

CALIFORNIA LEGISLATURE
1995-96 FOURTH EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 28, 1996

SIXTEENTH SESSION DAY

FORTY-FIFTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



(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 28, 1996

The Assembly met at 1:22 p.m.
Hon. Fred Aguiar, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called, and the following answered to their names—75:

Ackerman	Caldera	Hawkins	Morrow
Aguiar	Campbell	Hoge	Napolitano
Alby	Cannella	House	Olberg
Alpert	Conroy	Kaloogian	Poochigian
Archie-Hudson	Cortese	Katz	Rainey
Baca	Cunneen	Knight	Richter
Baldwin	Davis	Knowles	Rogan
Bates	Ducheny	Knox	Setencich
Battin	Escutia	Kuehl	Speier
Baugh	Figueroa	Kuykendall	Sweeney
Boland	Firestone	Lee	Takasugi
Bordonaro	Friedman	Machado	Thompson
Bowen	Frusetta	Margett	Tucker
Bowler	Gallegos	Martinez	Vasconcellos
Brewer	Goldsmith	Mazzoni	Villaraigosa
Brown	Granlund	McPherson	Weggeland
Brulte	Hannigan	Migden *	Woods
Burton	Harvey	Miller	Mr. Speaker
Bustamante	Hauser	Morrissey	

(*NOTE: Assembly Member Migden took and subscribed to the Oath of Office on this day, at 11:05 a.m., in the Regular Session.)

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore Aguiar, the following prayer was offered by Assembly Member Brooks Firestone, of the 35th Assembly District:

Lord and Savior, Giver of light and wisdom, You have promised an abundance of blessings to those who follow You faithfully. Bless our endeavors this day, Lord and fill our hearts with Your grace, that we may act with faith and courage in all our dealings. Guide us that we may abound in every good work to Your praise and glory.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Aguiar, Assembly Member Hauser 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 Frusetta, seconded by Assembly Member Katz.

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 McDonald and Kevin Murray.

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

Because of illness: Assembly Member Willard Murray.

(For letter explaining the absence of Assembly Member Kevin Murray on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for the Regular Session for Wednesday, March 27, 1996; for explanation of absence of Assembly Member McDonald, see the Assembly Daily Journal for the Regular Session for this day.)

COMMUNICATIONS

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

March 28, 1996

*Honorable Curt Pringle
Speaker of the Assembly
Room 219
State Capitol*

Dear Speaker Pringle: As a result of my election to the unexpired term of office for the Eleventh Senatorial District, I hereby respectfully submit my resignation as State Assemblyman of the Twenty-first Assembly District effective upon taking the oath of office for the Eleventh Senate District on March 28, 1996.

Sincerely,

BYRON D. SHER, Assembly Member
Twenty-first District

CERTIFICATE OF ELECTION

The following Certificate of Election was presented, and ordered printed in the Journal:

Certificate of Election

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That according to the semi-official returns of the Special Election held on the 26th day of March, 1996,

CAROLE MIGDEN

was elected to the office of

MEMBER OF THE ASSEMBLY—DISTRICT 13

for the term prescribed by law.

IN WITNESS WHEREOF,
I hereunto set my hand
and affix the Great Seal
of the State of California
at Sacramento, this 27th
day of March, 1996.

[SEAL]

BILL JONES
Secretary of State

OATH OF OFFICE

The following Oath of Office was administered by Hon. J. Anthony Kline, Presiding Justice, Court of Appeals, First Appellate District:

OATH

*for the Office of Member of the Assembly
13th Assembly District*

I, Carole Migden, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

CAROLE MIGDEN

Subscribed and sworn to before me,
this 28th day of March
A.D. 1996

J. ANTHONY KLINE
Presiding Justice, Court of Appeals

MESSAGES FROM THE SENATE

Senate Chamber, March 28, 1996

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

Assembly Bill No. 1

And respectfully requests the Assembly to concur in said amendments.

JOHN W. ROVANE, Acting Secretary of the Senate

Above bill ordered to unfinished business file.

Senate Chamber, March 28, 1996

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

Senate Concurrent Resolution No. 2

JOHN W. ROVANE, Acting Secretary of the Senate

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 1995–96 Fourth Extraordinary Session of the Legislature.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 1**

Assembly Member Bordonaro requested unanimous consent to take up Assembly Bill No. 1, without reference to file.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

By what procedure can Assembly Bill No. 1 be taken up for consideration?

Reply to Speaker pro Tempore

The Speaker pro Tempore replied that Assembly Bill No. 1 may be taken up for consideration in the absence of any objection; or by a temporary suspension of the Rules with $\frac{2}{3}$ of the membership present and voting.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

Is Assembly Member Bordonaro requesting waiver of Assembly Rule 77 requiring the bill to remain on the unfinished business file for one legislative day?

Reply by Speaker pro Tempore

The Speaker pro Tempore replied that the rule Assembly Member Burton refers to is contained in the Standing Rules adopted by the House in the 1995–96 Regular Session, and those Rules have not been adopted in the 1995–96 Fourth Extraordinary Session.

Objection to Bordonaro Request

Assembly Member Martinez withheld unanimous consent to the request by Assembly Member Bordonaro to take up Assembly Bill No. 1, without reference to file.

CAUCUS ANNOUNCEMENTS

At 1:25 p.m., Assembly Members Martinez and Burton were granted unanimous consent that the Democratic Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 1:25 p.m., Speaker pro Tempore Aguiar declared the Assembly recessed.

REASSEMBLED

At 1:40 p.m., the Assembly reconvened.

Hon. Fred Aguiar, Speaker pro Tempore of the Assembly, presiding.

OBJECTION WITHDRAWN

Objection was withdrawn to the request by Assembly Member Bordonaro to take up Assembly Bill No. 1, without reference to file.

CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT

Assembly Member Bordonaro was granted unanimous consent to take up Assembly Bill No. 1, without reference to file, for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 1 (Bordonaro)—An act to amend Sections 4643, 4791, 11450.01, 11450.015, 11450.017, 11450.018, 11452, 11453, 11462, 12200.01, 12200.015, 12200.017, 12200.018, 12550, and 19355.5 of, the Welfare and Institutions Code, and to amend Section 37 of Chapter 722 of the Statutes of 1992, relating to human services.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—49

Ackerman	Conroy	House	Rainey
Aguiar	Cortese	Kaloogian	Richter
Alby	Cunneen	Knight	Rogan
Alpert	Davis	Knowles	Speier
Baldwin	Ducheny	Kuykendall	Sweeney
Battin	Figueroa	Machado	Takasugi
Baugh	Firestone	Margett	Thompson
Boland	Frusetta	McPherson	Weggeland
Bordonaro	Goldsmith	Miller	Woods
Bowen	Cranlund	Morrissey	Mr. Speaker
Bowler	Harvey	Morrow	
Brewer	Hawkins	Olberg	
Brulte	Hoge	Poochigian	

NOES—21

Archie-Hudson	Caldera	Katz	Setencich
Baca	Campbell	Kuehl	Vasconcellos
Bates	Cannella	Lee	Villaraigosa
Brown	Escutia	Martinez	
Burton	Friedman	Mazzoni	
Bustamante	Gallegos	Migden	

Vote Changes

By unanimous consent, the following vote change was permitted on Assembly Bill No. 1: Assembly Member Setencich, from "Aye" to "No".

Above bill ordered enrolled immediately.

COMMUNICATIONS

The following explanation of vote was presented by the Chief Clerk, and ordered printed in the Journal:

Explanation of Vote—Assembly Bill No. 1

March 28, 1996

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

Dear Dotson: Although I was present on the Assembly Floor today, I was unable to vote on AB 1 (Bordonaro) in the Assembly 4th Extraordinary Session. I was not on the floor at the time of the vote, and was unable to return in time to cast my vote.

Had I been present, I would have voted NO on this measure.

Sincerely,

WALLY KNOX, Assembly Member
 Forty-second District

**SENATE CONCURRENT RESOLUTION NO. 2 TAKEN UP
 BY UNANIMOUS CONSENT**

Without objection Senate Concurrent Resolution No. 2 was taken up, without reference to committee, print, or file.

SENATE CONCURRENT RESOLUTION NO. 2—Relative to final adjournment of the 1995-96 Fourth Extraordinary Session of the Legislature.

Resolution read, and adopted by the following vote:

AYES—63

Ackerman	Caldera	Hoge	Olberg
Aguiar	Campbell	House	Poochigian
Alby	Cannella	Kaloojian	Rainey
Alpert	Conroy	Knight	Richter
Baca	Cortese	Knowles	Rogan
Baldwin	Cunneen	Kuehl	Setencich
Battin	Davis	Kuykendall	Speier
Baugh	Ducheny	Lee	Sweeney
Boland	Escutia	Machado	Takasugi
Bordonaro	Figuroa	Margett	Thompson
Bowen	Firestone	Mazzoni	Vasconcellos
Bowler	Friedman	McPherson	Villaraigosa
Brewer	Frusetta	Migden	Weggeland
Brown	Goldsmith	Miller	Woods
Brulte	Harvey	Morrissey	Mr. Speaker
Burton	Hawkins	Morrow	

NOES—2

Bates Martinez

Resolution ordered transmitted to the Senate.

VOTE ADDS

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

Assembly Bill No. 1, Concurrence: Brewer, Goldsmith, and Hoge—Aye; Caldera—No.

Senate Concurrent Resolution No. 2: Goldsmith—Aye.

ADJOURNMENT

At 1:40 p.m., pursuant to the provisions of Senate Concurrent Resolution No. 2, the 1995-96 Fourth Extraordinary Session of the Legislature was adjourned *sine die*.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk