

CALIFORNIA LEGISLATURE
1995-96 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Monday, June 5, 1995

TWENTY-SIXTH SESSION DAY

ONE HUNDRED THIRTY-EIGHTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, June 5, 1995

The Assembly met at 2:06 p.m.

Hon. Willie L. Brown, Jr., Speaker of the Assembly for the First Extraordinary Session, 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—78:

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

Quorum present.

PRAYER

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

O Lord, Do not rebuke us in Your anger; do not chastise us in Your wrath; but deal with us according to Your loving kindness, as Healer and Physician of our souls. Guide us to the harbor of Your will; enlighten the eyes of our hearts that we may know Your truth; and grant that the rest of this day may be peaceful and without sin, as may our whole life.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REFERENCE OF BILLS TO COMMITTEE

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

| <i>Senate Bill No.</i> | <i>Committee</i> |
|----------------------------|------------------|
| 5 | -----Ins. |
| 7 | -----G.O. |

MESSAGES FROM THE SENATE

Senate Chamber, June 5, 1995

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 1

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

Senate Chamber, June 5, 1995

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

Assembly Bill No. 1

Assembly Bill No. 3

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

REQUEST FOR UNANIMOUS CONSENT

Speaker Brown requested unanimous consent that the election of Speaker of the Assembly and the adoption of substitute rules as occurred in the Regular Session be deemed to have occurred in the First Extraordinary Session.

Assembly Member Brulte withheld unanimous consent.

MOTION TO ELECT SPEAKER OF THE ASSEMBLY

Assembly Member Hannigan moved that the motion by Assembly Member Napolitano to elect Assembly Member Doris Allen to the Office of Speaker of the Assembly which carried in the 1995-96 Regular Session, also carry in the 1995-96 First Extraordinary Session.

Assembly Member Bustamante seconded the motion.

Motion carried by the following vote:

AYES—40

| | | | |
|----------------|----------|----------|-----------------|
| Allen | Campbell | Hauser | Murray, Kevin |
| Alpert | Cannella | Isenberg | Murray, Willard |
| Archie-Hudson | Cortese | Katz | Napolitano |
| Baca | Davis | Knox | Sher |
| Bates | Ducheny | Kuehl | Speier |
| Bowen | Escutia | Lee | Sweeney |
| Brown, Valerie | Figueroa | Machado | Tucker |
| Burton | Friedman | Martinez | Vasconcellos |
| Bustamante | Gallegos | Mazzoni | Villaraigosa |
| Caldera | Hannigan | McDonald | Mr. Speaker |

NOES—38

| | | | |
|-----------|-----------|------------|-----------|
| Aguiar | Cunneen | Knight | Rainey |
| Alby | Firestone | Knowles | Richter |
| Baldwin | Frusetta | Kuykendall | Rogan |
| Battin | Goldsmith | McPherson | Setencich |
| Boland | Granlund | Miller | Takasugi |
| Bordonaro | Harvey | Morrissey | Thompson |
| Bowler | Hawkins | Morrow | Weggeland |
| Brewer | Hoge | Olberg | Woods |
| Brulte | House | Poochigian | |
| Conroy | Kaloogian | Pringle | |

**ELECTION OF ASSEMBLY MEMBER DORIS ALLEN
TO THE OFFICE OF SPEAKER OF THE ASSEMBLY**

Assembly Member Doris Allen elected to the Office of Speaker by the following vote:

For Assembly Member Doris Allen:

Assembly Members Allen, Alpert, Archie-Hudson, Baca, Bates, Bowen, Valerie Brown, Burton, Bustamante, Caldera, Campbell, Cannella, Cortese, Davis, Ducheny, Escutia, Figueroa, Friedman, Gallegos, Hannigan, Hauser, Isenberg, Katz, Knox, Kuehl, Lee, Machado, Martinez, Mazzoni, McDonald, Kevin Murray, Willard Murray, Napolitano, Sher, Speier, Sweeney, Tucker, Vasconcellos, Villaraigosa, and Willie Brown—40.

For Assembly Member Jim Brulte:

Assembly Members Aguiar, Alby, Baldwin, Battin, Boland, Bordonaro, Bowler, Brewer, Brulte, Conroy, Cunneen, Firestone, Frusetta, Goldsmith, Granlund, Harvey, Hawkins, Hoge, House, Kaloogian, Knight, Knowles, Kuykendall, McPherson, Miller, Morrissey, Morrow, Olberg, Poochigian, Pringle, Rainey, Richter, Rogan, Setencich, Takasugi, Thompson, Weggeland, and Woods—38.

OATH OF OFFICE ADMINISTERED

Speaker-elect Doris Allen took and subscribed to the following oath of office administered by E. Dotson Wilson, Chief Clerk of the Assembly:

OATH*for the Office of Speaker of the Assembly*

I 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.

MOTION TO ADOPT SUBSTITUTE RULES

Assembly Member Isenberg moved that the rules adopted in the 1995-96 Regular Session which substitute for the rules adopted in House Resolution No. 10 be adopted in the 1995-96 First Extraordinary Session.

Assembly Member Bowen seconded the motion.

Motion carried by the following vote:

AYES—40

| | | | |
|----------------|----------|----------|-----------------|
| Alpert | Campbell | Hauser | Murray, Kevin |
| Archie-Hudson | Cannella | Isenberg | Murray, Willard |
| Baca | Cortese | Katz | Napolitano |
| Bates | Davis | Knox | Sher |
| Bowen | Ducheny | Kuehl | Speier |
| Brown, Valerie | Escutia | Lee | Sweeney |
| Brown, Willie | Figueroa | Machado | Tucker |
| Burton | Friedman | Martinez | Vasconcellos |
| Bustamante | Gallegos | Mazzoni | Villaraigosa |
| Caldera | Hannigan | McDonald | Mme. Speaker |

NOES—38

| | | | |
|-----------|-----------|------------|-----------|
| Aguiar | Cunneen | Knight | Rainey |
| Alby | Firestone | Knowles | Richter |
| Baldwin | Frusetta | Kuykendall | Rogan |
| Battin | Goldsmith | McPherson | Setencich |
| Boland | Granlund | Miller | Takasugi |
| Bordonaro | Harvey | Morrissey | Thompson |
| Bowler | Hawkins | Morrow | Weggeland |
| Brewer | Hoge | Olberg | Woods |
| Brulte | House | Poochigian | |
| Conroy | Kaloogian | Pringle | |

Standing Rules of the Assembly
1995-96 First Extraordinary Session

Adoption of Rules

1. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the duly elected and qualified Members of the Assembly. Once adopted, the Standing Rules shall remain in effect, unless amended as provided in these rules.

Amendment of Rules

2. Additions, deletions, substitutions, or amendments to these rules may be adopted only by a resolution adopted by an affirmative vote of 54 or more Members.

Duration of Rules

3. These rules shall remain in effect for all sessions of the Legislature that occur prior to December 2, 1996.

Speaker

4. A Speaker shall be elected by an affirmative vote of the majority of the duly elected and qualified Members.

Speaker to Call Assembly to Order

5. The Speaker or, in the Speaker's absence, a Speaker pro Tempore designated by the Speaker, shall, at the hour appointed for the meeting, call the Assembly to order and shall preside.

Speakers pro Tempore

6. There shall be two Speakers pro Tempore. The Speaker shall appoint one Speaker pro Tempore, who shall be known as the Majority Speaker pro Tempore. The Floor Leader of the other party shall also appoint a Speaker pro Tempore, who shall be known as the Minority Speaker pro Tempore. A Speaker pro Tempore shall, if designated by the Speaker, preside over the daily sessions of the Legislature.

Committee on Rules

7. The Committee on Rules shall consist of the following 10 Members:

- (a) A Chair, appointed by the Speaker.
- (b) A Vice-Chair, who shall be a member of a different party than the Chair and appointed by the Floor Leader.
- (c) Four Members who are appointed by the Speaker.
- (d) Four Members who are appointed by the Floor Leader of the other party.

The Committee on Rules shall have the power to refer each bill and house resolution to a committee.

The Committee on Rules shall have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by Members as private offices.

Standing Committees

8. The Standing Committees created for the 1993-94 Regular Session of the Legislature are hereby created for all sessions of the Legislature that occur prior to December 2, 1996, with the exception of the Committee on Ways and Means. A Committee on Appropriations is hereby created to consider fiscal bills, and a Committee on Budget is hereby created to consider the State Budget. The Committee on Rules may create other standing committees. The Committee on Rules shall determine the jurisdiction and number of Members to serve on each standing committee. The Committee on Rules may create other committees or subcommittees.

Membership of Standing Committees

9. The Committees on Rules, Appropriations and Budget shall have an even number of members, divided equally between members of the Democratic and Republican Parties.

The membership of all other committees shall be divided equally between members of the Democratic and Republican parties unless one party has 41 or more Members, at which point all standing committees shall have their membership divided proportionately between the two parties, with the Committees on Rules, Budget, and Appropriations remaining equally divided.

No Member may serve on more than four standing committees.

The membership of the standing committees from the Speaker's party shall be appointed by the Speaker. The membership of the Standing Committees from the other party shall be appointed by that party's Floor Leader.

Chairs of Standing Committees

10. The Speaker and the Floor Leader of the other party shall allocate the committees between the parties for the purpose of appointing the chair of each standing committee. The vice chair shall not be allocated to the same party as the chair. If the Speaker and the Floor Leader cannot agree upon the allocation, they shall adopt a rotation system to allocate committees. The system shall be as follows:

(a) The Speaker shall select the Committee on Rules. The Floor Leader of the other party shall then select between Appropriations and Budget.

(b) The method of allocating the other committees shall be determined by the Speaker and the Floor Leader of the other party.

(c) The Speaker shall appoint the chairs and vice chairs of the committees allocated to his or her party. The Floor Leader of the other party shall appoint the chairs and vice chairs of all other committees allocated to that party.

(d) The Speaker may be appointed to serve as the chair of any committee allocated to the Speaker's party.

Committee on Conference

11. The Assembly membership of a committee on conference shall be appointed in a manner to be determined by the Speaker and the Floor Leader of the other party.

Allocation of Operating Funds

12. The Committee on Rules shall classify certain functions of the Assembly as common functions and allocate resources for their operation. These common functions include services that are available to all Members without regard to party affiliation, and include, but are not limited to, the offices of the Chief Clerk, Sergeant at Arms, vehicles, printing, and computer services.

The Committee on Rules shall allocate an amount for the Assembly share of the joint operations of the houses, including the Legislative Analyst.

The Committee on Rules shall allocate an amount for the common functions.

The Committee on Rules shall allocate an amount for the operation of the office of the Speaker and the office of the Floor Leader of the

party other than that of the Speaker, and offices of other party leaders as determined by the Committee on Rules.

The Committee on Rules shall allocate an amount to the chairpersons and vice chairpersons of all other committees.

The Committee on Rules shall allocate an equal amount for the operation of the office of each Member.

After allocating resources for the joint operations, common functions, offices of the Speaker, Floor Leader, and party leaders, committees, and offices of the Members, the Committee on Rules shall allocate the remainder of the operating funds in equal amounts to party caucuses.

The committee shall allocate sufficient amounts for all expenditures of the entities during the entire 1995-96 Regular Session.

Co-Chief Administrative Officers of the Assembly

13. The Committee on Rules shall appoint Co-Chief Administrative Officers of the Assembly who shall have duties relating to the administrative, fiscal, and business affairs of the Assembly that the committee shall prescribe.

Both Co-Chief Administrative Officers shall be responsible for administering the allocations made by the Committee on Rules for the Assembly share of the joint operations of the houses, common functions, committees, and offices of the Members. One Co-Chief Administrative Officer shall be responsible for administering the allocations to the Office of the Speaker and offices of other leaders of the same party and to the caucus of the same party as that of the Speaker. The other Co-Chief Administrative Officer shall be responsible for administering the allocations to the office of the Floor Leader of the party other than that of the Speaker and offices of other leaders of the same party and to the caucus of that same party.

Appointments by Speaker

14. Any appointment made pursuant to a statute by the Speaker to a board, commission, or other governmental entity or the dismissal of an appointee shall be confirmed by the Committee on Rules. All other appointments that the Speaker is authorized to make to governmental entities or the dismissal of an appointee shall be made by the Committee on Rules.

Speaker Emeritus

15. Any Member having served the Assembly in the capacity of Speaker shall, subsequent to that service, be known as Speaker Emeritus, and may perform such functions and duties as assigned by the Speaker.

Conflict with Other Rules

16. To the extent that these rules are in conflict with any other Rules of the Assembly from a preceding session which govern the Assembly by custom and usage, these rules shall prevail.

(NOTE: The full text of House Resolution No. 10 appears at page 138 of the Assembly Daily Journal for the Regular Session for January 23, 1995.)

RECESS

By unanimous consent, at 2:09 p.m., Speaker Emeritus Brown declared the Assembly recessed.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 5, 1995

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

Assembly Bill No. 2

And reports the same correctly enrolled, and presented to the Governor at 2:45 p.m., June 5th, 1995.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8 a.m., Thursday, June 8, 1995.

DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk