

CALIFORNIA LEGISLATURE
1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 13, 1997

SIXTH SESSION DAY

FORTY-THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 13, 1997

The Assembly met at 11:30 a.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 Miller moved a quorum call of the Assembly. Motion carried. Time, 11:31 a.m.

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

Quorum Present

At 11:55 a.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	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Frusetta	Mazzoni	Shelley
Baca	Gallegos	McClintock	Strom-Martin
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Miller	Thompson
Baugh	Havice	Morrissey	Thomson
Bordonaro	Hertzberg	Morrow	Torlakson
Bowen	Honda	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Olberg	Washington
Caldera	Keeley	Oller	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	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:

Almighty Father, Your will is peace and Your purpose is loving kindness. We commend our spirit into Your hands. Grant that our minds will know You, our hearts will love You and that our will can serve You. For we are Yours, O Lord. You are the God of mercy and salvation and we send up all glory to You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Alquist 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 Caldera, seconded by Assembly Member Baca.

LEAVES OF ABSENCE FOR THE DAY

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

On legislative business, per diem waived for 1997–98 Session (See Assembly Journal, page 121): Assembly Member Ortiz.

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

Because of illness: Assembly Member Sweeney.

Because of weather conditions: Assembly Member Brown.

EXPLANATIONS OF ABSENCE

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

January 13, 1997

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

Dear Cruz: Please excuse me from today's Assembly floor session today. I was in my district attending to legislative business.

Thank you for your attention to this matter.

Sincerely,

DEBORAH V. ORTIZ, Assembly Member
Ninth District

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

January 10, 1997

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

Dear Speaker Bustamante: I hereby designate Karen Morgan, Jennifer Williams, Mary Ann McMullin, and Meredith Smith as persons on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Sincerely,

PETE WILSON

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 Eugene Leviton, of Orange County and Elise Ott, of Berkeley.

Assembly Member Pringle was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joyce Lander.

Assembly Member Bowen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Julie Feys, of Hermosa Beach.

Assembly Member Wildman was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Detweiler, of Burbank. Mr. Detweiler worked for more than 30 years at Lockheed and was a member of Lockheed's "Honor Hall of Inventors". Mr. Detweiler was also active in the community, and in 1987, was honored as the Burbank Outstanding Citizen of the Year.

Assembly Member Leonard was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frances Galloway, of Colton.

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 Fran Duffy, of Berkeley, and Leo Gilbert Davis, of Oakland.

Assembly Member Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Frank Curran, of Playa del Rey.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Lempert was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

REQUEST FOR UNANIMOUS CONSENT

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 Ervie Robins, of Los Angeles.

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 Antoinette Taylor, of San Mateo and Harriette Forrest, of Los Altos.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Burt Kloster, of Davis.

Assembly Member Woods was granted unanimous consent that when the Assembly adjourns on this day it do so in recognition and support of those whose friends and family are still unaccounted for due to the recent floods.

On behalf of Speaker Bustamante, Speaker pro Tempore Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Raymond P. Dowd, of Redding.

ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced the following Floor session schedule:

Tuesday, January 14, 1997, First Extraordinary Floor Session, at 3 p.m.; Regular Floor Session, at 3:35 p.m.; Joint Convention—State of the Judiciary, at 4 p.m.;

Wednesday, January 15, 1997, Check-in session, 7 a.m.—3 p.m.;

Thursday, January 16, 1997, Check-in session, 7 a.m.—3 p.m.

Wednesday, January 22, 1997, Mock Floor Session, 2:30—4 p.m.

(NOTE: Previously scheduled date of January 16, 1997 is canceled and rescheduled to the date above.)

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Machado announced that the Senate Committee on Agriculture and Water Resources would convene jointly with the Assembly Committee on Water, Parks and Wildlife on January 14, 1997 at 9:30 a.m. in Room 447, for the purpose of briefing Members on the status of the recent flood damage.

POINT OF INFORMATION

Assembly Member Battin arose to the following point of information:

Is the list of membership of the Committee on Water, Parks and Wildlife available?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that although the committee membership list is not yet available, all interested parties should attend.

ANNOUNCEMENTS

Assembly Member Bowler announced that he had organized a trip to the Wilton area in his district for the purpose of surveying flood damage, to depart the State Capitol today at 1 p.m. Those Members interested in going should contact his office.

MOTION TO ADJOURN

At 12:07 p.m., Assembly Member Aguiar moved that the Assembly do now adjourn.

Assembly Member Baca seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:08 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 110—Leonard. An act to add Chapter 2 (commencing with Section 100400) to Part 66 of the Education Code, relating to education facilities funding, 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. 111—Battin. An act to amend Section 42685 of the Food and Agricultural Code, relating to pest control.

ASSEMBLY BILL NO. 112—Escutia. An act to add Chapter 7 (commencing with Section 124260) to Part 2 of Division 106 of the Health and Safety Code, and to amend Sections 14005.7 and 14051 of the Welfare and Institutions Code, relating to health.

ASSEMBLY BILL NO. 113—Oller and Ashburn. An act to add Section 17021 to the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 114—Battin. An act to add Section 23405.4 to the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 115—Havice (Principal coauthor: Hertzberg) (Senator Peace, coauthor). An act to amend Section 667.5 of the Penal Code, relating to sentencing.

ASSEMBLY BILL NO. 116—Runner (Principal Senate coauthor: Knight). An act to add Section 13275 to the Water Code, relating to waste.

ASSEMBLY BILL NO. 117—Escutia. An act to add Section 42318 to the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 118—Cardenas. An act to add Section 11019.7 to the Government Code, relating to state agencies.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6—Thompson. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 20 to Article XVI thereof, relating to governmental finance.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7—Escutia. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII A thereof, and by amending Section 18 of Article XVI thereof, relating to school facilities financing.

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 3—Wright. Relative to gun safety.

ASSEMBLY CONCURRENT RESOLUTION NO. 4—Perata, Ortiz, Gallegos, Torlakson, Alquist, Bowen, Cardoza, Davis, Escutia, Figueroa, Havice, Hertzberg, Honda, Keeley, Kuehl, Mazzoni, Migden, Scott, Shelley, Strom-Martin, Thomson, Villaraigosa, Washington, Wildman, and Wright. Relative to cigarette advertisement.

INTRODUCTION OF GUESTS

Assembly Member Lempert, of the 21st Assembly District, introduced Mr. Shaka Momoh, of Legos, Nigeria, who was accompanied by former Senator Omer Rains.

Assembly Member Baca, of the 62nd Assembly District, introduced Karl Gaytan, Mayor of Colton, and Tom Clarke, of Colton.

Assembly Member Knox, of the 42nd Assembly District, introduced David Lyon, President and CEO of the Public Policy Institute of California, and his wife, Kathryn.

Speaker pro Tempore Kuehl introduced Terry House, of West Hollywood.

ADJOURNMENT

At 3 p.m., on motion of Assembly Member Aguiar, the Assembly adjourned until 3:45 p.m., Tuesday, January 14, 1997, out of respect to the memory of Eugene Leviton and Elise Ott, on motion of Speaker Bustamante; out of respect to the memory of Julie Feys, on motion of Assembly Member Bowen; out of respect to the memory of James Detweiler, on motion of Assembly Member Wildman; out of respect to the memory of Frances Galloway, on motion of Assembly Member Leonard; out of respect to the memory of Frank Curran, on motion of Assembly Member Campbell; out of respect to the memory of Ervie Robins, on motion of Assembly Member Washington; out of respect to the memory of Antoinette Taylor and Harriette Forrest, on motion of Assembly Member Lempert; out of respect to the memory of Burt Kloster, on motion of Assembly Member Thomson; out of respect to the memory of Raymond P. Dowd, on motion of Speaker pro Tempore Kuehl, on behalf of Speaker Bustamante; out of respect to the memory of Fran Duffy and Leo Gilbert Davis, on motion of Assembly Member Aroner; out of respect to the memory of Joyce Lander, on motion of Assembly Member Pringle; and in recognition and support of those whose friends and family members are still unaccounted for due to the recent floods, on motion of Assembly Member Woods.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk