

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 19, 1997

TWENTY-EIGHTH SESSION DAY

EIGHTIETH 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
Wednesday, February 19, 1997

The Assembly met at 7 a.m.

Hon. Louis J. Papan, Assembly Member, 19th 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—67:

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

Quorum present.

At 4:59 p.m., Hon. Roderick Wright, 48th 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 Alby, Aroner, Caldera, Cunneen, Floyd, Knox, Lempert, Machado, Murray, Perata, Prenter, and Torlakson.

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

EXPLANATIONS OF ABSENCE

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

February 19, 1997

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

Dear Mr. Speaker: Please excuse me from check-in session on Wednesday, February 19, 1997. I am out of town on legislative business.

Cordially,

BARBARA ALBY, Assembly Member
Fifth District

February 19, 1997

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

Dear Speaker Bustamante: I respectfully request to be excused from check-in today, February 19th, due to legislative business in my district.

Thank you for your consideration of this matter.

Sincerely,

DION S. ARONER, Assembly Member
Fourteenth District

February 19, 1997

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

Dear Mr. Speaker: This letter is to request session excuse for today, Wednesday, February 19th. I will be traveling to my district on legislative business after the Democratic Caucus meeting in Oakland.

Thank you for your attention to this matter.

Sincerely,

LOUIS CALDERA, Assembly Member
Forty-sixth District

February 18, 1997

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 on Wednesday, February 19, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member
 Twenty-fourth District

February 18, 1997

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

Dear Mr. Speaker: I respectfully request permission to fly to my district for legislative business on Wednesday, February 19, 1997 and I will be returning on Sunday, February 23.

Thank you for your consideration of this request.

Cordially,

RICHARD E. FLOYD, Assembly Member
 Fifty-fifth District

February 19, 1997

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

Dear Speaker Bustamante: This it to request that I be excused from check-in session Wednesday, February 19. I will be away from the Capitol conducting legislative business.

Thank you in advance for consideration of this request.

Sincerely,

WALLY KNOX, Assembly Member
 Forty-second District

February 19, 1997

*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 19th for legislative business in my District.

I am returning to my District Office from the Democratic Caucus Policy Retreat being held in Oakland. In the afternoon I will be conducting legislative business in my office and throughout my District.

Sincerely,

TED LEMPERS, Assembly Member
Twenty-first District

February 19, 1997

*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, Wednesday, February 19, 1997.

I will be travelling from the caucus retreat in Oakland to my district to attend several events this evening and will not be able to make the trip to Sacramento to check-in.

Thank you for your consideration of this matter.

Sincerely,

MICHAEL J. MACHADO, Assembly Member
Seventeenth District

February 19, 1997

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

Dear Mr. Speaker: I respectfully request authorization to be excused from Check-in Session on Wednesday, February 19, 1997, for legislative business.

Thank you for your kind consideration to this request.

Sincerely,

KEVIN MURRAY, Assembly Member
Forty-seventh District

February 19, 1997

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

Dear Mr. Speaker: I am requesting that I be excused from the check-in session on Wednesday February 19. Following the policy retreat in Berkeley, I am going to my district office in Oakland to attend to legislative business.

Thank you for your attention to my request.

Sincerely,

DON PERATA, Assembly Member
 Sixteenth District

February 14, 1997

Cruz Bustamante
Speaker
State Capitol, Room 219
Sacramento, California

Dear Speaker Bustamante: This letter is written to inform you of my expected absence on Wednesday, February 19th. I will be in my district taking care of district business and will be returning on Thursday to Sacramento.

Thank you for your assistance.

Sincerely,

ROBERT PRENTER, Assembly Member
 Thirtieth District

February 19, 1997

Speaker Cruz Bustamante
Speaker's Office
State Capitol
Sacramento, California

Dear Speaker Bustamante, Please excuse me from check in today, as I will be in my district attending legislative business after the Democratic Caucus Retreat.

Sincerely,

TOM TORLAKSON, Assembly Member
 Eleventh District

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 349—Firestone. An act to amend Sections 1872.8 and 1872.83 of the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 350—Firestone. An act to add Section 646.91 to the Penal Code, relating to stalking.

ASSEMBLY BILL NO. 351—Scott. An act to amend Section 44300 of, and to add Article 5.6 (commencing with Section 44035) to Chapter 2 of Part 25 of, the Education Code, relating to teacher credentialing, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 352—Scott, Keeley, and Wildman, (Senators O’Connell and Thompson, coauthors). An act to add Article 13 (commencing with Section 44400) to Chapter 2 of Part 25 of the Education Code, relating to teacher credentialing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 353—Wildman and Keeley (Coauthors: Havice and Scott) (Senators Alpert and Karnette, coauthors). An act to amend and renumber Section 69619.1 of, to add Section 44392 to, and to repeal Section 44391 of, the Education Code, relating to teachers, and making an appropriation therefor.

ASSEMBLY BILL NO. 354—Mazzoni. An act to add Section 52128.5 to the Education Code, relating to class size reduction.

ASSEMBLY BILL NO. 355—Morrissey. An act to amend Section 31657 of the Government Code, relating to county employees.

ASSEMBLY BILL NO. 356—Figueroa. An act to amend Sections 6383 and 6384 of the Family Code, and to add Section 68518 to the Government Code, relating to court orders.

ASSEMBLY BILL NO. 357—Havice. An act to amend Sections 1192.7 and 12022.2 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 358—House. An act to amend Sections 17007, 17050, 17056, and 17061.9 of, and to repeal Sections 17031.4 and 17031.8 of, the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 359—House. An act to add Section 17039 to the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 360—Kuykendall. An act to amend Section 454 of the Public Utilities Code, relating to public utilities.

ASSEMBLY BILL NO. 361—Cunneen. An act to amend Section 25505 of the Health and Safety Code, relating to hazardous materials.

ASSEMBLY BILL NO. 362—Bowen (Senator Sher, coauthor). An act to amend Section 17580 of, to add Section 17508.5 to, and to repeal Section 17580.5 of, the Business and Professions Code, and to repeal Section 1 of Chapter 642 of the Statutes of 1995, relating to environmental advertising.

ASSEMBLY BILL NO. 363—Goldsmith, Ducheny, Kuehl, Margett, and Cunneen (Principal Senate Coauthor: Kopp) (Coauthors: Baldwin, Battin, Baugh, Bordonaro, Gallegos, Granlund, Knox, Leach, Olberg, Prenter, Richter, Runner, Takasugi, and Woods) (Senators Haynes and Rainey, coauthors). An act to amend Section 2118 of the Fish and Game Code, and to amend Section 121790 of the Health and Safety Code, relating to wild animals.

ASSEMBLY BILL NO. 364—Baca. An act to add Section 17134 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 365—Kuehl. An act to amend Section 51225.3 of the Education Code, relating to schools.

ASSEMBLY BILL NO. 366—Havice (Senator Karnette, coauthor). An act to amend and repeal Section 6385 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 367—Havice. An act to add Article 5 (commencing with Section 49350) to Chapter 8 of Part 27 of the Education Code, relating to education.

ASSEMBLY BILL NO. 368—Floyd. An act to add Section 1966 to the Labor Code, relating to labor.

ASSEMBLY BILL NO. 369—Baca. An act to amend Section 208.5 of the Welfare and Institutions Code, relating to minors.

ASSEMBLY BILL NO. 370—Oller. An act to add Section 2602 to the Penal Code, relating to prisoners.

ASSEMBLY BILL NO. 371—Figueroa and Cunneen (Senator Vasconcellos, coauthor). An act to add and repeal Chapter 10 (commencing with Section 13890) of Title 6 of Part 4 of the Penal Code, relating to sex offenders, and making an appropriation therefor.

ASSEMBLY BILL NO. 372—Battin. An act to add and repeal Sections 17053.27 and 23627 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 373—Morrissey. An act to amend Section 24216 of the Education Code, relating to school employees.

ASSEMBLY BILL NO. 374—Kuehl. An act to add Sections 10915 and 10916 to the Fish and Game Code, relating to marine refuges, and making an appropriation therefor.

ASSEMBLY BILL NO. 375—Firestone. An act to amend Sections 42823.5 and 42885 of the Public Resources Code, relating to waste tires.

ASSEMBLY BILL NO. 376—Baca. An act to add Section 6110 to the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 377—Baugh (Senator Burton, Principal coauthor). An act to amend Sections 939 and 939.2 of, and to add Section 939.21 to, the Penal Code, relating to grand juries.

ASSEMBLY BILL NO. 378—Baugh (Senator Burton, Principal coauthor). An act to amend Sections 939 and 939.2 of, and to add Section 939.21 to, the Penal Code, relating to grand juries.

ASSEMBLY BILL NO. 379—Alquist. An act to add Section 2400.7 to the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 16—Wright. Relative to Camp Fire Boys and Girls: Absolutely Incredible Kids Day.

**AUTHOR’S AMENDMENTS
Committee on Public Safety**

February 19, 1997

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 4

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 4—An act to add Section 12022.53 to the Penal Code, relating to sentencing.

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 19, 1997

Mr. Speaker: The Chair of your Committee on Education reports:
Assembly Bill No. 89

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

MAZZONI, Chairwoman

ASSEMBLY BILL NO. 89—An act relating to class size in the public elementary schools, making an appropriation therefor, 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.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Public Safety, on February 25, 1997, at 8:30 a.m.

ADJOURNMENT

At 9:56 p.m., the Assembly adjourned until 8:30 a.m., Thursday, February 20, 1997.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 19, 1997**

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

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4	9707652
89	9707596

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