

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 5, 1998**

**ONE HUNDRED FIFTY-EIGHTH SESSION DAY  
FOUR HUNDRED THIRTY-FIRST 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  
Thursday, February 5, 1998

The Assembly met at 7 a.m.

Hon. Steven T. Kuykendall, Assembly Member, 54th District,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—68:

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

Quorum present.

**At 11:35 a.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 Aroner, Cunneen,  
Frusetta, Miller, and Murray.*

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

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

*Because of illness: Assembly Members Brewer and Margett.*

**EXPLANATIONS OF ABSENCE**

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

January 23, 1998

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

Dear Speaker Bustamante: I am requesting permission to be excused on February 5, 1998 for legislative business in Monterey.

Thank you for your consideration.

Sincerely,

DION S. ARONER, Assembly Member  
Fourteenth District

February 4, 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 Thursday, February 5, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

February 4, 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 February 5, 1998 in order for me to attend to legislative business in my district. I am still monitoring various rivers and waterways, which have been severely impacted by significant amounts of rainfall.

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

Sincerely,

PETER FRUSETTA, Assembly Member  
Twenty-eighth District

February 4, 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 Thursday, February 5, 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

February 2, 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 Legislative Session for the following dates so that I may attend to legislative business in my district:

February 5, 1998

February 6, 1998.

Thank you for your consideration in this matter.

Sincerely,

KEVIN MURRAY, Assembly Member  
Forty-seventh District

February 4, 1998

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

Dear Mr. Speaker: I respectfully request that my per diem be waived for Thursday, February 5, 1998, due to the fact that I will be in my district that day on legislative business.

Respectfully,

MICHAEL SWEENEY, Assembly Member  
Eighteenth District

#### **COMMUNICATIONS**

The following communication was presented by the Chief Clerk from:

Bill Jones, Secretary of State, Office of the Secretary of State, dated December 23, 1997, (processed January 7, 1998), transmitting a copy of the qualified initiative entitled "Political Contributions. Employers. Labor Unions. Foreign Entities. Initiate Statute." Referred pursuant to Elections Code, Section 9034, to the Committees on Labor and Employment and Elections, Reapportionment and Constitutional Amendments.

**REPORTS**

The following reports were presented by the Chief Clerk:

**1996–97 Annual Lottery Report**

**(Pursuant to Chapter 162, Budget Act of 1996, Control Section 24.60)**

Above transmitted report, together with letter of transmittal from Stephen W. Mayberg, Ph.D., Director, Department of Mental Health, Sacramento, referred by the Speaker to the Committee on Budget.

**Bureau of Automotive Repair, Program Review Report**

**(Pursuant to Chapter 162, SB 1393, of the 1996–97 Budget Act)**

Above transmitted report, together with letter of transmittal from Marjorie M. Berte, Director, Department of Consumer Affairs, Sacramento, dated January 22, 1998, referred by the Speaker to the Committee on Budget.

**Resources Agency Infrastructure Needs Assessment**

**Resources Agency, Ten-Year Infrastructure Needs, December 1996**

**(Pursuant to the Supplemental Report of the 1997 Budget Act  
Item 0540-001-0001)**

Above transmitted report, together with letter of transmittal from Douglas P. Wheeler, Secretary for Resources, The Resources Agency, Sacramento, dated January 22, 1998, referred by the Speaker to the Committee on Budget.

**Inmate Pay Telephone Access**

**(Pursuant to the Supplemental Report of the 1997 Budget Act  
Item 5240-001-0001)**

Above transmitted report, together with letter of transmittal from C. A. Terhune, Director, Department of Corrections, Sacramento, dated January 23, 1998, referred by the Speaker to the Committee on Budget.

**Minority, Women, and Disabled Veteran Business Enterprise  
Participation Goals for State Contracts**

**(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Fern M. Laethem, State Public Defender, Office of the State Public Defender, Sacramento, dated January 28, 1998, referred by the Speaker to the Committee on Utilities and Commerce.

**1997 Annual Report, California Motorcyclist Safety Program**

**(Pursuant to Vehicle Code Section 2936)**

Above transmitted report, together with letter of transmittal from D. O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated January 29, 1998, referred by the Speaker to the Committee on Transportation.

**Second Quarterly Progress Report**

**Living Within California's Annual Colorado River Appointment  
(Pursuant to Budget Item 3460-001-0001)**

Above transmitted report, together with letter of transmittal from Gerald R. Simmerman, Executive Director, Colorado River Board of California, Glendale, dated January 29, 1998, referred by the Speaker to the Committee on Budget.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1761—Sweeney.** An act to amend Sections 52250, 52251, 52252, 52253, 52254, 52255, 52256, 52257, 52260, 52262, 52264, and 52266 of, and to amend the heading of Chapter 8.5 (commencing with Section 52250) of Part 28 of, the Education Code, relating to education.

**ASSEMBLY BILL NO. 1762—Ducheny and Figueroa.** An act to add Section 15364.75 to the Government Code, relating to foreign trade.

**ASSEMBLY BILL NO. 1763—Mazzoni.** An act to amend Sections 60640 and 60643 of the Education Code, relating to pupil testing.

**ASSEMBLY BILL NO. 1764—Olberg.** An act to add Article 3.5 (commencing with Section 16385) to Chapter 1 of Part 2 of Division 4 of Title 2 of the Government Code, relating to The California Tobacco Settlement Trust Fund.

**ASSEMBLY BILL NO. 1765—Runner (Senator Knight, coauthor).** An act to amend Section 6380 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1766—Takasugi.** An act to amend Section 31521 of, to add Section 31564.2 to, and to repeal and add Sections 31522 and 31593 of, the Government Code, relating to county employee retirement systems.

**ASSEMBLY BILL NO. 1767—Havice.** An act to amend Sections 243 and 836 of the Penal Code, relating to domestic violence.

**ASSEMBLY BILL NO. 1768—Vincent.** An act to add Section 407.1 to the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 1769—Kuykendall.** An act relating to community care facilities.

**ASSEMBLY BILL NO. 1770—Kuykendall.** An act to amend Section 10177 of the Business and Professions Code, relating to real estate licenses.

**ASSEMBLY BILL NO. 1771—Vincent.** An act to amend Section 53201 of the Government Code, relating to local government officers.

**ASSEMBLY BILL NO. 1772—Olberg.** An act to amend Section 11350.6 of the Welfare and Institutions Code, relating to child support.

**ASSEMBLY BILL NO. 1773—Leach.** An act relating to firefighters, and making an appropriation therefor.

**ASSEMBLY BILL NO. 1774—Ackerman.** An act to amend Section 53260 of the Government Code, relating to local agency employees.

**ASSEMBLY BILL NO. 1775—Runner.** An act to amend Section 14 of, and to add Sections 29.6 and 29.7 to, the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), relating to the Castaic Lake Water Agency.

**ASSEMBLY BILL NO. 1776—McClintock (Principal coauthors: Kaloogian, Granlund, and Frusetta) (Coauthors: Alby, Ashburn, Baldwin, Bowler, Leach, Margett, Morrow, Olberg, Oller, and Woods) (Senators Haynes, Johnson, Knight, and Mountjoy, coauthors).** An act to amend Section 7102 of, to add Sections 242 and 10754 to, and to repeal Section 11001.5 of, the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 1777: Committee on Labor and Employment (Floyd (Chair), Baca, Cedillo, Gallegos, Havice, Knox, Ortiz, and Washington) (Senator Solis, coauthor).** An act to add Sections 11005.8 and 11005.9 to the Government Code, relating to state agencies.

**ASSEMBLY BILL NO. 1778—Prenter.** An act to amend Sections 17001.51 and 17100 of, to add Sections 17004.5, 17112, and 17608.20 to, and to repeal Sections 17001.6, 17001.7, 17001.8, and 17001.9 of, the Welfare and Institutions Code, relating to public social services.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 91—Papan.** Relative to European American Heritage Month.

**AUTHOR’S AMENDMENTS  
Committee on Banking and Finance**

February 5, 1998

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:  
Senate Bill No. 1200

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

PAPAN, Chairman

**SENATE BILL NO. 1200**—An act to amend Section 1107 of the Corporations Code, relating to corporations.

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 Education**

February 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:  
House Resolution No. 49

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

MAZZONI, Chairwoman

**HOUSE RESOLUTION NO. 49**—Relative to social promotion in the schools.

Resolution read; author’s amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR’S AMENDMENTS  
Committee on Education**

February 5, 1998

Mr. Speaker: The Chair of your Committee on Education reports:  
Assembly Bill No. 1620

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

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 1620**—An act to add Sections 44259.5 and 44259.6 to the Education Code, relating to 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.

**ADJOURNMENT**

At 3:30 p.m., the Assembly adjourned until 9 a.m., Friday, February 6, 1998.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 5, 1998

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

<b>AB</b>	<b>RN</b>
1620	9805082

<b>HR</b>	<b>RN</b>
49	9804952

<b>SB</b>	<b>RN</b>
1200	9805279

<b>Daily Total:</b>	<b>3</b>
<b>Cumulative Total:</b>	<b>3816</b>

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