

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 9, 1998

ONE HUNDRED SEVENTY-FIFTH SESSION DAY

FOUR HUNDRED SIXTY-THIRD 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
Monday, March 9, 1998

The Assembly met at 7 a.m.

Hon. Bernie Richter, Assembly Member, 3rd 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—46:

Aguiar	Figueroa	Kuehl	Runner
Alby	Firestone	Leach	Scott
Alquist	Floyd	Lempert	Sweeney
Ashburn	Frusetta	McClintock	Takasugi
Bowler	Gallegos	Migden	Thomson
Bustamante	Goldsmith	Morrissey	Torlakson
Campbell	Granlund	Ortiz	Vincent
Cardenas	Havice	Pacheco	Wildman
Cedillo	Honda	Papan	Woods
Cunneen	House	Poochigian	Wright
Davis	Keeley	Prenter	
Escutia	Knox	Richter	

Quorum present.

At 3:34 p.m., Hon. Tom Woods, 2nd 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 Ackerman, Aroner, Baca, Baldwin, Battin, Baugh, Bowen, Brewer, Brown, Cardoza, Ducheny, Hertzberg, Kaloogian, Kuykendall, Leonard, Machado, Margett, Martinez, Mazzoni, Miller, Morrow, Murray, Napolitano, Olberg, Oller, Perata, Pringle, Shelley, Strom-Martin, Thompson, Villaraigosa, and Washington.

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

Because of illness: Assembly Member Wayne.

EXPLANATIONS OF ABSENCE

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

March 9, 1998

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Mr. Wilson: Please be advised that I will be unable to check in on Monday, March 9, 1998. I will be traveling with the California Legislative Delegation to Washington, D.C. on legislative business. Others traveling with me who will also not be able to check in include Assemblymembers:

Dick Ackerman, Dion Aroner, Joe Baca, Jim Battin, Scott Baugh, Debra Bowen, Marilyn Brewer, Valerie Brown, Dennis Cardoza, Denise Ducheny, Robert Hertzberg, Howard Kaloogian, Steven T. Kuykendall, Bill Leonard, Michael Machado, Bob Margett, Diane Martinez, Kerry Mazzoni, Gary Miller, Bill Morrow, Kevin Murray, Grace Napolitano, Keith Olberg, Rico Oller, Don Perata, Curt Pringle, Kevin Shelley, Virginia Strom-Martin, Bruce Thompson and Carl Washington.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

March 6, 1998

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

Dear Mr. Speaker: I wish to be excused from check-in session on Monday, March 9, on legislative business.

I was unable to meet with three different groups yesterday because of the bond debate and will be doing so next week.

Thank you in advance for your consideration.

Sincerely,

STEVE BALDWIN, Assembly Member
Seventy-seventh District

COMMUNICATIONS

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

97101

March 11, 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 requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report

concerning the status of excess surplus balances in the low- and moderate-income housing funds in the State's community redevelopment agencies. This report concludes that actual excess surplus balances in the low- and moderate-income housing funds are far less than reported and problems exist with the administration of community redevelopment. In addition, because the law does not provide clear guidance, redevelopment agencies do not utilize consistent methods to determine excess surplus balances, resulting in unreliable statewide information on the status of redevelopment funds that are mandated for affordable housing. Finally, the audit suggests that more statewide oversight may improve reporting of excess surplus balances and improve redevelopment agencies' compliance with statewide requirements regarding the set aside and spending of property tax increment revenue for affordable housing.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

California State Auditor

97121

March 12, 1998

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning security measures for forensic patients at the Department of Mental Health's four hospitals. This report concludes that the State's annual security costs at the four hospitals could be reduced by approximately \$7.4 million. Cost reductions could be achieved by replacing security officers in fixed guard posts with double-fencing, electronic detection systems, and mobile patrols. In addition, internal security at the hospitals could be improved by centralizing security decision-making and standardizing important operating practices. Also, when transporting forensic patients off-grounds, officers should be armed to protect themselves and the public. Finally, we found that after June 2003, patient population growth will exceed the number of available beds.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

Assembly Bill No. 2801—Committee on Judiciary (Escutia (Chair), Alby, Aroner, Baugh, Figueroa, Hertzberg, Kaloogian, Keeley, Kuehl, Martinez, Morrow, Ortiz, Pacheco, and Shelley. An act to amend Section 39 of the Civil Code, to amend Sections 366.2, 527.6, and 527.8 of the Code of Civil Procedure, to amend Sections 2020, 2101, 2106, 2110, 2330, 2330.1, 2336, and 4055 of the Family Code, and to amend Sections 810, 811, 1802, 1826, 1850, 1870, 1872, 2620, 2640, 8250, 8271, 9053, and 9100 of the Probate Code, relating to civil proceedings.

RESOLUTIONS

The following resolutions were offered:

HOUSE RESOLUTION NO. 54—Goldsmith. Relative to Mediation Week.

HOUSE RESOLUTION NO. 55—Cardoza. Relative to National Agriculture Day.

HOUSE RESOLUTION NO. 56—Cardoza. Relative to the Future Farmers of America.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 6, 1998

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

Assembly Bill No. 255

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., March 6, 1998.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, March 9, 1998

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

Assembly Concurrent Resolution No. 111

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 9, 1998

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

Assembly Joint Resolution No. 52

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

AUTHOR'S AMENDMENTS

Committee on Transportation

March 9, 1998

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

Assembly Concurrent Resolution No. 92

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

MURRAY, Chairman

ASSEMBLY CONCURRENT RESOLUTION NO. 92—Relative to historic U.S. Highway Route 101.

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

AUTHOR'S AMENDMENTS

Committee on Revenue and Taxation

March 9, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 1755

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

KNOX, Chairman

ASSEMBLY BILL NO. 1755—An act to amend Section 2827 of the Public Utilities Code, and to add Section 73 to the Revenue and Taxation Code, relating to solar energy.

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 9, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:
Assembly Bill No. 1730

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

MURRAY, Chairman

ASSEMBLY BILL 1730—An act to amend Section 1808.21 of the Vehicle Code, relating to the Department of Motor Vehicles.

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 Natural Resources

March 9, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 1699

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

BOWEN, Chairwoman

ASSEMBLY BILL NO. 1699—An act to amend Section 41865 of, and to add Section 41867 to, the Health and Safety Code, relating to air pollution.

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 Natural Resources

March 9, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 1689

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

BOWEN, Chairwoman

ASSEMBLY BILL NO. 1689—An act relating to forest resources, 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 Transportation

March 9, 1998

Mr. Speaker: The Chair of your Committee on Transportation reports:
Assembly Bill No. 1650

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

MURRAY, Chairman

ASSEMBLY BILL NO. 1650—An act to amend Section 13480 of the Business and Professions Code, and to amend Section 43830 of the Health and Safety Code, relating to gasoline.

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 Consumer Protection, Governmental Efficiency and Economic Development

March 9, 1998

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Senate Bill No. 1069

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

DAVIS, Chairwoman

SENATE BILL NO. 1069—An act to amend Section 13337 of, and to add Article 4 (commencing with Section 13350) and Article 5 (commencing with Section 13360) to Chapter 3 of Part 3 of Division 3 of Title 2 of, the Government Code, relating to state finance, 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 Natural Resources

March 9, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 698

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

BOWEN, Chairwoman

SENATE BILL NO. 698—An act to amend Sections 42291, 42292, 42293, and 42297 of, to add Section 42290.5 to, and to add and repeal Sections 42291.5 and 42294.1 of, the Public Resources Code, relating to solid waste.

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 Revenue and Taxation

March 9, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Senate Bill No. 302

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

KNOX, Chairman

SENATE BILL NO. 302—An act to amend Sections 50199.5, 50199.52, 50199.53, and 50199.55 of the Health and Safety Code, and to amend Sections 17053.14, 23608.2, and 23608.3 of the Revenue and Taxation Code, relating to farmworker 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.

REPORTS OF STANDING COMMITTEES**Committee on Education**

Date of Hearing: March 4, 1998

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 1652

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Televising the Assembly and Information Technology

MAZZONI, Chairwoman

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: March 2, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1634

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MURRAY, 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:

Assembly Bill No. 1702

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

KNOX, Chairman

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: March 2, 1998

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1686

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MURRAY, Chairman

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 1669—An act to amend Sections 6031, 6086.65, and 6145 of, to add Sections 6001.2, 6001.5, 6001.7, and 6008.6 to, and to add, repeal, and add Section 6140 of, the Business and Professions Code, relating to the State Bar of California, and declaring the urgency thereof, to take effect immediately.

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

**SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 44, ordered to third reading.

ADJOURNMENT

At 5 p.m., the Assembly adjourned until 9 a.m., Thursday, March 12, 1998.

SHEILA JAMES KUEHL, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 9, 1998

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

AB	RN
1650	9806237
1669	9806436
1689	9806516
1699	9806361
1730	9806154
1755	9806590

ACR	RN
92	9806311

SB	RN
302	9805346
698	9806507
1069	9806243

Daily Total:	10
Cumulative Total:	3938

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