

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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**ASSEMBLY DAILY JOURNAL**

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**Friday, March 10, 1995**

**FORTIETH SESSION DAY**

**NINETY-SIXTH 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  
Friday, March 10, 1995

The Assembly met at 8:34 a.m.

Hon. Joe Baca, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Walker reading.

#### ROLL CALL

The roll was called.

#### Quorum Call of the Assembly

Assembly Member Alpert moved a quorum call of the Assembly.

Motion carried. Time, 8:35 a.m.

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

#### Quorum Present

At 8:39 a.m., Speaker pro Tempore Baca declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—64:

Aguiar	Campbell	Hawkins	McPherson
Alby	Cannella	Hoge	Morrow
Alpert	Conroy	Horcher	Murray, Kevin
Baca	Cortese	House	Napolitano
Baldwin	Davis	Kaloogian	Olberg
Bates	Ducheny	Katz	Pringle
Battin	Escutia	Knight	Rainey
Boland	Figueroa	Knowles	Richter
Bordonaro	Friedman	Knox	Rogan
Bowen	Frusetta	Kuehl	Setencich
Bowler	Gallegos	Kuykendall	Sweeney
Brewer	Goldsmith	Lee	Takasugi
Brown, Valerie	Granlund	Machado	Tucker
Brulte	Hannigan	Martinez	Weggeland
Bustamante	Harvey	Mazzoni	Woods
Caldera	Hauser	McDonald	Mr. Speaker

**PRAYER**

Upon invitation of Speaker pro Tempore Baca, the following prayer was offered by Reverend Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

Shine within our hearts, Loving Master, the pure light of Your divine knowledge, and open the eyes of our minds that we may do Your will. Instill in us also, reverence for Your blessed commandments so that we may pursue a spiritual way of life, both thinking and doing only those things that are pleasing to You.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker pro Tempore Baca, Assembly Member Aguiar 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 Knox, seconded by Assembly Member Figueroa.

**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 Burton, Cunneen, Firestone, Isenberg, Morrissey, Willard Murray, Poochigian, Sher, Speier, Thompson, Vasconcellos, and Villaraigosa.*

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

*Because of illness: Assembly Member Allen.*

*Because of illness in her family: Assembly Member Archie-Hudson.*

**EXPLANATIONS OF ABSENCE**

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

March 9, 1995

*Honorable Willie L. Brown, Jr.*

*Speaker of the Assembly*

*State Capitol, Room 219*

*Sacramento, California*

Dear Speaker Brown: Please excuse me from Session on Friday, March 10, 1995. I will be in my District Office meeting with constituents on legislative business.

Thank you for your consideration of this matter.

Peace and friendship,

JOHN BURTON, Assembly Member  
Twelfth District

March 9, 1995

*The Honorable Willie Brown  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Brown: I would like to request that I be excused from floor session on Friday, March 10. I must be in my district to attend to legislative business.

Sincerely,

JIM CUNNEEN, Assembly Member  
Twenty-fourth District

March 8, 1995

*Speaker Willie L. Brown, Jr.  
Room 219  
State Capitol  
Sacramento, California*

Dear Speaker Brown: The recent storms have caused devastating mudslides to a town in my district. I respectfully request, therefore, that I be excused from the Assembly's Floor Session this Friday, March 10, for reasons of legislative business.

BROOKS FIRESTONE, Assembly Member  
Thirty-fifth District

March 9, 1995

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

Dear Willie: Please excuse me from session on Friday, March 10, due to legislative business. I will be attending meetings of the Constitution Revision Commission in Napa.

Sincerely,

PHILLIP ISENBERG, Assembly Member  
Ninth District

March 2, 1995

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

Dear Mr. Speaker: I respectfully request permission to be excused on legislative business in my district on Friday, March 10, 1995.

Sincerely,

JIM MORRISSEY, Assembly Member  
Sixty-ninth District

March 3, 1995

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

Dear Mr. Speaker: I respectfully request to be excused from Floor session on Friday, March 10, 1995. I will be attending to legislative business in my district.

Thank you for your consideration and approval of this request.

Sincerely,

WILLARD H. MURRAY, JR., Assembly Member  
Fifty-second District

March 7, 1995

*The Honorable Willie Brown*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker Brown: I respectfully request permission to be excused from Session on Friday, March 10, 1995. I have legislative business in my district (including meetings with local law enforcement representatives and a law enforcement press conference).

Thank you for your consideration of this request.

Sincerely,

CHARLES S. POOCHIGIAN, Assembly Member  
Twenty-ninth District

March 8, 1995

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

Dear Mr. Speaker: I am requesting to be excused from session on legislative business on Friday, March 10. I will be attending a meeting of a drafting committee on the National Conference of Commissioners on Uniform State Laws in Denver, Colorado, on that day.

Thank you for your consideration.

Sincerely,

BYRON D. SHER, Assembly Member  
Twenty-first District

March 6, 1995

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

Dear Mr. Speaker: I respectfully request that I be excused from session on Friday, March 10, 1995 regarding legislative business in my district. I have had a Leadership Institute Conference sponsored by the cities of San Mateo, Foster City, and Burlingame on my schedule since November. I am a participant in representing the government on the state level.

Thank you for your consideration of this request.

All the best,

JACKIE SPEIER, Assembly Member  
Nineteenth District

March 9, 1995

*Assemblyman Willie Brown, Speaker*  
*California State Assembly*  
*State Capitol, Room 219*  
*Sacramento, California*

Dear Speaker: Please excuse me from session on Friday, March 10, 1995. It is imperative that I return to my district on legislative business. Thank you for your time and consideration.

Sincerely,

BRUCE THOMPSON, Assembly Member  
Sixty-sixth District

March 7, 1995

*Honorable Willie L. Brown, Jr.*  
*California State Assembly*  
*State Capitol #219*  
*Sacramento, California*

Willie: Please excuse me from Assembly Session on Friday, March 10, for Legislative business. I have been invited to give the opening keynote address at the California Center for Self Esteem Conference in Santa Clara.

Your consideration of this matter will be appreciated.

I wish you well,

JOHN VASCONCELLOS, Assembly Member  
Twenty-second District

March 6, 1995

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

Dear Mr. Speaker: I would like to request permission to be excused from floor session on March 10, 1995. I will be in my district on legislative business.

Because floor sessions are not normally scheduled for Fridays, I scheduled an intensive three day staff meeting in my district, for all my staff members, several weeks ago.

Thank you for your consideration in this matter.

Sincerely,

ANTONIO R. VILLARAIGOSA, Assembly Member  
Forty-fifth District

#### COMMUNICATIONS

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

March 9, 1995

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

Dear Dotson: Please be advised that I have created the Select Committee on Urban Education Quality and have appointed Assemblymember Juanita McDonald as Chairwoman of this committee.

Sincerely,

WILLIE L. BROWN, JR.  
Speaker of the Assembly

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

March 9, 1995

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

Dear Mr. Wilson: Assemblyman Trice Harvey has been appointed as a member of Assembly Budget Subcommittee No. 5—Information Technology. His name was inadvertently not included in the published notice of appointments. This appointment was approved by Assembly Republican Leader Jim Brulte.

Sincerely,

CHARLES S. POOCHIGIAN, Vice Chairman  
Budget Committee

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, March 10, 1995

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

Assembly Bill No. 135

Assembly Bill No. 147

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**WITHDRAWAL AND RE-REFERENCE OF BILLS**

Assembly Member Hannigan was granted unanimous consent that Assembly Bill No. 810 be withdrawn from the Committee on Public Employees, Retirement and Social Security and re-referred to the Committee on Higher Education.

**SENATE CONCURRENT RESOLUTION NO. 13 TAKEN UP BY UNANIMOUS CONSENT**

Assembly Member Napolitano was granted unanimous consent to take up Senate Concurrent Resolution No. 13, without reference to committee or file.

**SENATE CONCURRENT RESOLUTION NO. 13**—Relative to Women's History Month.

Resolution read.

**Members Made Coauthors of Senate Concurrent Resolution No. 13**

Assembly Member Napolitano was granted unanimous consent that all Assembly Members voting "Aye" be placed upon Senate Concurrent Resolution No. 13 as coauthors.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Alpert, Bordonaro, Willie Brown, Figueroa, Friedman, Goldsmith, Granlund, Hauser, Horcher, Kaloogian, Kuykendall, McDonald, Rainey, Rogan, Setencich, Sweeney, Takasugi, and Tucker.

**Request for Unanimous Consent**

Assembly Member Napolitano was granted unanimous consent to take up Senate Concurrent Resolution No. 13, as amended, without reference to print or file.

**Consideration of Senate Concurrent Resolution No. 13, as Amended**

**SENATE CONCURRENT RESOLUTION NO. 13**—Relative to Women's History Month.

Resolution read, as amended, and adopted unanimously.

Resolution ordered printed, and transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Davis was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lucille Moore, of San Diego.



**ASSEMBLY CONCURRENT RESOLUTION NO. 18 TAKEN UP  
BY UNANIMOUS CONSENT**

Assembly Member Goldsmith was granted unanimous consent to take up Assembly Concurrent Resolution No. 18, without reference to committee or file, and that the same be considered engrossed.

**ASSEMBLY CONCURRENT RESOLUTION NO. 18**—Relative to Mediation Week.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Mazzoni was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dick Boesel, of Belvedere.

Assembly Member Olberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Billy E. Bates, of Victorville.

**WITHDRAWAL AND RE-REFERENCE OF BILLS**

Assembly Member Boland was granted unanimous consent that Assembly Bill No. 145 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Public Safety.

**RECESS**

By unanimous consent, at 8:50 a.m., Speaker pro Tempore Baca declared the Assembly recessed.

**REASSEMBLED**

At 8:52 a.m., the Assembly reconvened.

Hon. Joe Baca, Speaker pro Tempore of the Assembly, presiding.

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

**ASSEMBLY BILL NO. 70**—An act to amend Sections 12027, 12070, 12076, 12077, 12078, and 12081 of the Penal Code, relating to firearms.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**CONSIDERATION OF CONSENT CALENDAR**

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Assembly Bills**

**ASSEMBLY CONCURRENT RESOLUTION NO. 4 (Katz)**—Relative to California Holocaust Memorial Week.

Resolution read, adopted, and ordered transmitted to the Senate.

*(For the vote on the above resolution, see this day's  
Consent Calendar roll call.)*

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

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

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

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's  
Consent Calendar roll call.)*

#### Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

#### AYES—61

Aguiar	Campbell	Hoge	Napolitano
Alby	Cannella	Horcher	Olberg
Alpert	Conroy	House	Pringle
Baca	Cortese	Kaloogian	Rainey
Baldwin	Davis	Katz	Richter
Bates	Ducheny	Knight	Rogan
Battin	Escutia	Knowles	Setencich
Boland	Figueroa	Kuehl	Sweeney
Bordonaro	Friedman	Kuykendall	Takasugi
Bowen	Frusetta	Lee	Tucker
Bowler	Gallegos	Machado	Weggeland
Brewer	Goldsmith	Martinez	Woods
Brown, Valerie	Granlund	Mazzoni	Mr. Speaker
Brulte	Hannigan	McDonald	
Bustamante	Harvey	McPherson	
Caldera	Hauser	Morrow	

#### NOES—None

#### WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member McDonald was granted unanimous consent that Assembly Bill No. 272 be withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Insurance.

#### CAUCUS ANNOUNCEMENTS

Assembly Member Brulte announced that the Republican Caucus would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

#### VOTE ADDS

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

**Senate Concurrent Resolution No. 13, Coauthors:** Gallegos, Horcher, Katz, and McDonald—Aye.

**Consent Calendar:** Baldwin and McDonald—Aye.

#### MOTION TO ADJOURN

At 8:54 a.m., Assembly Member Hannigan moved that the Assembly do now adjourn.

Assembly Member Bustamante seconded the motion.

Motion carried.

#### QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 8:55 a.m., Speaker pro Tempore Baca declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF  
ASSEMBLY BILLS**

The following bill was introduced and read the first time:

**ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 28**—Richter. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 16 of Article I thereof, relating to juries.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 21**—Davis. Relative to the 75th Anniversary of the League of Women Voters.

**AUTHOR'S AMENDMENTS  
Committee on Transportation**

March 10, 1995

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

Assembly Bill No. 260

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

KATZ, Chairman

**ASSEMBLY BILL NO. 260**—An act relating to electric vehicles.

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 Local Government**

March 10, 1995

Mr. Speaker: The Chair of your Committee on Local Government reports:

Assembly Bill No. 214

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

RAINEY, Chair

**ASSEMBLY BILL NO. 214**—An act to amend Section 4420 of the Government Code, relating to public works.

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 10, 1995

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

Assembly Bill No. 92

Assembly Bill No. 114

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

BOLAND, Chair

**ASSEMBLY BILL NO. 92**—An act to amend Sections 12023, 12026, 12026.1, 12026.2, and 12050 of, and to add and repeal Section 12038 of, the Penal Code, relating to firearms.

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. 114**—An act to amend Sections 12020.5 and 12301 of the Penal Code, relating to destructive devices.

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 10, 1995

Mr. Speaker: The Chair of your Committee on Public Safety reports:  
Assembly Bill No. 44

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

**BOLAND, Chair**

**ASSEMBLY BILL NO. 44**—An act to add Section 638 to the Penal Code, relating to crimes.

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.

(NOTE: On March 21, 1995, the action was rescinded whereby the above Report of the Committee on Public Safety relative to Assembly Bill No. 44 was received and read in the Assembly, and whereby the bill was read a second time, author's amendments to the bill read and adopted, and the bill ordered reprinted and re-referred to committee. See page 588.)

**REPORTS OF STANDING COMMITTEES**  
**Committee on Education**

Date of Hearing: March 8, 1995

Mr. Speaker: Your Committee on Education reports:  
Senate Bill No. 59

With amendments with the recommendation: Amend, and do pass, as amended.

**ALPERT, Chairwoman**

Above bill ordered to second reading.

Date of Hearing: March 8, 1995

Mr. Speaker: Your Committee on Education reports:  
Assembly Bill No. 34

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

**ALPERT, Chairwoman**

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: March 7, 1995

Mr. Speaker: Your Committee on Public Safety reports:  
Assembly Bill No. 99

With amendments with the recommendation: Amend, and do pass, as amended.

**BOLAND, Chair**

Above bill ordered to second reading.

**INTRODUCTION OF GUESTS**

Assembly Member Caldera, of the 46th Assembly District, introduced Mitch Moore, Executive Director of Heart of Los Angeles Youth (HOLA), and the following HOLA students and adult volunteers:

Jorge Aguilar, Saul Balderas, Osmany Batte, Jose Beltran, Ralph Borje, Francisco Cabrera, Deshaun Calhoun, Julio Colon, Roman Corzo, Yolanda Corzo, Deborah Dougall, Joaquin Gaitan, Armando Garcia, Haymen Gebru, Mikey James, Germaine Leevy, Rudy Linares, Sandy Marin, Henry Morales, Frank Nieves, Selvin Nochez, Eduardo Pesante, Jason Posada, Geo Reyes, Jose Rodriquez, Sally Spencer, Jim Weaver, and Wendy Weisenberg.

The HOLA guests and volunteers were accompanied by Southwest Airlines Sponsors Tammy Otero, Karen Mammoser, and Leslie Carr.

**ADJOURNMENT**

At 3 p.m., pursuant to the motion by Assembly Member Hannigan, the Assembly adjourned until 7 a.m., Tuesday, March 14, 1995, out of respect to the memory of Lucille Moore, on motion of Assembly Member Davis; out of respect to the memory of Dick Boesel, on motion of Assembly Member Mazzoni; out of respect to the memory of Billy E. Bates, on motion of Assembly Member Olberg.

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WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk

## AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 10, 1995

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

*Assembly Bills*

~~44~~ \*  
70  
92  
114  
214  
260

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\* Adoption of amendments rescinded