

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 12, 1998

ONE HUNDRED SIXTY-SECOND SESSION DAY

FOUR HUNDRED THIRTY-EIGHTH 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
Thursday, February 12, 1998

The Assembly met at 7 a.m.

Hon. Howard Wayne, Assembly Member, 78th 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—69:

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

Quorum present.

At 2:37 p.m., Hon. Strom-Martin, 1st 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 Cunneen, Kuykendall, Leach, Lempert, Miller, Perata, and Torlakson.

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

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

EXPLANATIONS OF ABSENCE

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

February 6, 1998

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

Dear Speaker Bustamante: On Thursday, February 12, 1998, I am invited to attend The Harbor Association of Industry & Commerce general meeting at the West Coast Long Beach Hotel. The meeting will be addressing Port of Long Beach issues and the future of trade in California.

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

February 11, 1998

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

Dear Mr. Speaker: Please excuse me from check-in Session on Thursday, February 12, 1998. I must be in my district due to legislative business.

Thank you for your attention to this request.

Sincerely,

LYNNE C. LEACH, Assembly Member
Fifteenth District

February 11, 1998

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

Dear Mr. Speaker: This letter to request that I be excused from Check-In Session on February 12th for legislative business in my District.

I will be in my District Office on Thursday. During the day, I will be conducting legislative business in my office and throughout my District.

Sincerely,

TED LEMPERT, Assembly Member
Twenty-first District

February 10, 1998

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

Dear Speaker Bustamante: Please excuse me from check-in session on Thursday, February 12, 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 11, 1998

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

Dear Mr. Speaker: I respectfully request to be excused from check-in-session on Thursday, February 12, 1998. I have some legislative business to attend to in my district.

Your consideration of this request is greatly appreciated.

Sincerely,

DON PERATA, Assembly Member
Sixteenth District

February 11, 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 12, 1998, due to the fact that I will be in my district that day on legislative business.

Respectfully,

MICHAEL SWEENEY, Assembly Member
Eighteenth District

February 11, 1998

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

Dear Cruz: I will be in the District Office on Thursday, February 12th for legislative business.

Thank you in advance for your assistance.

Sincerely,

TOM TORLAKSON, Assembly Member
Eleventh District

(NOTE: For letter explaining the absence of Assembly Member Cunneen on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Wednesday, February 11, 1998.

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 9803294.

DEBORAH ORTIZ

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 9803294.

FRED AGUIAR, Vice Chair

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1827—Havice. An act to add Section 48918.1 to the Education Code, relating to pupil expulsion.

ASSEMBLY BILL NO. 1828—Leach. An act to amend Sections 15674, 15681, 16801, 17001, 17051, 17103, 17350, 17352, 17356, and 17357 of the Corporations Code, relating to legal entities.

ASSEMBLY BILL NO. 1829—Kuehl. An act to add Section 12719 to the Insurance Code, relating to the California Major Risk Medical Insurance Program.

ASSEMBLY BILL NO. 1830—Davis. An act to amend Section 12024.2 of, and to add Section 12031 to, the Business and Professions Code, relating to weights and measures.

ASSEMBLY BILL NO. 1831—Firestone. An act to add Section 6363.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1832—Wildman (Coauthor: Mazzoni) (Senator Alpert, coauthor). An act to add Article 3 (commencing with Section 49440) to Chapter 9 of Part 27 of the Education Code, relating to child health.

ASSEMBLY BILL NO. 1833—Richter. An act to add and repeal Sections 35 and 23246.1 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1834—Thompson. An act relating to Lake Elsinore, and making an appropriation therefor.

ASSEMBLY BILL NO. 1835—Torlakson. An act to add Section 53083 to the Government Code, relating to public funds.

ASSEMBLY BILL NO. 1836—Ackerman. An act to amend Section 12107 of the Business and Professions Code, relating to weights and measures.

ASSEMBLY BILL NO. 1837—Alquist. An act to amend Section 3190 of the Family Code, relating to children.

ASSEMBLY BILL NO. 1838—Kuykendall. An act to amend Section 1831 of the Military and Veterans Code, relating to the POW/MIA flag.

ASSEMBLY BILL NO. 1839—Thompson. An act to add Article 2.5 (commencing with Section 18930) to Chapter 5 of Part 11 of the Education Code, relating to public libraries.

ASSEMBLY BILL NO. 1840—Wildman. An act to add Chapter 4 (commencing with Section 33220) to Division 23 of the Public Resources Code, relating to the Los Angeles River Parkway.

ASSEMBLY BILL NO. 1841—Baldwin. An act to add and repeal Section 17053.25 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1842—Baldwin. An act to amend Section 1102.1 of the Labor Code, relating to employment discrimination.

ASSEMBLY BILL NO. 1843—Baldwin. An act to add Section 288.3 to the Penal Code, relating to offenses against minors.

ASSEMBLY BILL NO. 1844—Thompson. An act to amend Sections 451, 451.5, 453, and 457.1 of the Penal Code, relating to arson.

ASSEMBLY BILL NO. 1845—Honda. An act to amend Sections 48663, 48664, and 48916.1 of, and to add Section 48661.5 to, the Education Code, relating to community day schools.

ASSEMBLY BILL NO. 1846—Perata (Principal coauthor: Aroner) (Coauthors: Figueroa, Sweeney, and Torlakson) (Senator Lee, coauthor). An act to add Section 188.15 to the Streets and Highways Code, relating to transportation.

ASSEMBLY BILL NO. 1847 (RN 9803294)—Ortiz. An act to add Section 18902.6 to the Welfare and Institutions Code, relating to public assistance.

ASSEMBLY BILL NO. 1848—Davis. An act to amend Section 1793.22 of the Civil Code, relating to warranties.

ASSEMBLY BILL NO. 1849—Thompson. An act to add Section 14132.82 to the Welfare and Institutions Code, relating to abortion funding.

ASSEMBLY BILL NO. 1850—Kuehl. An act to add Sections 12820 and 12820.5 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1851—Wayne. An act to amend Section 35400 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1852—Pacheco. An act to amend Section 44205.5 of the Education Code, relating to teacher credentialing.

ASSEMBLY BILL NO. 1853—Machado, Kuehl, Kuykendall, and Mazzoni, (Senators Costa, Lee, and Watson, coauthors). An act to add Article 9.7 (commencing with Section 8608) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to disaster preparedness.

ASSEMBLY BILL NO. 1854—Leach. An act to add Section 13703 to the Penal Code, relating to domestic violence.

ASSEMBLY BILL NO. 1855—Oller. An act to amend Section 10236.1 of the Business and Professions Code, relating to real property transactions.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 93—McClintock, Knox, and Thomson. Relative to Scottish Tartan Day.

ASSEMBLY CONCURRENT RESOLUTION NO. 94—Alquist. Relative to Osteoporosis Education Day.

HOUSE RESOLUTION NO. 51—Oller and Hertzberg. Relative to the Crisis in Iraq.

MESSAGES FROM THE SENATE

Senate Chamber, February 12, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senator Burton vice Senator Lee to the Committee on Conference concerning:

Assembly Bill No. 1430.

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

**AUTHOR’S AMENDMENTS
Committee on Education**

February 12, 1998

Mr. Speaker: The Chair of your Committee on Education reports:
Assembly Constitutional Amendment No. 5

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

MAZZONI, Chairwoman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, and by repealing and adding Section 18 of Article XVI thereof, relating to taxation.

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

ADJOURNMENT

At 3:25 p.m., the Assembly adjourned until 9 a.m., Friday, February 13, 1998.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 12, 1998**

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

ACA	RN
5	980562

Daily Total:	1
Cumulative Total:	3874

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