CALIFORNIA LEGISLATURE 1997–98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, May 14, 1997

SEVENTIETH SESSION DAY

ONE HUNDRED SIXTY-FOURTH 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, May 14, 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—78:

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Richter
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	Washington
Brewer	House	Olberg	Wayne
Brown	Kaloogian	Oller	Wildman
Caldera	Keeley	Ortiz	Woods
Campbell	Knox	Pacheco	Wright
Cardenas	Kuehl	Papan	Mr. Speaker
Cardoza	Kuykendall	Perata	•
Cunneen	Leach	Poochigian	

Quorum present.

At 1:30 p.m., Hon. Robert M. Hertzberg, 40th 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 Pringle.

Because of a death in his family: Assembly Member Vincent.

EXPLANATIONS OF ABSENCE

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

May 12, 1997

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

Dear Speaker Bustamante: Please excuse me from check in session on May 14, 1997 as I will be in the San Francisco area on legislative business.

Thank you for your consideration.

Sincerely,

CURT PRINGLE, Assembly Member Sixty-eighth District

COMMUNICATIONS

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

May 14, 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 Virginia Strom-Martin to the Assembly Housing and Community Development Committee in place of Assemblymember Edward Vincent for today only, May 14, 1997.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 14, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 95
Assembly Bill No. 708

Assembly Bill No. 839 Assembly Bill No. 186 Assembly Bill No. 221 Assembly Bill No. 915 Assembly Bill No. 250 Assembly Bill No. 973 Assembly Bill No. 307 Assembly Bill No. 1129 Assembly Bill No. 363 Assembly Bill No. 1172 Assembly Bill No. 380 Assembly Bill No. 1445 Assembly Bill No. 435 Assembly Bill No. 1447 Assembly Bill No. 452 Assembly Bill No. 1458 Assembly Bill No. 468 Assembly Bill No. 1602 Assembly Bill No. 564

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 14, 1997

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

Assembly Joint Resolution No. 19

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, May 14, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 135
Assembly Bill No. 301
Assembly Bill No. 640
Assembly Bill No. 675
Assembly Bill No. 1107
Assembly Bill No. 1107
Assembly Bill No. 1167
Assembly Bill No. 1596

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 14, 1997

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

Assembly Concurrent Resolution No. 28

And reports the same correctly enrolled, and presented to the Secretary of State on the 14th day of May, 1997, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, May 14, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 323
Assembly Bill No. 551
Assembly Bill No. 925
Assembly Bill No. 925

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 22—Pringle. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article XIII A thereof, relating to taxation.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, May 14, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(3) as it relates to Assembly Bill No. 394.

KEVIN MURRAY

Above request ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS

Committee on Public Employees, Retirement and Social Security

May 14, 1997

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

Senate Bill No. 1020

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

KNOX, Chairman

SENATE BILL NO. 1020—An act to add Article 8.8 (commencing with Section 31696.1) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to county 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 Appropriations

May 14, 1997

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

Assembly Bill No. 381 Assembly Bill No. 1303
Assembly Bill No. 695 Assembly Bill No. 1555
Assembly Bill No. 829

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 381—An act to amend Section 120335 of the Health and Safety Code, relating to communicable disease.

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. 695—An act to add Section 2725.3 to the Business and Professions Code, and to add Section 1276.4 to the Health and Safety Code, relating to health care.

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. 829—An act to amend Sections 901, 914, 933.05 of, and to add Sections 924.5 and 938.4 to, the Penal Code, relating to grand juries.

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. 1303—An act to amend Sections 19.8, 266h, 266i, 290, 290.2, and 290.5 of, and to add and repeal Section 290.8 of, the Penal Code, and to add Section 6610 to the Welfare and Institutions Code, relating to sex offenders.

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. 1555—An act to amend Sections 2111, 2135, 2185, 2290.5, and 2443 of, and to repeal Sections 2076 and 2076.5 of, the Business and Professions Code, relating to physicians and surgeons, 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 Education

May 14, 1997

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

Assembly Bill No. 859 Assembly Bill No. 1490

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

ASSEMBLY BILL NO. 859—An act to add Article 14 (commencing with Section 45460) to Chapter 5 of Part 25 of 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.

ASSEMBLY BILL NO. 1490—An act to add Section 51554 to the Education Code, relating to sex 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 Revenue and Taxation

May 14, 1997

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Assembly Bill No. 454

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

CALDERA, Chairman

ASSEMBLY BILL NO. 454—An act to add Section 18153 to the Revenue 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 Water, Parks and Wildlife

May 14, 1997

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Assembly Bill No. 254

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

MACHADO, Chairman

ASSEMBLY BILL NO. 254—An act to add Division 26 (commencing with Section 79000) to the Water Code, relating to financing a flood control and prevention 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, 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 Governmental Organization

Date of Hearing: May 12, 1997

Mr. Speaker: Your Committee on Governmental Organization reports: Assembly Bill No. 522

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

BROWN, Chairwoman

Above bill ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: May 12, 1997

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 938

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

VINCENT, Chairman

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: May 13, 1997

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 100

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: May 13, 1997

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 1255 Assembly Bill No. 1542 Assembly Bill No. 1545

With the recommendation: Do pass.

ARONER, Chairwoman

Above bills ordered to second reading.

Committee on Health

Date of Hearing: May 13, 1997

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 625

With the recommendation: Do pass.

GALLEGOS, Chairman

Above bill ordered to second reading.

Date of Hearing: May 6, 1997

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 103

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

GALLEGOS, Chairman

Above bill ordered to second reading.

Committee on Insurance

Date of Hearing: May 13, 1997

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 587 Assembly Bill No. 589

Assembly Bill No. 1344

With the recommendation: Do pass.

FIGUEROA, Chairwoman

Above bills ordered to second reading.

Committee on Education

Date of Hearing: May 7, 1997

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 602

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

MAZZONI, Chairwoman

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: May 12, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 1074

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

MURRAY, Chairman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: May 7, 1997

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 655

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

MAZZONI, Chairwoman

Above bill ordered to second reading.

Date of Hearing: May 7, 1997

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 412

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

MAZZONI, Chairwoman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: May 12, 1997

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

Assembly Bill No. 1271

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

CALDERA, Chairman

Above bill ordered to second reading.

Date of Hearing: May 12, 1997

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

Assembly Bill No. 168

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

CALDERA, Chairman

Above bill ordered to second reading.

Date of Hearing: May 12, 1997

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

Assembly Bill No. 813

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

CALDERA, Chairman

Above bill ordered to second reading.

Date of Hearing: May 12, 1997

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

Assembly Bill No. 1360

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

CALDERA, Chairman

Above bill ordered to second reading.

Date of Hearing: May 5, 1997

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

Assembly Bill No. 3

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

CALDERA, Chairman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: May 7, 1997

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 865

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

MAZZONI, Chairwoman

Above bill ordered to second reading.

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. 95, 186, 363, 380, 1447, 1458, 250, 435, 468, 564, 915, 307, 708, 1129, 973, 1602, and 452, ordered to third reading;

Assembly Bills Nos. 221, 839, 1172, and 1445, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1605—An act to amend Sections 309.6, 739.9, 874, 2882.5, and 2889.8 of, and to repeal Sections 746 and 747 of, the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 637—An act to amend Section 56133 of the Government Code, and to amend Section 12819 of the Public Utilities Code, relating to municipal utility districts.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1051—An act to amend Section 2881 of the Public Utilities Code, relating to deaf or hearing aid dispensers.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1508—An act to add Sections 15365.11 and 15392.8 to the Government Code, relating to international trade.

Bill read second time, and ordered to third reading.

(NOTE: Later this day Assembly Bill No. 1508 was re-referred to the Committee on Appropriations.)

ASSEMBLY BILL NO. 1145—An act relating to transportation.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1237—An act to amend Section 5463 of the Business and Professions Code, relating to advertising.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 296—An act to add Section 21356.5 to the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 464—An act to amend Section 20395 of the Public Contract Code, relating to county transportation.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 517—An act to add Section 20306 to the Public Contract Code, relating to local agency contracts.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 1104—An act to amend Section 13080 of the Financial Code, relating to financial transactions.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 403—An act to add Article 4.7 (commencing with Section 18737) to Chapter 4 of Part 11 of Division 1 of the Education Code, relating to libraries.

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.

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 BILL NO. 946—An act to amend Section 243.3 of the Penal Code, relating to crimes.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 1300—An act to amend Section 625 of, and to add Section 625.4 to, the Welfare and Institutions Code, relating to minors.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 1308—An act to amend Section 830.31 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 158—An act to amend Sections 19809 and 19810 of, and to add Section 19823.5 to, the Business and Professions Code, relating to gaming.

Bill read second time; amendments proposed by the Committee on Governmental Organization read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations. ASSEMBLY BILL NO. 741—An act to add Section 25339 to the Government Code, to add Section 1203.7 to the Penal Code, and to add and repeal Sections 17053.29 and 23629 of 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 Public Safety.

ASSEMBLY BILL NO. 27—An act to amend Section 23221 of 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 BILL NO. 171—An act to add and repeal Sections 17053 and 23605 of 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 BILL NO. 539—An act to amend Section 23649 of 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 BILL NO. 955—An act to add Section 15336.3 to the Government Code, relating to economic development.

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

ASSEMBLY BILL NO. 196—An act to add Section 17053.19 of 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.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 191—An act to add Section 22365 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

Assembly Bill No. 1508.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 14, 1997

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

Assembly Bill No. 1605

Assembly Bill No. 517

Assembly Bill No. 464 Assembly Bill No. 946

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

Assembly Chamber, May 14, 1997

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

Assembly Bill No. 1051

Assembly Bill No. 1237

Assembly Bill No. 1104

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading.

Assembly Chamber, May 14, 1997

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

Assembly Joint Resolution No. 14

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

SPECIAL COMMITTEE MEETINGS

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

Housing and Community Development, on Thursday, May 22, 1997, upon adjournment of session, in the Tom Bane Rules Committee Room.

ADJOURNMENT

At 4 p.m., the Assembly adjourned until 8:30 a.m., Thursday, May 15, 1997.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MAY 14, 1997

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

AB	$\mathbf{R}\mathbf{N}$
27	9713101
158	9713471
171	9713213
196	9713164
254	9713394
381	9712989
403	9713276
454	9713144
539	9713352
695	
741	9713138
829	9713546
859	9713273
955	
1303	9713525
1308	9713014
1416	9713257
1490	9713248
1555	9712585

SB RN 1020 9712618

Daily Total: 20 **Cumulative Total:** 1593