

CALIFORNIA LEGISLATURE  
1995-96 THIRD EXTRAORDINARY SESSION

---

---

# ASSEMBLY DAILY JOURNAL

---

---

**Tuesday, January 16, 1996**

**SIXTH SESSION DAY**

**THIRTEENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



---

---

**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)

## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, January 16, 1996

The Assembly met at 12:20 p.m.

Hon. Curt Pringle, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Akiba H. Howard reading.

#### ROLL CALL

The roll was called, and the following answered to their names—77:

Ackerman	Campbell	House	Olberg
Aguiar	Cannella	Isenberg	Poochigian
Alby	Conroy	Katz	Rainey
Alpert	Cortese	Knight	Richter
Archie-Hudson	Cunneen	Knowles	Rogan
Baca	Davis	Knox	Setencich
Baldwin	Ducheny	Kuehl	Sher
Bates	Escutia	Kuykendall	Speier
Battin	Figueroa	Lee	Sweeney
Baugh	Firestone	Machado	Takasugi
Boland	Friedman	Margett	Thompson
Bordonaro	Frusetta	Martinez	Tucker
Bowen	Gallegos	Mazzoni	Vasconcellos
Bowler	Goldsmith	McDonald	Villaraigosa
Brewer	Granlund	McPherson	Weggeland
Brown	Hannigan	Miller	Woods
Brulte	Harvey	Morrissey	Mr. Speaker
Burton	Hauser	Morrow	
Bustamante	Hawkins	Murray, Kevin	
Caldera	Hoge	Napolitano	

Quorum present.

#### PRAYER

Upon invitation of Speaker pro Tempore Aguiar, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

*Gracious Lord,* You cause the rain to fall and the sun to shine on Your whole creation. The rain falls and the sun shines on all the earth and its people: those who love You and those who don't, those who believe in You and those who don't. Accept our prayer this morning, O Lord. Give us grace and guide our steps along the road of peace, for You are the King of Peace and we glorify You.—AMEN.

#### PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Aguiar, Assembly Member Isenberg 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 Davis, seconded by Assembly Member Richter.

**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 Kaloogian and Willard Murray.*

(NOTE: For explanations of absences of Assembly Members Kaloogian and Willard Murray on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

**COMMUNICATIONS**

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

January 16, 1996

*E. Dotson Wilson  
Chief Clerk, State Assembly  
State Capitol, Room 3196*

Dear Mr. Wilson, Please be advised that the Republican Caucus today elected Assemblyman James Rogan as the Majority Floor Leader.

Sincerely,

CURT PRINGLE  
Speaker of the Assembly

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

**ASSEMBLY BILL NO. 1 (Frusetta)**—An act to amend Section 13127.32 of the Food and Agricultural Code, relating to economic poisons.

Bill read third time.

**Motion to Amend by Assembly Member Villaraigosa—Set 1**

Assembly Member Villaraigosa moved the adoption of amendments.

Amendments read.

**Motion to Table Villaraigosa Amendments  
to Assembly Bill No. 1**

Assembly Member Thompson moved that the amendments offered by Assembly Member Villaraigosa to Assembly Bill No. 1 be laid upon the table.

Assembly Member Olberg seconded the motion.

Motion carried by the following vote:

**AYES—38**

Ackerman	Brulte	Knowles	Richter
Aguiar	Conroy	Kuykendall	Rogan
Alby	Firestone	Margett	Setencich
Baldwin	Frustetta	McPherson	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Harvey	Morrissey	Weggeland
Boland	Hawkins	Morrow	Woods
Bordonaro	Hoge	Olberg	Mr. Speaker
Bowler	House	Poochigian	
Brewer	Knight	Rainey	

**NOES—34**

Alpert	Cunneen	Isenberg	Napolitano
Archie-Hudson	Davis	Katz	Sher
Baca	Ducheny	Knox	Speier
Bates	Escutia	Kuehl	Sweeney
Bowen	Figuroa	Lee	Tucker
Burton	Friedman	Machado	Vasconcellos
Caldera	Gallegos	Martinez	Villaraigosa
Campbell	Hannigan	Mazzoni	
Cannella	Hauser	Murray, Kevin	

**Motion to Amend by Assembly Member Sweeney—Set 2**

Assembly Member Sweeney moved the adoption of amendments.  
Amendments read.

**Motion to Table Sweeney Amendments  
to Assembly Bill No. 1**

Assembly Member Olberg moved that the amendments offered by Assembly Member Sweeney to Assembly Bill No. 1 be laid upon the table.

Assembly Member Miller seconded the motion.

Motion carried by the following vote:

**AYES—38**

Ackerman	Brulte	Knowles	Richter
Aguiar	Conroy	Kuykendall	Rogan
Alby	Firestone	Margett	Setencich
Baldwin	Frusetta	McPherson	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Harvey	Morrissey	Weggeland
Boland	Hawkins	Morrow	Woods
Bordonaro	Hoge	Olberg	Mr. Speaker
Bowler	House	Poochigian	
Brewer	Knight	Rainey	

**NOES—34**

Alpert	Cunneen	Isenberg	Napolitano
Archie-Hudson	Davis	Katz	Sher
Baca	Ducheny	Knox	Speier
Bates	Escutia	Kuehl	Sweeney
Bowen	Figuroa	Lee	Tucker
Burton	Friedman	Machado	Vasconcellos
Caldera	Gallegos	Martinez	Villaraigosa
Campbell	Hannigan	Mazzoni	
Cannella	Hauser	Murray, Kevin	

**Further Consideration of Assembly Bill No. 1  
Demand for Previous Question**

Assembly Members Burton, Machado, Tucker, Alpert, and Margett demanded the previous question. Demand sustained.

**Time for Closing Debate Yielded**

Assembly Member Frusetta yielded to Assembly Member Richter to close debate on Assembly Bill No. 1.

**Parliamentary Inquiry**

Assembly Member Bowen arose to the following parliamentary inquiry:

The previous question having been demanded, is it not in order for the author to close debate?

**Reply by Speaker**

The Speaker replied that Assembly Member Frusetta yielded to Assembly Member Richter to close debate on Assembly Bill No. 1.

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—45**

Ackerman	Bustamante	House	Rainey
Aguiar	Cannella	Knight	Richter
Alby	Conroy	Knowles	Rogan
Alpert	Cortese	Kuykendall	Setencich
Baldwin	Firestone	Machado	Takasugi
Battin	Frusetta	Margett	Thompson
Baugh	Goldsmith	McPherson	Weggeland
Boland	Granlund	Miller	Woods
Bordonaro	Hannigan	Morrissey	Mr. Speaker
Bowler	Harvey	Morrow	
Brewer	Hawkins	Olberg	
Brulte	Hoge	Poochigian	

**NOES—29**

Archie-Hudson	Davis	Knox	Speier
Baca	Escutia	Kuehl	Sweeney
Bates	Figueroa	Lee	Tucker
Bowen	Friedman	Martinez	Vasconcellos
Brown	Gallegos	Mazzoni	Villaraigosa
Burton	Hauser	Murray, Kevin	
Caldera	Isenberg	Napolitano	
Campbell	Katz	Sher	

Bill ordered transmitted to the Senate immediately.

**VOTE ADDS**

The following Assembly Members were granted unanimous consent to record their votes on the following items:

**Assembly Bill No. 1, Motion to Table Villaraigosa Amendments:**  
Boland—Aye; Cunneen—No.

**Assembly Bill No. 1, Motion to Table Sweeney Amendments:**  
Cunneen—No.

**Assembly Bill No. 1:** Brown—No.

**RECESS**

By unanimous consent, at 1:15 p.m., Speaker Pringle declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until Monday, January 22, 1996.

---

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JANUARY 16, 1996**

---

Amendments were considered by the Assembly, but not adopted, to the following measure:

*Assembly Bill*

- 1 (Villaraigosa amendments—Set 1, laid upon the table)  
(Sweeney amendments—Set 2, laid upon the table)