CALIFORNIA LEGISLATURE 1995–96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 17, 1995 NINTH SESSION DAY FORTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento Tuesday, January 17, 1995

The Assembly met at 11:13 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.

Quorum Call of the Assembly

At 11:14 a.m., Senior Member of the Assembly Willie Brown placed a quorum call upon the Assembly.

Senior Member of the Assembly Willie Brown directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 12:33 p.m., Senior Member of the Assembly Willie Brown declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—80:

Aguiar Alby Allen Alpert Archie-Hudson Baca Baldwin Bates Battin Boland Bordonaro Bowen Bowler Brewer Brown, Valerie Brouth Brulte Burton	Campbell Cannella Conroy Cortese Cunneen Davis Ducheny Escutia Figueroa Firestone Friedman Frusetta Gallegos Goldsmith Granlund Hannigan Harvey Hauser	Horcher House Isenberg Johnson Kaloogian Katz Knight Knowles Knox Kuehl Kuykendall Lee Machado Martinez Mazzoni McDonald McPherson Morrissey	Murray, Kevin Murray, Willard Napolitano Olberg Poochigian Pringle Rainey Richter Rogan Setencich Sher Speier Speier Sweeney Takasugi Thompson Tucker Vasconcellos Villaraigosa
			Vasconcellos Villaraigosa Weggeland Woods
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ANNOUNCEMENTS

Senior Member of the Assembly Willie Brown announced that Friday, January 20, 1995, is the last day to submit legislative bill requests to the office of Legislative Counsel.

RECESS

By unanimous consent, at 12:44 p.m., Senior Member of the Assembly Willie Brown declared the Assembly recessed.

REASSEMBLED

At 3:34 p.m., the Assembly reconvened.

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

PRAYER

Upon invitation of Senior Member of the Assembly Willie Brown, the following prayer was offered by Assembly Member Mickey Conroy of the 71st Assembly District:

Father, For this new day with its promise and potential, we thank You. May our part in this day be full of meaning and hope for others. May our efforts and our words be characterized by kindness and give expression to the good will and truth that is within us. May they also be the key which unlocks the good and truth in others.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

HOUSE RESOLUTION NO. 1 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Katz was granted unanimous consent to take up House Resolution No. 1, for purpose of consideration.

HOUSE RESOLUTION NO. 1—Relative to Rules of the Assembly.

Resolution read.

At 4:12 p.m., without objection, Hon. Jackie Speier, 19th District, presiding The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Willie Brown moved a call of the Assembly.

Motion carried. Time, 4:22 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

CAUCUS ANNOUNCEMENTS

At 4:23 p.m., Assembly Member Willie Brown was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

RECESS

By unanimous consent, at 4:24 p.m., Assembly Member Speier declared the Assembly recessed.

CAUCUS ANNOUNCEMENTS

At 4:32 p.m., Assembly Member Brulte announced that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

REASSEMBLED

At 4:46 p.m., the Assembly reconvened.

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

HOUSE RESOLUTION NO. 2 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Johnson was granted unanimous consent to take up House Resolution No. 2, for purpose of consideration.

HOUSE RESOLUTION NO. 2—Relative to Rules of the Assembly.

Resolution read.

At 5:25 p.m., without objection, Hon. Richard Katz, 39th District, presiding

At 6:01 p.m., Senior Member of the Assembly Willie L. Brown, Jr., 13th District, presiding

Point of Personal Privilege

Assembly Member Katz arose to a point of personal privilege.

Point of Order

Assembly Member Boland arose to the following point of order: That Assembly Member Katz had not asked a question of the Chair.

Reply by Senior Member of the Assembly

Senior Member of the Assembly Willie Brown replied that Assembly Member Katz had arisen to a point of personal privilege.

Point of Personal Privilege

Assembly Member Johnson arose to a point of personal privilege. Assembly Member Caldera arose to a point of personal privilege. Assembly Member Johnson arose to a point of personal privilege. Assembly Member Kuehl arose to a point of personal privilege.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Brulte moved a call of the Assembly.

Motion carried. Time, 6:11 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

At 6:12 p.m., on motion of Assembly Member Willie Brown and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

Pending the announcement of the vote, Assembly Member Speier moved to continue the call of the Assembly.

Motion carried. Time, 6:13 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 3.

By Assembly Member Pringle.

Relative to Rules of the Assembly.

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

Committee on Rules

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.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 3

Assembly Member Pringle requested unanimous consent to take up House Resolution No. 3, for purpose of consideration.

Point of Order

Assembly Member Burton arose to the following point of order:

That language contained in House Resolution No. 3 is also contained in House Resolution No. 2, previously considered by the Body.

Reply by Senior Member of the Assembly

Senior Member of the Assembly Willie Brown advised that appropriate action would be rescission of the vote on House Resolution No. 2 and a subsequent request for unanimous consent for a division of the question as it relates to House Resolution No. 2.

HOUSE RESOLUTION NO. 3 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Pringle was granted unanimous consent to take up House Resolution No. 3, for purpose of consideration.

HOUSE RESOLUTION NO. 3-Relative to the Rules of the Assembly.

Resolution read.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Brulte moved a call of the Assembly.

Motion carried. Time, 6:17 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 4.

By Assembly Member Pringle.

Relative to Rules of the Assembly.

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

Presiding Officer

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

HOUSE RESOLUTION NO. 4 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Pringle was granted unanimous consent to take up House Resolution No. 4, for purpose of consideration.

HOUSE RESOLUTION NO. 4—Relative to the Rules of the Assembly.

Resolution read.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Brulte moved a call of the Assembly.

Motion carried. Time, 6:17 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 5.

By Assembly Member Pringle.

Relative to Rules of the Assembly.

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

Party Leadership

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.

HOUSE RESOLUTION NO. 5 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Pringle was granted unanimous consent to take up House Resolution No. 5, for purpose of consideration.

HOUSE RESOLUTION NO. 5—Relative to the Rules of the Assembly.

Resolution read.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Brulte moved a call of the Assembly.

Motion carried. Time, 6:19 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 6.

By Assembly Member Pringle.

Relative to Rules of the Assembly.

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

Committee Appointments

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

HOUSE RESOLUTION NO. 6 TAKEN BY UNANIMOUS CONSENT

Assembly Member Pringle was granted unanimous consent to take up House Resolution No. 6, for purpose of consideration.

HOUSE RESOLUTION NO. 6-Relative to the Rules of the Assembly.

Resolution read.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Pringle moved a call of the Assembly.

Motion carried. Time, 6:20 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 7.

By Assembly Member Pringle.

Relative to Rules of the Assembly.

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

Creation of Committees

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

HOUSE RESOLUTION NO. 7 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Pringle was granted unanimous consent to take up House Resolution No. 7, for purpose of consideration.

HOUSE RESOLUTION NO. 7—Relative to the Rules of the Assembly.

Resolution read.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Pringle moved a call of the Assembly.

Motion carried. Time, 6:20 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 8.

By Assembly Member Pringle.

Relative to Rules of the Assembly.

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

Standing Committees

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 the Assembly and Information Technology

Transportation

Utilities and Commerce

Water, Parks and Wildlife

HOUSE RESOLUTION NO. 8 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Pringle was granted unanimous consent to take up House Resolution No. 8, for purpose of consideration.

HOUSE RESOLUTION NO. 8—Relative to the Rules of the Assembly.

Resolution read.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Pringle moved a call of the Assembly.

Motion carried. Time, 6:21 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

CAUCUS ANNOUNCEMENTS

At 6:22 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 6:23 p.m., Senior Member of the Assembly Willie Brown declared the Assembly recessed.

REASSEMBLED

At 7:18 p.m., the Assembly reconvened.

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

CALL OF THE ASSEMBLY DISPENSED WITH ON HOUSE RESOLUTION NO. 1

At 7:18 p.m., on motion of Assembly Member Speier, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 1 refused adoption by the following vote:

AYES-40

Archie-Hudson Ca Baca Co Bates Da Bowen Du Brown, Valerie Ese Brown, Willie Fig Burton Fri Bustamante Ga	mpbell nnella ntese ivis cheny cutia gueroa ledman llegos nnigan	Hauser Horcher Isenberg Katz Knox Kuehl Lee Machado Martinez Mazzoni	McDonald Morrissey Murray, Kevin Murray, Willard Napolitano Sher Speier Sweeney Tucker Vasconcellos
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NOES-40

Aguiar Conroy Alby Cunneen Allen Firestone Baldwin Frusetta Battin Goldsmith Boland Granlund Bordonaro Harvey Bowler Hawkins Brewer Hoge Brulte House	Johnson Kaloogian Knight Knowles Kuykendall McPherson Morrow Mountjoy Olberg Poochigian	Pringle Rainey Richter Rogan Setencich Takasugi Thompson Villaraigosa Weggeland Woods
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(NOTE: For explanation of vote by Assembly Member Morrissey relative to House Resolution No. 1, see Assembly Journal for January 18, 1995, page 115; for explanation of vote by Assembly Member Villaraigosa relative to House Resolution No. 1, see Assembly Journal for January 19, 1995, page 119.)

At 7:18 p.m., on motion of Assembly Member Brulte, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 2 refused adoption by the following vote:

AYES-40

Aguiar	Conroy	Johnson	Poochigian
Alby	Cunneen	Kaloogian	Pringle
Allen	Firestone	Knight	Rainey
Baldwin	Frusetta	Knowles	Richter
Battin	Goldsmith	Kuykendall	Rogan
Boland	Granlund	McPherson	Setencich
Bordonaro	Harvey	Morrissey	Takasugi
Bowler	Hawkins	Morrow	Thompson
Brewer	Hoge	Mountjoy	Weggeland
Brulte	House	Olberg	Woods

NOES-40

Campbell Cannella Cortese Davis	Hauser Horcher Isenberg Katz	McDonald Murray, Kevin Murray, Willard Napolitano
Ducheny	Knox	Sher
Escutia	Kuehl	Speier
Figueroa	Lee	Sweenev
Friedman	Machado	Tucker
Gallegos	Martinez	Vasconcellos
Hannigan	Mazzoni	Villaraigosa
	Cannella Cortese Davis Ducheny Escutia Figueroa Friedman Gallegos	Cannella Horcher Cortese Isenberg Davis Katz Ducheny Knox Escutia Kuehl Figueroa Lee Friedman Machado Gallegos Martinez

CALL OF THE ASSEMBLY DISPENSED WITH ON **HOUSE RESOLUTION NO. 3**

At 7:18 p.m., on motion of Assembly Member Brulte, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 3 refused adoption by the following vote:

Aguiar	Conroy	Johnson	Poochigian
Alby	Cunneen	Kaloogian	Pringle
Allen	Firestone	Knight	Rainey
Baldwin	Frusetta	Knowles	Richter
Battin	Goldsmith	Kuykendall	Rogan
Boland	Granlund	McPherson	Setencich
Bordonaro	Harvey	Morrissey	Takasugi
Bowler	Hawkins	Morrow	Thompson
Brewer	Hoge	Mountjoy	Weggeland
Brulte	House	Olberg	Woods

NOES—40				
Campbell Cannella Cortese Davis	Hauser Horcher Isenberg Katz	McDonald Murray, Kevin Murray, Willard Napolitano		
Ducheny Escutia Figueroa Friedman Gallegos	Knox Kuehl Lee Machado Martinez	Sher Sher Speier Sweeney Tucker Vasconcellos Villaraigosa		
	Cannella Cortese Davis Ducheny Escutia Figueroa Friedman	Campbell Hauser Cannella Horcher Cortese Isenberg Davis Katz Ducheny Knox Escutia Kuehl Figueroa Lee Friedman Machado Gallegos Martinez		

At 7:18 p.m., on motion of Assembly Member Brulte, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 4 refused adoption by the following vote:

AYES-40

Aguiar	Conroy	Johnson	Poochigian
Alby	Cunneen	Kaloogian	Pringle
Allen	Firestone	Knight	Rainey
Baldwin	Frusetta	Knowles	Richter
Battin	Goldsmith	Kuykendall	Rogan
Boland	Granlund	McPherson	Setencich
Bordonaro	Harvey	Morrissey	Takasugi
Bowler	Hawkins	Morrow	Thompson
Brewer	Hoge	Mountjoy	Weggeland
Brulte	House	Olberg	Woods

NOES-40

Alpert	Campbell	Hauser	McDonald
Archie-Hudson	Cannella	Horcher	Murray, Kevin
Baca	Cortese	Isenberg	Murray, Willard
Bates	Davis	Katz	Napolitano
Bowen	Ducheny	Knox	Sher
Brown, Valerie	Escutia	Kuehl	Speier
Brown, Willie	Figueroa	Lee	Sweenev
Burton	Friedman	Machado	Tucker
Bustamante	Gallegos	Martinez	Vasconcellos
Caldera	Hannigan	Mazzoni	Villaraigosa

CALL OF THE ASSEMBLY DISPENSED WITH ON HOUSE RESOLUTION NO. 5

At 7:18 p.m., on motion of Assembly Member Brulte, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 5 refused adoption by the following vote:

AYES-40

Aguiar Alby	Conroy	Johnson	Poochigian
Alby	Cunneen	Kaloogian	Pringle
Allen	Firestone	Knight	Rainey
Baldwin	Frusetta	Knowles	Richter
Battin	Goldsmith	Kuykendall	Rogan
Boland	Granlund	McPherson	Setencich
Bordonaro	Harvey	Morrissey	Takasugi
Bowler	Hawkins	Morrow	Thompson
Brewer	Hoge	Mountjoy	Weggeland
Brulte	House	Olberg	Woods

NOES-40

At 7:18 p.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 6 refused adoption by the following vote:

AYES-40

Aguiar	Conroy	Johnson	Poochigian
Alby	Cunneen	Kaloogian	Pringle
Allen	Firestone	Knight	Rainey
Baldwin	Frusetta	Knowles	Richter
Battin	Goldsmith	Kuykendall	Rogan
Boland	Granlund	McPherson	Setencich
Bordonaro	Harvey	Morrissey	Takasugi
Bowler	Hawkins	Morrow	Thompson
Brewer	Hoge	Mountjoy	Weggeland
Brulte	House	Olberg	Woods

NOES-40

Alpert Archie-Hudson Baca Bates Bowen Brown, Valerie Brown, Willie Burton Bustamante	Campbell Cannella Cortese Davis Ducheny Escutia Figueroa Friedman Gallegos	Hauser Horcher Isenberg Katz Knox Kuehl Lee Machado Martinez	McDonald Murray, Kevin Murray, Willard Napolitano Sher Speier Sweeney Tucker Vasconcellos
Caldera	Hannigan	Mazzoni	Villaraigosa

CALL OF THE ASSEMBLY DISPENSED WITH ON HOUSE RESOLUTION NO. 7

At 7:18 p.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 7 refused adoption by the following vote:

AYES-40

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NOES-40

Alpert Archie-Hudson Baca Bates Bowen Brown, Valerie Brown, Willie Burton Bustamante Caldera	Campbell Cannella Cortese Davis Ducheny Escutia Figueroa Friedman Gallegos Hannigan	Hauser Horcher Isenberg Katz Knox Kuehl Lee Machado Martinez Mazzoni	McDonald Murray, Kevin Murray, Willard Napolitano Sher Speier Sweeney Tucker Vasconcellos Villaraigosa
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At 7:18 p.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

House Resolution No. 8 refused adoption by the following vote:

AYES-40

Aguiar	Conroy	Johnson	Poochigian
Alby	Cunneen	Kaloogian	Pringle
Allen	Firestone	Knight	Rainey
Baldwin	Frusetta	Knowles	Richter
Battin	Goldsmith	Kuykendali	Rogan
Boland	Granlund	McPherson	Setencich
Bordonaro	Harvey	Morrissey	Takasugi
Bowler	Hawkins	Morrow	Thompson
Brewer	Hoge	Mountjoy	Weggeland
Brulte	House	Olberg	Woods

NOES-40

Alpert	Campbell	Hauser	McDonald
Archie-Hudson	Cannella	Horcher	Murray, Kevin
Baca	Cortese	Isenberg	Murray, Willard
Bates	Davis	Katz	Napolitano
Bowen	Ducheny	Knox	Sher
Brown, Valerie	Escutia	Kuehl	Speier
Brown, Willie	Figueroa	Lee	Sweeney
Burton	Friedman	Machado	Tucker
Bustamante	Gallegos	Martinez	Vasconcellos
Caldera	Hannigan	Mazzoni	Villaraigosa

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 146—Allen. An act to amend Section 42133 of the Education Code, relating to school finance.

ASSEMBLY BILL NO. 147—Kevin Murray. An act to add Section 7108.7 to the Business and Professions Code, relating to contractors.

ASSEMBLY BILL NO. 148—Kevin Murray. An act to amend Section 14001 of the Corporations Code, relating to small business.

ASSEMBLY BILL NO. 149—Hoge. An act to repeal and add Section 1102.6 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 150—Villaraigosa. An act to amend Section 17041 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 151—Baca. An act to add Section 17921.9 to the Health and Safety Code, relating to buildings, and declaring the urgency thereof, to take effect immediately.

MOTION TO ADJOURN

At 7:21 p.m., Assembly Member Johnson moved that the Assembly do now adjourn.

Assembly Member Horcher seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 7:21 p.m., Senior Member of the Assembly Willie Brown declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 7:22 p.m., the Assembly adjourned until 9 a.m., Wednesday, January 18, 1995.

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

PAM CAVILEER, Minute Clerk