

CALIFORNIA LEGISLATURE
1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 19, 1998

**TWO HUNDRED FIFTY-EIGHTH SESSION DAY
SIX HUNDRED TWENTY-SIXTH 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, August 19, 1998

The Assembly met at 2 p.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Scott moved a quorum call of the Assembly.

Motion carried. Time, 2:01 p.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 2:07 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—75:

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

PRAYER

Speaker pro Tempore Kuehl offered the following prayer:

Father, Today especially, we pay special mind to the fragility of life. We in this Chamber, our friends and our staff are privileged to know and grow to love each other very much. By Your grace we have witnessed the joyful birth of children to some of our families, we have witnessed the loss of parents, we have witnessed illness and recovery. We are, strange as it may seem, Father, a family. We ask Your grace and Your praise and Your help as we deal with our day-to-day work, and our day-to-day life. We ask Your blessing on Mike Machado and his family today as they attempt to deal with the tragedy in their family. But we know beyond all that we have much to learn from Your love and we pray for equanimity; we pray to be kind to each other; we pray that You will help us always to live up to the highest standards. We ask in Thy Name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Takasugi then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Scott, seconded by Assembly Member Leonard.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On personal business, and waiving per diem: Assembly Members Kuykendall and Napolitano.

Because of illness in his family: Assembly Member Baldwin.

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

The following Assembly Member was excused for the day, and his per diem was waived: Assembly Member Floyd.

ADJOURN IN MEMORY

Speaker Villaraigosa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Christopher Machado, son of Assembly Member Mike Machado and his wife Diana, and that the following remarks be printed in the Journal:

I ask that we adjourn today in the memory of Christopher Machado, the son of our own Assembly Member Mike Machado. As you all know, Christopher died in an accident yesterday while working on the family farm in Linden. Mike's oldest son was the first member of his generation, the fourth generation of the Machado family, to work the family farm. The tragedy of this sudden death has deeply touched each and every one of us who love Mike, who care very deeply about Mike and his family. Many of us are parents, who know the love a parent has for their child. We know what the Machado family must be going through right now. We love him deeply. We know that at this time, now more than ever, he needs our prayers. He needs our support. He needs our love. We say to the family, all of us, that we're with the Machado family in this time of grief.

REMARKS BY ASSEMBLY MEMBER JACK SCOTT

It was thought that I might be able to say a few words that would help us at this time and would also help us as a Member of this extended family, to help Mike.

Five years ago, I tragically walked in Mike Machado's shoes and I can tell you that the pain that he is now experiencing is almost unimaginable. I am sure Mike is very much in a daze of unreality as he tries to grasp, and as his family tries to grasp the enormity of this loss. Probably all Members of this Chamber have experienced the loss of a loved one, and so you know sorrow.

There's something though particular about this sorrow. One is, it's the death of a child. And no one expects the child to precede him or her in death. I remember walking and picking a grave for my son and I couldn't believe what I was having to do because I had expected him to be at my side when I was dying and that wasn't true. The roles were reversed. And so we invest so much in our children, we love them so deeply and we are so pained when a departure like this occurs. But secondly, this death was marked by a suddenness. When death occurs as a result of a lingering illness we have some moment of preparation but when suddenly a phone call comes and you had talked to a child of yours, maybe a day or two before, and exchanged laughter and talked with love and expected to see them, and they're gone.

I know in the next few months, unfortunately, Mike will wake up every morning and his first thought will be "Chris is dead". And he will hope to see that door open again, and Chris come through it, and he will gradually try to adjust to this great tragedy. I remember on the day Adam died, a minister said something to me that has meant a lot because I looked him in the eye and I said "George, how will I ever get over this?" And he wisely said, "You won't get over this. You will go through life with a limp, but you can go through life with a limp." And so, the psychic wound begins to heal some, and one picks up and goes on.

The natural question that all of us have is "What can we do for Mike?" "How can we help him?" As one Member so aptly said, "I feel utterly helpless." But we can do some things for Mike, and I would encourage you to do that. We began today with prayer. I believe that God in Heaven loves his children and that His heart is broken too. And I believe that Mike and Diana's great pain, and the pain of the brother and sister, can experience great comfort from God and so we should pray. We are from different religious backgrounds but each of us knows the power of prayer and we can do that. And second, we can express our sympathy. We've got to be careful about choosing words. They're not always the easiest ones to choose. Perhaps we should never say to him "I know how you feel" because we don't fully understand how he feels unless we've experienced that kind of loss. But we can say, "I care", "I love you Mike and if I can help you in any way, I want to do it". If Mike wants to talk, then let him talk, because I can tell you, a week or two after my son's death I almost wanted to stop everyone on the street and tell them what a wonderful young man he was. So Mike may want to talk—Mike may not want to talk—I don't know Mike that well, but I know that we can communicate to him by a hand on the shoulder, by a

warm word, by saying “Mike I love you, I care and I want to do anything I can to lessen your pain”.

And so, as a great family together, all the lines that might separate us are now blurred because I can tell you, death makes us realize what’s important in life, and we realize how important relationships are. Mike’s family has been struck by a terrible tragedy. A child has been taken from him that he has invested himself in, that he loved every day of his life and thought that he would maybe get to see grow old and get married and have grandchildren, but that’s not the way it worked out. We send our love to Mike, we send our prayers to Mike, and we want Mike to know that we express our deepest sympathy at this time.

COMMUNICATIONS

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

August 18, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Fred Keeley to the Appropriations Committee in place of Assemblymember Mike Machado for the hearing on August 19, 1998.

Sincerely,

ANTONIO R. VILLARAIGOSA
 Speaker of the Assembly

August 19, 1998

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

Dear Dotson: Please be advised that I have appointed Assemblymember Gil Cedillo to the Banking and Finance Committee in place of Assemblymember Mike Machado for today’s hearing only.

Sincerely,

ANTONIO R. VILLARAIGOSA
 Speaker of the Assembly

CHANGES IN CONFEREES—CONFERENCE COMMITTEES ON SENATE BILL NO. 1885 AND ASSEMBLY BILL NO. 1344

The Speaker made the following changes in the Conference Committee on Senate Bill No. 1885:

Assembly Member Cardoza appointed as an alternate.

The Speaker made the following changes in the Conference Committee on Assembly Bill No. 1344:

Assembly Member Escutia, in place of Assembly Member Davis.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 19, 1998

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

Assembly Constitutional Amendment No. 21

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

Assembly Chamber, August 19, 1998

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

Assembly Bill No. 518

Assembly Bill No. 1643

Assembly Bill No. 1815

Assembly Bill No. 2671

And reports the same correctly enrolled, and presented to the Governor at 11:30 a.m., August 19, 1998.

E. DOTSON WILSON, Chief Clerk

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 19, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(13) and (14) as it relates to Senate Bills Nos. 779 and 326.

MARTHA ESCUTIA

Assembly Chamber, August 19, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(12), (13), and (14) as it relates to Senate Bill No. 1714.

DIANE MARTINEZ

Assembly Chamber, August 19, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(12), (13), and (14) as it relates to Senate Bill Nos. 256, 312, 877, 1011, 1724, 1757, 1854, and 2018.

CAROLE MIGDEN

Assembly Chamber, August 19, 1998

Mr. Speaker: I request permission to suspend Joint Rule 61(b)(12), (13), and (14) as it relates to Senate Bill No. 2173.

RICHARD E. FLOYD

Above requests ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS**Committee on Natural Resources**

August 19, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Senate Bill No. 681

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

BOWEN, Chairwoman

SENATE BILL NO. 681—An act to amend Sections 14549, 14550, 14560, 14573, 14573.5, 14574, 14575, 14581, 14585, and 14591.1 of, to amend and repeal Section 14549.6 of, and to amend, repeal, and add Section 14580 of, the Public Resources Code, and to amend Sections 6011 and 6012 of the Revenue and Taxation Code, relating to beverage containers, 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 Natural Resources

August 19, 1998

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Senate Bill No. 326

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

BOWEN, Chairwoman

SENATE BILL NO. 326—An act relating to state lands, 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 Public Safety

Date of Hearing: August 18, 1998

Mr. Speaker: Your Committee on Public Safety reports:
Senate Bill No. 1679

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

PERATA, Chairman

Above bill ordered to second reading.

Committee on Banking and Finance

Date of Hearing: August 19, 1998

Mr. Speaker: Your Committee on Banking and Finance reports:
Assembly Bill No. 2377

With the recommendation: That the Senate amendments not be concurred in.

PAPAN, Chairman

Above bill ordered to unfinished business.

Committee on Consumer Protection, Governmental Efficiency and Economic Development

Date of Hearing: August 18, 1998

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

Senate Bill No. 1466

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

DAVIS, Chairwoman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, August 19, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

- Senate Bill No. 7
- Senate Bill No. 120
- Senate Bill No. 143
- Senate Bill No. 213
- Senate Bill No. 272
- Senate Bill No. 459
- Senate Bill No. 597
- Senate Bill No. 705
- Senate Bill No. 1047
- Senate Bill No. 1103
- Senate Bill No. 1363
- Senate Bill No. 1381
- Senate Bill No. 1386

- Senate Bill No. 1439
- Senate Bill No. 1480
- Senate Bill No. 1626
- Senate Bill No. 1627
- Senate Bill No. 1654
- Senate Bill No. 1659
- Senate Bill No. 1682
- Senate Bill No. 1686
- Senate Bill No. 1707
- Senate Bill No. 1751
- Senate Bill No. 1752
- Senate Bill No. 1764
- Senate Bill No. 1782

Senate Bill No. 1792
 Senate Bill No. 1817
 Senate Bill No. 1824
 Senate Bill No. 1880
 Senate Bill No. 1942
 Senate Bill No. 1948
 Senate Bill No. 1956
 Senate Bill No. 1964
 Senate Bill No. 1991
 Senate Bill No. 2020
 Senate Bill No. 2021
 Senate Bill No. 2039

Senate Bill No. 2044
 Senate Bill No. 2067
 Senate Bill No. 2081
 Senate Bill No. 2095
 Senate Bill No. 2141
 Senate Bill No. 2174
 Senate Bill No. 2175
 Senate Bill No. 2232
 Senate Bill No. 2233
 Senate Bill No. 2235
 Senate Bill No. 2237

GREG P. SCHMIDT, Secretary of the Senate
 By John W. Rovane, Assistant Secretary

Senate Chamber, August 19, 1998

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

Assembly Bill No. 1092
 Assembly Bill No. 1724
 Assembly Bill No. 1733

Assembly Bill No. 1927
 Assembly Bill No. 2102

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate
 By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, August 19, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Rosenthal, Leslie and Watson as a Committee on Conference concerning:

Senate Bill No. 379.

GREG P. SCHMIDT, Secretary of the Senate
 By John W. Rovane, Assistant Secretary

Senate Chamber, August 19, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Rosenthal, Leslie and Watson as a Committee on Conference concerning:

Senate Bill No. 1382.

GREG P. SCHMIDT, Secretary of the Senate
 By John W. Rovane, Assistant Secretary

Senate Chamber, August 19, 1998

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Rosenthal, Leslie and Watson as a Committee on Conference concerning:

Assembly Bill No. 1644.

GREG P. SCHMIDT, Secretary of the Senate
 By John W. Rovane, Assistant Secretary

August 19, 1998

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: By direction of the Senate I am returning Senate Bill 1361 and Senate Bill 2074 to the Assembly for further action.

Sincerely,

GREGORY P. SCHMIDT
 Secretary of the Senate

At 2:19 p.m., Speaker Antonio R. Villaraigosa, 45th District, presiding

SPECIAL CEREMONY HONORING RETIRING MEMBERS

At 2:19 p.m., a special ceremony was convened to honor Members retiring from the California State Assembly.

Announcement

Without objection, family members and special guests of honorees were permitted on the Floor of the Assembly, and without objection, a photographer was permitted on the Floor.

The following resolution was read:

House Resolution No. 71

By Assembly Member Villaraigosa

Relative to commending the Honorable Nao Takasugi.

WHEREAS, The Honorable Nao Takasugi is drawing to a close his tenure with the California State Assembly following six years of exemplary service, and it is appropriate at this time to highlight the many achievements of his illustrious tenure and to extend to him the highest commendations; and

WHEREAS, Nao Takasugi was first elected to the California State Assembly in 1992 as the representative of the 37th Assembly District; and

WHEREAS, He was reelected for his third term with the goal of returning California's status as the 'Golden State'; and

WHEREAS, His committee assignments for this session have included Vice Chairman of Revenue and Taxation; Consumer Protection, Governmental Efficiency and Economic Development; Transportation; and International Trade and Development; and

WHEREAS, A native of Ventura County, Nao Takasugi was the Valedictorian of his Oxnard High School class, and he received a bachelor's degree in accounting from Temple University and a Master of Business Administration degree from the Wharton School of Business and Finance; and

WHEREAS, He has been a successful businessman for more than 35 years, and he became involved with government when bureaucratic bungling forced him to take on city hall to protect his business—and he won; and

WHEREAS, His involvement continued as chairman of more than 25 local, statewide, and national boards and commissions, including the U.S. Conference of Mayors, National League of Cities, South Coast Transit, League of California Cities, and the Economic Development Advisory Board, and he has become a recognized expert on transportation and local government issues; and

WHEREAS, Assembly Member Takasugi has extensive local government experience with more than 10 years as Mayor of the City of Oxnard, and he led Ventura County's largest city through its most productive years by creating jobs and encouraging economic growth and stability from 1982 to 1992; and

WHEREAS, Nao and his wife, Judy, have been married for 46 years and have five grown children, and they reside in Oxnard, where they attend St. Paul's United Methodist Church; and

WHEREAS, Through his professional, public, and community activities, Nao Takasugi has made a significant impact on the people of

the 37th Assembly District and throughout the state, and he will be sorely missed by those individuals with whom he has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That they take great pride in honoring Assembly Member Nao Takasugi for his outstanding service to the residents of the 37th Assembly District and the people of California during his tenure as a Member of the California State Assembly, and extend to him heartiest best wishes for happiness and success in his future endeavors.

House Resolution No. 71 Taken Up by Unanimous Consent

Assembly Member Frusetta was granted unanimous consent to take up House Resolution No. 71, without reference to committee or file.

HOUSE RESOLUTION NO. 71—Relative to commending the Honorable Nao Takasugi.

Resolution read and adopted unanimously.

Best Wishes Expressed

Farewell remarks were offered by Assembly Members Frusetta, Kuehl, Olberg, Alquist, Honda, Brown, Bowen, House, Leonard, and Miller.

Speaker Villaraigosa then appointed Assembly Members Leonard and Ackerman as a Select Committee on Escort to escort Assembly Member Nao Takasugi to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as he departs the California State Assembly.

Assembly Member Takasugi then addressed the assemblage.

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The following resolution was read:

House Resolution No. 80

By Assembly Member Villaraigosa

Relative to commending the Honorable Brooks Firestone.

WHEREAS, The Honorable Brooks Firestone, the distinguished and able Assembly Member from the 35th Assembly District, has announced his retirement from the California State Assembly, and it is appropriate at this time to highlight his many achievements and to commend him for his illustrious record of service to the State of California; and

WHEREAS, A native of Akron, Ohio, Anthony Brooks Firestone attended Webb School, earned a Bachelor of Arts degree in economics from Columbia College, and served his country in the United States Army; and

WHEREAS, He is the founder and general partner of The Firestone Vineyard and the owner/operator of the San Antonio Ranch; and

WHEREAS, Brooks Firestone was first elected to the California State Assembly in November 1994 as the representative of the 35th Assembly District, and his vast experience led to him taking an early leadership role in Sacramento; and

WHEREAS, He provides dedicated and influential service as Vice Chair of the Assembly Higher Education Committee, a member of the

Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee, and a member of the following Assembly Select Committees: Coastal Protection, Educational Technology, Veterans Affairs, and California Wine; and

WHEREAS, Assembly Member Firestone has made noteworthy contributions to the quality of life of his constituents through the following activities: Vice-Chairman of the State Job Training Coordinating Council, a member of the Episcopal Church, Director of the Firestone Foundation, Past President of the Santa Barbara County Lincoln Club, Founding Director of The York School in Monterey, California, and a member of the Commander's Civilian Advisory Board, Vandenberg Air Force Base; and

WHEREAS, He has also distinguished himself as a member of the Defense Orientation Conference Association, Chairman of the Blue Ribbon Committee of the San Fernando Girl Scout Council, Director of the Team Penning Association, Director of the Los Amigos del Pueblo, a member of the Executive Board of the Mission Council of the Boy Scouts of America, Director and Treasurer of the Santa Barbara Chapter of the America Red Cross, Commissioner of the Santa Barbara Community Action Commission, a member of the Advisory Committee of the Santa Barbara County Food Bank, a Director of the Las Positas Park Foundation, a Paul Harris Fellow of Rotary International, and a Founding Trustee of United Against Crime; and

WHEREAS, Throughout his endeavors, he has enjoyed the love and support of his wife, Catherine (Kate), his four children, Catherine Hayley, Adam Brooks, Polly Curtis, and Andrew Boulton, and his nine grandchildren; and

WHEREAS, Through his professional, public, and community activities, he has made a significant impact on the people of the 35th Assembly District and throughout the state, and he will be sorely missed by those individuals with whom he has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That they take great pride in honoring Assembly Member Brooks Firestone for his outstanding service to the people of 35th District and the people of California during his tenure as a Member of the Legislature, and extend to him heartiest best wishes for happiness and success in his future endeavors.

House Resolution No. 80 Taken Up by Unanimous Consent

Assembly Member Aguiar was granted unanimous consent to take up House Resolution No. 80, without reference to committee or file.

HOUSE RESOLUTION NO. 80—Relative to commending the Honorable Brooks Firestone.

Resolution read and adopted unanimously.

Best Wishes Expressed

Farewell remarks were offered by Assembly Members Aguiar, Migden, Ackerman, Lempert, Cunneen, Woods, Pringle, Bowen, Pacheco, Knox, Battin, Olberg, and Leonard.

Speaker Villaraigosa then appointed Assembly Members Leonard and Ackerman as a Select Committee on Escort to escort Assembly Member Brooks Firestone to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as he departs the California State Assembly.

Assembly Member Firestone then addressed the assemblage.

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RECESS

By unanimous consent, at 3:56 p.m., Speaker Villaraigosa declared the Assembly recessed.

REASSEMBLED

At 4:07 p.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Papan announced his intention to request that Senate Bill No. 225 be removed from the inactive file.

BILL RETURNED TO SENATE

Assembly Member Thomson was granted unanimous consent that Assembly Bill No. 1100 be returned to the Senate for further action.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 971, on request of Assembly Member Miller.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Keeley announced his intention to request that Senate Bill No. 1902 be removed from the inactive file.

JOINT RULE 62(a) WAIVED

Assembly Member Shelley was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 25 for hearing in the Committee on Governmental Organization, upon call of the Chair.

BILL RETURNED TO SENATE

Assembly Member Shelley was granted unanimous consent that Assembly Bills Nos. 2755 and 2636 be returned to the Senate for further action.

GOVERNOR'S VETO STRICKEN FROM FILE

On behalf of Assembly Member Machado, Assembly Member Shelley was granted unanimous consent that the Governor's veto of Assembly Bill No. 2615 be stricken from file.

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO
ASSEMBLY RULE 77.2**

Pursuant to Assembly Rule 77.2, the Speaker pro Tempore re-referred Assembly Bill No. 2521 to the Committee on Natural Resources and Assembly Bill No. 911 to the Committee on Revenue and Taxation.

RE-REFERENCE OF BILLS

Assembly Member Migden was granted unanimous consent that Senate Bill No. 918 be re-referred from the Committee on Appropriations to the Committee on Elections, Reapportionment and Constitutional Amendments.

BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE

Assembly Member Migden was granted unanimous consent that Senate Bill No. 2018 be withdrawn from Committee on Appropriations and placed on the second reading file.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Cedillo announced his intention to request that Senate Bills Nos. 2058 and 14 be removed from the inactive file.

SENATE BILL NO. 2227 PASSED AND RETAINED

Speaker pro Tempore Kuehl was granted unanimous consent that Senate Bill No. 2227 on this day's Consent Calendar, be passed and retained on file.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Honda announced his intention to request that Senate Bill No. 610 be removed from the inactive file.

ADJOURN IN MEMORY

Assembly Member Cedillo was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tut Tate.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Miller announced his intention to request that Senate Bill No. 971 be removed from the inactive file.

SPECIAL CEREMONY HONORING RETIRING MEMBERS

At 4:16 p.m., the special ceremony to honor Members retiring from the California State Assembly, was reconvened.

The following resolution was read:

House Resolution No. 87

By Assembly Member Villaraigosa

Relative to commending the Honorable Martha M. Escutia.

WHEREAS, The Honorable Martha M. Escutia the distinguished and able Assembly Member from the 50th Assembly District, has announced her retirement from the California Assembly, and it is appropriate at this time to highlight her many achievements and to commend her for her illustrious record of service to the State of California; and

WHEREAS, First elected to the California State Assembly in November 1992, Assembly Member Martha Escutia is the Chairperson of the Assembly Judiciary Committee, distinguishing herself as the first woman to hold the leadership of this important committee, and she is Chairperson of the Select Committee on Corridors of Economic Significance, which addresses the challenges of creating sustainable economic viability in California; and

WHEREAS, Assembly Member Escutia's varied legislative accomplishments include landmark legislation establishing the first statewide comprehensive service center for women with HIV/AIDS, various environmental protection bills, including a bill requiring remedies to address the dangers of aging hazardous liquid pipelines, and various public safety bills, including restitution for moderate-income families that have been victims of "white collar" crimes and tougher provisions for child molesters; and

WHEREAS, in 1997 she was one of six state legislators appointed to the influential Budget Conference Committee that was responsible for working out the differences between the Assembly and the Senate versions of the state's 1997-98 Budget Bill; and

WHEREAS, Her 1997 legislative year accomplishments also include having the highest number of bills signed into law, spearheading trial court restructuring, and authoring legislation that gave \$25 million to the Los Angeles Unified School District for teachers and facilities; and

WHEREAS, Assembly Member Escutia is the recipient of numerous awards for her outstanding public service and legislative accomplishments from many organizations, including the California Labor Federation AFL-CIO, which named her "Legislator of the Year" for her advocacy on behalf of working men and women, the California League of Conservation Voters, which gave her their "Environmental Leadership Award," the Sierra Club for her outstanding voting record on environmental legislation, the California Family Physician for her support of family medicine, and the Los Angeles County Board of Supervisors in commemoration of her "Commitment to the People of Los Angeles County"; and

WHEREAS, For her efforts as Chair of the Assembly Judiciary Committee, Assembly Member Escutia was recognized by the

Consumer Attorneys Association of California as “Legislator of the Year” for her intelligence and leadership, and by the Hispanic National Bar Association as “Latina Lawyer of the Year”; and

WHEREAS, She has played a pivotal role in developing the Alameda Corridor, a \$1.8 billion infrastructure project consolidating train traffic from the ports of Los Angeles and Long Beach to downtown Los Angeles; and

WHEREAS, A native of East Los Angeles, Martha Escutia is married to Leo Briones and has a young son, Andres; and

WHEREAS, Assembly Member Escutia is an honors graduate of the University of Southern California with a degree in public administration, and received a law degree from Georgetown University; she also holds certificates in both advanced international legal studies of trade and tariffs from the World Court in The Hague, Holland, and in foreign investment from the National Autonomous University in Mexico City; and

WHEREAS, Her professional and civic accomplishments include service as the Senior Research Attorney for the Los Angeles County Superior Court, the private practice of law with a Los Angeles law firm specializing in civil litigation, service as vice president of Government Affairs and Public Policy of United Way of Los Angeles, and development of a successful advocacy network to address health and human services; now, therefore, be it

Resolved by the Assembly of the State of California, That they take great pride in honoring Assembly Member Martha M. Escutia for her outstanding service to the people of 50th Assembly District and the people of California during her tenure as a Member of the Legislature, and extend to her heartiest best wishes for happiness and success in her future endeavors.

House Resolution No. 87 Taken Up by Unanimous Consent

Assembly Member Ducheny was granted unanimous consent to take up House Resolution No. 87, without reference to committee or file.

HOUSE RESOLUTION NO. 87—Relative to commending the Honorable Martha M. Escutia.

Resolution read and adopted unanimously.

Best Wishes Expressed

Farewell remarks were offered by Assembly Members Bustamante, Ducheny, Mazzoni, Cardoza, Martinez, Cardenas, Alquist, Bowen, Kuehl, Aguiar, Lempert, Baca, Pringle, and Shelley.

Speaker Villaraigosa then appointed Assembly Members Shelley and Wayne as a Select Committee on Escort to escort Assembly Member Martha M. Escutia to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as she departs the California State Assembly.

Assembly Member Escutia then addressed the assemblage.

The following resolution was read:

House Resolution No. 83

By Assembly Member Villaraigosa

Relative to commending the Honorable Kevin Murray.

WHEREAS, The tenure of Assembly Member Kevin Murray with the California State Assembly is drawing to a close following four years of exemplary service, and it is appropriate at this time to highlight the many achievements of his illustrious tenure and to extend to him the highest commendation; and

WHEREAS, Kevin Murray was first elected to the California State Assembly in 1994 as the representative of the 47th Assembly District; and

WHEREAS, In 1977 he was elected to chair the California Legislative Black Caucus, succeeding his father, Willard H. Murray, Jr., who retired, and he is one of the youngest members of the Assembly and had the distinction and honor of serving alongside his father—a first in California political history; and

WHEREAS, As a freshman member, he quickly acquired the respect of his legislative peers and rose to the ranks of party leadership; he currently is serving as Chairman of the Transportation Committee, the first African-American lawmaker to do so in the Legislature; and he also is Majority Whip and a member of the Local Government, Public Safety, Agriculture, and Utilities and Commerce Committees; and

WHEREAS, During the 1997 Legislative Session, Assembly Member Murray successfully guided 20 measures through the often combative state Legislature, shepherding the measures through policy and fiscal committees to effect reform in the areas of domestic violence, child care, consumer protection, technology, transportation, and public safety; he sent 15 bills to Governor Wilson and won passage of five resolutions—more than any other member of the Assembly, and was named the 1997 Legislator of the Year by the California State Bar; and

WHEREAS, Assembly Member Murray has been in private legal practice since 1989, and has successfully presented cases before the Los Angeles Municipal Court, California Supreme Court, United States District Court, and the Juvenile Dependency Court; and

WHEREAS, His background includes working as an attorney in children's court to enhance the lives of abused and neglected young people and families in crisis; he also has undertaken pro bono legal work on behalf of disparate nonprofit organizations and served as a political and policy consultant, and is involved in various arts and social service organizations, including Phi Beta Sigma Fraternity; and

WHEREAS, Assembly Member Murray has balanced a successful career in law and the entertainment business with a tireless commitment to helping persons who happen to be less fortunate, and through zealous advocacy and active involvement in electoral and legislative politics, he

has worked toward creating a safer living environment that emphasizes harmony among all people; and

WHEREAS, Through his professional, public, and community activities, Assembly Member Murray has made a significant impact on the people of the 47th Assembly District and throughout the state, and he will be sorely missed by those individuals with whom he has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That they take great pride in honoring Assembly Member Kevin Murray for his outstanding service to the residents of 47th Assembly District and the people of California during his tenure as a Member of the Legislature, and extend to him heartiest best wishes for happiness and success in his future endeavors.

House Resolution No. 83 Taken Up by Unanimous Consent

By unanimous consent House Resolution No. 83 was taken up without reference to committee or file.

HOUSE RESOLUTION NO. 83—Relative to commending the Honorable Kevin Murray.

Resolution read and adopted unanimously.

Best Wishes Expressed

Without objection, former Member of the Assembly Willard Murray addressed the assemblage.

Farewell remarks were offered by Assembly Members Martinez, Baca, Figueroa, Vincent, Aguiar, Kuehl, Cardoza, Honda, Escutia, and House.

Speaker Villaraigosa then appointed Assembly Members Figueroa and Migden as a Select Committee on Escort to escort Assembly Member Kevin Murray to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as he departs the California State Assembly.

Assembly Member Murray then addressed the assemblage.

* * *

The following resolution was read:

House Resolution No. 82

By Assembly Member Villaraigosa

Relative to commending the Honorable Michael Sweeney.

WHEREAS, The Honorable Michael Sweeney, the distinguished and able Assembly Member from the 18th Assembly District, has announced his retirement from the California State Assembly, and it is appropriate at this time to highlight his many achievements and to commend him for his illustrious record of service to the State of California; and

WHEREAS, Michael Sweeney grew up in Hayward and received his bachelor's and master's degrees from California State University, Hayward, and he worked at Hunt's cannery to put himself through college; and

WHEREAS, He was elected Mayor of Hayward in 1990 and, prior to being elected Mayor, served on the Hayward City Council for eight

years, where he took a leadership role in local government issues and advocated for sufficient funding of essential local services; and

WHEREAS, He is a teacher by profession, who has fought for legislation on technology in schools since he first walked into the State Capitol; and

WHEREAS, Michael Sweeney was first elected to the California Assembly in November 1994 as the representative of the 18th Assembly District, he has distinguished himself as a strong advocate for consumers through his efforts to eliminate ATM fees and to lower gas prices; and

WHEREAS, Mr. Sweeney consistently has led the fight on environmental protection issues and his significant legislation included the fight to clean up San Francisco Bay; in 1996, he led the effort to block attempts to eliminate major portions of law that protect the environment, endangered species, and our quality of life; and

WHEREAS, In 1995 he was named Legislator of the Year by the League of California Cities and the California Chapter of the American Planning Association; in 1996, he was named Outstanding Legislator of the Year by the California School Boards Association and the Planning and Conservation League; and he also has been honored with the Leadership Award for Technology in Learning from the Computer Using Educators Association, the Legislative President's Award from the California State Association of Counties, and the Leadership Award from the Association of California Water Agencies; and

WHEREAS, Assembly Member Sweeney is Chair of the Assembly Local Government Committee and serves on the Assembly Education, Appropriations, Natural Resources, and Insurance Committees and the Select Committee on Education Technology, and he also has served as Majority Whip; and

WHEREAS, Michael Sweeney is married to Maria Ochoa; and

WHEREAS, Through his professional, public, and community activities, he has made a significant impact on the people of the 18th Assembly District and throughout the state, and he will be sorely missed by those individuals with whom he has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That they take great pride in honoring Assembly Member Michael Sweeney for his outstanding service to the people of 18th Assembly District and the people of California during his tenure as a Member of the Legislature, and extend to him heartiest best wishes for happiness and success in his future endeavors.

House Resolution No. 82 Taken Up by Unanimous Consent

Assembly Member Bowen was granted unanimous consent to take up House Resolution No. 82, without reference to committee or file.

HOUSE RESOLUTION NO. 82—Relative to commending the Honorable Michael Sweeney.

Resolution read and adopted unanimously.

Best Wishes Expressed

Farewell remarks were offered by Assembly Members Bowen, Migden, Scott, Margett, House, Torlakson, Ducheny, Thompson, Shelley, and Figueroa.

Speaker Villaraigosa then appointed Assembly Members Migden and Scott as a Select Committee on Escort to escort Assembly Member Michael Sweeney to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as he departs the California State Assembly.

Assembly Member Sweeney then addressed the assemblage.

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

ASSEMBLY BILL NO. 2085—An act to amend Sections 7304, 60004, 60022, 60051, 60052, 60058, and 60202 of, and to add Sections 60022.1, 60050.2, and 60115.1 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.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 2075—An act to amend Section 9873 of, and to add Section 9855.05 to, the Business and Professions Code, and to amend Section 12741 of the Insurance Code, relating to service contracts.

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

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Wildman announced his intention to request that Senate Bill No. 1600 be removed from the inactive file.

SENATE BILL NO. 1574 SET FOR SPECIAL ORDER

By unanimous consent Senate Bill No. 1574 was made a special order of business for Thursday, August 20, 1998, at 8 a.m.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)**

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 1735
FROM COMMITTEE CONTINUED**

Unanimous consent was granted that the notice of motion to withdraw Assembly Bill No. 1735 from the Committee on Public Safety be continued until the next legislative day.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file.

Senate Bill No. 280, on request of Assembly Member Bowler;
Senate Bill No. 1869, on request of Assembly Member Miller;
Senate Bill No. 1988, on request of Assembly Member Perata;
Senate Bill No. 989, on request of Assembly Member Lempert;
Senate Bill No. 1606, on request of Assembly Member Baugh;
Senate Bill No. 2217, on request of Assembly Member Knox;
Senate Bill No. 1535, on request of Assembly Member Honda.

MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 23; Senate Constitutional Amendment No. 13; Senate Bills Nos. 1427, 1450, 2048, 2119, 924, 1203, and 2229 were continued until the next legislative day.

SESSION SCHEDULE ANNOUNCEMENTS

Speaker Villaraigosa announced the following session schedule:

Thursday, August 20, 1998, Floor Session, 8 a.m.;

Friday, August 21, 1998, Floor Session, 8 a.m.

MOTION TO ADJOURN

At 6:33 p.m., Assembly Member Washington moved that the Assembly do now adjourn.

Assembly Member Alquist seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 6:34 p.m., Speaker Villaraigosa declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 189—Frusetta. Relative to September as Cowboy Appreciation Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 190—Kaloogian. Relative to Workplace Fitness Month.

ASSEMBLY CONCURRENT RESOLUTION NO. 191—Alquist. Relative to Nonsteroidal Anti-Inflammatory Drugs Awareness Day.

INTRODUCTION OF GUESTS

Assembly Member Vincent, of the 51st Assembly District, introduced Bernard Pernel Washington, Jr. and Jordan Randall Hester Burchell, of Baton Rouge, Louisiana.

ADJOURNMENT

At 6:34 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 8 a.m., Thursday, August 20, 1998, out of respect to the memory of Christopher Machado, on motion of Speaker Villaraigosa; and out of respect to the memory of Tut Tate on motion of Assembly Member Cedillo.

ANTONIO R. VILLARAIGOSA, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 19, 1998

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

SB	RN	
326	9819379	
681	9818505	
2075	9818934	
2085	9819157	
Daily Total:		4
Cumulative Total:		7570

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