

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, March 17, 1998**

**ONE HUNDRED SEVENTY-EIGHTH SESSION DAY  
FOUR HUNDRED SEVENTY-FIRST 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 17, 1998

The Assembly met at 7 a.m.

Hon. Kerry Mazzoni, Assembly Member, 6th 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	Cunneen	Kuykendall	Prenter
Aguiar	Davis	Leach	Pringle
Alby	Ducheny	Lempert	Richter
Alquist	Escutia	Leonard	Runner
Aroner	Figueroa	Machado	Scott
Ashburn	Firestone	Margett	Shelley
Baca	Floyd	Martinez	Strom-Martin
Battin	Frusetta	Mazzoni	Sweeney
Baugh	Gallegos	McClintock	Takasugi
Bordonaro	Goldsmith	Migden	Thompson
Bowen	Granlund	Morrissey	Thomson
Bowler	Havice	Morrow	Torlakson
Brewer	Hertzberg	Murray	Vincent
Brown	Honda	Olberg	Washington
Bustamante	House	Oller	Wayne
Campbell	Kaloogian	Ortiz	Wildman
Cardenas	Keeley	Papan	Woods
Cardoza	Knox	Perata	Wright
Cedillo	Kuehl	Poochigian	Mr. Speaker

Quorum present.

**At 1:35 p.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 Miller, Napolitano, and Pacheco.*

*Because of illness: Assembly Member Baldwin.*

**EXPLANATIONS OF ABSENCE**

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

March 16, 1998

*Speaker Antonio Villaraigosa  
State Capitol, Room 218  
Sacramento, California*

Dear Honorable Villaraigosa: Please excuse me from check-in session on Tuesday, March 17, 1998 and Wednesday, March 18, 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 16, 1998

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

Dear Mr. Speaker: This letter is to respectfully request to be excused from Session on Tuesday, March 17, 1998 on legislative business.

Thank you.

Yours sincerely,

GRACE E. NAPOLITANO, Assembly Member  
Fifty-eighth District

March 10, 1998

*Hon. Antonio Villaraigosa, Speaker  
California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Mr. Speaker: This letter is to respectfully request an excuse on March 17, 1998. I am traveling to Harvard University on legislative business. If you have any questions regarding this trip, please call Karrie Watson at 445-0854. Thank you for your prompt attention to this matter.

It is an honor to serve with you in the California State Assembly.

Very truly yours,

ROD PACHECO, Assembly Member  
Sixty-fourth District

**COMMUNICATIONS**

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

March 17, 1998

*E. Dotson Wilson  
Chief Clerk  
State Capitol  
Sacramento, California*

Dear Dotson: Please make the following committee assignments:

Public Safety Committee—replace Assemblymember Grace Napolitano with Assemblymember Edward Vincent for today’s hearing only.

Consumer Protection, Governmental Efficiency and Economic Development—replace Assemblymember Grace Napolitano with Assemblymember Tom Torlakson for today’s hearing only.

Sincerely,

**ANTONIO R. VILLARAIGOSA**  
Speaker of the Assembly

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 17, 1998

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1620 | Assembly Bill No. 1657 |
| Assembly Bill No. 1624 | Assembly Bill No. 1665 |
| Assembly Bill No. 1649 | Assembly Bill No. 1814 |
| Assembly Bill No. 1653 | Assembly Bill No. 1817 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 17, 1998

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

- Assembly Constitutional Amendment No. 3

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 17, 1998

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

- |                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1622 | Assembly Bill No. 1809 |
| Assembly Bill No. 1706 | Assembly Bill No. 1824 |
| Assembly Bill No. 1799 | Assembly Bill No. 1837 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 17, 1998

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

- Assembly Bill No. 759

And reports the same correctly enrolled, and presented to the Governor at 9:15 a.m., March 17, 1998.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, March 17, 1998

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 104

And reports the same correctly enrolled, and presented to the Secretary of State on the 17th day of March, 1998, at 12 m.

E. DOTSON WILSON, Chief Clerk

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 56**—Aguiar, Alquist, Ashburn, Gallegos, Knox, Leach, Lempert, Machado, Margett, Ortiz, Runner, Takasugi, Torlakson, Villaraigosa, and Wayne, (Senators Alpert and Costa, coauthors). Relative to private activity bonds.

**AUTHOR’S AMENDMENTS  
Committee on Public Safety**

March 17, 1998

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Assembly Bill No. 1635

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

HERTZBERG, Chairman

**ASSEMBLY BILL NO. 1635**—An act to add section 598.9 to the Penal Code, relating to performing animals.

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 17, 1998

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 1633

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

KNOX, Chairman

**ASSEMBLY BILL NO. 1633**—An act to amend Sections 18533 and 18621.5 of, and to add Sections 18404 and 19310 to, the Revenue and Taxation Code, relating to taxation.

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 Appropriations**

March 17, 1998

Mr. Speaker: The Chair of your Committee on Appropriations reports:  
Assembly Concurrent Resolution No. 97

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

MIGDEN, Chairwoman

**ASSEMBLY CONCURRENT RESOLUTION NO. 97**—Relative to the POW/MIA flag.

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 17, 1998

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

Assembly Bill No. 1747

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

KNOX, Chairman

**ASSEMBLY BILL NO. 1747**—An act to add and repeal Sections 17052.33 and 23633 of 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 Governmental Organization**

March 17, 1998

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

Assembly Bill No. 1738

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

BROWN, Chairwoman

**ASSEMBLY BILL NO. 1738**—An act to add Chapter 7.2 (commencing with Section 8669) to Division 1 of Title 2 of the Government Code, relating to disaster relief, 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 Labor and Employment**

March 17, 1998

Mr. Speaker: The Chair of your Committee on Labor and Employment reports:

Assembly Bill No. 1643

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

FLOYD, Chairman

**ASSEMBLY BILL NO. 1643**—An act to amend Sections 12920, 12940, and 12941 of the Government Code, and to repeal Section 2070 of the Unemployment Insurance Code, relating to employment.

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 Insurance**

March 17, 1998

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

Assembly Bill No. 1715

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

FIGUEROA, Chairwoman

**ASSEMBLY BILL NO. 1715**—An act to add Chapter 4 (commencing with Section 13800) to Division 3 of the Insurance Code, relating to the Holocaust Insurance Registry.

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 16, 1998

Mr. Speaker: Your Committee on Transportation reports:  
Assembly Bill No. 1719

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.

MURRAY, Chairman

Above bill ordered to second reading.

Date of Hearing: March 16, 1998

Mr. Speaker: Your Committee on Transportation reports:  
Assembly Bill No. 1768

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

MURRAY, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 16, 1998

Mr. Speaker: Your Committee on Transportation reports:  
Assembly Concurrent Resolution No. 92

With the recommendation: Be adopted, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

MURRAY, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: March 16, 1998

Mr. Speaker: Your Committee on Transportation reports:  
Senate Bill No. 619

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

MURRAY, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Revenue and Taxation**

Date of Hearing: March 16, 1998

Mr. Speaker: Your Committee on Revenue and Taxation reports:  
Assembly Bill No. 1755

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

KNOX, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 16, 1998

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

Assembly Bill No. 1728

Assembly Bill No. 1765

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

KNOX, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 16, 1998

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

Assembly Bill No. 1733

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

KNOX, Chairman

Above bill ordered to second reading.

Date of Hearing: March 16, 1998

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

Assembly Bill No. 1831

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

KNOX, Chairman

Above bill ordered to second reading.

#### **Committee on Rules**

Date of Hearing: March 16, 1998

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 80

With the recommendation: Be adopted, as amended.

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

PERATA, Chairman

Above resolution ordered on file.

#### **Committee on Public Safety**

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1655

Assembly Bill No. 1796

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

HERTZBERG, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1731

Assembly Bill No. 1788

Assembly Bill No. 1797

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 17, 1998

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1693

Assembly Bill No. 1754

With the recommendation: Do pass.

HERTZBERG, Chairman

Above bills ordered to second reading.

**Committee on Consumer Protection, Governmental Efficiency and Economic Development**

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1848

With the recommendation: Do pass.

DAVIS, Chairwoman

Above bill ordered to second reading.

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1705

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

DAVIS, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**Committee on Natural Resources**

Date of Hearing: March 16, 1998

Mr. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 1075

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

BOWEN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 16, 1998

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 1671

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

BOWEN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

**MESSAGES FROM THE SENATE**

Senate Chamber, March 16, 1998

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

Senate Concurrent Resolution No. 62

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

**FIRST READING OF SENATE BILLS**

The following resolution was read:

**SENATE CONCURRENT RESOLUTION NO. 62**—Relative to Women’s History Month.

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committee was permitted to meet:

Judiciary, on April 14, 1998, at 9 a.m.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 18, 1998.

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ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 17, 1998**

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

<b>AB</b>	<b>RN</b>
1633	9806753
1635	9806979
1643	9806898
1715	9806947
1738	9806628
1747	9806891

<b>ACR</b>	<b>RN</b>
97	9806530

<b>Daily Total:</b>	<b>7</b>
<b>Cumulative Total:</b>	<b>3997</b>

O