

CALIFORNIA LEGISLATURE
1991-92 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Thursday, October 8, 1992

**FIRST SESSION DAY
FIRST CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



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



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, October 8, 1992

At 11:32 a.m., the Assembly met pursuant to the provisions of the Proclamation of the Honorable Pete Wilson, Governor of the State of California, dated September 16, 1992, amended on September 22, 1992, convening the Legislature of the State of California on this day in extraordinary session.

E. Dotson Wilson, Chief Clerk for the 1991-92 Regular Session, presiding.

Assistant Clerk Norman Plotkin reading.

ANNOUNCEMENTS

E. Dotson Wilson, Chief Clerk of the Assembly, announced that pursuant to the requirements of Government Code, Section 9150, the following officers of the Assembly for the 1991-92 Regular and First Extraordinary Sessions of the Legislature were present and in their respective positions:

E. Dotson Wilson, Chief Clerk of the Assembly; Pam Cavileer, Minute Clerk; and Charles Bell, Sergeant at Arms.

ROLL CALL

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

Allen	Conroy	Hayden	Nolan
Alpert	Cortese	Horcher	O'Connell
Andal	Costa	Hughes	Peace
Archie-Hudson	Eastn	Hunter	Polanco
Areias	Eaves	Isenberg	Quackenbush
Baker	Elder	Johnson	Roybal-Allard
Bane	Epple	Jones	Seastrand
Bates	Farr	Katz	Sher
Becerra	Felando	Kelley	Speier
Bentley	Ferguson	Klehs	Statham
Boland	Floyd	Knowles	Tanner
Bronzan	Frazee	Lancaster	Tucker
Brulte	Friedman, Barbara	Lee	Umberg
Burton	Friedman, Terry	Lempert	Vasconcellos
Campbell	Frizzelle	Margolin	Woodruff
Cannella	Gotch	Mays	Wright
Chacon	Hannigan	McClintock	Wyman
Chandler	Hansen	Moore	Mr Speaker
Collins	Harvey	Mountjoy	
Connelly	Hauser	Murray	

PROCLAMATIONS OF THE GOVERNOR

The Chief Clerk directed the clerk to read the following Proclamations of the Governor convening the Legislature in extraordinary session:

A PROCLAMATION

by the

Governor of the State of California

WHEREAS, an extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now therefore,

I, PETE WILSON, Governor of the State of California, by virtue of the power and authority vested in me by Section 3 (b) Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 8th day of October, 1992, at 1:00 p.m. of said day for the following purpose and to legislate upon the following subject:

To consider and act upon legislation relative to reform of California's worker's compensation system.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of September 1992.

PETE WILSON
Governor of California

[SEAL]

ATTEST: MARCH FONG EU
Secretary of State

A PROCLAMATION

by the

Governor of the State of California

WHEREAS, the Legislature will convene in extraordinary session on October 8, 1992; now therefore,

I, PETE WILSON, Governor of the State of California, by virtue of the power and authority vested in me by law, hereby amend my Proclamation dated September 16, 1992, by providing that the Legislature shall convene in extraordinary session at 11:00 a.m. on October 8, 1992.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 22nd day of September 1992.

PETE WILSON
Governor of California

[SEAL]

ATTEST: MARCH FONG EU
Secretary of State

PRAYER

The following prayer was offered by Assembly Member Bruce Bronzan, of the 31st Assembly District:

Dear Lord, Help us with the difficult struggles that we face in trying to determine the policies that will help our people and help our State. We know these are difficult times, but we know we have with us the wisdom and courage to do the right thing. Be with us as we deliberate. Keep us calm and steady and thoughtful and respecting the personal qualities of all the people we work with.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon invitation of the Chief Clerk, Assembly Member Bane then led the Assembly in the pledge of allegiance to the Flag.

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 waiving per diem: Assembly Member Clute.

Because of illness: Assembly Member Filante.

(NOTE: For explanation of absence of Assembly Member Clute on this day, on legislative business, pursuant to the Rules, see the Assembly Journal for the Regular Session for this day.)

COMMUNICATIONS

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

October 8, 1992

*Hon. Willie L. Brown, Jr.
Speaker of the Assembly
Room 219, State Capitol
Sacramento, California*

Dear Mr. Speaker: I do not wish to receive any per diem for the time period we are in Sacramento for the Second Extraordinary Session/Extended Session.

Please take whatever action is necessary in order to fulfill my request.

Thank you for your assistance in this matter.

Sincerely,

DAVID G. KELLEY, Assembly Member
Seventy-third District

ANNOUNCEMENTS

The Chief Clerk announced that the next order of business was the nomination and election of officers for the 1991-92 Second Extraordinary Session of the Assembly, and declared that nominations for officers of the Assembly were now in order.

RESOLUTIONS

The following resolution was offered:

By Assembly Member Bane:

House Resolution No. 1

Relative to the election of Assembly officers for the 1991-92 Second Extraordinary Session.

Resolved by the Assembly of the State of California, That the following named persons constitute the officers of the Assembly for the 1991-92 Second Extraordinary Session:

Willie Lewis Brown, Jr.	Speaker
Jack O'Connell	Speaker pro Tempore
E. Dotson Wilson	Chief Clerk
Charles E. Bell	Sergeant at Arms
Hamilton T. Boswell	Chaplain

Resolution read, and presented by Assembly Member Bane.

Request for Division of the Question

Assembly Member Mays requested that the question be divided to permit consideration of the election of Speaker, Speaker pro Tempore, and other officers separately.

Ruling by the Clerk

The Chief Clerk ruled the question divisible as requested.

Nomination Seconded

Assembly Member Vasconcellos seconded the nomination of Willie L. Brown, Jr., for the Office of Speaker of the Assembly, for the 1991-92 Second Extraordinary Session.

Further Nominations for Speaker of the Assembly

Assembly Member Mountjoy nominated Assembly Member Jones for the Office of Speaker of the Assembly for the 1991-92 Second Extraordinary Session.

Assembly Member Harvey seconded the motion.

NOMINATIONS CLOSED

Assembly Member Hannigan moved that the nominations for the Office of Speaker of the Assembly be closed.

Assembly Member Wright seconded the motion.

Request of the Chair

Assembly Member Mountjoy requested to be recognized by the Chair to speak to his nomination of Assembly Member Jones to the Office of Speaker of the Assembly.

Parliamentary Inquiry

Assembly Member Hannigan arose to the following parliamentary inquiry:

The nominations having been closed, is it appropriate for Assembly Member Mountjoy to speak on the nomination at this time?

Reply by Chief Clerk

The Chief Clerk replied that based upon custom and precedent, it is appropriate that Assembly Members Bane and Mountjoy be allowed to speak on their respective nominations.

Point of Order

Assembly Member Burton arose to the following point of order:

That Assembly Member Mountjoy limit his remarks to the propriety of the nomination.

Ruling by Chief Clerk

The Chief Clerk ruled the point of order well-taken.

Point of Order

Assembly Member Moore arose to the following point of order:

That Assembly Member Mountjoy limit his remarks to the propriety of the nomination.

Ruling by Chief Clerk

The Chief Clerk ruled the point of order well-taken.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

How much time is Assembly Member Mountjoy permitted to open debate on his nomination?

Reply by Chief Clerk

The Chief Clerk replied that a Member has 10 minutes to open debate on any question

Question 1

The question being on the election of Speaker of the Assembly for the 1991-92 Second Extraordinary Session.

The roll was called with the following result:

For Assembly Member Willie L. Brown, Jr.—44:

Alpert, Archie-Hudson, Areias, Bane, Bates, Becerra, Bronzan, Brown, Burton, Campbell, Cannella, Chacon, Cortese, Costa, Elder, Epple, Farr, Floyd, Barbara Friedman, Terry Friedman, Gotch, Hannigan, Hauser, Hughes, Isenberg, Katz, Klehs, Lee, Lempert, Margolin, Moore, Murray, O'Connell, Peace, Roybal-Allard, Sher, Speier, Tanner, Tucker, Vasconcellos, Connelly, Polanco, Eaves, and Eastin.

For Assembly Member Bill Jones—32:

Allen, Andal, Baker, Bentley, Boland, Brulte, Chandler, Felando, Ferguson, Frazee, Frizzelle, Hansen, Harvey, Hunter, Kelley, Knowles, Lancaster, Mays, McClintock, Mountjoy, Nolan, Quackenbush, Seastrand, Statham, Woodruff, Wright, Wyman, Conroy, Horcher, Johnson, Jones, and Collins.

Whereupon the Chief Clerk announced the vote of the Assembly and declared Assembly Member Willie L. Brown, Jr. the choice of the Assembly for Speaker for the 1991-92 Second Extraordinary Session of the Legislature.

OATH OF OFFICE ADMINISTERED

Speaker-elect Willie L. Brown, Jr. appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by Bion M. Gregory, Legislative Counsel for the State of California:

OATH*For the Office of Speaker of the Assembly*

I 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.

At 11:54 a.m., Speaker Willie L. Brown, Jr., 17th District, presiding

FURTHER ELECTION OF OFFICERS**Question 2**

The question being on the election of Speaker pro Tempore for the 1991-92 Second Extraordinary Session.

Further Nominations

Assembly Member Mays nominated Assembly Member Ferguson to the Office of Speaker pro Tempore of the Assembly for the 1991-92 Second Extraordinary Session.

The roll was called, with the following result:

For Assembly Member Jack O'Connell—44:

Alpert, Archie-Hudson, Areias, Bane, Bates, Becerra, Bronzan, Brown, Burton, Campbell, Cannella, Chacon, Cortese, Costa, Elder, Epple, Farr, Floyd, Barbara Friedman, Terry Friedman, Gotch, Hannigan, Hauser, Hughes, Isenberg, Katz, Klehs, Lee, Lempert, Margolin, Moore, Murray, O'Connell, Peace, Roybal-Allard, Sher, Speier, Tanner, Tucker, Vasconcellos, Connelly, Polanco, Eaves, and Eastin.

For Assembly Member Gil Ferguson—32:

Allen, Andal, Baker, Bentley, Boland, Brulte, Chandler, Felando, Ferguson, Frazee, Frizzelle, Hansen, Harvey, Hunter, Kelley, Knowles, Lancaster, Mays, McClintock, Mountjoy, Nolan, Quackenbush, Seastrand, Statham, Woodruff, Wright, Wyman, Conroy, Horcher, Johnson, Jones, and Collins.

Whereupon Speaker Brown announced the vote of the Assembly and declared Assembly Member Jack O'Connell the choice of the Assembly for Speaker pro Tempore for the 1991-92 Second Extraordinary Session of the Legislature.

Question 3

The question being on the election of E. Dotson Wilson, Chief Clerk for the 1991-92 Regular Session; Charles Bell, Sergeant at Arms for the 1991-92 Regular Session; and Hamilton T. Boswell, Chaplain for the 1991-92 Regular Session, to their respective offices for the 1991-92 Second Extraordinary Session.

E. Dotson Wilson, Charles Bell, and Hamilton T. Boswell elected to their respective offices by the following vote:

AYES—76

Allen	Connelly	Harvey	Mountjoy
Alpert	Conroy	Hauser	Murray
Andal	Cortese	Horchel	Nolan
Archie-Hudson	Costa	Hughes	O'Connell
Areias	Eastin	Hunter	Peace
Baker	Eaves	Isenberg	Polanco
Bane	Elder	Johnson	Quackenbush
Bates	Eppie	Jones	Roybal-Allard
Becerra	Farr	Katz	Seastrand
Bentley	Felando	Kelley	Sher
Boland	Ferguson	Klehs	Speier
Bronzan	Floyd	Knowles	Statham
Brulte	Frazee	Lancaster	Tanner
Burton	Friedman, Barbara	Lee	Tucker
Campbell	Friedman, Terry	Lempert	Vasconcelos
Cannella	Frizzelle	Margolin	Woodruff
Chacon	Cotch	Mays	Wright
Chandler	Hannigan	McClintock	Wyman
Collins	Hansen	Moore	Mr Speaker

NOES—None

Whereupon Speaker Brown announced the vote of the Assembly and declared the following officers elected as the choice of the Assembly for the 1991-92 Second Extraordinary Session of the Legislature:

E. Dotson Wilson, Chief Clerk; Charles E. Bell, Sergeant at Arms; and Hamilton T. Boswell, Chaplain.

OATHS OF OFFICE ADMINISTERED

Honorable Jack O'Connell, Speaker pro Tempore-elect; E. Dotson Wilson, Chief Clerk-elect; and Charles Bell, Sergeant at Arms-elect, appeared at the bar of the Assembly, and took and subscribed to the following oath, administered by Bion Gregory, Legislative Counsel for the State of California:

OATH

I 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 Chief Clerk, and ordered printed in the Journal:

October 8, 1992

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

Dear Mr. Wilson: Please note that the following members will be serving as officers of the Assembly Republican Caucus for the 1991-92 Second Extraordinary Session:

Hon. Bill Jones, Minority Floor Leader
Hon. Gil Ferguson, Chairperson
Hon. Nolan Frizzelle, Vice Chairman
Hon. David Knowles, Whip
Hon. Tom Mays, Whip
Hon. Andrea Seastrand, Caucus Secretary

The following members are the Republican Caucus nominees to the Assembly Rules Committee during the Second Extraordinary Session:

Hon. Doris Allen
Hon. Robert C. Frazee
Hon. Trice Harvey
Hon. Richard Mountjoy

Thank you for your assistance in noting these appointments.

Sincerely,

GIL FERGUSON
Assembly Republican Caucus Chair

October 8, 1992

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

Dear Dotson: In accordance with House Rule 13.1, the Democratic Caucus held its organizational meeting and nominated the following members for election to the Assembly Rules Committee for the Second Extraordinary Session: Assemblymembers Tom Bane, Bob Eppele, Richard Polanco, Lucille Roybal-Allard and Barbara Lee.

Sincerely,

JIM COSTA
Assembly Democratic Caucus Chair

ELECTION OF DEMOCRATIC NOMINEES TO THE COMMITTEE ON RULES

The question being: Shall Assembly Members Bane, Epple, Polanco, Roybal-Allard, and Lee, nominees of the Democratic Caucus, be elected to the Committee on Rules?

The roll was opened, and the above nominees to the Rules Committee elected by the following vote:

AYES—70

Allen	Conroy	Harvey	Murray
Alpert	Cortese	Hauser	Nolan
Andal	Costa	Horcher	O'Connell
Arche-Hudson	Eastin	Hughes	Polanco
Areias	Eaves	Hunter	Quackenbush
Baker	Elder	Isenberg	Roybal-Allard
Bane	Epple	Jones	Seastrand
Becerra	Farr	Kelley	Sher
Bentley	Felando	Klehs	Speer
Boland	Ferguson	Knowles	Statham
Bronzan	Floyd	Lancaster	Tanner
Brulte	Frazee	Lee	Tucker
Burton	Friedman, Barbara	Lempert	Woodruff
Campbell	Friedman, Terry	Margolin	Wright
Cannella	Frizzelle	Mays	Wyman
Chacon	Gotch	McClintock	Mr. Speaker
Collins	Hannigan	Moore	
Connelly	Hansen	Mountjoy	

NOES—None**ELECTION OF REPUBLICAN NOMINEES TO THE COMMITTEE ON RULES**

The question being: Shall Assembly Members Allen, Frazee, Harvey, and Mountjoy, nominees of the Republican Caucus, be elected to the Committee on Rules?

The roll was opened, and the above nominees to the Rules Committee elected by the following vote:

AYES—70

Allen	Conroy	Harvey	Murray
Alpert	Cortese	Hauser	Nolan
Andal	Costa	Horcher	O'Connell
Arche-Hudson	Eastin	Hughes	Polanco
Areias	Eaves	Hunter	Quackenbush
Baker	Elder	Isenberg	Roybal-Allard
Bane	Epple	Jones	Seastrand
Becerra	Farr	Kelley	Sher
Bentley	Felando	Klehs	Speier
Boland	Ferguson	Knowles	Statham
Bronzan	Floyd	Lancaster	Tanner
Brulte	Frazee	Lee	Tucker
Burton	Friedman, Barbara	Lempert	Woodruff
Campbell	Friedman, Terry	Margolin	Wright
Cannella	Frizzelle	Mays	Wyman
Chacon	Gotch	McClintock	Mr. Speaker
Collins	Hannigan	Moore	
Connelly	Hansen	Mountjoy	

NOES—None**APPOINTMENT OF CHAIRMAN OF RULES**

Speaker Brown appointed Assembly Member Bane as Chairman of the Assembly Rules Committee for the 1991-92 Second Extraordinary Session.

DEMOCRATIC LEADERSHIP ANNOUNCED

Speaker Brown announced the following Democratic leadership for the 1991-92 Second Extraordinary Session:

Majority Floor Leader: Assembly Member Tom Hannigan
 Democratic Caucus Chair: Assembly Member Jim Costa
 Assistant Speaker pro Tempore: Assembly Member Richard Polanco.

RESOLUTIONS

The following resolution was offered:

By Assembly Member Bane:

House Resolution No. 2

Relative to the organization of the Assembly for the 1991-92 Second Extraordinary Session.

Resolved by the Assembly of the State of California, (1) That the Chief Clerk or the Sergeant at Arms is authorized to receipt to the Controller for all warrants for the payment of Members, Officers, and Attaches of the Assembly.

(2) That the Chief Clerk shall provide copies of the Assembly Weekly Histories to the Legislative Counsel, Governor, Attorney General, and accredited newspaper representatives.

Resolution read, presented by Assembly Member Bane, and adopted by the following vote:

AYES—70

Allen	Conroy	Harvey	Murray
Alpert	Cortese	Hauser	Nolan
Andal	Costa	Horcher	O'Connell
Archie-Hudson	Eastin	Hughes	Polanco
Areias	Eaves	Hunter	Quackenbush
Baker	Elder	Isenberg	Roybal-Allard
Bane	Epple	Jones	Seastrand
Becerra	Farr	Kelley	Sher
Bentley	Felando	Klehs	Speier
Boland	Ferguson	Knowles	Statham
Bronzan	Floyd	Lancaster	Tanner
Brulte	Frazee	Lee	Tucker
Burton	Friedman, Barbara	Lempert	Woodruff
Campbell	Friedman, Terry	Margolin	Wright
Cannella	Frizzelle	Mays	Wyman
Chacon	Gotch	McChntock	Mr Speaker
Collins	Hannigan	Moore	
Connelly	Hansen	Mountjoy	

NOES—None**ASSEMBLY MEMBER HUGHES APPOINTED TO NOTIFY SENATE**

Speaker Brown appointed Assembly Member Hughes to notify the Senate that the Assembly is organized for the 1991-92 Second Extraordinary Session.

MESSAGES FROM THE SENATE

Senate Chamber, October 8, 1992

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

Senate Concurrent Resolution No. 1

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

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1
BY UNANIMOUS CONSENT**

Assembly Member Bane was granted unanimous consent to take up Senate Concurrent Resolution No. 1, without reference to committee or file, for purpose of consideration at this time.

SENATE CONCURRENT RESOLUTION NO. 1 (Roberti)—Relative to the Joint Rules for the 1991–92 Second Extraordinary Session

Resolution read, and presented by Assembly Member Bane.

Motion to Amend by Assembly Member McClintock

Assembly Member McClintock moved the adoption of the following amendment to Senate Concurrent Resolution No. 1:

Notwithstanding any rule, all bills in extraordinary session shall be considered without reference to committee unless referred thereto by a majority vote.

**Motion to Table McClintock Amendment
to Senate Concurrent Resolution No. 1**

Assembly Member Burton moved that the amendment offered by Assembly Member McClintock to Senate Concurrent Resolution No. 1 be laid upon the table.

Assembly Member Floyd seconded the motion.

Motion carried by the following vote:

AYES—43

Alpert	Cortese	Hannigan	O'Connell
Archie-Hudson	Costa	Hauser	Peace
Areias	Eastin	Hughes	Polanco
Bane	Eaves	Isenberg	Roybal-Allard
Bates	Elder	Katz	Sher
Becerra	Epple	Klehs	Speier
Bronzan	Farr	Lee	Tanner
Burton	Floyd	Lempert	Tucker
Campbell	Friedman, Barbara	Margolin	Vasconcellos
Cannella	Friedman, Terry	Moore	Mr Speaker
Chacon	Gotch	Murray	

NOES—32

Allen	Conroy	Hunter	Mountjoy
Andal	Felando	Johnson	Nolan
Baker	Ferguson	Jones	Quackenbush
Bentley	Frazer	Kelley	Seastrand
Boland	Frizzelle	Knowles	Statham
Brulte	Hansen	Lancaster	Woodruff
Chandler	Harvey	Mays	Wright
Collins	Horcher	McClintock	Wyman

Further Consideration of Senate Concurrent Resolution No. 1

The question being on the adoption of the resolution.

Resolution adopted by the following vote:

AYES—56

Allen	Cortese	Harvey	O'Connell
Alpert	Costa	Hauser	Peace
Archie-Hudson	Eastin	Hughes	Polanco
Areias	Eaves	Isenberg	Roybal-Allard
Bane	Elder	Jones	Sher
Becerra	Epple	Katz	Speier
Bentley	Farr	Klehs	Statham
Bronzan	Felando	Lancaster	Tanner
Burton	Floyd	Lee	Tucker
Campbell	Frazee	Lempert	Vasconcellos
Cannella	Friedman, Barbara	Margolin	Woodruff
Chacon	Friedman, Terry	Mays	Wright
Chandler	Gotch	Moore	Mr. Speaker
Conroy	Hannigan	Murray	

NOES—9

Andal	Collins	Hunter
Baker	Ferguson	McClintock
Boland	Horchler	Nolan

Resolution ordered transmitted to the Senate.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1—Moore. An act to amend Sections 139.5, 4638, 4641, and 4644 of the Labor Code, relating to workers' compensation.**ASSEMBLY BILL NO. 2**—Costa. An act to amend Sections 29, 62.5, 110, 122, 129.5, 139, 139.2, 139.3, 139.5, 3208.3, 3600, 3702.1, 3761, 4061, 4062, 4062.2, 4062.5, 4063, 4064, 4067, 4453, 4621, 4623, 4624, 4636, 4638, 4642, 4644, 4646, 4906, 4907, 5307.1, 5401, 5401.7, 5402, 5456, 5500, 5502, 5703, 5705, and 5710 of, to add Sections 55.7, 138.6, 3762, 3765, 4060, 4600.3, 4600.5, and 4609 to, and to repeal Sections 4064, 5401.5, and 5401.6 of, the Labor Code, relating to workers' compensation.**ASSEMBLY BILL NO. 3**—Jones (Principal coauthor: Senator Leonard) Mountjoy, Allen, Andal, Baker, Bentley, Boland, Brulte, Collins, Conroy, Ferguson, Filante, Frizzelle, Hansen, Harvey, Horcher, Hunter, Johnson, Kelley, Knowles, Lancaster, Mays, McClintock, Quackenbush, Seastrand, Statham, Woodruff, Wright, and Wyman (Senators Bergeson, Beverly, Leslie, Maddy, Morgan, and Russell, coauthors). An act to amend Section 11656.6 of, to repeal Article 2 (commencing with Section 11730) and Article 3 (commencing with Section 11750) of Chapter 3 of Part 3 of Division 2 of, and to add Article 2 (commencing with Section 11729) and Article 3 (commencing with Section 11750) to Chapter 3 of Part 3 of Division 2 of, the Insurance Code, and to amend Sections 29, 62.5, 110, 122, 139, 139.2, 139.3, 139.5, 3202, 3208.3, 3600, 3702.1, 3761, 4061, 4062, 4062.2, 4062.5, 4063, 4064, 4067, 4453, 4621, 4623, 4624, 4636, 4642, 4644, 4646, 4906, 4907, 5307.1, 5401, 5401.7, 5402, 5456, 5500, 5502, 5703, 5705, and 5710 of, to add Sections 55.7, 138.6, 3762, 3765, 4060, 4600.3, 4600.5, and 4609 to, and to repeal Sections 4064, 5401.5, and 5401.6 of, the Labor Code, relating to workers' compensation, and making an appropriation therefor.**ASSEMBLY BILL NO. 4**—Katz. An act to amend Section 3208.3 of the Labor Code, relating to workers' compensation.

APPOINTMENT OF COMMITTEES

Speaker Brown announced that all standing committees created and appointed in the 1991-92 Regular Session would be created in the Second Extraordinary Session, and that the membership of the committees would be the same in the Second Extraordinary Session, with the following exceptions:

Insurance: Johnson vice Mays
 Hannigan vice O'Connell
 Archie-Hudson vice Sher

Ways and Means: Johnson vice Filante.

**NOTICE OF MOTION TO WITHDRAW BILLS
FROM COMMITTEE**

Pursuant to the provisions of Assembly Rule 96, Assembly Member McClintock gave notice that he would move to withdraw Assembly Bills Nos. 1, 2, 3, and 4 from the Committee on Insurance.

Motion Ruled Out of Order

Speaker Brown ruled the motion out of order as the bills have not yet been referred to committee.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

Does not a motion to withdraw bills from committee require two days notice?

Reply by Speaker

The Speaker replied in the affirmative; that pursuant to the Rules two calendar days notice is required.

BILLS REFERRED TO COMMITTEE

Unanimous consent was granted to refer Assembly Bills Nos. 1, 2, 3, and 4 to the Committee on Insurance.

REQUEST FOR UNANIMOUS CONSENT

Speaker Brown was granted unanimous consent that all notice requirements be waived; and that all bills reported from committees today, be taken up without reference to file for purpose of second reading and adoption of any committee amendments, and that the bills be placed upon the third reading file for Friday, October 9, 1992.

**NOTICE OF MOTION TO WITHDRAW BILLS
FROM COMMITTEE**

Pursuant to the provisions of Assembly Rule 96, Assembly Member McClintock gave notice that he would move to withdraw Assembly Bills Nos. 1, 2, 3, and 4 from the Committee on Insurance.

DESK HELD OPEN

Speaker Brown announced that the Desk would be held open to receive committee reports from the Committee on Insurance.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Peace was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Alejandro "Alex" Gutierrez Seaton-Msemaji (age 15), of National City, who was the son of Ken Seaton-Msemaji.

Assembly Member Tanner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dora Macias, of South El Monte, who was the sister of Field Representative Manuel De La Rosa.

Assembly Members Burton and Brown were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Vince Hallinan, of San Francisco.

Assembly Members Jones, Areias, Bronzan, and Costa were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lewis Eaton, of Fresno.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 1—Hannigan. Relative to the 1991-92 Second Extraordinary Session of the Legislature.

VOTE ADDS

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

Motion to Elect Rules Committee Members: Areias and Gotch—Aye.

Senate Concurrent Resolution No. 1: Harvey—Aye; Nolan—No.

Motion to Elect Willie L. Brown, Jr. to Office of Speaker of the Assembly: Eastin—Aye.

RECESS

By unanimous consent, at 12:17 p.m., Speaker Brown declared the Assembly recessed.

COMMUNICATIONS

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

October 8, 1992

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

Dear Dotson: Please be advised that I have appointed Assemblymember Barbara Lee to replace Assemblymember Marguerite Archie-Hudson on the Insurance Committee for Second Extraordinary Session.

Sincerely,

WILLIE L. BROWN, JR.
Speaker of the Assembly

October 8, 1992
5:30 p.m.

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

Dear Dotson: Please be advised that I have appointed Assemblymember Bill Jones to replace Assemblymember Jim Brulte on the Insurance Committee for Second Extraordinary Session.

Sincerely,

WILLIE L. BROWN, JR.
Speaker of the Assembly

**SECOND CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, October 9, 1992

At 12 midnight

Speaker Willie L. Brown, Jr., presiding.

REPORTS OF STANDING COMMITTEES

Committee on Insurance

Date of Hearing October 8, 1992

Mr. Speaker Your Committee on Insurance reports

Assembly Bill No. 3

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

**ASSEMBLY BILL NO. 3 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

Pursuant to unanimous consent granted earlier this day, the following bill was taken up, without reference to file, for purpose of second reading and adoption of committee amendments at this time.

ASSEMBLY BILL NO. 3—An act to amend Section 11656 6 of, to repeal Article 2 (commencing with Section 11730) and Article 3 (commencing with Section 11750) of Chapter 3 of Part 3 of Division 2 of, and to add Article 2 (commencing with Section 11729) and Article 3 (commencing with Section 11750) to Chapter 3 of Part 3 of Division 2 of, the Insurance Code, and to amend Sections 29, 62 5, 110, 122, 139, 139 2, 139.3, 139 5, 3202, 3208 3, 3600, 3702 1, 3761, 4061, 4062, 4062 2, 4062 5, 4063, 4064, 4067, 4453, 4621, 4623, 4624, 4636, 4642, 4644, 4646, 4906, 4907, 5307 1, 5401, 5401 7, 5402, 5456, 5500, 5502, 5703 5705, and 5710 of, to add Sections 55 7, 138 6, 3762, 3765, 4060, 4600 3, 4600.5, and 4609 to, and to repeal Sections 4064, 5401.5, and 5401 6 of, the Labor Code, relating to workers' compensation, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Insurance read and adopted; bill ordered reprinted and to be returned to the third reading file.

INTRODUCTION OF GUESTS

Assembly Member Bates, of the 12th Assembly District, introduced the following Russian Parliamentarians:

Father Gleb Yakunin, Chairman of the Conscience and Charity Committee; Lev Ponomarev, Chairman of "Democratic Russia"; and Yuri Chernichenko, Chairman of "The Farmers' Party".

Assembly Member Baker, of the 15th Assembly District, introduced Jana Polasek, of Guatemala.

ADJOURNMENT

At 6:40 a.m., the Assembly adjourned until 9:30 a.m., Friday, October 9, 1992, out of respect to the memory of Alejandro "Alex" Gutierrez Seaton-Msemaji, on motion of Assembly Member Peace; out of respect to the memory of Lewis Eaton, on motion of Assembly Members Jones, Areias, Bronzan, and Costa; out of respect to the memory of Vince Hallinan, on motion of Assembly Members Burton and Brown; and out of respect to the memory of Dora Macias, on motion of Assembly Member Tanner.

WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON OCTOBER 8, 1992**

The following measure was amended in the Assembly on this day:

Assembly Bill

3

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

Senate Concurrent Resolution

1 (McClintock amendments, laid upon the table)

CALIFORNIA LEGISLATURE
1991-92 SECOND EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

Friday, October 9, 1992

**SECOND SESSION DAY
SECOND CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



NOTE: 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.

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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, October 9, 1992

The Assembly met at 2:07 p.m.

Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Norman Plotkin reading.

ROLL CALL

The roll was called, and the following answered to their names—77:

Allen	Conroy	Hayden	O'Connell
Alpert	Cortese	Horcher	Peace
Andal	Costa	Hunter	Polanco
Aretas	Eastin	Isenberg	Quackenbush
Baker	Eaves	Johnson	Roybal-Allard
Bane	Elder	Jones	Seastrand
Bates	Epple	Katz	Sher
Becerra	Farr	Kelley	Speer
Bentley	Felando	Klehs	Statham
Boland	Ferguson	Knowles	Tanner
Bronzan	Floyd	Lancaster	Tucker
Brulte	Frazee	Lee	Umberg
Burton	Friedman, Barbara	Lempert	Vasconcellos
Campbell	Friedman, Terry	Margolin	Woodruff
Cannella	Frizzelle	Mays	Wright
Chacon	Gotch	McClintock	Wyman
Chandler	Hannigan	Moore	Mr Speaker
Clute	Hansen	Mountjoy	
Collins	Harvey	Murray	
Connelly	Hauser	Nolan	

Quorum present.

PRAYER

Upon invitation of Speaker pro Tempore O'Connell, the following prayer was offered by Assembly Member Trice Harvey, of the 33rd Assembly District:

Almighty Father, Give us what we need to do our work well. Give us the patience that no failure can discourage; the accuracy that will save us from all careless and hurried work. Give us true facts to govern all our decisions, and above all, give us love and concern for the people we serve.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore O'Connell, Assembly Member Conroy 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 Harvey, seconded by Assembly Member Conroy.

LEAVES OF ABSENCE FOR THE DAY

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

Because of illness: Assembly Members Archie-Hudson and Filante.

Because of a family emergency, and waiving her per diem: Hughes.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Polanco was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Keith Pursel, attorney and community activist, from Pasadena.

Assembly Member Speier was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Anthony Torrice, of San Francisco; Dr. Anthony Puentes, of San Jose; and Ambrosia Cerri, of South San Francisco.

Assembly Member Connelly was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dorothy Tully, of San Francisco.

Assembly Member Eastin was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of her grandniece Fallon Nicole Eastin, daughter of Daniel and Flora Eastin, of Hayward.

RESOLUTIONS

The following resolution was offered:

Resolution to Dispense With Constitutional Provision

By Assembly Member Margolin.

Resolved, That Assembly Bill No. 3 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—72

Allen	Collins	Hansen	Murray
Alpert	Connelly	Harvey	Nolan
Andal	Conroy	Hauser	O'Connell
Areias	Cortese	Hayden	Peace
Baker	Costa	Horcher	Polanco
Bane	Eastin	Hunter	Quackenbush
Bates	Eaves	Ishenberg	Roybal-Allard
Becerra	Elder	Katz	Seastrand
Bentley	Eppele	Kelley	Speier
Boland	Farr	Klehs	Statham
Bronzan	Felando	Knowles	Tanner
Brulte	Ferguson	Lancaster	Tucker
Burton	Frazer	Lee	Umberg
Campbell	Friedman, Barbara	Lempert	Vasconcellos
Cannella	Friedman, Terry	Margolin	Woodruff
Chacon	Frizzelle	McChintock	Wright
Chandler	Gotch	Moore	Wyman
Clute	Hannigan	Mountjoy	Mr Speaker

NOES—1

Floyd

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

RECESS

By unanimous consent, at 2:08 p.m., Speaker Brown declared the Assembly recessed.

REASSEMBLED

At 4:10 p.m., the Assembly reconvened.

Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.

Request for Unanimous Consent to Temporarily Suspend the Rules

Assembly Member Jones requested unanimous consent that the Rules be temporarily suspended for the purpose of permitting consideration of amendments to Assembly Bill No. 3 without an analysis being on the Members' desks.

Speaker Brown withheld unanimous consent.

RECESS

By unanimous consent, at 4:11 p.m., Speaker Brown declared the Assembly recessed.

REASSEMBLED

At 4:47 p.m., the Assembly reconvened.

Hon. Willie L. Brown, Jr., Speaker of the Assembly, presiding.

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

ASSEMBLY BILL NO. 3 (Jones)—An act to amend Section 11656.6 of, to repeal Article 2 (commencing with Section 11730) and Article 3 (commencing with Section 11750) of Chapter 3 of Part 3 of Division 2 of, and to add Article 2 (commencing with Section 11729) and Article 3 (commencing with Section 11750) to Chapter 3 of Part 3 of Division 2 of, the Insurance Code, and to amend Sections 62 5, 139, 139.2, 139.3, 139 5, 3208.3, 3600, 3702 1, 3761, 4061, 4062, 4062.2, 4062 5, 4063, 4064, 4067, 4453, 4621, 4623, 4624, 4636, 4638, 4642, 4644, 4906, 4907, 5307.1, 5401, 5401.7, 5402, 5456, and 5703 of, to add Sections 55 7, 138 6, 3762, 3765, 4060, 4600.3, 4600.5, 4609, 4906 1, and 5275.5 to, and to repeal Sections 4064, 5401.5, and 5401.6 of, the Labor Code, relating to workers' compensation, and making an appropriation therefor

Bill read third time.

Motion to Amend

Assembly Member Jones moved the adoption of amendments.
Amendments read.

At 4:51 p.m., Hon. Richard Katz, 39th District, presiding

Point of Order

Assembly Member Jones arose to the following point of order:
That Assembly Member Margolin limit debate to the merits of the amendments to Assembly Bill No. 3.

Ruling by Acting Speaker

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

Point of Order

Assembly Member Ferguson arose to the following point of order:
That Assembly Member Margolin limit debate to the merits of the amendments to Assembly Bill No. 3.

Ruling by Acting Speaker

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

Additional Time for Debate Granted

Assembly Member Mountjoy was granted unanimous consent that Assembly Member Peace be granted two minutes additional time for debate.

At 5:27 p.m., Speaker Willie L. Brown, Jr., 17th District, presiding

**Motion to Table Jones Amendments
to Assembly Bill No. 3**

Assembly Member Hannigan moved that the amendments offered by Assembly Member Jones to Assembly Bill No. 3 be laid upon the table.

Assembly Member Moore seconded the motion.

Motion carried by the following vote:

AYES—35

Alpert	Chacon	Hayden	Polanco
Arenas	Cortese	Klehns	Roybal-Allard
Bane	Eastin	Lee	Speier
Bates	Floyd	Lempert	Tanner
Becerra	Friedman, Barbara	Margolin	Tucker
Bronzan	Friedman, Terry	Moore	Umberg
Burton	Gotch	Murray	Vasconcellos
Campbell	Hannigan	O'Connell	Mr. Speaker
Cannella	Hauser	Peace	

NOES—34

Allen	Costa	Hunter	Nolan
Andal	Eaves	Johnson	Quackenbush
Baker	Felando	Jones	Seastrand
Bentley	Ferguson	Kelley	Statham
Boland	Frazee	Knowles	Woodruff
Brulte	Frizzelle	Lancaster	Wright
Chandler	Hansen	Mays	Wyman
Collins	Harvey	McClintock	
Conroy	Horcher	Mountjoy	

Consideration of Further Amendments

Motion to Amend by Assembly Member Jones

Assembly Member Jones moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

**NOTICE OF MOTION TO WITHDRAW BILLS
FROM COMMITTEE CONTINUED**

Without objection, the notice of motion by Assemblymember McClintock to withdraw Assembly Bills Nos. 1, 2, and 4 from the Committee on Insurance was continued until the next legislative day.

MOTION TO RECESS SECOND EXTRAORDINARY SESSION

Assembly Member Hannigan moved that the Assembly be in recess upon adjournment on October 9, 1992 until reconvened by Joint Call of the Senate Committee on Rules and the Speaker of the Assembly, and in accordance with Article IV Section 7(d), of the Constitution, grants permission to the Senate to do the same.

Assembly Member Katz seconded the motion.

Motion carried by the following vote:

AYES—37

Alpert	Eastin	Katz	Royal-Allard
Banc	Eaves	Klehs	Speier
Bates	Elder	Lee	Tanner
Bronzan	Farr	Lempert	Tucker
Burton	Floyd	Margolin	Umberg
Campbell	Friedman, Barbara	Moore	Vasconcellos
Cannella	Gotch	Murray	Mr Speaker
Chacon	Hanngan	O'Connell	
Connelly	Hauser	Peace	
Cortese	Isenberg	Polanco	

NOES—34

Allen	Conroy	Hunter	Nolan
Andal	Costa	Johnson	Quackenbush
Areias	Felando	Jones	Seastrand
Baker	Ferguson	Kelley	Statham
Bentley	Frazee	Knowles	Woodruff
Boland	Frizzelle	Lancaster	Wright
Brulte	Hansen	Mays	Wyman
Chandler	Harvey	McClintock	
Collins	Horchel	Mountjoy	

VOTE ADDS

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

Assembly Bill No. 3, Resolution to Invoke Constitution: Areias, Frizzelle, Horcher, Lancaster, Nolan, Quackenbush, Woodruff, and Wyman—Aye.

Assembly Bill No. 3, Motion to Table Jones Amendments: Campbell—Aye; Costa—No.

MESSAGES FROM THE SENATE

October 9, 1992

Hon. Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted a motion to be in recess upon adjournment of session today until reconvened by Joint Call of the Senate Committee on Rules and the Speaker of the Assembly and in accordance with Article IV, Sec. 7(d) of the Constitution grants permission to the Assembly to do the same.

Sincerely,

RICK ROLLENS
Secretary of the Senate

ADJOURNMENT

At 5:33 p.m., the Assembly adjourned pursuant to the motion by Assembly Member Hannigan, out of respect to the memory of Keith Pursel, on motion of Assembly Member Polanco; out of respect to the memory of Anthony Torrice, Dr. Anthony Puentes, and Ambrosia Cerri, on motion of Assembly Member Speier; out of respect to the memory of Dorothy Tully, on motion of Assembly Member Connelly; and in honor of the birth of Fallon Nicole Eastin, on motion of Assembly Member Eastin.

WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON OCTOBER 9, 1992**

The following measure was amended in the Assembly on this day:

Assembly Bill

3

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

Assembly Bill

3 (Jones amendments, laid upon the table)

CALIFORNIA LEGISLATURE

1991-92 SECOND EXTRAORDINARY SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 1

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, November 30, 1992

REPORTS OF STANDING COMMITTEES

Committee on Insurance

Assembly Chamber, November 30, 1992

Mr. Speaker: The Committee on Insurance reports:
Assembly Bill No. 1
Without action.

MARGOLIN, Chair

Assembly Chamber, November 30, 1992

Mr. Speaker: The Committee on Insurance reports:
Assembly Bill No. 2
Without action.

MARGOLIN, Chair

Assembly Chamber, November 30, 1992

Mr. Speaker: The Committee on Insurance reports:
Assembly Bill No. 4
Without action.

MARGOLIN, Chair

MEASURES WHICH DIED ON THIRD READING

Assembly Bill No. 3.

MEASURES WHICH DIED AT ASSEMBLY DESK

Assembly Concurrent Resolution No. 1.

ADJOURNMENT

At 12 midnight, pursuant to the provisions of Article IV, Section 3(a) of the Constitution, the 1991-92 Second Extraordinary Session of the Legislature was adjourned *sine die*.

WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk