

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Thursday, February 16, 1995**  
**TWENTY-SEVENTH SESSION DAY**  
**SEVENTY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Thursday, February 16, 1995

The Assembly met at 7 a.m.

Hon. Mickey Conroy, Assembly Member, 71st District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Stephen J. Greene, Jr. reading.

#### ROLL CALL

The following were placed upon the morning roll call—75:

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

Quorum present.

At 11 a.m., Hon. William J. "Pete" Knight, 36th District, presiding

#### REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

#### 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 Aguiar.*

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

*Because of illness: Assembly Member Sher.*

*Because of illness in his family: Assembly Member Poochigian.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

February 14, 1995

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

Dear Mr. Speaker: Please excuse me from check-in session on Thursday, February 16, 1995. I will be in my district on legislative business. Thank you for your immediate attention to this matter.

Sincerely,

FRED AGUIAR, Assembly Member  
 Sixty-first District

**COMMUNICATIONS**

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

February 16, 1995

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

Dear Dotson: Please be advised that the following Assemblymembers have been appointed Chairpersons to the Subcommittees of the Budget Committee:

Subcommittee #1—Health and Human Services  
 Grace Napolitano

Subcommittee #2—School Finance  
 Denise Ducheny

Subcommittee #3—Resources, Transportation, Agriculture and the Environment  
 Louis Caldera

Subcommittee #4—State Administration  
 Willard Murray

Sincerely,

WILLIE L. BROWN, JR.  
 Speaker of the Assembly

The following communications were presented by the Chief Clerk from:

Walter Vaughn, Acting Executive Officer, State Personnel Board, dated February 8, 1995, regarding proposal of demonstration project on alternative methods of examining and selecting managerial employees in the California State Civil Service (pursuant to Section 19600 et seq., Government Code). Referred by the Speaker to the Committee on Labor and Employment.

Eloise Anderson, Director, Department of Social Services, dated January 26, 1995, regarding delay of report on "Out-of-County/

Out-of-State Community Care Facility Placements," as required by SB 1573 (1992). Referred by the Speaker to the Committee on Human Services.

Walter Vaughn, Acting Executive Officer, State Personnel Board, dated January 30, 1995, regarding proposal of demonstration project on alternative methods of classifying, compensating and appointing employees to positions in the California State Civil Service (pursuant to Section 19600 et seq., Government Code). Referred by the Speaker to the Committee on Labor and Employment.

#### REPORTS

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

Bureau of State Audits

95012

February 1, 1995

*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 the department was not able to process drug TARs in a timely manner during the period of time that we reviewed, June through November 1994. During this time, the number of drug TARs received by the department increased 35 percent over the previous six-month period. Contributing to this increase were the implementation of new restrictions on the pharmaceutical component of the State's Medi-Cal program. For example, in July 1994, the Welfare and Institutions Code was amended to place a limit on the number of prescriptions that a beneficiary could receive each month without prior authorization through a drug TAR. Once this limit is exceeded, an approved drug TAR is required before the Medi-Cal program will pay for the prescription. In October 1994, the department addressed the increase in its drug TAR workload by hiring 79 new workers.

Respectfully submitted,

**KURT R. SJOBERG**  
State Auditor

Above report referred to the Committee on Health.

Bureau of State Audits

94026.2

February 2, 1995

*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: The Bureau of State Audits presents its second status report concerning the Orange County Treasurer's Office. In this report, we had planned to assess the short-term cash demands of the county's operational needs and the cash needed to pay interest on the county's outstanding bonds. However, because significant issues are unresolved and other irregularities in the county's investment portfolio have recently surfaced, we will not release a separate report on cash flows. Instead, these and other issues will be addressed in our final report, which we plan to release in March.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Local Government.

Bureau of State Audits

Investigative Report I95-1

February 8, 1995

*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: The Bureau of State Audits presents its report concerning investigations of improper governmental activity completed from August 1 through December 31, 1994.

Respectfully submitted,

KURT R. SJOBERG  
State Auditor

Above report referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 441—Knight.** An act to amend Section 8630 of the Government Code, relating to local emergencies.

**ASSEMBLY BILL NO. 442—Alpert (Principal Senate coauthor: Killea).** An act to add Chapter 2.2 (commencing with Section 8498.5) to Part 6 of the Education Code, relating to child care.

**ASSEMBLY BILL NO. 443—Goldsmith (Principal coauthor: Baldwin).** An act relating to parks and recreation.

**ASSEMBLY BILL NO. 444—Archie-Hudson.** An act to add Part 46.5 (commencing with Section 75000) to the Education Code, relating to postsecondary education.

**ASSEMBLY BILL NO. 445—Archie-Hudson.** An act to repeal Sections 66903.2, 66903.4, 66903.6, 69518, 69534.5, 69534.6, and 69769.7 of, to repeal Article 6 (commencing with Section 69618) of, Article 10 (commencing with Section 69700) of, and Article 11 (commencing with Section 69720) of, Chapter 2 of Part 42 of, and to repeal Chapter 7 (commencing with Section 66501) of Part 40 of, the Education Code, relating to postsecondary education.

**ASSEMBLY BILL NO. 446—Archie-Hudson.** An act to add an article heading immediately preceding Section 67000 of, and to add and repeal Article 2 (commencing with Section 67050) to Chapter 12 of Part 40 of, the Education Code, relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 447—Archie-Hudson.** An act to add an article heading immediately preceding Section 67000 of, and to add and repeal Article 2 (commencing with Section 67050) to Chapter 12 of Part 40 of, the Education Code, relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 448—Archie-Hudson.** An act to amend Section 7574 of, and to add Section 7508 to, the Family Code, relating to family law.

**ASSEMBLY BILL NO. 449—Archie-Hudson.** An act to amend Section 4071 of, and to add Section 3558 to, the Family Code, and to amend Sections 11350 and 11475.5 of the Welfare and Institutions Code, relating to family law.

**ASSEMBLY BILL NO. 450—Hauser.** An act to amend Section 5650 of the Fish and Game Code, relating to pollution.

**ASSEMBLY BILL NO. 451—Escutia.** An act to amend Section 2150 of, to add Section 14311 to, to repeal and add Article 2 (commencing with Section 2220) of Chapter 3 of Division 2 of, and to repeal and add Chapter 4 (commencing with Section 2250) of Division 2 of, the Elections Code, and to add Section 19022 to the Welfare and Institutions Code, relating to elections.

**ASSEMBLY BILL NO. 452—Escutia.** An act to add and repeal Section 62.8 of the Labor Code, relating to employment.

**ASSEMBLY BILL NO. 453—Woods.** An act to amend Section 6421 of the Food and Agricultural Code, relating to agriculture.

**ASSEMBLY BILL NO. 454—Hoge.** An act to amend Sections 3003 and 3058.8 of, and to add Sections 3054 and 5030 to, the Penal Code, relating to parole.

**ASSEMBLY BILL NO. 455—Hoge.** An act to amend Sections 19401, 19411, and 19412 of, and to add and repeal Section 19610.8 of, the Business and Professions Code, relating to horseracing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 456—Bustamante.** An act to add Section 7079 to the Government Code, relating to enterprise zones, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 457—Ducheny.** An act to amend Section 17980.7 of the Health and Safety Code, relating to housing.

**ASSEMBLY BILL NO. 458—Ducheny.** An act to amend Sections 25845, 38773.1, and 38773.5 of the Government Code, and to amend Section 3691 of the Revenue and Taxation Code, relating to local government.

**ASSEMBLY BILL NO. 459—Ducheny.** An act amend Sections 25845 and 38773.1 of the Government Code, relating to nuisance abatement.

**ASSEMBLY BILL NO. 460—Rogan (Principal Senate coauthor: Dills).** An act to amend Sections 90001 and 90002 of the Government Code, relating to the Political Reform Act of 1974.

**ASSEMBLY BILL NO. 461—Rogan.** An act to add Section 836.1 to the Penal Code, relating to assault and battery.

**ASSEMBLY BILL NO. 462—Rogan.** An act to repeal and add Section 1538.5 to the Penal Code, relating to criminal procedure.

**ASSEMBLY BILL NO. 463—Goldsmith and Alpert.** An act to amend Section 1365.5 of, and to add Section 1368.4 to, the Civil Code, relating to common interest developments.

**ASSEMBLY BILL NO. 464—Campbell.** An act to add Part 1.5 (commencing with Section 42) to Division 1 of the Civil Code, relating to developmentally disabled persons.

**ASSEMBLY BILL NO. 465—Kaloogian.** An act to amend Section 3123 of the Health and Safety Code, relating to communicable disease.

**ASSEMBLY BILL NO. 466—Vasconcellos.** An act to amend Section 54692 of the Education Code, relating to pupils.

**ASSEMBLY BILL NO. 467—Vasconcellos.** An act to amend Section 78401 of the Education Code, relating to postsecondary education.

**ASSEMBLY BILL NO. 468—Vasconcellos.** An act to add Section 57000.5 to the Health and Safety Code, relating to environmental protection.

**ASSEMBLY BILL NO. 469—Vasconcellos.** An act to add Chapter 2 (commencing with Section 1650) to Part 6 of Division 2 of the Labor Code, relating to labor.

**ASSEMBLY BILL NO. 470—Vasconcellos.** An act to amend Section 15379.21 of the Government Code, relating to economic development.

**ASSEMBLY BILL NO. 471—Vasconcellos.** An act to amend Section 15363.10 of the Government Code, relating to economic development.

**ASSEMBLY BILL NO. 472—Setencich.** An act to amend Section 3200 of the Food and Agricultural Code, relating to fairs and expositions, and making an appropriation therefor.

**ASSEMBLY BILL NO. 473—Villaraigosa.** An act to add Section 199.742 to the Health and Safety Code, relating to AIDS.

**ASSEMBLY BILL NO. 474—Hauser.** An act to add Article 10.5 (commencing with Section 8845) to Chapter 3 of Division 6 of, and to repeal Section 8842 of, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

**ASSEMBLY BILL NO. 475—Willard Murray.** An act to amend Section 10248 of, and to add Section 10247 to, the insurance code, relating to funeral insurance contracts.

**ASSEMBLY BILL NO. 476—Escutia.** An act to add Section 3325 to the Health and Safety Code, relating to communicable disease.

**ASSEMBLY BILL NO. 477—Katz.** An act to amend Section 2611.4 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 478—Hoge.** An act to amend Section 4800 of the Penal Code, relating to sentencing.

**ASSEMBLY BILL NO. 479—Hoge.** An act to amend Section 19619.6 of the Business and Professions Code, relating to horseracing.

**ASSEMBLY BILL NO. 480—Villaraigosa.** An act to add Section 323.1 to the Health and Safety Code, relating to child health, and making an appropriation therefor.

**ASSEMBLY BILL NO. 481—Goldsmith.** An act to add Article 5 (commencing with Section 17760) to Chapter 22 of Part 10 of the Education Code, relating to school facilities finance.

**ASSEMBLY BILL NO. 482—Goldsmith.** An act to amend Section 94303 of the Education Code, relating to private postsecondary education.

**ASSEMBLY BILL NO. 483—Alpert.** An act to amend Section 25143.2 of, and to add Sections 25110.13 and 25134.7 to, the Health and Safety Code, relating to hazardous waste.

**ASSEMBLY BILL NO. 484—Burton.** An act to amend Section 1201.6 of the Harbors and Navigation Code, relating to pilots, and making an appropriation therefor.

**ASSEMBLY BILL NO. 485—Villaraigosa.** An act to add and repeal Sections 17053.31 and 23631 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**ASSEMBLY BILL NO. 486—Goldsmith.** An act to amend Section 54984.9 of the Government Code, relating to local agencies.

**ASSEMBLY BILL NO. 487—Valerie Brown.** An act to add Article 5.8 (commencing with Section 395) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to health.

**ASSEMBLY BILL NO. 488—Baca.** An act to amend Section 13012 of, and to add Section 13010.5 to, the Penal Code, relating to crime.

**ASSEMBLY BILL NO. 489—Goldsmith.** An act to amend Section 13220 of the Health and Safety Code, relating to fire protection, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 490—Villaraigosa.** An act to add Section 1373.66 to the Health and Safety Code, relating to health care service plans.

**ASSEMBLY BILL NO. 491—Aguiar.** An act to amend Section 664 of the Penal Code, relating to crimes.

**ASSEMBLY BILL NO. 492—Alpert.** An act to add Section 3298 to the Civil Code, relating to exemplary damages.

**ASSEMBLY BILL NO. 493—Richter.** An act to add Section 65852.8 the Government Code, and to amend Sections 27533 and 27821 of the Health and Safety Code, relating to food facilities.

**ASSEMBLY BILL NO. 494—Woods.** An act to amend Sections 827 and 828.1 of the Welfare and Institutions Code, relating to juveniles.

**ASSEMBLY BILL NO. 495—Horcher.** An act to amend Section 2025 of the Code of Civil Procedure, relating to civil procedure.

**ASSEMBLY BILL NO. 496—Horcher.** An act to add Section 207.3 to the Welfare and Institutions Code, relating to juveniles.

**ASSEMBLY BILL NO. 497—Horcher.** An act to add Chapter 4.5 (commencing with Section 84500) to Title 9 of the Government Code, relating to the Political Reform Act of 1974.

**ASSEMBLY BILL NO. 498—Horcher.** An act to add Section 22400.1 to the Vehicle Code, relating to vehicles.

**ASSEMBLY BILL NO. 499—Horcher.** An act to amend Section 1789 of the Civil Code, relating to electronic commerce.

**ASSEMBLY BILL NO. 500—Bowen.** An act to amend Section 3200 of, to repeal Section 3202 of, to repeal and add Section 3201 of, and to repeal and add Article 2 (commencing with Section 2220) of Chapter 3 of Division 2 of, the Elections Code, relating to elections.

**ASSEMBLY BILL NO. 501—Johnson.** An act to amend Section 1431 of, and to add Section 1431.01 to, the Civil Code, regarding obligations.

**ASSEMBLY BILL NO. 502—Woods.** An act to add Chapter 10 (commencing with Section 10705) to Part 2 of Division 2 of the Insurance Code, relating to health insurance.

**ASSEMBLY BILL NO. 503—Aguiar.** An act to amend Sections 1357 and 1357.12 of the Health and Safety Code, and to amend Sections 10700 and 10714 of the Insurance Code, relating to health coverage.

**ASSEMBLY BILL NO. 504—Aguiar.** An act making an appropriation, relating to recreational facilities, and declaring the urgency thereof, to take effect immediately.

**ASSEMBLY BILL NO. 505—Villaraigosa.** An act to add Sections 1253.3 and 1342.1 to the Health and Safety Code, relating to health care.



The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 10**—Aguiar. Relative to Blue Ribbon Week.

**ASSEMBLY CONCURRENT RESOLUTION NO. 11**—Aguiar. Relative to disabled access.

**ASSEMBLY JOINT RESOLUTION NO. 8**—Pringle. Relative to the Balanced Budget Amendment.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Friday, February 17, 1995.

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**WILLIE L. BROWN, JR., Speaker**

**PAM CAVILEER, Minute Clerk**