

CALIFORNIA LEGISLATURE  
1995-96 FIRST EXTRAORDINARY SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, August 28, 1995**

**THIRTY-SEVENTH SESSION DAY**

**TWO HUNDRED TWENTY-SECOND CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



## PROCEEDINGS OF THE ASSEMBLY

### IN ASSEMBLY

Assembly Chamber, Sacramento  
Monday, August 28, 1995

The Assembly met at 12:41 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, and the following answered to their  
names—79:

Aguiar	Cannella	Isenberg	Napolitano
Alby	Conroy	Kaloogian	Olberg
Alpert	Cortese	Katz	Poochigian
Archie-Hudson	Cunneen	Knight	Pringle
Baca	Davis	Knowles	Rainey
Baldwin	Ducheny	Knox	Richter
Bates	Escutia	Kuehl	Rogan
Battin	Figueroa	Kuykendall	Setencich
Boland	Firestone	Lee	Sher
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	Hauser	Morrissey	Weggeland
Bustamante	Hawkins	Morrow	Woods
Caldera	Hoge	Murray, Kevin	Mme. Speaker
Campbell	House	Murray, Willard	

Quorum present.

#### 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:

*God in heaven,* You have revealed to us that You are love. Each  
one of us shows that Your revelation is true and that we believe God  
is love, when we ourselves are loving. We confess, Lord that it is  
difficult to show the type of selfless benevolence that love requires  
and we ask for Your help. Fill our hearts with love for You and for  
those around us.—AMEN.

#### PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Majority Speaker pro Tempore Setencich,  
Assembly Member Escutia 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 Hannigan, seconded by Assembly Member Frusetta.

**COMMUNICATIONS**

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

August 25, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Mickey Conroy to the Assembly Elections, Reapportionment and Constitutional Amendments Committee to fill an existing vacancy, for the hearing on Monday, August 28, 1995 only.

Sincerely,

DORIS ALLEN  
 Speaker of the Assembly

August 25, 1995

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

Dear Dotson: Please be advised that the Joint Task Force on Disproportionate Share Hospitals has been created and the following Assemblymembers have been appointed:

Brett Granlund, Co-Chairman	Peter Frusetta
Martha Escutia	Bernie Richter
Barbara Friedman	

Sincerely,

DORIS ALLEN  
 Speaker of the Assembly

August 25, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Brian Setencich to the Assembly Appropriations Committee to fill an existing vacancy, for the hearings on Monday, August 28, 1995 and Wednesday, August 30, 1995 only.

Sincerely,

DORIS ALLEN  
 Speaker of the Assembly

August 25, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tom Bordonaro to the Assembly Utilities and Commerce Committee to fill an existing vacancy, for the hearing on Monday, August 28, 1995 only.

Sincerely,

DORIS ALLEN  
Speaker of the Assembly

August 28, 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 Local Government Committee to fill an existing vacancy for the hearing on Wednesday, August 30, 1995 only.

Sincerely,

DORIS ALLEN  
Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Brett Granlund to the Assembly Budget Committee to fill an existing vacancy for the hearing on Wednesday, August 30, 1995 only.

Sincerely,

DORIS ALLEN  
Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Phil Hawkins to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee to fill an existing vacancy for the hearing on Monday, August 28, 1995 only.

Sincerely,

DORIS ALLEN  
Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymembers Bob Margett and Tom Woods to the Assembly Water, Parks and Wildlife Committee to fill existing vacancies for the hearing on Tuesday, August 29, 1995 only.

Sincerely,

DORIS ALLEN  
 Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymembers David Knowles and Peter Frusetta to the Assembly Transportation Committee to fill existing vacancies for the hearing on Tuesday, August 29, 1995 only.

Sincerely,

DORIS ALLEN  
 Speaker of the Assembly

#### **CONSIDERATION OF DAILY FILE**

##### **SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 12**—An act to amend Sections 195.73 and 196.96 of the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

##### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, August 28, 1995

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
 Assembly Bill No. 12

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Appropriations**

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:  
 Senate Bill No. 5

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

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 6

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.

POOCHIGIAN, Chairman

Above bill ordered to second reading.

### RESOLUTIONS

The following resolution was offered:

#### Resolution to Dispense With Constitutional Provision

By Assembly Member Brewer.

*Resolved*, That Assembly Bill No. 12 presents a case of urgency, as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three separate days in each house is hereby dispensed with, and it is ordered that the bill be placed upon its passage, and considered engrossed.

Resolution read, and adopted by the following vote:

#### AYES—79

Aguiar	Cannella	Isenberg	Napolitano
Alby	Conroy	Kaloogian	Olberg
Alpert	Cortese	Katz	Poochigian
Archie-Hudson	Cunneen	Knight	Pringle
Baca	Davis	Knowles	Rainey
Baldwin	Ducheny	Knox	Richter
Bates	Escutia	Kuehl	Rogan
Battin	Figueroa	Kuykendall	Setencich
Boland	Firestone	Lee	Sher
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	Hauser	Morrissey	Weggeland
Bustamante	Hawkins	Morrow	Woods
Caldera	Hoge	Murray, Kevin	Mme. Speaker
Campbell	House	Murray, Willard	

#### NOES—None

Article IV, Section 8(b) of the Constitution was declared dispensed with.

**CONSIDERATION OF ASSEMBLY BILL NO. 12 BY UNANIMOUS CONSENT**

Assembly Member Brewer was granted unanimous consent to take up Assembly Bill No. 12, without reference to file, for purpose of consideration.

**ASSEMBLY BILL NO. 12 (Brewer)**—An act to amend Sections 195.73 and 196.96 of the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Urgency Clause**

Urgency clause read.

**Demand for Previous Question**

Assembly Members Woods, Kaloogian, Miller, Rainey, and Gallegos demanded the previous question. Demand sustained.

The question being on the adoption of the urgency clause.

The roll was opened.

**Call of the Assembly**

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

Motion carried. Time, 12:50 p.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO ASSEMBLY BILL NO. 12**

At 12:51 p.m., on motion of Assembly Member Brewer, 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. 12 refused adoption by the following vote:

**AYES—38**

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

**NOES—17**

Baca	Figueroa	Mazzoni	Speier
Bates	Gallegos	Murray, Kevin	Villaraigosa
Brown, Valerie	Isenberg	Murray, Willard	
Bustamante	Lee	Napolitano	
Campbell	Martinez	Sher	

**Request to Expunge Record and Rescind Action on Assembly Bill No. 12**

Assembly Member Hannigan requested unanimous consent that the record be expunged and the action rescinded whereby a roll call vote was taken on this day on Assembly Bill No. 12.

Assembly Member Burton withheld unanimous consent.

**Assembly Bill No. 12 Reconsidered**

Assembly Member Burton was granted unanimous consent that the vote be reconsidered whereby the urgency clause to Assembly Bill No. 12 was this day refused adoption, and that the bill be passed on file, to retain its place on file.

**RECESS**

By unanimous consent, at 12:53 p.m., Majority Speaker pro Tempore Setencich declared the Assembly recessed.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 7 a.m., Tuesday, August 29, 1995.

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DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk