

CALIFORNIA LEGISLATURE
1995-96 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 13, 1996

FIRST SESSION DAY

FIRST CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



(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
Tuesday, February 13, 1996

At 2:41 p.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Pete Wilson, Governor of the State of California, dated January 29, 1996, convening the Legislature of the State of California in extraordinary session.

In conformity with Government Code Section 9150, the following officers of the 1995–96 Regular Session were present and performing their respective duties: E. Dotson Wilson, Chief Clerk and Pam Cavileer, Minute Clerk.

Hon. Fred Aguiar, Speaker pro Tempore of the 1995–96 Regular Session, presiding.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, 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	Figuroa	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

Quorum present.

PRAYER

Upon invitation of Presiding Officer 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 Presiding Officer Aguiar, Assembly Member Harvey then led the Assembly in the pledge of allegiance to the Flag.

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.

PROCLAMATION OF THE GOVERNOR

The Presiding Officer directed the Clerk to read the following Proclamation of the Governor convening the Legislature in extraordinary session:

A PROCLAMATION

by the

Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I, PETE WILSON, Governor of the State of California, by virtue of the power and authority vested in me by Section 3 (b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 1st day of February, 1996, at a time appointed by each house of the Legislature of said day for the following purpose and to legislate upon the following subject:

To consider and act upon legislation relative to making permanent prior year reductions in health and welfare programs which otherwise would have been temporary, including but not limited to prior year welfare grant reductions and elimination of automatic cost-of-living increases for health and welfare programs.

IN WITNESS WHEREOF I have hereunto set my hand
and caused the Great Seal of the State of
California to be affixed this 29th day of
January 1996.

PETE WILSON
Governor of California

[SEAL]

ATTEST:
BILL JONES
Secretary of State

ELECTION OF OFFICERS AND ADOPTION OF RULES

Assembly Member Brulte moved that the officers be deemed elected in the Fourth Extraordinary Session as in the 1995-96 Regular Session (January 4, 1996, Assembly Journal, pages 4277, 4279, and 4280) and that the adoption of Rules in the 1995-96 Regular Session (January 3, 1996, Assembly Journal, page 4264; January 25, 1996, Assembly Journal, page 4502) be deemed adopted in the 1995-96 Fourth Extraordinary Session.

Assembly Member Hoge seconded the motion.

Motion carried.

ELECTION OF SPEAKER*For Assembly Member Curt Pringle:*

Ackerman, Aguiar, Alby, Baldwin, Battin, Baugh, Boland, Bordonaro, Bowler, Brewer, Brulte, Conroy, Cunneen, Firestone, Frusetta, Goldsmith, Granlund, Harvey, Hawkins, Hoge, House, Kaloogian, Knight, Knowles, Kuykendall, Margett, McPherson, Miller, Morrissey, Morrow, Olberg, Poochigian, Pringle, Rainey, Richter, Rogan, Takasugi, Thompson, Weggeland, Woods, and Cortese—41

For Assembly Member Brian Setencich:

Alpert, Archie-Hudson, Baca, Bates, Bowen, Brown, Burton, Bustamante, Caldera, Campbell, Cannella, Davis, Ducheny, Escutia, Figueroa, Gallegos, Hauser, Katz, Knox, Kuehl, Machado, Martinez, Mazzone, Kevin Murray, Willard Murray, Napolitano, Sher, Speier, Sweeney, Tucker, Vasconcellos, Villaraigosa, and Setencich—33

Vote Changes

By unanimous consent, the following vote change was permitted on the election of Speaker in the Fourth Extraordinary Session: Assembly Member Cortese, for Assembly Member Pringle.

(NOTE: Assembly Members Friedman, Lee, and McDonald are excused on this day.)

COMMUNICATIONS

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

February 13, 1996

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

Dear Mr. Wilson: Please be advised that the following Republican members of the Assembly Rules Committee are appointed to serve in the 1995-96 Fourth Extraordinary Session to coincide with the Regular Session:

Curt Pringle, Chairman
 Fred Aguiar
 Barbara Alby
 Jim Battin
 Marilyn C. Brewer
 William J. "Pete" Knight
 Bruce Thompson

Sincerely,

CURT PRINGLE
 Chair, Committee on Rules

February 13, 1996

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

Dear Dotson: The Assembly Democratic Caucus has selected the following members to serve on the Committee of Rules for the Fourth Extraordinary Session:

John Burton, Vice Chair
 Joe Baca,
 Martha Escutia,
 Barbara Lee,
 Kevin Murray
 Susan Davis, alternate
 Sincerely,

RICHARD KATZ
 Assembly Democratic Leader

February 13, 1996

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

Dear Mr. Wilson: Please be advised that the Assembly Rules Committee appointed Assembly Member Fred Aguiar as the Speaker pro Tempore for the 1995-96 Fourth Extraordinary Session to coincide with the Regular Session. Also, Jim Richardson was appointed as the Chief Administrative Officer of the Rules Committee for the 1995-96 Fourth Extraordinary Session to coincide with the Regular Session.

Sincerely,

CURT PRINGLE
 Chair, Committee on Rules

OTHER OFFICERS OF THE ASSEMBLY

Pursuant to the motion by Assembly Member Brulte, the following officers shall serve in the 1995-96 Fourth Extraordinary Session, as in the 1995-96 Regular Session:

Assembly Member James E. Rogan, Majority Floor Leader
 Assembly Member Richard Katz, Minority Floor Leader
 E. Dotson Wilson, Chief Clerk
 Ron Pane, Acting Sergeant-at-Arms.

OATHS OF OFFICE

Without objection the following Oaths of Office for Speaker of the Assembly and Speaker pro Tempore of the Assembly, administered by Chief Clerk E. Dotson Wilson, and Oath of Office for Chief Clerk of the Assembly, administered by Speaker Pringle, were deemed to have occurred in the Fourth Extraordinary Session, and ordered printed in the Journal:

OATH*for the Office of Speaker of the Assembly*

I, Curt Pringle do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

OATH*for the Office of Speaker pro Tempore of the Assembly*

I, Fred Aguiar do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

OATH*for the Office of Chief Clerk of the Assembly*

I, E. Dotson Wilson do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

ADOPTION OF RULES

The following rules relative to Legislative Powers and Duties were adopted in the 1995–96 Regular Session on January 3, 1996 on motion of Assembly Member Richter:

LEGISLATIVE POWERS AND DUTIES**Speaker of the Assembly**

The Speaker is responsible for the efficient conduct of the legislative and administrative affairs of the Assembly so as to be able to carry out the decisions and directives of the Rules Committee. The Speaker shall be elected upon organization of the Assembly at the

beginning of each regular or special session and shall serve until adjournment sine die of the session, unless removed and a successor chosen pursuant to the rules of the Assembly.

Assembly General Officers

(a) The five general officers of the Assembly whose names and titles shall appear on the frontispiece of all publications are:

Speaker
Speaker Pro Tempore
Majority Floor Leader
Minority Floor Leader
Chief Clerk
Sergeant at Arms

(b) The Majority Floor Leader shall be the duly elected caucus leader of the registered political party having the largest number of members in the Assembly.

(c) The Minority Floor Leader shall be the duly elected caucus leader of the registered political party having the second largest number of members in the Assembly.

(d) No other officers or offices shall be created without a vote of two-thirds of the duly elected members concurring in the creation of such office.

Assembly Committee on Rules

There is hereby created in the Assembly a Committee on Rules, with nine Members of the Assembly, seven to be elected by the registered political party having the largest number of members in the Assembly, with one elected as Chair by the majority caucus and five to be elected by the registered political party having the second largest number of Members. The Assembly Committee on Rules has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The committee shall have all the powers and authority provided in Section 11 of Article IV of the Constitution of California, in this article, and as provided in the rules of the Assembly. One alternate member of the Rules Committee shall be selected by the majority and minority caucus; however, there shall be no more than two alternate members to the Rules committee. No member of the Committee on Rules shall simultaneously serve as a Chair of any standing committee.

(NOTE: Pursuant to motion by Assembly Member Aguiar on January 25, 1996, (Assembly Journal, p. 4502) Rules amended to increase membership of the Committee on Rules from nine members to twelve members.)

Powers of the Assembly Committee on Rules

(a) The Assembly Committee on Rules shall have the power:

(1) To organize standing committees and determine their jurisdiction and size.

(2) To assign all bills to Assembly committees.

(3) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by Members as private offices.

(4) To allocate all funds, staffing and other resources necessary for the effective operation of the Assembly.

- (5) To choose one Chief Administrative Officer.
- (6) To choose one Speaker Pro Tempore.
- (7) To exercise such other powers and perform such duties as may be provided by statute enacted in accordance with the provisions of this chapter, or in the rules of the Assembly.

(b) Notwithstanding any other provision of law or rule, neither the Chairman nor any member or agent of the Assembly Committee on Rules shall have the power to perform any action on behalf of the committee, including but not limited to the making of contracts, the payments of claims, the allocation of office space, or the hiring or dismissal of staff, without the express authorization of a majority of the total membership of the committee. Such authorization shall apply only to the matter or matters under immediate consideration. To the extent that there is a conflict between the authority granted to the Rules Committee and the authority granted to any other member of the house, the decision of the Rules Committee shall prevail.

(c) Unless otherwise specified, these rules shall require a majority vote of the membership of the Committee on Rules to implement any power granted to the Committee on Rules.

Appointments by the speaker; confirmation of Assembly Committee on Rules

All statutory and non-statutory appointments delegated to the Speaker of the Assembly who serve at the Speaker's pleasure shall be vacated upon adoption of these rules; in addition, the Speaker shall officially request the resignation of every Speaker-appointee currently serving a fixed term. Notwithstanding any other provision of law, all statutory and non-statutory appointments delegated to the Speaker of the Assembly shall be made from a list of nominees selected by the Rules Committee.

Joint rules committee

(a) There is hereby created the Joint Rules Committee which shall be comprised of the combined membership of the Assembly Committee on Rules and the Senate Committee on Rules as specified in this article and four other Members of the Senate, two to be elected by the party having the largest number of Members in the Senate and two to be elected by the party having the second largest number of Members. The committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The committee shall have all the powers and authority provided in Section 11 of Article IV of the Constitution of California, this title, and in the joint rules of the Legislature. Any action of the committee shall require an affirmative vote of not less than a majority of the Senate members and a majority of the Assembly members of the committee, except that any action which involves or anticipates the expenditure or allocation of funds shall require an affirmative vote of at least two thirds of the Senate members and two thirds of the

Assembly members. Any reference in any code or statute to the Joint Committee on Legislative Organization shall be deemed a reference to the Joint Rules Committee.

(b) Notwithstanding any other provision of law or rule, neither the Chairman nor any member or agent of the Joint Rules Committee shall have the power to perform any action on behalf of the committee, including but not limited to the making of contracts, the payments of claims, the allocation of office space, or the hiring or dismissal of staff, without express authorization of two thirds of the membership of the committee. Such authorization shall apply only to the matter or matters under immediate consideration.

LEGISLATIVE RULES AND PROCEDURES

Rules

The Assembly shall adopt rules for its proceedings for each regular and special session by resolution adopted by an affirmative recorded vote of majority of the house. No rule of the Assembly shall be amended except by resolution adopted by an affirmative recorded vote of majority of the Members. Any standing rule of the Assembly may be suspended temporarily by a vote of two thirds of the Members present and voting: provided, that in no case may a rule be suspended in the absence of a quorum. Any such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

Standing committees

All standing committees of the Assembly, except the Assembly Committee on Rules, shall be created and the size and jurisdiction thereof established through the adoption of or amendment to the rules by resolution, a majority of the membership of the Committee on Rules concurring. Committee membership shall be determined in the following manner:

(a) The chair, vice-chair and membership of each committee of the Assembly shall be appointed by the Committee on Rules.

(b) The Assembly Committee on Rules shall provide for the necessary and reasonable expenses of all committees of their respective houses.

Special and select committees, subcommittees

No special or select committees nor any subcommittee shall be established in the Assembly except by affirmative vote of a majority of the Committee on Rules. For purposes of this section, "special" and "select" committees or subcommittees include all committees or subcommittees which are not standing committees of the Assembly or joint committees.

Joint committees

No joint committee shall be established except by passage of concurrent resolution, two thirds of the membership of each house concurring. The membership of each joint committee shall be

allocated equally between the Senate and the Assembly, and the delegation from each house shall be chosen pursuant to the procedures set forth in for the standing committees.

Member voting

The Assembly Committee on Rules shall provide for appropriate voting procedures on the floor and in committees or subcommittees; provided, that no Member shall be allowed to cast a vote for another Member.

Open and public meeting; public notice

Except as otherwise provided in this article, all meetings of the Assembly and the committees, subcommittees, and conference committees, shall be open and public and all the proceedings shall be conducted openly so that the public may remain informed. All such meetings shall be held only after full and timely notice to the public published in the Journal at least two working days prior to the hearing unless longer notice is required by the Joint Rules of the Assembly, except notice may be dispensed with on extraordinary occasions by two thirds affirmative recorded vote of the membership of the Assembly.

Executive sessions

Nothing contained in this article shall be construed to prevent the Assembly or a committee or subcommittee thereof, except a conference committee, from holding executive sessions to consider matters relating to the appointment, employment or dismissal of a public officer or matters affecting the safety and security of the State Capitol or Members of the Legislature, its staff and employees. Members of the Assembly shall not be prevented from meeting privately in caucus with members of their own political party.

Conference committees

The Committee on Rules shall appoint Assembly membership of committees on conference. Notwithstanding any other provision of law, no Member of the Assembly shall sign a conference committee report unless a full and public meeting of the conference committee has been held in accordance with the adopted provisions of the "Open and Public Meetings; Public Notice" section of these Rules. No report of a conference committee shall be adopted until the same, with amendments, has been printed and made available to the public for a minimum of two days, except that a house may dispense with this requirement by roll call vote entered in the journal, two thirds of the Assembly membership concurring. Any conference report adopted in violation of this provisions shall be void.

Independent audit of contingent funds

The Assembly Rules Committee shall annually contract for an independent audit of the revenues and expenditures, for each fiscal year, from the Assembly Contingent Fund, and the Contingent Funds of the Assembly. The organization performing the audit shall be subject to the Fair Political Practices Commission. The audit shall include, but need not be limited to, an evaluation of the accuracy and appropriateness of the expenditures described in section on Reports

to public on expenditures made from contingent funds and an evaluation of the effectiveness of the internal auditing procedures of the individual rules committees.

The audit shall be completed and made available to the public within 180 calendar days following the completion of the fiscal year for which the audit is performed.

Conflict with Other Rules

To the extent that these rules are in conflict with any previously adopted Rules of the Assembly, or with previous custom and usage of Assembly Rules, these rules shall prevail. In all cases not otherwise provided by the California Constitution, by statute, by these rules, or by the Joint Rules of the Senate and Assembly, the authority shall be Mason's Manual (1979 edition).

Roll Call

Rules adopted by the following vote:

AYES—41

Ackerman	Conroy	Kaloojian	Pringle
Aguiar	Cortese	Knight	Rainey
Alby	Cunneen	Knowles	Richter
Baldwin	Firestone	Kuykendall	Rogan
Battin	Frusetta	Margett	Takasugi
Baugh	Goldsmith	McPherson	Thompson
Boland	Granlund	Miller	Weggeland
Bordonaro	Harvey	Morrissey	Woods
Bowler	Hawkins	Morrow	
Brewer	Hoge	Olberg	
Brulte	House	Poochigian	

NOES—33

Alpert	Campbell	Isenberg	Napolitano
Archie-Hudson	Cannella	Katz	Sher
Baca	Davis	Knox	Speier
Bates	Ducheny	Kuehl	Sweeney
Bowen	Escutia	Machado	Tucker
Brown	Figuroa	Martinez	Villaraigosa
Burton	Gallegos	Mazzoni	
Bustamante	Hannigan	Murray, Kevin	
Caldera	Hauser	Murray, Willard	

RESOLUTIONS

The following resolution was offered:

House Resolution No. 1

By Assembly Member Rogan:

Relative to the organization of the Assembly for the 1995-96 Fourth Extraordinary Session.

Resolved by the Assembly of the State of California,

(a) That the Chief Clerk or the Sergeant at Arms is authorized to receipt to the Controller for all warrants for the payment of Members, Officers, and Attaches of the Assembly.

(b) That the Chief Clerk shall provide copies of the Assembly Weekly Histories to the Legislative Counsel, Governor, Attorney General, and accredited newspaper representatives.

Resolution read and presented by Speaker pro Tempore Aguiar, without objection.

Resolution adopted by the following vote:

AYES—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	Gallegos	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

NOES—None

(NOTE: Assembly Members Friedman, Lee, and McDonald are excused on this day.)

INTRODUCTION OF BILLS—SUSPENSION OF RULES

Speaker pro Tempore Aguiar was granted unanimous consent to suspend the Rules (usage and custom) to permit the introduction of bills in the order in which they are received at the Desk, rather than in alphabetical order by author.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 1—Bordonaro. An act to amend Sections 4643, 4791, 11450.01, 11450.015, 11450.017, 11450.018, 11452, 11453, 11462, 12200.01, 12200.015, 12200.017, 12200.018, 12201.03, and 19355.5 of, to repeal Section 12201 of, to repeal Article 3 (commencing with Section 12550) of, and to repeal and add Article 1 (commencing with Section 12500) of, Chapter 4 of Part 3 of Division 9 of, the Welfare and Institutions Code, and to repeal Section 37 of Chapter 722 of the Statutes of 1992, relating to human services, and declaring the urgency to take effect immediately.

MESSAGES FROM THE SENATE

Senate Chamber, February 1, 1996

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

Senate Concurrent Resolution No. 1

JOHN W. ROVANE, Acting Secretary of the Senate

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 1—Relative to the Joint Rules for the 1995–96 Fourth Extraordinary Session.

RECESS

By unanimous consent, at 2:50 p.m., Speaker pro Tempore Aguiar declared the Assembly recessed.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until Wednesday, February 14, 1996, or upon Call of the Speaker.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk