takasugi
Bordonaro	Kaloogian	Oller	Thompson
Brewer	Kuykendall	Pacheco	Woods

**NOES—40**

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

The question being on the adoption of the Scott amendments to Assembly Bill No. 812.

**Roll Call Demanded**

Assembly Members Pringle, Brewer, and Leach, demanded a roll call.

The roll was called, and the Scott amendments adopted by the following vote:

**AYES—43**

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

**NOES—34**

Ackerman	Brewer	Leach	Prenter
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Miller	Richter
Ashburn	Firestone	Morrissey	Runner
Baldwin	Goldsmith	Morrow	Takasugi
Battin	Granlund	Olberg	Thompson
Baugh	House	Oller	Woods
Bordonaro	Kaloogian	Pacheco	
Bowler	Kuykendall	Poochigian	

Bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 871 (Wayne)**—An act to amend Section 53321.5 of the Government Code, and to amend Sections 25220, 25301, 25355, 33459.1, 33459.3, and 33459.4 of, and to repeal Sections 33459.2 and 33459.7 of, the Health and Safety Code, relating to hazardous substances.

Bill read third time, and passed by the following vote:

**AYES—76**

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

**NOES—1**

McClintock

Bill ordered transmitted to the Senate.

**At 3:59 p.m., Assistant Speaker pro Tempore Joe Baca,  
62nd District, presiding**

**ASSEMBLY BILL NO. 921 (Wayne)**—An act to add Section 13554.4 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—65**

Aguiar	Escutia	Lempert	Shelley
Alquist	Figueroa	Machado	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Battin	Gallegos	Migden	Thompson
Bordonaro	Goldsmith	Morrissey	Thomson
Bowen	Granlund	Morrow	Torlakson
Bowler	Havice	Napolitano	Villaraigosa
Brewer	Hertzberg	Olberg	Vincent
Brown	Honda	Oller	Washington
Campbell	House	Ortiz	Wayne
Cardenas	Kaloogian	Pacheco	Wildman
Cardoza	Keeley	Papan	Wright
Cedillo	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Poochigian	
Davis	Kuykendall	Prenter	
Ducheny	Leach	Richter	

**NOES—10**

Ackerman	Baldwin	Leonard	Runner
Alby	Baugh	McClintock	
Ashburn	Floyd	Miller	

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—65**

Aguiar	Escutia	Lempert	Shelley
Alquist	Figueroa	Machado	Strom-Martin
Aroner	Firestone	Martinez	Sweeney
Baca	Frusetta	Mazzoni	Takasugi
Battin	Gallegos	Migden	Thompson
Bordonaro	Goldsmith	Morrissey	Thomson
Bowen	Granlund	Morrow	Torlakson
Bowler	Havice	Napolitano	Villaraigosa
Brewer	Hertzberg	Olberg	Vincent
Brown	Honda	Oller	Washington
Campbell	House	Ortiz	Wayne
Cardenas	Kaloogian	Pacheco	Wildman
Cardoza	Keeley	Papan	Wright
Cedillo	Knox	Perata	Mr. Speaker
Cunneen	Kuehl	Poochigian	
Davis	Kuykendall	Prenter	
Ducheny	Leach	Richter	

**NOES—10**

Ackerman	Baldwin	Leonard	Runner
Alby	Baugh	McClintock	
Ashburn	Floyd	Miller	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 983 (Wayne)**—An act to amend Section 25181 of the Health and Safety Code, relating to hazardous waste.

Bill read third time, and passed by the following vote:

**AYES—77**

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

**NOES—1**

Floyd

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1000 (Keeley)**—An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers, 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, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Assembly Member Keeley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1322 (Wright)**—An act to add Section 11404.3 to the Welfare and Institutions Code, relating to human services.

Bill read third time, and passed by the following vote:

**AYES—69**

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

**NOES—7**

Ackerman	Brewer	Olberg	Woods
Baugh	Morrow	Thompson	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1336 (Vincent)**—An act to amend Sections 84211 and 84215 of, and to add Section 84101.5 to, the Government Code, relating to the Political Reform Act of 1974.

Bill read third time, and passed by the following vote:

**AYES—61**

Ackerman	Figueroa	Lempert	Scott
Aguiar	Firestone	Machado	Shelley
Alquist	Floyd	Martinez	Strom-Martin
Aroner	Frusetta	Mazzoni	Sweeney
Baca	Gallegos	Migden	Takasugi
Battin	Goldsmith	Morrissey	Thomson
Bordonaro	Granlund	Murray	Torlakson
Bowen	Havice	Napolitano	Villaraigosa
Brown	Hertzberg	Ortiz	Vincent
Cardenas	Honda	Pacheco	Washington
Cardoza	House	Papan	Wayne
Cedillo	Keeley	Perata	Wildman
Cunneen	Knox	Poochigian	Mr. Speaker
Davis	Kuehl	Prenter	
Ducheny	Kuykendall	Richter	
Escutia	Leach	Runner	

**NOES—14**

Ashburn	Campbell	Miller	Thompson
Baldwin	Kaloogian	Morrow	Woods
Baugh	Leonard	Olberg	
Bowler	McClintock	Oller	

Bill ordered transmitted to the Senate.



**ASSEMBLY BILL NO. 1389 (Perata)**—An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

Bill read third time, and passed by the following vote:

**AYES—72**

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

**NOES—5**

Ackerman	Leonard	Woods
Baugh	Thompson	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 499 (Kuehl)**—An act to amend Sections 200, 211, 212, 212.5, 213, 214, 220, 223, 224, 250, 251, 253, 262.3, and 72012 of, to amend the headings of Chapter 2 (commencing with Section 200) of, and Article 3 (commencing with Section 220) of, Chapter 2 of Part 1 of, to amend and renumber Sections 40, 41, 45, 210, 212.6, 222, 226, 227, 228, 232, 262, 262.1, 262.2, 263, 33032.5, 44806, 52905, 52906, 52907, 52908, 58508, and 72015 of, to amend and renumber the headings of Article 4 (commencing with Section 240) of, Article 5 (commencing with Section 250) of, and Article 6 (commencing with Section 260) of, Chapter 2 of Part 1 of, to add Sections 210, 254, 262.4, and 264 to, and to add Article 10 (commencing with Section 270) to, Chapter 2 of Part 1 of, to add the headings of Article 4 (commencing with Section 221.5) of, Article 5 (commencing with Section 233) of, Article 6 (commencing with Section 235) of, and Article 11 (commencing with Section 280) of, Chapter 2 of Part 1 of, and to add Chapter 4.5 (commencing with Section 66250) to Part 40 of, and to repeal the headings of Article 4 (commencing with Section 40) of, and Article 4.5 (commencing with Section 45) of, Chapter 1 of Part 1 of, and Article 8 (commencing with Section 52905) of Chapter 12 of Part 28 of, the Education Code, relating to education.

Bill read third time.

**Motion to Amend**

Assembly Member Kuehl moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 1450 (Shelley)**—An act to amend Section 422.6 of the Penal Code relating to civil rights.

Bill read third time, and passed by the following vote:

**AYES—68**

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

**NOES—3**

Baugh	Oller	Woods
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Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1532 (Shelley)**—An act relating to crimes.

Bill read third time.

**Motion to Amend**

Assembly Member Shelley moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**ASSEMBLY BILL NO. 332 (Figueroa)**—An act to amend Sections 703.140 and 704.100 of the Code of Civil Procedure, relating to debtor-creditor relations.

Bill read third time.

**Motion to Amend**

Assembly Member Figueroa moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**At 4:20 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ASSEMBLY BILL NO. 1424 (Martinez)**—An act to add Article 9 (commencing with Section 885) to Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, relating to telecommunications.

Bill read third time, and passed by the following vote:

**AYES—49**

Alby	Ducheny	Lempert	Takasugi
Alquist	Escutia	Machado	Thomson
Aroner	Figueroa	Martinez	Torlakson
Baca	Firestone	Migden	Villaraigosa
Bowen	Frusetta	Morrissey	Vincent
Bowler	Gallegos	Murray	Washington
Brown	Havice	Napolitano	Wayne
Campbell	Hertzberg	Ortiz	Wildman
Cardenas	Honda	Perata	Wright
Cardoza	Keeley	Scott	Mr. Speaker
Cedillo	Knox	Shelley	
Cunneen	Kuehl	Strom-Martin	
Davis	Kuykendall	Sweeney	

**NOES—25**

Ackerman	Brewer	McClintock	Pringle
Aguiar	Floyd	Miller	Runner
Ashburn	Goldsmith	Morrow	Thompson
Baldwin	House	Olberg	Woods
Battin	Kaloogian	Oller	
Baugh	Leach	Poochigian	
Bordonaro	Leonard	Prenter	

Bill ordered transmitted to the Senate.

**ASSEMBLY BILL NO. 1528 (Cardoza)**—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 third time, and passed by the following vote:

**AYES—49**

Aguiar	Firestone	Martinez	Takasugi
Alquist	Frusetta	Mazzoni	Thomson
Aroner	Gallegos	Migden	Torlakson
Baca	Granlund	Morrissey	Villaraigosa
Bowen	Havice	Murray	Vincent
Brown	Hertzberg	Napolitano	Washington
Cardenas	Honda	Ortiz	Wayne
Cardoza	Keeley	Papan	Wildman
Cedillo	Knox	Perata	Wright
Cunneen	Kuehl	Scott	Mr. Speaker
Davis	Kuykendall	Shelley	
Escutia	Lempert	Strom-Martin	
Figueroa	Machado	Sweeney	

**NOES—24**

Ackerman	Bowler	Leonard	Poochigian
Alby	Brewer	McClintock	Prenter
Ashburn	Campbell	Miller	Pringle
Baldwin	Goldsmith	Morrow	Runner
Baugh	Kaloogian	Olberg	Thompson
Bordonaro	Leach	Oller	Woods

Bill ordered transmitted to the Senate.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bill**

**ASSEMBLY BILL NO. 1392 (Scott)**—An act to amend Section 606 of the Welfare and Institutions Code, relating to juveniles.

Bill read third time, and passed by the following vote:

**AYES—79**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**ASSEMBLY BILL NO. 835 (Wright)**—An act to amend Sections 10115.2 and 10115.5 of the Public Contract Code, relating to state contracts.

Bill read third time.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 4:36 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**ASSEMBLY BILL NO. 80 REMOVED FROM INACTIVE FILE AND TAKEN UP**

Assembly Member Ducheny was granted unanimous consent that Assembly Bill No. 80 be withdrawn from the inactive file, and to take the bill up at this time, without reference to file, for purpose of amendment.

**ASSEMBLY BILL NO. 80 (Ducheny)**—An act to amend Sections 17274 and 24436.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

**Motion to Amend**

Assembly Member Ducheny moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**CALL OF THE ASSEMBLY DISPENSED WITH ASSEMBLY BILL NO. 835**

At 5:02 p.m., on motion of Assembly Member Baca, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 835 passed by the following vote:

**AYES—41**

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

**NOES—33**

Ackerman	Brewer	Kuykendall	Prenter
Aguiar	Cunneen	Leach	Pringle
Alby	Firestone	Leonard	Runner
Ashburn	Frusetta	McClintock	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrow	Woods
Baugh	Havice	Olberg	
Bordonaro	House	Oller	
Bowler	Kaloogian	Poochigian	

Bill ordered transmitted to the Senate.

**COMMITTEE MEETING ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced that the Committee on Appropriations would meet today at 5:15 p.m. in Room 4202.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Resolution to Suspend Joint Rules:** Aroner—Aye.

**Assembly Bill No. 1515:** Aroner, Campbell, Ducheny, Goldsmith, Hertzberg, Morrow, Olberg, Oller, Pacheco, Poochigian, and Woods—Aye.

**Assembly Bill No. 126:** Bordonaro, Cedillo, Ducheny, Oller, and Pacheco—Aye; Aroner, McClintock, and Migden—No.

**Assembly Bill No. 1449:** Aroner, Bordonaro, Cedillo, Ducheny, Goldsmith, Oller, and Pacheco—Aye.

**Assembly Bill No. 68:** Aroner, Goldsmith, Oller, and Pacheco—Aye.

**Assembly Bill No. 164:** Goldsmith and Pacheco—Aye; Aroner—No.

**Assembly Bill No. 88:** Ducheny and Pacheco—Aye; Alby, Bordonaro, and Goldsmith—No.

**Assembly Bill No. 192:** Alby, Bowler, Goldsmith, Martinez, and Pacheco—Aye.

**Assembly Bill No. 285:** Ducheny, Havice, and Pacheco—Aye; Alby, Bowler, and Goldsmith—No.

**Assembly Bill No. 417:** Bowler, Cardenas, Honda, and Murray—Aye.

**Assembly Bill No. 812, Runner Motion to Re-refer to Committee:** Bowler—No.

**Assembly Bill No. 812, Scott Amendments:** Bowler—No.

**Assembly Bill No. 871:** Alby, Ashburn, Baldwin, Battin, Baugh, Bowler, Ducheny, Goldsmith, Kaloogian, Morrow, and Oller—Aye.

**Assembly Bill No. 921 and Urgency:** Battin, Bordonaro, Bowler, Ducheny, Goldsmith, and Morrow—Aye; Runner—No.

**Assembly Bill No. 983:** Battin, Bowler, and Goldsmith—Aye.

**Assembly Bill No. 1322:** Battin, Bowler, Campbell, Goldsmith, and Runner—Aye; Morrow—No.

**Assembly Bill No. 1336:** Battin and Goldsmith—Aye; Bowler, Campbell, Miller, and Olberg—No.

**Assembly Bill No. 1389:** Battin, Bowler, Campbell, Morrow, and Runner—Aye.

**Assembly Bill No. 1450:** Aguiar, Baca, Bowler, Campbell, Cardoza, Havice, Martinez, Olberg, Pacheco, and Runner—Aye; Oller—No.

**Assembly Bill No. 1424:** Bowler and Wildman—Aye; Ashburn and Goldsmith—No.

**Assembly Bill No. 1528:** Ashburn, Goldsmith, Miller, Runner, and Woods—No.

#### MOTION TO ADJOURN

At 5:03 p.m., Assembly Member Kuykendall moved that the Assembly do now adjourn.

Assembly Member Gallegos seconded the motion.

Motion carried.

#### QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:03 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. 1703—Leach.** An act to amend Section 6380.5 of the Family Code, relating to restraining orders.

**ASSEMBLY BILL NO. 1704—Miller.** An act to amend Section 1265.6 of the Unemployment Insurance Code, relating to unemployment insurance.

**ASSEMBLY BILL NO. 1705—Torlakson.** An act to amend Sections 7685.2 and 9741 of, and to add Section 9741.1 to, the Business and Professions Code, and to amend Sections 7116, 7117, and 103055 of the Health and Safety Code, relating to human remains.

**ASSEMBLY BILL NO. 1706—Keeley (Principal coauthor: Pacheco) Cunneen, Goldsmith, Hertzberg, and Wayne.** An act to add Section 11379.10 to the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 1707—Wildman, Cardoza, Lempert, Murray, Papan, Perata, Scott, Washington, and Wayne, (Senators O'Connell, Polanco, and Solis, coauthors).** An act to add Section 12370 to the Penal Code, relating to body armor.

**ASSEMBLY BILL NO. 1708—Leach.** An act to add and repeal Sections 17053.21, 17053.22, 23631, and 23632 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1709—Alquist.** An act to add Section 7685.5 to the Business and Professions Code, relating to cemetery and funeral fraud.

**ADJOURNMENT**

At 5:04 p.m., pursuant to the motion by Assembly Member Kuykendall, the Assembly adjourned until 9 a.m., Wednesday, January 28, 1998, out of respect to the memory of Mariam Baker, on motion of Assembly Member Ducheny; out of respect to the memory of Archie Morrison, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Harry S. Ashmore, on motion of Assembly Member Hertzberg; out of respect to the memory of Max E. Carl, on motion of Assembly Member Cunneen; out of respect to the memory of Charles Edward Kinsey, on motion of Assembly Member Wright; and out of respect to the memory of Evelyn H. Dibb and James H. Shideler, Ph.D., on motion of Assembly Member Thomson.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 27, 1998

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

AB	RN	
80	9800869	
302	9804904	
332	9724716	
499	9804924	
598	9804799	
646	9804957	
718	9804928	
744	9804916	
795	9805015	
812	9804975	
913	9804910	
930	9801855	
972	9804894	
1000	9804805	
1118	9805051	
1166	9804823	
1532	9800406	
<b>Daily Total:</b>		<b>17</b>
<b>Cumulative Total:</b>		<b>3762</b>

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