

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 10, 1998

ONE HUNDRED SIXTIETH SESSION DAY

FOUR HUNDRED THIRTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 10, 1998

The Assembly met at 7 a.m.

Hon. Kerry Mazzoni, Assembly Member, 6th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

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

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

Quorum present.

At 1:43 p.m., Hon. Fred Aguiar, 61st 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, Goldsmith, Granlund, Miller, Murray, and Poochigian.

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

EXPLANATIONS OF ABSENCE

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

February 2, 1998

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

Dear Mr. Speaker: I respectfully request that I be excused from session on Tuesday, February 10, 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 5, 1998

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

Speaker Bustamante,

I would like to be excused from check-in on Tuesday, February 10, 1998 because of legislative business in my district.

I appreciate your consideration.

Sincerely,

JAN GOLDSMITH, Assembly Member
Seventy-fifth District

February 6, 1998

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

Dear Speaker: Due to the significant constituent and District work that needs my attention, I respectfully request to be excused on February 10, 1998.

Thank you in advance for your consideration on this matter.

Sincerely,

BRETT GRANLUND, Assembly Member
Sixty-fifth District

February 10, 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 Tuesday, February 10, 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 10, 1998

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-In Session today, February 10, 1998, on legislative business.

Sincerely,

KEVIN MURRAY, Assembly Member
Forty-seventh District

February 6, 1998

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

Dear Speaker Bustamante: I respectfully request permission to be excused from Session on Tuesday February 10, 1998 due to legislative business in my district. I will be meeting with constituents, and attending an agricultural industry event.

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

Sincerely,

CHARLES S. POOCHIGIAN, Assembly Member
Twenty-ninth District

COMMUNICATIONS

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

February 10, 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 Bill Campbell to the Assembly Revenue and Taxation Committee to replace Assemblymember Charles Poochigian for today, February 10, 1998 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

February 10, 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 Tom Woods to the Assembly Revenue and Taxation Committee to replace Assemblymember Gary Miller for today, February 10, 1998 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

**Special Education Nonpublic School Mainstreaming Pilot Program
(Pursuant to Education Code Section 56728.7(l))**

Above transmitted report, together with letter of transmittal from Henry Der, Deputy Superintendent, Department of Education, Sacramento, dated January 7, 1998, referred by the Speaker to the Committee on Education.

San Joaquin Corridor, Fiscal Year 1998–99 Business Plan

**San Diegan Corridor, Fiscal Year 1998–99 Business Plan
(Pursuant to the Supplemental Report of the Budget Act
Item 2660-001-0046)**

Above transmitted report, together with letter of transmittal from James W. Van Loben Sels, Director, Department of Transportation, Sacramento, dated January 28, 1998, referred by the Speaker to the Committee on Transportation.

Quarterly Report on Loaned Employees

**Quarterly Report on Employees Working for
Agency's Interdepartmental Initiatives
(Pursuant to the Supplemental Report of the 1996 Budget Act
Items 0555-001-0044.2 and 0555-001-0044.3, respectively)**

Above transmitted reports, together with letter of transmittal from B.B. Blevins, Undersecretary, California Environmental Protection Agency, Sacramento, dated January 30, 1998, referred by the Speaker to the Committee on Budget.

**Department of Pesticide Regulation
Report on Certain Information Pertaining to Perceived Delays on
the Conduct of High Priority Risk Assessments
(Pursuant to the Supplemental Report of the 1997 Budget Act
Item 3930-001-0001)**

Above transmitted report, together with letter of transmittal from Peter M. Rooney, Secretary for Environmental Protection, California Environmental Protection Agency, Sacramento, dated February 2, 1998, referred by the Speaker to the Committee on Budget.

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 9800508.

DICK FLOYD

Permission of Rules Committee

Assembly Chamber, February 6, 1998

The Committee on Rules grants permission to suspend Assembly Rule 49(c) with respect to the following bill: RN 9800508.

FRED AGUIAR, Vice Chair

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1791—Miller. An act to amend Sections 11213, 11392, 11478, 11603, 11604, 11876, and 11877.5 of, to add Section 11877.3 to, and to repeal Sections 11480 and 11481 of, the Health and Safety Code, relating to drugs.

ASSEMBLY BILL NO. 1792—Havice. An act to add Section 637.7 to the Penal Code, relating to personal information.

ASSEMBLY BILL NO. 1793—Runner. An act to add Section 18033 to the Education Code, relating to libraries.

ASSEMBLY BILL NO. 1794—Runner. An act to add Section 2602.5 to the Family Code, relating to dissolution of marriage.

ASSEMBLY BILL NO. 1795—Runner. An act to amend Section 12050 of the Penal Code, relating to concealed weapons.

ASSEMBLY BILL NO. 1796—Mazzoni. An act to add Section 1463.17 to the Penal Code, relating to fines and forfeitures.

ASSEMBLY BILL NO. 1797—Davis. An act to amend Section 140 of the Penal Code, relating to violence against crime victims or witnesses.

ASSEMBLY BILL NO. 1798—Morrow. An act to add Section 1640 to the Business and Professions Code, relating to the California State Bar.

ASSEMBLY BILL NO. 1799—Migden. An act to amend Section 374.3 of the Penal Code, relating to unlawful dumping.

ASSEMBLY BILL NO. 1800—Machado. An act to add Section 6385.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1801—Davis. An act to add Chapter 11.5 (commencing with Section 18973) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to human services.

ASSEMBLY BILL NO. 1802—Woods. An act to amend Section 1463.14 of the Penal Code, relating to criminal fines.

ASSEMBLY BILL NO. 1803—Lempert. An act to amend Section 13960 of the Government Code, relating to crime victims.

ASSEMBLY BILL NO. 1804—Havice. An act to add Section 35021.2 to the Education Code, relating to school volunteers.

ASSEMBLY BILL NO. 1805—Bowler, Baldwin, Bordonaro, Campbell, House, Leach, and Margett, (Senators Haynes, Knight, and Kopp, coauthors). An act to amend Section 51201.5 of the Education Code, relating to education.

ASSEMBLY BILL NO. 1806 (RN 9800508)—Floyd. An act to amend Section 830.1 of the Penal Code, relating to peace officers.

ASSEMBLY BILL NO. 1807—Takasugi. An act relating to taxation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1808—Vincent. An act to amend Section 9040 of, and to repeal Section 13106 of, the Elections Code, relating to elections.

ASSEMBLY BILL NO. 1809—Bowen. An act to add Section 1531.6 to the Health and Safety Code, relating to minors.

ASSEMBLY BILL NO. 1810—Davis. An act to amend Section 17510.2 of, and to repeal Section 17510.87 of, the Business and Professions Code, and to amend Sections 12580, 12581, 12587, 12599, and 12599.5 of, and to add Sections 12581.2, 12599.1, and 12599.2 to, the Government Code, relating to charitable fundraising.

ASSEMBLY BILL NO. 1811—Oller. An act to amend Sections 670 and 731 of the Streets and Highways Code, relating to highways.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 92—Morrow (Senator Craven, coauthor). Relative to historic U.S. Highway Route 101.

Assembly Joint Resolution No. 49—Morrow (Senator Craven, coauthor). Relative to National Historic Landmarks.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 10, 1998

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

Assembly Bill No. 1631

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

AUTHOR'S AMENDMENTS

Committee on Health

February 10, 1998

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

Senate Bill No. 1194

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

GALLEGOS, Chairman

SENATE BILL NO. 1194—An act to amend Section 14087.325 of, and to add Section 14087.326 to, the Welfare and Institutions Code, relating to public social services.

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

REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation

Date of Hearing: February 10, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Senate Bill No. 519

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

KNOX, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: February 10, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Senate Concurrent Resolution No. 44

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

KNOX, Chairman

Above resolution re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 11, 1998.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON FEBRUARY 10, 1998

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The following measure was amended in the Assembly on this day:

SB	RN	
1194	9805271	
Daily Total:		1
Cumulative Total:		3819

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