

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 23, 1997

THIRTEENTH SESSION DAY

FIFTY-THIRD 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
Thursday, January 23, 1997

The Assembly met at 9:07 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 PRESENT

At 9:10 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	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Migden	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Murray	Thomson
Bordonaro	Hertzberg	Napolitano	Torlakson
Bowler	Honda	Olberg	Villaraigosa
Brewer	House	Oller	Vincent
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	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:

O Lord, Grant us to know what we ought to know, to love what we ought to love, to value what is precious in Your sight and to hate what is offensive to You. Help us to discern with true judgement between things visible and spiritual, and above all else to enquire what is the good pleasure of Your will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Baugh 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 Villaraigosa, seconded by Assembly Member Torlakson.

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 Bowen, Caldera, Miller, and Morrow.

EXPLANATIONS OF ABSENCE

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

January 21, 1997

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

Dear Mr. Speaker: On Thursday, January 23rd I will be in my district meeting with constituents. I am writing to request that I be excused from the scheduled floor session on legislative business.

Please feel free to contact me should you have any questions.

Sincerely,

DEBRA BOWEN, Assembly Member
Fifty-third District

January 22, 1997

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

Dear Speaker Bustamante: Please excuse me from session on Thursday, January 23, 1997. I will be in my district on legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member
Sixtieth District

January 22, 1997

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

Dear Mr. Speaker: I will be absent from session on January 23, 1997 due to a commitment to attend to legislative business in my Assembly District.

Thank you for your time in this matter.

Sincerely,

BILL MORROW, Assembly Member
 Seventy-third District

(NOTE: For letter explaining the absence of Assembly Member Caldera on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for Friday, January 17, 1997.)

SPECIAL ACKNOWLEDGMENTS

Speaker pro Tempore Kuehl was joined by the Members of the Assembly in extending best wishes to Assembly Members Villaraigosa, Prenter, Baca, Washington, and Goldsmith on the occasion of their birthdays.

Assembly Member Bowler was joined by the Members of the Assembly in extending congratulations to Assembly Member Barbara Alby and her husband Dennis, on the occasion of their 29th wedding anniversary.

REQUEST FOR UNANIMOUS CONSENT

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 Ed Cashman, of Cerritos, Pastor of Bellflower Brethren Church.

ANNOUNCEMENTS

Assembly Member Perata announced that a mandatory sexual harassment training session would be held on Tuesday, January 28, 1997, at 10:30 a.m., in Room 4202.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: January 23, 1997

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 5

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

HOUSE RESOLUTION NO. 5 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Thompson was granted unanimous consent to take up House Resolution No. 5, without reference to file.

HOUSE RESOLUTION NO. 5—Relative to commending the Mormon Battalion.
 Resolution read.

Members Made Coauthors of House Resolution No. 5

Assembly Member Thompson was granted unanimous consent that all Assembly Members voting "Aye" be placed upon House Resolution No. 5 as coauthors.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Ackerman, Aguiar, Alby, Alquist, Ashburn, Baca, Baldwin, Battin, Baugh, Bordonaro, Bowler, Brewer, Brown, Bustamante, Campbell, Cardenas, Cardoza, Cunneen, Davis, Figueroa, Firestone, Frusetta, Gallegos, Goldsmith, Granlund, Havice, Hertzberg, Honda, House, Kaloogian, Keeley, Kuehl, Kuykendall, Leach, Lempert, Leonard, Machado, Margett, Mazzoni, Morrissey, Murray, Napolitano, Olberg, Oller, Pacheco, Papan, Perata, Poochigian, Prenter, Pringle, Runner, Scott, Shelley, Strom-Martin, Sweeney, Takasugi, Vincent, Washington, Wayne, and Woods.

Request for Unanimous Consent

Assembly Member Thompson was granted unanimous consent to take up House Resolution No. 5, as amended, without reference to print or file.

Consideration of House Resolution No. 5, as Amended

HOUSE RESOLUTION NO. 5—Relative to commending the Mormon Battalion. Resolution read, as amended, and adopted.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Takasugi was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tom Tsuneo Terada, of Westminster.

Assembly Member Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bobbette Fleschler, of Mission Hills (formerly from Woodland Hills); and Bernard Minkow, of Tarzana.

Assembly Member Wayne was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Francis Millican, of San Diego.

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Greg Connolly, of Sacramento.

Assembly Member Havice was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of former Long Beach Police Chief William J. Mooney.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 18, WITHOUT REFERENCE TO FILE

Assembly Member Mazzoni requested unanimous consent to take up Assembly Bill No. 18, without reference to file, for purpose of amendment.

Assembly Member Martinez withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Assembly Member Mazzoni moved that the Rules be temporarily suspended for the purpose of permitting her to take up Assembly Bill No. 18, without reference to file, for purpose of amendment.

Assembly Member Villaraigosa seconded the motion.

Rules temporarily suspended by the following vote:

AYES—71

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

NOES—2

Bowler	McClintock
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Resolutions

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Mazzoni.

Resolved, That Assembly Bill No. 18 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

AYES—71

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

NOES—2

Bowler McClintock

Article IV, Section 8(b) of the Constitution was declared dispensed with.

Second Reading of Assembly Bill No. 18

ASSEMBLY BILL NO. 18—An act to repeal Section 7 of Chapter 948 of the Statutes of 1996, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Assembly Member Mazzoni moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

**Consideration of Assembly Bill No. 18, as Amended,
by Unanimous Consent**

Assembly Member Mazzoni was granted unanimous consent to take up Assembly Bill No. 18, as amended, without reference to file, for purpose of consideration at this time, and that the bill be considered engrossed.

ASSEMBLY BILL NO. 18 (Mazzoni)—An act to repeal Section 7 of Chapter 948 of the Statutes of 1996, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—75

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

NOES—1

McClintock

The question being on the passage of the bill.
Bill passed by the following vote:

AYES—75

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

NOES—1

McClintock

Bill ordered transmitted to the Senate immediately.

DEADLINE EXTENDED

Speaker pro Tempore Kuehl announced that the deadline to submit bill requests to the office of Legislative Counsel has been extended to close of business, January 29, 1997.

ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced that Floor session would convene on Monday, January 27, 1997, at 12 noon.

CAUCUS ANNOUNCEMENTS

Assembly Member Shelley announced that all new Democratic Assembly Members would meet in Caucus, upon adjournment of Floor session today, in the Assembly Lounge.

MOTION TO ADJOURN

At 9:40 a.m., Assembly Member Davis moved that the Assembly do now adjourn.

Assembly Member Havice seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members McClintock, Floyd, Martinez, and Pringle arose to speak on the condition of the file.

POINTS OF PERSONAL PRIVILEGE

Assembly Members Floyd and Martinez arose to points of personal privilege.

Ruling by Speaker pro Tempore

The Speaker pro Tempore ruled the points of personal privilege not well-taken.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Davis that the Assembly adjourn.

Motion carried.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items:

House Resolution No. 5, Coauthors: Cardenas and Kaloogian—Aye.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:50 a.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. 155—Baca. An act to amend Section 3201.5 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 156—Murray. An act to amend Sections 1785.14, 1785.16, 1785.30, 1785.31, and 1785.33 of the Civil Code, and to add Section 530.5 to the Penal Code, relating to personal information.

ASSEMBLY BILL NO. 157—Villaraigosa. An act to add Section 43.3 to the Civil Code, relating to personal rights.

ASSEMBLY BILL NO. 158—Papan. An act to amend Sections 5209 and 5216.4 of the Business and Professions Code, relating to advertising.

ASSEMBLY BILL NO. 159—Firestone. An act to amend Section 351 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 160—Hertzberg. An act to add Section 1367.22 to the Health and Safety Code, and to add Section 10123.196 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 161—Pacheco. An act relating to energy resources, and making an appropriation therefor.

ASSEMBLY BILL NO. 162—Alby. An act to amend Section 1363 of the Health and Safety Code, relating to health care service plans.

ASSEMBLY BILL NO. 163—Baugh (Principal Senate coauthors: Mountjoy, Burton, and Johannessen) Baldwin, Bordonaro, Campbell, Escutia, House, Kuehl, Leach, Leonard, Margett, Migden, Miller, Morrissey, Oller, Perata, Richter, Runner, Villaraigosa, Washington, and Woods (Senators Haynes, Johnson, and Knight, coauthors). An act to add Section 939.71 to the Penal Code, relating to grand juries.

INTRODUCTION OF GUESTS

Assembly Members Baca and Wayne introduced Ed Millican, of San Bernardino.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Davis, the Assembly adjourned until 12 m., Monday, January 27, 1997, out of respect to the memory of William J. Mooney, on motion of Assembly Member Havice; out of respect to the memory of Ed Cashman, on motion of Assembly Member Pringle; out of respect to the memory of Tom Tsuneo Terada, on motion of Assembly Member Takasugi; out of respect to the memory of Bobbette Fleschler and Bernard Minkow, on motion of Speaker pro Tempore Kuehl; out of respect to the memory of Greg Connolly, on motion of Assembly Member Bowler; and out of respect to the memory of Francis Millican, on motion of Assembly Member Wayne.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 23, 1997**

The following measure was amended in the Assembly on this day:

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