

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 2, 1995

THIRTY-FIFTH SESSION DAY

EIGHTY-EIGHTH 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.

(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
Thursday, March 2, 1995

The Assembly met at 8:38 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—77:

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

Quorum present.

PRAYER

Upon invitation of Speaker Brown, the following prayer was offered by Reverend Constantine C. Pappademos, Pastor of St. Katherine Greek Orthodox Church:

O Lord our God, Save Your people and bless Your inheritance; protect all of us who pray to You; sanctify those who love the beauty of all You created and do not forsake us who hope in You. For Yours is the dominion, the power and glory forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Brown, Assembly Member Bustamante then led the Assembly in the pledge of allegiance to the Flag.

READING OF THE JOURNAL DISPENSED WITH

By unanimous consent, reading of the Journal of the previous legislative day was dispensed with.

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 Brulte.

Because of illness: Assembly Member Allen.

EXPLANATIONS OF ABSENCE

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

March 2, 1995

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

Dear Speaker Brown: I am respectfully requesting that I be excused from session on Thursday, March 2, 1995. I will be in my district on legislative business.

Thank you for your consideration of this request. If you have any questions please feel free to contact Terri O'Neill at 445-8490.

Sincerely,

JAMES L. BRULTE
Assembly Republican Leader

REPORTS

The following report was presented by the Chief Clerk:

**Quarterly Status Report for
Capital Outlay Projects as of October 1, 1994**

Above transmitted report, together with letter of transmittal from John Lockwood, Director, Department of General Services, Sacramento, dated December 12, 1994, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 2, 1995

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

Assembly Bill No. 34

Assembly Bill No. 91

Assembly Bill No. 90

Assembly Bill No. 183

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

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

<i>Assembly Bill No.</i>	<i>Committee</i>
309 -----	L. Gov.
310 -----	L. & E.
311 -----	C.P., G.E. & E.D.
326 -----	Health
601 -----	Agri.
627 -----	Jud.
629 -----	Pub. S.

630	-----	Pub. S.
631	-----	Pub. S.
632	-----	Pub. S.
633	-----	Pub. S.
634	-----	Pub. S.
635	-----	Pub. S.
636	-----	Ed.
637	-----	Pub. S.
638	-----	Pub. S.
639	-----	W.,P. & W.
641	-----	Ed.
642	-----	Agri.
643	-----	Rev. & Tax.
644	-----	E.S. & T.M.
645	-----	E.S. & T.M.
646	-----	Pub. S.
647	-----	Rev. & Tax.
648	-----	U. & C.
649	-----	Ed.
650	-----	Trans. and Pub. S.
653	-----	Pub. S.
655	-----	C.P.,G.E. & E.D.
656	-----	L. & E.
657	-----	Ins.
658	-----	L. & E.
659	-----	Ed.
660	-----	Higher Ed.
661	-----	B. & F.
662	-----	Pub. S.
663	-----	Pub. S.
664	-----	Pub. S.
665	-----	Nat. Res.
666	-----	W.,P. & W.
667	-----	Higher Ed.
668	-----	Health
669	-----	Trans.
670	-----	Pub. S.
671	-----	U. & C. and Trans.
672	-----	Trans. and E.,R. & C.A.
673	-----	Rls.
674	-----	Hum. S.
675	-----	Pub. S.
676	-----	L. & E.
677	-----	E.,R. & C.A.
678	-----	Nat. Res.
679	-----	G.O.
680	-----	E.,R. & C.A.
681	-----	Pub. S.
682	-----	G.O.
683	-----	G.O.
684	-----	G.O.
685	-----	G.O.
686	-----	Health
687	-----	C.P.,G.E. & E.D. and Ed.

688	-----	Pub. S.
689	-----	U. & C.
690	-----	Health
691	-----	L. & E.
692	-----	Ed.
693	-----	L. & E.
694	-----	Rev. & Tax.
695	-----	Pub. S.
696	-----	Nat. Res.
697	-----	Agri. and E.S. & T.M.
698	-----	L. Gov.
699	-----	Jud.
700	-----	Jud.
701	-----	P.E.,R. & S.S.
702	-----	Ins.
704	-----	W.,P. & W.
705	-----	Pub. S.
706	-----	B. & F.
707	-----	Hum. S.
708	-----	Hum. S.
709	-----	U. & C.
710	-----	U. & C.
711	-----	Nat. Res.
713	-----	L. & E.
715	-----	Trans.
716	-----	Pub. S.
718	-----	W.P. & W.
719	-----	L. Gov.
720	-----	Pub. S.
721	-----	Ed.
722	-----	Jud.
723	-----	Higher Ed.
724	-----	Pub. S.
725	-----	Jud.
726	-----	Higher Ed.
727	-----	Higher Ed.
729	-----	Ed.
730	-----	Higher Ed.
731	-----	Hum. S.
733	-----	E.S. & T.M.
734	-----	C.P.,G.E. & E.D.
735	-----	Trans.
736	-----	Rev. & Tax.
737	-----	Jud.
738	-----	Jud.
739	-----	L. & E.
740	-----	Trans.
742	-----	W.,P. & W.
743	-----	Rev. & Tax.
744	-----	Rev. & Tax.
745	-----	Ed.
746	-----	Hum. S.
747	-----	H. & C.D.
749	-----	Pub. S.

750	-----	Pub. S.
751	-----	Pub. S.
752	-----	Pub. S.
753	-----	Health
754	-----	Jud.
755	-----	Jud.
757	-----	Jud.
758	-----	G.O.
759	-----	Rev. & Tax.
760	-----	Jud.
761	-----	Pub. S.
762	-----	Pub. S.
763	-----	Hum. S.
764	-----	Pub. S.
766	-----	P.E.,R. & S.S.
767	-----	Health
768	-----	Agri.
769	-----	Hum. S.
770	-----	Trans.
771	-----	L. Gov.
772	-----	Trans.
773	-----	Rev. & Tax.
775	-----	B. & F.
776	-----	Pub. S.
777	-----	Jud.
778	-----	C.P.,G.E. & E.D.
780	-----	Ed.
781	-----	Ed.
782	-----	Ed.
783	-----	Ed.
784	-----	Ed.
785	-----	Ins.
786	-----	Higher Ed.
787	-----	Pub. S.
788	-----	Hum. S.
789	-----	Ed.
790	-----	Ed.
791	-----	L. Gov.
792	-----	Trans.
793	-----	Nat. Res.
794	-----	Nat. Res.
795	-----	Trans.
796	-----	L. Gov.
797	-----	Higher Ed. and Ed.
798	-----	Pub. S.
799	-----	U. & C.
800	-----	Jud.
801	-----	Ins.
802	-----	Nat. Res.
803	-----	Health
804	-----	Health
805	-----	G.O.
806	-----	Jud.
810	-----	P.E.,R. & S.S.

811	-----	G.O.
813	-----	Ed.
814	-----	U. & C.
815	-----	Ed.
821	-----	Higher Ed.
824	-----	Higher Ed.
826	-----	C.P.,G.E. & E.D.
827	-----	Hum. S.
828	-----	U. & C.
829	-----	Health
830	-----	Pub. S.
831	-----	P.E.,R. & S.S.
833	-----	Higher Ed.
834	-----	Jud.
835	-----	Ed.
836	-----	Jud.
837	-----	Jud.
838	-----	Pub. S.
839	-----	Higher Ed.
858	-----	Pub. S.
859	-----	Ins.
871	-----	Pub. S.
880	-----	Pub. S.
881	-----	Pub. S.
882	-----	Pub. S.
883	-----	Pub. S.
884	-----	Pub. S.
885	-----	C.P.,G.E. & E.D.
887	-----	Higher Ed.
888	-----	Pub. S.
889	-----	Pub. S.
890	-----	Pub. S.
891	-----	Ins.
892	-----	Pub. S.
893	-----	Pub. S.
894	-----	Ins.
896	-----	L. Gov.
898	-----	Jud.
899	-----	Health
903	-----	Budget
904	-----	Budget
913	-----	Rev. & Tax.
916	-----	Rev. & Tax.
918	-----	Pub. S.
943	-----	Hum. S.
944	-----	Health
946	-----	Rev. & Tax.
950	-----	B. & F.
962	-----	Pub. S.
966	-----	Pub. S.
967	-----	Ed.
968	-----	Ed.
971	-----	Nat. Res.
972	-----	Jud.

*Assembly Constitutional**Amendment No.**Committee*

11 ----- C.P., G.E. & E.D.

REQUEST FOR UNANIMOUS CONSENT

Speaker Brown was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Melvin Franklin, the original bass singer of The Temptations, who died recently at the age of 52; and that the following be printed in the Journal:

Born in Montgomery, Alabama, Franklin at one time got kicked out of school for singing in the hallways. At the age of 15 he was a street singer in Detroit, where he met Otis Williams. They formed a singing group which later became known as The Temptations.

Franklin and Williams were the only two original members who stayed with the group throughout the years. In 1989, both were honored by the Brotherhood Crusade for three decades in the music business. Last September, The Temptations were awarded a star on the Hollywood Walk of Fame. Over the years, The Temptations have sold an estimated 22 million records and the group has continued to perform on the road in over 200 concerts a year.

Melvin Franklin was a man of character and talent. He will be missed.

Assembly Member Alpert was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joseph A. Sinclitico, of Carlsbad.

Assembly Member Ducheny was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alfonso "Arriola" Johnston, of San Diego and Joe A. Flores, of San Jose.

Assembly Member Boland was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jennie Carbone, of Granada Hills.

Assembly Member Rainey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rick Aguiar, of Pleasanton.

Assembly Member Knowles was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Bill Dellinger, of Lotus.

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 artist-illustrator Glen W. Thomas, of Newport Beach; and Simindokht Roshdieh, of Laguna Beach.

**ASSEMBLY CONCURRENT RESOLUTION NO. 1 REMOVED
FROM CONSENT CALENDAR AND TAKEN UP**

Assembly Member Pringle was granted unanimous consent that Assembly Concurrent Resolution No. 1 be removed from the Consent Calendar, and to take the resolution up at this time, without reference to file, for purpose of amendment.

ASSEMBLY CONCURRENT RESOLUTION NO. 1 (Pringle)—Relative to proclaiming Southeast Asia Genocide Remembrance Week.

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 1**

Assembly Member Pringle was granted unanimous consent that all Assembly Members voting “Aye” be placed upon Assembly Concurrent Resolution No. 1 as coauthors.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Aguiar, Alby, Alpert, Archie-Hudson, Baca, Baldwin, Bates, Battin, Boland, Bordonaro, Bowen, Willie Brown, Bustamante, Conroy, Cunneen, Ducheny, Escutia, Firestone, Frusetta, Goldsmith, Harvey, Hauser, Hawkins, Horcher, House, Isenberg, Johnson, Kaloogian, Katz, Knight, Kuykendall, Machado, Mazzone, Morrissey, Napolitano, Poochigian, Rainey, Setencich, Sher, Thompson, Villaraigosa, and Weggeland.

Request for Unanimous Consent

Assembly Member Pringle was granted unanimous consent to take up Assembly Concurrent Resolution No. 1, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 1, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 1—Relative to proclaiming Southeast Asia Genocide Remembrance Week.

Resolution read, as amended, and adopted unanimously.

Resolution ordered printed, and transmitted to the Senate.

RECESS

By unanimous consent, at 8:41 a.m., Speaker Brown declared the Assembly recessed.

REASSEMBLED

At 8:44 a.m., the Assembly reconvened.

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

MOTION TO ADJOURN

At 8:44 a.m., Assembly Member Pringle moved that the Assembly do now adjourn.

Assembly Member Hannigan seconded the motion.

VOTE ADDS

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

Assembly Concurrent Resolution No. 1: Baca, Cunneen, and Sher—Aye.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Pringle that the Assembly adjourn.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 8:45 a.m., Speaker Brown declared the quorum call of the Assembly dispensed with.

AUTHOR'S AMENDMENTS**Committee on Consumer Protection, Governmental Efficiency, and Economic Development**

March 2, 1995

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency, and Economic Development reports:

Assembly Bill No. 116

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

SPEIER, Chairwoman

ASSEMBLY BILL NO. 116—An act to add and repeal Section 7550.5 of the Government Code, relating to legislative oversight, and declaring the urgency thereof, to take effect immediately.

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 Higher Education**

March 2, 1995

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

Assembly Bill No. 27

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

ARCHIE-HUDSON, Chairwoman

ASSEMBLY BILL NO. 27—An act to add Article 2.5 (commencing with Section 89050) to Chapter 1 of Part 55 of the Education Code, relating to postsecondary education.

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 Public Safety**

March 2, 1995

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 74

Assembly Bill No. 99

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

BOLAND, Chairwoman

ASSEMBLY BILL NO. 74—An act to add Section 1192.55 to the Penal Code, relating to plea agreements.

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. 99—An act to amend Section 12323 of the Penal Code, relating to ammunition, and declaring the urgency thereof, to take effect immediately.

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 Natural Resources

March 2, 1995

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 206

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

SHER, Chairman

ASSEMBLY BILL NO. 206—An act to amend Sections 42807 and 42950 of the Public Resources Code, relating to solid waste.

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 Rules

March 2, 1995

Mr. Speaker: The Chair of your Committee on Rules reports:
Senate Concurrent Resolution No. 6

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

BURTON, Chairman

SENATE CONCURRENT RESOLUTION NO. 6—Relative to the creation of a Joint Legislative Committee on Information Services in State Government.

Resolution read; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: March 2, 1995

Mr. Speaker: Your Committee on Rules reports:
Assembly Concurrent Resolution No. 4

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

BURTON, Chairman

Above resolution ordered on file.

Committee on Revenue and Taxation

Date of Hearing: February 27, 1995

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 3

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

MCDONALD, Chairwoman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, March 2, 1995

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

Assembly Joint Resolution No. 9

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

Above resolution ordered enrolled.

Senate Chamber, March 2, 1995

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

Senate Bill No. 111

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. 111—An act to add Section 411.5 to the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

INTRODUCTION OF GUESTS

Assembly Member Napolitano, of the 58th Assembly District, introduced Dr. John Schultz, Professor of Political Science at Fullerton College, who was accompanied by the following students: Elisa Aldecoa, Kimberly Basse, Feron Braddach, Stephanie Brown, Iris Creagh, Bryan Day, Cesar Gonzalez, Jason Hames, Sharon Kaplowitz, Jennifer McDonald, Richard Myerscough, Maria Navarro, Rami Raheb, and Lalita Uppugonduri.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Pringle, the Assembly adjourned until 11 a.m., Monday, March 6, 1995, out of respect to the memory of Joseph A. Sinclitico, on motion of Assembly Member Alpert; out of respect to the memory of Alfonso "Arriola" Johnston and Joe A. Flores, on motion of Assembly Member Ducheny; out of respect to the memory of Jennie Carbone, on motion of Assembly Member Boland; out of respect to the memory of Rick Aguiar, on motion of Assembly Member Rainey; out of respect to the memory of Glen W. Thomas and Simindokht Roshdieh, on motion of Assembly Member Brewer; out of respect to the memory of Bill Dellinger, on motion of Assembly Member Knowles; and out of respect to the memory of Melvin Franklin, on motion of Speaker Brown.

WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 2, 1995**

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

Assembly Bills

27
74
99
116
206

*Senate
Concurrent
Resolution*

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