

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 11, 1997**

**THIRTY-NINTH SESSION DAY**

**ONE HUNDREDTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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 11, 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—76:

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

Quorum present.

**At 1:37 p.m., Hon. Martin Gallegos, 57th 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 Member Bowen.*

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

*Because of illness: Assembly Members Leach and Richter.*

**EXPLANATIONS OF ABSENCE**

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

March 11, 1997

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

Dear Mr. Speaker: On March 12th, I will be giving the keynote address to the Government Technology State of the State's Industry Briefing in Falls Church, Virginia. I am writing to request that I be excused from session on legislative business on Tuesday, March 11th and Wednesday, March 12th the two days I will be in Virginia.

Please feel free to contact me should you have any questions.

Sincerely,

DEBRA BOWEN, Assembly Member  
Fifty-third District

**COMMUNICATIONS**

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

March 11, 1997

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

Dear Dotson: Pursuant to Joint Rule 40, please be advised that the membership of the Joint Rules Committee shall be as follows:

Assemblymembers Cruz M. Bustamante, Don Perata, Fred Aguiar, Joe Baca, Marilyn Brewer, Mike Honda, Keith Olberg, Deborah Ortiz, Curt Pringle, Bruce Thompson, Antonio Villaraigosa and Carl Washington.

Thank you for your attention to this matter.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

March 11, 1997

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

Dear Dotson: Please be advised that I am appointing Assemblymember Bill Leonard to the Assembly Appropriations Committee replacing Assemblymember Fred Aguiar for Wednesday, March 12, 1997 only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

The following proposed initiative was received from the Chief Clerk from:

Rosemary R. Calderon, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiative pursuant to Elections Code, Section 9007:

**State Forms. Multiracial/Multiethnic Category.  
Initiative Constitutional Amendment.**

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

The following qualified initiative was received from the Chief Clerk from:

Bill Jones, Secretary of State, dated, February 19, 1997, transmitting a copy of the following qualified initiative entitled:

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

Referred pursuant to Elections Code, Section 9034, to the Committee on Elections, Reapportionment and Constitutional Amendments.

**REPORTS**

The following reports were presented by the Chief Clerk:

**Department of Industrial Relations,  
Annual Report to the Legislature Concerning Participation by  
Minority, Women, and Disabled Veteran Business Enterprises in Contracts  
Fiscal Year 1995-96  
(Pursuant to Public Contracts Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Lloyd W. Aubry, Jr., Director, Department of Industrial Relations, San Francisco, dated February 18, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**Hazardous Waste Fee Collections, 10-01-96 to 12-31-96  
(Pursuant to Health and Safety Code Section 25178.1)**

Above transmitted report, together with letter of transmittal from E.L. Sorensen, Jr., Executive Director, State Board of Equalization, Sacramento, dated February 14, 1996, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Bureau of Medi-Cal Fraud, Quarterly Statistical Report,  
October 1-December 31, 1996**

Above transmitted report, together with letter of transmittal from Thomas A. Temmerman, Director, Bureau of Medi-Cal Fraud, Department of Justice, Sacramento, dated February 18, 1996, referred by the Speaker to the Committee on Health.

**Minority, Women, and Disabled Veteran  
Business Enterprise Participation Goals for State Contracts  
July 1, 1995-June 30, 1996  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Fern M. Laethem, State Public Defender, Office of the State Public Defender, Sacramento, dated February 19, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**1995-96 Annual Report for Minority, Women, and Disabled Veterans  
Business Enterprise (M/W/DVBE) Program  
(Pursuant to Public Contract Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from Stephen Rhoads, Executive Director, California Energy Commission, Sacramento, dated February 19, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**Quarterly Status Report of Major Capital Outlay Projects, December 31, 1996**

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Director, Department of General Services, Sacramento, dated February 21, 1997, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**California State Council on Developmental Disabilities  
1996 Program Performance Report  
(Pursuant to Welfare and Institutions Code Section 4540(f)).**

Above transmitted report, together with letter of transmittal from Gala Argent, Chairperson, State Council on Developmental Disabilities, Sacramento, dated February 21, 1997, referred by the Speaker to the Committee on Health.

**Implementation of Overpayment Collections Incentive Funding  
Increased AFDC Collections by County Welfare Departments (SB 627)**

Above transmitted report, together with letter of transmittal from Eloise Anderson, Director, Department of Social Services, Sacramento, referred by the Speaker to the Committee on Human Services.

**California Steelhead, Report-Restoration Card, A Report to the Legislature  
(Pursuant to Fish and Game Code Section 7381)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated February 19, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Summary of Report on Salaries in Occupations Comparable to  
State Civil Service  
(Pursuant to Government Code Section 19826)**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Sacramento, dated February 26, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Summary of Job Training Plan and Activities for Program Year, 1997-98  
(Pursuant to the Job Training Partnership Act)**

Above transmitted report, together with letter of transmittal from Jim Simpson, Senior Manager Operations, Private Industry Council, Redding, dated February 27, 1997, referred by the Speaker to the Committee on Labor and Employment.

**Report to the Governor and the Legislature  
Access to Refueling Service for Persons with Disabilities  
(Pursuant to Senate Concurrent Resolution 16)**

Above transmitted report, together with letter of transmittal from Brenda Premo, Director, Department of Rehabilitation, Sacramento, dated February 27, 1997, referred by the Speaker to the Committee on Human Services.

**The Administrative Implementation of Senate Bill 689  
(Pursuant to Senate Bill 689, Chapter 789, Statutes of 1995)**

Above transmitted report, together with letter of transmittal from Keith Paul Bishop, Commissioner of Corporations, Office of the Commissioner, Los Angeles, dated February 28, 1997, referred by the Speaker to the Committee on Health.

**Annual Staff Report on the Management of State School Lands,  
Fiscal Year 1995-96  
(Pursuant to Public Resources Code Section 6477)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Executive Officer, California State Lands Commission, Sacramento, dated February 28, 1997, referred by the Speaker to the Committee on Natural Resources.

**A Report to the Legislature and the City of Los Angeles Public Library on  
Peace Officer Feasibility Study  
(Pursuant to Penal Code Sections 13540-42)**

Above transmitted report, together with letter of transmittal from Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, Sacramento, dated March 4, 1997, referred by the Speaker to the Committee on Public Safety.

**Annual Environmental Report and Message of the Governor, 1995-96  
(Pursuant to Government Code Section 12805.5)**

Above transmitted report, together with letter of transmittal from James M. Strock, Secretary for Environmental Protection, California Environmental Protection Agency, Douglas Wheeler, Secretary, Resources Agency, Sacramento, dated March 6, 1997, referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

**Department of California Highway Patrol, Participation Goals for  
Minority, Women, and Disabled Veteran Business Enterprises  
(Pursuant to Public Contracts Code Section 10115.5)**

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated March 7, 1997, referred by the Speaker to the Committee on Utilities and Commerce.

**Taxpayers' Bill of Rights—Annual Certification  
(Pursuant to Revenue and Taxation Code Section 21008)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, Rancho Cordova, dated March 1, 1997, referred by the Speaker to the Committee on Revenue and Taxation.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 11, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 108  
Assembly Bill No. 117

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 11, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 86  
Assembly Bill No. 167

Assembly Bill No. 233  
Assembly Bill No. 234

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 11, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 59  
Assembly Bill No. 82

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 11, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Constitutional Amendment No. 7

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 11, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 23

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**AUTHOR'S AMENDMENTS  
Committee on Education**

March 11, 1997

Mr. Speaker: The Chair of your Committee on Education reports:  
Assembly Bill No. 191

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

MAZZONI, Chairwoman

**ASSEMBLY BILL NO. 191**—An act to add Sections 32232.5 and 51220.6 to the Education Code, relating to domestic violence prevention 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 Judiciary**

March 11, 1997

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

Assembly Bill No. 157

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

ESCUTIA, Chairwoman

**ASSEMBLY BILL NO. 157**—An act to add Section 43.3 to the Civil Code, relating to personal rights.

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 Governmental Organization**

March 11, 1997

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 81

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

BROWN, Chairwoman

**ASSEMBLY BILL NO. 81**—An act to amend Section 23399 of the Business and Professions Code, relating to alcoholic beverages, 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 Local Government**

March 11, 1997

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 62

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

SWEENEY, Chairman

**ASSEMBLY BILL NO. 62**—An act to amend Section 57079 of the Government Code, relating to local government organization.

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 Transportation**

Date of Hearing: March 10, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 43

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

MURRAY, Chairman

Above bill re-referred to the Committee on Televising the Assembly and Information Technology.

**Committee on Natural Resources**

Date of Hearing: March 10, 1997

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 198

Assembly Bill No. 228

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

BOWEN, Chairwoman

Above bills re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 40**—An act to add Part 68 (commencing with Section 100400) to the Education Code, relating to education facilities funding, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**ASSEMBLY CONCURRENT RESOLUTION NO. 25**—Relative to the American Red Cross.

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

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communication was presented permitting the introduction of an Assembly bill:

*Dear Mr. Clerk:* Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Jack Scott to introduce a bill relating to cemeteries. Request No. 9708606.

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY BILL NO. 1560**—*Scott.* An act to amend Section 8825 of the Health and Safety Code, relating to cemeteries, and declaring the urgency thereof, to take effect immediately.

**RESOLUTIONS**

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 28—Havice.** Relative to victims' rights.

**ASSEMBLY CONCURRENT RESOLUTION NO. 29—Migden.** Relative to California Nonprofits Week.

**ASSEMBLY JOINT RESOLUTION NO. 14—Havice.** Relative to crime victims.

**HOUSE RESOLUTION NO. 16—Havice, Honda, Martinez, and Strom-Martin.** Relative to overtime compensation.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Joint Committee on Rules, on Thursday, March 20, 1997, prior to Floor Session, in Room 4202.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 12, 1997.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 11, 1997**

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

<b>AB</b>	<b>RN</b>
40	9708493
62	9708655
81	9708396
157	9708647
191	9708428
<b>ACR</b>	<b>RN</b>
25	9708554

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