

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 14, 1995
TWENTY-FIFTH SESSION DAY
SEVENTY-SECOND CALENDAR DAY
AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 14, 1995

The Assembly met at 11:05 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Walker reading.

ROLL CALL

The roll was called, and the following answered to their names—72:

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

PRAYER

Upon invitation of Speaker Brown, the following prayer was offered by Assembly Member Brian Setencich, of the 30th Assembly District:

Dear Lord, Good morning, and thank You for such a beautiful day! I looked outside today and saw sky bluer than I've seen in a long time and it's just wonderful to see that. Dear Lord, please bless Willie Brown, please bless Jim Brulte, and please bless all our colleagues here that we work with. Please help keep us humble and please help keep us knowing that we must build our lives on the foundation of Your knowledge, Lord, because when this all ends there is certainly something more important.

Once again Lord, thank You so very much for all Your blessings . . . in Your Name we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Brown, Assembly Member Olberg 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 Sher, seconded by Assembly Member Mazzoni.

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, Bustamante, Harvey, Kuykendall, and Poochigian.

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

Because of illness: Assembly Member Speier.

EXPLANATIONS OF ABSENCE

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

February 14, 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 14 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.
Speaker of the Assembly
Room 219, State Capitol
Sacramento, California*

Dear Mr. Speaker: I would like to request that I be excused from legislative session on Tuesday, February 14, 1995. I will be in my district on legislative business.

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE, Assembly Member
Thirty-first District

February 10, 1995

*The Honorable Willie L. Brown, Jr.
California State Assemblyman
State Capitol, Room 219
Sacramento, California*

Dear Assemblyman Brown: I would like to request to be excused from session Tuesday and Wednesday, February 14th and 15th, 1995. 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 14, 1995

*The Honorable Willie L. Brown, Jr.
Speaker, California State Assembly
State Capitol
Sacramento, California*

Dear Speaker Brown: Please excuse my absence from today's session. I am in my district on legislative business.

Notwithstanding my hope to be in Sacramento, there will be a critical announcement by McDonnell Douglas today, the largest employer in Long Beach, that it will be bringing the MD-11 fuselage assembly project to my district. I have been intimately involved in efforts to bring the MD-11 project and its thousands of high-skill, high-wage jobs to my district. It is of vital importance to this effort that I attend this briefing and announcement.

Thank you for your attention to this matter.

Sincerely,

STEVEN T. KUYKENDALL, Assembly Member
Fifty-fourth District

January 20, 1995

*Assembly Rules Committee
State Capitol, Room 3016
Sacramento, California*

Dear Rules Committee: I respectfully request permission to be excused from session on Tuesday, February 14, 1995 due to legislative business—I will be attending the opening ceremonies of the 24th Annual California Farm Equipment Show and International Exposition in Tulare County.

Thank you for your consideration of this request.

Sincerely,

CHARLES S. POOCHIGIAN, Assembly Member
Twenty-ninth District

REQUEST FOR UNANIMOUS CONSENT

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 Paul Monette, of Los Angeles, a National Book Award winning author and courageous advocate for people living with AIDS.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

SENATE CONCURRENT RESOLUTION NO. 5 (Lewis)—Relative to the Los Angeles Rams.

Resolution read, and presented by Assembly Member Conroy.

Roll Call Demanded

Assembly Members Hannigan, Martinez, and Vasconcellos demanded a roll call.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Pringle moved a call of the Assembly.

Motion carried. Time, 11:15 a.m.

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

**ASSEMBLY JOINT RESOLUTION NO. 5 TAKEN UP
BY UNANIMOUS CONSENT**

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

ASSEMBLY JOINT RESOLUTION NO. 5—Relative to the Long Beach Naval Shipyard.

Resolution read.

**Members Made Coauthors of
Assembly Joint Resolution No. 5**

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

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Allen, Baca, Boland, Willie Brown, Brulte, Conroy, Cortese, Ducheny, Escutia, Figueroa, Firestone, Frusetta, Hannigan, Martinez, Mazzoni, Morrow, Sweeney, Takasugi, Vasconcellos, and Weggeland.

Request for Unanimous Consent

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

**Consideration of
Assembly Joint Resolution No. 5, as Amended**

ASSEMBLY JOINT RESOLUTION NO. 5—Relative to the Long Beach Naval Shipyard.

Resolution read, as amended, and adopted by the following vote:

AYES—55

Aguiar	Cortese	Isenberg	Murray, Willard
Allen	Davis	Johnson	Napolitano
Alpert	Ducheny	Kaloogian	Olberg
Archie-Hudson	Escutia	Knight	Pringle
Baca	Figueroa	Knox	Rainey
Battin	Firestone	Lee	Rogan
Boland	Friedman	Machado	Setencich
Bowler	Frusetta	Martinez	Sweeney
Brewer	Callegos	Mazzoni	Takasugi
Brown, Valerie	Granlund	McDonald	Vasconcellos
Brulte	Hannigan	McPherson	Villaraigosa
Campbell	Hauser	Morrissey	Weggeland
Cannella	Hawkins	Morrow	Mr. Speaker
Conroy	Horcher	Murray, Kevin	

NOES—1

Richter

Resolution ordered transmitted to the Senate immediately.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE CONCURRENT RESOLUTION NO. 5**

At 11:23 a.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Concurrent Resolution No. 5 refused adoption by the following vote:

AYES—32

Aguiar	Conroy	Johnson	Pringle
Allen	Cunneen	Kaloogian	Rainey
Baldwin	Figueroa	Knight	Rogan
Battin	Friedman	McPherson	Sweeney
Boland	Granlund	Morrissey	Takasugi
Bowler	Hauser	Morrow	Thompson
Brewer	Hawkins	Murray, Willard	Weggeland
Brulte	House	Olberg	Woods

NOES—13

Cannella	Knox	Murray, Kevin	Mr. Speaker
Escutia	Kuehl	Setencich	
Hannigan	Lee	Vasconcellos	
Hoge	Mazzoni	Villaraigosa	

**Motion to Reconsider Senate Concurrent Resolution No. 5
on Next Legislative Day**

Assembly Member Brulte moved to reconsider on Friday, February 17, 1995, the vote whereby Senate Concurrent Resolution No. 5 was this day refused adoption.

Senate Concurrent Resolution No. 5 ordered to the unfinished business file.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:26 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. 377—Cannella. An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 378—Willard Murray. An act to add Section 14080 to the Welfare and Institutions Code, relating to Medi-Cal.

ASSEMBLY BILL NO. 379—Boland. An act to amend Sections 1723, 1810, 1811, 1813, and 1815 of, and to add Section 1185.1 to, the Labor Code, relating to employment.

ASSEMBLY BILL NO. 380—Boland. An act to amend and renumber Section 12022.85 of the Penal Code, relating to sexual offenses.

ASSEMBLY BILL NO. 381—Baca. An act to amend Section 41820 of the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 382—Baca. An act to add Section 40051.1 to the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 383—Pringle and Campbell. An act to add and repeal Section 13826.45 of the Penal Code, relating to gangs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 384—Richter and Woods. An act to repeal Chapter 6 (commencing with Section 16850) of Part 3 of Division 4 of Title 2 of the Government Code, to repeal Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code, and to repeal Chapter 2 (commencing with Section 2000) and Chapter 2.5 (commencing with Section 2050) of Part 1 of, and Article 1.5 (commencing with Section 10115) of Chapter 1 of Part 2 of, Division 2 of the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 385—Tucker. An act to amend Section 23320 of the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 386—Alby. An act relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 387—Weggeland. An act to amend Section 6358.2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 388—Weggeland. An act to add Article 10 (commencing with Section 11525) to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 389—Cannella. An act to add Article 5 (commencing with Section 491) to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to agriculture.

ASSEMBLY BILL NO. 390—House, Bowler, Conroy, and Richter, (Senator Monteith, coauthor). An act to amend Section 25124 of the Government Code, relating to county ordinances.

ASSEMBLY BILL NO. 391—Bustamante. An act to add Section 60251.5 to the Education Code, relating to instructional materials, and making an appropriation therefor.

ASSEMBLY BILL NO. 392—Gallegos (Principal coauthor: Napolitano). An act to amend Section 594 of the Penal Code, relating to vandalism.

ASSEMBLY BILL NO. 393—Burton. An act to add Division 4.6 (commencing with Section 13090) to the Financial Code, relating to electronic funds transfers.

ASSEMBLY BILL NO. 394—Cortese. An act to amend Section 19410 of the Business and Professions Code, relating to horseracing.

ASSEMBLY BILL NO. 395—Kevin Murray. An act relating to economic development.

ASSEMBLY BILL NO. 396—Speier. An act to amend Sections 10123.83 and 11512.295 of the Insurance Code, relating to health coverage.

ASSEMBLY BILL NO. 397—Bustamante. An act to add Section 17008.7 to, and to add Chapter 14.5 (commencing with Section 50860) to Part 2 of Division 31 of, the Health and Safety Code, and to add and repeal Sections 17053.13, 17053.14, 23608.1, 23608.2, and 23608.3 of the Revenue and Taxation Code, relating to housing, and making an appropriation therefor, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 398—Aguiar. An act to amend Sections 1723, 1810, 1811, 1813, and 1815 of, and to add Section 1185.1 to, the Labor Code, relating to employment.

ASSEMBLY BILL NO. 399—Cannella. An act to add Sections 4811 and 4856 to the Labor Code, relating to peace officers.

ASSEMBLY BILL NO. 400—Gallegos. An act to add Section 538f to the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 401—Setencich. An act to amend Section 290 of the Penal Code, relating to sex offenders.

ASSEMBLY BILL NO. 402—Hannigan. An act to amend Sections 1569.613, 1569.616, and 1569.617 of, and to repeal Section 1569.615 of, the Health and Safety Code, relating to residential care facilities for the elderly, and making an appropriation therefor.

ASSEMBLY BILL NO. 403—Richter. An act to amend Section 25299.41 of the Health and Safety Code, relating to underground storage tanks.

ASSEMBLY BILL NO. 404—Bates. An act to amend Section 17717.1 of the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 405—Bates. An act to amend Sections 5541, 5546, 5551, and 5558 of the Public Resources Code, relating to parks and recreation.

ASSEMBLY BILL NO. 406—Cortese. An act to amend Section 5010 of the Public Resources Code, relating to the state park system.

ASSEMBLY BILL NO. 407—Kuehl. An act to add Section 44019 to the Public Resources Code, relating to solid waste.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to Committee:

Assembly

<i>Bill No.</i>	<i>Committee</i>
214	L. Gov.
215	Ed.
216	Rev. & Tax.
217	Rev. & Tax.
218	G.O.
219	Pub. S.
221	G.O.
222	G.O.
223	L. & E.
224	Jud.
225	Jud.
226	Pub. S.
227	C.P.,G.E. & E.D.
228	Health
229	W.,P. & W.
230	Health and U. & C.
231	Pub. S.
232	Pub. S.
233	Jud.
235	Health
237	Jud.
238	Jud.
239	Jud.
240	Higher Ed.
241	Nat. Res.
242	Nat. Res.
243	U. & C.
244	Trans.
245	Health
246	Ed.
247	Hum. S.
248	Pub. S.
249	Rev. & Tax.
250	C.P.,G.E. & E.D.
251	Rev. & Tax.
252	Rev. & Tax.
253	Nat. Res.

*Assembly Concurrent
Resolution No.*

Committee

6 ----- Trans.

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 passed:

Senate Bill No. 59

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 59—An act to amend Section 49550.3 of the Education Code, relating to schools.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 15, 1995, out of respect to the memory of Paul Monette, on motion of Assembly Member Kuehl.

WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk