

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, March 1, 1995

THIRTY-FOURTH SESSION DAY

EIGHTY-SEVENTH 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
Wednesday, March 1, 1995

The Assembly met at 7 a.m.

Hon. Jim Morrissey, Assembly Member, 69th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Walker reading.

ROLL CALL

The following were placed upon the morning roll call—76:

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

Quorum present.

At 1:05 p.m., Hon. Antonio Villaraigosa, 45th 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 Members Willie Brown and Speier.

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

EXPLANATIONS OF ABSENCE

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

March 1, 1995

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

Dear Dotson: Please be advised that I will not be in the Capitol for check in session today due to legislative business.

Sincerely,

WILLIE L. BROWN, JR.
Speaker of the Assembly

March 1, 1995

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

Dear Willie: I respectfully request to be excused from check-in Session on Wednesday, March 1, as I will be attending to legislative business in my district.

Thank you for your consideration of this matter.

All the best,

JACKIE SPEIER, Assembly Member
Nineteenth District

COMMUNICATIONS

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

February 28, 1995

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

Dear Dotson: Please be advised that the Subcommittee #5—Information Technology of the Assembly Budget Committee has been created with the following Assemblymembers being appointed:

#5—Information Technology
Debra Bowen, Chairwoman
John Vasconcellos
Sincerely,

WILLIE L. BROWN, JR.
Speaker of the Assembly

The following communication was presented by the Chief Clerk from:

Kathleen F. DaRosa, Initiative Coordinator, Department of Justice, Office of the Attorney General, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 3506, Elections Code:

**No-Fault Motor Vehicle Insurance. Tort Liability.
Initiative Statute.**

Referred by the Speaker to the Committee on Insurance.

REPORTS

The following reports were presented by the Chief Clerk:

**Clinical Nurse Specialist Survey
(Pursuant to Assembly Bill No. 518, Chapter 77, Statutes of 1993)**

Above transmitted report, together with letter of transmittal from Ruth Ann Terry, MPH, RN, Executive Officer, Department of Consumer Affairs, Board of Registered Nursing, Sacramento, dated February 9, 1995, referred by the Speaker to the Committee on Health.

**California Conservation Corps Report on Level of
Participation by Minority, Women and Disabled Veteran Owned
Business Enterprises (M/W/DVBE) Contracts
(Pursuant to Assembly Bill No. 3301, Statutes of 1992)**

Above transmitted report, together with letter of transmittal from Al Aramburu, Director, California Conservation Corps, Sacramento, dated January 1, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Department of Education Report Relative to Carryover Funds
(Required Pursuant to Item 6110-166-890, Provision 3, 1994 Budget Act)**

Above transmitted report, together with letter of transmittal from Annette Porini, Deputy Superintendent, Department of Education, Sacramento, dated February 10, 1995, referred by the Speaker to the Committee on Budget.

**Report on Implementation of
the Beginning Teacher Support and Assessment Program (1992-94)
(Pursuant to Section 44279.2, Education Code)**

Above transmitted report, together with letter of transmittal from Martha Zaragoza-Diaz, Director, Governmental Affairs Office, Department of Education, Sacramento, dated February 15, 1995, referred by the Speaker to the Committee on Education.

**Energy Commission Annual Report for Minority, Women
and Disabled Veterans
Business Enterprise (M/W/DVBE) Program
(Pursuant to Section 10115.5, Public Contract Code)**

Above transmitted report, together with letter of transmittal from B. B. Blevins, Executive Director, California Energy Commission, Sacramento, dated February 15, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Department of Forestry and Fire Protection Report on
Minority, Women and Disabled Veterans Business Enterprise
(M/W/DVBE) Program**

Above transmitted report, together with letter of transmittal from Richard A. Wilson, Director, Department of Forestry and Fire Protection, Sacramento, dated February 17, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Taxpayers' Bill of Rights, Annual Certification
(Pursuant to Section 21008, Revenue and Taxation Code)**

Above transmitted report, together with letter of transmittal from Gerald H. Goldberg, Executive Officer, Franchise Tax Board, Sacramento, dated March 1, 1995, referred by the Speaker to the Committee on Revenue and Taxation.

**Annual Report—Small Business Participation
Activity Highlights Fiscal Year 1993-94
(In accordance with Section 14840, Government Code)**

Above transmitted report, together with letter of transmittal from John Lockwood, Director, Department of General Services, Sacramento, dated February 16, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Department of General Services Quarterly Status Report for
Capital Outlay Projects as of December 31, 1994**

Above transmitted report, together with letter of transmittal from John Lockwood, Director, Department of General Services, Sacramento, dated February 21, 1995, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**California Lottery Monthly Management Information Report for January 1995
(Pursuant to Section 8880.42, Government Code)**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Manager, Fiscal Services Branch, California Lottery, Sacramento, dated February 14, 1995, referred by the Speaker to the Committee on Governmental Organization.

**Effects of Realignment on
the Delivery of Mental Health Services (Pursuant to Section 5772(1)
In accordance with Chapter 89, Statutes of 1991)**

Above transmitted report, together with letter of transmittal from Stella March, Chairperson, California Mental Health Planning Council, Sacramento, dated February 17, 1995, referred by the Speaker to the Committee on Health.

**Annual Report on Exempt Employees
(Pursuant to Section 12010.6(f), Government Code)**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Sacramento, dated February 17, 1995, referred by the Speaker to the Committee on Labor and Employment.

**Audit Report on Expenditures from the
Public Utilities Transportation Rate Fund and the
Public Utilities Transportation Reimbursement Account—Fiscal Year 1993-94
(Pursuant to Sections 421(f) and 5012, Public Utilities Code)**

Above transmitted report, together with letter of transmittal from Neal J. Shulman, Executive Director, Public Utilities Commission, San Francisco, dated February 15, 1995, referred by the Speaker to the Committee on Transportation.

**A New Teacher Assignment Option for K-8 Schools
(Pursuant to Section 44258.3, Education Code)**

Above transmitted report, together with letter of transmittal from Philip A. Fitch, Executive Director, Commission on Teacher Credentialing, Sacramento, dated February 16, 1995, referred by the Speaker to the Committee on Education.

**Department of Toxic Substances Control Report on
Level of Participation by Minority and Women Owned Business Enterprises
(Pursuant to Section 10115.5, Public Contract Code)**

Above transmitted report, together with letter of transmittal from Jesse R. Huff, Director, Department of Toxic Substances Control, Sacramento, dated February 23, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**State Water Resources Control Board Report on Reduction of Backlogs in
the Core Water Quality Regulatory Programs and the Water Rights Program
(Pursuant to Item 3940, Supplemental Report of the 1994 Budget Act)**

Above transmitted report, together with letter of transmittal from Walt Pettit, Executive Director, State Water Resources Control Board, Sacramento, dated February 23, 1995, referred by the Speaker to the Committee on Budget.

**Annual Consultant Report
(Required by Section 1289, State Administrative Manual)**

Above transmitted report, with letter of transmittal from David N. Kennedy, Director, Department of Water Resources, Sacramento, dated February 24, 1995, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Annual Report on Lottery Revenues and Expenditures for
the Department of the Youth Authority's Education Programs
(Pursuant to Section 24.60, Budget Act of 1993)**

Above transmitted report, together with letter of transmittal from Francisco J. Alarcon, Chief Deputy Director, Department of the Youth Authority, Sacramento, dated February 6, 1995, referred by the Speaker to the Committee on Budget.

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

Bureau of State Audits

94014

February 24, 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 Chapters 105, 106, and 108 of the Statutes of 1989, the Bureau of State Audits presents its audit report concerning the State's allocations and expenditures of transportation funds made available by the 1989 Transportation Blueprint Legislation. This report concludes that the State allocated and spent transportation funds in accordance with statutory requirements.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Transportation.

Bureau of State Audits

94016

March 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 the Government Code, Section 5703, the Bureau of State Audits presents its audit report concerning the State's compliance with the Government Code, Section 5703, for bond sales during 1993 and 1994. The Government Code, Section 5703, requires the state treasurer to use a competitive process in selecting underwriters for negotiated bond sales, and also requires that the state treasurer, financing authorities, and the California Housing Finance Agency maintain certain records related to the bond sales. This report concludes that the State has generally complied with the Government Code, Section 5703. However, because the state treasurer believes the law can be interpreted to require competitive selection of only lead underwriters rather than lead underwriters and comanaging underwriters, we believe more needs to be done. Therefore, to ensure that a competitive process is used to select all underwriters in the future, we recommend that the Legislature consider amending the Government Code, Section 5703,

to specifically state that comanaging underwriters as well as lead underwriters be selected through a competitive process.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Appropriations.

Bureau of State Audits

93032
March 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 1267, Statutes of 1993, the Bureau of State Audits presents its audit of the enforcement and disciplinary system administered by the Medical Board of California (medical board). This report concludes that the medical board is not maximizing its efforts to recover costs of the enforcement and disciplinary system. For example, we estimate that under current law, the medical board could have attempted to recover more than \$6.3 million of the \$25 million it spent on enforcement and disciplinary efforts during fiscal year 1993-94. Furthermore, if the medical board had sought to change the law to allow it to recover costs incurred during administrative hearings, the medical board could have attempted to recover an additional \$3.1 million. However, the medical board reported that it recovered only \$94,053 of its costs for the same period.

This report also concludes that before January 1, 1995, the Health Quality Enforcement Section (HQES) of the Attorney General's Office did not have a system in place that would allow supervisors in each of the four field offices to monitor the amount of time that attorneys and legal assistants spent on particular tasks. Finally, the Department of General Services' Office of Administrative Hearings (OAH) overcharged the medical board for services provided by court reporters and failed to reimburse the medical board for the cost of some transcripts. As a result, we estimate that the OAH owes the medical board approximately \$283,000. In addition, we determined that the OAH also owes the medical board an undetermined amount for the cost of transcripts and copies of transcripts ordered by third parties for appealed cases from January 1, 1991, through June 30, 1994.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 1, 1995

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 2
Assembly Bill No. 17

Assembly Bill No. 70
Assembly Bill No. 144

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS

Committee on Governmental Organization

March 1, 1995

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 91

With author's amendments with the recommendation: Amend, and re-refer to the committee.

HORCHER, Chairman

ASSEMBLY BILL NO. 91—An act to repeal Article 7 (commencing with Section 19550) of Chapter 4 of Division 8 of the Business and Professions Code, relating to horseracing.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS

Committee on Revenue and Taxation

March 1, 1995

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 90

With author's amendments with the recommendation: Amend, and re-refer to the committee.

MCDONALD, Chairwoman

ASSEMBLY BILL NO. 90—An act to add Section 17052.6 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS

Committee on Education

March 1, 1995

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 34

With author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chairwoman

ASSEMBLY BILL NO. 34—An act to amend Sections 35107, 44831, and 45103 of the Education Code, relating to school districts.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ASSEMBLY BILL NO. 183—An act to add and repeal Section 17052.6 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, March 2, 1995.

JOE BACA, Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 1, 1995**

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

Assembly Bills

34
90
91
183