

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 12, 1997

FORTIETH SESSION DAY

ONE HUNDRED FIRST 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, March 12, 1997

The Assembly met at 7 a.m.

Hon. Bruce Thompson, Assembly Member, 66th 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—72:

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

Quorum present.

At 11:25 a.m., Hon. Brett Granlund, 65th 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 Bowen, Cunneen, Miller, and Pringle.

On personal business, and waiving per diem: Assembly Members Campbell and Firestone.

Because of illness: Assembly Members Leach and Richter.

EXPLANATIONS OF ABSENCE

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

March 10, 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, March 12, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member
Twenty-fourth District

March 11, 1997

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

Dear Speaker Bustamante: Please excuse me from check-in session on Wednesday, March 12, 1997. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member
Sixtieth District

March 3, 1997

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

Dear Speaker Bustamante: Further to my letter of February 5, 1997 I respectfully request permission to travel to Washington, D.C. March 12 through March 13, 1997 (original dates were March 10th through 12th).

Thank you again for your consideration.

Sincerely,

CURT PRINGLE, Assembly Member
Sixty-eighth District

(NOTE: For letter explaining the absence of Assembly Member Bowen on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, March 11, 1997.)

REPORTS

The following report was presented by the Chief Clerk:

Statistical Report of Beverage Container Sales, Returns, Redemption & Recycling Rates (Pursuant to Public Resources Code Section 14551)

Above transmitted report, together with letter of transmittal from Lawrence J. Goldzband, Director, Department of Conservation, Sacramento, dated March 11, 1997, referred by the Speaker to the Committee on Natural Resources.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 12, 1997

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

- | | |
|----------------------|-----------------------|
| Assembly Bill No. 40 | Assembly Bill No. 84 |
| Assembly Bill No. 62 | Assembly Bill No. 157 |
| Assembly Bill No. 81 | Assembly Bill No. 191 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 12, 1997

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

- Assembly Concurrent Resolution No. 25

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

**AUTHOR'S AMENDMENTS
Committee on Revenue and Taxation**

March 12, 1997

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

- Assembly Bill No. 119

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

CALDERA, Chairman

ASSEMBLY BILL NO. 119—An act to add Section 17053.18 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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**

March 12, 1997

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

- Assembly Bill No. 85

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

MAZZONI, Chairwoman

ASSEMBLY BILL NO. 85—An act to amend Sections 48000 and 48010 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 Public Safety

March 12, 1997

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

Assembly Bill No. 79
Assembly Bill No. 154

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 79—An act to amend Section 1417.5 of, and to add Section 11108.5 to, the Penal Code, relating to criminal procedure.

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.

ASSEMBLY BILL NO. 154—An act to amend Sections 191.5, 192, 192.5, 193, 193.5, and 193.7 of the Penal Code, and to amend Sections 13350, 13350.5, and 13954 of the Vehicle Code, relating to 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 Higher Education

March 12, 1997

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

Assembly Bill No. 71

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

LEMPERT, Chairman

ASSEMBLY BILL NO. 71—An act to amend Section 94986 of, and to repeal Section 94990 of, the Education Code, and to repeal Section 32 of Chapter 62 of the Statutes of 1996, relating to postsecondary education, 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.

AUTHOR'S AMENDMENTS
Committee on Natural Resources

March 12, 1997

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

Assembly Bill No. 116

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

BOWEN, Chairwoman

ASSEMBLY BILL NO. 116—An act to add Section 13275 to the Water Code, relating to 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 Education

March 12, 1997

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

Assembly Bill No. 189

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

MAZZONI, Chairwoman

ASSEMBLY BILL NO. 189—An act to add Section 51225 to the Education Code, relating to school districts.

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 12, 1997

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

Assembly Bill No. 149

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 149—An act to amend Sections 241 and 243 of the Penal Code, relating to crimes.

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

March 12, 1997

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

Assembly Concurrent Resolution No. 4

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

GALLEGOS, Chairman

ASSEMBLY CONCURRENT RESOLUTION NO. 4—Relative to cigarette advertisement.

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 Housing and Community Development

March 12, 1997

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

Assembly Bill No. 76

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

TORLAKSON, Chairman

ASSEMBLY BILL NO. 76—An act to amend Sections 1368 and 1375 of, and to add Sections 1363.1 and 1368.5 to, the Civil Code, relating to common interest developments.

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 Public Safety

Date of Hearing: March 11, 1997

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 177

Assembly Bill No. 42

Assembly Bill No. 216

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

HERTZBERG, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 11, 1997

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 163

With amendments with the recommendation: Amend, and do pass, as amended.

HERTZBERG, Chairman

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: March 11, 1997

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1006

Assembly Bill No. 1400

Assembly Bill No. 1501

With the recommendation: Do pass.

ARONER, Chairwoman

Above bills ordered to second reading.

Date of Hearing: March 11, 1997

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 67

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

ARONER, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 11, 1997

Mr. Speaker: Your Committee on Human Services reports:

Assembly Concurrent Resolution No. 24

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

ARONER, Chairwoman

Above resolution re-referred to the Committee on Appropriations.

Committee on Appropriations

Date of Hearing: March 12, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 133

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 12, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 169

With amendments with the recommendation: Amend, and do pass, as amended.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: March 11, 1997

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 99

With amendments but without recommendation, and be re-referred to Committee on Public Safety.

HERTZBERG, Chairman

Above bill ordered to second reading.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 30—Goldsmith. Relative to Mediation Week.**ASSEMBLY CONCURRENT RESOLUTION NO. 31—Morrissey.** Relative to Grandchildren's Week.**ADJOURNMENT**

At 5 p.m., the Assembly adjourned until 9:30 a.m., Thursday, March 13, 1997.

 CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 12, 1997**

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

AB	RN
71 (Set 1)	9708717
(Set 2)	9708553
76	9708674
79	9708511
85	9708608
116	9708709
119	9708497
149	9708515
154	9708578
189	9708508
ACR	RN
4	9708599