

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, January 30, 1995

SIXTEENTH SESSION DAY

FIFTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, January 30, 1995

The Assembly met at 11:05 a.m.

Hon. Willie L. Brown, Jr., Speaker 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 —77:

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

Quorum present.

PRAYER

Upon invitation of Speaker Brown, the following prayer was offered by Assembly Member Marilyn Brewer, of the 70th Assembly District:

Father, In the chambers and halls of this Capitol Building, help us to respect and love those whose opinions we share and those whose opinions we reject. For both have labored in the search of truth and both have helped us in the finding of it. And may our constant search for truth and happiness always be rewarded by finding the hidden truth and goodness which is in the heart and soul of every person. May this discovery make us one and bring us peace.

Guide us in our pursuit of wisdom, righteousness, and justice.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Brown, Assembly Member Kuykendall 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 Valerie Brown, seconded by Assembly Member Hannigan.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

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

Because of illness in her family: Assembly Member Bowen.

REPORTS

The following reports were presented by the Chief Clerk:

**Status Report on Deregulation of Billing and Collection Services
for Information Services Containing "Harmful Matter"
(Pursuant to Section 2884.2, Public Utilities Code)**

Above transmitted report, together with letter of transmittal from Neal Shulman, Executive Director, California Public Utilities Commission, San Francisco, dated December 31, 1994, referred by the Speaker to the Committee on Utilities and Commerce.

**Report to the Legislature—AB 1338 (1993)
(Pursuant to Section 15814.25, Government Code)**

Above transmitted report, together with letter of transmittal from Charles Imbrecht, Chairman, California Energy Commission, Sacramento, dated January 10, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**1994 OAL Determination No. 1 (Department of Education,
Filed with the Secretary of State on December 22, 1994)
(Pursuant to Section 11347.5, Government Code)**

Above transmitted report, together with letter of transmittal from John D. Smith, Deputy Director, Office of Administrative Law, Sacramento, dated January 18, 1995, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

1993-94 Agency Statistical Profile

Above transmitted report, together with letter of transmittal from C. Lance Barnett, Interim Director, California Department of Consumer Affairs, Sacramento, dated December 30, 1994, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Quarterly Report on California State Civil Service Adverse Actions
(Pursuant to Item 1880-001-001,
Supplemental Report of the 1993 Budget Bill)**

Above transmitted report, together with letter of transmittal from Gloria Harmon, Executive Officer, California State Personnel Board, Sacramento, dated December 23, 1994, referred by the Speaker to the Committee on Labor and Employment.

**Target Business Enterprise Program, 1994 Annual Report
(Pursuant to Section 16855, Government Code and
Section 999.7, Military and Veterans Code)**

Above transmitted report, together with letter of transmittal from Kathleen Brown, State Treasurer, Sacramento, dated January 1, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**1993-94 Annual Report
(Pursuant to Section 10205, Unemployment Insurance Code)**

Above transmitted report, together with letter of transmittal from Gerald G. Geismar, Executive Director, California Employment Training Panel, Sacramento, dated December 23, 1994, referred by the Speaker to the Committee on Labor and Employment.

**Minority/Women/Disabled Veteran Business Enterprise Participation
in Contracts Awarded by the State Teachers' Retirement System
July 1, 1993 through June 30, 1994
(Pursuant to Section 10115.5, Public Contract Code)**

Above transmitted report, together with letter of transmittal from James D. Mosman Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated December 23, 1994, referred by the Speaker to the Committee on Utilities and Commerce.

**Annual Report on Commission Activities Relating to Railroad Safety
(Pursuant to Sections 309.7 and 765.6, Public Utilities Code)**

Above transmitted report, together with letter of transmittal from Neal J. Shulman, Executive Director, Public Utilities Commission, San Francisco, dated December 31, 1994, referred by the Speaker to the Committee on Transportation.

**Lease-Purchase Program Costs
Avoided by Use of Year-Round Education
(Pursuant to Section 42263(d)(3), Education Code)**

Above transmitted report, together with letter of transmittal from Oscar Wright, Executive Officer, State Allocation Board, Sacramento, dated November 30, 1994, referred by the Speaker to the Committee on Education.

**Report on Settlement Agreements or Arbitration Awards
(Pursuant to Section 806, Business and Professions Code)**

Above transmitted report, together with letter of transmittal from Ruth Ann Terry, Executive Officer, Board of Registered Nursing, Sacramento, dated December 14, 1994, referred by the Speaker to the Committee on Health.

**Unaudited Financial Statements,
Three Months Ending September 30, 1994
(Pursuant to Section 8880.22, Government Code)**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Manager, Fiscal Services Branch, California Lottery, Sacramento, dated December 15, 1994, referred by the Speaker to the Committee on Governmental Organization.

**Immediate and Long Term Improvement Options
on State Route 12 in Solano County
(Pursuant to Section 11095, Government Code)**

Above transmitted report, together with letter of transmittal from Jan Hall, Assistant Deputy Director, Legislative and Local Government Affairs, Department of Transportation, Sacramento, dated December 21, 1994, referred by the Speaker to the Committee on Transportation.

**1994 Annual Report to the Legislature
(Pursuant to Sections 14535 and 14536, Government Code)**

Above transmitted report, together with letter of transmittal from Robert I. Remen, Executive Director, California Transportation Commission, Sacramento, dated December 7, 1994, referred by the Speaker to the Committee on Transportation.

**Property Tax Assessment Practices Surveys:
Amador, Butte, Calaveras, Sacramento, San Benito, San Mateo,
Santa Barbara, Tehama, and Ventura Counties
(Pursuant to Section 15646, Government Code)**

Above transmitted report, together with letter of transmittal from Burton W. Oliver, Executive Director, State Board of Equalization, Sacramento, dated December 13, 1994, referred by the Speaker to the Committee on Revenue and Taxation.

**Residential Care Facilities for the Elderly, Locked Perimeters Pilot Project
(Pursuant to Chapter 1372, Statutes of 1989)**

Above transmitted report, together with letter of transmittal from Eloise Anderson, Director, Department of Social Services, Sacramento, dated January 17, 1995, referred by the Speaker to the Committee on Human Services.

**Report to the Legislature on the State Surplus Property Inventory
(Pursuant to Section 11011.21, Government Code)**

Above transmitted report together with letter of transmittal from John Lockwood, Director, Department of General Services, Sacramento, dated January 11, 1995, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Veterans' Farm and Home Building Fund of 1943,
Financial Statements for Year Ending June 30, 1994
(Pursuant to Chapter 184, Statutes of 1994)**

Above transmitted report together with letter of transmittal from Col. Jay R. Vargas, USMC (Ret), Director, California Department of Veterans Affairs, Sacramento, dated January 5, 1995, referred by the Speaker to the Committee on Governmental Organization.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Richter was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anthony Anders Roth, of Grass Valley.

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 Walter "Wally" Franklin Alexander III, of Santa Cruz.

Assembly Member Isenberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joseph Sais, Sr., of Sacramento.

ANNOUNCEMENTS

Speaker Brown announced that there would be a briefing of first-term Members on Wednesday, February 1, 1995, at 9 a.m. at California State University, Sacramento.

Speaker Brown also announced that Assembly Member Isenberg would be conducting a training seminar later this week for all first-time committee chairpersons.

RECESS

By unanimous consent, at 11:16 a.m., Speaker Brown declared the Assembly recessed.

REASSEMBLED

At 11:17 a.m., the Assembly reconvened.

Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.

CAUCUS ANNOUNCEMENTS

Assembly Member Archie-Hudson announced that the Democratic Caucus would meet on Tuesday, January 31, 1995, at noon, in the Assembly Lounge; and Assembly Member Pringle announced that the Republican Caucus would meet at the same time, in the Tom Bane Rules Committee Room.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:17 a.m., Speaker 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. 203—Alpert. An act to add and repeal Chapter 10 (commencing with Section 15399.40) of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to supercomputer centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 204—Cannella. An act to amend Sections 8589.7 and 51018 of the Government Code, and to amend Sections 25270.8 and 25359.4 of the Health and Safety Code, relating to disasters.

ASSEMBLY BILL NO. 205—Cannella. An act to repeal Section 19821 of the Government Code, relating to state employees.

ASSEMBLY BILL NO. 206—Cannella. An act to amend Sections 42807 and 42950 of the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 207—Rogan, Alby, Baldwin, Conroy, Cunneen, Katz, Martinez, Morrissey, Pringle, Rainey, Richter, and Speier (Senators Hurtt and Monteith, coauthors). An act to amend Section 244 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 208—Cannella. An act to add and repeal Sections 6377.3, 17053.51, and 23651 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 209—Granlund. An act to amend Sections 11271, 11271.5, and 11273 of the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 210—Burton. An act to amend Section 30101.8 of the Streets and Highways Code, relating to toll bridges, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 211—Richter. An act to repeal Article 4 (commencing with Section 44100) of Chapter 1 of Part 25 of, and Article 4 (commencing with Section 87100) of Chapter 1 of Part 51 of, the Education Code, and to amend Section 821 of, to add Chapter 6 (commencing with Section 1950) to Division 4 of Title 1 of, and to repeal Chapter 12 (commencing with Section 19790) of Part 2 of Division 5 of Title 2 of, the Government Code, relating to public officers and employees.

ASSEMBLY BILL NO. 212—Johnson. An act to amend Sections 1257 and 2101 of the Unemployment Insurance Code, relating to unemployment insurance.

ASSEMBLY BILL NO. 213—Bordonaro. An act relating to public works.

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 4—Katz, Aguiar, Baldwin, Bates, Bowen, Bowler, Valerie Brown, Brulte, Bustamante, Campbell, Conroy, Cortese, Davis, Ducheny, Escutia, Friedman, Goldsmith, Harvey, Hauser, Isenberg, Johnson, Knox, Kuehl, Lee, Martinez, Mazzoni, McDonald, Kevin Murray, Willard Murray, Rainey, Richter, Sher, Sweeney, Takasugi, Vasconcellos, and Weggeland (Senators Alquist, Beverly, Calderon, Costa, Hughes, Johnston, Kelley, Killea, Kopp, Leonard, Lewis, Lockyer, Marks, O'Connell, Peace, Petris, Polanco, Rogers, Rosenthal, Thompson, Watson, and Wright, coauthors). Relative to California Holocaust Memorial Week.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to Committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
11	G.O.
34	Ed.
100	Trans.
101	Ed.
102	L. Gov.
103	Hum. S.
104	H. & C.D.
105	Ed.
106	Pub. S.
107	Ed.
108	W., P. & W.
109	Pub. S.
110	Trans.
111	Budget
112	Ed.

113	-----	Pub. S.
114	-----	Pub. S.
115	-----	Ins.
116	-----	C.P.,G.E. & E.D.
117	-----	W.,P. & W.
118	-----	U. & C.
119	-----	U. & C.
120	-----	W.,P. & W.
121	-----	L. & E.
122	-----	Trans.
123	-----	C.P.,G.E. & E.D.
124	-----	Agri.
125	-----	L. Gov.
126	-----	Pub. S.
127	-----	Pub. S.
128	-----	Jud.
129	-----	Pub. S.
130	-----	Pub. S.
131	-----	Nat. Res.
132	-----	Pub. S.
133	-----	Pub. S.
134	-----	L. Gov.
135	-----	Trans.
136	-----	Ed.
137	-----	W.,P. & W.
138	-----	L. & E.
139	-----	Pub. S.
140	-----	U. & C.
141	-----	G.O.
142	-----	G.O.
143	-----	Rev. & Tax.
144	-----	Pub. S.
145	-----	Jud.
146	-----	Ed.
147	-----	C.P.,G.E. & E.D.
149	-----	Pub. S.
150	-----	Rev. & Tax.
151	-----	H. & C.D.
152	-----	C.P.,G.E. & E.D.
153	-----	Trans.
154	-----	Hum. S.
155	-----	L. Gov.
156	-----	Pub. S.
157	-----	Jud.
158	-----	Pub. S.
159	-----	Hum. S.
160	-----	H. & C.D.
161	-----	Health
162	-----	Hum. S.
163	-----	G.O.
164	-----	Ed. and Pub. S.
165	-----	W.,P. & W.
166	-----	P.E.,R. & S.S.
167	-----	Pub. S.

168	-----	Pub. S.
169	-----	Nat. Res.
170	-----	Ed.
171	-----	Pub. S.
172	-----	Pub. S.
173	-----	Pub. S.
174	-----	Ed.
175	-----	Pub. S.
176	-----	Pub. S.
178	-----	Pub. S.
179	-----	Agri. and E.S. & T.M.
180	-----	Jud.
181	-----	Ed.
182	-----	L. Gov.
183	-----	Rev. & Tax.
184	-----	L. Gov.
185	-----	L. Gov.
186	-----	Pub. S.

Assembly Constitutional

<i>Amendment No.</i>	<i>Committee</i>
5	----- Rls.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
1	----- Rls.
2	----- Rls.
3	----- Trans.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
4	----- Agri.

Senate

<i>Bill No.</i>	<i>Committee</i>
91	----- Rev. & Tax.

INTRODUCTION OF GUESTS

Assembly Member Sher, of the 21st Assembly District, introduced the following members of Girl Scout Troop 1036 of Santa Clara County:

Natalie Genco, Alison Herdocia, Adrienne Hoopes, Kim Kondratieff, Michelle Lee, Heidi Luk, Sara Morris, Cara Shaw, Leigh Slade, and Patti Withrow; accompanied by Troop leaders Joan Herdocia and Linda Withrow.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Tuesday, January 31, 1995, out of respect to the memory of Anthony Anders Roth, on motion of Assembly Member Richter; out of respect to the memory of Walter "Wally" Franklin Alexander III, on motion of Assembly Member McPherson; and out of respect to the memory of Joseph Sais, Sr., on motion of Assembly Member Isenberg.

WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk