

CALIFORNIA LEGISLATURE
1995-96 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 19, 1995

**FIRST SESSION DAY
FIRST CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 445-6021)

①

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 19, 1995

At 11:06 a.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Pete Wilson, Governor of the State of California, dated January 13, 1995, convening the Legislature of the State of California on this day in extraordinary session.

In conformity with Government Code Section 9150, the following officers for the 1995-96 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk; Pam Cavileer, Minute Clerk; and Charles Bell, Sergeant at Arms.

Willie L. Brown, Jr., Senior Member of the Assembly, presiding.
Assistant Clerk Stephen J. Greene, Jr. reading.

ROLL CALL

The roll was called, and the following answered to their names—79:

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

Quorum present.

PRAYER

Upon invitation of Senior Member of the Assembly Willie Brown the following prayer was offered by Assembly Member Howard Kaloogian, of the 74th Assembly District:

Eternal Are Your Mercies, O Lord, Your grace sustains us throughout every difficulty and supplies our needy hearts with encouragement. Give us wisdom for the work that is before us. Calm our attitudes; bless us with strength to do the work of this new day.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent the following Assembly Member was granted leave of absence for the day:

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

PROCLAMATION OF THE GOVERNOR

Senior Member of the Assembly Willie Brown directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

A PROCLAMATION

by the

Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore, I, PETE WILSON, Governor of the State of California, by virtue of the power and authority vested in me by Section 3 (b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 19th day of January, 1995, at 1:30 p.m. of said day for the following purpose and to legislate upon the following subject:

To consider and act upon legislation relative to providing assistance to those persons and public entities that suffered losses as a result of the heavy rains and flooding in the counties for which I have proclaimed a State of Emergency.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 13th day of January 1995.

PETE WILSON
Governor of California

[SEAL]

ATTEST:
BILL JONES
Secretary of State

REQUEST FOR UNANIMOUS CONSENT TO SUSPEND THE RULES

Senior Member of the Assembly Willie Brown was granted unanimous consent to suspend the Rules to permit the introduction of bills on this day, in the order in which they are received at the Desk, rather than in alphabetical order, by Member.

RESOLUTIONS

The following resolution was offered:

House Resolution No. 1.

By Assembly Member Pringle.

Relative to the organization of the Assembly for the 1995-96 First Extraordinary Session.

Resolved by the Assembly of the State of California,

(a) That the Chief Clerk or the Sergeant at Arms is authorized to receipt to the Controller for all warrants for the payment of Members, Officers, and Attachés of the Assembly.

(b) That the Chief Clerk shall provide copies of the Assembly Weekly Histories to the Legislative Counsel, Governor, Attorney General, and accredited newspaper representatives.

Resolution read, and taken up on motion of Assembly Member Pringle.

Resolution adopted by the following vote:

AYES—74

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

NOES—None**INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1—Valerie Brown, Campbell, Hannigan, Hauser, Mazzoni, Willard Murray, Takasugi, and Vasconcellos, (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. 2—Mazzoni, (Principal coauthors: Valerie Brown and Kuehl (Coauthor: Hauser)). An act to amend Section 8686 of the Government Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 3—Firestone (Principal coauthors: Alby and Bowler) Allen, Bordonaro, Conroy, Cunneen, Frusetta, Hawkins, Kuykendall, McPherson, Takasugi, and Woods. 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. 4—Allen, Brewer, Conroy, and Morrissey. An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 5—Sher (Principal coauthor: Speier) Valerie Brown, and Mazzoni. An act to add Section 8326.5 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

RESOLUTIONS

The following resolutions were offered:

Resolutions to Dispense With Constitutional Provision

By Assembly Member Valerie Brown.

Resolved, That Assembly Bill No. 1 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

By Assembly Member Mazzoni.

Resolved, That Assembly Bill No. 2 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

By Assembly Member Firestone.

Resolved, That Assembly Bill No. 3 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

By Assembly Member Allen.

Resolved, That Assembly Bill No. 4 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

By Assembly Member Sher.

Resolved, That Assembly Bill No. 5 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolutions read, and adopted by the following vote:

AYES—72

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

NOES—None

Article IV, Section 8(b) of the Constitution was declared dispensed with.

At 11:14 a.m., without objection, Hon. Tom Bates, 14th District, presiding

CONSIDERATION OF ASSEMBLY BILL NO. 1 BY UNANIMOUS CONSENT

Assembly Member Valerie Brown was granted unanimous consent to take up Assembly Bill No. 1, for purpose of consideration.

ASSEMBLY BILL NO. 1 (Valerie Brown)—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.

Bill read second time; bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—79

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—79

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

NOES—None

Bill ordered transmitted to the Senate.

CONSIDERATION OF ASSEMBLY BILL NO. 2 BY UNANIMOUS CONSENT

Assembly Member Mazzoni was granted unanimous consent to take up Assembly Bill No. 2, for purpose of consideration.

ASSEMBLY BILL NO. 2 (Mazzoni)—An act to amend Section 8686 of the Government Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

Bill read second time; bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—72

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—72

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

NOES—None

Bill ordered transmitted to the Senate.

At 11:19 a.m., Senior Member of the Assembly, Willie L. Brown, Jr., 13th District, presiding

CONSIDERATION OF ASSEMBLY BILL NO. 3 BY UNANIMOUS CONSENT

Assembly Member Firestone was granted unanimous consent to take up Assembly Bill No. 3, for purpose of consideration.

ASSEMBLY BILL NO. 3 (Firestone)—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.

Bill read second time; bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—79

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—79

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

NOES—None

Bill ordered transmitted to the Senate.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 6—Kuykendall. An act to repeal and add Sections 17207 and 24347.5 of, and to repeal Sections 17208, 17208.1, 17208.2, 17208.3, 24347.6, 24347.7, 24347.8, and 24347.9 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Kuykendall.

Resolved, That Assembly Bill No. 6 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

AYES—72

Aguiar	Campbell	Isenberg	Murray, Kevin
Alby	Conroy	Johnson	Murray, Willard
Allen	Cunneen	Kaloojian	Napolitano
Alpert	Davis	Katz	Olberg
Archie-Hudson	Ducheny	Knight	Poochigian
Baca	Escutia	Knowles	Pringle
Bates	Figueroa	Knox	Rainey
Battin	Firestone	Kuehl	Rogan
Boland	Frusetta	Kuykendall	Setenich
Bordonaro	Gallegos	Lee	Sher
Bowen	Goldsmith	Machado	Speier
Bowler	Hannigan	Martinez	Sweeney
Brewer	Harvey	Mazzoni	Takasugi
Brown, Valerie	Hauser	McDonald	Thompson
Brown, Willie	Hawkins	McPherson	Vasconcellos
Brulte	Hoge	Morrissey	Villaraigosa
Burton	Horcher	Morrow	Weggeland
Caldera	House	Mountjoy	Woods

NOES—None

Article IV, Section 8 (b) of the Constitution was declared dispensed with.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member McPherson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Donald R. Haile, of Santa Cruz.

Assembly Members Bowen and Takasugi were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of more than 3,000 victims of the recent earthquake in Kobe, Japan.

Moment of Silence Observed

At the request of Senior Member of the Assembly Willie Brown, the assemblage observed a moment of silence in memory of the victims of the recent earthquake in Kobe, Japan.

VOTE ADDS

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

House Resolution No. 1: Bowen, Davis, Knowles, Vasconcellos, and Weggeland—Aye.

Resolutions to Invoke Constitution: Hoge, Knowles, Knox, and Vasconcellos—Aye.

Assembly Bill No. 1 and Urgency: Knowles, Knox, and Vasconcellos—Aye.

Assembly Bill No. 2 and Urgency: Alby, Burton, Knox, Olberg, and Vasconcellos—Aye.

Assembly Bill No. 3 and Urgency: Baldwin, Knox, and Richter—Aye.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 2—Valerie Brown, Mazzoni, Bustamante, Conroy, Cortese, Hauser, Willard Murray, and Rogan. Relative to the National Guard.

MESSAGES FROM THE SENATE

Senate Chamber, January 19, 1995

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 1

RICK ROLLENS, Secretary of the Senate
By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 1995–96 First Extraordinary Session.

MOTION TO ADJOURN

At 11:34 a.m., Assembly Member Brulte moved that the Assembly do now adjourn.

Assembly Member Hannigan seconded the motion.

Motion carried.

ADJOURNMENT

At 3 p.m., on motion of Assembly Member Brulte, the Assembly adjourned until 11 a.m., Monday, January 23, 1995 or upon Call of Senior Member of the Assembly Willie Brown, out of respect to the memory of Donald R. Haile, on motion of Assembly Member McPherson; and out of respect to the memory of 3,000 Japanese earthquake victims, on motion of Assembly Members Bowen and Takasugi.

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

PAM CAVILEER, Minute Clerk