

CALIFORNIA LEGISLATURE
1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 17, 1997

TENTH SESSION DAY

FORTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, January 17, 1997

The Assembly met at 8:30 a.m.
Hon. Louis J. Papan, Assembly Member, 19th District, 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 Ashburn moved a quorum call of the Assembly.
Motion carried. Time, 8:34 a.m.

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

Quorum Present

At 8:39 a.m., Acting Speaker Papan declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—64:

Ackerman	Ducheny	Lempert	Perata
Aguiar	Figueroa	Leonard	Poochigian
Alquist	Firestone	Machado	Prenter
Aroner	Floyd	Margett	Pringle
Ashburn	Gallegos	Martinez	Richter
Baldwin	Goldsmith	McClintock	Strom-Martin
Battin	Granlund	Migden	Takasugi
Baugh	Havice	Miller	Thompson
Bordonaro	Hertzberg	Morrissey	Thomson
Bowen	Honda	Morrow	Torlakson
Bowler	House	Murray	Vincent
Brewer	Kaloogian	Olberg	Washington
Brown	Keeley	Oller	Wayne
Cardenas	Knox	Ortiz	Wildman
Cunneen	Kuykendall	Pacheco	Woods
Davis	Leach	Papan	Wright

PRAYER

Upon invitation of Acting Speaker Papan, the following prayer was offered by Rev. John Rogers, of New Home Missionary Baptist Church, in Sacramento:

Almighty God, Who in the former times didst lead our fathers forth into a fair land, give Thy grace, we humbly beseech Thee, to us Thy children . . . that we may always prove ourselves a people mindful of Thy favor. Bless our land with sound learning and pure religion. Defend, we pray, our freedom and preserve our unity . . . save us from violence . . . discord and confusion.

We thank Thee for Martin King . . . a “drum major for justice” who lived his life in struggle, so that many after him could live in pride . . . “O God of our weary years” . . . God of our silent tears, Thou Who hast brought us thus far on the way . . . keep us forever in the path, we pray. Lest our feet stray from the places where we met Thee; lest our hearts “drunk” with the wine of the world, we forget Thee.

Suffer not our trust in Thee to fail . . . we ask in the name of Jesus Christ.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Acting Speaker Papan, Assembly Member Washington 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 Floyd, seconded by Assembly Member Battin.

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 Baca, Bustamante, Caldera, Campbell, Cardoza, Escutia, Mazzoni, Napolitano, Runner, Scott, Shelley, and Villaraigosa.

On personal business, and waiving per diem: Assembly Members Alby, Frusetta, and Kuehl.

Because of illness, and waiving per diem: Assembly Member Sweeney.

EXPLANATIONS OF ABSENCE

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

January 7, 1997

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

Dear Speaker Bustamante, I request to be excused from Session January 17–20 on legislative business and request travel. As the Speaker's legislative liaison, I will be traveling back to Washington, D.C. to discuss and review with congressional leaders the issues of Welfare Reform, Flooding, Transportation, Defense Conversion.

Thanking you in advance for your consideration of this request.

Sincerely,

JOE BACA, Assembly Member
 Sixty-second District.

January 16, 1997

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

Dear Mr. Wilson: Please be advised that I will be away on legislative business on Friday, January 17, 1997 and will not be attending session.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

January 9, 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 session January 17–23, 1997. I will be in Washington, D.C., attending the President's inauguration and will be meeting with federal representatives.

Thank you for your approval of my request.

Sincerely,

LOUIS CALDERA, Assembly Member
 46th District

January 15, 1997

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

Dear Mr. Speaker: I respectfully request to be excused from session on Friday, January 17, 1997 due to legislative business in my district. Specifically, I will be attending the City of Orange "State of the City" address delivered by Mayor Joanne Coonz.

Thank you for your consideration in this matter.

Sincerely,

BILL CAMPBELL, Assembly Member
71st District

January 17, 1997

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

Dear Speaker Bustamante: I wish to be excused from session on Friday, January 17, 1997 on legislative business.

Sincerely,

DENNIS CARDOZA, Assembly Member
Twenty-sixth District

January 13, 1997

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

Dear Mr. Speaker: I respectfully request that I be excused from Session on Friday, January 17, 1997. Certain pressing issues in my District make it necessary for me to extend my stay in the District for another day.

Thank you for your understanding. I would appreciate your favorable response on this request.

Sincerely,

MARTHA M. ESCUTIA, Assembly Member
Fiftieth District

January 15, 1997

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

Dear Speaker Bustamante: This letter is to request that I be excused from Session due to legislative business on Friday, January 17, 1997. I will be flying to Washington, D.C. on an early flight allowing me time to talk with Congressional Members and staff members regarding education issues.

Please feel free to contact me if you have any questions regarding this request. Thank you for your attention to this matter.

Sincerely,

KERRY MAZZONI, Assembly Member
 Sixth District

January 15, 1997

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

Dear Mr. Speaker: This letter is to request permission to travel to Washington, D.C. from January 17 to Tuesday, January 21, 1997. As the Chair of the International Trade and Development Committee, I will be meeting with several U.S. Government trade officials to discuss major international business issues, export promotion, and other issues important to California.

Thank you for your prompt consideration to this matter.

Yours sincerely,

GRACE F. NAPOLITANO
 Fifty-eighth District

January 10, 1997

Speaker Cruz M. Bustamante
Room 219, State Capitol Building
Sacramento, California

Dear Speaker Bustamante: I am requesting an excused absence for the day of Friday the 17th, as I have legislative business to attend to in my district. That day I will be meeting with 13 school superintendents in both the city of Lancaster and Santa Clarita.

Thank you in advance for your consideration and understanding.

Sincerely,

GEORGE C. RUNNER, JR., Assembly Member
 Thirty-sixth District

January 14, 1997

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

Dear Mr. Speaker: This is a request to be excused from the Assembly Session on Friday, January 17. I will be away on legislative business. On Thursday evening I will be meeting in Irwindale with the Council of City Governments. This is a regional organization that represents about 25 cities in the San Gabriel Valley.

Then at noon on Friday, I will be speaking at California State University, Los Angeles to the 9th Annual California State University Biotechnology Symposium. There will be about 200–250 professors, administrators and graduate students present. This is an important group to speak to; this is the California State University that receives the most students from my district.

Sincerely yours,

JACK SCOTT, Assembly Member
Forty-fourth District

January 14, 1997

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

Dear Speaker Bustamante: I respectfully request that I be excused from Session on Friday, January 17, 1997, on legislative business.

Thank you for your consideration of this request.

Sincerely,

KEVIN SHELLEY, Assembly Member
Twelfth District

January 13, 1997

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

Dear Speaker Bustamante, I respectfully request that I be excused from floor session on Friday, January 17, 1997. I will be in Washington D.C. on legislative business and to attend the inauguration of President Bill Clinton. I will be returning on Tuesday, January 21.

Should you have any questions regarding this request please contact Tracee Ljepava at 445-0703.

Sincerely,

ANTONIO R. VILLARAIGOSA, Assembly Member
Forty-fifth District

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Knox was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ennis William Cosby.

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 Ted LaRocca, Desert Hot Springs.

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 David Blumen, of Brentwood.

Assembly Member Murray was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mrs. Rosalind A. Gentry-Jordan, of San Diego, wife of NAACP State President Frank Jordan.

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 Hideto Nishimoto.

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 Michael Gazich, of Chino Hills; and Calvin Pierce, a popular teacher at Chino High School for the past 12 years.

At 8:48 a.m., Hon. Kevin Murray, 47th District, presiding

REQUEST FOR UNANIMOUS CONSENT

Acting Speaker Murray was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

RECESS

California Legislative Black Caucus Dr. Martin Luther King, Jr., Birthday Observance

By unanimous consent, at 8:49 a.m., Acting Speaker Murray declared the Assembly recessed to permit the introduction of special guests.

Acting Speaker Murray then appointed Assembly Members Vincent, Washington, and Wright as a Select Committee on Escort to escort Kenyatta Braziel, Shamila Green, and Elbert E. Hardeman to the Rostrum.

Rev. John Rogers, pastor of New Home Missionary Baptist Church in Sacramento which was burned in an unexplained arson fire last September, served as guest chaplain and offered the opening prayer for the Assembly Floor session. Pastor Rogers was accompanied to the Capitol by his wife, Mrs. Billie Rogers, and Rev. Arthur Jones, New Home's assistant pastor.

Students from the Joint Social Studies Program at Luther Burbank High School in Sacramento spoke on this year's national theme from the King Center for Nonviolent Social Change in Atlanta, Georgia, "*Make Real the Dream, Frame the Vision for the 21st Century.*" Burbank instructor Benee Hopson coordinated today's presentations and accompanied Kenyatta Braziel, Shamila Green, and Elbert E. Hardeman to the Capitol.

The Dr. King observance concluded with the solo performance of James Weldon Johnson's Negro anthem, "*Lift Ev'ry Voice and Sing*" by Miss Vadia Hubbard, a fourth grade student at Sacramento's John

Reith Elementary School. Miss Hubbard, a church soloist since age 5, celebrates her 10th birthday today and is the daughter of Rev. Essex and Mrs. Hattie Hubbard.

REASSEMBLED

At 9:12 a.m., the Assembly reconvened.

Hon. Lou Papan, Acting Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Cardenas was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the seven African-American World War II heroes who were presented Medals of Honor by President Clinton. Posthumously honored were Lt. John R. Fox, of Houston; Sgt. Edward A. Carter Jr., of California; Pvt. Willy F. James Jr., of Missouri; Sgt. Ruben Rivers, of Oklahoma; Maj. Charles L. Thomas, of Michigan; and Pvt. George Watson, of Alabama; and that the Assembly adjourn in honor of the only living honoree, Lt. Vernon J. Baker, of St. Maries, Idaho.

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 Paul Danin Kahn, of Rossmoor.

ANNOUNCEMENTS

Assembly Member Torlakson announced that the Local Government Caucus would meet on January 28, 1997.

MOTION TO ADJOURN

At 9:15 a.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 9:15 a.m., Acting Speaker Papan 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. 142—Brown, Havice, Mazzoni, Strom-Martin, and Thomson.

An act to amend Sections 52124 and 52126 of the Education Code, relating to class size reduction.

ASSEMBLY BILL NO. 143—Cunneen.

An act to amend Section 496 of the Penal Code, relating to crimes.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Washington, the Assembly adjourned until 1:30 p.m., Tuesday, January 21, 1997 out of respect to the memory of Ennis William Cosby, on motion of Assembly Member Knox; out of respect to the memory of Ted LaRocca, on motion of Assembly Member Battin; out of respect to the memory of Rosalind A. Gentry-Jordan, on motion of Assembly Member Murray; out of respect to the memory of Michael Gazich and Calvin Pierce, on motion of Assembly Member Aguiar; out of respect to the memory of World War II Medal of Honor recipients Lt. John R. Fox; Sgt. Edward A. Carter Jr.; Pvt. Willy F. James Jr.; Sgt. Ruben Rivers; Maj. Charles L. Thomas; Pvt. George Watson; and in honor of Lt. Vernon J. Baker, on motion of Assembly Member Cardenas; out of respect to the memory of Paul Danin Kahn, on motion of Assembly Member Bowen; out of respect to the memory of Hideto Nishimoto, on motion of Assembly Member Pringle; and out of respect to the memory of David Blumen, on motion of Assembly Member Torlakson.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

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