

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 4, 1996

ONE HUNDRED FORTY-SIXTH SESSION DAY

THREE HUNDRED NINETY-SIXTH 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
Thursday, January 4, 1996

The Assembly met at 12:40 p.m.
Hon. Brian Setencich, Speaker of the Assembly, presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

QUORUM PRESENT

At 12:41 p.m., Speaker Setencich declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

PRAYER

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

Lord, This afternoon we lift up our hearts to You, for You are sovereign; You govern and sanctify all creation. We acknowledge, Holy Master that if You do not build the house of virtue in our hearts, then we labor in vain. Accept our prayer at this hour. Strengthen us and grant us wisdom in all that we seek to accomplish this day.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Setencich, Assembly Member Harvey 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 Katz, seconded by Assembly Member Pringle.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 4, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 47 | Assembly Bill No. 185 |
| Assembly Bill No. 52 | Assembly Bill No. 252 |
| Assembly Bill No. 85 | Assembly Bill No. 260 |
| Assembly Bill No. 121 | Assembly Bill No. 269 |
| Assembly Bill No. 134 | Assembly Bill No. 296 |
| Assembly Bill No. 159 | Assembly Bill No. 508 |
| Assembly Bill No. 164 | Assembly Bill No. 769 |
| Assembly Bill No. 169 | Assembly Bill No. 931 |
| Assembly Bill No. 177 | Assembly Bill No. 944 |
| Assembly Bill No. 183 | Assembly Bill No. 1646 |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 4, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- Assembly Bill No. 703

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, January 4, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

- | | |
|------------------------|------------------------|
| Assembly Bill No. 474 | Assembly Bill No. 1359 |
| Assembly Bill No. 553 | Assembly Bill No. 1565 |
| Assembly Bill No. 826 | Assembly Bill No. 1832 |
| Assembly Bill No. 1281 | |

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 4, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 363
 Assembly Bill No. 476
 Assembly Bill No. 612
 Assembly Bill No. 711
 Assembly Bill No. 713
 Assembly Bill No. 735
 Assembly Bill No. 850
 Assembly Bill No. 925
 Assembly Bill No. 960
 Assembly Bill No. 961
 Assembly Bill No. 974
 Assembly Bill No. 1091
 Assembly Bill No. 1142

Assembly Bill No. 1162
 Assembly Bill No. 1190
 Assembly Bill No. 1275
 Assembly Bill No. 1348
 Assembly Bill No. 1352
 Assembly Bill No. 1363
 Assembly Bill No. 1368
 Assembly Bill No. 1372
 Assembly Bill No. 1438
 Assembly Bill No. 1537
 Assembly Bill No. 1724
 Assembly Bill No. 1925

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Transportation

January 4, 1996

Mr. Speaker: The Chair of your Committee on Transportation reports:

Assembly Bill No. 1457

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

VILLARAIGOSA, Chairman

ASSEMBLY BILL NO. 1457—An act to add Section 44036.4 to the Health and Safety Code, relating to air pollution.

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 Public Employees, Retirement and Social Security

January 4, 1996

Mr. Speaker: The Chair of your Committee on Public Employees, Retirement and Social Security reports:

Assembly Bill No. 312

Assembly Bill No. 430

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

CANNELLA, Vice Chair

ASSEMBLY BILL NO. 312—An act to amend Sections 20685 and 21367.54 of, and to repeal Section 21292.6 of, the Government Code, relating to public employees.

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.

ASSEMBLY BILL NO. 430—An act to amend Section 22953 of, and to add Section 24312 to, the Education Code, relating to the State Teachers' Retirement System, 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 Insurance

January 4, 1996

Mr. Speaker: The Chair of your Committee on Insurance reports:
Assembly Bill No. 987
Assembly Bill No. 1106
Assembly Bill No. 1650

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

KNOWLES, Chairman

ASSEMBLY BILL NO. 987—An act to amend Section 4454 of the Labor Code, and to amend Section 927 of the Unemployment Insurance Code, relating to employment.

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.

ASSEMBLY BILL NO. 1106—An act to amend Sections 4600.3 and 4600.5 of the Labor Code, relating to workers' compensation.

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.

ASSEMBLY BILL NO. 1650—An act to add Section 4664 to the Labor Code, relating to workers' compensation, 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 Transportation

January 4, 1996

Mr. Speaker: The Chair of your Committee on Transportation reports:
Assembly Bill No. 740

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

VILLARAIGOSA, Chairman

ASSEMBLY BILL NO. 740—An act to amend Section 15278 of the Vehicle Code, relating to hazardous waste.

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 Public Safety

January 4, 1996

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 990

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

BOLAND, Chairwoman

ASSEMBLY BILL NO. 990—An act to amend Section 2085.5 of the Penal Code, and to amend Section 1752.82 of the Welfare and Institutions Code, relating to prisoners, 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 Transportation

January 4, 1996

Mr. Speaker: The Chair of your Committee on Transportation reports:

Assembly Bill No. 669

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

VILLARAIGOSA, Chairman

ASSEMBLY BILL NO. 669—An act to add Section 5076 to the Vehicle Code, relating to vehicles.

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

January 4, 1996

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

Assembly Bill No. 362

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

RICHTER, Chairman

ASSEMBLY BILL NO. 362—An act to amend Section 43021 of the Public Resources Code, and to amend Section 13172 of the Water Code, relating to solid waste.

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 Governmental Organization

January 4, 1996

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:

Assembly Bill No. 1052

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

TUCKER, Chairman

ASSEMBLY BILL NO. 1052—An act to amend Section 19608.2 of the Business and Professions Code, relating to horseracing.

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 Appropriations

January 4, 1996

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

Assembly Bill No. 246

Assembly Bill No. 1533

Assembly Bill No. 255

Assembly Bill No. 1977

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

POOCHIGIAN, Chairman

ASSEMBLY BILL NO. 246—An act to amend Sections 48900 and 48918 of the Education Code, and to add Section 827.1 to the Welfare and Institutions Code, relating to pupil expulsion.

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.

ASSEMBLY BILL NO. 255—An act to amend Sections 16582, 16583, and 16584 of, to add and repeal Sections 15705, 16583.5, 16583.6, 16583.7, and 16584.5 of, to repeal Section 16581 of, and to repeal, add, and repeal Section 16587 of, the Government Code, and to amend Section 19532 of, and to add and repeal Section 19568 of, the Revenue and Taxation Code, relating to state funds, 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.

ASSEMBLY BILL NO. 1533—An act to amend Section 1243 of, and to add Chapter 13 (commencing with Section 1860) to Part 2 of Division 2 of, the Water Code, relating to water.

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.

ASSEMBLY BILL NO. 1977—An act to amend Section 2 of Chapter 808 of the Statutes of 1994, relating to the Bear Valley Unified School District, making an appropriation therefor, 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 Education

January 4, 1996

Mr. Speaker: The Chair of your Committee on Education reports:

Assembly Bill No. 649

Assembly Bill No. 1306

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

ALPERT, Chairwoman

ASSEMBLY BILL NO. 649—An act to add Section 51219 to the Education Code, relating to pupil testing.

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.

ASSEMBLY BILL NO. 1306—An act to amend Sections 52760, 52761, 52762, and 52764 of the Education Code, relating to schools.

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 Human Services

January 4, 1996

Mr. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 1484

Assembly Bill No. 1495

Assembly Bill No. 1723

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

BORDONARO, Chairman

ASSEMBLY BILL NO. 1484—An act to amend Section 1597.531 of the Health and Safety Code, relating to family day care homes.

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.

ASSEMBLY BILL NO. 1495—An act to add Section 11251 to the Welfare and Institutions Code, relating to public assistance.

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.

ASSEMBLY BILL NO. 1723—An act to add Section 1596.867 to the Health and Safety Code, relating to child day care facilities.

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.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to Committee:

Assembly

<i>Bill No.</i>	<i>Committee</i>
714 -----	Pub. S.
748 -----	Trans. and W.,P. & W.
779 -----	Rev. & Tax.
1008 -----	Pub. S.
1351 -----	Pub. S.
1456 -----	B. & F.
1652 -----	Pub. S.

Senate

<i>Bill No.</i>	<i>Committee</i>
340 -----	B. & F. and L. Gov.
1353 -----	L. & E.

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:

Assembly Bills Nos. 1622 and 1624, on request of Assembly Member McDonald.

NOMINATION FOR SPEAKER OF THE ASSEMBLY

Assembly Member Brulte nominated Assembly Member Curt Pringle to be Speaker of the California State Assembly.

Assembly Member Harvey seconded the motion.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

Is the motion by Assembly Member Brulte in order or must there first be a motion to vacate the Chair?

Reply by Speaker

The Speaker replied that pursuant to Legislative Counsel opinion and precedent the nomination by Assembly Member Brulte is in order.

FURTHER NOMINATION FOR SPEAKER

Assembly Member Burton nominated Assembly Member Brian Setencich for the Office of Speaker of the Assembly.

Assembly Member Speier seconded the motion.

Nominations Closed

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

ELECTION OF SPEAKER

The roll was called, with the following result:

For Assembly Member Curt Pringle:

Ackerman, Aguiar, Alby, Baldwin, Battin, Baugh, 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—40.

For Assembly Member Brian Setencich:

Alpert, Archie-Hudson, Baca, Bates, Bowen, Brown, Burton, Bustamante, Caldera, Campbell, Cannella, Davis, Ducheny, Escutia, Figueroa, Friedman, Gallegos, Hauser, Katz, Knox, Kuehl, Lee, Machado, Martinez, Mazzoni, McDonald, Kevin Murray, Willard Murray, Napolitano, Sher, Speier, Sweeney, Tucker, Vasconcellos, Villaraigosa, Setencich, and Cortese—37.

Whereupon Speaker Setencich announced the vote of the Assembly and declared Assembly Member Curt Pringle the choice of the Assembly for the Office of Speaker for the 1995–96 Regular Session of the Legislature.

APPOINTMENT OF SELECT COMMITTEE ON ESCORT

Chief Clerk E. Dotson Wilson announced the appointment of Assembly Members Brulte, Aguiar, Harvey, Granlund, Thompson, and Alby as a Select Committee on Escort to escort Speaker-elect Curt Pringle to the Rostrum.

OATH OF OFFICE ADMINISTERED

Speaker-elect Pringle appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by Chief Clerk of the Assembly, E. Dotson Wilson.

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.

Speaker Presiding

At 12:57 p.m., the Honorable Curt Pringle, Speaker of the Assembly, presiding.

ADDRESS BY SPEAKER PRINGLE

Speaker Curt Pringle then addressed the Members of the Assembly.

COMMUNICATIONS

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

January 4, 1996

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

Dear Dotson: Please be advised that the Assembly Rules Committee appointed Assembly Member Fred Aguiar as the Speaker pro Tempore. Also, Jim Richardson was appointed as the Chief Administrative Officer of the Rules Committee.

Temporary Appointments were also made to fill vacancies on the following committees:

Howard Kaloogian—Revenue and Taxation Committee
Dick Ackerman—Elections, Reapportionment & Constitutional Amendments Committee
Scott Baugh—Transportation Committee
Bruce Thompson—Vice Chair, Joint Legislative Budget Committee

Sincerely,

CURT PRINGLE
Chair, Assembly Rules Committee

SPEAKER PRO TEMPORE OF THE ASSEMBLY ANNOUNCED

Speaker Pringle announced Assembly Member Fred Aguiar as the Speaker pro Tempore of the Assembly, whereupon he appointed Assembly Members Kuykendall, Hoge, Firestone, Battin, and Knowles as a Select Committee on Escort to escort Speaker pro Tempore-elect Fred Aguiar to the Rostrum.

OATH OF OFFICE ADMINISTERED

Speaker pro Tempore-elect Aguiar appeared at the bar of the Assembly and took and subscribed to the following oath of office administered by Chief Clerk of the Assembly, E. Dotson Wilson.

OATH

for the Office of Speaker pro Tempore 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.

ADDRESS BY SPEAKER PRO TEMPORE AGUIAR

Speaker pro Tempore Aguiar then addressed the Members of the Assembly.

BILLS STRICKEN FROM FILE

Assembly Member Burton was granted unanimous consent that Assembly Bill No. 756 be stricken from file.

Assembly Member Villaraigosa was granted unanimous consent that Assembly Bills Nos. 1215 and 1408 be stricken from file.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Walter C. "Bud" La Core, of Modesto; and out of respect to the memory of Marc Baumgartner.

BILLS RETURNED TO SENATE

Without objection, Assembly Member Bordonaro returned Assembly Bill No. 1418 to the Senate for further action.

WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member Bordonaro was granted unanimous consent that Assembly Bill No. 1091 be withdrawn from the Committee on Human Services and re-referred to the Committee on Education.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Bordonaro announced that the Committee on Human Services would meet on Wednesday, January 10, 1996 at 1 p.m., instead of 9 a.m.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Brulte announced his intention to request that Senate Bill No. 1185 be removed from the inactive file.

BILLS STRICKEN FROM FILE

Assembly Member Brewer was granted unanimous consent that Assembly Bill No. 1785 be stricken from file.

REQUEST FOR UNANIMOUS CONSENT

Assembly Members Sher, Cunneen, and Vasconcellos were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of longtime Mountain View Councilwoman Maryce Freelen.

BILLS STRICKEN FROM FILE

Assembly Member Bates was granted unanimous consent that Assembly Bill No. 767 be stricken from file.

MOTION TO AFFIRM APPOINTMENT OF CHIEF CLERK

Assembly Member Aguiar moved that the Assembly affirm the appointment of E. Dotson Wilson as Chief Clerk of the Assembly.

Assembly Member Brulte seconded the motion.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

Is the Chief Clerk not appointed by the Rules Committee under new rules adopted on January 3, 1996?

Reply by Speaker

The Speaker replied that the appointment of the Chief Clerk, Sergeant-at-Arms, and Chaplain is determined by the Body pursuant to Government Code Section 9171.

Further Consideration of Aguiar Motion

The motion by Assembly Member Aguiar that the Assembly affirm the appointment of E. Dotson Wilson as Chief Clerk of the Assembly carried by unanimous consent.

OATH OF OFFICE ADMINISTERED

Chief Clerk E. Dotson Wilson appeared at the bar of the Assembly and took and subscribed to the following oath of office, administered by Speaker Curt Pringle.

OATH*for the Office of Chief Clerk 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.

Motion to Appoint Acting Sergeant-at-Arms

Assembly Member Brulte moved that the Assembly appoint Ron Pane as Acting Sergeant-at-Arms.

Assembly Member Thompson seconded the motion.

Roll Call Demanded

Assembly Members Caldera, Kuehl, and Machado demanded a roll call.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

Is there not an elected Sergeant-at-Arms at this time?

Reply by Speaker

The Speaker replied that the Sergeant-at-Arms has not been elected during the 1995-96 session.

Demand for Roll Call Withdrawn

Assembly Member Caldera, with the consent of Assembly Members Kuehl and Machado, withdrew the demand for a roll call vote as it pertains to the motion by Assembly Member Brulte.

Motion to Offer Substitute Motion

Assembly Member Archie-Hudson moved to offer a substitute motion to elect Charles Bell as Sergeant-at-Arms.

Assembly Member McDonald seconded the motion.

CAUCUS ANNOUNCEMENTS

At 1:17 p.m., Assembly Member Kevin Murray was granted unanimous consent that the Democratic Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 1:17 p.m., Speaker Pringle declared the Assembly recessed.

REASSEMBLED

At 1:25 p.m., the Assembly reconvened.

Hon. Curt Pringle, Speaker of the Assembly, presiding.

**FURTHER CONSIDERATION OF
ARCHIE-HUDSON MOTION TO OFFER SUBSTITUTE MOTION**

Demand for Previous Question

Assembly Members Burton, Alpert, Sweeney, Machado, and Davis demanded the previous question. Demand sustained.

The question being on the Archie-Hudson motion to offer a substitute motion to elect Charles Bell as Sergeant-at-Arms.

Motion lost by the following vote:

AYES—35

Alpert	Campbell	Isenberg	Murray, Willard
Archie-Hudson	Cannella	Katz	Napolitano
Baca	Davis	Knox	Sher
Bates	Ducheny	Kuehl	Speier
Bowen	Escutia	Lee	Sweeney
Brown	Figuroa	Machado	Tucker
Burton	Friedman	Mazzoni	Vasconcellos
Bustamante	Gallegos	McDonald	Villaraigosa
Caldera	Hauser	Murray, Kevin	

NOES—40

Ackerman	Brulte	Kaloogian	Poochigian
Aguiar	Conroy	Knight	Rainey
Alby	Cunneen	Knowles	Richter
Baldwin	Firestone	Kuykendall	Rogan
Battin	Frusetta	Margett	Setencich
Baugh	Goldsmith	McPherson	Takasugi
Boland	Harvey	Miller	Thompson
Bordonaro	Hawkins	Morrissey	Weggeland
Bowler	Hoge	Morrow	Woods
Brewer	House	Olberg	Mr. Speaker

Further Consideration of Motion by Assembly Member Brulte

The question being on the motion by Assembly Member Brulte to appoint Ron Pane as Acting Sergeant-at-Arms.

Motion carried by the following vote:

AYES—74

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

NOES—None

ADDRESS BY CHARLES BELL

Charles Bell then addressed the Members of the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Conroy was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ed Stanearth, of West Minster.

Assembly Member Olberg was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 668, on request of Assembly Member Knowles.

REQUEST FOR UNANIMOUS CONSENT

Assembly Members Granlund and Brulte were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William G. Moore, of Redlands.

POINT OF ORDER

Assembly Member Katz arose to the following point of order:

That subsequent to the adoption of new rules personnel actions were taken on January 3, 1996 prior to the meeting of the Committee on Rules earlier this day.

BILLS STRICKEN FROM FILE

Assembly Member Mazzoni was granted unanimous consent that Assembly Bill No. 1830 be stricken from file.

Assembly Member Alpert was granted unanimous consent that Assembly Bill No. 168 be stricken from file.

Assembly Member Ducheny was granted unanimous consent that Assembly Bill No. 839 be stricken from file.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Ducheny was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rosa Manuela Huerta Valdez De Vasquez, of National City.

REQUEST FOR UNANIMOUS CONSENT

Speaker Pringle requested unanimous consent that all Governor's vetoes be stricken from the file.

Unanimous consent was withheld.

BILLS STRICKEN FROM FILE

Assembly Member Machado was granted unanimous consent that Assembly Bill No. 580 be stricken from file.

PARLIAMENTARY INQUIRY

Assembly Member Brulte arose to the following parliamentary inquiry:

Is it not the policy of the House that Governor's vetoes remain on file for 1 day and are then stricken from the file?

Reply by Speaker

The Speaker replied that the policy would be determined subsequent to further discussions with leadership.

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

ASSEMBLY BILL NO. 1626—An act to amend Section 19221 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 1627—An act to amend Sections 18662 and 18668 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 638—An act to amend Sections 12050 and 12054 of the Penal Code, relating to concealable weapons licenses.

Bill read second time; amendments proposed by the Committee on Public Safety read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

**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. 1147, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 611—An act to amend Section 16722 of the Government Code, relating to bond acts.

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

UNFINISHED BUSINESS

ASSEMBLY BILL NO. 1168 RECONSIDERED BY UNANIMOUS CONSENT

In compliance with a motion given, Assembly Member Campbell was granted unanimous consent that the vote be reconsidered whereby the Senate amendments to Assembly Bill No. 1168 which add an urgency clause, were refused concurrence.

Consideration of Senate Amendments to Assembly Bill No. 1168

ASSEMBLY BILL NO. 1168 (Campbell)—An act to add Part 66 (commencing with Section 100000) to the Education Code, relating to public education facilities construction through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, 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.

Point of Order

Assembly Member Mazzoni arose to the following point of order: That debate be limited to the merits of Assembly Bill No. 1168.

Ruling by Speaker

The Speaker ruled the point of order not well-taken.

Demand for Previous Question

Assembly Members Escutia, Machado, Lee, Villaraigosa, and Kevin Murray demanded the previous question. Demand sustained.

The question being on the adoption of the urgency clause.

Urgency clause adopted by the following vote:

AYES—69

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

NOES—6

Baugh	Knowles	Olberg
Hoge	Margett	Thompson

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

AYES—69

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

NOES—6

Baugh	Knowles	Olberg
Hoge	Margett	Thompson

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Without objection, the following communications were ordered printed in the Journal:

January 4, 1996

Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Third Floor
Sacramento, California

Dear Dotson: I request that I be a coauthor of AB 1168 (Campbell) relating to placing a school bond on the March 1996 ballot.

This measure is important for schools in my district and those in our state.

Sincerely,

PETER FRUSETTA, Assembly Member
 Twenty-eighth District

January 4, 1996

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

Dear Mr. Wilson: This letter is to request that my name be added as a coauthor on Assembly Bill 1168 (Campbell), relating to school bonds, and that this be reflected in the Journal record.

Thank you for your attention to this request.

Sincerely,

BRETT GRANLUND, Assembly Member
 Sixty-fifth District

January 4, 1996

Dotson Wilson
Chief Clerk of the Assembly
State Capitol
Third Floor
Sacramento, California

Dear Dotson: I request that the following members be added as coauthors on AB 1168 (Campbell) relating to placing a school bond on the March 1996 ballot.

Susan Davis
 Mike Machado
 Debra Bowen
 Liz Figueroa
 Sheila Kuehl

Kerry Mazzoni
 Denise Ducheny
 John Vasconcellos
 Tom Hannigan

This measure is very important for schools in their districts and those in our state.

Sincerely,

RICHARD KATZ
 Democratic Floor Leader

TO: DOTSON WILSON

FR: ASSEMBLYMAN BRUCE MCPHERSON

Please include me as a co-author on AB 1168 by Assemblyman Bob Campbell to place a \$3 billion bond on the March 1996 ballot. The schools in my district, and in the state of California, are in need of new and improved facilities for the ever-growing student enrollment in our schools. Deadlines make it impossible to add my name as a co-author, without amendments, at this time.

Sincerely,

BRUCE MCPHERSON, Assembly Member
Twenty-seventh District

January 4, 1996

*Hon. Curt Pringle
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Speaker Pringle: This is to make public my intention of co-authoring Assembly Bill 1168, the school bond ballot issue. I understand that because of deadlines it is impossible for me to be added today unless amendments take place.

As I am concerned about the present physical condition of California's public schools and believe strongly that this measure is necessary I would appreciate my name being added as co-author.

Thank you.

Sincerely,

NAO TAKASUGI, Assembly Member
Thirty-seventh District

BILLS STRICKEN FROM FILE

Assembly Member McPherson was granted unanimous consent that Assembly Bill No. 1701 be stricken from file.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member McPherson announced that the Committee on Elections, Reapportionment and Constitutional Amendments would meet on Monday, January 8, 1996 at 1:30 p.m., instead of 4 p.m.

RECESS

By unanimous consent, at 2:02 p.m., Speaker Pringle declared the Assembly recessed.

REASSEMBLED

At 2:12 p.m., the Assembly reconvened.

Hon. Curt Pringle, Speaker of the Assembly, presiding.

ASSEMBLY MEMBER SCOTT BAUGH WELCOMED TO THE ASSEMBLY

Speaker Pringle welcomed newly elected Assembly Member Scott Baugh, representing the 67th Assembly District, to the California State Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 458, 976, 1317, 574, and 378; and Senate Bills Nos. 1332 and 394 were continued until the next legislative day.

MOTIONS TO WITHDRAW BILLS FROM COMMITTEE CONTINUED

Without objection the motion to withdraw Assembly Joint Resolution No. 18 from the Committee on Public Safety was continued until the next legislative day; and the motion to withdraw Assembly Bill No. 528 from the Committee on Human Services was continued until the next legislative day.

MOTION TO ADJOURN

At 2:16 p.m., Assembly Member McDonald moved that the Assembly do now adjourn.

REMARKS ON CONDITION OF THE FILE

Assembly Member Mazzoni arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member McDonald that the Assembly adjourn.

Motion carried.

VOTE ADDS

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

Brulte Motion to Elect Acting Chief Sergeant-at-Arms: Boland, Cannella, Cortese, and Hannigan—Aye.

Assembly Bill No. 1168, Urgency and Concurrence: Rogan—Aye.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 2:18 p.m., Speaker Pringle declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1991—Granlund. An act to repeal and add Section 206.1 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1992—McDonald. An act to add Section 287 to the Penal Code, relating to sex offenses.

ASSEMBLY BILL NO. 1993—McDonald. An act to add Section 11267.5 to the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 1994—Burton (Principal coauthors: Alpert and Kuehl). An act to amend Section 1377 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 1995—Ducheny. An act relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1996—Margett. An act to add and repeal Section 44475 of the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 1997—House (Senator Monteith, coauthor). An act to add Section 56111.12 to the Government Code, and to amend Section 99231 of the Public Utilities Code, relating to annexation, and declaring the urgency thereof, to take effect immediately.

AUTHOR'S AMENDMENTS
Committee on Transportation

January 4, 1996

Mr. Speaker: The Chair of your Committee on Transportation reports:

Assembly Bill No. 748

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

VILLARAIGOSA, Chairman

ASSEMBLY BILL NO. 748—An act to amend Section 663.7 of the Harbors and Navigation Code, relating to boating safety.

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 Revenue and Taxation

January 4, 1996

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 703

Assembly Bill No. 779

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

MCDONALD, Chairwoman

ASSEMBLY BILL NO. 703—An act to amend Sections 17053.49 and 23649 of, and to add Sections 17052.8 and 23604 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

ASSEMBLY BILL NO. 779—An act to amend Section 25122 of the Revenue and Taxation Code, relating to taxation.

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 Revenue and Taxation

January 4, 1996

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 1971

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

MCDONALD, Chairwoman

ASSEMBLY BILL NO. 1971—An act to amend Section 19011 of the Revenue and Taxation Code, relating to taxation.

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 Consumer Protection, Governmental Efficiency
and Economic Development**

January 4, 1996

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1180

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

SPEIER, Chairwoman

ASSEMBLY BILL NO. 1180—An act to add Chapter 5.5 (commencing with Section 11540) to Division 3 of Title 2 of the Government Code, relating to administrative adjudication.

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 Governmental Organization**

January 4, 1996

Mr. Speaker: The Chair of your Committee on Governmental Organization reports:
Assembly Bill No. 385

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

TUCKER, Chairman

ASSEMBLY BILL NO. 385—An act to amend Section 23320 of the Business and Professions Code, relating to alcoholic beverages.

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**

January 4, 1996

Mr. Speaker: The Chair of your Committee on Judiciary reports:

Senate Bill No. 86

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

KUEHL, Chairwoman

SENATE BILL NO. 86—An act to amend Section 355 of, and to add Sections 351 and 358.5 to, the Welfare and Institutions Code, relating to minors.

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 Appropriations**

January 4, 1996

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

Assembly Bill No. 435

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

POOCHIGIAN, Chairman

ASSEMBLY BILL NO. 435—An act to amend Section 3521 of the Government Code, relating to state employees.

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 Public Safety

January 4, 1996

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 614
Assembly Bill No. 988

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

BOLAND, Chairwoman

ASSEMBLY BILL NO. 614—An act to amend Section 6250 of, and to add Article 4 (commencing with Section 6600) to Chapter 2 of Part 2 of Division 6 of, the Welfare and Institutions Code, relating to sexual predators.

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.

ASSEMBLY BILL NO. 988—An act to amend Section 1324 of, to add and repeal Title 16 (commencing with Section 1700) of Part 2 of, and to repeal Section 1324.1 of, the Penal Code, relating to criminal procedure, 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.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member McDonald, the Assembly adjourned until 3:30 p.m., Monday, January 8, 1996, out of respect to the memory of Walter C. "Bud" La Core and Marc Baumgartner, on motion of Assembly Member House; out of respect to the memory of Maryce Freelen, on motion of Assembly Members Sher, Cunneen, and Vasconcellos; out of respect to the memory of Ed Stanearth, on motion of Assembly Member Conroy; out of respect to the memory of William G. Moore, on motion of Assembly Members Granlund and Brulte; and out of respect to the memory of Rosa Manuela Huerta Valdez De Vasquez, on motion of Assembly Member Ducheny.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 4, 1996**

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

AB	RN
246	9535461
255	9535181
312	9534879
362	9534969
385	9600050
430	9534598
435	9535647
614	9534990
638	9525528
649	9535501
669	9535452
703	9535570
740	9535065
748	9533641
779	9534564
987	9535103
988	9600125
990	9535033

AB	RN
1052	9534541
1106	9535081
1180	9535650
1306	9535360
1457	9534689
1484	9534987
1495	9535435
1533	9600056
1650	9534473
1723	9534966
1971	9534747
1977	9535118

SB	RN
86	9534991
611	9532358