

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, June 15, 1995

NINETY-SECOND SESSION DAY

ONE HUNDRED NINETY-THIRD 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.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 15, 1995

The Assembly met at 9 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Akiba H. Howard reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Katz moved a quorum call of the Assembly.

Motion carried. Time, 9:01 a.m.

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

At 10:08 a.m., Hon. Brian Setencich, 30th District, presiding

Quorum Present

At 10:09 a.m., Acting Speaker Setencich declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—78:

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

PRAYER

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

All Holy God, Have mercy on us. Lord, be gracious to us in our sins. Master, forgive our transgressions. Holy One, consider our weaknesses and heal them, for Your name's sake. For You are exalted in Your power, Lord, and we sing and praise Your mighty deeds.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Acting Speaker Setencich, Assembly Member Aguiar then led the Assembly in the pledge of allegiance to the Flag.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

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

CAUCUS ANNOUNCEMENTS

At 10:10 a.m., Assembly Member Caldera was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

RECESS

By unanimous consent, at 10:10 a.m., Acting Speaker Setencich declared the Assembly recessed.

CAUCUS ANNOUNCEMENTS

At 10:40 a.m., Assembly Member Kaloogian announced that the Republican Caucus would meet immediately in the Tom Bane Rules Committee Room.

REASSEMBLED

At 12:20 p.m., the Assembly reconvened.

Hon. Brian Setencich, Assembly Member, 30th District, presiding.

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 Alpert, seconded by Assembly Member Richter.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 15, 1995

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

Assembly Bill No. 689

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

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

Senate

Bill No.

Committee

62 ----- L. Gov.

82 ----- E., R. & C.A. and Pub. S.

87 ----- Ins.

173	-----	Rev. & Tax. and L. & E.
206	-----	E.S. & T.M. and W.,P. & W.
256	-----	U. & C.
295	-----	Pub. S. and Hum. S.
323	-----	G.O.
341	-----	Hum. S.
410	-----	C.P.,G.E. & E.D. and Hum. S.
426	-----	C.P.,G.E. & E.D.
577	-----	H. & C.D. and Pub. S.
611	-----	Appr.
618	-----	Higher Ed.
745	-----	C.P.,G.E. & E.D. and L. Gov.
755	-----	E.,R. & C.A.
760	-----	Pub. S. and L. Gov.
830	-----	L. Gov.
882	-----	Ins. and Jud.
1062	-----	Higher Ed.
1073	-----	L. Gov. and H. & C.D.
1276	-----	Appr.
1280	-----	W.,P. & W. and Rev. & Tax.
1325	-----	H. & C.D.
1327	-----	Ins.
1359	-----	Rls.

<i>Senate Joint</i>		<i>Committee</i>
<i>Resolution No.</i>		
21	-----	Nat. Res.

AUTHOR'S AMENDMENTS
Committee on Water, Parks and Wildlife

June 15, 1995

Mme. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Senate Bill No. 1258

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

CORTESE, Chairman

SENATE BILL NO. 1258—An act to add Section 2000.5 to the Fish and Game Code, relating to game.

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

June 15, 1995

Mme. Speaker: The Chair of your Committee on Local Government reports:
Senate Bill No. 805

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

RAINEY, Chairman

SENATE BILL NO. 805—An act to add Section 17631 to the Government Code, relating to state-mandated local programs.

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 Housing and Community Development**

June 15, 1995

Mme. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 304

Senate Bill No. 305

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

HAUSER, Chairman

SENATE BILL NO. 304—An act to amend Section 19211 of the Health and Safety Code, relating to water heaters.

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.

SENATE BILL NO. 305—An act to amend Section 17021.6 of the Health and Safety Code, relating to housing, 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 Public Safety**

June 15, 1995

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

Senate Bill No. 169

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

BOLAND, Chairwoman

SENATE BILL NO. 169—An act to amend Section 1203.097 of, and to repeal Chapter 2.6 (commencing with Section 1000.6) of Title 6 of Part 2 of, the Penal Code, relating to domestic violence.

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 Insurance**

June 15, 1995

Mme. Speaker: The Chair of your Committee on Insurance reports:

Senate Bill No. 188

Senate Bill No. 191

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

KNOWLES, Chairman

SENATE BILL NO. 188—An act to amend Section 10506.4 of, and to add Article 6.5 (commencing with Section 10507.5) to Chapter 5 of Part 2 of Division 2 of, the Insurance Code, relating to insurance, 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.

SENATE BILL NO. 191—An act to amend Sections 10970, 10991, 11010, 11026, 11041, 11043, 11044, 11064, 11066, 11122, and 11137 of, to add Section 11122.1 to, and to repeal and add Section 11016 of, the Insurance Code, relating to fraternal benefit societies.

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 Transportation

June 15, 1995

Mme. Speaker: The Chair of your Committee on Transportation reports:
Senate Bill No. 160

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

KATZ, Chairman

SENATE BILL NO. 160—An act to amend Sections 14523, 14524, 14525, 14526, 14527, 14529.6, 14536, and 65082 of, and to add Sections 14529.1 and 14529.8 to, to repeal and add Section 14529 of, and to repeal Sections 14520.3, 14524.5, 14529.01, 14529.2, and 14530.5 of, the Government Code, to amend Sections 99310, 99312, and 99315 of, and to repeal Sections 99315.5, 99315.6, 99318, and 99318.2 of, the Public Utilities Code, and to amend Sections 167, 188, and 188.8 of, to repeal and add Section 164 of, to repeal Sections 164.1, 164.2, 164.50, 168, 188.9, 190, 199, 199.1, and 199.8 of, and to repeal Chapter 16 (commencing with Section 2600) of Division 3 of, the Streets and Highways Code, relating to transportation.

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 Governmental Organization

June 15, 1995

Mme. Speaker: The Chair of your Committee on Governmental Organization reports:

Senate Bill No. 136

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

TUCKER, Chairman

SENATE BILL NO. 136—An act to amend Section 8880.63 of, and to repeal and add Section 8880.42 of, the Government Code, relating to the state lottery.

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 Water, Parks and Wildlife

June 15, 1995

Mme. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:
Assembly Bill No. 1737

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

CORTESE, Chairman

ASSEMBLY BILL NO. 1737—An act to add Section 4501 to the Fish and Game Code, relating to marine mammals, making an appropriation therefor, 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.

REPORTS OF STANDING COMMITTEES

Committee on Public Safety

Date of Hearing: June 6, 1995

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 133

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules No. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

BOLAND, Chairwoman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: June 14, 1995

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 982

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

PRINGLE, Chairman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: June 14, 1995

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 98

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

ALPERT, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 14, 1995

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 334

With the recommendation: Do pass.

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

ALPERT, Chairwoman

Above bill ordered to second reading.

Date of Hearing: June 14, 1995

Mme. Speaker: Your Committee on Education reports:

Senate Bill No. 803

Senate Bill No. 822

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

ALPERT, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Committee on Banking and Finance

Date of Hearing: June 12, 1995

Mme. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 820

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

WEGGELAND, Chairman

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: June 14, 1995

Mme. Speaker: Your Committee on Human Services reports:

Senate Bill No. 321

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

GRANLUND, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 14, 1995

Mme. Speaker: Your Committee on Human Services reports:

Senate Bill No. 1045

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

GRANLUND, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: June 14, 1995

Mme. Speaker: Your Committee on Human Services reports:

Senate Concurrent Resolution No. 16

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

GRANLUND, Chairman

Above resolution re-referred to the Committee on Appropriations.

Committee on Banking and Finance

Date of Hearing: June 12, 1995

Mme. Speaker: Your Committee on Banking and Finance reports:

Senate Bill No. 539

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

WEGGELAND, Chairman

Above bill ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: June 6, 1995

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 219

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

RICHTER, Chairman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

June 15, 1995

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: The Senate this day suspended Joint Rule 29.5 (b) on SB 89.

Sincerely,

RICK ROLLENS
Secretary of the Senate

Senate Chamber, June 15, 1995

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

Assembly Bill No. 67

Assembly Bill No. 787

Assembly Bill No. 112

Assembly Bill No. 1491

Assembly Bill No. 311

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.

Senate Chamber, June 15, 1995

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

Assembly Bill No. 80

Assembly Bill No. 884

Assembly Bill No. 292

Assembly Bill No. 1025

Assembly Bill No. 392

Assembly Bill No. 1154

Assembly Bill No. 594

Assembly Bill No. 1470

Assembly Bill No. 646

Assembly Bill No. 1728

Assembly Bill No. 716

Assembly Bill No. 1837

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

Above bills ordered enrolled.

Senate Chamber, June 15, 1995

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

Assembly Joint Resolution No. 27

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

Above resolution ordered enrolled.

Senate Chamber, June 15, 1995

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

Senate Bill No. 38

Senate Bill No. 327

Senate Bill No. 979

RICK ROLLENS, Secretary of the Senate

By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 38—An act to add Sections 17078.5, 17254, 17271.5, 17570, 24443.5, 24710, and 24905.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

SENATE BILL NO. 327—An act to amend Sections 75.11, 75.12, 75.15, 75.18, 75.21, 75.31, 75.41, 170, 194, 270, 271, 285, 467, 480.4, 482, 722.5, 1605, and 2192 of the Revenue and Taxation Code, relating to taxation.

SENATE BILL NO. 979—An act to amend Sections 17072, 17076, 24306, and 24954 of, to amend and repeal Sections 18042 and 24611 of, and to add Sections 17082, 17134, and 17217 to, the Revenue and Taxation Code, and to amend Section 13009 of the Unemployment Insurance Code, relating to taxation, to take effect immediately, tax levy.

CONSIDERATION OF ASSEMBLY BILL NO. 773 BY UNANIMOUS CONSENT

Speaker Allen was granted unanimous consent to take up Assembly Bill No. 773, out of order, for purpose of amendment.

ASSEMBLY BILL NO. 773 (Aguiar)—An act to add and repeal Sections 17053.21, 17053.22, 23631, and 23632 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

Motion to Amend by Speaker Allen—Set 1

Speaker Allen moved the adoption of amendments.

Amendments read.

Parliamentary Inquiry

Assembly Member Aguiar arose to the following parliamentary inquiry:

As the author of Assembly Bill No. 773 is it not appropriate that he take up the bill at this time?

Reply by Acting Speaker Setencich

Acting Speaker Setencich deferred to Speaker Allen whereupon she replied that she had proposed amendments to his bill and that the language of Assembly Member Aguiar's Assembly Bill No. 773 would be amended into another bill.

Point of Order

Assembly Member Aguiar arose to the following point of order:

That copies of the proposed amendments were not on the Members' desks.

Reply by Acting Speaker Setencich

The Acting Speaker replied by directing the Sergeant at Arms to place copies of the amendments on the Members' desks.

Request to Pass Temporarily

Assembly Member Aguiar requested unanimous consent that further consideration of proposed amendments to Assembly Bill No. 773 be passed temporarily on file.

Unanimous Consent Withheld

Speaker Allen withheld unanimous consent.

Point of Order

Assembly Member Aguiar arose to the following point of order:

That it has been the accepted practice that Members provide a copy of proposed amendments to the authors of bills on file and that not having had an opportunity to review the proposed amendments and analysis, he would request that the bill be passed temporarily on file.

Reply by Acting Speaker Setencich

The Acting Speaker replied that Speaker Allen withheld unanimous consent and that the vote required to temporarily suspend the rules was $\frac{2}{3}$ present and voting.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

If proposed amendments are adopted, does the bill not go out to print, to be returned to the third reading file?

Reply by Acting Speaker Setencich

The Acting Speaker replied in the affirmative.

RECESS

By unanimous consent, at 12:29 p.m., Acting Speaker Setencich declared the Assembly recessed.

REASSEMBLED

At 12:38 p.m., the Assembly reconvened.

Hon. Brian Setencich, Assembly Member, 30th District, presiding.

**FURTHER CONSIDERATION OF ALLEN AMENDMENTS TO
ASSEMBLY BILL NO. 773—SET 1****Demand for Previous Question**

Assembly Members Burton, Bowen, Hannigan, Napolitano, and Friedman demanded the previous question. Demand sustained.

Motion for Additional Time for Debate

Assembly Member Pringle moved that Speaker Allen be granted five additional minutes of time for debate.

Reply by Acting Speaker

Acting Speaker Setencich replied that the motion for temporary suspension of the rules to permit additional time for debate would require $\frac{2}{3}$ of the Members present and voting to carry.

Roll Call Demanded

Assembly Members Hannigan, Napolitano, and Caldera, demanded a roll call.

The roll was called, and the Allen motion to amend Assembly Bill No. 773—Set 1 carried by the following vote:

AYES—40

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

NOES—34

Alpert	Campbell	Katz	Murray, Willard
Archie-Hudson	Cannella	Knox	Napolitano
Bates	Davis	Kuehl	Sher
Bowen	Ducheny	Lee	Speier
Brown, Valerie	Figuroa	Machado	Sweeney
Brown, Willie	Friedman	Martinez	Vasconcellos
Burton	Gallegos	Mazzoni	Villaraigosa
Bustamante	Hannigan	McDonald	
Caldera	Isenberg	Murray, Kevin	

ORDERS OF THE DAY DEMANDED

Assembly Member Morrow demanded the Orders of the Day.

Reply by Acting Speaker Setencich

Acting Speaker Setencich replied that Speaker Allen had proposed amendments—Set 2 to Assembly Bill No. 773 and the House would then return to the Orders of the Day.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

Is the Body now on “Motions and Resolutions” on the Daily File?

Reply by Acting Speaker Setencich

The Acting Speaker replied in the affirmative.

REQUEST TO REMOVE BILL FROM INACTIVE FILE

Assembly Member Brulte requested unanimous consent that Assembly Bill No. 111 be removed from the inactive file.

Request Not in Order

Acting Speaker Setencich replied that the House would return to his request when all business was transacted on Assembly Bill No. 773.

POINT OF ORDER

Assembly Member Brulte arose to the following point of order:

That the Chair had stated that the House was on “Motions and Resolutions” and recognized him to make a request; and further, that the House cannot consider business on the Daily File and on Motions and Resolutions at the same time.

POINT OF ORDER

Speaker Emeritus Brown arose to the following point of order:

That the House granted unanimous consent to Speaker Allen to take up Assembly Bill No. 773, out of order, for purpose of amendment and that no other business is in order until Assembly Bill No. 773 is completed.

Ruling by Acting Speaker Setencich

The Acting Speaker ruled that the business of Assembly Bill No. 773 was not completed and recognized Speaker Allen to present Set 2 of proposed amendments.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 773

Bill read third time.

Motion to Amend by Speaker Allen—Set 2

Speaker Allen moved the adoption of amendments.
Amendments read.

Pringle Motion to Offer Substitute Amendments

Assembly Member Pringle moved to offer substitute amendments to the amendments offered by Speaker Allen.

Assembly Member Kuykendall seconded the motion.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

Should Assembly Bill No. 773 not go out to print to be returned to the third reading file before subsequent amendments to the bill are adopted?

Point of Order

Speaker Emeritus Brown arose to the following point of order:

That unanimous consent was granted to Speaker Allen to present amendments a second time, prior to reprinting of the bill, so that the bill would be eligible for passage when it returns to the third reading file.

Ruling by Acting Speaker Setencich

The Acting Speaker ruled the point of order well-taken.

Demand for Previous Question

Assembly Members Hoge, Hawkins, Aguiar, Kuykendall, and Bowler demanded the previous question. Demand sustained.

The question being on the Pringle motion to offer substitute amendments to Assembly Bill No. 773.

The roll was opened.

Point of Order

Assembly Member Rogan arose to the following point of order:

That Members had attempted to be recognized to place a Call of the Assembly on the Pringle motion to offer substitute amendments to Assembly Bill No. 773.

Ruling by Acting Speaker Setencich

The Acting Speaker ruled that a Call of the Assembly requires a majority of the Members present and voting.

The roll was opened.

Call of the Assembly

Pending the announcement of the vote, Assembly Member Rogan moved a call of the Assembly.

Motion carried. Time, 1:13 p.m.

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

BILLS REMOVED FROM CONSENT CALENDAR

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

Senate Bill No. 423, on request of Assembly Member Burton.

WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member Burton was granted unanimous consent that Senate Bill No. 877 be withdrawn from the Committee on Revenue and Taxation and re-referred to the Committees on Transportation and Revenue and Taxation.

PARLIAMENTARY INQUIRY

Assembly Member Pringle arose to the following parliamentary inquiry:

Under what order of business is the House currently on, and further, Orders of the Day having been demanded, will the House proceed with motions and resolutions?

Reply by Acting Speaker Setencich

The Acting Speaker replied that the Orders of the Day having been demanded, the House is on "Motions and Resolutions".

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 1094, on request of Assembly Member Katz.

REQUEST FOR UNANIMOUS CONSENT

Speaker Allen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jane Carver, of Fountain Valley.

MOTION TO SUSPEND JOINT RULE 29.5

Assembly Member Hannigan moved that Joint Rule 29.5(b) be suspended as it relates to the Conference Committee on Senate Bill No. 89.

In the absence of objection, the rules were temporarily suspended and Joint Rule 29.5(b) was suspended as it relates to Senate Bill No. 89 by unanimous consent.

REQUEST TO REMOVE BILL FROM INACTIVE FILE

Assembly Member Brulte requested unanimous consent that Assembly Bill No. 111 be removed from the inactive file and placed upon the third reading file.

Assembly Member Hannigan withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Assembly Member Brulte moved that the Rules be temporarily suspended for the purpose of permitting Assembly Bill No. 111 to be removed from the inactive file and placed upon the third reading file.

Motion for temporary suspension of the Rules lost by the following vote:

AYES—40

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

NOES—38

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

REQUEST FOR UNANIMOUS CONSENT

Speaker Emeritus Brown was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of John "Jack" Koehn, retired Vice President of Pacific Gas and Electric; and out of respect to the memory of Steve Silver, of San Francisco, creator and producer of "Beach Blanket Babylon", the longest running stage show in the history of San Francisco and longest running revue in the country.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
PRINGLE MOTION TO OFFER SUBSTITUTE AMENDMENTS TO
ASSEMBLY BILL NO. 773**

At 1:20 p.m., on motion of Assembly Member Rogan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Pringle motion to offer substitute amendments to Assembly Bill No. 773 carried and amendments adopted by the following vote:

AYES—42

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

NOES—35

Alpert	Cannella	Isenberg	Murray, Kevin
Archie-Hudson	Cortese	Katz	Murray, Willard
Baca	Davis	Knox	Napolitano
Bates	Ducheny	Kuehl	Sher
Brown, Valerie	Figueroa	Lee	Sweeney
Brown, Willie	Friedman	Machado	Tucker
Bustamante	Callegos	Martinez	Vasconcellos
Caldera	Hannigan	Mazzoni	Villaraigosa
Campbell	Hauser	McDonald	

Assembly Bill No. 773 ordered reprinted and to be returned to the third reading file.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY CONCURRENT RESOLUTION NO. 38**

Assembly Member Willard Murray requested unanimous consent to take up Assembly Concurrent Resolution No. 38, without reference to committee or file.

Assembly Member Pringle withheld unanimous consent.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Hannigan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of longtime legislative employee Bert Barker, of Bend, Oregon.

MOTION NO. 1 BY ASSEMBLY MEMBER FIRESTONE

Assembly Member Firestone moved that the Assembly Committee on Rules contract with a firm, which is experienced in conducting similar performance audits and is recognized by the American Society of Certified Public Accountants, to conduct a comprehensive performance audit of all Assembly finances and operations for the 1994-95 fiscal year; and that the audit be completed and the results released to the public by November 1, 1995.

Roll Call Demanded

Assembly Members Aguiar, Knight, and Hawkins, demanded a roll call.

The roll was called, and Motion No. 1 by Assembly Member Firestone carried by the following vote:

AYES—69

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

NOES—1

Murray, Willard

MOTION NO. 2 BY ASSEMBLY MEMBER FIRESTONE

Assembly Member Firestone moved that the Assembly Committee on Rules contract with a firm, which is experienced in conducting similar performance audits and is recognized by the American Society of Certified Public Accounts, to conduct a comprehensive performance audit of all Assembly finances and operations for the 1993-1994 fiscal year; and that the audit be completed and the results released to the public by October 15, 1995.

Assembly Member Woods seconded the motion.

Motion carried by the following vote:

AYES—67

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

NOES—1

Murray, Willard

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Katz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Herbert Reel, of San Fernando Valley.

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 Edvige Cudicio, of Panorama City.

UNANIMOUS CONSENT WITHHELD ON VOTE ADDS

Assembly Member Boland withheld unanimous consent on any vote add requests to the roll call vote taken on this day on Firestone Motions Nos. 1 and 2.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Bordonaro was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rose Blair, of San Luis Obispo.

BILLS REMOVED FROM CONSENT CALENDAR

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

Senate Bill No. 300, on request of Assembly Member Tucker.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Margett was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Glendora Police Officer Louis Pompei.

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 Ricardo Diaz Chantengco.

Assembly Member Lee was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Don Grant, of Oakland.

MOTION TO ADJOURN

At 1:26 p.m., Assembly Member Hannigan moved that the Assembly do now adjourn.

Assembly Member Lee seconded the motion.

Point of Order

Assembly Member Rogan arose to the following point of order:

That pursuant to Assembly Rule 84, and given the Constitutional requirement for passage of the Budget, it is improper and inadvisable to adjourn.

Further Consideration of Motion to Adjourn

The question being on the motion by Assembly Member Hannigan that the Assembly adjourn.

The roll was opened and the motion carried by the following vote:

AYES—39

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

NOES—38

Aguiar	Cunneen	Knight	Rainey
Alby	Firestone	Kuykendall	Richter
Baldwin	Frusetta	Margett	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	

(NOTE: For further explanation of vote by Assembly Member Knowles, see page 2137.)

Point of Order

Assembly Member Rogan arose to the following point of order:

That the Chair had previously announced the vote on the motion to adjourn and the motion to adjourn lost; and in the absence of unanimous consent of the House to reopen the roll call, the House is still in session.

Reply by Acting Speaker Setencich

The Acting Speaker replied that he had also reopened the roll on a vote on a previous matter.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:30 p.m., Acting Speaker Setencich declared the quorum call of the Assembly dispensed with.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, June 15, 1995

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

Assembly Bill No. 374

Assembly Bill No. 1247

Assembly Bill No. 561

Assembly Bill No. 1629

Assembly Bill No. 1140

Assembly Bill No. 1843

And reports the same correctly enrolled, and presented to the Governor at 12:30 p.m., June 15, 1995

E. DOTSON WILSON, Chief Clerk

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Local Government, on Wednesday, July 12, 1995;

Budget, on Wednesday, June 21, 1995.

Unanimous consent was granted that the Committee on Labor and Employment be permitted to hold a special meeting on June 19, 1995, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 996 for hearing.

INTRODUCTION OF GUESTS

Assembly Member Rogan, of the 43rd Assembly District, introduced his mother Alice Rogan and nephew Johnny Rogan of Stockton.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 11 a.m., Monday, June 19, 1995, out of respect to the memory of John "Jack" Koehn and Steve Silver, on motion of Speaker Emeritus Brown; out of respect to the memory of Bert Barker, on motion of Assembly Member Hannigan; out of respect to the memory of Herbert Reel, on motion of Assembly Member Katz; out of respect to the memory of Edvige Cudicio, on motion of Assembly Member Boland; out of respect to the memory of Rose Blair, on motion of Assembly Member Bordonaro; out of respect to the memory of Officer Louis Pompei, on motion of Assembly Member Margett; out of respect to the memory of Ricardo Diaz Chantengco, on motion of Assembly Member Ducheny; out of respect to the memory of Don Grant, on motion of Assembly Member Lee; and out of respect to the memory of Jane Carver, on motion of Speaker Allen.

DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JUNE 15, 1995

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

Assembly Bills

773
1737

Senate Bills

136
160
169
188
191
304
305
805
1258

Amendments were considered by the Assembly, but not adopted, to the following measure:

Assembly Bill

773 (Allen amendments—Set 2)