

CALIFORNIA LEGISLATURE
1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 11, 1997

TWENTY-THIRD SESSION DAY

SEVENTY-SECOND CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 11, 1997

The Assembly met at 12 noon.

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 Perata 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 12:15 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—75:

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

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 God, Giver of all good things, without whose help all labor is insufficient, and without whose grace all wisdom is folly; grant, O Lord, that in the tasks we undertake today, Your Holy Spirit may not be withheld from us. We pray that in whatever we seek to do, we may promote Your glory, and the salvation both of ourselves and others; grant this O Lord and bless us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Scott 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 Hertzberg.

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 Alby, Ashburn, Baldwin, and Kuykendall.

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

EXPLANATIONS OF ABSENCE

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

February 11, 1997

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

Dear Mr. Speaker: This is to advise you that I will be unable to attend Floor Session, today, February 11, 1997, as I am out of town on legislative business.

Should you have any questions or concerns, please contact my Capitol Office.

Cordially,

BARBARA ALBY, Assembly Member
Fifth District

February 7, 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 Tuesday, February 11, 1997, due to important legislative business in my district.

Thank you for considering this request.

Sincerely,

ROY ASHBURN, Assembly Member
Thirty-second District

January 31, 1997

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

Dear Speaker Bustamante, On Tuesday, February 11, 1997, I am invited to attend the grand opening of the Department of Motor Vehicles in Long Beach. Governor Wilson and several elected officials will also be attending this long awaited event.

I respectfully request that I be excused from session for legislative business in the district.

Thank you for your consideration of this matter. If there are any questions, please call Lori Sanders in my Capitol office at 445-9234.

Sincerely,

STEVEN T. KUYKENDALL, Assembly Member
Fifty-fourth District

(NOTE: For letter explaining the absence of Assembly Member Baldwin on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 6, 1997.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 11, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 11

And reports the same correctly enrolled, and presented to the Secretary of State on the 11th day of February, 1997, at 10:45 a.m.

E. DOTSON WILSON, Chief Clerk

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to Committee:

*House
Resolution No.*

Committee

7 ----- Rls.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: February 11, 1997

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 7

With amendments with the recommendation: Amend, and be adopted, as amended.

PERATA, Chairman

Above resolution ordered on file.

MESSAGES FROM THE SENATE

Senate Chamber, February 7, 1997

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

Senate Bill No. 21

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 21—An act relating to trial court funding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

REQUEST FOR PHOTOGRAPHER

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

RECESS

By unanimous consent, at 12:20 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Alquist introduced Ms. Parthena (“Popi”) Theodoridou-Fountoukidou, a Member of Greek Parliament (New Democracy Party), and participant in the U.S. Information Agency’s International Visitor Program.

Ms. Theodoridou-Fountoukidou then addressed the assemblage.

REASSEMBLED

At 12:21 p.m., the Assembly reconvened.

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

ANNOUNCEMENT

Speaker pro Tempore Kuehl announced that Roberto Perez had resigned his position as Assistant History Clerk at the Assembly Desk to join the staff of Assembly Member Sally Havice.

ADJOURN IN MEMORY

Speaker Bustamante was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lucia Bono, of El Cajon.

Assembly Member Margett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joe Delgatto Jr., of Sierra Madre.

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 Arthur Sumio Takei, of Los Angeles.

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 Dilbag Singh Dale, of Yuba City; and Helen Pugh, of Redding.

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 Leon Bilbrew, of Los Angeles.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of 12-year-old Kori Emer, of Costa Mesa.

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 Betty Wells, of Paramount.

* * *

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 his aunt, Mary Bragg, and without objection the following remarks were printed in the Journal:

Mary passed away . . . about four hours ago. She is, or was, my aunt. She is one of six Kansas farm girls who in the early part of this century spread out throughout the United States and made contributions that I would like to recognize, and take an extra couple of minutes of your time to tell you about Aunt Mary.

She is 98 years old. She died in Honolulu; her home is in McLean, Virginia. For at least the past twenty years she has wintered in Honolulu with another sister, and each year made a reservation to be back. This year she won't be able to do that.

Aunt Mary is one of the reasons that I am here with you today. At age ten I first visited her in Vienna, Virginia and got a chance to see our nation's Capitol. Many of you folks in Orange County, my colleagues, have heard many stories about Aunt Mary. But I'll share one with you that shows how things change over time.

She arrived in Washington, D.C., in 1917, took a room in a boarding house, met some people, and started at George Washington University. On Thanksgiving Day in 1917, she and another woman from the boarding house took a trolley down to Pennsylvania Avenue, got out across from the White House, walked across the lawn, and knocked on the front door. It was answered by a butler. They each presented their cards, because that's what proper ladies of the time would do, and asked if the President were available. Now, because it was Thanksgiving, the butler informed them that he was

out, and invited them in for tea and cookies. When they left, they noticed the sheep and goats eating the grass on the lawn because that's the way President Woodrow Wilson wanted to conserve costs during the war years.

Aunt Mary had many stories like this for many of my cousins and me who visited her over time. She did say to me, because she had over forty years of government service, that someday, "Bill, you must serve your country." . . . and that's what I am trying to do.

Thank you.

(NOTE: The above remarks were printed in the Journal pursuant to unanimous consent granted later this day to Assembly Member McClintock.)

* * *

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 Claude G. Tallent, of Santa Clara.

Assembly Member Granlund was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mark A. Ehlers, of Yucaipa.

Assembly Member Oller was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John Goen, of Granite Bay.

Assembly Member Frusetta was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Margarita Contin, of Gilroy.

ADJOURN IN HONOR OF

Assembly Member Olberg was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the 100th birthday of Hazel Barnum, of Hesperia.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member McClintock was granted unanimous consent that the full text of remarks by Assembly Member Campbell earlier this day, be printed in the Journal.

JOINT RULE 62(a) WAIVED AND REQUEST TO TAKE UP WITHOUT REFERENCE TO FILE

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 74 for hearing in the Committee on Appropriations on Thursday, February 13, 1997, upon being reported from the Committee on Public Safety; and further, if the bill is reported from the Committee on Public Safety, with amendments, that the bill be taken up, without reference to file for purpose of second reading and adoption of any committee amendments, and to re-refer the bill to the Committee on Appropriations.

**REQUEST TO CONSIDER AND ACT ON BILLS
WITHIN 30 CALENDAR DAYS**

The following request was submitted:

Assembly Chamber, February 6, 1997

Mr. Speaker: I request permission to introduce a resolution providing that Assembly Bill No. 169 may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

TOM J. BORDONARO

Recommendation of Rules Committee

February 11, 1997

Mr. Speaker: Your Committee on Rules recommends:

That the request by Assembly Member Tom Bordonaro for permission to introduce a resolution dispensing with the limitation contained in Article IV, Section 8(a), of the Constitution and suspending Joint Rule 55 as they pertain to Assembly Bill No. 169 be granted.

DON PERATA, Chair

**Resolution to Dispense with Article IV, Sec. 8(a) of the Constitution
and Suspend Joint Rule 55**

Resolved, That, pursuant to Article IV, Section 8(a) of the Constitution, Assembly Bill No. 169 may be heard in committee and acted upon by the Assembly before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read, and adopted by the following vote:

AYES—72

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

NOES—None

Article IV, Section 8(a) of the Constitution was declared dispensed with, and Joint Rule 55 suspended.

SESSION SCHEDULE AND OTHER ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced the following session schedule:

Wednesday, February 12, 1997, Check-in Session, 7 a.m.–3 p.m.;
Thursday, February 13, 1997, Floor Session is scheduled for 10 a.m., but is subject to change. The Desk will be notified.
Friday, February 14, 1997, Floor Session, 8:30 a.m.

CAUCUS ANNOUNCEMENTS

Assembly Member Shelley announced that the Democratic Caucus would meet on Wednesday, February 12, 1997, at noon, in the Assembly Lounge.

Assembly Member Battin announced that the Republican Caucus would meet on Wednesday, February 12, 1997 at noon, in the Tom Bane Rules Committee Room.

MOTION TO ADJOURN

At 12:40 p.m., Assembly Member House moved that the Assembly do now adjourn.

Assembly Member Brewer seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:41 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. 244—Aguilar. An act to add Section 4689.01 to the Welfare and Institutions Code, relating to human services.

ASSEMBLY BILL NO. 245—Cunneen. An act to amend Section 1764.1 of, and to add Section 1763.2 to, the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 246—Lempert. An act to amend Sections 116.220 and 116.231 of the Code of Civil Procedure, relating to small claims court.

ASSEMBLY BILL NO. 247—Scott. An act to amend Section 53071 of the Government Code, relating to firearms, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 248—Honda (Principal coauthor: Morrow). An act to add Chapter 12.5 (commencing with Section 52920) to Part 28 of the Education Code, relating to education, and making an appropriation therefor.

ASSEMBLY BILL NO. 249—Cunneen. An act to amend Sections 1343 and 1345 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 250—Kuehl. An act to amend Section 3333.2 of the Civil Code, relating to liability.

ASSEMBLY BILL NO. 251—Firestone and Alquist. An act relating to energy resources.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 8—Shelley and Migden. Relative to the Bloody Sunday Justice Campaign.

INTRODUCTION OF GUESTS

Assembly Member Battin, of the 80th Assembly District, introduced Thomas Topuzes, Chairman of the Board of Trustees of National University and Senior Vice President and Chief Administrative Officer of Valley Independent Bank.

Assembly Member Campbell, of the 71st Assembly District, introduced his wife, Mary Campbell.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member House the Assembly adjourned until 7 a.m., Wednesday, February 12, 1997, out of respect to the memory of Lucia Bono, on motion of Speaker Bustamante; out of respect to the memory of Joe Delgatto, Jr., on motion of Assembly Member Margett; out of respect to the memory of Arthur Sumio Takei, on motion of Assembly Member Wildman; out of respect to the memory of Dilbag Singh Dale and Helen Pugh, on motion of Assembly Member Woods; out of respect to the memory of Leon Bilbrew, on motion of Assembly Member Wright; out of respect to the memory of Kori Emer, on motion of Assembly Member Brewer; out of respect to the memory of Betty Wells, on motion of Assembly Member Washington; out of respect to the memory of Mary Bragg, on motion of Assembly Member Campbell; out of respect to the memory of Claude G. Tallent, on motion of Assembly Member Cunneen; out of respect to the memory of Mark A. Ehlers, on motion of Assembly Member Granlund; out of respect to the memory of John Goen, on motion of Assembly Member Oller; out of respect to the memory of Margarita Contin, on motion of Assembly Member Frusetta; and in honor of Hazel Barnum, on motion of Assembly Member Olberg.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

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