

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Tuesday, February 13, 1996**

**ONE HUNDRED SIXTY-EIGHTH SESSION DAY  
FOUR HUNDRED THIRTY-SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Tuesday, February 13, 1996

The Assembly met at 11 a.m.  
Hon. Fred Aguiar, Speaker pro Tempore of the Assembly,  
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Kuykendall moved a quorum call of the Assembly.

Motion carried. Time, 11:01 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 11:12 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—76:

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

**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:

*Lord, Guide us with Your strengthening hand as we continue to serve our communities and this great state. Help us remain steadfast in our desire to love our neighbor as ourselves and to love You with all our heart. We send up joyful praise to You, Lord, and we thank You for blessing us with the freedom to worship You freely and openly. Grant us lasting oneness with You, O God, and be beside us always.—AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Aguiar, Assembly Member Harvey 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 Richter, seconded by Assembly Member Burton.

**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 Members Lee and McDonald.*

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

**COMMUNICATIONS**

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

California State Auditor

96011

January 30, 1996

*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 Chapter 716, Statutes of 1992, the Bureau of State Audits presents its audit report concerning the way the Department of Health Services (department) processes reimbursement requests for certain prescribed drugs under the California Medical Assistance Program (Medi-Cal). These requests are known as drug treatment authorization requests (TARs). This report concludes that even though the number of drug TARs received by the department has increased dramatically during the

six months from June 1995 through November 1995, the department has made significant improvement in processing drug TARs within one working day and has reduced its backlog of unprocessed drug TARs.

Respectfully submitted,

**KURT R. SJOBERG**  
State Auditor

Above report referred to the Committee on Health.

California State Auditor

95114  
January 31, 1996

*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 requested by the California Legislature and through language in the Supplemental Report of the 1995 Budget Act, the Bureau of State Audits presents its audit report concerning the Office of Emergency Services (OES). In a broad-scope performance audit, we look at whether a department:

- Has fulfilled its mission and responsibilities and the extent that its programs are meeting the desired objectives (effectiveness); and
- Can accomplish its goals by streamlining, economizing, or generally performing its operations smarter, cheaper, and quicker (efficiency).

In this report, we evaluated OES's efficiency and effectiveness at meeting its mission to coordinate emergency activities during disasters and expedite recovery from disasters. We conclude that OES is very effective during the immediate response to emergencies. However, it has had limited success in meeting its responsibilities in the area of processing disaster assistance claims due to both federal policies and procedures and its own administrative shortcomings. We also found that OES has significant administrative weaknesses. Specifically, it has not been able to justify its request for staffing increases, has not adequately anticipated its cash flow needs, and has not effectively managed its contracts or its use of information technology.

Respectfully submitted,

**KURT R. SJOBERG**  
State Auditor

Above report referred to the Committee on Governmental Organization.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Bowen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ann Copeland, of Hermosa Beach.

Assembly Member Archie-Hudson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mrs. Charlie Peyton, President, Delta Sigma Theta Life Development Center, of Los Angeles.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Carolyn Kemple, of Hacienda Heights.

**RECESS**

By unanimous consent, at 11:20 a.m., Speaker pro Tempore Aguiar declared the Assembly recessed.

**REASSEMBLED**

At 2:37 p.m., the Assembly reconvened.

Hon. Fred Aguiar, Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY CONCURRENT RESOLUTION NO. 52 (Kuehl)**—Relative to Celebrating California Nonprofits Week.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate).*

The roll was opened, and the Assembly concurred in Senate amendments unanimously.

Above resolution ordered enrolled.

**WITHDRAWAL AND RE-REFERENCE OF BILLS**

Assembly Member Firestone was granted unanimous consent that Senate Bill No. 1189 be withdrawn from the Committee on Higher Education and re-referred to the Committee on Education.

**HOUSE RESOLUTION NO. 33 TAKEN UP BY UNANIMOUS CONSENT**

Assembly Member Thompson was granted unanimous consent to take up House Resolution No. 33, without reference to committee or file.

**HOUSE RESOLUTION NO. 33**—Relative to commending the Roman Catholic Church in California.

Resolution read.

**Motion to Amend**

Assembly Member Thompson moved the adoption of amendments.

Amendments read and adopted.

**Members Made Coauthors of House Resolution No. 33**

Assembly Member Thompson was granted unanimous consent that all Assembly Members voting "Aye" be placed upon House Resolution No. 33 as coauthors.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Alpert, Baca, Baugh, Bowen, Brulte, Bustamante, Cannella, Cortese, Ducheny, Figueroa, Firestone, Frusetta, Gallegos, Goldsmith, Harvey, Hauser, Hawkins, Knox, Machado, Margett, Martinez, Miller, Morrow, Kevin Murray, Willard Murray, Napolitano, Rainey, Speier, Sweeney, Takasugi, and Tucker.

**Request for Unanimous Consent**

Assembly Member Thompson was granted unanimous consent to take up House Resolution No. 33, as amended, without reference to print or file.

**Consideration of House Resolution No. 33, as Amended**

**HOUSE RESOLUTION NO. 33**—Relative to commending the Roman Catholic Church in California.

Resolution read, as amended, and adopted.

Resolution ordered reprinted.

**RECESS**

By unanimous consent, at 2:40 p.m., Speaker pro Tempore Aguiar declared the Assembly recessed.

**REASSEMBLED**

At 2:50 p.m., the Assembly reconvened.

Hon. Fred Aguiar, Speaker pro Tempore of the Assembly, presiding.

**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 Friday, February 16, 1996.

**MOTION TO ADJOURN**

At 2:52 p.m., Assembly Member Bustamante moved that the Assembly do now adjourn.

Assembly Member Brewer seconded the motion.

Motion carried.

**VOTE ADDS**

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

**House Resolution No. 33:** Bustamante, Cannella, Cortese, Martinez, and Speier—Aye.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 2:53 p.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. 2230—Burton.** An act to amend Section 454.5 of the Public Utilities Code, relating to public utilities.

**ASSEMBLY BILL NO. 2231—Kuehl.** An act to amend Sections 836 and 847 of the Penal Code, relating to domestic violence.

**ASSEMBLY BILL NO. 2232—Woods.** An act to add Section 15202.5 to the Government Code, relating to trial costs.

**ASSEMBLY BILL NO. 2233—Willard Murray.** An act to add Section 102.4 to the Business and Professions Code, relating to cemeteries.

**ASSEMBLY BILL NO. 2234—Willard Murray.** An act to amend Sections 9650, 9650.4, 9751, 9752, 9753, 9754, 9755, 9756, 9757, 9758, 9759, 9760, 9760.5, 9760.6, 9761, 9762, 9763, 9764, and 9765 of the Business and Professions Code, relating to cemeteries.

**ASSEMBLY BILL NO. 2235—Brulte, Mazzoni, and McPherson.** (Principal Senate coauthor: Leonard) Aguiar, Baldwin, Battin, Baugh, Bordonaro, Conroy, Cunneen, Frusetta, Goldsmith, Granlund, Hawkins, Kaloogian, Knight, Kuykendall, Margett, Miller, Morrow, Richter, Takasugi, and Woods. An act to amend Section 42238 of, and to add Section 42238.45 to, the Education Code, relating to school finance.

**ASSEMBLY BILL NO. 2236—Conroy.** An act to amend Section 3303 of the Government Code, relating to public safety officers.

**ASSEMBLY BILL NO. 2237—Willard Murray.** An act to amend Sections 7054.7 and 8113.5 of, and to add Section 8113.7 to, the Health and Safety Code, relating to dead bodies.

**ASSEMBLY BILL NO. 2238—Willard Murray.** An act to amend Section 8301 of the Health and Safety Code, relating to cemeteries.

**ASSEMBLY BILL NO. 2239—Woods.** An act to amend Sections 5653 and 5653.9 of the Fish and Game Code, relating to dredges, and making an appropriation therefor.

**ASSEMBLY BILL NO. 2240—Battin.** An act to add Section 23175.5 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2241—Mazzoni.** An act to amend Sections 47602, 47605, and 47612 of the Education Code, relating to charter schools.

**ASSEMBLY BILL NO. 2242—Burton.** An act to amend Section 114145 of the Health and Safety Code, relating to food facilities.

**ASSEMBLY BILL NO. 2243—Alpert.** An act to amend Section 41954 of the Health and Safety Code, relating to air pollution.

**ASSEMBLY BILL NO. 2244—Woods.** An act to amend Section 35555 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2245—House.** An act to amend Section 35401.3 of the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 2246—House** (Principal Senate coauthor: Monteith). An act to add Section 73.2 to the Streets and Highways Code, relating to highways.

**ASSEMBLY BILL NO. 2247—Miller.** An act to amend Section 69954 of the Government Code, relating to courts.

**ASSEMBLY BILL NO. 2248—Baldwin.** An act to amend Sections 51201.5, 51240, 51550, and 51820 of, and to repeal Section 51551 of, the Education Code, relating to school districts.

**INTRODUCTION OF GUESTS**

Assembly Member Rogan, of the 43rd Assembly District, introduced Dr. and Mrs. Maynard Jacobson, of St. Paul, MN.

Assembly Member Baca, of the 62nd Assembly District, introduced Victor Zupancich, of San Bernardino.

Assembly Member Kaloogian, of the 74th Assembly District, introduced his brother Dr. Harold H. Kaloogian, and Dr. Nicholas DeSantis and Dr. David S. Mazza, of San Diego County.

**ADJOURNMENT**

At 3 p.m., on motion of Assembly Member Bustamante, the Assembly adjourned until 7 a.m., Wednesday, February 14, 1996, out of respect to the memory of Ann Copeland, on motion of Assembly Member Bowen; out of respect to the memory of Mrs. Charlie Peyton, on motion of Assembly Member Archie-Hudson; and out of respect to the memory of Carolyn Kemple, on motion of Assembly Member Brewer.

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CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON FEBRUARY 13, 1996**

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

*House Resolution*

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