

CALIFORNIA LEGISLATURE
1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 27, 1997
FOURTEENTH SESSION DAY
FIFTY-SEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 27, 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 Bowler 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 12:11 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—80:

Ackerman	Davis	Lempert	Prenter
Aguiar	Ducheny	Leonard	Pringle
Alby	Escutia	Machado	Richter
Alquist	Figueroa	Margett	Runner
Aroner	Firestone	Martinez	Scott
Ashburn	Floyd	Mazzoni	Shelley
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Gallegos	Migden	Sweeney
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Honda	Napolitano	Villaraigosa
Brewer	House	Olberg	Vincent
Brown	Kaloogian	Oller	Washington
Caldera	Keeley	Ortiz	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:

Lord God, We thank You that Your Spirit is ever urging the spirits of men and women to higher achievements of wisdom and skill, love and goodness. We praise You for the majesty of the universe and for giving us the ability to circle the earth and even reach towards the stars. Grant Your wisdom and protection to those who would go still further, and help them to know that they can never overtake You, or pass out of Your care.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Strom-Martin 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 Napolitano, seconded by Assembly Member Sweeney.

COMMUNICATIONS

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

Further Explanation of Absence—January 17, 1997

January 27, 1997

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

Dear Mr. Speaker: Thank you for excusing me from Session on January 17th and 18th of 1997. I was in my district on legislative business attending to numerous flood concerns. All four counties I represent are declared to be in states of emergency.

In my original letter to you January 7, 1997 I asked to be excused on personal business to attend to these flooding concerns in my district. I humbly request you approve my absence on these two days based on attending to legislative business in my district as this was my intention.

Thank you for your consideration.

Sincerely,

PETER FRUSETTA, Assembly Member
Twenty-eighth District

REQUEST FOR UNANIMOUS CONSENT

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 Fern M. Bates, of Victorville.

POINT OF INFORMATION

Assembly Member Leonard arose to the following point of information:

When will committee appointments be made?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that she is advised by the Speaker that committee appointments will be announced by the end of January, and that historical review shows this to be consistent with the average timeframe.

Point of Information

Assembly Member Villaraigosa arose to the following point of information:

Historically, committee appointments were made on the following dates:

- 1996, on January 18, 1996;
- 1995, on January 31, 1995;
- 1993–94, on January 11, 1993;
- 1991–92, on January 18, 1991;
- 1989–90, on January 3, 1989;
- 1987–88, on January 21, 1987;
- 1985–86, on January 29, 1985.

REQUEST FOR UNANIMOUS CONSENT

Assembly Members Migden and Shelley were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Carlton B. Goodlett, of San Francisco.

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Virginia McCarthy, of Torrance and Bernice Hemphill, of San Francisco.

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

REQUEST FOR UNANIMOUS CONSENT

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

REQUEST FOR UNANIMOUS CONSENT

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 Mary Patterson, of San Francisco.

POINT OF ORDER

Assembly Member Martinez arose to the following point of order:

That the House is on Motions and Resolutions and Assembly Member Miller's comments are inappropriate under that order of business.

Ruling by Speaker pro Tempore Kuehl

The Speaker pro Tempore ruled the point of order well-taken; that Assembly Member Miller is advised to address the Body on Condition of the File, after a motion to adjourn has been made.

REQUEST FOR UNANIMOUS CONSENT

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 singer and songwriter Richard Berry.

SPECIAL ACKNOWLEDGMENTS

Assembly Member Wright was joined by the Members of the Assembly in extending best wishes to Assembly Member Washington on the occasion of his birthday.

Speaker pro Tempore Kuehl was joined by the Members of the Assembly in extending best wishes to Assembly Member Kuykendall on the occasion of his birthday.

REQUESTS

Assembly Member Kuykendall requested that Members of the Assembly expedite office moves to eliminate the obstruction of fire doors in the Capitol Annex.

ANNOUNCEMENTS

Assembly Member Villaraigosa announced that Democratic Members would hold a policy retreat meeting today at 2:30 p.m., in Room 126.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Pedro Olmos, of Santa Fe Springs.

Assembly Member Leach was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of DeWitt Krueger, of Walnut Creek.

Point of Information

Assembly Member Battin arose to the following point of information:

A First Extraordinary Session has been called by the Governor and until committees are appointed, matters pertaining to flood relief cannot be dealt with.

Point of Order

Assembly Member Bowen arose to the following point of order:

To her recollection committee appointments have never been made as of this date; that Members may continue to work on policy matters prior to the appointment of committees, and further that deadlines do not apply in the Extraordinary Session.

Ruling by Speaker pro Tempore Kuehl

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

Point of Information

Assembly Member Battin arose to the following point of information:

He was advised two weeks ago that committee appointments were forthcoming by the end of the week, and as of this time, committee appointments have not been made.

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that the point of information by Assembly Member Battin was asked earlier this day, and the question has been answered.

Point of Order

Assembly Member Martinez arose to the following point of order:

That Assembly Member Battin's comments are inappropriate while the House is under Motions and Resolutions.

Ruling by Speaker pro Tempore Kuehl

The Speaker pro Tempore ruled the point of order not well-taken; that a point of information or parliamentary inquiry of the Chair is in order.

Point of Order

Assembly Member Martinez arose to the following point of order:

The inquiry as to appointment of committees has been raised, and the question answered.

Ruling by Speaker pro Tempore Kuehl

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

Point of Clarification

Assembly Member Pringle arose to the following point of clarification:

In 1996 a Speaker was elected on January 4, 1996 and committee assignments were made 14 days later.

REQUEST FOR UNANIMOUS CONSENT

Assembly Members Ducheny and Davis were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Akida Cunningham, of San Diego.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eunice S. Parsons, of Hayward.

ANNOUNCEMENTS

Assembly Member Sweeney announced that the Local Government Caucus would meet tomorrow, at 8:30 a.m., in Room 126.

RECESS

By unanimous consent, at 12:30 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Papan introduced the following delegation from the Republic of Georgia:

Mr. Teimuraz Andriadze, Member of Parliament, Chairman, Subcommittee on Self-Governance; Mr. Tamaz Bolkvadze, Member of Parliament (Revival Party), Chairman, Committee on Self-Governance and Regional Policy; Mr. Merab Chkhaidze, Member of Parliament (National Democratic Party), Member, Agrarian Issues Committee and Health and Social Issues; Mr. George Kobakhidze, Member of Parliament (National Party), Deputy Chairman of Parliament; and Mr. Teimuraz Kopaleishvili, Member of Parliament (Citizens Union Party), First Deputy Chairman, Committee on Finance and Budget.

The delegation was accompanied by: Mr. Daniel Lovick, Ms. Anna Richardson, and Mr. Ralph Widner.

Mr. George Kobakhidze then addressed the assemblage.

REASSEMBLED

At 12:34 p.m., the Assembly reconvened.

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

CAUCUS ANNOUNCEMENTS

At 12:35 p.m., Assembly Member Battin was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 12:35 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 1:46 p.m., the Assembly reconvened.

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

MOTION TO CONVENE FIRST EXTRAORDINARY SESSION

Assembly Member Woods moved that the Assembly convene in First Extraordinary Session.

Assembly Member Battin seconded the motion.

Parliamentary Inquiry

Assembly Member Pringle arose to the following parliamentary inquiry:

Is it the intention of the Speaker to convene the First Extraordinary Session on Thursday, January 30, 1997 as a Committee of the Whole, or will committees be appointed by that date?

Reply by Speaker Bustamante

Speaker pro Tempore Kuehl deferred the parliamentary inquiry to Speaker Bustamante whereupon he replied that staff had met and would continue to meet later today to work out the details of consideration of bills in the Extraordinary Session and also to coordinate action on legislation with the Senate.

Further Consideration of Woods Motion

The question being on the Woods motion that the Assembly convene in First Extraordinary Session.

CAUCUS ANNOUNCEMENTS

At 1:55 p.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

RECESS

By unanimous consent, at 1:55 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 2:52 p.m., the Assembly reconvened.

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

FURTHER CONSIDERATION OF WOODS MOTION

The question being on the Woods motion that the Assembly convene in First Extraordinary Session.

Motion carried by unanimous consent.

RECESS

By unanimous consent, at 2:52 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 4:33 p.m., the Assembly reconvened.

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

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Beulah F. Stroh, of Sacramento, mother of Capitol Cafe proprietor, Carolyn Negrete, and grandmother of Roberto Negrete.

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 Senator Paul Tsongas, of Massachusetts.

CAUCUS ANNOUNCEMENTS

Assembly Member Shelley announced that the Democratic Caucus would meet on Tuesday, January 28, 1997, at noon.

ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced that the mandatory training for Members on Sexual Harassment would be held on Tuesday, January 28, 1997, at 10:30 a.m., in Room 4202.

It was further announced that the training session for committee chairs and vice chairs was postponed until February 3, 1997.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Perata announced that the Committee on Rules would meet in closed session today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Poochigian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mrs. Winnifred Barlow, of Lemoore.

ANNOUNCEMENTS

Assembly Member Floyd announced that “The Wall That Heals”, a replica of the Vietnam Veterans Memorial in Washington, D.C., will be on display in Sacramento next to the California Vietnam Veterans Memorial in Capitol Park, from February 9–11, 1997, and will be open for public viewing during daylight hours.

MOTION TO ADJOURN

At 4:37 p.m., Assembly Member Villaraigosa moved that the Assembly do now adjourn.

Assembly Member Napolitano seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 4:37 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. 164—Knox. An act to amend Sections 404.6 and 405 of, and to add Section 4019.1 to, the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 165—Morrissey. An act to amend Sections 264, 264.1, 286, and 288 of the Penal Code, relating to sentencing.

ASSEMBLY BILL NO. 166—Battin. An act to add Section 290.8 to the Penal Code, relating to sex offenses.

ASSEMBLY BILL NO. 167—Brewer and Morrissey (Senator Costa, coauthor). An act to amend Section 46201 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 168—Torkelson. An act to amend Sections 12206, 17058, and 23610.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 169—Bordonaro. An act relating to forest resources, and making an appropriation for the usual current expenses of the state, to take effect immediately.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 6—Thompson and Knox. Relative to the Middle East peace process.

INTRODUCTION OF GUESTS

Speaker pro Tempore Kuehl introduced the following individuals from the San Fernando Chapter of Aces, Zanne Gleitsman, of Westlake Village and Chris Petrie, of Burbank; and Members of the Association for Children for Enforcement of Support, of California.

Assembly Member Pacheco, of the 64th Assembly District, introduced Ron Vervick, of Riverside.

Assembly Member Takasugi, of the 37th Assembly District, introduced his daughter and son-in-law Lea and Henry Dominguez, granddaughter Raquel, and Mr. and Mrs. Enrique Dominguez, of Santa Paula, parents of Henry Dominguez.

ADJOURNMENT

At 4:39 p.m., pursuant to the motion by Assembly Member Villaraigosa, the Assembly adjourned until 7 a.m., Tuesday, January 28, 1997, out of respect to the memory of Fern M. Bates, on motion of Assembly Member Olberg; out of respect to the memory of Virginia McCarthy and Bernice Hemphill, on motion of Assembly Member Migden; out of respect to the memory of Ernestina Brady, on motion of Assembly Member Morrow; out of respect to the memory of Pedro Olmos, on motion of Assembly Member Napolitano; out of respect to the memory of DeWitt Krueger, on motion of Assembly Member Leach; out of respect to the memory of Akida Cunningham, on motion of Assembly Members Ducheny and Davis; out of respect to the memory of Richard Berry, on motion of Assembly Member Wright; out of respect to the memory of Eunice S. Parsons, on motion of Assembly Member Sweeney; out of respect to the memory of Mary Patterson, on motion of Assembly Member Shelley; out of respect to the memory of Dr. Carlton B. Goodlett, on motion of Assembly Members Migden and Shelley; out of respect to the memory of Buelah F. Stroh, on motion of Assembly Member Napolitano; out of respect to the memory of Senator Paul Tsongas, on motion of Assembly Member Bowen; and out of respect to the memory of Winnifred Barlow, on motion of Assembly Member Poochigian.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk