

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 1, 1995

EIGHTEENTH SESSION DAY

FIFTY-NINTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 1, 1995

The Assembly met at 7 a.m.

Hon. Jim Morrissey, Assembly Member, 69th 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—75:

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

Quorum present.

At 2:20 p.m., Hon. Brian Setencich, 30th 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 Members were granted leaves of absence for the day:

On legislative business: Assembly Members Bates and Willie Brown.

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

Because of illness in her family: Assembly Member Bowen.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

February 1, 1995

Honorable Willie L. Brown, Jr.
Room 219
State Capitol Building
Sacramento, California

Dear Mr. Speaker, It is requested that I be excused from session on February 1. I will be conducting legislative business in my district at that time.

Thank you,

TOM BATES, Assembly Member
 Fourteenth District

February 1, 1995

E. Dotson Wilson
Chief Clerk
State Capitol
Sacramento, California

Dear Dotson: Please be advised that I will not be in the Capitol for check in session today due to legislative business.

Sincerely,

WILLIE L. BROWN, JR.
 Speaker of the Assembly

COMMUNICATIONS

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

Assembly Republican Caucus

February 1, 1995

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

Dear Dotson: On behalf of the Republican Caucus, I would like to inform you that following members have been chosen for the following committee assignments for the 1995-96 legislative session:

Agriculture Committee

Jim Battin
 Tom Bordonaro
 Peter Frusetta
 Trice Harvey, Chair

Bill Hoge
 Bruce McPherson
 Brian Setencich

Appropriations Committee

Fred Aguiar
 Marilyn Brewer
 Jan Goldsmith
 Ross Johnson
 Keith Olberg

Chuck Poochigian
 Curt Pringle, Chair
 Jim Rogan
 Nao Takasugi

Banking and Finance Committee

Larry Bowler
 Jim Cunneen
 Brooks Firestone
 Steve Kuykendall

Brian Setencich
 Nao Takasugi
 Ted Weggeland, Chair

Budget Committee

Barbara Alby
 Jim Cunneen
 Trice Harvey
 Phil Hawkins
 David Knowles

Bill Morrow
 Chuck Poochigian, Vice-Chair
 Curt Pringle
 Bruce Thompson

***Consumer Protection, Governmental Efficiency and
Economic Development Committee***

Steve Baldwin
 Brooks Firestone
 Steve Kuykendall

Jim Morrissey, Vice-Chair
 Bruce Thompson
 Tom Woods

Education Committee

Doris Allen
 Steve Baldwin, Vice-Chair
 Paula Boland
 Larry Bowler

Keith Olberg
 Jim Rogan
 Bruce Thompson
 Tom Woods

***Elections, Reapportionment and Constitutional
Amendments Committee***

Bill Hoge
 Ross Johnson
 Bruce McPherson, Chair

Environmental Safety and Toxic Materials Committee

Barbara Alby
 Peter Frusetta
 George House

Jim Morrissey
 Richard Rainey
 Bernie Richter, Chair

Governmental Organization Committee

Tom Bordonaro
 Trice Harvey
 Phil Hawkins
 Bill Hoge, Vice-Chair

Howard Kaloogian
 Pete Knight
 Bruce McPherson
 Nao Takasugi

Health Committee

Fred Aguiar
 Doris Allen, Chair
 Steve Baldwin
 Jim Battin
 Brett Granlund

Ross Johnson
 Jim Morrissey
 Bill Morrow
 Ted Weggeland

Higher Education Committee

Tom Bordonaro
 Mickey Conroy
 Brooks Firestone, Vice-Chair

Bruce McPherson
 Brian Setencich

Housing and Community Development Committee

Doris Allen
Paula Boland
Mickey Conroy

Phil Hawkins, Vice-Chair
Bernie Richter

Human Services Committee

Tom Bordonaro
Brett Granlund, Chair
Tom Woods

Insurance Committee

Fred Aguiar
Marilyn Brewer
Mickey Conroy
Jim Cunneen

Bill Hoge
Ross Johnson
David Knowles, Chair
Curt Pringle

Judiciary Committee

Barbara Alby
Jim Battin
George House
Howard Kaloogian

Pete Knight
David Knowles
Bill Morrow, Vice-Chair

Labor and Employment Committee

Peter Frusetta
Jan Goldsmith

George House, Vice-Chair
Ted Weggeland

Local Government Committee

Marilyn Brewer
Jan Goldsmith
Brett Granlund

Steve Kuykendall
Richard Rainey, Chair

Natural Resources Committee

Paula Boland
Keith Olberg, Vice-Chair
Chuck Poochigian
Bernie Richter

Jim Rogan
Bruce Thompson
Tom Woods

Public Employees, Retirement and Social Security Committee

Trice Harvey
Howard Kaloogian, Chair
Pete Knight

David Knowles
Bernie Richter

Public Safety Committee

Paula Boland, Chair
Larry Bowler

Richard Rainey
Jim Rogan

Revenue and Taxation Committee

Steve Baldwin
Jim Cunneen
Howard Kaloogian

David Knowles
Nao Takasugi, Vice-Chair

Rules Committee

Fred Aguiar
Barbara Alby
Jan Goldsmith

Ross Johnson, Vice-Chair
Pete Knight

Televising the Assembly and Information Technology Committee

Jim Battin
Tom Woods, Chair

Transportation Committee

Fred Aguiar
Larry Bowler, Vice-Chair
Marilyn Brewer
Brooks Firestone

Jan Goldsmith
Brett Granlund
Pete Knight
Bill Morrow

Utilities and Commerce Committee

Barbara Alby
Mickey Conroy, Chair
Phil Hawkins
George House

Steve Kuykendall
Jim Morrissey
Richard Rainey
Ted Weggeland

Water, Parks and Wildlife Committee

Doris Allen
Jim Battin
Peter Frusetta, Vice-Chair
Keith Olberg

Chuck Poochigian
Brian Setencich
Bruce Thompson

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

JAMES L. BRULTE
Assembly Republican Leader

REPORTS

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

Bureau of State Audits

94022

December 7, 1994

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by the Budget Act of 1994, the Bureau of State Audits presents its audit report concerning a management review of the Office of Information Technology (OIT). This report concludes that the State's current model for managing statewide information technology does not work. The OIT has not provided the statewide leadership and coordination for information technology as intended by the 1983 legislation that established the OIT. Additionally, the OIT's oversight of information technology projects is limited and does not ensure that state departments implement projects successfully. Because of these deficiencies, the State must reengineer the entire statewide information technology program to ensure that the state's interests and assets are protected and used to their maximum potential. To initiate the reengineering

process, the State should establish a statewide chief information office (CIO) position. The CIO should serve as a member of the governor's cabinet and head a new statewide information resources office.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Televising the Assembly and Information Technology.

Bureau of State Audits

94026.1
January 18, 1995

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its status report concerning the Orange County Treasurer's Office. In this preliminary report, we conclude that the county's investment portfolio loss, based on current information, is \$1.69 billion, or \$330 million, lower than originally estimated in December 1994.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Local Government.

The following communications were presented by the Chief Clerk from:

Kathleen G. Ouye, City Librarian, San Mateo Public Library, relative to delay in submitting SB 600 (1993) Task Force Report. Referred by the Speaker to the Committee on Education.

Robert D. Walton, Assistant Executive Officer, Contract and Program Services, California Public Employees' Retirement System, relative to non-participation of Riverside County in pilot project for prepayment of employer contributions to PERS (Pursuant to Sections 20790 and 20791, Government Code). Referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

REPORTS

The following reports were presented by the Chief Clerk:

**Department of Industrial Relations
Annual Report for Fiscal Year 1993-94
(Pursuant to Section 10115.5, Public Contract Code)**

Above transmitted report, together with letter of transmittal from Lloyd W. Aubry, Jr., Director, Department of Industrial Relations, San Francisco, dated January 6, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Energy Project Benefit Sharing Report
(Pursuant to Section 25008.5, Public Resources Code)**

Above transmitted report, together with letter of transmittal from John Lockwood, Director, Department of General Services, Sacramento, dated January 20, 1995, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Report to the Legislature—State Vehicle Fleet Study
(Pursuant to Item 1760-001-666, Supplemental Report to the 1994 Budget Act)**

Above transmitted report, together with letter of transmittal from John Lockwood, Director, Department of General Services, Sacramento, dated January 20, 1995, referred by the Speaker to the Committee on Budget.

**Report to the Legislature on Emergency Roadside Assistance
(Pursuant to Section 2430, Vehicle Code)**

Above transmitted report, together with letter of transmittal from M. J. Hannigan, Commissioner, Department of California Highway Patrol, Sacramento, dated January 17, 1995, referred by the Speaker to the Committee on Public Safety.

**Report on Fiscal Status of Telecommunications Programs
for the Deaf or Severely Hearing Impaired and the Disabled
(Pursuant to Section 2881, 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 Utilities and Commerce.

**1995 Workplan of the California Public Utilities Commission
(Pursuant to Section 321.6, Public Utilities Code)**

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.

**1994 Fourth Quarter Report to the Legislature
Concerning Implementation of AB 3490 (1988) and AB 1476 (1989)—
Upgrade of Professional Standards Regarding Highway Safety
Standards/Workers' Compensation Requirements**

Above transmitted report, together with letter of transmittal from William R. Schulte, Director, Safety and Enforcement Division, Public Utilities Commission, San Francisco, dated January 12, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Report to the Legislature
Activities Relating to Financing Energy Conservation Measures
at Kindergarten through Grade 12 Schools
(Pursuant to Section 15814.25(b), Government Code)**

Above transmitted report, together with letter of transmittal from John Lockwood, Director, Department of General Services, Sacramento, dated January 25, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Report on Loaned or Temporarily Assigned Positions
(Pursuant to Item 0540-001-001, Budget Act of 1994)**

Above transmitted report, together with letter of transmittal from Douglas P. Wheeler, Secretary, the Resources Agency of California, Sacramento, dated January 23, 1995, referred by the Speaker to the Committee on Budget.

**1994-95 First Quarter
Emergency Fire Suppression Expenditure Report
(Pursuant to Item 3540-006-001, Budget Act of 1994)**

Above transmitted report, together with letter of transmittal from Richard A. Wilson, Director, Department of Forestry and Fire Protection, Sacramento, dated December 2, 1994, referred by the Speaker to the Committee on Budget.

**CalFuels Plan Report
(Pursuant to Section 25326, Public Resources Code)**

Above transmitted report, together with letter of transmittal from Charles R. Imbrecht, Chairman, California Energy Commission, Sacramento, dated January 13, 1995, referred by the Speaker to the Committee on Transportation.

**Arbitration Review Program Biennial Report
(Pursuant to Section 472.4(e), Business and Professions Code)**

Above transmitted report, together with letter of transmittal from C. Lance Barnett, Interim Director, Department of Consumer Affairs, Sacramento, dated December 28, 1994, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Quarterly Report of System Assets
(Pursuant to Section 22358, Education Code)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, California State Teachers' Retirement System, Sacramento, dated January 18, 1995, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 224—Knight. An act to amend Section 76000 of the Government Code, relating to courthouse construction, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 225—Richter. An act to amend Section 798.84 of the Civil Code, relating to mobilehome parks.

ASSEMBLY BILL NO. 226—Boland. An act to amend Section 2601 of the Penal Code, relating to prisoners.

ASSEMBLY BILL NO. 227—Sher. An act to amend Section 17508.5 of the Business and Professions Code, relating to environmental advertising, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 228—Sher. An act to amend Section 25866 of the Health and Safety Code, relating to radiation control.

ASSEMBLY BILL NO. 229—Burton. An act to amend Section 8308 of the Fish and Game Code, relating to commercial fishing.

ASSEMBLY BILL NO. 230—Tucker. An act to add Article 6 (commencing with Section 1797.195) to Chapter 3 of Division 2.5 of the Health and Safety Code, to amend Sections 41020 and 41135 of the Revenue and Taxation Code, to amend Section 14132 of, and to repeal and add Section 14106.6 of, the Welfare and Institutions Code, relating to emergency medical services, and making an appropriation therefor.

ASSEMBLY BILL NO. 231—Kuehl. An act to amend Section 4801 of the Penal Code, relating to the Board of Prison Terms.

ASSEMBLY BILL NO. 232—Kevin Murray. An act to amend Section 41403 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 233—Kuehl. An act to amend Sections 6380 and 6385 of the Family Code, relating to family law.

ASSEMBLY BILL NO. 234—Cortese. An act to amend Section 5588 of the Public Resources Code, relating to regional park or open-space districts.

ASSEMBLY BILL NO. 235—Burton. An act to add Section 2234.5 to the Business and Professions Code, relating to medicine.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, February 2, 1995.

JOHN BURTON, Chair
Assembly Rules Committee

PAM CAVILEER, Minute Clerk