

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 22, 1995

ONE HUNDRED TWENTY-EIGHTH SESSION DAY

TWO HUNDRED SIXTY-FIRST 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
Tuesday, August 22, 1995

The Assembly met at 7 a.m.
Hon. Bruce Thompson, Assembly Member, 66th District,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Walker reading.

ROLL CALL

The following were placed upon the morning roll call—71:

Aguiar	Cannella	Katz	Olberg
Alpert	Conroy	Knight	Poochigian
Archie-Hudson	Cortese	Knowles	Pringle
Baca	Cunneen	Knox	Rainey
Baldwin	Escutia *	Kuehl	Richter
Bates	Figueroa	Kuykendall	Rogan
Battin	Firestone	Lee	Setencich
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	Morrissey	Villaraigosa
Brulte	Hauser	Morrow	Weggeland
Burton	Hawkins	Murray, Kevin	Woods
Caldera	House	Murray, Willard	Mme. Speaker
Campbell	Kaloojian	Napolitano	

(* NOTE: The above Members have indicated their desire to waive per diem on this legislative day.)

Quorum present.

At 2 p.m., Hon. Jim Morrissey, 69th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

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 Alby and Miller.

On personal business, and waiving per diem: Assembly Members Bustamante, Davis, Ducheny, Hoge, and Sher.

The following Assembly Member was excused for the day, and his per diem was waived: Isenberg.

EXPLANATIONS OF ABSENCE

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

August 22, 1995

*The Honorable Doris Allen
Speaker of the Assembly
State Capitol
Room 219
Sacramento, California*

Dear Madame Speaker: Please excuse me from check-in session on Tuesday, August 22, 1995, due to legislative business in my district. Your prompt attention to this matter is appreciated.

Sincerely,

BARBARA ALBY, Assembly Member
Fifth District

August 21, 1995

*The Honorable Doris Allen
Speaker of the State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Allen: Please excuse me from check-in session on Tuesday, August 22, 1995 and Wednesday, August 23, 1995. I will be in my district due to legislative business.

Thank you for your attention to this matter. Please do not hesitate to contact my office if you have any questions.

Sincerely,

GARY G. MILLER, Assembly Member
Sixtieth District

COMMUNICATIONS

The following communications were presented by the Speaker, and ordered printed in the Journal:

August 22, 1995

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

Dear Dotson: Please be advised that Assemblymember Marilyn Brewer will no longer serve as Chairwoman of the Assembly Human Services Committee but will continue to serve as a member on this committee. Also, I have appointed Assemblymember Tom Bordonaro as Chairman of the Assembly Human Services Committee.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

August 22, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Jim Cunneen to the Assembly Education Committee in place of me for the hearing on Wednesday, August 23, 1995 only. Also, Assemblymember Fred Aguiar instead of Assemblymember Keith Olberg will serve on the Assembly Local Government Committee to fill an existing vacancy for the hearing on Wednesday, August 23, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

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

August 22, 1995

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

Mr. Wilson: Please be advised that on August 21, 1995 the Republican Caucus elected Assemblyman Curt Pringle to serve as Republican Floor Leader, replacing the previous Leader, the Honorable James L. Brulte. Assemblyman Bruce Thompson was retained as Republican Caucus Chairman.

Sincerely,

BRUCE THOMPSON
Republican Caucus Chairman

The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

AR-95
August 17, 1995

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its first annual report since the office reopened in May 1993. The report highlights our achievements—both in audits and in our organization—over the last 18 months. It summarizes some of the reports issued during this period and describes our expertise in performance, financial, and investigative auditing. We have also assessed our level of performance and share the positive changes we have made to streamline our operations for attaining an even higher level of efficiency and effectiveness.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

The following communications were presented by the Chief Clerk from:

Jesse R. Huff, Director, Department of Toxic Substances Control, Sacramento, dated July 19, 1995, relative to delay in submitting SB 966 Task Force Initial Report to the Legislature. Referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

Walt Pettit, Executive Director, State Water Resources Control Board, Sacramento, dated July 28, 1995, relative to delay in submitting cleanup standards recommendations to the Legislature as required by Senate Bill 1764. Referred by the Speaker to the Committee on Environmental Safety and Toxic Materials.

REPORTS

The following reports were presented by the Chief Clerk:

**California State Lottery
Monthly Management Information Report—July 1995
(Pursuant to Government Code Section 8880.42)**

Above transmitted report, together with letter of transmittal from Patricia Eberhart, Chief, Fiscal Services Branch, California Lottery, Sacramento, dated August 11, 1995, referred by the Speaker to the Committee on Governmental Organization.

**Statewide Report—Minority, Women, and Disabled Veteran
Business Enterprise Participation, Fiscal Year 1993–94
(Pursuant to Provision 11 of Item 1760-001-666, Chapter 139, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from Steven A. Olsen, Interim Director, Department of General Services, Sacramento, dated August 7, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**Tax Expenditure Report 1995–96
(Pursuant to Government Code Section 13305)**

Above transmitted report, together with letter of transmittal from Russell S. Gould, Director, Department of Finance, Sacramento, dated August 14, 1995, referred by the Speaker to the Committee on Revenue and Taxation.

**A Workers' Compensation Information System
Proposed for the Division of Workers' Compensation
(Pursuant to Labor Code Section 138.6)**

Above transmitted report, together with letter of transmittal from Casey L. Young, Administrative Director, Department of Industrial Relations, Division of Workers' Compensation, San Francisco, dated August 11, 1995, referred by the Speaker to the Committee on Insurance.

**Office of Project Development and Management Project Control Unit,
Capital Outlay Quarterly Status Report—June 30, 1995**

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Director, Department of General Services, Sacramento, dated August 8, 1995, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**June 1995 Addendum, Report to the Legislature,
State Surplus Property Inventory, January 1995
(Pursuant to Government Code Section 11011.21)**

Above transmitted report, together with letter of transmittal from Peter G. Stamison, Director, Department of General Services, Sacramento, dated August 9, 1995, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Table 1—Reallocation Orders Issued in 1994
by the Department of Water Resources**

**Table 2—Summary of Flood Control Expenditures
by the Department of Water Resources 1946–94**

**Table 3—Expenditures to
Implement the Reclamation Board's Flood Control Program
(Pursuant to Water Code Sections 12830 and 12875)**

Above transmitted report, together with letter of transmittal from David N. Kennedy, Director, Department of Water Resources, Sacramento, dated August 10, 1995, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Judicial Disability Retirement Report
(Pursuant to Government Code Section 75060.3)**

Above transmitted report, together with letter of transmittal from Victoria B. Henley, Director-Chief Counsel, Commission on Judicial Performance, San Francisco, dated August 16, 1995, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**California State Personnel Board, Notice of Demonstration Project
(Pursuant to Government Code Section 19600)**

Above transmitted report, together with letter of transmittal from C. Lance Barnett, Ph.D., Executive Officer, State Personnel Board, Sacramento, dated July 14, 1995, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Recycling Market Development Zone Loan Program Evaluation
(Pursuant to Public Resources Code Section 42010(f))**

Above transmitted report, together with letter of transmittal from Ralph E. Chandler, Executive Director, California Integrated Waste Management Board, Sacramento, dated July 25, 1995, referred by the Speaker to the Committee on Appropriations.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 22, 1995

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 143
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, August 22, 1995

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Constitutional Amendment No. 8
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, August 22, 1995

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 37
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, August 22, 1995

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1759
And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 43—McDonald, Alby, Allen, Alpert, Archie-Hudson, Boland, Bowen, Brewer, Valerie Brown, Davis, Ducheny, Escutia, Figueroa, Friedman, Kuehl, Lee, Martinez, Mazzone, Napolitano, and Speier, (Senators Hughes, Killea, Solis, Watson, and Wright, coauthors). Relative to equal status for women.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 22, 1995

Mme. Speaker: I request permission to suspend Joint Rule 61 as it relates to Senate Bill No. 309.

RICHARD KATZ

Above request ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS
Committee on Budget

August 22, 1995

Mme. Speaker: The Chair of your Committee on Budget reports:
 Senate Bill No. 788

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

VASCONCELLOS, Chairman

SENATE BILL NO. 788—An act to make an appropriation in augmentation of Item 0890-001-001 of Section 2 of the Budget Act of 1994, relating to election expenses, 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 Judiciary

August 22, 1995

Mme. Speaker: The Chair of your Committee on Judiciary reports:
 Assembly Bill No. 654

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

ISENBERG, Chairman

ASSEMBLY BILL NO. 654—An act to amend Section 6383 of the Family 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.

REPORTS OF STANDING COMMITTEES

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: August 21, 1995

Mme. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 1361

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

McPHERSON, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: August 21, 1995

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

Senate Bill No. 130

Senate Bill No. 1060

Senate Bill No. 283

Senate Bill No. 1291

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

RICHTER, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: August 21, 1995

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

Senate Bill No. 1222

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.

Date of Hearing: August 21, 1995

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

Senate Bill No. 206

Senate Bill No. 1172

Senate Bill No. 1191

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

RICHTER, Chairman

Above bills re-referred to the Committee on Appropriations.

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

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 123, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 561—An act to add Sections 1191.22 and 3058.7 to the Penal Code, relating to criminal justice.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 267—An act to add Sections 771.01 and 771.02 to the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

Senate Bill No. 472, on request of Assembly Member Campbell;

Senate Bill No. 1258, on request of Assembly Member Margett;

Assembly Bill No. 37, on request of Assembly Member Pringle;

Senate Bill No. 1248, on request of Assembly Member Boland.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 23, 1995.

DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 22, 1995**

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

Assembly Bill

654

Senate Bill

788