

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 3, 1998

ONE HUNDRED SEVENTY-SECOND SESSION DAY

FOUR HUNDRED FIFTY-SEVENTH 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, March 3, 1998

The Assembly met at 7 a.m.

Hon. Jim Morrissey, Assembly Member, 69th 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 | Cunneen | Leach | Poochigian |
| Aguiar | Davis | Lempert | Pringle |
| Alby | Ducheny | Leonard | Richter |
| Alquist | Escutia | Machado | Shelley |
| Aroner | Figueroa | Margett | Strom-Martin |
| Ashburn | Firestone | Martinez | Takasugi |
| Baca | Floyd | Mazzoni | Thompson |
| Baldwin | Frusetta | McClintock | Thomson |
| Battin | Gallegos | Migden | Torlakson |
| Baugh | Goldsmith | Morrissey | Vincent |
| Bowen | Granlund | Morrow | Washington |
| Bowler | Havice | Murray | Wayne |
| Brewer | Hertzberg | Napolitano | Wildman |
| Brown | Honda | Olberg | Woods |
| Bustamante | House | Oller | Wright |
| Campbell | Kaloogian | Ortiz | Mr. Speaker |
| Cardenas | Keeley | Pacheco | |
| Cardoza | Kuehl | Papan | |
| Cedillo | Kuykendall | Perata | |

Quorum present.

At 2:10 p.m., Hon. Carl Washington, 52nd 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 Knox, Miller, Prenter, Runner, and Scott.

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

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:

March 2, 1998

*The Honorable Antonio Villaraigosa
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Antonio: I kindly request to be excused from Check-in Session tomorrow, Tuesday, March 3, due to legislative business in the district. Thank you for your attention to this matter.

Sincerely,

WALLY KNOX, Assembly Member
Forty-second District

March 2, 1998

*Speaker Antonio Villaraigosa
State Capitol, Room 219
Sacramento, California*

Dear Honorable Villaraigosa: Please excuse me from check-in session on Tuesday, March 3, 1998 and Wednesday, March 4, 1998. I will be in my district on legislative business.

Thank you for your consideration of this request. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member
Sixtieth District

March 2, 1998

*The Honorable Antonio Villaraigosa
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Villaraigosa: I respectfully request that I be excused from Check-in Session on Tuesday, March 3, 1998. I will be in my District on legislative business.

Thank you for your consideration. Please contact Kathryn Harris at 445-7558 with any questions or concerns.

Sincerely,

ROBERT PRENTER, Assembly Member
Thirtieth District

February 26, 1998

The Honorable Antonio R. Villaraigosa
Speaker of the State Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request that I be excused from check-in session on, Tuesday, March 3rd, 1998 due to legislative business in my district.

Thank you in advance for your consideration of this request. Should you have any questions please contact my Capitol Director, Will Smith, at 445-7498.

Sincerely,

GEORGE RUNNER, Assembly Member
 Thirty-sixth District

February 13, 1998

The Honorable Antonio R. Villaraigosa
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request to travel to my district Monday, March 2 and return Wednesday, March 4. I will be giving a speech on Monday evening, March 2, meeting with constituents on Tuesday, and holding a press conference concerning proposed legislation at the Los Angeles airport on Wednesday morning. All of this is legislative business; therefore, I am requesting an excused absence on Tuesday.

Thank you for your attention to this matter.

Sincerely,

JACK SCOTT, Assembly Member
 Forty-fourth District

March 3, 1998

The Honorable Antonio R. Villaraigosa
Speaker of the Assembly
Room 219, State Capitol
Sacramento, California

Dear Mr. Speaker: I respectfully request that my per diem be waived for Tuesday, March 3, 1998, due to legislative business in my district.

Respectfully,

MICHAEL SWEENEY, Assembly Member
 Eighteenth District

COMMUNICATIONS

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

March 3, 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 Howard Wayne to the Assembly Judiciary Committee to replace Assemblymember Mike Honda for today, March 3, 1998 only.

Thank you for your attention to this request.

Sincerely,

ANTONIO R. VILLARAIGOSA
 Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 3, 1998

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

Assembly Bill No. 1620

Assembly Bill No. 1717

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 3, 1998

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

Assembly Joint Resolution No. 52

Assembly Concurrent Resolution No. 104

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions ordered to the Consent Calendar.

Assembly Chamber, March 3, 1998

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

Assembly Bill No. 1631

Assembly Bill No. 1707

Assembly Bill No. 1718

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 2800—Committee on Labor and Employment (Floyd (Chair), Baca, Cedillo, Gallegos, Havice, Knox, and Washington). An act to amend Section 6429 of the Labor Code, relating to occupational safety and health.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 37—McClintock. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding Section 18 of Article XVI thereof, relating to local agency indebtedness.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 115—Gallegos, Ackerman, Aroner, Baca, Brown, Kuehl, Mazzoni, Migden, Napolitano, Papan, Takasugi, Thomson, Washington, Wayne, and Woods, (Senators Alpert, Costa, Hughes, Johnston, Vasconcellos, and Watson, coauthors). Relative to Kidney Month.

AUTHOR'S AMENDMENTS
Committee on Education

March 3, 1998

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

Senate Bill No. 793

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

MAZZONI, Chairwoman

SENATE BILL NO. 793—An act relating to driver education, and making an appropriation therefor.

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 Higher Education

March 3, 1998

Mr. Speaker: The Chair of your Committee on Higher Education reports:

Assembly Bill No. 1647

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

LEMPERT, Chairman

ASSEMBLY BILL NO. 1647—An act to amend Sections 87732, 87734, and 87735 of the Education Code, relating to education.

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 Transportation

March 3, 1998

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

Senate Bill No. 837

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

MURRAY, Chairman

SENATE BILL NO. 837—An act to amend Section 65082 of the Government Code, to amend Section 99317 of the Public Utilities Code, and to amend Section 188.10 of, and to repeal Section 164.1 of, the Streets and Highways Code, relating to transportation, 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.

AUTHOR'S AMENDMENTS
Committee on Public Safety

March 3, 1998

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

Senate Bill No. 441

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

HERTZBERG, Chairman

SENATE BILL NO. 441—An act to add and repeal Article 4 (commencing with Section 3100) of Chapter 8 of Title 1 of Part 3 of the Penal Code, relating to parolees.

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 Rules

March 3, 1998

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

Assembly Concurrent Resolution No. 93

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

PERATA, Chairman

ASSEMBLY CONCURRENT RESOLUTION NO. 93—Relative to Scottish Tartan Day.

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

REPORTS OF STANDING COMMITTEES

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: March 2, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Constitutional Amendment No. 10

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

VINCENT, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: March 2, 1998

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 918

With the recommendation: Do pass.

VINCENT, Chairman

Above bill ordered to second reading.

Committee on Banking and Finance

Date of Hearing: March 2, 1998

Mr. Speaker: Your Committee on Banking and Finance reports:

Assembly Bill No. 1683

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

PAPAN, Chairman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: March 2, 1998

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

Senate Bill No. 218

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 2, 1998

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

Assembly Bill No. 1623

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing: March 3, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 351

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

HERTZBERG, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 3, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 1186

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

HERTZBERG, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS****ASSEMBLY CONCURRENT RESOLUTION NO. 97**—Relative to the POW/MIA flag.

Resolution read; amendments proposed by the Committee on Rules read and adopted, resolution ordered reprinted and to be placed upon the Consent Calendar.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS****SENATE BILL NO. 519**—An act to amend Sections 17039, 17053.47, 17062, 17276.2, 18510, 19023, 19024, 19025, 19136.3, 19147, 19149, 19184, 19280, 23036, 23456, 23622.8, 23802, 24416.2, and 24918 of, to add Sections 17088.5, 17088.6, 17132.6, 17207.4, 17559, 17760.5, 18036.5, 18037.3, 18038.5, 18155.5, 18572, 19109, 24347.4, 24652.5, 24661.5, 24871.5, 24872.4, 24872.5, 24872.7, 24875.5, and 24949.1 to, to repeal Sections 17731.5, 19365, 23813, and 24954 of, and to repeal and amend Section 23800.5 of, the Revenue and Taxation Code, to amend Sections 110 and 112 of Chapter 605 of the Statutes of 1997, to amend Section 30 of Chapter 611 of the Statutes of 1997, and to add Section 19 to Chapter 609 of the Statutes of 1997, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 103—An act to amend, repeal, and add Section 19613 of the Business and Professions Code, relating to horse racing.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be returned to the second reading file.

SENATE BILL NO. 50—An act to amend Sections 52084, 52086, 52122, 52123, 52124, and 52126 of the Education Code, relating to class size reduction.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

MESSAGES FROM THE SENATE

Senate Chamber, March 3, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 255

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, March 3, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed as amended:

Assembly Bill No. 855

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

ADJOURNMENT

At 5:50 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 4, 1998.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 3, 1998**

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

| AB | RN |
|-----------|-----------|
| 1647 | 9806160 |

| ACR | RN |
|------------|-----------|
| 93 | 9806300 |
| 97 | 9806132 |

| SB | RN |
|-----------|-----------|
| 50 | 9806295 |
| 103 | 9806205 |
| 441 | 9805664 |
| 793 | 9806111 |
| 837 | 9805914 |

| | |
|--------------------------|-------------|
| Daily Total: | 8 |
| Cumulative Total: | 3916 |

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