

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 13, 1995

EIGHTH SESSION DAY

FORTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, January 13, 1995

The Assembly met at 8:10 a.m.

Hon. Willie L. Brown, Jr., Senior Member of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Stephen J. Greene, Jr. reading.

ROLL CALL

The roll was called, and the following answered to their names—71:

Aguiar	Campbell	House	Murray, Kevin
Alby	Cannella	Isenberg	Murray, Willard
Allen	Conroy	Johnson	Napolitano
Archie-Hudson	Cunneen	Kaloogian	Olberg
Baca	Davis	Katz	Poochigian
Baldwin	Escutia	Knight	Pringle
Bates	Figueroa	Knowles	Rainey
Battin	Firestone	Knox	Richter
Boland	Friedman	Kuehl	Setencich
Bordonaro	Frusetta	Kuykendall	Sweeney
Bowen	Gallegos	Lee	Takasugi
Bowler	Granlund	Martinez	Thompson
Brewer	Hannigan	Mazzoni	Tucker
Brown, Valerie	Harvey	McDonald	Vasconcellos
Brown, Willie	Hauser	McPherson	Villaraigosa
Bulte	Hawkins	Morrissey	Weggeland
Bustamante	Hoge	Morrow	Woods
Caldera	Horcher	Mountjoy	

Quorum Present

At 8:13 a.m., Senior Member of the Assembly Willie Brown declared a quorum of the Assembly present.

PRAYER

Upon invitation of Senior Member of the Assembly Willie Brown, the following prayer was offered by Assembly Member Susan Davis of the 76th Assembly District:

Heavenly Father, We ask for the capacity to deal constructively with reality; the capacity to adapt progressively to change; we ask for a relative freedom from symptoms produced by tensions and anxieties; for the capacity to find more satisfaction in giving than receiving; we ask for the capacity to live a noble life.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Senior Member of the Assembly Willie Brown, Assembly Member Aguiar then led the Assembly in the pledge of allegiance to the Flag.

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 Burton, Ducheny, Sher, and Speier.

On legislative business, and waiving per diem: Assembly Member Goldsmith.

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

Because of illness: Assembly Members Cortese and Machado.

Because of illness in her family: Assembly Member Alpert.

EXPLANATIONS OF ABSENCE

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

January 12, 1995

*Honorable Willie L. Brown, Jr.
Presiding Officer of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Willie: Please excuse me from Session on Friday, January 13, 1995. I will be in my District Office on legislative business.

Thank you for your consideration of this matter.

Peace and friendship,

JOHN BURTON, Assembly Member
Twelfth District

January 11, 1995

*Mr. Bob Connelly
Chief Administrative Officer
Assembly Rules Committee
State Capitol, Room 3016
Sacramento, California*

Dear Mr. Connelly: This letter is to respectfully request approval to be excused from Floor Session on Friday, January 13, 1995, due to legislative business in my district.

Your favorable consideration of this matter would be greatly appreciated.

Sincerely,

DENISE MORENO DUCHENY, Assembly Member
Seventy-ninth District

January 13, 1995

Willie Brown, Jr.
California State Assembly
Sacramento, California

Dear Mr. Brown, Please excuse me from legislative business today. I needed to return to my District. I am waiving my per-diem.

Thank you.

Sincerely,

JAN GOLDSMITH, Assembly Member
 Seventy-fifth District

January 12, 1995

Honorable Willie L. Brown, Jr.
Senior Member of the Assembly
Room 219
State Capitol

Dear Mr. Brown: I am requesting to be excused from floor session on Friday, January 13, 1995, due to legislative business. As a Commissioner with the National Conference of Commissioners on Uniform State Laws, I will be attending a drafting committee meeting in Atlanta, Georgia, from January 13 to January 15.

Thank you for your consideration.

Sincerely,

BYRON D. SHER, Assembly Member
 Twenty-first District

January 13, 1995

The Honorable Willie L. Brown, Jr.
Senior Member of the Assembly
Room 219—State Capitol
Sacramento, California

Dear Assembly Member Brown: I respectfully request that I be excused from session today, Friday, January 13, 1995. I will be participating in a press conference for BART and their airport extension. I will also be meeting with constituents in my district office.

Thank you for your consideration of this request.

All the best,

JACKIE SPEIER, Assembly Member
 Nineteenth District

CAUCUS ANNOUNCEMENTS

Senior Member of the Assembly Willie Brown announced that the Democratic Caucus would meet on Tuesday, January 17, 1995, at 10 a.m., in the Assembly Lounge.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Bowen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Norma Seeds, of Marina del Rey.

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Amparo Sandoval, of Los Angeles.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 8:21 a.m., Senior Member of the Assembly Willie Brown 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. 134—Rainey. An act to amend Section 26720 of the Government Code, relating to fees.

ASSEMBLY BILL NO. 135—Rainey. An act to amend Sections 9250.7, 9250.14, and 22710 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

ASSEMBLY BILL NO. 136—Pringle. An act to add Sections 35257 and 72208 to the Education Code, relating to school finance.

ASSEMBLY BILL NO. 137—Olberg. An act to amend Sections 2070, 2071, 2072.7, 2073.3, 2074.6, 2074.8, 2075, 2075.5, and 2077 of, to add Sections 2071.2, 2074.9, 2075.6, and 2079.5 to, and to repeal Section 2076.5 of, the Fish and Game Code, relating to endangered and threatened species.

ASSEMBLY BILL NO. 138—Goldsmith. An act to amend Sections 1720, 1720.2, 1723, 1771, and 1773 of, and to add Section 1771.1 to, the Labor Code, relating to public works.

ASSEMBLY BILL NO. 139—Bowler. An act to add Section 667.95 to the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 140—Hannigan. An act to add Section 744.6 to the Public Utilities Code, relating to public utilities.

ASSEMBLY BILL NO. 141—Bowen. An act to add Section 6270 to the Government Code, relating to public records.

ASSEMBLY BILL NO. 142—Bowen. An act to amend Sections 6256 and 6257 of, and to add Section 6256.5 to, the Government Code, relating to public records.

ASSEMBLY BILL NO. 143—Valerie Brown, Hauser, and Mazzoni, (Senator Marks, coauthor). An act to amend Sections 17207 and 24347.5 of, and to add Sections 196.91, 196.92, and 196.93 to, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 144—Willard Murray. An act to amend Section 664 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 145—Rogan, Baldwin, Bordonaro, Conroy, Harvey, House, Knight, Morrissey, Rainey, and Thompson, (Senators Haynes, Monteith, and Russell, coauthors). An act to amend Section 1370 of the Penal Code, and to amend Sections 5328.3, 5350, and 5358 of the Welfare and Institutions Code, relating to mental competence.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 2—Baca (Principal coauthor: Alby) Aguiar, Allen, Alpert, Baldwin, Boland, Bowler, Valerie Brown, Willie Brown, Bustamante, Caldera, Cannella, Conroy, Cortese, Davis, Figueroa, Gallegos, Goldsmith, Hannigan, Harvey, Hauser, Hoge, Horcher, House, Isenberg, Katz, Kuehl, Lee, Machado, Martinez, Mazzoni, McPherson, Kevin Murray, Willard Murray, Napolitano, Rainey, Richter, Sher, Sweeney, Takasugi, Tucker, Vasconcellos, and Weggeland (Senators Beverly, Costa, Dills, Hughes, Johannessen, Johnston, Kelley, Killea, Kopp, Leonard, Leslie, Monteith, O'Connell, Peace, Rogers, Rosenthal, Solis, Thompson, Watson, and Wright, coauthors). Relative to Red Ribbon Week.

House Resolution No. 1.

By Assembly Member Katz.

Relative to Rules of the Assembly.

Resolved by the Assembly of the State of California, That the following rules be adopted:

Bi-Partisan Leadership

1. The party caucus of each of the two largest parties in the Assembly shall select a Member to serve as its party leader. The party leaders shall be known as Co-Speakers and shall serve as the Co-Chairs of the Committee on Rules.

Presiding Officer

2. The Democratic Co-Speaker and the Republican Co-Speaker or a designee shall preside over alternating floor sessions.

Committee on Rules

3. All powers that were previously vested in the Speaker shall be vested in the Committee on Rules. The Committee shall consist of the Democratic Co-Speaker and the Republican Co-Speaker, who shall serve as Co-Chairs, and 8 other Members, 4 selected by the Democratic Party Caucus and 4 selected by the Republican Party Caucus. Any action taken by the committee shall require an affirmative vote of 6 or more Members.

Administrative Functions

4. The Committee on Rules may determine that certain functions of the Assembly shall be classified as administrative functions. Administrative functions shall include those that are available to all Members of the Assembly without regard to party affiliation. These administrative functions shall include committees and equal individual Member allotments. The Committee on Rules shall review the operation of the Assembly to determine the appropriate funding level for functions that have been classified as administrative functions.

Caucus Functions

5. The portion of the budget that has not been allocated to administrative functions shall be allocated equally between the Democratic and Republican Party Caucuses.

Equal Distribution of Funds

6. The method of allocation of resources contained in Rules 4 and 5 shall remain in effect for the 1995-96 Regular Session regardless of any change in the Members of the Assembly.

Chief Administrative Officer of the Assembly

7. The office of the Chief Administrative Officer of the Assembly shall be changed to provide for co-directors. The Committee on Rules shall determine the structure and duties of the co-directors. Each co-director shall be independently selected by the respective caucus members of the committee. The co-directors shall be jointly responsible for administrative functions and independently responsible for caucus functions.

Standing Committees

8. In addition to the Committee on Rules, there shall be the following 25 standing committees:

- Agriculture
- Appropriations
- Banking and Finance
- Budget
- Consumer Protection, Governmental Efficiency and Economic Development
- Education
- Elections, Reapportionment and Constitutional Amendments
- Environmental Safety and Toxic Materials
- Governmental Organization
- Health
- Higher Education
- Housing and Community Development
- Human Services
- Insurance
- Judiciary
- Labor and Employment
- Local Government
- Natural Resources
- Public Employees, Retirement and Social Security
- Public Safety
- Revenue and Taxation
- Televising the Assembly and Information Technology
- Transportation
- Utilities and Commerce
- Water, Parks and Wildlife

Composition of Standing Committees

9. Twelve committees shall be chaired by a Member appointed by the Democratic Party Caucus and 12 committees shall be chaired by a Member appointed by the Republican Party Caucus. One committee shall be chaired by the Member to whom Rule 12 applies. With the exception of the Committee on Rules, each party caucus shall select the committees to which they appoint the chairs in the following order: The Republican Co-Speaker and then the Democratic Co-Speaker. The Member to which Rule 12 applies shall select the third committee. The Republican and Democratic Co-Speakers shall continue to alternate selections until all 25 committees have been selected. With the exception of the committee chaired by the Member to whom Rule 12 applies, the vice chair of a committee shall be appointed by the party caucus that did not select the chair. The vice chair of the committee chaired by the Member to whom Rule 12 applies shall be appointed by the Republican Party Caucus. The Committee on Rules shall determine the number of members to serve on each standing committee. All committees shall have an even number of members, with one-half of the members to be appointed by the Democratic Party Caucus and one-half of the members to be appointed by the Republican Party Caucus. The even appointment of members to the committees specified in this rule shall remain in effect for the 1995-96 Regular Session regardless of any changes in the Members of the Assembly.

Each party caucus shall determine the manner in which the caucus appoints chairs, vice chairs, and Members to the committees.

Creation of Committees

10. Committees other than standing committees, including subcommittees, may be created only by the Committee on Rules.

Joint Committees

11. Appointment to joint committees shall be fairly apportioned in a manner to be determined by the Committee on Rules. All current Assembly appointments to joint committees shall remain in effect until changed by the Committee on Rules.

Independent Member

12. A Member who is not registered with either the Democratic or Republican Party as of January 1, 1995, may associate with the party caucus of either of those two parties for the purpose of applying Rule 9.

Election to Another Office

13. Any Member elected to an incompatible office, while serving in the Assembly, shall resign his or her Assembly seat within 48 hours of the official certification of that election.

Interpretations

14. Interpretation of Rules 1 to 13, inclusive, if necessary, shall be by the Committee on Rules.

Amendment of Rules

15. Rules 1 to 14, inclusive, and this rule shall remain in effect for the 1995-96 Regular Session regardless of any change in the Members of the Assembly, unless amended by an affirmative vote of 54 or more Members.

House Resolution No. 2.

Introduced by _____ .

Relative to Rules of the Assembly.

Resolved by the Assembly of the State of California, That the following Rules be adopted:

Election of Speaker

1. The Speaker shall be elected by an affirmative vote of 41 or more Members.

Members: Expulsion: Qualifications

2. A Member may be expelled from the Assembly only by an affirmative vote of 54 or more Members. A Member may be disqualified from serving in the Assembly under Section 5 of Article IV of the California Constitution only by an affirmative vote of 41 or more Members.

Party Leadership

3. The party caucus of each of the two largest parties in the house shall select a Member to serve as its leader. The Member shall be known as the [Name of Party] Floor Leader and shall serve as a co-chair of the Committee on Rules.

Presiding Officer

4. The Democratic Floor Leader and the Republican Floor Leader or a designee shall preside over alternating floor sessions.

Committee on Rules

5. All powers that were previously vested in the Speaker shall be vested in the Committee on Rules. The committee shall consist of the Democratic Floor Leader and the Republican Floor Leader, who shall serve as co-chairs, and eight other Members, four selected by the Democratic Party Caucus and four selected by the Republican Party Caucus. Any action taken by the committee shall require an affirmative vote of six or more Members.

Functions of Committee on Rules

6. The Committee on Rules may determine that certain functions of the Assembly shall be classified as administrative functions. Administrative functions shall include those services that are available to all Members of the Assembly without regard to party affiliation. These services shall not include services provided by the staff assigned to committees, other than the Committee on Rules, or the staff assigned to Members. The Committee on Rules shall review the operation of the Assembly to determine the appropriate funding level for functions that have been classified as administrative functions. The portion of the budget that has not been allocated to administrative functions shall be allocated equally between the Democratic and Republican Party Caucuses. The members of the Committee on Rules who have been selected by a party caucus and the floor leader of that caucus shall determine the appropriate level of funding for the Members and functions of their party caucus in their sole discretion.

Access to Assembly Records

7. Members of the Committee on Rules shall have access to all records in the possession of the committee.

Chief Administrative Officer of the Assembly

8. The office of the Chief Administrative Officer of the Assembly shall become vacant on January 13, 1995. The Committee on Rules shall determine the structure and duties of the office of the Chief Administrative Officer.

Standing Committees

9. There shall be the following 26 standing committees:

- Agriculture
- Appropriations
- Banking and Finance
- Budget
- Consumer Protection, Governmental Efficiency and Economic Development
- Education
- Elections, Reapportionment and Constitutional Amendments
- Environmental Safety and Toxic Materials
- Governmental Organization
- Health
- Higher Education
- Housing and Community Development

Human Services
 Insurance
 Judiciary
 Labor and Employment
 Local Government
 Natural Resources
 Public Employees, Retirement and Social Security
 Public Safety
 Revenue and Taxation
 Rules
 Televising and Assembly
 Transportation
 Utilities and Commerce
 Water, Parks and Wildlife

Composition of Standing Committees

10. Twelve committees shall be chaired by a Member appointed by the Democratic Party Caucus and 13 committees shall be chaired by a Member appointed by the Republican Party Caucus. With the exception of the Committee on Rules, each party caucus shall select the committees to which they shall appoint the chairs as follows:

The Republican Floor Leader shall select first a committee to chair, and the Democratic Floor Leader shall then select a committee from the remaining committees. The floor leaders shall continue to alternate selections until all 25 committees have been selected. The vice chair of a committee shall be appointed by the party caucus that did not select the chair. The Committee on Rules shall determine the number of Members to serve on each standing committee. The following committees shall have an even number of Members, with one-half of the Members to be appointed by the Democratic Party Caucus and one-half of the Members to be appointed by the Republican Party Caucus: the first two committees selected by the floor leaders and the last two committees so selected. All other committees shall have an odd number of Members, with one or more Members to be appointed by the Republican Party Caucus than by the Democratic Party Caucus. Each party caucus shall determine the manner in which the caucus appoints chairs, vice chairs, and Members to committees.

Creation of Committees

11. Committees other than standing committees, including subcommittees, may be created only by the Committee on Rules.

Joint Committees

12. Appointments to Joint Committees shall be fairly apportioned in a manner to be determined by the Committee on Rules. All current Assembly appointments to joint committees shall become vacant on January 13, 1995.

Assignment of Office Space

13. The assignment of office space by the Committee on Rules shall be as follows: first, by function as a Democratic or Republican Floor Leader; second, as a chair of a standing committee; and third,

by seniority by class. Within a class of like seniority, selection of office space shall be determined by lottery. The Democratic Floor Leader shall make the first selection.

Members Who Are Not Democrats or Republicans

14. A Member who is not registered with either the Democratic or Republican Party shall declare his or her association with the party caucus of either of those two parties for the purpose of applying Rules 1 to 15, inclusive. Thereafter, it shall be deemed that the Member is a member of that party caucus for the limited purpose of these rules.

Amendment of Rules

15. The Assembly may not take any action that is contrary to Rules 1 to 15, inclusive, except by resolution adopted by an affirmative vote of 41 or more Members.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 11 a.m., Tuesday, January 17, 1995, out of respect to the memory of Norma Seeds, on motion of Assembly Member Bowen; and out of respect of the memory of Amparo Sandoval, on motion of Assembly Member Gallegos.

WILLIE L. BROWN, JR., Senior Member of the Assembly

PAM CAVILEER, Minute Clerk