

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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**ASSEMBLY DAILY JOURNAL**

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**Wednesday, March 8, 1995**  
**THIRTY-EIGHTH SESSION DAY**  
**NINETY-FOURTH CALENDAR DAY**  
**AT SACRAMENTO, CALIFORNIA**



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**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 8, 1995

The Assembly met at 7 a.m.  
Hon. James Rogan, Assembly Member, 43rd 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—78:

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

Quorum present.

At 1:20 p.m., Hon. Steven T. Kuykendall, 54th 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 Member was granted leave of absence for the day:

*Because of illness: Assembly Member Allen.*

**COMMUNICATIONS**

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

**Assembly Republican Caucus**

March 7, 1995

*E. Dotson Wilson, Chief Clerk  
California State Assembly  
Sacramento, California*

Dear Mr. Wilson: Pursuant to Article 4, Section 22 of the Constitution of the State of California, I hereby submit to you for inclusion into the Assembly Journal, the Assembly Republican goals and objectives for the 1995–96 Legislative session.

Our House faces critical choices. Recent changes in the partisan makeup of the Assembly dictate we reexamine how best to undertake the People's Business.

On one hand, we can continue the usual routine with the belief that tinkering around with the state's problems will somehow solve them.

On the other hand, we can move forward boldly . . . tackling the state's problems with a vision . . . a vision that looks upon these problems as challenges to be conquered.

Assembly Republicans will be taking the path of greater resistance. The time for legislative complacency is past. It is time for bold ideas and bold action. Below is an outline of the Assembly Republican Agenda for the 1995–96 session.

***Criminal Justice Reform***

Last year, the Legislature finally passed "Three-Strikes" criminal justice reform. While we were dismayed that Assembly Democrats saw fit to place exemptions in every penalty-enhancement measure to follow, we were pleased that the Legislature finally listened to the citizens of California and did what needed to be done . . . we removed repeat, violent offenders from our streets.

A prime target of Assembly Republican criminal justice reform efforts this session will be juvenile crime. For instance, why should a 14-year-old who committed a heinous crime as a "child," spent two years in the youth authority and then commits another crime as an adult have that previous conviction hidden from law enforcement authorities? This cannot continue.

***Welfare***

The welfare system is broken and is in desperate need of repair. Not only is it failing the people for whom it is intended, it invites fraud and abuse.

Welfare should be temporary relief for those genuinely in need. However, results of government assistance programs show they have the opposite effect. AFDC recipients now average 38 months of assistance—that's up from a 32-month average 10 years ago. Furthermore, from 1984 to 1991—while unemployment fell or stayed steady—dependency on welfare rose 19 percent.

Last year, we were successful in passing a number of reform measures. For instance, no longer will we give additional cash to those individuals who choose to have additional children while on welfare. The new child will be given medical care and food stamps,

but their parent will not qualify for additional cash benefits.

Two areas Republicans plan to focus on will be to limit the amount of time able-bodied adults may remain on AFDC and ensuring that teenage welfare mothers remain, or get placed, in nurturing home environments.

It is time to open the welfare trap and release its victims.

### ***Economic Development***

Even with the economic recovery currently underway in California, we must not become complacent. We may have turned the corner, but we are not yet out of the woods. Business, the lifeblood of California, continues to flow to other states . . . states boasting of friendlier regulatory climates and offering attractive incentives to entice new and expanding businesses. The economic development portion of the Assembly Republican Agenda is the transfusion California needs to resharpen its competitive edge.

Assembly Republicans plan to focus their attention on specific policy areas, to give us the necessary edge to increase California's lure to business and job opportunities. Our agenda includes legislation designed to address specific program areas such as workers' compensation reform, prevailing wage reform, regulatory streamlining, civil justice reform, tax incentives and educational restructuring.

### ***Workers' Compensation***

In 1993, the California Legislature finally heard the call of the business community and allowed meaningful workers' compensation reform to get to the Governor's desk. However, as good as that may sound, we are not finished yet. Still to be addressed are such esoteric issues as cumulative stress injuries, predominate cause standards and liberal construction provisions.

It is time for more and Assembly Republicans will be pushing for a number of further reforms to the still-unfair workers' compensation system.

### ***Regulatory Streamlining***

The only thing government can do more onerous to California business and citizens than taxes is regulation. Californians suffer under more regulatory controls than any other state. We regulate the workplace, the environment, wages, insurance coverage, private property, construction . . . even landscaping!

Republicans believe there is a very real need for regulation. We, like anybody else, desire clean water to drink, clean air to breath, and safe work and living environments. However, we part company with those who think regulations should simply be a tool to stop those things Californians need because some group or individual does not agree with them, not because of any real damage to the environment they could cause.

Because regulations affect every aspect of our lives, we must focus our attention on the most onerous ones that have been perverted for uses for which they were not intended. Additionally, it should be as tough to implement new regulations in California as it is to raise taxes.

### ***Civil Justice (tort) Reform***

In 1992 there were 134,983 attorneys in California collecting fees in excess of \$16.3 billion.

Every Californian pays when someone files a frivolous claim or demands greater compensation than the actual damages incurred. This "lawsuit tax" costs California consumers over \$10 billion every year in higher prices for goods and services. These costs are rising at four times the rate of inflation, amounting to \$300 for every man, woman and child in the state. Put simply, California cannot expect a robust economy without substantive reform of our civil justice system.

### ***Tax Relief***

Just the mention of taxes evokes a very strong emotional reaction from just about everybody . . . and it is seldom a positive one. People are reluctant to part with their earnings, particularly if it is perceived as going to a government that spends those dollars irresponsibly.

Many legislators are participating in a bipartisan effort aimed at improving the tax climate in California, for both individuals and business. Because of the wide disparity of views as to the best course to take, Assembly Republicans have introduced a number of different tax proposals in the current Legislative session.

We look forward to an open and frank exchange of ideas through the Legislative process to chart the best course of action.

### ***Education Reform***

California used to boast of the best public school system in the nation. However, in 1992, California's fourth grade reading scores ranked 40th out of the 41 states with students taking the National Assessment of Educational Progress tests. Obviously, it is time to demand more from our education system. We must allow parents more choices in where they send their children to school. We must promote more intelligent use of our education resources. And we must cut the eleven-volume education code down to a document our educators can understand.

### ***Insurance Reform***

The recent Los Angeles earthquake shows how vulnerable California's economy is to nature's forces. More potential homeowners are finding it impossible to secure insurance because of firms leaving the California marketplace. The reason? California requires insurance companies writing homeowners policies to offer earthquake insurance. To an insurance company, this could mean death as one quake like Los Angeles' could cause them to go insolvent.

Without affordable homeowners insurance, the California building industry could come to a standstill. Assembly Republicans are committed to ensuring an adequate supply of affordable homeowners insurance so all Californians can realize the dream of owning their own home.

In addition, affordable automobile insurance is still a problem in California. Twenty-eight percent of all California vehicles are uninsured. That means that 5.8 million motorists are on the streets and highways without the insurance coverage required by state law. It is estimated that California's 15 million insured drivers end up

paying an additional 10 cents of every premium dollar, or about \$1 billion annually, to cover the cost of these outlaw motorists.

The cure? Republicans continue to support and will encourage legislative passage of a first party, limited liability, auto insurance system by which accident victims collect a fair settlement from their own insurance company. This type of system offers a plausible, market-reliant solution with the least amount of government regulation.

### *In Conclusion*

California needs and deserves strong leadership. In the past, Assembly Democrats thwarted the will of the people in such areas as welfare reform, criminal justice reform, tax reform, insurance reform, civil justice reform, workers' compensation reform, regulatory streamlining, and education reform.

The Assembly Republican Caucus firmly believes the recent election, that led to the historic shift in the partisan make-up of our House, was a mandate for change. A change in the usual course of action which this Legislature has taken in the past. A change from the old way of doing business in California government to a new way that features new and bold ideas. A change that requires us to take risks and make the tough decisions needed to solve the problems facing our state and its citizens.

Assembly Republicans believe these issues are important to the well-being of every citizen of California. We may not solve all these issues right away, but we will move forward with legislation that addresses each of them. We commit, to the people of California, that we will act on these issues. We will not rest until we have addressed and had meaningful debate on each of them.

To that end, we pledge to work on this Assembly Republican Agenda for California until we resolve each of these issues.

Sincerely,

JAMES L. BRULTE  
Assembly Republican Leader

### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 8, 1995

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

Assembly Bill No. 57

Assembly Bill No. 200

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

### **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1971**—Committee on Revenue and Taxation (McDonald (Chairwoman), Caldera, Hannigan, Isenberg, Takasugi, and Villaraigosa). An act to amend Section 19011 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY BILL NO. 1972**—Committee on Revenue and Taxation (McDonald (Chairwoman), Caldera, Hannigan, Isenberg, Takasugi, and Villaraigosa). An act to amend Sections 17063 and 23051.5 of the Revenue and Taxation Code, relating to taxation.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 25—Goldsmith (Principal coauthor: Isenberg).** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending and repealing Section 12 of, and adding Section 12.1 to, Article IV thereof, and by amending and repealing Section 5.5 of Article XIII B thereof, relating to the state budget.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 26—Goldsmith.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 20 of Article II thereof, by adding Section 3.5 to Article IV thereof, and by amending Section 11 of Article V thereof, relating to the Lieutenant Governor.

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 27—Goldsmith.** A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article IV thereof, relating to Members of the Legislature.

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 20—Napolitano (Principal Senate coauthor: Solis) Alpert, Bates, Bowen, Valerie Brown, Bustamante, Caldera, Campbell, Davis, Ducheny, Figueroa, Friedman, Gallegos, Hauser, Katz, Kuehl, Lee, Martinez, Mazzoni, McDonald, Kevin Murray, Willard Murray, Speier, and Villaraigosa (Senators Calderon, Hughes, Killea, Lockyer, O'Connell, Petris, Polanco, Rosenthal, and Watson, coauthors).** Relative to the National Girls Initiative—Take Our Daughters to Work Day.

**AUTHOR'S AMENDMENTS**  
**Committee on Human Services**

March 8, 1995

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 86

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

GRANLUND, Chair

**ASSEMBLY BILL NO. 86—**An act to add Part 5.5 (commencing with Section 7500) to the Education Code, relating to families, and making an appropriation therefor.

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.

**CONSIDERATION OF DAILY FILE**  
**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 30—**An act to amend Section 44011.5 of the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to the Consent Calendar.

**ASSEMBLY BILL NO. 93—**An act to amend Section 93010 of the Government Code, relating to railroads.

Bill read second time, and ordered to the Consent Calendar.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 8, 1995

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

Assembly Bill No. 30

Assembly Bill No. 93

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to the Consent Calendar.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, March 9, 1995.

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WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk



**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MARCH 8, 1995**

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The following measure was amended in the Assembly on this day:

*Assembly Bill*

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