

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 9, 1996

**ONE HUNDRED SIXTY-SEVENTH SESSION DAY
FOUR HUNDRED THIRTY-SECOND CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, February 9, 1996

The Assembly met at 8:30 a.m.
Hon. Fred Aguiar, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Akiba H. Howard reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Alby moved a quorum call of the Assembly.
Motion carried. Time, 8:31 a.m.

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

Quorum Present

At 8:52 a.m., Speaker pro Tempore Aguiar declared a quorum of
the Assembly present.

The roll call was completed, and the following answered to their
names—61:

Ackerman	Conroy	Isenberg	Olberg
Aguiar	Cunneen	Kaloogian	Rainey
Alby	Davis	Katz	Richter
Archie-Hudson	Ducheny	Knight	Rogan
Baca	Escutia	Knowles	Setencich
Baldwin	Figueroa	Kuehl	Sher
Battin	Firestone	Kuykendall	Speier
Baugh	Friedman	Lee	Sweeney
Bowen	Callegos	Margett	Takasugi
Bowler	Goldsmith	Mazzoni	Vasconcellos
Brewer	Granlund	McPherson	Villaraigosa
Brown	Hannigan	Morrissey	Woods
Brulte	Hauser	Morrow	Mr. Speaker
Bustamante	Hawkins	Murray, Kevin	
Campbell	Hoge	Murray, Willard	
Cannella	House	Napolitano	

PRAYER

Upon invitation of Speaker pro Tempore Aguiar, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

Almighty God, In wisdom You made fast the firmament and set the earth secure on its foundations. As the master architect and builder, You take provident care for the entire universe; have regard also for us and bless the works of our hands. Lord, we endeavor to be obedient to You and we undertake to do all things by Your power.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Aguiar, Assembly Member Hauser 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 Ackerman, seconded by Assembly Member Pringle.

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 Member Alpert, Bates, Boland, Bordonaro, Burton, Caldera, Cortese, Frusetta, Harvey, Knox, Machado, Martinez, Miller, Poochigian, Thompson, Tucker, and Weggeland.

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

EXPLANATIONS OF ABSENCE

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

February 7, 1996

*The Honorable Curt Pringle
Speaker of the Assembly
California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: Please excuse my absence from session on Friday, February 9. I will be attending to legislative business in my district that day.

Your consideration in this matter is greatly appreciated.

Sincerely,

DEDE ALPERT, Assembly Member
Seventy-eighth District

January 22, 1996

*Honorable Curt Pringle
Room 219, State Capitol Building
Sacramento, California*

Dear Mr. Speaker, I am requesting that I be excused for legislative business on February 9. I will be attending the Center for Policy Alternatives Winter Conference in Washington D.C. I will be providing my own transportation.

Thank You,

TOM BATES, Assembly Member
Fourteenth District

February 6, 1996

*Speaker Curt Pringle
State Capitol
Sacramento, California*

Dear Speaker Pringle: This letter is to respectfully request to be excused from session on Friday, February 9, 1996 due to legislative business in my district. If you have any questions please feel free to contact Janene Balantac at (916) 445-8366.

Sincerely,

PAULA L. BOLAND, Assembly Member
Thirty-eighth District

February 6, 1996

*Curt Pringle, Speaker
California State Assembly
State Capitol—Room 219
Sacramento, California*

Dear Curt: The purpose of this letter is to request that I be excused from Assembly Floor Session on Friday, February 9, in order to attend to legislative business in my district.

Thank you in advance for your favorable consideration of this request.

Sincerely,

TOM J. BORDONARO, JR., Assembly Member
Thirty-third District

February 8, 1996

*Honorable Curt Pringle
Speaker of the Assembly
Room 219, State Capitol
Sacramento, California*

Dear Mr. Speaker: Please excuse me from Session on Friday, February 9, 1996. I will be in my District on legislative business.

Thank you for your cooperation on this matter.

Peace and friendship,

JOHN BURTON, Assembly Member
Twelfth District

February 7, 1996

Hon. Curt Pringle
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: Due to legislative business in my district office this Friday, February 9th, I would like to be excused from attending session.

Sincerely,

LOUIS CALDERA, Assembly Member
 Forty-sixth District

February 7, 1996

Honorable Curt Pringle
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: Please excuse me from Session Friday, February 9, 1996. I am hosting a Breakfast Speaker Series in my district which has been planned for months. The event scheduled for February 9th features California Community College Chancellor David Mertes. My presence at this function is essential.

I would respectfully appreciate your consideration of this request.

Sincerely,

DOMINIC L. CORTESE, Assembly Member
 Twenty-third District

February 5, 1996

Honorable Curt Pringle
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I request I be excused from Assembly Floor Session on February 9, 1996. I have to attend to legislative business in my district beginning late Thursday and early Friday morning.

I appreciate your time and consideration of this request.

Sincerely,

PETER FRUSETTA, Assembly Member
 Twenty-eighth District

February 1, 1996

The Honorable Curt Pringle, Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California

Dear Curt: I would like to request to be excused from session Friday, February 9, 1996. I will be in my district on legislative business.

Thank you for your consideration in this matter.

Sincerely,

TRICE HARVEY, Assembly Member
 Thirty-second District

February 8, 1996

*The Honorable Curt Pringle
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: This is to request that I be excused from session on Friday, February 9, 1996. I will be in my district conducting legislative business.

Thank you for your consideration of this request.

Sincerely,

WALLY KNOX, Assembly Member
Forty-second District

February 7, 1996

*Hon. Curt Pringle
Assembly Rules Committee
State Capitol, Room 219
Sacramento, California*

Dear Hon. Pringle: Please excuse me from session on February 9, 1996. I will be in the district office on legislative business. Contact me at (916) 445-7931 if you have any questions. Thank you in advance for your prompt attention to this matter.

Sincerely,

MICHAEL J. MACHADO, Assembly Member
Seventeenth District

February 6, 1996

*The Honorable Curt Pringle
Speaker of the State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Pringle: Please excuse me from session on Friday, February 9, 1996. I will be in my district due to legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member
Sixtieth District

February 1, 1996

*The Honorable Curt Pringle
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Pringle: I respectfully request permission to be excused from Session on Friday, February 9, 1996. I have legislative business in my district, including meetings with Tulare County public officials on law enforcement issues.

Thank you for your consideration of this request.

Sincerely,

CHARLES S. POOCHIGIAN, Assembly Member
Twenty-ninth District

February 6, 1996

*The Honorable Curt Pringle
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: Please excuse me from Session February 9, 1996. I have important legislative business to attend to in my district.

Please know your assistance and consideration in this matter is greatly appreciated.

Sincerely,

BRUCE THOMPSON, Assembly Member
Sixty-sixth District

February 7, 1996

*Honorable Curt Pringle
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Speaker Pringle: This is to request that I be excused from Floor Session Friday, February 9, 1996 so that I may attend to legislative business in my district.

Thank you for your cooperation to this matter.

Sincerely,

CURTIS R. TUCKER, JR., Assembly Member
Fifty-first District

February 8, 1996

*Honorable Curt Pringle
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Pringle: I request authorization to tend to legislative business in my district on Friday, February 9, 1996.

Thank you for your consideration in this matter.

Sincerely,

TED WEGGELAND, Assembly Member
Sixty-fourth District

(NOTE: For letter explaining the absence of Assembly Member Martinez on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 7, 1996.)

COMMUNICATIONS

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

February 6, 1996

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

Dear Mr. Wilson, Please be advised of the following appointments to the Conference Committee on SB 457:

Assembly Members Baugh, Bowler and Hannigan.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

February 9, 1996

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

Dear Mr. Wilson: Please be advised that the following Members are appointed to the Juvenile Justice Subcommittee of the Committee on Public Safety: Assembly Members Boland, Rainey, Alpert, Napolitano.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

February 9, 1996

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

Dear Mr. Wilson: Please be advised of the following appointments to the Joint Legislative Budget Committee: Assemblyman Miller is appointed to replace Assemblyman Thompson, Assemblyman Kaloogian is appointed to replace Assemblyman Pringle, Assemblywoman Ducheny is appointed to replace Assemblyman Vasconcellos, Assemblyman Bustamante is appointed to replace Assemblyman Isenberg, and Assemblywoman Alby is appointed to fill the vacancy.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

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

February 9, 1996

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

Dear Dotson: This letter is to inform you that the Democratic Caucus has appointed Assemblyman Joe Baca to fill the vacancy on the Rules Committee and Assemblywoman Susan Davis will serve as the alternate.

Sincerely,

RICHARD KATZ
Assembly Democratic Leader

AUTHOR'S AMENDMENTS
Committee on Transportation

February 9, 1996

Mr. Speaker: The Chair of your Committee on Transportation reports:

Senate Bill No. 498

With author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWLER, Chairman

SENATE BILL NO. 498—An act to amend Sections 44015, 44017, 44017.3, 44020, 44040, 44051, 44056, 44060, and 44062.1 of, and to add Section 44015.3 to, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Morrissey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul Alan Esola, of Sacramento.

Assembly Member Kuehl was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of friend and feminist Lois Eskew, of California City, mother of Carol Ann Peterson.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Bowler announced that the Committee on Transportation would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

ACTION RESCINDED ON SENATE BILL NO. 1315

Assembly Member Isenberg was granted unanimous consent to rescind the action whereby the Assembly, on July 29, 1995 (Assembly Journal, page 3048), passed Senate Bill No. 1315, and whereby the bill was ordered transmitted to the Senate; and that the bill be placed upon the inactive file.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 1322, on request of Assembly Member Gallegos.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS
CONFERENCE COMMITTEE REPORTS**

SENATE BILL NO. 668 (As proposed by the Conference Committee)—An act to amend Sections 3041, 3041.2, 3059, 3109, 4033, 4036, 4049, 4051, and 4052 of, and to add Sections 2042, 2266, 3026.5, 3027.5, 3041.1, 3041.3, 3096.5, 3108, and 3152.5 to, the Business and Professions Code, relating to optometry, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Conference Committee Report presented by Assembly Member Isenberg.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—59

Ackerman	Cannella	House	Napolitano
Aguiar	Conroy	Isenberg	Olberg
Alby	Cunneen	Kaloogian	Rainey
Archie-Hudson	Davis	Katz	Richter
Baca	Ducheny	Knight	Rogan
Baldwin	Escutia	Knowles	Setencich
Battin	Figueroa	Kuehl	Sher
Baugh	Firestone	Kuykendall	Speier
Bowen	Gallegos	Lee	Sweeney
Bowler	Goldsmith	Margett	Takasugi
Brewer	Granlund	Mazzoni	Vasconcellos
Brown	Hannigan	McPherson	Villaraigosa
Brulte	Hauser	Morrissey	Woods
Bustamante	Hawkins	Morrow	Mr. Speaker
Campbell	Hoge	Murray, Kevin	

NOES—None

Report adopted by the following vote:

AYES—59

Ackerman	Cannella	House	Napolitano
Aguiar	Conroy	Isenberg	Olberg
Alby	Cunneen	Kaloogian	Rainey
Archie-Hudson	Davis	Katz	Richter
Baca	Ducheny	Knight	Rogan
Baldwin	Escutia	Knowles	Setencich
Battin	Figueroa	Kuehl	Sher
Baugh	Firestone	Kuykendall	Speier
Bowen	Gallegos	Lee	Sweeney
Bowler	Goldsmith	Margett	Takasugi
Brewer	Granlund	Mazzoni	Vasconcellos
Brown	Hannigan	McPherson	Villaraigosa
Brulte	Hauser	Morrissey	Woods
Bustamante	Hawkins	Morrow	Mr. Speaker
Campbell	Hoge	Murray, Kevin	

NOES—None**CAUCUS ANNOUNCEMENTS**

At 9:12 a.m., Assembly Member Katz was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 458, 976, 1317, 574, and 378 and Senate Bills Nos. 1332 and 394 were continued until the next legislative day.

VOTE ADDS

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

Senate Bill No. 668, Urgency and Conference Report: Brown, Ducheny, Morrow, and Vasconcellos—Aye.

MOTION TO ADJOURN

At 9:12 a.m., Assembly Member Kevin Murray moved that the Assembly do now adjourn.

Assembly Member Olberg seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:13 a.m., Speaker pro Tempore Aguiar 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. 2217—Bowler. An act to add Section 4011.4 to the Penal Code, relating to corrections.

ASSEMBLY BILL NO. 2218—Woods (Senator Johannessen, coauthor). An act to amend Section 23958.4 of the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 2219—Mazzoni, Burton, and Harvey, (Senator Marks, coauthor). An act to amend Section 14581 of the Public Resources Code, relating to beverage containers, and making an appropriation therefor.

ASSEMBLY BILL NO. 2220—Woods. An act to amend Section 1203.09 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 2221—Kevin Murray. An act to add Section 18063.4 to the Health and Safety Code, relating to mobilehomes.

ASSEMBLY BILL NO. 2222—Kevin Murray. An act to add Section 20205 to the Government Code, relating to public employees.

ASSEMBLY BILL NO. 2223—Kevin Murray. An act to add Chapter 9.9 (commencing with Section 3450) to Division 4 of Title 1 of the Government Code, relating to court employees.

ASSEMBLY BILL NO. 2224—Kuehl. An act to amend Sections 243 and 273.6 of the Penal Code, relating to domestic violence.

ASSEMBLY BILL NO. 2225—Bowler. An act to amend Section 3212.6 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 2226—Bowler. An act to amend Section 11054 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 2227—Bowler. An act to add Article 8 (commencing with Section 11395) to Chapter 6 of Division 10 of the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 2228—Mazzoni and Burton (Senators Leslie and Marks, coauthors). An act to amend Sections 97.2, 97.3, and 97.38 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2229—Woods. An act relating to veterans.

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 56—Goldsmith. Relative to Mediation Week.

ASSEMBLY CONCURRENT RESOLUTION NO. 57—Cunneen, Sher, Vasconcellos, Bowler, Figueroa, and McPherson, (Senator Alquist, coauthor). Relative to the West Valley Freeway.

ASSEMBLY CONCURRENT RESOLUTION NO. 58—Willard Murray (Principal coauthors: Archie-Hudson, Lee, McDonald, Kevin Murray, and Tucker) (Principal Senate coauthors: Dills, Hughes, and Watson) Alby, Baca, Bowen, Bustamante, Caldera, Campbell, Cunneen, Davis, Figueroa, Frusetta, Gallegos, Hannigan, Hauser, Katz, Knox, Kuykendall, Martinez, Morrissey, Takasugi, and Vasconcellos (Senators Alquist, Beverly, Costa, Greene, Hayden, Haynes, Killea, Kopp, Lockyer, O'Connell, Petris, Rosenthal, and Solis, coauthors). Relative to Black History Month.

MESSAGES FROM THE SENATE

Senate Chamber, February 9, 1996

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

Assembly Concurrent Resolution No. 53

JOHN W. ROVANE, Acting Secretary of the Senate

Above resolution ordered enrolled.

Senate Chamber, February 9, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 44

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, February 9, 1996

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

Senate Concurrent Resolution No. 47

JOHN W. ROVANE, Acting Secretary of the Senate

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 47—Relative to television and radio broadcasters day.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Kevin Murray, the Assembly adjourned until 11 a.m., Tuesday, February 13, 1996, out of respect to the memory of Paul Alan Esola, on motion of Assembly Member Morrissey; and out of respect to the memory of Lois Eskew, on motion of Assembly Member Kuehl.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 9, 1996**

The following measure was amended in the Assembly on this day:

SB	RN
498	9605871