

CALIFORNIA LEGISLATURE  
1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 6, 1997**  
**TWENTY-FIRST SESSION DAY**  
**SIXTY-SEVENTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, February 6, 1997

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—76:

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

Quorum present.

**At 12:35 p.m., Hon. Diane Martinez, 49th 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 Baldwin, Caldera, and Floyd.*

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

**EXPLANATIONS OF ABSENCE**

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

January 28, 1997

*Assemblyman Don Perata, Chairman  
Assembly Rules Committee  
State Capitol Building, Room 3016  
Sacramento, California*

Dear Chairman Perata: I have been asked to speak at a national conference in Washington, D.C. by Congressman Henry Hyde and therefore will need to be excused from session on Tuesday, February 11, 1997 and Friday, February 14, 1997 and as well as check in on Wednesday and Thursday of that week.

Also I would like to be excused from session on February 6th and 7th in order to participate in a political education symposium in my District.

Thank you for your consideration of these matters.

Sincerely,

STEVE BALDWIN, Assembly Member  
Seventy-seventh District

February 5, 1997

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

Dear Mr. Speaker: This letter is to request that I be excused from check-in session on Thursday, February 6, 1997 and from session on Friday, February 7, 1997, due to legislative business.

Thank you for your attention of this matter.

Sincerely,

LOUIS CALDERA, Assembly Member  
Forty-sixth District

February 4, 1997

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

Dear Mr. Speaker: I respectfully request permission to go to my district on Thursday, February 6 and Friday, February 7, 1997 due to legislative business.

Should you have any questions regarding this request please contact my secretary, Lorie Erickson at 445-3134.

Thank you for your assistance in this matter.

Sincerely,

RICHARD E. FLOYD, Assembly Member  
Fifty-fifth District

February 4, 1997

*Speaker 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 on Thursday, February 6th due to legislative business. I have been asked to speak to the San Diego County Grand Jury. Please waive my per-diem.

Thank you for your attention to this matter.

Sincerely,

JAN GOLDSMITH, Assembly Member  
Seventy-fifth District

#### **COMMUNICATIONS**

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

February 6, 1997

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

Dear Mr. Wilson: Please be advised that the attached list outlines the committee jurisdictions for the 1997–98 Legislative Session, as approved by the Assembly Rules Committee. Bills will be referred according to these jurisdictions.

Sincerely,

DON PERATA  
Chair, Assembly Rules Committee

#### **ASSEMBLY STANDING COMMITTEE JURISDICTIONS**

Agriculture  
Appropriations  
Banking and Finance  
Budget  
Consumer Protection, Governmental Efficiency and  
Economic Development  
Education  
Elections, Reapportionment and Constitutional Amendments  
Environmental Safety and Toxic Materials  
Governmental Organization  
Health  
Higher Education  
Housing and Community Development  
Human Services  
Insurance  
International Trade and Development  
Judiciary  
Labor and Employment  
Local Government  
Natural Resources

Public Employees, Retirement and Social Security  
Public Safety  
Revenue and Taxation  
Rules  
Televising the Assembly and Information Technology  
Transportation  
Utilities and Commerce  
Water, Parks and Wildlife

**Agriculture**

Agriculture  
Agricultural chemicals  
Agricultural commodities and commissions  
Department of Food and Agriculture  
Department of Pesticide Regulation  
Economic poisons  
Expositions and fairs  
Food labeling  
Labeling of agricultural commodities  
Livestock and poultry  
Marketing law  
Milk and milk products  
Pest management and pesticides  
Veterinarians

**Appropriations**

Fiscal bills  
General obligation bond acts  
Revenue bonds

**Banking and Finance**

California Pollution Control Financing Authority  
Charitable and cooperative corporation law  
Consumer finance and credit reporting  
Corporate securities law  
Financial institutions  
Foreign banking  
Foreign investments in California financial institutions  
Formation of new corporate entities  
Franchises, except for arbitration of disputes between  
franchisor/franchisee  
Industrial development bonds  
Insurance finance and lending practices  
Real property finance  
State investment practices

**Budget**

Budget Bill

### **Consumer Protection, Governmental Efficiency and Economic Development**

Administrative Procedure Act and Office of Administrative Law  
 Business advocacy within California and the United States  
 Charitable solicitation  
 Consumer protection  
 Creation of new regulatory agencies  
 Department of General Services  
 Development and expansion of new technologies, except energy  
 Economic disaster relief  
 Economic impact reports  
 Governmental efficiency and cost control  
 Impacts of Federal budget on high tech projects  
 Industrial innovation and research  
 Occupational licensing, excluding health professionals  
 Product labeling, except agricultural and medical  
 Property acquisition, state and local  
 Property acquisition law  
 Small business development and operations  
 State and local economic development  
 State governmental organization and reorganization  
 State printing and binding contracts  
 State procurement  
 Sunsetting of boards and commissions  
 Weights and measures

### **Education**

Adult education  
 Certificated employees of schools and teacher salaries  
 Charter schools  
 Leasing of school property  
 K-12 education  
 Pupil records  
 School buses and crossing guards  
 School facilities and finance

### **Elections, Reapportionment and Constitutional Amendments**

California Political Reform Act  
 Campaign finance  
 Constitutional amendments  
 Elections  
 Reapportionment

### **Environmental Safety and Toxic Materials**

Department of Pesticide Regulation  
 Drinking water regulation, toxic contamination of water  
 Emergency response relating to hazardous materials  
 Hazardous waste regulation and remediation  
 Pesticides: processed food and public health  
 Proposition 65

Regulation of consumer products containing toxic substances under the Sherman Food, Drug and Cosmetics Law  
Toxic air contaminants and indoor air quality  
Toxic substances and hazardous materials, except for workplace safety  
Underground storage tank regulation and cleanup

### **Governmental Organization**

Alcoholic Beverage Control  
Athletics, State Athletic Commission  
Emergency services, excluding medical emergencies  
Fire safety, excluding residential building standards  
Gaming  
Horse racing  
Natural disasters  
Offices of the Governor, Lieutenant Governor, State Controller, and State Treasurer  
Open meetings laws as they affect state government  
Public records and Public Records Act  
State Fire Marshal  
State holidays, seals, and official acts  
State Lottery  
State military and National Guard  
Tobacco products  
Veterans, Department of Veterans Affairs, Cal-Vet loan program

### **Health**

Alcohol and drug abuse treatment  
Developmental disabilities  
Health care  
Licensing of health care professionals and facilities  
Mental health, except mentally disordered offenders  
Prescriptions  
Public health programs

### **Higher Education**

Academic research partnerships with the private sector  
Community college job training programs  
Postsecondary education, financial aid and campuses

### **Housing and Community Development**

Condominium conversions  
Discrimination in housing  
Housing rehabilitation  
Mobile homes  
Public finance of housing  
Redevelopment  
Rent control  
Residential building standards  
Structural fire safety  
Subdivision Map Act re: housing

**Human Services**

Children's programs and services  
Developmental centers  
Foster care  
Licensing and regulations of child care facilities  
Public assistance (General Assistance, AFDC, and SSI/SSP)  
Senior and handicapped services  
Services for the handicapped under the Department of  
Rehabilitation  
Department of Social Services programs

**Insurance**

Disability insurance  
Insurance  
Insurance investment, excluding finance, lending  
and lending practices  
Unemployment compensation  
Vehicle financial responsibility  
Workers' compensation

**International Trade and Development**

Business advocacy of import/export trade  
California-Mexico relations  
California overseas trade offices  
Development of international high tech markets  
Economic impact reports  
Effect of balance of trade issues on California  
Enterprise Zones  
Expansion of overseas markets  
Foreign investments by California  
Foreign investments in California  
Impacts of federal budget on international trade  
International capital, including capital formation  
International trade, research and import/export finance  
Interstate commerce  
Seaports and physical infrastructure  
Sister state agreements and friendship agreements with  
other nations  
State and local economic development  
Tourism

**Judiciary**

Administration of justice and court personnel  
Administrative procedure  
Adoptions  
Arbitration of disputes between franchisor/franchisee  
Civil Code  
Code of Civil Procedure  
Condemnation  
Confidentiality of court records  
Eminent Domain  
Enforcement of judgements  
Evidence Code, excluding criminal procedure  
Family law



Landlord/tenant relations  
 Legal notices  
 Liens  
 Notary Public  
 Probate Code  
 Product liability  
 Property acquisition (Private property acquired by state agency)  
 Public administration of estates  
 State Bar  
 Trade restraints  
 Tort liability

### **Labor and Employment**

Agricultural Labor Relations Act  
 Discrimination in employment  
 Employment Development Department  
 Unemployment insurance—length of coverage  
 Workplace safety regulations and Cal-OSHA

### **Local Government**

Administration of special districts  
 Benefit assessments, special taxes and  
     local alternative revenue sources  
 City and county organization and powers  
 Joint exercise of powers  
 Local agency formation commissions  
 Municipal Improvement Acts of 1911, 1913, etc.  
 Ralph M. Brown Act  
 Subdivisions  
 Uniform accounting and reporting procedures for local agencies

### **Natural Resources**

Beverage Container Recycling Act  
 California Environmental Quality Act  
 Coastal Act, Coastal Commission and Coastal Conservancy  
 Coachella Valley Mountains Conservancy  
 Department of Conservation programs  
 Energy conservation, research, development,  
     and demonstration and siting of power plants  
 Forestry  
 Harbors  
 Lake Tahoe Conservancy  
 Solid waste management, except hazardous substances  
 Stationary source air pollution  
 Natural Communities Conservation Planning Act  
 Oil Spill Prevention and Response Act  
 San Francisco Bay Conservation and Development Commission  
 Santa Monica Mountains Conservancy  
 State lands  
 Subdivision Map Act re: timber, coastal, agricultural land use  
 Tidelands and submerged lands  
 Vessel traffic management systems (VTMS)  
 Wild and scenic rivers

**Public Employees, Retirement & Social Security**

Classified school employees  
 Judges Retirement Law  
 Public employee collective bargaining  
 Public retirement administration and investment strategy

**Public Safety**

Asset forfeiture  
 Controlled substances  
 Crime victims and restitution  
 Criminal procedure  
 Driving under the influence  
 Felony offenses and those misdemeanor violations not incidental to the subject of another committee  
 Grand juries  
 Impoundment of vehicles  
 Inspection of stolen vehicles  
 Juvenile law  
 Peace officers  
 Penal Code  
 Qualifications of counsel in criminal matters  
 Youth authority and prisons—construction and discipline

**Revenue and Taxation**

All matters relating to taxation

**Rules**

Business of the Legislature

**Televising the Assembly and Information Technology**

Information technology  
 All matters relating to televising the Assembly

**Transportation**

California Highway Patrol  
 Drivers' licenses  
 Highways and airports  
 Mass transit systems  
 Mobile sources of air pollution  
 School bus safety and maintenance  
 Seaports and physical infrastructure  
 Transit authority  
 Transportation financing  
 Vehicles, aircraft, and vessels—operation, safety, equipment, transfer of ownership, licensing and registration  
 Vehicle weight restrictions

**Utilities and Commerce**

Common carriers  
 Expansion of overseas markets  
 International trade, research and import/export finance  
 Intrastate commerce  
 Motion picture industry  
 Public Utilities Commission, rate increases regulated by the PUC

State capital, including capital formation  
 Telecommunications  
 Trucking regulated by the PUC  
 Women and minority business enterprises (WMBE)

### **Water, Parks and Wildlife**

Department of Water Resources  
 Drought relief  
 Fish and game  
 Flood control  
 Museums  
 Native plants  
 Parks and recreation  
 State Historical Resources Commission  
 State Water Resources Control Board  
 Stream resource management  
 Water and water supply planning  
 Water rights and water banks  
 Wildlife

## **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 230—Runner.** An act to amend Section 17273 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 231—Honda.** An act to amend Section 502 of the Penal Code, relating to crimes.

**ASSEMBLY BILL NO. 232—Honda.** An act relating to human services.

**ASSEMBLY BILL NO. 233—Escutia.** An act to amend Section 116.230 of the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Sections 26820.4, 26823, 26827, 26827.4, 26830, 26831, 26832, 26833, 26835, 26836, 26837, 26838, 26850, 26851, 26852, 26853, 26855, 26857, 26862, 27361, 68073, 68085, 68090.8, 68113, 72054, 72055, 72060, 75103.5, 76000, and 77003 of, to add Sections 27081.5, 68073.1, 68088, 72056.01, 77001, and 77009 to, to add Chapter 2.1 (commencing with Section 68650) to, and Chapter 14 (commencing with Section 77600) to, Title 8 of, to repeal Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of, to add and repeal Sections 3501.7 and 26826.01 of, to repeal and add Section 71383 of, and to repeal and add Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of, the Government Code, to amend Sections 1463.001, 1463.005, 1463.007, 1463.009, and 1464 of, to add Sections 1463.010 and 1463.07 to, and to repeal Sections 1463.003 and 1463.01 of, the Penal Code, and to add Sections 11205.1 and 42007.1 to, and to repeal and add Section 42007 of, the Vehicle Code, relating to trial court funding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 234—Battin.** An act to amend Section 17017.9 of the Education Code, relating to school facilities.

**ASSEMBLY BILL NO. 235—Takasugi.** An act to amend Section 51350 of the Health and Safety Code, relating to housing bonds, and making an appropriation therefor.

**ASSEMBLY BILL NO. 236—Figueroa.** An act to amend Section 4600 of the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 237—Figueroa.** An act to amend Sections 139.5 and 4644 of the Labor Code, relating to workers' compensation.

**ASSEMBLY BILL NO. 238—Kuykendall.** An act to add Section 3017.3 to the Elections Code, relating to elections.

**ASSEMBLY BILL NO. 239—Ortiz.** An act to amend Section 3622 of the Family Code, and to amend Sections 11356 and 11475.1 of the Welfare and Institutions Code, relating to family law, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 8—Papan.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 2 of Article IV thereof, relating to the Legislature.

### **RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 11—Honda.** Relative to Vietnamese Community Week.

**HOUSE RESOLUTION NO. 7—Migden.** Relative to airbags.

### **ADJOURNMENT**

At 4 p.m., the Assembly adjourned until 8:30 a.m., Friday, February 7, 1997.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk