

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, July 31, 1995**

**ONE HUNDRED TWENTY-FIFTH SESSION DAY  
TWO HUNDRED THIRTY-NINTH 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  
Monday, July 31, 1995

The Assembly met at 1 p.m.

Hon. Brian Setencich, Majority 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 Aguiar moved a quorum call of the Assembly. Motion carried. Time, 1:01 p.m.

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

#### Quorum Present

At 2:32 p.m., Majority Speaker pro Tempore Setencich declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—76:

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

**PRAYER**

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

In peace, let us pray to the Lord.

For heavenly peace and for the salvation of our souls, let us pray to the Lord.

For peace in the whole world, unity and concord among the faithful people of God, let us pray to the Lord.

For this venerable House and for the Members of the Assembly who serve in it, let us pray to the Lord.

That the truth of God may strengthen them as they conduct the business before them, let us pray to the Lord.

For blessed is Your name and glorified is Your Kingdom, now and always.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Majority Speaker pro Tempore Setencich, Speaker Emeritus Brown 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 Campbell, seconded by Assembly Member Granlund.

**LEAVES OF ABSENCE FOR THE DAY**

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

*On legislative business, and per diem was waived: Assembly Member Sher.*

*On personal business, and waiving per diem: Assembly Members Escutia and Hauser.*

(NOTE: For letter explaining the absence of Assembly Member Sher on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Friday, July 28, 1995.)

**COMMUNICATIONS**

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

July 31, 1995

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

Dear Dotson: Pursuant to Assembly Rule 8, the Assembly Rules Committee has created the Assembly Standing Committee on Veterans' Affairs consisting of five members. Assemblymember Joe Baca has been appointed Chairman of this committee.

Sincerely,

**DORIS ALLEN**  
Chairwoman, Assembly Rules Committee

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

**Explanation of Vote—Assembly Joint Resolution No. 41**

July 31, 1995

*Dotson Wilson, Chief Clerk  
California State Assembly  
3rd Floor—State Capitol  
Sacramento, California*

Dear Dotson: Upon checking the voting record on AJR 41, I noticed that my “aye” vote was not recorded on July 28, 1995 as it should have been.

Please consider this letter as a request to change the record of that vote to reflect my “aye” vote.

Attached is a copy of the vote for your use.

Thank you in advance for your assistance.

Sincerely,

TOM J. BORDONARO, JR., Assembly Member  
Thirty-third District

**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>
500 -----	L. & E.
875 -----	Rev. & Tax.
<i>Senate Concurrent Resolution No.</i>	<i>Committee</i>
29 -----	Rls.

**AUTHOR’S AMENDMENTS  
Committee on Appropriations**

July 31, 1995

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

Senate Bill No. 954

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

POOCHIGIAN, Chairman

**SENATE BILL NO. 954**—An act to amend Section 19605.51 of, to amend, repeal, and add Section 19610.5 of, and to add Section 19603.5 to, the Business and Professions Code, relating to horseracing, 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.

**AUTHOR'S AMENDMENTS****Committee on Environmental Safety and Toxic Materials**

July 31, 1995

Mme. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 1191

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

RICHTER, Chairman

**SENATE BILL NO. 1191**—An act to amend Sections 25110.4, 25110.10, 25117.6, 25117.9.1, 25121.3, 25142, 25142.3, 25143.10, 25144.6, 25145, 25150, 25158, 25163.3, 25171.5, 25178, 25180, 25180.5, 25181, 25182, 25185, 25185.6, 25186, 25186.5, 25187, 25187.1, 25187.2, 25187.5, 25187.6, 25187.7, 25187.8, 25191, 25192, 25194, 25194.5, 25195, 25200.1.5, 25200.3, 25200.10, 25200.14, 25201.4, 25201.5, 25201.8, 25202.9, 25204.6, 25205.14, 25244.21, 25244.23, 25250.1, 25250.19, 25270.2, 25270.4, 25281, 25283, 25284, 25285, 25286, 25287, 25288, 25293, 25297.1, 25299.3, 25404, 25404.1, 25404.2, 25404.3, 25404.4, 25404.5, 25501, 25502, and 25532 of, and to add Sections 13143.10, 25122.9, and 25123.7 to, the Health and Safety Code, relating to hazardous materials.

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.

**CAUCUS ANNOUNCEMENTS**

At 2:34 p.m., unanimous consent was granted that the Democratic Caucus be permitted to meet in the Tom Bane Rules Committee Room.

**RECESS**

By unanimous consent, at 2:35 p.m., Majority Speaker pro Tempore Setencich declared the Assembly recessed.

**REASSEMBLED**

At 3:20 p.m., the Assembly reconvened.

Hon. Brian Setencich, Majority Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**CONSIDERATION OF SENATE AMENDMENTS**

**ASSEMBLY BILL NO. 908 (Brulte)**—An act to amend Sections 1523.2 and 1569.617 of the Health and Safety Code, to amend Section 1611.5 of the Unemployment Insurance Code, to amend Sections 11450, 11462, 14005.12, 14005.21, 14132.95, 16504, 16506, 16525.10, 16525.40, and 19806 of, and to add Sections 11052.1, 11254, 11334.51, 11450.018, 11450.019, 11452.018, 12200.018, 12302.3, and 14132.96 to, the Welfare and Institutions Code, relating to public services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.)*

**Urgency Clause**

Urgency clause read.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 3:36 p.m.

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

**MEMBERS EXCUSED FOR COMMITTEE MEETING**

At 3:36 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Rogan was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the third birthday of his twin daughters Dana and Claire Rogan.

**RECESS**

By unanimous consent, at 3:36 p.m., Majority Speaker pro Tempore Setencich declared the Assembly recessed.

**REASSEMBLED**

At 4 p.m., the Assembly reconvened.

Hon. Brian Setencich, Majority Speaker pro Tempore of the Assembly, presiding.

**CALL OF THE ASSEMBLY DISPENSED WITH  
ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO  
ASSEMBLY BILL NO. 908**

At 4 p.m., on motion of Assembly Member Bustamante, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 908 adopted by the following vote:

**AYES—55**

Aguiar	Davis	Kaloogian	Poochigian
Alpert	Ducheny	Katz	Pringle
Baldwin	Figueroa	Knight	Rainey
Battin	Firestone	Knowles	Richter
Boland	Friedman	Knox	Rogan
Bordonaro	Frusetta	Kuykendall	Setencich
Bowen	Goldsmith	Machado	Sweeney
Bowler	Granlund	Margett	Takasugi
Brewer	Hannigan	McPherson	Thompson
Brulte	Harvey	Miller	Vasconcellos
Bustamante	Hawkins	Morrissey	Weggeland
Conroy	Hoge	Murray, Kevin	Woods
Cortese	House	Murray, Willard	Mme. Speaker
Cunneen	Isenberg	Olberg	

**NOES—18**

Archie-Hudson	Burton	Kuehl	Speier
Baca	Caldera	Lee	Tucker
Bates	Campbell	Martinez	Villaraigosa
Brown, Valerie	Cannella	Mazzoni	
Brown, Willie	Gallegos	McDonald	

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

**AYES—55**

Aguiar	Davis	Kaloogian	Poochigian
Alpert	Ducheny	Katz	Pringle
Baldwin	Figueroa	Knight	Rainey
Battin	Firestone	Knowles	Richter
Boland	Friedman	Knox	Rogan
Bordonaro	Frusetta	Kuykendall	Setencich
Bowen	Goldsmith	Machado	Sweeney
Bowler	Granlund	Margett	Takasugi
Brewer	Hannigan	McPherson	Thompson
Brulte	Harvey	Miller	Vasconcellos
Bustamante	Hawkins	Morrissey	Weggeland
Conroy	Hoge	Murray, Kevin	Woods
Cortese	House	Murray, Willard	Mme. Speaker
Cunneen	Isenberg	Olberg	

**NOES—18**

Archie-Hudson	Burton	Kuehl	Speier
Baca	Caldera	Lee	Tucker
Bates	Campbell	Martinez	Villaraigosa
Brown, Valerie	Cannella	Mazzoni	
Brown, Willie	Gallegos	McDonald	

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bills Nos. 227 and 595** ordered to the Consent Calendar.

**UNFINISHED BUSINESS (RESUMED)  
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 111—Set 94 amendments, Assembly Bill No. 1574; and Senate Bills Nos. 772 and 1337 were continued until the next legislative day.

**VOTE ADDS**

The following Assembly Member was granted unanimous consent to record his vote on the following item:

**Assembly Bill No. 908, Concurrence: Battin—Aye.**

**MOTION TO ADJOURN**

At 4:01 p.m., Assembly Member Willard Murray moved that the Assembly do now adjourn.

Assembly Member Bustamante seconded the motion.

**Parliamentary Inquiry**

Assembly Member Knowles arose to the following parliamentary inquiry:

Is a motion to lay the motion to adjourn on the table in order?

**Reply by Majority Speaker pro Tempore Setencich**

The Majority Speaker pro Tempore replied in the negative; that a motion to adjourn is of the highest precedence.

**Roll Call Demanded**

Assembly Members Pringle, Kuykendall, and Thompson, demanded a roll call.

The roll was called, and the motion to adjourn carried by the following vote:

**AYES—35**

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

**NOES—34**

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



**REMARKS ON CONDITION OF THE FILE**

Speaker Emeritus Brown, Speaker Allen, Assembly Members Pringle, Bowen, Morrissey, Katz, Harvey, Burton, Miller, Kevin Murray, Goldsmith, Kuehl, Brulte, Kuykendall, Caldera, Battin, Archie-Hudson, House, Friedman, Speier, Davis, Valerie Brown, Frusetta, and Bustamante arose to speak on the condition of the file.

**PARLIAMENTARY INQUIRY**

Assembly Member Pringle arose to the following parliamentary inquiry:

At what time is the Assembly scheduled to reconvene?

**Reply by Majority Speaker pro Tempore Setencich**

The Majority Speaker pro Tempore replied that the House is adjourned until 10 a.m. Tuesday, August 1, 1995.

**PARLIAMENTARY INQUIRY**

Assembly Member Pringle arose to the following parliamentary inquiry:

By what process could the House reconvene on this day?

**Reply by Majority Speaker pro Tempore Setencich**

The Majority Speaker pro Tempore replied that the motion to adjourn carried, and the House is adjourned.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 5:43 p.m., Majority Speaker pro Tempore Setencich declared the quorum call of the Assembly dispensed with.

**ADJOURNMENT**

At 5:44 p.m., the Assembly adjourned until 10 a.m., Tuesday, August 1, 1995, in honor of the third birthday of Dana and Claire Rogan, on motion of Assembly Member Rogan.

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DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 31, 1995**

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

*Senate Bills*

954  
1191