

CALIFORNIA LEGISLATURE
1997-98 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 19, 1997
TWENTY-SIXTH SESSION DAY
ONE HUNDRED FIFTY-SEVENTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 19, 1997

The Assembly met at 10:44 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, and the following answered to their
names—78:

Ackerman	Davis	Lempert	Richter
Aguiar	Ducheny	Leonard	Runner
Alby	Escutia	Machado	Scott
Alquist	Figueroa	Margett	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Floyd	McClintock	Sweeney
Baca	Frusetta	Migden	Takasugi
Baldwin	Gallegos	Miller	Thompson
Battin	Goldsmith	Morrissey	Thomson
Baugh	Granlund	Morrow	Torlakson
Bordonaro	Havice	Murray	Villaraigosa
Bowen	Hertzberg	Napolitano	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	

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 Lord, You have wisely created and prudently established all things that are. To look around is to see Your goodness; to trust in You is to know Your loving kindness. O Most Merciful One, absolve us from our sins and offenses, from our errors and shortcomings. Make us clean with the cleansing of Your truth. Direct our lives, till we walk in holiness of heart and our works are good and pleasing in Your sight.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Brown 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 Mazzoni, seconded by Assembly Member Baldwin.

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 Martinez and Olberg.

(NOTE: For letter explaining the absence of Assembly Member Martinez on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session on Wednesday, June 18, 1997; for letter explaining the absence of Assembly Member Olberg on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for this day.)

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 6 (Torlakson)—An act to add Section 1102.6c to the Civil Code, and to add Sections 8589.4 and 51183.5 to the Government Code, relating to real estate.

Bill read third time, and passed by the following vote:

AYES—73

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

NOES—None

Bill ordered transmitted to the Senate.

MOTION TO ADJOURN

At 10:45 a.m., Assembly Member Villaraigosa moved that the Assembly do now adjourn the First Extraordinary Session.

Assembly Member Baca seconded the motion.

Parliamentary Inquiry

Assembly Member Pringle arose to the following parliamentary inquiry:

Is it not true that all business to be conducted in the Extraordinary Session can occur only if the Assembly is convened in Extraordinary Session?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied in the affirmative.

Parliamentary Inquiry

Assembly Member Pringle arose to the following parliamentary inquiry:

When did the House last convene in Floor session in the First Extraordinary Session?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that the Assembly last convened in Floor session in the First Extraordinary Session on February 14, 1997.

Parliamentary Inquiry

Assembly Member Pringle arose to the following parliamentary inquiry:

Did Assembly Members Wayne and Oller make requests of the Chair to take up matters in the First Extraordinary Session?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied in the negative.

Point of Order

Assembly Member Villaraigosa arose to the following point of order:

The motion to adjourn is not debatable, and Assembly Member Pringle is debating the motion to adjourn.

Ruling by Speaker pro Tempore Kuehl

The Speaker pro Tempore ruled the point of order well-taken that the motion to adjourn is not debatable, but stated that Assembly Member Pringle had arisen to a parliamentary inquiry.

Parliamentary Inquiry

Assembly Member Pringle arose to the following parliamentary inquiry:

Would Members not vote ‘No’ on a motion to adjourn, to permit Assembly Members Wayne and Oller to take up matters in the First Extraordinary Session?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied in the affirmative.

Parliamentary Inquiry

Assembly Member Woods arose to the following parliamentary inquiry:

Are Members permitted to speak on condition of the file after the motion to adjourn has been made and seconded?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that Members may speak on condition of the file prior to the vote on the motion to adjourn.

Remarks on Condition of the File

Assembly Member Oller arose to speak on the condition of the file.

Parliamentary Inquiry

Assembly Member McClintock arose to the following parliamentary inquiry:

What is the maximum period of time that the Extraordinary Session may be in recess before it must be reconvened under the Constitution, or dissolved?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that pursuant to the Constitution the Assembly may not recess the Extraordinary Session for more than 10 days, without consent of the other House.

Motion to Adjourn Until June 23, 1997

Assembly Member McClintock moved that the Assembly adjourn the First Extraordinary Session until Monday, June 23, 1997.

Motion Ruled Out of Order

Speaker pro Tempore Kuehl ruled that although the motion by Assembly Member McClintock is in order under Mason's, under the Assembly Rules which take precedence, the motion to adjourn takes precedence over a motion to adjourn to a certain time.

Parliamentary Inquiry

Assembly Member McClintock arose to the following parliamentary inquiry:

When will the House reconvene the First Extraordinary Session, and will the membership be advised?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that the First Extraordinary Session would reconvene within the next 10 days pursuant to the Constitution, and that the request would be made of the Speaker that the membership be advised.

**Motion to Reconsider Assembly Bill No. 6
on Next Legislative Day**

Assembly Member Bordonaro moved to reconsider on the next legislative day the vote whereby Assembly Bill No. 6 was this day passed.

Motion Ruled Out of Order

Speaker pro Tempore Kuehl ruled the Bordonaro motion to reconsider out of order pursuant to Assembly Rule 100, as the motion to adjourn takes precedence.

Remarks on Condition of the File

Assembly Member Pringle arose to speak on the condition of the file.

Further Consideration of Villaraigosa Motion to Adjourn

The question being on the Villaraigosa motion to adjourn the First Extraordinary Session.

Motion carried by the following vote:

AYES—40

Alquist	Escutia	Lempert	Strom-Martin
Aroner	Figueroa	Mazzoni	Sweeney
Baca	Floyd	Migden	Thomson
Bowen	Gallegos	Murray	Torlakson
Brown	Havice	Napolitano	Villaraigosa
Caldera	Hertzberg	Ortiz	Vincent
Cardenas	Honda	Papan	Washington
Cardoza	Keeley	Perata	Wildman
Davis	Knox	Scott	Wright
Ducheny	Kuehl	Shelley	Mr. Speaker

NOES—35

Ackerman	Brewer	Kuykendall	Pacheco
Aguiar	Campbell	Leach	Poochigian
Alby	Cunneen	Leonard	Prenter
Ashburn	Firestone	Margett	Pringle
Baldwin	Frusetta	McClintock	Runner
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	House	Morrow	Woods
Bowler	Kaloogian	Oller	

VOTE ADDS

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

Assembly Bill No. 6: Bordonaro—Aye.

ADJOURNMENT

At 10:56 a.m., pursuant to the motion by Assembly Member Villaraigosa the Assembly adjourned to reconvene upon Call of the Speaker.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk