

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, March 18, 1997

FORTY-THIRD SESSION DAY

ONE HUNDRED 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 18, 1997

The Assembly met at 7 a.m.
Hon. Howard Wayne, Assembly Member, 78th 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—79:

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

Quorum present.

At 1:05 p.m., Hon. Rico Oller, 4th 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 Member was granted leave of absence for the day:

Because of illness: Assembly Member Richter.

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

March 18, 1997

E. Dotson Wilson
Chief Clerk
State Capitol, Room 3196
Sacramento, California

Dear Mr. Wilson: Please be advised that I have made the following appointments:

Assemblymember Carl Washington is appointed to the Revenue and Taxation Committee to replace Kevin Shelley.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

March 18, 1997

E. Dotson Wilson
Chief Clerk
State Capitol, Room 3196

Dear Dotson: Please be advised that I have appointed the following Assemblymembers to the Select Committee on Professional Sports:

Dick Ackerman, Roy Ashburn, Bill Campbell, Mike Honda, Carole Migden, Deborah Ortiz, Edward Vincent and Howard Wayne.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

March 18, 1997

E. Dotson Wilson
Chief Clerk
State Capitol, Room 3196

Dear Dotson: Please be advised that I have appointed the following Assemblymembers to the Select Committee on the California Horse Racing Industry:

Tom Bordonaro, Jr., Valerie Brown, Marilyn Brewer, Brooks Firestone, Howard Kaloogian, Bob Margett, Carole Migden, Grace Napolitano, Lou Papan, Don Perata, Curt Pringle, and Roderick Wright.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

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

California State Auditor

96033

March 13, 1997

*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 required by the Budget Act of 1996, the Bureau of State Audits presents its audit report concerning its review of the Department of Insurance (department). This report concludes that the department has significant deficiencies in its fiscal operations. In particular, it has not promptly established and communicated its internal budget allocations and has not adequately accounted for or collected fees billed to insurance companies. Further, the department failed to appropriately distribute revenues from automobile fraud assessments to district attorneys, the California Highway Patrol, and its own fraud division. We also report on weaknesses in the administration of certain programs. Specifically, the department's investigations bureau and financial analysis division have large backlogs of work. In addition, the department does not comply with provisions of the California Insurance Code, Section 729 et seq., requiring it to review all insurance companies at least once every five years.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Insurance.

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:

Initiative/Referendum Petitions. Internet Posting. Initiative Statute.

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

REPORTS

The following reports were presented by the Chief Clerk:

**Finding of No Significant Impact
Public Law 84-99 Rehabilitation Project, RD 784
Yuba County, California**

Above transmitted report, together with letter of transmittal from Dorothy Klasse, Colonel, Corps of Engineers, District Engineer, Department of the Army, Sacramento, dated February 25, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Rockfish Data Assessment: Projects, funding, and Effort
(Pursuant to Supplemental Report of the 1996 Budget Act
SB 1393, Chapter 162, Item #3600-001-0200)**

Above transmitted report, together with letter of transmittal from Jacqueline E. Schafer, Director, Department of Fish and Game, Sacramento, dated February 28, 1997, referred by the Speaker to the Committee on Budget.

**Bakersfield Municipal Court, Revenue Recovery Division, Annual Report
Fiscal Year 1995-96
(Pursuant to Penal Code Section 1463.007)**

Above transmitted report, together with letter of transmittal from Norbert G. Jaworski, Clerk/Administrator, Bakersfield Municipal Court District, Bakersfield, dated March 6, 1997, referred by the Speaker to the Committee on Judiciary.

**1996 Annual Inspection of the State Water Project
(Pursuant to California Water Code Section 165)**

Above transmitted report, together with letter of transmittal from Raymond E. Barsch, Executive Officer, California Water Commission, Sacramento, dated March 10, 1997, referred by the Speaker to the Committee on Water, Parks and Wildlife.

Trustline Report to the Legislature

**Evaluation of the Trustline Program, February 10, 1997
(Pursuant to California Education Code Section 8179)**

Above transmitted report, together with letter of transmittal from Jane Irvine Henderson, Ph.D., Deputy Superintendent, Child, Youth and Family Services Branch, Department of Education, Sacramento, dated March 11, 1997, referred by the Speaker to the Committee on Education.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1592—Committee on Budget (Ducheny (Chair), Miller (Vice Chair), Bowen, Brown, Cardenas, Cardoza, Davis, Escutia, Figueroa, Gallegos, Keeley, Knox, Lempert, Scott, Strom-Martin, Torlakson, Villaraigosa, and Wright). An act relating to taxation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1593—Committee on Budget (Ducheny (Chair), Miller (Vice Chair), Bowen, Brown, Cardenas, Cardoza, Davis, Escutia, Figueroa, Gallegos, Keeley, Knox, Lempert, Scott, Strom-Martin, Torlakson, Villaraigosa, and Wright). An act relating to transportation, and declaring the urgency thereof, to take effect immediately.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 18—**Napolitano**. Relative to the voyage of the CSU Golden Bear.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 18, 1997

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

Assembly Bill No. 65

Assembly Bill No. 93

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, March 18, 1997

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

Assembly Bill No. 45

Assembly Bill No. 170

Assembly Bill No. 78

Assembly Bill No. 285

Assembly Bill No. 166

Assembly Bill No. 288

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 18, 1997

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

Assembly Bill No. 237

Assembly Bill No. 259

Assembly Bill No. 249

Assembly Bill No. 279

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 18, 1997

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

Assembly Concurrent Resolution No. 10

And reports the same correctly enrolled, and presented to the Secretary of State on the 18th day of March, 1997, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS
Committee on Transportation**

March 18, 1997

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

Assembly Bill No. 263

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

MURRAY, Chairman

ASSEMBLY BILL NO. 263—An act relating to air pollution, 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 Consumer Protection, Governmental Efficiency and
Economic Development**

March 18, 1997

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

Assembly Bill No. 206

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

DAVIS, Chairwoman

ASSEMBLY BILL NO. 206—An act to add Chapter 5.1 (commencing with Section 8321) to Division 1 of Title 2 of the Government Code, relating to state government.

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 Agriculture

March 18, 1997

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

Assembly Bill No. 121

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

CARDOZA, Chairman

ASSEMBLY BILL NO. 121—An act to amend Section 52332 of the Food and Agricultural Code, relating to agriculture.

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 Elections, Reapportionment and Constitutional Amendments

March 18, 1997

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 188

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

VINCENT, Chairman

ASSEMBLY BILL NO. 188—An act to amend Section 2166 of the Elections Code, relating to elections.

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 Consumer Protection, Governmental Efficiency and Economic Development

Date of Hearing: March 18, 1997

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

Assembly Bill No. 84

Assembly Bill No. 118

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

DAVIS, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 18, 1997

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

Assembly Bill No. 225

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

DAVIS, Chairwoman

Above bill re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 93 and 65, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 72—An act to add Article 7.5 (commencing with Section 12330) to Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 195—An act to amend Sections 186.9, 186.10, and 14165 of the Penal Code, relating to crimes.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Banking and Finance.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 181—An act relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

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

SPECIAL COMMITTEE MEETINGS

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

Public Safety, on Tuesday, April 15, 1997, at 9 a.m., in Room 444, at 1:30 p.m., in Room 447 and on Wednesday, April 16, 1997, at 11 a.m., in Room 447.

MESSAGES FROM THE SENATE

Senate Chamber, March 17, 1997

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

Senate Concurrent Resolution No. 12

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. 12—Relative to Women’s History Month.

ADJOURNMENT

At 3:15 p.m., the Assembly adjourned until 7 a.m., Wednesday, March 19, 1997.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 18, 1997**

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

AB	RN
72	9708843
121	9707620
188	9708724
195	9708814
206	9708726
263	9708851
SB	RN
181	9708712

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