

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 18, 1997**

**TWENTY-SEVENTH SESSION DAY**

**SEVENTY-NINTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



# PROCEEDINGS OF THE ASSEMBLY

## IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, February 18, 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 Perata 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 9:13 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—77:

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

**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 God, If Your all-seeing eye sees that our hearts are hard and our resolution to do better is weak, send us true contrition, strengthen our sagging wills, and be merciful to us. If we seem to be staggering under the weight of our misfortunes, do not allow us to fall. Give strength to our hearts, imbue us with hope, so that despair may not defeat our spirit, and be merciful to us.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Baca 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 Gallegos, seconded by Assembly Member Olberg.

**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, Lempert and Machado.*

**EXPLANATIONS OF ABSENCE**

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

February 14, 1997

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

Dear Mr. Speaker: This is to let you know that I will not be present for Floor Session on Tuesday, February 18, 1997, and Thursday, February 20, 1997, as I will be out of town on legislative business.

Thank you for your attention to this matter.

Cordially,

BARBARA ALBY, Assembly Member  
Fifth District

February 13, 1997

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

Dear Mr. Speaker: This letter is to request that I be excused from Legislative Session on Tuesday, February 18th. I will be conducting a number of legislative business matters in my district that day.

Thank you for your attention to this matter.

Sincerely,

TED LEMPERT, Assembly Member  
 Twenty-first District

February 14, 1997

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

Dear Speaker Bustamante: I respectfully request permission that I be excused from Session on Tuesday, February 18, 1997, due the fact that I will be attending the NAFTA Advisory Committee on Private Commercial Disputes Regarding Agriculture.

Thank you for your consideration in this matter.

Sincerely,

MICHAEL J. MACHADO, Assemblymember  
 Seventeenth District

#### **ADJOURN IN MEMORY**

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 John Gerard Donoghue, of Glendale.

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 Sarah Luella Steck, of Auburn.

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 Alvin Stewart Cox, of Newport Beach.

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 Irene Strohn, of Watsonville.

**RECESS FOR PRESENTATION BY POET LAUREATE**

By unanimous consent, at 9:20 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Alquist introduced Gus B. Garrigus, Poet Laureate of California, whereupon he recited the following poem to the assemblage:

When You Think of California

When you think of California think of people filled with zest  
 For a special kind of living in the freedom of the West.  
 Think of swimmers, fishers, golfers, campers—  
     backyard loafers too,  
 Using beaches, parks, and mountains, doing things folks love to do.

When you think of California think of industry and trade;  
 Think of busy people working at the tasks where wealth is made.  
 Think of prosperous ports and cities, personal income  
     going higher,  
 And the worker and the seller sharing profits with the buyer.

When you think of California think of copious valleys green,  
 With a promise of fulfillment that makes agriculture queen.  
 Where the vineyards, groves and orchards are oases of delight,  
 With a myriad of blossoms making perfume of the night.

When you think of California think of history rich in lore:  
 Indian, priest, and forty-niner and the bold conquistador;  
 Of wagon trains a rolling to the tune of Clementine,  
 And the roots of many cultures in the raisin and the wine.

When you think of California think of education's power.  
 Think of well-trained labor ready for a task or leisure's hour;  
 Think of schools for every purpose, with a challenge that's supreme  
 For a youth with opportunity to realize its dream.

When you think of California, think of Nature's generous hand:  
 Mountains, deserts, beaches, Redwoods, beautifying land;  
 Primeval parks of wilderness, Nature's archives of the past,  
 Preserving for the future the beauty that should last.

When you think of California think of dusks as soft as down,  
 With a neon fluorescence like a halo round each town;  
 Think of gleaming streams of freeways, head and tail lights  
     flowing by,  
 And the green-red blinking air fleets purring smoothly  
     through the sky.

When you think of California see the Capitol Dome aglow,  
 Brightly rising over Deodars so stately in a row;  
 See the luminescent leaves above the lights throughout the park,  
 Smell the Jasmine and Azaleas breathing fragrance to the dark.

California, California are we always living true  
 To the variant rich reality of life we share in you?  
 May we know that all our blessings are a trust from heaven's grace  
 And the way in which we use them show us worthy of this place!

**REASSEMBLED**

At 9:28 a.m., the Assembly reconvened.

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

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Alquist was granted unanimous consent that the above poem by Gus B. Garrigus be printed in the Journal.

**CONSIDERATION OF DAILY FILE  
THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 74 (Bowler)**—An act to add Section 1685 to, and to amend and repeal Sections 13202.3 and 14907 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read.

**Assembly Bill No. 74 Passed and Retained**

By unanimous consent Assembly Bill No. 74 was passed on file, to retain its place on file.

**At 9:31 a.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding**

**At 9:32 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding**

**ADJOURN IN MEMORY**

Assembly Member Martinez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Fredrick M. Baker, of San Diego.

**SESSION SCHEDULE AND OTHER ANNOUNCEMENTS**

Speaker pro Tempore Kuehl announced the following session schedule:

Wednesday, February 19, 1997, Check-in Session, 7 a.m.–9 p.m.;

Thursday, February 20, 1997, Floor Session, 8:30 a.m.

Speaker pro Tempore Kuehl also announced that the Desk would be held open until 3 p.m., today to permit those Members who had encountered travel/flight delays, to check in at the Assembly Chamber.

**MOTION TO ADJOURN**

At 9:32 a.m., Assembly Member Caldera moved that the Assembly do now adjourn.

Assembly Member Frusetta seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 9:32 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. 329—Caldera.** An act to amend Section 45 of the Code of Civil Procedure, and to amend Sections 252, 366.21, and 366.26 of the Welfare and Institutions Code, relating to minors.

**ASSEMBLY BILL NO. 330—Bordonaro.** An act to amend Sections 55601.5, 55601.6, and 55601.8 of the Food and Agricultural Code, relating to agriculture.

**ASSEMBLY BILL NO. 331—Figueroa.** An act to amend Section 10089.8 of the Insurance Code, relating to insurance.

**ASSEMBLY BILL NO. 332—Figueroa.** An act to amend Sections 703.140 and 704.100 of the Code of Civil Procedure, relating to debtor-creditor relations.

**ASSEMBLY BILL NO. 333—Figueroa.** An act to add Section 1636 to the Insurance Code, relating to insurance.

**ASSEMBLY BILL NO. 334—Wildman and Sweeney (Coauthor: Napolitano).** An act to amend Section 30055 of the Government Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 335—Wayne and Cunneen.** An act to add Section 25184.1 to the Health and Safety Code, relating to hazardous waste and substances.

**ASSEMBLY BILL NO. 336—Miller.** An act to add Section 17053.25 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 337—Battin.** An act to amend Section 10780 of the Welfare and Institutions Code, relating to human services.

**ASSEMBLY BILL NO. 338—Sweeney.** An act to add Chapter 4.8 (commencing with Section 19750) to Division 8 of the Business and Professions Code, relating to professional sports franchises.

**ASSEMBLY BILL NO. 339—Takasugi.**—An act to amend Section 30055 of the Government Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 340—Alby.** An act to amend Section 136.2 of the Penal Code, relating to crimes.

**ASSEMBLY BILL NO. 341—Sweeney.** An act to add Sections 1363.7 and 1383.15 to the Health and Safety Code, and Section 10123.68 to the Insurance Code, relating to health care coverage.

**ASSEMBLY BILL NO. 342—Bowen.** An act to add Section 1240.2 to the Penal Code, relating to criminal appeals.

**ASSEMBLY BILL NO. 343—Woods.** An act to amend Section 290 of the Penal Code, relating to criminal offenders.

**ASSEMBLY BILL NO. 344—Morrissey.** An act to amend Section 832.5 of the Penal Code, relating to peace officers: citizen complaints.

**ASSEMBLY BILL NO. 345—Granlund.** An act to amend Section 18025 of the Education Code, relating to libraries.

**ASSEMBLY BILL NO. 346—Cunneen.** An act to amend Section 144 of the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 347—Havice.** An act to amend Section 46300 of the Education Code, relating to school finance.

**ASSEMBLY BILL NO. 348—Cunneen and Mazzoni.** An act to amend Sections 1800, 1805, 1806, and 1808 of, and to repeal Sections 1801, 1802, and 1803 of, the Business and Professions Code, and to amend Section 13401 of the Corporations Code, relating to dentistry.

## ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 18, 1997

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

Assembly Concurrent Resolution No. 8

And reports the same correctly enrolled, and presented to the Secretary of the State on the 18th day of February, 1997, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

**SPECIAL COMMITTEE MEETINGS**

By unanimous consent, the following committees were permitted to meet:

Televising the Assembly and Information Technology, to convene jointly with Budget Subcommittee No. 5, and Senate Select Committee on Information Services in State Government, on February 24, 1997, at 4 p.m., in Room 127.

**INTRODUCTION OF GUESTS**

Assembly Member Havice, of the 56th Assembly District, introduced her grandson, Jacob Alan Morales.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Caldera, the Assembly adjourned until 7 a.m., Wednesday, February 19, 1997, out of respect to the memory of John Gerard Donoghue, on motion of Assembly Member Wildman; out of respect to the memory of Sarah Luella Steck, on motion of Assembly Member Oller; out of respect to the memory of Alvin Stewart Cox, on motion of Assembly Member Brewer; out of respect to the memory of Irene Strohn, on motion of Assembly Member Frusetta; and out of respect to the memory of Fredrick M. Baker, on motion of Assembly Member Martinez.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

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