CALIFORNIA LEGISLATURE 1997–98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, July 23, 1997

ONE HUNDRED THIRTEENTH SESSION DAY TWO HUNDRED THIRTY-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, July 23, 1997

The Assembly met at 7 a.m.

Hon. Valerie Brown, Assembly Member, 7th 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—64:

Ackerman	Cardenas	Kuykendall	Pacheco
Aguiar	Ducheny	Leach	Papan
Alby	Escutia	Leonard	Poochigian
Alquist	Figueroa	Machado	Pringle
Aroner	Firestone	Margett	Richter
Ashburn	Floyd	Martinez	Runner
Baca	Frusetta	Mazzoni	Shelley
Baldwin	Goldsmith	McClintock	Sweeney
Battin	Granlund	Migden	Thompson
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Vincent
Bowen	Honda	Murray	Washington
Bowler	House	Napolitano	Wayne
Brewer	Kaloogian	Olberg	Woods
Brown	Knox	Oller	Wright
Campbell	Kuehl	Ortiz	Mr. Speaker

Quorum present.

At 11:55 a.m., Hon. Tony Cardenas, 39th 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 Caldera, *Cardoza, *Cunneen, Davis, Gallegos, Keeley, Miller, Prenter, *Scott, Strom-Martin, *Torlakson, Villaraigosa, and Wildman.

(NOTE: *Per diem waived during period of 1997 Budget delay. See Assembly Journal: Cardoza, page 3344; Cunneen, page 3267; Scott, page 3344; Torlakson, page 3266.)

On personal business, and waiving per diem: Assembly Member Takasugi.

Because of illness: Assembly Member Lempert.

Because of illness in his family: Assembly Member Perata.

EXPLANATIONS OF ABSENCE

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

July 23, 1997

Hon. Cruz Bustamante Speaker of the Assembly State Capitol, Room 219 Sacramento, California

Dear Mr. Speaker: This letter is to request that I be excused from check-in and session for July 23 and 24, 1997, due to legislative business in my district office.

Thank you for your attention to this matter.

Sincerely,

LOUIS CALDERA, Assembly Member Forty-sixth District

July 22, 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 tomorrow, Wednesday, July 23, due to Legislative Business in my district.

Thank you for your consideration of this request.

Sincerely,

JIM CUNNEEN, Assembly Member Twenty-fourth District

July 22, 1997

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

Dear Speaker Bustamante: The purpose of this letter is to request absence from Check-in Session on Wednesday, July 23, 1997. I will be in my district on legislative business.

Thank you for your consideration of this request.

Sincerely,

SUSAN A. DAVIS, Assembly Member Seventy-sixth District

July 22, 1997

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

Dear Mr. Speaker: This letter is to request to be excused from check-in session on Wednesday, July 23, 1997. I will be in my district on legislative business. I will return on Thursday morning in time for our scheduled 9:00 a.m. floor session.

Thank you for your consideration.

Sincerely,

MARTIN GALLEGOS, Assembly Member Fifty-seventh District

July 22, 1997

Hon. Cruz Bustamante Speaker, California State Assembly State Capitol, Room 219 Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from the Assembly Judiciary Committee hearing on Wednesday, July 23, 1997 and check-in session. I will be in my district on legislative business, and would like to request to have a substitute sit in for me on that day in Committee.

Thank you for your consideration of this request.

Sincerely,

FRED KEELEY, Assembly Member Twenty-seventh District

July 22, 1997

Speaker Bustamante State Capitol, Room 219 Sacramento, California

Dear Speaker Bustamante: I respectfully request to be excused from Check-in Session on Wednesday, July 23, 1997. I have legislative business in my district.

I appreciate your attention to this request. Please contact me or my staff at 445-7558 with any questions.

Sincerely,

ROBERT PRENTER, Assembly Member Thirtieth District

July 22, 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, July 23, on legislative business in my district.

Thank you for your consideration of this matter.

Sincerely,

JACK SCOTT, Assembly Member Forty-fourth District

July 21, 1997

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

Dear Speaker Bustamante: Please excuse me from Assembly Check In Session for Wednesday, July 23, 1997 due to legislative business. I have a mobile District Office scheduled in Lakeport that has been rescheduled for the third time, a meeting with Lakeport City Council, and a meeting with the business community. I would need to leave Sacramento at 6:30 a.m. on Wednesday, so if possible I would like to have a response by Tuesday, July 22, 1997.

Thank you for your attention to this request.

Sincerely,

VIRGINIA STROM-MARTIN, Assembly Member First District

July 22, 1997

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

Dear Speaker Bustamante: Please excuse me from session on Wednesday, July 23, 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,

TOM TORLAKSON, Assembly Member Eleventh District

July 23, 1997

Hon. Cruz Bustamante Speaker of the Assembly State Capitol, Room #219 Sacramento, California

Dear Mr. Speaker: I am writing to request that I be excused from check-in session today, Wednesday, July 23rd, as I am away on legislative business.

Should you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

SCOTT WILDMAN, Assembly Member Forty-third District

(NOTE: For letters explaining the absences of Assembly Members Cardoza, Miller, and Villaraigosa on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for July 22, 1997.

COMMUNICATIONS

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

July 23, 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 Mike Honda to replace Assemblymember Don Perata on the Assembly Appropriations Committee for today, July 23, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE Speaker of the Assembly

July 23, 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 Liz Figueroa to replace Assemblymember Antonio Villaraigosa on the Assembly Appropriations Committee for today, July 23, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE Speaker of the Assembly

July 23, 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 Howard Wayne to the Assembly Judiciary Committee to replace Assemblymember Fred Keeley for today, July 23, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 22, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 121 Assembly Bill No. 606 Assembly Bill No. 198 Assembly Bill No. 649 Assembly Bill No. 223 Assembly Bill No. 725 Assembly Bill No. 268 Assembly Bill No. 752 Assembly Bill No. 345 Assembly Bill No. 782 Assembly Bill No. 348 Assembly Bill No. 806 Assembly Bill No. 350 Assembly Bill No. 938 Assembly Bill No. 412 Assembly Bill No. 1294 Assembly Bill No. 517 Assembly Bill No. 1598 Assembly Bill No. 543

And reports the same correctly enrolled, and presented to the Governor at 3:45 p.m., July 22, 1997.

E. DOTSON WILSON, Chief Clerk

AUTHOR'S AMENDMENTS Committee on Appropriations

July 23, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports: Senate Bill No. 522 Senate Bill No. 1095 Senate Bill No. 776 Senate Bill No. 1270

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

MIGDEN, Chairwoman

SENATE BILL NO. 522—An act to add section 124305 to the Health and Safety Code, relating to pregnancy.

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.

SENATE BILL NO. 776—An act to add Section 14661 to the Government Code, relating to state property.

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.

SENATE BILL NO. 1095—An act to amend Section 42238.18 of, and to add Part 26.95 (commencing with Section 47750) to, the Education Code, relating to pupils, 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.

SENATE BILL NO. 1270—An act to add Section 8169.5 to the Government Code, relating to state property.

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: July 15, 1997

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 931

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

HERTZBERG, Chairman

Above bill ordered to second reading.

Committee on Banking and Finance

Date of Hearing: July 17, 1997

Mr. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 795

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

PAPAN, Chairman

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 119

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

ESCUTIA, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 95

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

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ESCUTIA, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Committee on Water, Parks and Wildlife

Date of Hearing: July 15, 1997

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 79

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

MACHADO, Chairman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 145
Senate Bill No. 184
Senate Bill No. 190
Senate Bill No. 202
Senate Bill No. 202
Senate Bill No. 243
Senate Bill No. 252
Senate Bill No. 252
Senate Bill No. 263

Senate Bill No. 203

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 113
Senate Bill No. 708
Senate Bill No. 156
Senate Bill No. 1057
Senate Bill No. 482
Senate Bill No. 486
Senate Bill No. 1204

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 bills be placed on the Consent Calendar.

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 193 Senate Bill No. 461

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

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 335 Senate Bill No. 380 Senate Bill No. 465

With the recommendation: Do pass, as amended.

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

MIGDEN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1418

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: July 16, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1271

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

ESCUTIA, Chairwoman

Above bill ordered to second reading.

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

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

Senate Bills Nos. 151, 544, 571, 1299, 269, 416, 593, 997, 941, and 1037 ordered to third reading;

(NOTE: Later this day Senate Bill No. 1037 was re-referred to the Committee on Appropriations.)

Senate Bill No. 839, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 657—An act to amend Sections 25501, 25501.4, 25503.3, and 25505 of the Health and Safety Code, relating to hazardous materials.

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

SENATE BILL NO. 659—An act to amend Section 25404.3 of the Health and Safety Code, relating to hazardous waste and materials.

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

SENATE BILL NO. 1135—An act to amend Section 25201.13 of the Health and Safety Code, relating to hazardous waste.

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

SENATE BILL NO. 393—An act to amend Section 1393.6 of, and to add Article 3.12 (commencing with Section 1357.22) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 10775) to Part 2 of Division 2 of the Insurance Code, relating to health care coverage.

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

SENATE BILL NO. 527—An act to add Sections 10232.9, 10232.93, and 10232.96 to the Insurance Code, relating to insurance.

Bill read second time; amendments proposed by the Committee on Health read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations. **SENATE BILL NO. 719**—An act to add Article 3.5 (commencing with Section 1359) to Chapter 2.2 of Division 2 of the Health and Safety Code, to add Article 1.7 (commencing with Section 10128.50) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to health coverage.

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

SENATE BILL NO. 1052—An act to amend Sections 10232.1, 10234.93, and 10237.1 of, to amend and renumber Section 10232.8 of, to add Sections 10232.2, 10232.8, 10232.95, 10234.86, 10234.87, 10235.9, 10235.30, 10235.40, 10235.50, 10235.51, 10235.52, 10235.90, 10237.4, and 10237.5 to, and to repeal and add Section 10234.95 of, the Insurance Code, relating to health insurance.

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

SENATE BILL NO. 1062—An act to add Section 1374.17 to the Health and Safety Code, relating to health care service plans.

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

SENATE BILL NO. 1129—An act to amend Section 1363 of, and to add Section 1373.96 to, the Health and Safety Code, relating to health coverage.

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

SENATE BILL NO. 45—An act to amend Sections 14523, 14524, 14525, 14526, 14527, 14530.1, 14531, 14536, 65081.1, 65082, 65083, and 65086 of, to add Sections 14529.1, 14529.8, 14529.12, and 14529.13 to, to repeal and add Sections 14520.3, 14529, and 65080 of, and to repeal Sections 14524.5, 14529.01, 14529.2, 14529.6, 14530.5, 14555, 65071, 65081, and 65086.4 of, the Government Code, to amend Sections 99310, 99312, and 99315 of, and to repeal Sections 99315.5, 99315.6, 99318, and 99318.2 of, the Public Utilities Code, and to amend Sections 164.3, 167, 188, and 188.8 of, to add Sections 164.6 and 188.10 to, to repeal and add Sections 163, 164, 182.5, and 190 of, to repeal Sections 163, 164.2, 164.4, 164.35, 164.50, 164.51, 164.52, 164.55, 164.57, 168, 182.4, 182.8, 188.9, 199, 199.1, 199.2, 199.3, 199.4, 199.6, 199.7, 199.8, 199.9, 199.10, and 199.11 of, and to repeal Chapter 16 (commencing with Section 2600) of Division 3 of, the Streets and Highways Code, relating to transportation.

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

SENATE BILL NO. 172—An act to amend Sections 513, 514, 518, 522, 523, 524, and 525 of, and to add Sections 526 and 527 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

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

SENATE BILL NO. 236—An act to amend Section 21655.5 of the Vehicle Code, relating to vehicles.

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

SENATE BILL NO. 348—An act to amend Section 11019.5 of the Government Code, relating to state government.

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

SENATE BILL NO. 782—An act to add Sections 6523.6 and 6523.7 to the Government Code, relating to public health.

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

SENATE BILL NO. 483—An act to add Chapter 1.5 (commencing with Section 1950) to Division 2.5 of the Welfare and Institutions Code, relating to juvenile justice.

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 Appropriations.

SENATE BILL NO. 818—An act to amend Sections 2933 and 3057 of, and to add Chapter 4.9 (commencing with Section 1175) to Title 7 of Part 2 of, the Penal Code, relating to prisons.

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 Appropriations.

SENATE BILL NO. 1195—An act to amend Sections 656.2 and 707 of the Welfare and Institutions Code, relating to minors.

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 Appropriations.

SENATE BILL NO. 1291—An act to amend Sections 1799.90, 1799.91, 2985.7, 2986.3, 2986.4, 2986.13, and 2989.2 of, to add Section 2987 to, to repeal Section 2986.2 of, and to repeal and add Sections 2985.71 and 2985.8 of, the Civil Code, relating to motor vehicle leases.

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

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:

Senate Bill No. 1037.

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as Committees on Conference concerning:

Assembly Bill No. 755: Villaraigosa, Leonard, and Mazzoni; Assembly Bill No. 234: Villaraigosa, Leonard, and Mazzoni.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 23, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Concurrent Resolution No. 59

And reports the same correctly enrolled, and presented to the Secretary of State on the 23rd day of July, 1997, at 2:45 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 23, 1997

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

Assembly Bill No. 100
Assembly Bill No. 197
Assembly Bill No. 197
Assembly Bill No. 303
Assembly Bill No. 303
Assembly Bill No. 334
Assembly Bill No. 811

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., July 23, 1997.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, July 24, 1997.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 23, 1997

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

SB	$\mathbf{R}\mathbf{N}$
45	9718810
172	9719447
236	9719175
348	9719345
393	9719430
483	9718903
522	9719440
527	9719130
657	9719238
659	9719259
719	9719397
776	9719344
782	9719431
818	9719444
1052	9719129
1062	9719443
1095	9719269
1129	9719427
1135	9719202
1195	9719071
1270	9719116
1291	9719474

Daily Total: 22 2907 **Cumulative Total:**