

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 18, 1998

ONE HUNDRED SEVENTY-NINTH SESSION DAY

FOUR HUNDRED SEVENTY-SECOND 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 18, 1998

The Assembly met at 7 a.m.

Hon. Dick Ackerman, Assembly Member, 72nd 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—73:

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

Quorum present.

At 1:55 p.m., Hon. Valerie Brown, 7th 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 Aroner, Baldwin, Knox, Kuykendall, Miller, Napolitano, and Washington.

EXPLANATIONS OF ABSENCE

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

March 18, 1998

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

Dear Speaker Villaraigosa: This letter is to request permission to be excused from check-in Session on Wednesday, March 18, 1998, due to legislative business in the district.

Thank you for your consideration.

Sincerely,

DION ARONER, Assembly Member
Fourteenth District

March 3, 1998

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

Dear Mr. Speaker: I am requesting to be excused from check-in session on Wednesday, March 18, 1998, on legislative business. I will be meeting with restaurant owners in my district and also with the realtors on Wednesday. I will return to Sacramento for session on Thursday, March 19, 1998.

Thank you in advance for your consideration.

Sincerely,

STEVE BALDWIN, Assembly Member
Seventy-seventh District

March 16, 1998

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

Dear Antonio: I respectfully request to be excused from Check-In Session on Wednesday, March 18 due to legislative business in my district.

Thank you for your attention to this matter.

Sincerely,

WALLY KNOX, Assembly Member
Forty-second District

March 11, 1998

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

Dear Speaker Villaraigosa: On March 18th, 1998, I have been invited to attend the Joint Council luncheon hosted by Long Beach City Councilman Doug Drummond. This is an important event for my district and I respectfully request that my absence be approved as legislative business in the district.

Thank you for your consideration of this matter. If there are any questions, please do not hesitate to contact me at 445-9234.

Sincerely,

STEVEN T. KUYKENDALL, Assembly Member
Fifty-fourth 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 Wednesday, March 18, 1998 on legislative business.

Thank you.

Yours sincerely,

GRACE F. NAPOLITANO, Assembly Member
Fifty-eighth District

March 17, 1998

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

Dear Mr. Speaker: Please excuse me from Session on Wednesday, March 18, 1998. I will be returning to my district to attend a meeting with representatives from the University of Southern California and Los Angeles Metropolitan Churches regarding legislation I'm authoring, AB 743.

Thank you for your attention to this matter.

Sincerely,

CARL WASHINGTON, Assembly Member
Fifty-second District

(NOTE: For letter explaining the absence of Assembly Member Miller on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for March 17, 1998.)

COMMUNICATIONS

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

March 18, 1998

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

Dear Dotson: Please be advised that I am increasing the size of the Committee on Revenue and Taxation to 12 members and appointing Assembly Member Roderick Wright to the committee.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

March 18, 1998

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

Dear Dotson: Please be advised that I am appointing Assembly Member Tony Cardenas to the Assembly Education Committee to replace Assembly Member Carl Washington for today, March 18, 1998, only.

Thank you for your attention to this request.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

March 18, 1998

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

Dear Dotson: Please be advised that I am appointing Assemblymember George Runner to the Assembly Budget Sub-Committee No. 5 to replace Assemblymember Lynne Leach for today, March 18, 1998, only.

Thank you for your attention to this request.

Sincerely,

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 18, 1998

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

Assembly Bill No. 1719

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

Assembly Chamber, March 18, 1998

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

Assembly Bill No. 1754

Assembly Bill No. 1848

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, March 18, 1998

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

Assembly Concurrent Resolution No. 97

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, March 18, 1998

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

Assembly Bill No. 1633

Assembly Bill No. 1635

Assembly Bill No. 1643

Assembly Bill No. 1715

Assembly Bill No. 1738

Assembly Bill No. 1747

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 122—Gallegos, Baca, Bustamante, Cardenas, Cedillo, Ducheny, Martinez, Napolitano, Ortiz, and Villaraigosa, (Senators Calderon, Polanco, and Solis, coauthors). Relative to California State University, Los Angeles.

ASSEMBLY CONCURRENT RESOLUTION NO. 123—Havice. Relative to Older Workers Employment Week.

ASSEMBLY JOINT RESOLUTION NO. 57—Cardoza. Relative to bunk bed safety standards.

AUTHOR'S AMENDMENTS

Committee on Public Employees, Retirement and Social Security

March 18, 1998

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 1640

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

HONDA, Chairman

ASSEMBLY BILL NO. 1640—An act to amend Sections 21622 and 21623 of the Government Code, relating to public employees.

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 Rules

March 18, 1998

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

Senate Joint Resolution No. 31

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

PERATA, Chairman

SENATE JOINT RESOLUTION NO. 31—Relative to a State Veterans' Cemetery in northern California.

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 18, 1998

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

Senate Bill No. 254

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

TORLAKSON, Chairman

SENATE BILL NO. 254—An act to add Section 10084.2 to the Business and Professions Code, and to add Section 1368.1 to the Civil Code, relating to real estate.

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 Environmental Safety and Toxic Materials

March 18, 1998

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 1739

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

WAYNE, Chairman

ASSEMBLY BILL NO. 1739—An act to amend Section 25144 of the Health and Safety Code, relating to hazardous 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 Housing and Community Development

March 18, 1998

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

Senate Bill No. 256

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

TORLAKSON, Chairman

SENATE BILL NO. 256—An act to add Part 11 (commencing with Section 53500) to Division 31 of the Health and Safety Code, relating to financing a housing program 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; 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 18, 1998

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

Assembly Bill No. 1678

Assembly Bill No. 1779

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

KNOX, Chairman

ASSEMBLY BILL NO. 1678—An act to add Article 7 (commencing with Section 19291) to Chapter 5 of Part 10.2 of Division 2 of 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.

ASSEMBLY BILL NO. 1779—An act to add and repeal Sections 17053.36, 17053.37, 23636, and 23637 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 Elections, Reapportionment and Constitutional Amendments

March 18, 1998

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

Assembly Bill No. 1685

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

VINCENT, Chairman

ASSEMBLY BILL NO. 1685—An act to amend Sections 21500 and 21601 of the Elections Code, relating to local 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.

AUTHOR'S AMENDMENTS
Committee on Judiciary

March 18, 1998

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

Assembly Bill No. 1630

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

ESCUTIA, Chairwoman

ASSEMBLY BILL NO. 1630—An act to add Section 1788.4 to the Civil Code, to add Section 11010.7 to, and to add Chapter 14.7 (commencing with Section 7235) to Division 7 of Title 1 of, the Government Code, and to add Section 10234 to the Public Contract Code, relating to child support.

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 18, 1998

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

Assembly Bill No. 1710

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

ESCUTIA, Chairwoman

ASSEMBLY BILL NO. 1710—An act to add Section 3339 to the Civil Code, relating to liability.

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 18, 1998

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

Assembly Bill No. 1698

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 1698—An act to amend Section 190.2 of the Penal Code, relating to murder, 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.

REPORTS OF STANDING COMMITTEES
Committee on Health

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1636

Assembly Bill No. 1742

Assembly Bill No. 1748

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

GALLEGOS, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 1819

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

GALLEGOS, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Health reports:
Senate Bill No. 460

With the recommendation: Do pass.

GALLEGOS, Chairman

Above bill ordered to second reading.

Committee on Higher Education

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Higher Education reports:
Assembly Concurrent Resolution No. 81

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

LEMPERT, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: March 17, 1998

Mr. Speaker: Your Committee on Higher Education reports:
Assembly Bill No. 1647

With the recommendation: Do pass.

LEMPERT, Chairman

Above bill ordered to second reading.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1719—An act to amend Section 35414 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 1733—An act to amend Section 18785 of the Revenue and Taxation Code, relating to taxation.

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

ASSEMBLY BILL NO. 1831—An act to add Section 6363.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 80—Relative to commending prison chaplains.

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

ASSEMBLY BILL NO. 1693—An act to amend Section 12022.1 of the Penal Code, relating to punishment.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1754—An act to amend Sections 1048.1 and 1050 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1848—An act to amend Section 1793.22 of the Civil Code, relating to warranties.

Bill read second time, and ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, March 19, 1998.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 18, 1998

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

AB	RN
1630	9807093
1640	9806275
1678	9806843
1685	9807082
1698	9806818
1710	9806822
1733	9806653
1739	9806372
1779	9807091
1831	9806942

ACR	RN
80	9806986

SB	RN
254	9807000
256	9806890

SJR	RN
31	9805612

Daily Total:	14
Cumulative Total:	4011

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