

CALIFORNIA LEGISLATURE
1995-96 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, September 15, 1995

FORTY-FOURTH SESSION DAY

TWO HUNDRED FORTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk; Phone 445-6021)

①

Corrected 9-21-95

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, September 15, 1995

The Assembly met at 4:50 p.m.

Hon. Willie L. Brown, Jr., Speaker Emeritus of the Assembly, 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—80:

Ackerman	Caldera	Hoge	Murray, Kevin
Aguiar	Campbell	House	Murray, Willard
Alby	Cannella	Isenberg	Napolitano
Allen	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	Sher
Boland	Firestone	Lee	Speier
Bordonaro	Friedman	Machado	Sweeney
Bowen	Frusetta	Margett	Takasugi
Bowler	Gallegos	Martinez	Thompson
Brewer	Goldsmith	Mazzoni	Tucker
Brown, Valerie	Granlund	McDonald	Vasconcellos
Brown, Willie	Hannigan	McPherson	Villaraigosa
Brulte	Harvey	Miller	Weggeland
Burton	Hauser	Morrissey	Woods
Bustamante	Hawkins	Morrow	Mr. Speaker *

* (NOTE: Later this day Assembly Member Brian Setencich was elected Speaker of the Assembly for the 1995–96 First Extraordinary Session.)

Quorum present.

PRAYER

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

Lord, Be mindful of us who are vigilant and who struggle daily to keep Your commandments. As this session of the California Assembly moves toward adjournment we ask that You remember us who pray to You. Be our help and our defense. Grant, dear Father in heaven, that not one of us be lost; but surround us instead with Your love.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Minority Speaker pro Tempore Baca, Assembly Member Isenberg then led the Assembly in the pledge of allegiance to the Flag.

READING OF THE JOURNAL DISPENSED WITH

By unanimous consent, reading of the Journal of the previous legislative day was dispensed with.

MOTION TO ELECT SPEAKER

Assembly Member Hannigan moved that the election of Speaker Setencich in the Regular Session be deemed to have occurred in the First Extraordinary Session of the Assembly.

Assembly Member Burton seconded the motion.

Without objection the motion carried and the following vote from the Regular Session was substituted:

For Assembly Member Brian Setencich:

Assembly Members Alpert, Archie-Hudson, Baca, Bates, Bowen, Valerie Brown, Willie 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, Setencich, Sher, Speier, Sweeney, Tucker, Vasconcellos, Villaraigosa, and Speaker Allen—41.

For Assembly Member Curt Pringle:

Assembly Members Ackerman, Aguiar, Alby, Baldwin, Battin, Boland, Bordonaro, Bowler, Brewer, Brulte, Conroy, Cunneen, Firestone, Frusetta, Goldsmith, Granlund, Harvey, Hawkins, Hoge, House, Kaloogian, Knight, Knowles, Kuykendall, Margett, McPherson, Miller, Morrissey, Morrow, Olberg, Poochigian, Pringle, Rainey, Richter, Rogan, Takasugi, Thompson, Weggeland, and Woods—39.

OATH OF OFFICE

The following oath of office was deemed to have occurred in the First Extraordinary Session, as in the Regular Session.

OATH

for the Office of Speaker of the Assembly

I, Brian Setencich, 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.

COMMUNICATIONS

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

September 15, 1995

E. Dotson Wilson

Chief Clerk

State Capitol, Room 3196

Sacramento, California

Dear Dotson: Please be advised that I have appointed Assemblymember Doris Allen Majority Speaker pro Tempore for the 1995-96 First Extraordinary Session.

Sincerely,

BRIAN SETENCICH

Speaker of the Assembly

September 14, 1995

E. Dotson Wilson

Chief Clerk

State Capitol, Room 3196

Sacramento, California

Dear Dotson: Please be advised that I have appointed Assemblymember Brooks Firestone to the Assembly Utilities and Commerce Committee to fill an existing vacancy for the hearing on Friday, September 15, 1995 only.

Sincerely,

BRIAN SETENCICH

Speaker of the Assembly

September 14, 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 Health Committee to fill an existing vacancy for the hearing on Thursday, September 14, 1995 only.

Sincerely,

BRIAN SETENCICH

Speaker of the Assembly

September 14, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Steve Baldwin to the Assembly Appropriations Committee to fill an existing vacancy for the hearing on Friday, September 15, 1995 only.

Sincerely,

BRIAN SETENCICH
Speaker of the Assembly

September 15, 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 Health Committee to fill an existing vacancy for the hearing on Friday, September 15, 1995 only.

Sincerely,

BRIAN SETENCICH
Speaker of the Assembly

September 15, 1995

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

Dear Dotson: Please be advised that Assemblymember Doris Allen will serve on the Assembly Appropriations Committee to fill an existing vacancy instead of Assemblymember Steve Baldwin for the hearing on Friday, September 15, 1995 only.

Sincerely,

BRIAN SETENCICH
Speaker of the Assembly

September 15, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Trice Harvey to the Assembly Public Safety Committee to fill an existing vacancy for the hearing on Friday, September 15, 1995 only.

Sincerely,

BRIAN SETENCICH
Speaker of the Assembly

September 15, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Paula Boland to the Assembly Public Safety Committee to fill an existing vacancy. She will also serve as Chairwoman of this Committee.

Sincerely,

BRIAN SETENCICH
Speaker of the Assembly

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

September 15, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Mike Machado to the Assembly Veterans' Affairs Committee to fill an existing vacancy.

Sincerely,

WILLIE L. BROWN, JR.
Minority Floor Leader

September 15, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Marguerite Archie-Hudson to the Assembly Health Committee in place of Assemblymember Barbara Lee for the hearing on Friday, September 15, 1995 only.

Sincerely,

WILLIE L. BROWN, JR.
Minority Floor Leader

September 15, 1995

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

Dear Dotson: I am replacing for today only, Tom Bates on the Appropriations Committee with Debra Bowen.

Sincerely,

WILLIE L. BROWN, JR.
Minority Floor Leader

RECESS

By unanimous consent, at 4:51 p.m., Speaker Emeritus Brown declared the Assembly recessed.

REASSEMBLED

At 12 p.m., the Assembly reconvened.

Hon. Fred Aguiar, Assembly Member, 61st District, presiding.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 5 (Rosenthal)—An act relating to flood insurance.

Bill read third time, and presented by Assembly Member Knowles.

Bill passed by the following vote:

AYES—76

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

NOES—None

Bill ordered transmitted to the Senate.

At 12 p.m., Speaker Brian Setencich, 30th District, presiding

SENATE BILL NO. 7 (Hayden)—An act relating to disaster assistance.

Bill read third time, and presented by Assembly Member Knox.

Bill passed by the following vote:

AYES—66

Ackerman	Cannella	Hoge	Murray, Willard
Aguiar	Cortese	Isenberg	Napolitano
Allen	Cunneen	Katz	Olberg
Alpert	Davis	Knight	Pringle
Archie-Hudson	Ducheny	Knowles	Rainey
Baca	Escutia	Knox	Rogan
Bates	Figueroa	Kuykendall	Sher
Battin	Firestone	Lee	Speier
Boland	Friedman	Machado	Sweeney
Bowen	Frusetta	Margett	Takasugi
Bowler	Gallegos	Martinez	Thompson
Brown, Valerie	Goldsmith	Mazzoni	Tucker
Brown, Willie	Granlund	McDonald	Vasconcellos
Brulte	Hannigan	McPherson	Villaraigosa
Burton	Harvey	Miller	Mr. Speaker
Bustamante	Hauser	Morrow	
Campbell	Hawkins	Murray, Kevin	

NOES—2

Alby Bordonaro

Bill ordered transmitted to the Senate.

CONSIDERATION OF CONSENT CALENDAR

The Speaker announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Senate Bill

SENATE BILL NO. 6 (Leslie)—An act to add Sections 39140.6 and 81130.6 to, the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—80

Ackerman	Caldera	Hoge	Murray, Kevin
Aguiar	Campbell	House	Murray, Willard
Alby	Cannella	Isenberg	Napolitano
Allen	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	Sher
Boland	Firestone	Lee	Speier
Bordonaro	Friedman	Machado	Sweeney
Bowen	Frusetta	Margett	Takasugi
Bowler	Gallegos	Martinez	Thompson
Brewer	Goldsmith	Mazzoni	Tucker
Brown, Valerie	Granlund	McDonald	Vasconcellos
Brown, Willie	Hannigan	McPherson	Villaraigosa
Brulte	Harvey	Miller	Weggeland
Burton	Hauser	Morrissey	Woods
Bustamante	Hawkins	Morrow	Mr. Speaker

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—80

Ackerman	Caldera	Hoge	Murray, Kevin
Aguiar	Campbell	House	Murray, Willard
Alby	Cannella	Isenberg	Napolitano
Allen	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	Sher
Boland	Firestone	Lee	Speier
Bordonaro	Friedman	Machado	Sweeney
Bowen	Frusetta	Margett	Takasugi
Bowler	Gallegos	Martinez	Thompson
Brewer	Goldsmith	Mazzoni	Tucker
Brown, Valerie	Granlund	McDonald	Vasconcellos
Brown, Willie	Hannigan	McPherson	Villaraigosa
Brulte	Harvey	Miller	Weggeland
Burton	Hauser	Morrissey	Woods
Bustamante	Hawkins	Morrow	Mr. Speaker

NOES—None

Bill ordered transmitted to the Senate.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items:

Senate Bill No. 5: Allen—Aye.

Senate Bill No. 7: Brulte—Aye.

MESSAGES FROM THE SENATE

Senate Chamber, September 14, 1995

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

Assembly Bill No. 12

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

Above bill ordered enrolled.

Senate Chamber, September 15, 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. 5

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

ADJOURNMENT

At 12 p.m., the Assembly adjourned for the 1995 Interim Study Recess pursuant to unanimous consent granted July 19, 1995 (Assembly Journal, p. 168), to reconvene on Monday, January 3, 1996.

BRIAN SETENCICH, Speaker

PAM CAVILEER, Minute Clerk