

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 30, 1997

SEVENTEENTH SESSION DAY

SIXTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 30, 1997

The Assembly met at 9 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 Hertzberg moved a quorum call of the Assembly.

Motion carried. Time, 9:01 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 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—79:

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

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 Eternal God, You have made all things for us all, and have made us all for Your glory. Sanctify our body and soul, our thoughts and our intentions, our words and actions; that whatever we may think, or speak, or do, may be used for the glorification of Your name. By Your blessing may all that we do be effective and successful and within Your divine plan.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Brewer 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 Honda, seconded by Assembly Member Davis.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Miller.

EXPLANATIONS OF ABSENCE

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

January 28, 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 30, 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 your have any questions.

Sincerely,

GARY G. MILLER, Assembly Member
Sixtieth District

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Aguiar was granted unanimous consent that the following statement of clarification be printed in the Journal:

Clarification—Assembly Bill No. 3478

January 30, 1997

Honorable Cruz Bustamante

Speaker

California State Assembly

Dear Speaker Bustamante: I am writing to help clarify a provision in my AB 3478 (Chapter 1120, Statutes of 1996), pertaining to the restoration of health benefits for surviving spouses of peace officers and firefighters who died in the line of duty.

Specifically, a point of clarification has been requested as to whether or not the provision requiring restoration of health benefits is to be applied retroactively or prospectively only. Section 5 of the bill adds Section 4856 to the Labor Code continuing the health benefits for families of officers killed in the line of duty. It was my intent that any health benefits which were discontinued as a result of an officer's death in the line of duty be reinstated by the enactment of the bill. The widows and their children should not have benefits taken away simply because their father or spouse dies in the line of duty.

I hope this provides sufficient clarification concerning the issue.

Sincerely,

FRED AGUIAR, Assembly Member
Sixty-first District

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Prenter was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jerry Sanders, of Bakersfield.

Assembly Member Cardoza was granted unanimous consent that when the Assembly adjourns on this day to do so out of respect to the memory of Gerald and Amelia Hunt, of Newman.

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 James Edward Peckler, his daughter Jill Michelle Peckler, and son Jeffrey James Peckler of Los Gatos.

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 Barbara Jeffrey of Yuba City, Director of California Reporting for State Net and the *California Journal*.

Assembly Member Pacheco was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Deirdre Plunkett Walsh, of Corona.

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 Hilde C. Lehmann-Hofmann, of Walnut Creek.

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 Marcia Crittenden Bowen, of Rockford, Illinois.

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 O'Donnell, of San Francisco.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY CONCURRENT RESOLUTION NO. 7 (Cunneen)—Relative to Random Acts of Kindness Week.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The Assembly concurred in Senate amendments.

Above resolution ordered enrolled.

ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced the following schedule for the coming week:

Monday, February 3, 1997—Floor Session, 12 noon;

Committee Chair/Vice Chair Orientation upon adjournment, in Room 4202.

Tuesday, February 4, 1997—Check-in Session, 7 a.m.–3 p.m.;

Wednesday, February 5, 1997—Check-in Session, 7 a.m.–3 p.m.;

Thursday, February 6, 1997—Check-in Session, 7 a.m.–3 p.m.;

Friday, February 7, 1997—Floor Session, time to be announced.

BLACK HISTORY MONTH ANNOUNCEMENT

Assembly Member Wright announced to the Membership that February is Black History Month.

MOTION TO ADJOURN

At 9:20 a.m., Assembly Member Escutia moved that the Assembly do now adjourn.

Assembly Member Alquist seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:21 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. 186—Brown. An act to add Chapter 7 (commencing with Section 119300) to Part 15 of Division 104 of the Health and Safety Code, relating to health.

ASSEMBLY BILL NO. 187—Keeley. An act to add Section 4582.85 to the Public Resources Code, relating to forest practices.

ASSEMBLY BILL NO. 188—Murray. An act to amend Section 2166 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 189—Brown and Hertzberg. An act to add Section 51225 to the Education Code, relating to school districts.

ASSEMBLY BILL NO. 190—Napolitano. An act relating to fraud.

ASSEMBLY BILL NO. 191—Napolitano. An act to add Sections 32232.5 and 51220.6 to the Education Code, relating to domestic violence prevention education.

ASSEMBLY BILL NO. 192—Napolitano. An act to amend Section 1798.24 of the Civil Code, to amend Sections 102100, 102110, 102200, 102247, 102345, 102370, 102475, 103535, 103545, 103555, 103560, 103630, 103635, 103660, 103685, 103695, 103700, 103705, 103710, 103715, 103720, 103725, 103730, and 103780 of, to add Sections 102112, 102420, 102435, 102810, and 103645 to, to repeal Sections 102380, 102390, 102395, 102445, 102450, 102455, 102460, 103570, 103575, 103590, 103595, 103750, 103755, 103760, and 103765 of, and to repeal and add Sections 102375 and 103525 of, the Health and Safety Code, relating to vital records.

ASSEMBLY BILL NO. 193—Murray. An act to amend Sections 14016.6, 10489, and 14408 of, and to amend and renumber Section 14087.305 of, the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 194—Wright and Perata. An act to add Article 3 (commencing with Section 11300) to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

MESSAGES FROM THE SENATE

Senate Chamber, January 30, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 20

Senate Bill No. 39

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, January 30, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 5

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 20—An act to amend Sections 19605.7, 19614.4, 19617, and 19617.2 of the Business and Professions Code, relating to horseracing, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 39—An act to amend Section 18843 of the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 5—Relative to Week of the School Administrator

INTRODUCTIONS OF GUESTS

Assembly Member Wayne, of the 78th Assembly District, introduced the following guests from the Barona Indian Reservation, Chairman Clifford M. LaChappa, Vice-Chairman Donald "Tiny" LaChappa; Council Members, Elaine Trujillo, Paul Darby, Jr., and Melinda Rodriguez; and from the Viejas Indian Reservation, Vice-Chairman Kim Bactad.

Assembly Member Napolitano, of the 58th Assembly District, introduced Adam Tafoya, Bryan Glassman, Axel Morales, Victoria Yang, and Elizabeth Dolan, students of Whittier College, who were accompanied by their instructor, Richard Harvey.

Assembly Member Murray, of the 47th Assembly District, introduced the following special guests representing the Department of Public Works in South Africa: Mr. Sivi Gounden, Director-General; Mr. Petrus J. Gregory, Project Coordinating Architect; Mr. Lucas Van Hecke, Project Coordinating Architect; and Ms. Elizabeth Van Helsdingen.

ADJOURNMENT

At 3 p.m., on motion of Assembly Member Escutia, the Assembly adjourned until 12 noon, Monday, February 3, 1997, out of respect to the memory of Gerald and Amelia Hunt, on motion of Assembly Member Cardoza; out of respect to the memory of James Edward Peckler, Jill Michelle Peckler, and Jeffrey James Peckler, on motion of Assembly Member Cunneen; out of respect to the memory of Barbara Jeffrey, on motion of Assembly Member Pacheco; out of respect to the memory of Deirdre Plunkett Walsh, on motion of Assembly Member Pacheco; out of respect to the memory of Hilde C. Lehmann-Hofmann, on motion of Assembly Member Leach; out of respect to the memory of Marcia Crittenden Bowen, on motion of Assembly Member Bowen; out of respect to the memory of James O'Donnell, on motion of Assembly Member Shelley; out of respect to the memory of Jerry Sanders, on motion of Assembly Member Prenter.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

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