

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, June 9, 1997**

**EIGHTY-FIFTH SESSION DAY**

**ONE HUNDRED NINETIETH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 445-6021)

Corrected 6-11-97, Printer's pagination error

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, June 9, 1997

The Assembly met at 2:35 p.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 Wayne moved a quorum call of the Assembly. Motion carried. Time, 2:36 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 2:50 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—77:

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

*Lord, Help us to drink deeply from the promise of Your salvation, until we lose the thirst for the passing things of this world. Help us to live our lives always watching for You, to be wide awake when You come, to receive You with joy and to strive for Your likeness in everything we do.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Kuehl, Assembly Member Alby 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 Baca, seconded by Assembly Member Battin.

**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 Bustamante and Campbell.*

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

**EXPLANATIONS OF ABSENCE**

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

June 9, 1997

*E. Dotson Wilson*

*Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Mr. Wilson: Please be advised that I will be away on legislative business on Monday, June 9, 1997 and Tuesday, June 10 and will not be attending session or checking in.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

June 9, 1997

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

Dear Mr. Speaker: I respectfully request to be excused from Session on Monday, June 9, 1997 due to legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

BILL CAMPBELL, Assembly Member  
 Seventy-first District

**COMMUNICATIONS**  
**Conference Committee**

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

June 9, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Tom Torlakson to the Conference Committee on Assembly Bills 1006, 1400 and 1501 to replace Assemblymember Antonio Villaraigosa for Monday, June 9, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
 Speaker of the Assembly

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

**Explanation of Vote—Assembly Bill No. 1078**

9 June 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Mr. Wilson: This is to clarify that I intended to vote no on AB 1078, File Number 309 on June 5. Due to a mechanical error, my vote was inaccurately recorded.

Sincerely,

CAROLE MIGDEN, Assembly Member  
 Thirteenth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, June 9, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 822

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, June 9, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 677

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, June 9, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 55

And reports the same correctly enrolled, and presented to the Secretary of State on  
the 9th day of June, 1997, at 10:30 a.m.

E. DOTSON WILSON, Chief Clerk

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 30**—*Baca*. Relative to McClellan Air Force  
Base.

**REFERENCE OF BILLS TO COMMITTEE**

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

*Assembly*

*Bill No.*

*Committee*

**1614** ----- Rev. & Tax and TV. A. & I.T.

*Senate*

*Bill No.*

*Committee*

**60** ----- Rls.

**633** ----- B. & F.

**782** ----- Health

**805** ----- G.O.

**810** ----- Trans.

**843** ----- Ed.

**844** ----- Trans.

**849** ----- W.,P. & W.

**931** ----- Pub. S.

**951** ----- P.E.,R. & S.S. and Pub. S.

**952** ----- Ins.

**957** ----- G.O.

**971** ----- Health

**989** ----- Nat. Res.

**993** ----- G.O.

**1003** ----- W.,P. & W.

**1041** ----- B. & F.

**1078** ----- Pub. S.

**1104** ----- Rev. & Tax.

**1141** ----- Ins.

**1193** ----- G.O. and Ed.

**1196** ----- Nat. Res.  
**1350** ----- G.O. and E.,R. & C.A.  
**1351** ----- E.,R. & C.A. and G.O.

**AUTHOR'S AMENDMENTS**  
**Committee on Transportation**

June 9, 1997

Mr. Speaker: The Chair of your Committee on Transportation reports:  
 Senate Bill No. 612

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chairman

**SENATE BILL NO. 612**—An act to amend Sections 8102, 8103, 8105, 60041, 60201.2, 60201.3, 60472, 60501, 60502, 60505, and 60511 of, to add Sections 8108 and 8109 to, and to repeal Sections 7402, 7403, 7404, and 60510 of, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Health**

June 9, 1997

Mr. Speaker: The Chair of your Committee on Health reports:  
 Senate Bill No. 955

With author's amendments with the recommendation: Amend, and re-refer to the committee.

GALLEGOS, Chairman

**SENATE BILL NO. 955**—An act to add Section 1366.1 to the Health and Safety Code, and to add Section 10112.7 to the Insurance Code, relating to health care coverage.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Environmental Safety and Toxic Materials**

June 9, 1997

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 373

With author's amendments with the recommendation: Amend, and re-refer to the committee.

WAYNE, Chairman

**SENATE BILL NO. 373**—An act to add Section 106876 to the Health and Safety Code, and to amend Section 13627 of the Water Code, relating to water treatment.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

June 9, 1997

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Constitutional Amendment No. 6

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CALDERA, Chairman

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 20 to Article XVI thereof, relating to governmental finance.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Agriculture**

June 9, 1997

Mr. Speaker: The Chair of your Committee on Agriculture reports:  
Senate Bill No. 498

With author's amendments with the recommendation: Amend, and re-refer to the committee.

CARDOZA, Chairman

**SENATE BILL NO. 498**—An act to amend Sections 75030 and 75051 of the Food and Agricultural Code, relating to agriculture.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**AUTHOR'S AMENDMENTS**  
**Committee on Local Government**

June 9, 1997

Mr. Speaker: The Chair of your Committee on Local Government reports:  
Assembly Bill No. 1615

With author's amendments with the recommendation: Amend, and re-refer to the committee.

SWEENEY, Chairman

**ASSEMBLY BILL NO. 1615**—An act to amend Sections 66452.6 and 66463.5 of the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Rules**

Date of Hearing: June 9, 1997

Mr. Speaker: Your Committee on Rules reports:  
Assembly Joint Resolution No. 29

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: June 9, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 62

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: June 9, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 31

Senate Concurrent Resolution No. 36

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

PERATA, Chairman

Above resolutions ordered on file.

**ADJOURN IN MEMORY**

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 Susan K. Mosich, of Del Mar.

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sean Duffey, of Davis.

Assembly Member Cardenas was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eva Carr, of North Hollywood; Robert L. Manning, of Lakeview Terrace; Werry S. Tjia, of North Hills; and Sonnia Anzveto de Guillermo, of Pacoima.

**REQUEST FOR PHOTOGRAPHER**

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

**RECESS**

By unanimous consent, at 2:54 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Members Cardoza and House introduced Karen Mathews, Clerk-Recorder, Registrar of Voters, and Commissioner of Civil Marriages for the County of Stanislaus, and presented a resolution commending her for promoting community welfare.

Karen Mathews then addressed the assemblage.

**REASSEMBLED**

At 2:56 p.m., the Assembly reconvened.

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

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Martinez announced that the Committee on Utilities and Commerce would meet today, upon adjournment of Floor session, in Room 444.



**ADJOURN IN MEMORY**

Assembly Member Richter was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Florence S. Whitcomb, of Paradise, Butte County.

**COMMITTEE MEETING CANCELED**

Assembly Member Davis announced that the meeting of the Committee on Consumer Protection, Governmental Efficiency and Economic Development scheduled for tomorrow has been canceled.

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

**ASSEMBLY BILL NO. 1457**—An act to add Article 2.5 (commencing with Section 38640) to Chapter 10 of Part 2 of Division 3 of Title 4 of the Government Code, relating to multilingual outreach.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

**UNFINISHED BUSINESS  
CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 107 (Ducheny)**—An act for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California.

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

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

The roll was opened, and the Assembly refused to concur in Senate amendments by the following vote:

**AYES—2**

Ducheny                      Martinez

**NOES—71**

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

**ASSEMBLY BILL NO. 550 RECONSIDERED  
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Migden was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 550 was refused passage; and that the bill be placed upon the inactive file.

**MOTION TO RECONSIDER  
ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 11  
Request for Reconsideration**

In compliance with a motion given on a previous day, Assembly Member Bowen requested unanimous consent that the vote be reconsidered whereby Assembly Constitutional Amendment No. 11 was refused adoption.

Assembly Member Floyd withheld unanimous consent.

**Parliamentary Inquiry**

Assembly Member Granlund arose to the following parliamentary inquiry:

In the absence of unanimous consent, is the motion before the Body for vote?

**Reply by Speaker pro Tempore Kuehl**

The Speaker pro Tempore replied that the motion is before the Body and the question of reconsideration requires 54 votes to carry.

**Motion to Reconsider  
Assembly Constitutional Amendment No. 11 Continued**

Assembly Member Bowen was granted unanimous consent that the motion to reconsider the vote on Assembly Constitutional Amendment No. 11 be continued until Thursday, June 12, 1997.

**ASSEMBLY BILL NO. 740 RECONSIDERED  
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Washington was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 740 was refused passage; and that the bill be placed upon the inactive file.

**ASSEMBLY BILL NO. 695 RECONSIDERED  
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Kuehl was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 695 was refused passage; and that the bill be placed upon the inactive file.

**ASSEMBLY BILL NO. 80 RECONSIDERED  
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Ducheny was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 80 was refused passage; and that the bill be placed upon the inactive file.

**ASSEMBLY BILL NO. 900 RECONSIDERED  
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Cardenas was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 900 was refused passage; and that the bill be placed upon the inactive file.

**ASSEMBLY BILL NO. 1359 RECONSIDERED  
BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Bowen was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 1359 was refused passage; and that the bill be placed upon the inactive file.

**ADJOURN IN MEMORY**

Assembly Member Scott was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ernestine Richter Avery, library supporter and philanthropist, from Pasadena.

**JOINT RULE 62(a) WAIVED**

Assembly Member Perata was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 60 for hearing in the Committee on Rules on Thursday, June 12, 1997.

**CONGRATULATIONS EXTENDED**

On behalf of Assembly Member Campbell, Assembly Member Takasugi announced the birth of Courtney Lynn Becker, born on June 8, 1997, to Robert and Cathy Becker, and was joined by the Members of the Assembly in extending congratulations.

**SPECIAL RECOGNITION**

The Members of the Assembly joined in extending best wishes to Assembly Member Thomson on the occasion of her birthday.

**MOTION TO ADJOURN**

At 3:33 p.m., Assembly Member House moved that the Assembly do now adjourn.

Assembly Member Napolitano seconded the motion.

Motion carried.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**Assembly Bill No. 107, Concurrence:** Takasugi—No.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 3:34 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

**COMMUNICATIONS**

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

June 9, 1997

*E. Dotson Wilson*  
*Chief Clerk of the Assembly*  
*State Capitol, Room 3196*  
*Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymembers Denise Ducheny, Gary Miller and Martha Escutia to the Conference Committee on Assembly Bill 107.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE  
Speaker of the Assembly

**ADJOURNMENT**

At 6 p.m., pursuant to the motion by Assembly Member House the Assembly adjourned until 7 a.m., Tuesday, June 10, 1997, out of respect to the memory of Susan K. Mosich, on motion of Assembly Member Wayne; out of respect to the memory of Sean Duffey, on motion of Assembly Member Thomson; out of respect to the memory of Florence S. Whitcomb, on motion of Assembly Member Richter; out of respect to the memory of Ernestine Richter Avery, on motion of Assembly Member Scott; and out of respect to the memory of Sonnia Anzueto de Guillermo, Werry S. Tjia, Robert L. Manning, and Eva Carr, on motion of Assembly Member Cardenas.

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SHEILA JAMES KUEHL, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JUNE 9, 1997**

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The following measures were amended in the Assembly on this day:

<b>AB</b>	<b>RN</b>
1457	9714748
1615	9715630

<b>ACA</b>	<b>RN</b>
6	9713116

<b>SB</b>	<b>RN</b>
373	9715592
498	9715691
612	9715452
955	9715511

<b>Daily Total:</b>	<b>7</b>
<b>Cumulative Total:</b>	<b>2169</b>

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