

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, February 2, 1998**

**ONE HUNDRED FIFTY-FIFTH SESSION DAY**

**FOUR HUNDRED TWENTY-EIGHTH 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

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, February 2, 1998

The Assembly met at 7 a.m.

Hon. Fred Keeley, Assembly Member, 27th 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—65:

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

Quorum present.

**At 2:05 p.m., Hon. Robert M. Hertzberg, 40th 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, Bowen, Brewer, Cunneen, Frusetta, Granlund, Knox, Kuykendall, Miller, Prenter, and Takasugi.*

*On legislative business, and waiving per diem: Assembly Member Morrissey.*

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

*Because of illness: Assembly Member Morrow.*

**EXPLANATIONS OF ABSENCE**

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

January 29, 1998

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

Dear Mr. Speaker: I respectfully request that I be excused from session on Monday, February 2, 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

February 2, 1998

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

Dear Mr. Speaker: I am writing to request that I be excused from check-in session today. I will be working in my district all day.

Please feel free to contact me should you have any questions.

Thank you for your attention to this request.

Sincerely,

DEBRA BOWEN, Assembly Member  
Fifty-third District

January 30, 1998

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

Dear Speaker Bustamante: I am respectfully requesting to be excused from Assembly Check-In Session on Monday and Tuesday, February 2 and 3, 1998, due to legislative business in my District Office.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me at (916) 445-7222.

Sincerely,

MARILYN C. BREWER, Assembly Member  
Seventieth District

January 30, 1998

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

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session Monday, February 2, due to legislative business in my district. Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
 Twenty-fourth District

January 30, 1998

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

Dear Mr. Speaker: I humbly request to be excused from session on February 2, 1998. I will be attending to legislative business in my district. Specifically, I will be surveying the status of rivers and levees in my district, which have been impacted by recent rainfall.

Thank you for your consideration, and please call me if you have any questions.

Sincerely,

PETER FRUSETTA, Assembly Member  
 Twenty-eighth District

January 30, 1998

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

Dear Speaker: Since floor session has been cancelled for Monday and all other committees that I now sit on were not scheduled, I respectfully request to be excused for the dates of February 2, 3, and 4, 1998.

This request is necessitated due to significant constituent casework and District speaking engagements.

Sincerely,

BRETT GRANLUND, Assembly Member  
 Sixty-fifth District

February 2, 1998

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

Dear Cruz: I respectfully request to be excused from Check-In Session today to handle business in the district. Thank you for your consideration of this request.

Sincerely,

WALLY KNOX, Assembly Member  
 Forty-second District

January 30, 1998

*Hon. Cruz Bustamante  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Bustamante: On Monday, February 2, 1998, I will be attending several meetings with local officials regarding my legislative agenda for 1998. I respectfully request that my absence be excused as legislative business.

Thank you for your consideration of this matter. If there are any questions, please do not hesitate to contact me at 445-9234.

Sincerely,

STEVEN T. KUYKENDALL, Assembly Member  
Fifty-fourth District

January 30, 1998

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

Dear Speaker Bustamante: Please excuse me from check-in session on Monday, February 2, 1998 and Tuesday, February 3, 1998. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member  
Sixtieth District

January 30, 1998

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

Dear Speaker Bustamante: Monday, February 2nd, 1998 I will be in my district office on business. I had previously been scheduled to fly back to my district after session Monday afternoon. As there will be no floor session, I would like to request an excuse from check-in session on Monday and waive my per diem.

Please contact Rebecca Ann Fontaine in my capitol office with any further questions. Thank you for your consideration in this matter.

Sincerely,

JIM MORRISSEY, Assembly Member  
Sixth-ninth District

February 2, 1998

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

Dear Speaker Bustamante: Please excuse me from Assembly check-in session today as I have urgent business in my district.

If you have any questions regarding this request, please contact Stacey Neese in my capitol office at (916) 445-7558.

Sincerely,

ROBERT PRENTER, Assembly Member  
 Thirtieth District

January 21, 1998

*Hon. Cruz Bustamante*  
*Speaker of the Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Mr. Speaker: This is to request that I be excused from floor session on Monday, February 2, 1998 due to legislative business in my district office. I will be back in Sacramento for check-in session on Tuesday, February 3.

Thank you for your consideration of my request.

Sincerely,

NAO TAKASUGI, Assembly Member  
 Thirty-seventh District

#### COMMUNICATIONS

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

January 28, 1998

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

Dear Mr. Wilson: Please be advised that pursuant to Labor Code Sec. 75 (amended by Ch. 227 of 1993, SB 1005—Lockyer), I have re-appointed Mr. Robert B. Steinberg to serve on the Commission on Health and Safety and Workers' Compensation. The effective date of the appointment is January 28, 1998, and this is a term appointment ending December 31, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

January 29, 1998

[Revision]

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

Dear Mr. Wilson: Please be advised that pursuant to Business and Professions Code Section 3710 et seq. (Ch. 1344 of 1982), I have named Mr. J. Michael Thompson to serve on the Respiratory Care Examining Committee as the Respiratory Care Practitioner member.

Mr. Thompson will be replacing Ms. Virginia M. Wiprud-Ettinger. The effective date of the appointment is January 21, 1998, and this is a term appointment ending June 1, 2001.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

(NOTE: The above letter is a revision of original letter dated January 21, 1998. See page 5162.)

January 28, 1998

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

Dear Mr. Wilson: Please be advised that pursuant to Government Code Sec. 8260 (amended by: Ch. 668 of 1994, SB 1405), I have named Assembly Member Howard Wayne to serve on the California Commission on Uniform State Laws. The effective date of the appointment is January 28, 1998, and this is a pleasure appointment.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

February 2, 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 Liz Figueroa to the Assembly Education Committee to replace Assemblymember Elaine Alquist for today, February 2, 1998, only. Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

January 27, 1998

98011

*The Honorable Speaker of the Assembly  
The Honorable Members of the Assembly  
of the Legislature of California  
State Capitol, Room 3196  
Sacramento, California*

Members of the Assembly: As required by Chapter 716, Statutes of 1992, the Bureau of State Audits presents its audit report concerning the processing activity associated with the reimbursement requests for certain prescribed drugs under the California Medical Assistance Program. These requests are known as drug treatment authorization requests (TARs). This report concludes that the Department of Health Services received more drug TARs during the current six-month review period than in earlier periods and it processed most of these requests within one workday, as required.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Health.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Office, Sacramento

Message From the Governor  
Concerning  
Reprieves, Pardons and Commutations

*To the Members of the Senate and Assembly of the State of California:*

In accordance with the provisions of Article V, section 8(a) of the California Constitution, I hereby submit to you a report on the reprieves, pardons and commutations granted by me between January 1, 1997 and December 31, 1997.

Respectfully submitted,

PETE WILSON  
Governor

Above report referred to the Committee on Public Safety.



Governor's Office, Sacramento

Message from the Governor  
Concerning  
Parole Review Decisions

*To the Members of the Senate and Assembly of the State of California:*

In accordance with the provisions of Article V, section 8(b) of the California Constitution, I hereby submit to you a report on my review of parole decisions involving persons sentenced to indeterminate terms upon conviction of murder. The report includes actions taken by me between January 1, 1996, and December 31, 1996.

Respectfully submitted,

PETE WILSON  
Governor

Above report referred to the Committee on Public Safety.

**MESSAGES FROM THE SENATE**

February 2, 1998

*Hon. E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*Assembly Chamber*

Dear Dotson: I am directed to inform your honorable body that the Senate on this day withdrew the Conference Reports on Senate Bill 250, Assembly Bill 252, and Assembly Bill 755.

Sincerely,

GREGORY SCHMIDT  
Secretary of the Senate

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Senate Chamber, February 2, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Greene, O'Connell and Brulte as a Committee on Conference concerning:

**Senate Bill No. 1110.**

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

**COMMUNICATIONS**

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

**Conference Committee Changes**

January 28, 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 Kerry Mazzoni as co-chair of the Conference Committee on AB 252 and AB 755.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

January 28, 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 Antonio Villaraigosa from the Conference Committee on SB 250 and appointing Jack Scott. I am also appointing Assemblymember Kerry Mazzoni to serve as co-chair.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

**APPOINTMENT OF COMMITTEE ON CONFERENCE**

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 1110:

Mazzoni, Migden, and Bordonaro.

**REQUEST TO SUSPEND THE LIMIT ON THE INTRODUCTION OF BILLS**

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9801011.

DICK FLOYD

**Permission of Rules Committee**

Assembly Chamber, January 29, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9801011.

DON PERATA, Chairman

To the Committee on Rules:

Pursuant to Assembly Rule 49, I request permission to suspend the bill introduction limitation with respect to the following bill:

RN 9725401.

DICK FLOYD

**Permission of Rules Committee**

Assembly Chamber, January 29, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9725401.

DON PERATA, Chairman

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1720—Davis.** An act relating to food, drugs, and devices.

**ASSEMBLY BILL NO. 1721—Cunneen.** An act to add Section 41209 to the Education Code, relating to education.

**ASSEMBLY BILL NO. 1722—Cunneen.** An act to amend Sections 8265 and 8470 of the Education Code, relating to child care.

**ASSEMBLY BILL NO. 1723 (RN 9801011)—Floyd.** An act to amend Section 830.3 of the Penal Code, relating to peace officers.

**ASSEMBLY BILL NO. 1724—Richter.** An act to repeal and add Section 11462 of, and to repeal Sections 11462.01, 11462.05, and 11462.06 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1725—Napolitano, Miller, Cedillo, Gallegos, Havice, Vincent, and Wright.** An act to relating to parks and recreation, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1726—Bustamante, Gallegos, Figueroa, and Villaraigosa.** An act to add Section 1367.01 to the Health and Safety Code, relating to health care.

**ASSEMBLY BILL NO. 1727—Runner.** An act to amend Section 17280 of the Education Code, relating to education.

**ASSEMBLY BILL NO. 1728 (RN 9725401)—Floyd.** An act to add and repeal Section 17052.6 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1729—Leach.** An act to amend Section 12389 of the Insurance Code, relating to insurance.

**ASSEMBLY BILL NO. 1730—Wright.** An act to amend Section 1808.21 of the Vehicle Code, relating to the Department of Motor Vehicles.

**ASSEMBLY BILL NO. 1731—Bowler.** An act to amend Section 11377 of the Health and Safety Code, relating to controlled substances.

**ASSEMBLY BILL NO. 1732—Bowler, Ashburn, Campbell, Cunneen, House, Leach, Margett, Morrissey, Oller, and Woods, (Senators Knight, Kopp, Monteith, and Peace, coauthors).** An act to amend Section 4706.5 of the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 1733—Machado.** An act to amend Section 18785 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1734—Mazzoni.** An act to add Part 33.5 (commencing with Section 61000) to Part 28 of, the Education Code, relating to school accountability.

**ASSEMBLY BILL NO. 1735—Pacheco, Frusetta, Goldsmith, and Prenter (Principal coauthors: Baldwin, Battin, Bowler, Cunneen, Morrissey, Kuykendall, Leach, House, and Takasugi.) (Coauthors: Ackerman, Alby, Ashburn, Bordonaro, Firestone, Kaloogian, Leonard, Margett, Oller, Poochigian, Pringle, Richter, Runner, Thompson).** An act to amend Sections 186.22, 190.2, 594, 629.52, 667, 667.5, and 1192.7 of, to add Sections 182.5, 186.30, 186.31, 186.32, and 186.33 to, and to repeal and add Section 186.26 of, the Penal Code, to amend Sections 602, 625.3, 629, 654.3, 660, 663, 676, 707, 777, 781, 827.5, 827.6, and 1732.6 of, to amend and renumber Section 827.1 of, to add Section 602.5 to, to add Article 20.5 (commencing with Section 790) to Chapter 1 of Part 1 of Division 2 of, and to repeal Section 828.01 of, the Welfare and Institutions Code, and to amend Section 2 of Proposition 184 of the November 8, 1994, general election, relating to crime.

**ASSEMBLY BILL NO. 1736—Torlakson.** An act to amend Section 51745 of the Education Code, relating to independent study.

**ASSEMBLY BILL NO. 1737—Torlakson.** An act to add Section 51005.2 to the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 47—Knox (Principal coauthors: Shelley and Thompson) (Coauthors: Alquist, Aroner, Bowen, Bowler, Bustamante, Campbell, Cedillo, Cunneen, Davis, Figueroa, Havice, Hertzberg, Honda, House, Kaloogian, Keeley, Kuehl, Kuykendall, Leach, Lempert, Leonard, Machado, Mazzoni, McClintock, Migden, Miller, Murray, Oller, Perata, Pringle, Richter, Runner, Scott, Strom-Martin, Thomson, Villaraigosa, and Wayne) (Senators Alpert, Brulte, Costa, Greene, Hayden, Haynes, Johnston, Karnette, Kelley, Leslie, Lockyer, Peace, Rosenthal, Schiff, Sher, Thompson, and Vasconcellos, coauthors).** Relative to the State of Israel.

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 30, 1998

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

Assembly Bill No. 142

Assembly Bill No. 160

And reports the same correctly enrolled, and presented to the Governor at 4 p.m., January 30, 1998.

E. DOTSON WILSON, Chief Clerk

### AUTHOR'S AMENDMENTS

#### Committee on Budget

February 2, 1998

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

Senate Bill No. 740

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

DUCHENY, Chairwoman

**SENATE BILL NO. 740—**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 Natural Resources**

February 2, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 533

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

BOWEN, Chairwoman

**SENATE BILL NO. 533**—An act to amend Section 4799.13 of, and to add Article 5 (commencing with Section 4665) to Chapter 9 of Part 2 of Division 4 of, the Public Resources Code, relating to forest resources.

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.

**CONSIDERATION OF DAILY FILE**  
**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. 10**, ordered to third reading.

**BILLS RETURNED TO THIRD READING FILE**

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

**Senate Bill No. 989**, on request of Assembly Member Lempert;

**Senate Bill No. 536**, on request of Assembly Member Bordonaro.

**BILLS WHICH DIED ON FILE PURSUANT TO**  
**CONSTITUTION—ART. IV, SEC 10(c)**

The following bills died on the inactive file:

Assembly Bills Nos. 1313, 779, 1145, 587, 1324, 53, 375, 232, 54, 136, 1109, 250, 1142, 398, 740, 1359, 532, 435, 714, and 110.

The following bills died on the third reading file:

Assembly Bills Nos. 390, 550, and 1001.

**BILLS WHICH DIED AT THE DESK WITHOUT FURTHER ACTION**

The following Assembly bills died at the Desk without further action:

Assembly Bills Nos. 144, 151, 337, 516, 586, 596, 634, 647, 720, 841, 948, 970, 1034, 1035, 1038, 1046, 1049, 1060, 1125, 1202, 1231, 1250, 1270, 1367, 1388, and 1452.

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

Date of Hearing: February 2, 1998

Mr. Speaker: Your Committee on Education reports:

Senate Constitutional Amendment No. 12

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

MAZZONI, Chairwoman

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

**JOINT RULE 62(a) WAIVED**

Unanimous consent was granted that Joint Rule 62(a) be waived for the purpose of setting Senate Constitutional Amendment No. 12 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments on Monday, February 2, 1998.

**ADJOURNMENT**

At 4:20 p.m., the Assembly adjourned until 7 a.m., Tuesday, February 3, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 2, 1998**

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

<b>SB</b>	<b>RN</b>	
553	9805217	
740	9805162	
<b>Daily Total:</b>		<b>2</b>
<b>Cumulative Total:</b>		<b>3813</b>

O