CALIFORNIA LEGISLATURE 1997–98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 6, 1997

SECOND SESSION DAY

THIRTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 445-6021)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento Monday, January 6, 1997

The Assembly met at 12 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 Poochigian moved a quorum call of the Assembly.

Motion carried. Time, 12:01 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 12:10 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—76:

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

PRAYER

Upon invitation of Speaker pro Tempore Kuehl, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

We gather today, in the midst of devastating floods that have impacted many areas of Northern California and we pray that God comforts all those people who have been affected by the floods. We ask that the Lord gives them strength to put their lives back together after this devastation.

Let us also pray:

Lord, As the Members of this Assembly begin the new legislative session, we pause to offer this prayer to You. Before our work begins, we think of You. As the people here gathered, seek to write laws, they also seek You. Guide their hearts and minds, Lord, so that they may know Your will. Strengthen them as they begin their task so that they may finish the race as honorable victors. Give us the gift of Your peace and fill our hearts with faith in You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Villaraigosa 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 Washington, seconded by Assembly Member Cunneen.

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 Machado and Richter.

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

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

EXPLANATIONS OF ABSENCE

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

January 6, 1997

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

Dear Speaker Bustamante: Please excuse me from session today, Monday, January 6, 1997.

I will not be able to attend session because I will be touring and assessing flood damage in my district.

Thank you for your understanding of my request.

Sincerely,

MICHAEL J. MACHADO, Assembly Member Seventeenth District

January 6, 1997

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

Dear Cruz: I wish to be excused from floor session this week (January 6 through January 10) on legislative business.

As you know, every county in my district has suffered severe flood damage this past week. I need to meet with every local public agency within my district that is involved with disaster relief, along with state and federal agencies who will be providing emergency services to my constituents. Many roads, highways and bridges are impassable and the citizenry is greatly impacted. My personal attention is necessary to ensure that the proper priorities are set by these agencies.

Your immediate attention and consideration to this request will be greatly appreciated.

Sincerely,

BERNIE RICHTER, Assembly Member Third District

COMMUNICATIONS

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

January 6, 1997

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

Dear Mr. Wilson: The following is a listing of the officers of the Assembly Republican Caucus:

ringleAssembly Republican LeaderttinCaucus ChairachecoCaucus Vice-ChairIcClintockRepublic WhipVoodsRepublic Whip
guiarRules Committee Vice Chairn BrewerRules Committee MemberOlbergRules Committee MemberThompsonRules Committee MemberAckermanRules Committee Alternate

Please record these positions accordingly.

Sincerely,

CURT PRINGLE Assembly Republican Leader

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 6, 1997 Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

House Resolution No. 1

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

REQUEST FOR UNANIMOUS CONSENT

Speaker Bustamante was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hector Abeytia, of Sanger; Carla Riba, of Fresno; and Al Watte, of Tulare.

Assembly Member Lempert was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Katherine Bridget Burns, of Moss Beach.

Assembly Member Kuykendall was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Allan E. Tebbetts, of Long Beach.

CAUCUS ANNOUNCEMENTS

Assembly Member Shelley announced that the Democratic Caucus would meet on Tuesday, January 7, 1997, at 12 m., in the Assembly Lounge.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Battin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his father Judge James F. Battin, of Billings, MT.

Assembly Member Cunneen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jo Sabatino, of San Jose.

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David Nadel, of Berkeley.

Assembly Members Bowler, Pacheco, Granlund, Thompson, Battin, and Aguiar were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Riverside County Sheriffs Deputies Michael P. Haugen and James Lehmann, Jr.

Assembly Member Washington was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles Edward Walker, Jr., of Los Angeles.

Assembly Member Aguiar was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Robert Lamb, whose medical office has been in Chino for the past 15 years.

Assembly Member Olberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pete Sartor, of Victorville.

Assembly Member Thompson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marian Meyers, of Sacramento, mother of Assembly Member Barbara Alby.

Assembly Member Woods was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donald Loyce Shiplet, of Redding and Robert Ryan, of Trinity County.

Assembly Member Wright was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Arnett Dixon and Calvin Bradford, of Los Angeles.

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Augustino, of San Francisco.

Assembly Members Pringle and Battin and all Members of the Republican Caucus were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Leonard K. Firestone, of Rancho Mirage, father of Assembly Member Brooks Firestone and former Ambassador to Belgium under Presidents Nixon and Ford.

POINT OF ORDER

Assembly Member Papan arose to the following point of order: There is no order.

Ruling by Speaker pro Tempore

The Speaker pro Tempore ruled the point of order well-taken.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member McClintock was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul Clarke, of Northridge.

Assembly Member Baugh was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jeri Fischer, of Fountain Valley and Anna Woods, a longtime Republican volunteer in Orange County.

Assembly Member Torlakson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rev. Dr. Percel Napoleon Sumpter, of Vallejo, and Rev. Nathaniel Owens, of Pittsburg.

At 12:27 p.m., Speaker Cruz M. Bustamante, 31st District, presiding

MEETING ANNOUNCEMENTS

Speaker Bustamante and Assembly Member Cardoza announced that there would be a meeting at 3 p.m. today in Room 2040, for the purpose of briefing Members on the status of the state relative to the recent floods in Northern California.

REQUEST FOR UNANIMOUS CONSENT

Speaker Bustamante was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Catherine Sullivan Zanelli, of Sonoma.

ANNOUNCEMENTS

Speaker Bustamante announced the following schedule for the coming week:

Tuesday, January 7, 1997—Floor Session at 4:15 p.m., Governor's State of the State Address;

Wednesday, January 8, 1997—Check-in session, 7 a.m. to 3 p.m.; Thursday, January 9, 1997—Floor session, 9 a.m.

ANNOUNCEMENTS—SESSION EXCUSES

Speaker Bustamante announced that Members would not be granted excuses from Floor Session except in cases of family or district emergencies.

REQUEST FOR UNANIMOUS CONSENT

Speaker Bustamante was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joseph Graham Davis, Sr., of Ponte Vedra, Florida and that the following be printed in the Journal:

Joseph Graham Davis, Sr.

On this day, January 6, 1997, the State Assembly respectfully adjourns in memory of Joseph Graham Davis, Sr., the father of California's Lieutenant Governor Gray Davis.

Joseph Graham Davis, Sr. passed away on Wednesday, December 4, 1996 in Ponte Vedra, Florida, where he lived since his retirement in 1993. He is survived by his wife of 32 years, Jacqueline DeNiddle; his three sons, California Lieutenant Governor Gray Davis, Bill Rye of New York, and Barry Davis of Tokyo, Japan; and his daughters Doris Ross and Ann Pinkhaur, both of New York.

His family also includes brother Currie B. Davis of Jacksonville, Florida; four step-children and 18 grandchildren.

Mr. Davis retired to Florida following a successful career in advertising and real estate in California. While in California he served as the West Coast advertising manager for Sports Illustrated, and Vice President of Public Relations for Superior Oil.

FIRST READING OF ASSEMBLY BILLS

The following bills were read the first time in the Assembly: (NOTE: These bills were introduced in the Assembly during the Organizational Recess of the 1997–98 Regular Session, as provided for by House Resolution No. 4)

ASSEMBLY BILL NO. 60—Strom-Martin. An act to add Section 14050.1 to the Corporations Code, relating to business development, and making an appropriation therefor.

ASSEMBLY BILL NO. 61-Strom-Martin. An act to add Section 12175 to the Government Code, relating to the Secretary of State.

ASSEMBLY BILL NO. 62—McClintock. An act to amend Section 57079 of the Government Code, relating to local government organization.

ASSEMBLY BILL NO. 63—Cunneen, Frusetta, Margett, and McClintock, (Senators Kopp and McPherson, coauthors). An act to add Chapter 4.7 (commencing with Section 84700) to Title 9 of the Government Code, relating to the duties of the Secretary of State, and making an appropriation therefor.

ASSEMBLY BILL NO. 64—Murray. An act to add Part 68 (commencing with Section 100400) to, and to add Part 69 (commencing with Section 100600) to, the Education Code, relating to school facilities, 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.

ASSEMBLY BILL NO. 65-Migden. An act relating to forest resources.

ASSEMBLY BILL NO. 66—Baca. An act to add Section 219.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 67—Escutia. An act to amend Section 14132.95 of, and to add Section 12305.6 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 68—Brown and Lempert (Senator O'Connell, coauthor). An act to add Section 6358.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 69—Washington. An act to amend Section 17052.15 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 70—Woods. An act to amend Sections 912.5 and 1736 of the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 71—Wright. An act to amend Section 94986 of, and to repeal Section 94990 of, the Education Code, and to repeal Section 32 of Chapter 62 of the Statutes of 1996, relating to postsecondary education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 72—Knox. An act to add Article 7.5 (commencing with Section 12330) to Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 73—Bordonaro. An act to add Sections 2158.5, 9608, and 18111 to the Elections Code, relating to elections.

ASSEMBLY BILL NO. 74—Bowler. An act to amend Sections 13202.3 and 14907 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 75—Alby. An act to amend Section 1377 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 76—Miller. An act to amend Sections 1368 and 1375 of, and to add Sections 1363.1 and 1368.5 to, the Civil Code, relating to common interest developments.

ASSEMBLY BILL NO. 77—Morrow. An act to add Sections 17053.26 and 23626 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 78—Granlund. An act to amend Sections 12020, 12021, 12026.2, 12201, and 12322 of the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 79—Granlund. An act to amend Section 1417.5 of, and to add Section 11108.5 to, the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 80—Ducheny. An act to amend Sections 17274 and 24436.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 81—Wright. An act to amend Section 23399 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 82—Villaraigosa. An act to amend Section 7103 of the Government Code, and to amend Sections 17052.15 and 23612.6 of the Revenue and Taxation Code, relating to economic development, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 83—Villaraigosa. An act to add Section 17053.33 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 84—Woods. An act to amend Section 12161 of the Public Contract Code, relating to state contracts.

ASSEMBLY BILL NO. 85—Runner. An act to amend Sections 48000 and 48010 of the Education Code, relating to education.

ASSEMBLY BILL NO. 86-Pringle, Ackerman, Alby, Ashburn, Battin, Bordonaro, Bowler, Brewer, Campbell, Cunneen, Goldsmith, Granlund, House, Kaloogian, Kuvkendall, Leach, Leonard, Margett, Miller, Morrow, Oller, Pacheco, Poochigian, Prenter, Richter, Runner, Takasugi, Woods, and Wright. An act to amend Section 116.230 of the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Sections 26820.4, 26823, 26827, 26827.4, 26830, 26831, 26832, 26833, 26835, 26836, 26837, 26838, 26850, 26851, 26852, 26853, 26855, 26857, 26862, 27361, 68073, 68085, 68090.8, 68113, 72054, 72055, 72060, 75103.5, 76000, and 77003 of, to add Sections 27081.5, 68073.1, 72056.01, 77001, and 77009 to, to repeal and add Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of, to add Chapter 14 (commencing with Section 77600) to Title 8 of, to repeal Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of, and to repeal and add Sections 26826.01 and 71383 of, the Government Code, to amend Sections 1463.001, 1463.005, 1463.007, 1463.009, and 1464 of, to add Sections 1463.010 and 1463.07 to, and to repeal Sections 1463.003 and 1463.01 of, the Penal Code, and to amend Section 42007.1 of, to amend and repeal Section 42007 of, and to add Sections 11205.1 and 42007.01 to, the Vehicle Code, relating to trial court funding. making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 87—Escutia. An act to add Division 2 (commencing with Section 64000) to Title 6.7 of the Government Code, relating to transportation, and making an appropriation therefor.

ASSEMBLY BILL NO. 88—Baca. An act to add Sections 24205.5, 44928.5, and 87489 to the Education Code, relating to the State Teachers' Retirement System.

ASSEMBLY BILL NO. 89—Pringle. An act relating to class size in the public elementary schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 90—Cunneen. An act to add Article 9 (commencing with Section 2838) to Chapter 6 of Division 2 of, and to repeal Section 2718 of, the Business and Professions Code, relating to nursing, and making an appropriation therefor.

ASSEMBLY BILL NO. 91—Bowler, Woods, Oller, Richter, Frusetta, House, Poochigian, and Prenter. An act to amend Sections 17207 and 24347.5 of, and to add Sections 195.77, 195.78, and 195.79 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 92—Figueroa. An act to amend Sections 50199.8 and 50199.14 of the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 93—Lempert (Senator Sher, coauthor). An act to add Section 154.5 to the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 94—Cardoza, Strom-Martin, Brown, and Thomson. An act to amend Sections 17207 and 24347.5 of, and to add Sections 195.77, 195.78, and 195.79 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 95—Sweeney. An act to add Section 41204.1 to the Education Code, and to add Section 97.43 to the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 96—Strom-Martin, Cardoza, Brown, and Mazzoni. An act to amend Section 8686 of the Government Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

RESOLUTIONS

The following resolution was offered: ASSEMBLY JOINT RESOLUTION NO. 1—Lempert (Senator Sher, coauthor). Relative to State Highway Route 1.

MOTION TO ADJOURN

At 12:29 p.m., Assembly Member Villaraigosa moved that the Assembly do now adjourn.

Assembly Member Mazzoni seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:30 p.m., Speaker Bustamante declared the quorum call of the Assembly dispensed with.

COMMUNICATIONS

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

January 6, 1997

E. Dotson Wilson

Chief Clerk of the Assembly State Capitol, Room 3196 Sacramento, California

Dear Dotson: Please be advised that I have appointed Assembly Members Ted Lempert and Kerry Mazzoni to the State Allocation Board pursuant to Government Code 15490, to fill an existing vacancy and to replace Assembly Member Keith Olberg, who is removed.

Sincerely,

CRUZ M. BUSTAMANTE Speaker of the Assembly

INTRODUCTION OF GUESTS

Assembly Member Alby, of the 5th Assembly District, introduced Mike and Cheryl Theigs and their son, Michael Theigs, of Salem, Wisconsin.

Assembly Member Cardoza, of the 26th Assembly District, introduced George Sciraki, Jr., George Sciraki, Sr., Marie Sciraki, Leslie Sciraki, Jerrod Pimentel, and Greg Dickey, of Atwater.

ADJOURNMENT

At 6 p.m., pursuant to the motion by Assembly Member Villaraigosa, the Assembly adjourned until 4:15 p.m., Tuesday, January 7, 1997, out of respect to the memory of Hector Abeytia, Carla Riba, Al Watte, Catherine Sullivan Zanelli, and Joseph Graham Davis, Sr., on motion of Speaker Bustamante, out of respect to the memory of Katherine Bridget Burns, on motion of Assembly Member Lempert: out of respect to the memory of Allan E. Tebbetts, on motion of Assembly Member Kuykendall; out of respect to the memory of Judge James F. Battin, on motion of Assembly Member Battin; out of respect to the memory of Jo Sabatino, on motion of Assembly Member Cunneen; out of respect to the memory of David Nadel, on motion of Assembly Member Aroner; out of respect to the memory of Deputy Michael P. Haugen and Deputy James Lehmann, Jr., on motion of Assembly Members Bowler, Pacheco, Granlund, Thompson, Battin, and Aguiar; out of respect to the memory of Charles Edward Walker, Jr., on motion of Assembly Member Washington; out of respect to the memory of Dr. Robert Lamb, on motion of Assembly Member Aguiar; out of respect to the memory of Pete Sartor, on motion of Assembly Member Olberg; out of respect to the memory of Marian Meyers, on motion of Assembly Member Thompson; out of respect to the memory of Donald Loyce Shiplet and Robert Ryan, on motion of Assembly Member Woods; out of respect to the memory of Arnett Dixon and Calvin Bradford, on motion of Assembly Member Wright; out of respect to the memory of James Augustino, on motion of Assembly Member Shelley; out of respect to the memory of Ambassador Leonard K. Firestone, on motion of Assembly Members Pringle, Battin, and the Republican Caucus; out of respect to the memory of Paul Clarke, on motion of Assembly Member McClintock; out of respect to the memory of Jeri Fischer and Anna Woods, on motion of Assembly Member Baugh; and out of respect to the memory of Rev. Dr. Percel Napoleon Sumpter and Rev. Nathaniel Owens, on motion of Assembly Member Torlakson.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk