

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 10, 1995

TWENTY-FOURTH SESSION DAY

SIXTY-EIGHTH 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, February 10, 1995

The Assembly met at 9:21 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—61:

Aguiar	Cortese	Kaloogian	Richter
Alby	Cunneen	Knight	Rogan
Alpert	Ducheny	Knowles	Setencich
Archie-Hudson	Figueroa	Kuehl	Speier
Baca	Firestone	Kuykendall	Sweeney
Baldwin	Friedman	Machado	Takasugi
Battin	Frusetta	Martinez	Thompson
Boland	Goldsmith	Mazzoni	Tucker
Bordonaro	Granlund	McPherson	Vasconcellos
Bowen	Hannigan	Morrissey	Villaraigosa
Brown, Valerie	Harvey	Morrow	Weggeland
Brulte	Hauser	Murray, Kevin	Woods
Bustamante	Hawkins	Murray, Willard	Mr. Speaker
Campbell	Hoge	Napolitano	
Cannella	Horcher	Olberg	
Conroy	House	Rainey	

Quorum present.

PRAYER

Upon invitation of Speaker Brown, the following prayer was offered by Assembly Member Liz Figueroa of the 20th Assembly District:

Lord, As we convene again in this chamber, we turn to You to humbly ask that You help us to be more truly what we profess to be and more nobly what we are called to be. Let not the cares, the victories, or the defeats distract us from the tasks that lie before us. Help us all in a spirit of shared responsibility to give to this state and its people the very best we have.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Brown, Assembly Member Conroy 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 Hannigan, seconded by Assembly Member Tucker.

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 Allen, Bates, Bowler, Brewer, Burton, Davis, Escutia, Gallegos, Katz, Knox, Lee, McDonald, Poochigian, Pringle, and Sher.

On legislative business, and waiving per diem: Assembly Member Isenberg.

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

Because of illness in his family: Assembly Member Caldera.

(NOTE: This day's Journal corrected to show Assembly Member Lee excused on this day on legislative business pursuant to further explanation of absence. See Assembly Journal, page 287.)

EXPLANATIONS OF ABSENCE

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

February 10, 1995

*Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: Please excuse me from Session today due to legislative business in my district. I will be meeting with school superintendents regarding the impact of the Orange County bankruptcy situation.

Your consideration of this matter is greatly appreciated.

Sincerely,

DORIS ALLEN, Assembly Member
Sixty-seventh District

February 9, 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 10 for the purpose of conducting legislative business in my district.

Thank You,

TOM BATES, Assembly Member
Fourteenth District

February 10, 1995

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

Dear Mr. Speaker: I respectfully request to be excused from session today due to legislative obligations in my district. I will be in Stockton conducting legislative business.

Thank you for your consideration.

Sincerely,

LARRY BOWLER, Assembly Member
Tenth District

February 9, 1995

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

Dear Dotson: I am respectfully requesting to be excused on Friday, February 10 due to legislative business in my district office.

Sincerely,

MARILYN C. BREWER, Assembly Member
Seventieth District

February 9, 1995

Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Brown: Please excuse me from Session on Friday, February 10, 1995. I will be in my District Office on legislative business.

Thank you for your consideration of this matter.

Peace and friendship,

JOHN BURTON, Assembly Member
Twelfth District

February 2, 1995

The Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I will be in my district for legislative business on Friday, February 10, 1995. For this reason, I am requesting to be excused from session on that day.

An advisory panel meeting that I have been coordinating for the past several months will be taking place in my district and my attendance is necessary.

Thank you for your consideration on this matter.

Sincerely,

SUSAN A. DAVIS, Assembly Member
Seventy-sixth District

February 6, 1995

The Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker, This letter is to respectfully request your approval to be excused from Session on Friday, February 10, 1995. I have meetings set up in my District Office with a number of constituents and it is of most importance that I be in attendance.

Your favorable consideration of this matter would be greatly appreciated.

Sincerely,

MARTHA ESCUTIA, Assembly Member
Fiftieth District

February 8, 1995

Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I would like to be excused from Session Friday, February 10, 1995. I will be in my district on Legislative business.

Sincerely,

RICHARD KATZ, Assembly Member
Thirty-ninth District

February 9, 1995

Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Brown: This is to request that I be excused from session on Friday, February 10th, due to legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

WALLY KNOX, Assembly Member
Forty-second District

February 7, 1995

Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Session on Friday, February 10th, due to legislative business.

Thank you for your prompt consideration in this regard.

Sincerely,

JUANITA M. MCDONALD, Assembly Member
Fifty-fifth District

February 7, 1995

The Honorable Willie Brown
State Capitol, Room 219
Sacramento, California

Dear Speaker Brown: I respectfully request permission to be excused from Session on Friday, February 10, 1995 due to legislative business in the District. I will be attending a roundtable discussion at the College of the Sequoias. Members of the Board of Trustees and key Administration members will meet to discuss issues including: funding, student fees, and an economic development policy for the local community colleges.

Thank you for your consideration of this request.

Sincerely,

CHARLES S. POOCHIGIAN, Assembly Member
Twenty-ninth District

February 7, 1995

Hon. Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219

Dear Mr. Speaker, I request that I be excused from Floor Session on Friday, February 10, 1995 for legislative business.

I will be attending a series of meetings with constituents regarding the effects of Orange County's bankruptcy.

If you have any questions regarding this request, please feel free to contact me at 445-8377.

Sincerely,

CURT PRINGLE, Assembly Member
 Sixty-eighth District

February 9, 1995

Honorable Willie L. Brown, Jr.
Speaker of the Assembly
Room 219
State Capitol

Dear Mr. Brown: I am requesting to be excused from floor session on Friday, February 10. I will be in my district attending to legislative business.

Thank you for your consideration.

Sincerely,

BYRON D. SHER, Assembly Member
 Twenty-first District

(NOTE: For letters explaining the absences of Assembly Members Gallegos and Isenberg on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for February 9, 1995.)

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Martinez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Fred Morales, Chief of the Gabrielino Indian Tribe in San Gabriel.

Assembly Member Rogan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Duane Baker, former Chief of Police of the City of Glendale, from 1968-1984.

CONGRATULATIONS EXTENDED TO CALDERA FAMILY

Assembly Member Alpert was joined by the Members of the Assembly in extending congratulations to Assembly Member Louis Caldera and his wife Eva, upon the birth of their daughter, Allegra Caldera, born earlier today.

JOINT RULE 62(a) WAIVED

Assembly Member Tucker was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 19 for hearing in the Committee on Governmental Organization on Tuesday, February 14, 1995.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Rogan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eric Blore, of Glendale.

Assembly Member Ducheny was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Larry Schwartz, of San Diego and Donna De Neal, of Chula Vista.

ASSEMBLY CONCURRENT RESOLUTION NO. 5 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Willard Murray was granted unanimous consent to take up Assembly Concurrent Resolution No. 5, without reference to committee or file, and that the same be considered engrossed.

ASSEMBLY CONCURRENT RESOLUTION NO. 5—Relative to Adult Education Week.

Resolution read.

Motion to Amend

Assembly Member Willard Murray moved the adoption of amendments.

Amendments read and adopted.

Members Made Coauthors of Assembly Concurrent Resolution No. 5

Assembly Member Willard Murray was granted unanimous consent that all Assembly Members voting "Aye" be placed upon Assembly Concurrent Resolution No. 5 as coauthors.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Archie-Hudson, Battin, Bordonaro, Willie Brown, Brulte, Cortese, Figueroa, Firestone, Hawkins, Horcher, Knight, Machado, McPherson, Morrow, Olberg, Rogan, Sweeney, Takasugi, Villaraigosa, and Weggeland.

Request for Unanimous Consent

Assembly Member Willard Murray was granted unanimous consent to take up Assembly Concurrent Resolution No. 5, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 5, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 5—Relative to Adult Education Week.

Resolution read, as amended, and adopted unanimously.

Resolution ordered printed, and transmitted to the Senate immediately.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Harvey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of his close personal friend Lucille Richina, of Rosedale.

**SENATE CONCURRENT RESOLUTION NO. 5
ORDERED ON FILE**

Without objection, Speaker Brown ordered Senate Concurrent Resolution No. 5 to the third reading file.

SPECIAL COMMITTEE MEETINGS

Assembly Member Woods was granted unanimous consent that the Committee on Televising the Assembly and Information Technology be permitted to hold a special informational hearing on Tuesday, February 14, 1995, at 2 p.m., and that Joint Rule 62(a) be waived.

RECESS

By unanimous consent, at 9:40 a.m., Speaker Brown declared the Assembly recessed.

REASSEMBLED

At 9:41 a.m., the Assembly reconvened.

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

VOTE ADDS

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

Assembly Concurrent Resolution No. 5, Coauthors: Horcher, Machado, McPherson, and Weggeland—Aye.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:42 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. 349—Escutia. An act to amend Section 51015.05 of the Government Code, relating to pipeline safety.

ASSEMBLY BILL NO. 350—Bustamante. An act to amend Sections 2072.3, 2073.5, 2074.6, 2074.8, 2075.5, 2076, and 2081 of, to add Sections 2060.5, 2060.6, 2064.3, 2064.4, 2064.5, 2064.6, 2064.8, 2064.9, 2065.8, 2074.7, 2075.6, and 2086 to, and to repeal and add Section 2071.5 of, the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

ASSEMBLY BILL NO. 351—Valerie Brown. An act to add Section 97.25 to the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 352—McDonald. An act relating to education.

ASSEMBLY BILL NO. 353—Richter. An act to amend Sections 25121 and 25124 of the Health and Safety Code, relating to hazardous waste.

ASSEMBLY BILL NO. 354—Rogan. An act to add Section 1237.1 to the Penal Code, relating to appeals.

ASSEMBLY BILL NO. 355—Rogan. An act to amend Section 767 of, to add Section 1253 to, and to add Article 16 (commencing with Section 1360) to Chapter 2 of Division 10 of, the Evidence Code, relating to evidence.

ASSEMBLY BILL NO. 356—Willard Murray. An act to add Section 21102.1 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 357—Hoge. An act to add Section 146.5 to the Military and Veterans Code, relating to the National Guard.

ASSEMBLY BILL NO. 358—Hoge. An act to add Section 6358.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 359—Bordonaro (Principal coauthor: Conroy) (Principal Senate coauthor: Russell) Alby, Bowler, Goldsmith, Hawkins, House, Johnson, Knight, Morrissey, Morrow, Richter, Rogan, Setencich, and Thompson (Senators Haynes, Hurr, Johannessen, and Monteith, coauthors). An act to amend Section 827.5 of the Welfare and Institutions Code, relating to juveniles.

ASSEMBLY BILL NO. 360—Hannigan. An act to add Part 10 (commencing with Section 12997) to Division 6 of the Water Code, relating to water.

ASSEMBLY BILL NO. 361—Napolitano (Principal coauthor: Rogan). An act to amend Section 68115 of the Government Code, relating to juveniles.

ASSEMBLY BILL NO. 362—Setencich, Conroy, Harvey, and Richter, (Senators Haynes and Monteith, coauthors). An act to amend Section 13172 of the Water Code, relating to solid waste.

ASSEMBLY BILL NO. 363—Cannella. An act to add Section 13557 to the Water Code, relating to water.

ASSEMBLY BILL NO. 364—Cannella. An act to add and repeal Sections 17053.12 and 23608 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 365—Hannigan. An act to amend Section 23609 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 366—Hannigan. An act to amend Sections 25129 and 25132 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 367—Hannigan. An act to add Article 3 (commencing with Section 79140) to Chapter 9 of Part 48 of the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 368—Speier. An act to add Section 33334.24 to the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 369—Tucker (Senator Maddy, coauthor). An act to amend Sections 19807 and 19809 of, and to repeal and add Section 19802 of, the Business and Professions Code, relating to gaming, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 370—Tucker. An act to add Section 19605.55 to the Business and Professions Code, relating to horseracing.

ASSEMBLY BILL NO. 371—Tucker. An act to add Section 19414.6 to the Business and Professions Code, relating to horseracing.

ASSEMBLY BILL NO. 372—Cortese. An act to amend Section 2941 of the Civil Code, relating to mortgages.

ASSEMBLY BILL NO. 373—Morrow (Principal coauthor: Ducheny) (Principal Senate coauthor: Monteith) Alby, and Bordonaro (Senator Peace, coauthor). An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 374—Willard Murray. An act to amend Section 56 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to water.

ASSEMBLY BILL NO. 375—Hoge. An act to amend Section 3007 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 376—Bustamante. An act to add Sections 61612.5 and 61612.6 to the Government Code, and to amend Section 16472.5 of, and to add Section 16472.6 to, the Public Utilities Code, and to add Sections 22236, 31016, 35413, and 71601 to the Water Code, relating to public agencies.

The following resolution was offered:
ASSEMBLY JOINT RESOLUTION NO. 6—Olberg. Relative to the California Desert Protection Act.

AUTHOR'S AMENDMENTS
Committee on Rules

February 10, 1995

Mr. Speaker: The Chair of your Committee on Rules reports:
Senate Concurrent Resolution No. 1
With author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chairman

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the adoption of the Joint Rules of the Senate and Assembly for the 1995–96 Regular Session.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

MESSAGES FROM THE SENATE

Senate Chamber, February 10, 1995

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

Senate Joint Resolution No. 8

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

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE JOINT RESOLUTION NO. 8—Relative to professional baseball.

INTRODUCTION OF GUESTS

Assembly Member Conroy, of the 71st Assembly District, introduced Suguru Shiraiwa of the Japanese Management and Coordination Agency, who is visiting the United States on a 5-month exchange program under the auspices of the International Visitor Program of the U.S. Information Agency (USIA).

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 11 a.m., Tuesday, February 14, 1995, out of respect to the memory of Fred Morales, on motion of Assembly Member Martinez; out of respect to the memory of Duane Baker and Eric Blore, on motion of Assembly Member Rogan; out of respect to the memory of Larry Schwartz and Donna De Neal, on motion of Assembly Member Ducheny; and out of respect to the memory of Lucille Richina, on motion of Assembly Member Harvey.

WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 10, 1995**

The following measures were amended in the Assembly on this day:

*Assembly
Concurrent
Resolution*

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*Senate
Concurrent
Resolution*

1