

CALIFORNIA LEGISLATURE
1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 26, 1997

**ONE HUNDRED TWENTY-SIXTH SESSION DAY
TWO HUNDRED SIXTY-EIGHTH 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, August 26, 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—77:

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

Quorum present.

At 1:26 p.m., Hon. Jim Morrissey, 69th 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 Aguiar, Caldera, and Oller.

EXPLANATIONS OF ABSENCE

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

August 19, 1997

*Speaker Cruz Bustamante
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am requesting to be excused for the morning of Tuesday, August 26 for the purpose of district-related business.

If you have any questions, please contact Tiffany Baker in my office at 445-1670. Thank you for your attention to this matter.

Sincerely,

FRED AGUIAR, Assembly Member
Sixty-first District

August 26, 1997

*The Honorable 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 session on Tuesday, August 26, 1997, and Wednesday, August 27, 1997, due to business in my district office.

Thank you for your attention to this matter.

Sincerely,

LOUIS CALDERA, Assembly Member
Forty-sixth District

August 25, 1997

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

Dear Mr. Speaker: I have legislative business in my district tomorrow, Tuesday, August 26 and am requesting to be excused from check-in session. Thank you for your consideration.

Sincerely,

THOMAS "RICO" OLLER, Assembly Member
Fourth District

COMMUNICATIONS

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

August 26, 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 Robert Hertzberg to the Assembly Judiciary Committee to replace Assemblymember Louis Caldera for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

August 26, 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 Nao Takasugi to the Assembly Local Government Committee to replace Assemblymember George Runner for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

August 26, 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 George House to the Assembly Local Government Committee to replace Assemblymember Steve Kuykendall for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

August 26, 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 Tom Bordonaro to the Assembly Health Committee to replace Assemblymember Fred Aguiar for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

August 26, 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 Bernie Richter to the Assembly Insurance Committee to replace Assemblymember Jim Cunneen for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

August 26, 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 Roy Ashburn to the Assembly Insurance Committee to replace Assemblymember Fred Aguiar for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

August 26, 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 Wally Knox as Acting Chairman of the Assembly Revenue and Taxation Committee for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

August 26, 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 Ted Lempert to the Assembly Revenue and Taxation Committee for today, August 26, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 26, 1997

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

Assembly Bill No. 873

Assembly Bill No. 880

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, August 26, 1997

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

Assembly Bill No. 185

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

August 26, 1997

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

Assembly Bill No. 1229

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

MIGDEN, Chairwoman

ASSEMBLY BILL NO. 1229—An act to amend Sections 6055 and 6937 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.

AUTHOR’S AMENDMENTS
Committee on Human Services

August 26, 1997

Mr. Speaker: The Chair of your Committee on Human Services reports:
Assembly Bill No. 933

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

ARONER, Chairwoman

ASSEMBLY BILL NO. 933—An act to amend Section 1596.871 of the Health and Safety Code, and to amend Section 781 of the Welfare and Institutions Code, relating to child day care facilities.

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 Elections, Reapportionment and Constitutional Amendments

Date of Hearing: August 25, 1997

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

Senate Bill No. 8

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

VINCENT, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Concurrent Resolution No. 66

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: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 525

Senate Bill No. 1102

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

MURRAY, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Concurrent Resolution No. 43

Senate Concurrent Resolution No. 48

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

MURRAY, Chairman

Above resolutions re-referred to the Committee on Appropriations.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Joint Resolution No. 26

With the recommendation: Be adopted.

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.

MURRAY, Chairman

Above resolution ordered on file.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Joint Resolution No. 36

With the recommendation: Be adopted.

MURRAY, Chairman

Above resolution ordered to third reading.

Committee on Labor and Employment

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Labor and Employment reports:

Senate Concurrent Resolution No. 54

With amendments with the recommendation: Amend, and be adopted, as amended.

FLOYD, Chairman

Above resolution ordered to second reading.

Committee on Judiciary

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1145

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

ESCUTIA, Chairwoman

Above bill ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: August 25, 1997

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

Senate Bill No. 225

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 Local Government

Date of Hearing: August 26, 1997

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 451

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

SWEENEY, Chairman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: August 26, 1997

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

Assembly Bill No. 66

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

KNOX, Acting Chairman

Above bill re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

SENATE BILL NO. 726—An act to amend Section 1382 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 727—An act to amend Sections 2550.3 and 46010 of, to amend and renumber Section 46010.5 of, to add Section 42238.7 to, to repeal Section 46015 of, and to repeal and add Sections 2550.4, 42238.8, and 46010.2 of, the Education Code, relating to school finance.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 731—An act to repeal Section 43843 of the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 744—An act to amend Section 20128.5 of the Public Contract Code, relating to public construction contracts.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 750—An act to amend Section 1367.10 of the Health and Safety Code, relating to health care coverage.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 768—An act to amend Sections 25014.6 and 25017 of the Corporations Code, relating to securities.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1350—An act to add Chapter 6 (commencing with Section 101860) to Part 4 of Division 101 of the Health and Safety Code, relating to health care.

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.

**AUTHORIZATION TO INTRODUCE BILLS PURSUANT TO
JOINT RULE 54**

Pursuant to the provisions of Joint Rule 54, the following communication was presented permitting the introduction of an Assembly bill:

Dear Mr. Clerk: Pursuant to the provisions of Joint Rule 54, I hereby authorize Assembly Member Joe Baca to introduce a bill relating to Religious Freedom Restoration Act. Request No. 9721444.

CRUZ M. BUSTAMANTE
Speaker of the Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1617—Baca and Bowler. An act to add Chapter 4.5 (commencing with Section 6400) to Division 7 of Title 1 of the Government Code, relating to religious freedom.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 27, 1997.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 26, 1997**

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

| | | |
|--------------------------|-----------|-------------|
| | AB | RN |
| | 993 | 9721202 |
| | 1229 | 9721295 |
| | SB | RN |
| | 1350 | 9721467 |
| Daily Total: | | 3 |
| Cumulative Total: | | 3114 |