

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, August 5, 1997**

**ONE HUNDRED TWENTIETH SESSION DAY**

**TWO HUNDRED FORTY-SEVENTH 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.

## PROCEEDINGS OF THE ASSEMBLY

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### IN ASSEMBLY

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Assembly Chamber, Sacramento  
Tuesday, August 5, 1997

The Assembly met at 7 a.m.

Hon. Louis Caldera, Assembly Member, 46th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The following were placed upon the morning roll call—68:

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

Quorum present.

\*(NOTE: Per diem waived by Assembly Member Sweeney. See communication printed later this day.)

**At 1:45 p.m., Hon. Martin Gallegos, 57th District, presiding**

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Aroner, Goldsmith, Migden, Oller, Papan, Perata, Richter, and Washington.*

*On personal business, and waiving per diem: Assembly Members Lempert and Thomson.*

*Because of illness: Assembly Members Alby and Shelley.*

**EXPLANATIONS OF ABSENCE**

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

August 4, 1997

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

Dear Mr. Speaker: I am requesting to be excused on Tuesday, August 5, 1997 and Wednesday, August 6, 1997 to attend to district business.

Thank you for your consideration.

Sincerely,

DION S. ARONER, Assembly Member  
Fourteenth District

August 4, 1997

TO: Hon. Cruz Bustamante  
Speaker of the Assembly  
FROM: Assemblyman Jan Goldsmith  
RE: Request For Excused Absence

I respectfully request to be excused from Sacramento for the days of August 5 and August 6. I will be working out of my District Office during that time. Feel free to call me directly if you have questions or have staff contact Peter Crandall of my office. Thank you for your consideration of this request.

4 August 1997

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

Dear Speaker Bustamante: I am requesting to be excused from check-in session tomorrow, August 5, and Wednesday, August 6 to attend to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

CAROLE MIGDEN, Assembly Member  
Thirteenth District

August 4, 1997

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

Dear Mr. Speaker: I have legislative business in my district the next two days and am requesting to be excused from check-in session for Tuesday, August 5, and Wednesday, August 6. Thank you for your consideration.

Sincerely,

THOMAS "RICO" OLLER, Assembly Member  
 Fourth District

August 5, 1997

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

Dear Mr. Speaker: I request permission to be excused from Session on Tuesday, July 5. I will be in Philadelphia to attend the National Conference of State Legislators.

Thank you.

Sincerely,

LOUIS J. PAPAN, Assembly Member  
 Nineteenth District

August 5, 1997

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

Dear Mr. Speaker: I respectfully request to be excused from check-in Session Tuesday August 5, 1997 due to legislative business in my district.

Sincerely,

DON PERATA, Assembly Member  
 Sixteenth District

August 4, 1997

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

Dear Speaker Bustamante: Please excuse me from session today, August 5, 1997, on legislative business.

Sincerely,

BERNIE RICHTER, Assembly Member  
 Third District

August 4, 1997

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

Dear Speaker Bustamante: Due to legislative business in my district, I request to be excused on Tuesday, August 5, 1997, and Wednesday, August 6, 1997.

Please feel free to contact me if there are further questions. I thank you for your attention to this matter.

Sincerely,

CARL WASHINGTON, Assembly Member  
Fifty-second District

**COMMUNICATIONS**

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

August 5, 1997

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

Dear Mr. Speaker: I respectfully request that my per diem be waived for Tuesday, August 5, 1997.

Respectfully,

MICHAEL SWEENEY, Assembly Member  
Eighteenth District

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 5, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1439

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, August 5, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Concurrent Resolution No. 65  
Assembly Joint Resolution No. 25

And reports the same correctly enrolled, and presented to the Secretary of State on the 5th day of August, 1997, at 10:15 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 5, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 116  
Assembly Bill No. 210  
Assembly Bill No. 298

Assembly Bill No. 658  
Assembly Bill No. 946

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., August 5, 1997.

E. DOTSON WILSON, Chief Clerk

**AUTHOR'S AMENDMENTS**  
**Committee on Judiciary**

August 5, 1997

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Assembly Constitutional Amendment No. 24

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

ESCUTIA, Chairwoman

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 24**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article I thereof, relating to the free exercise of religion.

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.

**CONSIDERATION OF DAILY FILE**  
**SENATE BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

**Senate Bill No. 564**, ordered to the Consent Calendar.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 500**—An act to add Chapter 1.3 (commencing with Section 12125) to Title 2 of Part 4 of the Penal Code, relating to firearms, and making an appropriation therefor.

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.

**SENATE BILL NO. 980**—An act to add and repeal Chapter 3.6 (commencing with Section 13827) of Title 6 of Part 4 of the Penal Code, relating to crime prevention.

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.

**SENATE BILL NO. 1224**—An act to add Section 190.26 to the Penal Code, relating to murder.

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.

**SENATE BILL NO. 1254**—An act to amend Sections 290 and 11166.5 of, and to add Section 14201.4 to, the Penal Code, relating to children.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**BILLS RETURNED TO THIRD READING FILE**

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

**Assembly Bills Nos. 1001 and 1039**, on request of Assembly Member Torlakson;

**Assembly Bill No. 812**, on request of Assembly Member Scott.

**MESSAGES FROM THE SENATE**

Senate Chamber, August 5, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Kelley, Schiff and Kopp as a Committee on Conference concerning:

**Assembly Bill No. 1521.**

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

**ADJOURNMENT**

At 4:15 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 6, 1997.

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CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON AUGUST 5, 1997**

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

<b>ACA</b>	<b>RN</b>
24	9720230

<b>SB</b>	<b>RN</b>
500	9720073
980	9720069
1224	9720047
1254	9720164

<b>Daily Total:</b>	<b>5</b>
<b>Cumulative Total:</b>	<b>2970</b>

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