

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, January 31, 1995**

**SEVENTEENTH SESSION DAY  
FIFTY-EIGHTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Tuesday, January 31, 1995

The Assembly met at 7 a.m.

Hon. Mickey Conroy, Assembly Member, 71st District, presiding.  
Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Stephen J. Greene, Jr. reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

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	Figueroa	Knox	Setencich
Bates	Firestone	Kuehl	Sher
Battin	Friedman	Kuykendall	Speier
Boland	Frusetta	Lee	Sweeney
Bordonaro	Callegos	Machado	Takasugi
Bowler	Goldsmith	Martinez	Thompson
Brewer	Granlund	Mazzoni	Tucker
Brown, Valerie	Hannigan	McDonald	Vasconcellos
Brulte	Harvey	McPherson	Villaraigosa
Burton	Hauser	Morrissey	Weggeland
Bustamante	Hawkins	Morrow	Woods
Caldera	Hoge	Murray, Kevin	Mr. Speaker
Campbell	Horcher	Murray, Willard	
Cannella	House	Napolitano	

Quorum present.

At 1:30 p.m., Hon. James Rogan, 43rd District, presiding

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### LEAVES OF ABSENCE FOR THE DAY

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

*Because of illness in her family: Assembly Member Bowen.*

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

January 31, 1995

*Mr. E. Dotson Wilson*

*Chief Clerk*

*California State Assembly*

*State Capitol, Room 3196*

*Sacramento, California*

Dear Dotson: On behalf of the Democratic Caucus please list in the Journal the names of the following Chairs and Vice Chairs for the 1995-96 session:

Agriculture: Vice Chair—Mike Machado  
 Appropriations: Vice Chair—Valerie Brown  
 Banking and Finance: Vice Chair—Debra Bowen  
 Budget: Chair—John Vasconcellos  
 Consumer Protection, Governmental Efficiency and Economic Development: Chair—Jackie Speier  
 Education: Chair—Dede Alpert  
 Elections, Reapportionment and Constitutional Amendments: Vice Chair—Martin Gallegos  
 Environmental Safety and Toxic Materials: Vice Chair—Liz Figueroa  
 Governmental Organization: Chair—Paul Horcher  
 Health: Vice Chair—Barbara Friedman  
 Higher Education: Chair—Marguerite Archie-Hudson  
 Housing and Community Development: Chair—Dan Hauser  
 Human Services: Vice Chair—Tom Bates  
 Insurance: Vice Chair—Curtis Tucker, Jr.  
 Judiciary: Chair—Phil Isenberg  
 Labor and Employment: Chair—Wally Knox  
 Local Government: Vice Chair—Mike Sweeney  
 Natural Resources: Chair—Byron Sher  
 Public Employees, Retirement and Social Security: Vice Chair—Sal Cannella  
 Public Safety: Vice Chair—Kerry Mazzone  
 Revenue and Taxation: Chair—Juanita McDonald  
 Rules: Chair—John Burton  
 Televising the Assembly and Information Technology: Vice Chair—Debra Bowen  
 Transportation: Chair—Richard Katz  
 Utilities and Commerce: Vice Chair—Diane Martinez  
 Water, Parks and Wildlife: Chair—Dom Cortese

Thank you.

Sincerely,

**WILLIE L. BROWN, JR.**  
 Speaker of the Assembly

January 31, 1995

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

Dear Dotson: On behalf of the Democratic Caucus please list in the Journal the names of the following committee assignments for the 1995-96 session:

***Agriculture Committee*** (14)

Meets every 2nd and 4th Monday at 1:30 p.m.

Valerie Brown	Barbara Lee
Cruz Bustamante	Mike Machado, Vice Chair
Sal Cannella	John Vasconcellos
Barbara Friedman	

***Appropriations Committee*** (18)

Meets every Wednesday at 9 a.m.

Paul Horcher	Barbara Lee
Valerie Brown, Vice Chair	Diane Martinez
John Burton	Curtis Tucker
Cruz Bustamante	Antonio Villaraigosa
Barbara Friedman	

***Banking and Finance Committee*** (14)

Meets every 1st and 3rd Monday at 4 p.m.

Debra Bowen, Vice Chair	Phil Isenberg
Louis Caldera	Mike Machado
Martin Gallegos	Juanita McDonald
Tom Hannigan	

***Budget Committee*** (18)

Meets every Wednesday at 9 a.m.

Tom Bates	Mike Machado
Louis Caldera	Willard Murray
Denise Ducheny	Grace Napolitano
Martha Escutia	John Vasconcellos, Chair
Tom Hannigan	

***Consumer Protection, Governmental Efficiency and Economic Development Committee*** (12)

Meets every 1st and 3rd Tuesday at 9 a.m.

Tom Bates	Phil Isenberg
Valerie Brown	Mike Machado
Susan Davis	Jackie Speier, Chair

***Education Committee*** (16)

Meets every 1st and 3rd Wednesday at 1:30 p.m.

Dede Alpert, Chair	Diane Martinez
Joe Baca	Kerry Mazzoni
Susan Davis	Willard Murray
Barbara Friedman	Mike Sweeney

***Elections, Reapportionment and Constitutional  
Amendments Committee (6)***

Meets every Monday at 4 p.m.

Cruz Bustamante  
Martin Gallegos, Vice Chair  
Jackie Speier

***Environmental Safety and Toxic Materials Committee (12)***

Meets 2nd and 4th Tuesday at 1:30 p.m.

Dede Alpert	Liz Figueroa, Vice Chair
Debra Bowen	Grace Napolitano
Denise Ducheny	Mike Sweeney

***Governmental Organization Committee (16)***

Meets every Tuesday at 9 a.m.

Paul Horcher, Chair	Dan Hauser
Joe Baca	Richard Katz
Cruz Bustamante	Diane Martinez
Dom Cortese	Curtis Tucker

***Health Committee (18)***

Meets every Tuesday at 1:30 p.m.

Barbara Friedman, Vice Chair	Martin Gallegos
Valerie Brown	Barbara Lee
John Burton	Jackie Speier
Susan Davis	Curtis Tucker
Martha Escutia	

***Higher Education Committee (10)***

Meets every 1st and 3rd Tuesday at 1:30 p.m.

Marguerite Archie-Hudson, Chair	Wally Knox
Joe Baca	John Vasconcellos
Louis Caldera	

***Housing and Community Development Committee (10)***

Meets every 2nd and 4th Wednesday at 9 a.m.

Dan Hauser, Chair	Denise Ducheny
Robert Campbell	Kerry Mazzoni
Susan Davis	

***Human Services Committee (6)***

Meets every 1st and 3rd Wednesday at 9 a.m.

Tom Bates, Vice Chair  
Sheila Kuehl  
Byron Sher

***Insurance Committee (16)***

Meets every Tuesday at 9 a.m.

Curtis Tucker, Vice Chair	Barbara Lee
Paul Horcher	Juanita McDonald
Marguerite Archie-Hudson	Byron Sher
Liz Figueroa	Antonio Villaraigosa

**Judiciary Committee (14)**

Meets every 2nd and 4th Wednesday at 9 a.m.

Phil Isenberg, Chair	Sheila Kuehl
Marguerite Archie-Hudson	Kevin Murray
Liz Figueroa	Byron Sher
Wally Knox	

**Labor and Employment Committee (8)**

Meets every 1st and 3rd Wednesday at 1:30 p.m.

Wally Knox, Chair	Paul Horcher
Martin Gallegos	Antonio Villaraigosa

**Local Government Committee (10)**

Meets every 2nd and 4th Wednesday at 1:30 p.m.

Mike Sweeney, Vice Chair	Willard Murray
Sal Cannella	Grace Napolitano
Tom Hannigan	

**Natural Resources Committee (14)**

Meets every Monday at 1:30 p.m.

Byron Sher, Chair	Sheila Kuehl
Paul Horcher	Jackie Speier
Tom Bates	Mike Sweeney
Debra Bowen	

**Public Employees, Retirement and Social Security Committee (10)**

Meets every 1st and 3rd Wednesday at 9 a.m.

Sal Cannella, Vice Chair	Dom Cortese
Dede Alpert	Liz Figueroa
Robert Campbell	

**Public Safety Committee (8)**

Meets every Tuesday at 9 a.m.

Kerry Mazzoni, Vice Chair	Sheila Kuehl
John Burton	Kevin Murray

**Revenue and Taxation Committee (10)**

Meets every Monday at 1:30 p.m.

Juanita McDonald, Chair	Phil Isenberg
Louis Caldera	Antonio Villaraigosa
Tom Hannigan	

**Assembly Rules Committee (10)**

Meets every Monday at 4 p.m.

John Burton, Chair	Barbara Lee
Martha Escutia	Kevin Murray
Sheila Kuehl	

***Televising the Assembly and Information  
Technology Committee (4)***

Meets every Monday at 4 p.m.

Debra Bowen, Vice Chair  
Richard Katz

***Transportation Committee (16)***

Meets every Monday at 1:30 p.m.

Richard Katz, Chair	Martha Escutia
Robert Campbell	Dan Hauser
Dom Cortese	Kerry Mazzoni
Susan Davis	Grace Napolitano

***Utilities and Commerce Committee (16)***

Meets every Monday at 1:30 p.m.

Dede Alpert	Diane Martinez, Vice Chair
Marguerite Archie-Hudson	Juanita McDonald
Joe Baca	Kevin Murray
Wally Knox	Willard Murray

***Water, Parks and Wildlife Committee (14)***

Meets every 2nd and 4th Tuesday at 9 a.m.

Dom Cortese, Chair	Dan Hauser
Robert Campbell	Richard Katz
Sal Cannella	Kevin Murray
Denise Ducheny	

Sincerely,

WILLIE L. BROWN, JR.  
Speaker of the Assembly

**REPORTS**

The following reports were presented by the Chief Clerk:

**Monthly Management Information Report for November 1994  
(Pursuant to Section 8880.42, 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.

**Monthly Management Information Report for December 1994  
(Pursuant to Section 8880.42, Government Code)**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Manager, Fiscal Services Branch, California Lottery, Sacramento, dated January 13, 1995, referred by the Speaker to the Committee on Governmental Organization.

**Annual Report on Management of State School Lands  
(Pursuant to Section 6477, Public Resources Code)**

Above transmitted report, together with letter of transmittal from Robert C. Hight, Executive Officer, State Lands Commission, Sacramento, dated December 15, 1994, referred by the Speaker to the Committee on Natural Resources.

**Report on AB 311 (Statutes of 1992, Chapter 911)  
\$50,000 Ceiling on Emotional Distress Damages and  
Administrative Fines for Employment Discrimination Violations**

Above transmitted report, together with letter of transmittal from Steven C. Owyang, Executive and Legal Affairs Secretary, Fair Employment and Housing Commission, San Francisco, dated January 19, 1995, referred by the Speaker to the Committee on Labor and Employment.

**Status Report on Restructuring California's  
Electric Services Industry and Reforming Regulation  
(Pursuant to ACR 143, Res. Chapter 48, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Neal J. Shulman, Executive Director, Public Utilities Commission, San Francisco, dated January 24, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**1993-94 Annual Report  
(Pursuant to Section 51005, Health and Safety Code)**

Above transmitted report, together with letter of transmittal from John Seymour, Director, California Housing Finance Agency, Sacramento, dated December 14, 1994, referred by the Speaker to the Committee on Housing and Community Development.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 214**—Baca. An act to amend Section 4420 of the Government Code, relating to public works.

**ASSEMBLY BILL NO. 215**—Willard Murray. An act to add Section 44836.1 to the Education Code, relating to school employees.

**ASSEMBLY BILL NO. 216**—Burton. An act to amend Section 17041 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 217**—Burton. An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 218**—Richter. An act to amend Section 8880.32 of the Government Code, relating to the state lottery.

**ASSEMBLY BILL NO. 219**—Baca. An act to amend Sections 853.5 and 853.6 of the Penal Code, and to amend Sections 40500 and 40504 of the Vehicle Code, relating to arrests.

**ASSEMBLY BILL NO. 220**—Boland. An act to amend Section 66602 of the Education Code, to amend Sections 7150, 7156, 7157, 7207, 7300, 7350, 7405, 7550, 7652, 13109, 15651, 15653, and 15654 of the Elections Code, to amend Sections 7.6, 1001, 1062, 1750, 1775, 8575, 8704, 8790.1, 9766, 9791, 11552.5, 12058, 12058.5, 12059, 12241, 12700, 14886, 15350, 15355.5, 15364.2, 20360, and 75030.5 of, to repeal Sections 3039, 12100, and 12101 of, and to repeal Chapter 2 (commencing with Section 14999) of Part 5.7 of Division 3 of Title 2 of, the Government Code, to amend Section 6101 of the Public Resources Code, to amend Section 2154 of the Streets and Highways Code, to amend Section 15036 of the Unemployment Insurance Code, to amend Section 2600 of the Vehicle Code, and to amend Section 14477 of the Welfare and Institutions Code, relating to the Lieutenant Governor.

**ASSEMBLY BILL NO. 221**—Tucker. An act to repeal and add Section 19518 of the Business and Professions Code, relating to horseracing.



**ASSEMBLY BILL NO. 222—Tucker.** An act to amend Sections 19577 and 19578 of the Business and Professions Code, relating to horseracing.

**ASSEMBLY BILL NO. 223—Willard Murray.** An act to add Chapter 10 (commencing with Section 16020) to Division 8 of the Unemployment Insurance Code, relating to youth employment projects.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6—Boland.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 17 of Article II thereof, subdivision (1) of Section 8 of Article III thereof, Sections 5, 9, 10, and 11 of, and subdivision (f) of Section 14 of, Article V thereof, Section 4 of Article VII thereof, and subdivision (a) of Section 9 of Article IX thereof, relating to the Lieutenant Governor.

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 5—Willard Murray, Aguiar, Alby, Alpert, Baca, Baldwin, Bates, Boland, Bowen, Bowler, Valerie Brown, Burton, Caldera, Campbell, Cannella, Conroy, Cunneen, Davis, Ducheny, Escutia, Hannigan, Harvey, Hauser, House, Isenberg, Katz, Kuehl, Martinez, Mazzoni, McDonald, Morrissey, Kevin Murray, Napolitano, Rainey, Sher, Speier, Tucker, and Vasconcellos.** (Senators Beverly, Costa, Haynes, Hughes, Johnston, Leonard, Monteith, O'Connell, Petris, Polanco, Rogers, Thompson, and Watson, coauthors.) Relative to Adult Education Week.

#### ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 1, 1995.

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WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk