

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 24, 1998

ONE HUNDRED SIXTY-EIGHTH SESSION DAY

FOUR HUNDRED FIFTIETH 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 24, 1998

The Assembly met at 7 a.m.

Hon. Dick Ackerman, Assembly Member, 72nd 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	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thompson
Baugh	Havice	Morrissey	Thomson
Bowen	Hertzberg	Morrow	Torlakson
Bowler	Honda	Murray	Villaraigosa
Brewer	House	Napolitano	Vincent
Brown	Kaloogian	Olberg	Washington
Campbell	Keeley	Oller	Wayne
Cardenas	Knox	Ortiz	Wildman
Cardoza	Kuehl	Papan	Woods
Cedillo	Kuykendall	Perata	Wright
Cunneen	Leach	Poohigian	Mr. Speaker

Quorum present.

At 1:30 p.m., Hon. Deborah Ortiz, 9th 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 Floyd and Pacheco.

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

EXPLANATIONS OF ABSENCE

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

February 23, 1998

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

Dear Mr. Speaker: Due to additional legislative business I will not be returning to Sacramento from my district until Tuesday, February 24, 1998 in the evening. Therefore, I ask that I be excused from check-in on Tuesday, February 24.

Thank you for your consideration of my request. Please contact my office should you have any questions.

Cordially,

RICHARD E. FLOYD, Assembly Member
Fifty-fifth District

(NOTE: For letter explaining the absence of Assembly Member Pacheco on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Monday, February 23, 1998.)

COMMUNICATIONS

The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

97014
February 24, 1998

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by Chapter 16 of the Statutes of 1990, the Bureau of State Audits presents in its audit report entitled "California Transportation Commission and Department of Transportation: The State's Use of Transportation Funds Generated by the 1989 Transportation Blueprint Legislation." This report concludes that the State allocated and expended transportation funds in accordance with statutory requirements. It also concludes that revenues anticipated by the legislation are only 57 percent and expenditures only 47 percent of the legislative estimate after seven years of the ten-year program. The report also concludes that the department allowed \$1.1 billion in spending authority to expire primarily, according to the department, because of savings between estimated and actual project costs.

Additionally, redirections of blueprint revenue totaled approximately \$736 million. The department stated that these redirections were diverted to seismic retrofit or, pursuant to legislation, primarily to the General Fund.

Respectfully submitted,

KURT R. SJOBERG

State Auditor

Above report referred to the Committee on Transportation.

The following communications were presented by the Chief Clerk from:

Connie Lemus, Initiative Coordinator, Department of Justice, Office of the Attorney General, transmitting copies of the ballot titles, summaries, and labels, June 2, 1998 Primary Election Ballot, for the following Propositions in accordance with the provisions of Section 3 (Chapter 413, Statutes of 1997) and in accordance with Elections Code Sections 9050–9051, 13280–13281, and 13247, and Government Code, Sections 88002–88003:

Proposition 219

**Ballot Measures. Application. Legislative Constitutional Amendment.
Resolution Chapter 34, Statutes of 1996 (SCA 18)**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

Proposition 220

**Courts. Superior and Municipal Court Consolidation.
Legislative Constitutional Amendment.
Resolution Chapter 36, Statutes of 1996 (SCA 4)**

Referred by the Speaker to the Committees on Judiciary and Elections, Reapportionment and Constitutional Amendments.

Proposition 221

**Subordinate Judicial Officers. Discipline.
Legislative Constitutional Amendment.
Resolution Chapter 54, Statutes of 1996 (SCA 19)**

Referred by the Speaker to the Committees on Judiciary and Elections, Reapportionment and Constitutional Amendments.

Proposition 222

**Murder. Peace Officer Victim. Sentence Credits.
Legislative Initiative Amendment.
Chapter 413, Statutes of 1997 (AB 446)**

Referred by the Speaker to the Committees on Public Safety and Elections, Reapportionment and Constitutional Amendments.

Proposition 223

**Schools. Spending Limits on Administration.
Initiative Statute.**

Referred by the Speaker to the Committees on Education and Elections, Reapportionment and Constitutional Amendments.

Proposition 224

**State-Funded Design and Engineering Services.
Initiative Constitutional Amendment.**

Referred by the Speaker to the Committees on Consumer Protection, Governmental Efficiency and Economic Development and Elections, Reapportionment and Constitutional Amendments.

**Proposition 225
Limiting Congressional Terms.
Proposed U.S. Constitutional Amendment.
Initiative Statute.**

Referred by the Speaker to the Committee on Elections, Reapportionment and Constitutional Amendments.

**Proposition 226
Political Contributions by Employees, Union Members, Foreign Entities.
Initiative Statute.**

Referred by the Speaker to the Committees on Labor and Employment and Elections, Reapportionment and Constitutional Amendments.

**Proposition 227
English Language in Public Schools.
Initiative Statute.**

Referred by the Speaker to the Committees on Education and Elections, Reapportionment and Constitutional Amendments.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 24, 1998

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

Assembly Concurrent Resolution No. 90

And reports the same correctly enrolled, and presented to the Secretary of the State on the 24th day of February, 1998, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, February 24, 1998

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

Assembly Bill No. 1635

Assembly Bill No. 1669

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS
Committee on Insurance**

February 24, 1998

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

Senate Bill No. 165

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

FIGUEROA, Chairwoman

SENATE BILL NO. 165—An act to amend Sections 1030, 1032, and 1256 of the Unemployment Insurance Code, relating to unemployment compensation.

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 Health**

February 24, 1998

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

Assembly Bill No. 1667

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

GALLEGOS, Chairman

ASSEMBLY BILL NO. 1667—An act to amend Section 1368 of, and to add Article 12 (commencing with Section 1399.80) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to add Article 2.7 (commencing with Section 10309) to Chapter 4 of Part 2 of Division 2 of the Insurance Code, relating to health.

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 Elections, Reapportionment and Constitutional Amendments

February 24, 1998

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 7

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

VINCENT, Chairman

SENATE BILL NO. 7—An act to amend Sections 3018, 3021, and 18370 of the Elections Code, relating to elections.

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 Housing and Community Development

February 24, 1998

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 256

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

TORLAKSON, Chairman

SENATE BILL NO. 256—An act relating to housing.

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 Public Safety

February 24, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 1622

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 1622—An act to amend Section 12025 of the Penal Code, relating to firearms.

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 committees were permitted to meet:

Elections, Reapportionment and Constitutional Amendments, on Monday, March 2, 1998, at 4 p.m., in Room 447;

Judiciary, on Tuesday, March 3, 1998, at 9:30 a.m., in Room 4202.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 25, 1998.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 24, 1998**

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

AB	RN
1622	9805760
1667	9805896

SB	RN
7	9805513
165	9805530
256	9805407

Daily Total:	5
Cumulative Total:	3894