

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 10, 1996
ONE HUNDRED FORTY-NINTH SESSION DAY
FOUR HUNDRED SECOND 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
Wednesday, January 10, 1996

The Assembly met at 7 a.m.

Hon. Jim Morrissey, Assembly Member, 69th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Akiba H. Howard reading.

ROLL CALL

The following were placed upon the morning roll call—75:

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

Quorum present.

At 3:15 p.m., Hon. Brett Granlund, 65th District, presiding

REGULAR BUSINESS DISPENSED WITH

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

LEAVES OF ABSENCE FOR THE DAY

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

On legislative business: Assembly Member Brulte.

Because of illness: Assembly Members Gallegos and Speier.

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

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 10, 1996

*Assembly Speaker Curt Pringle
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: Please excuse me from check-in session on January 10, 1996, as I will be in my district on legislative business. Thank you.

Sincerely,

JAMES L. BRULTE, Assembly Member
Sixty-third District

COMMUNICATIONS

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

Explanation of Vote—Assembly Bill No. 680

January 9, 1996

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

Dear Mr. Wilson: I am writing in regards to last night's vote on AB 680 (Mazzoni). I did not have a chance to vote on this bill because I did not receive a call at my home informing me that Assembly was reconvening.

I would like to have my vote recorded as "aye" on this measure as I have supported the school construction bond from the beginning.

Thank you for your attention to this matter.

Sincerely,

PETER FRUSETTA, Assembly Member
Twenty-eighth District

January 10, 1996

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

Dear Mr. Wilson, Please be advised that the following member is appointed to the Joint Legislative Budget Committee for today's hearing: Gary Miller.

Assemblyman Pringle is temporarily removed from the Committee and is to be replaced for today's hearing by the following member: Jim Rogan.

Sincerely,

CURT PRINGLE
Chair, Committee on Rules

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 10, 1996

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

Assembly Bill No. 9	Assembly Bill No. 1160
Assembly Bill No. 403	Assembly Bill No. 1394
Assembly Bill No. 577	Assembly Bill No. 1443
Assembly Bill No. 727	Assembly Bill No. 1494
Assembly Bill No. 777	Assembly Bill No. 1530
Assembly Bill No. 784	Assembly Bill No. 1562
Assembly Bill No. 841	Assembly Bill No. 1650
Assembly Bill No. 926	Assembly Bill No. 1752
Assembly Bill No. 1073	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 2025—Burton. An act to add Section 1596.797 to the Health and Safety Code, relating to child day care facilities.

ASSEMBLY BILL NO. 2026—Frusetta. An act to amend Sections 84, 694, 700, 987.25, and 987.88 of the Military and Veterans Code, relating to veterans.

ASSEMBLY BILL NO. 2027—Frusetta. An act to amend Sections 35781 and 35795 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 2028—Frusetta. An act to repeal and add Section 45103.5 of the Education Code, relating to school employees.

ASSEMBLY BILL NO. 2029—Frusetta. An act to add Section 17255 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 2030—Frusetta. An act to amend Section 354 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 2031—Frusetta. An act to amend Section 14081 of the Food and Agricultural Code, relating to economic poisons.

ASSEMBLY BILL NO. 2032—Frusetta. An act to amend Sections 5004, 5006, 5026, 5030, 5032, 5033, 5034, 5035, 5101, 5103, 5104, 5105, 5251, 5252, 5254, and 5255 of the Food and Agricultural Code, relating to agriculture.

ASSEMBLY BILL NO. 2033—Frusetta. An act to add and repeal Sections 17053.53 and 23653 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 2034—Frusetta. An act to add Section 11451.4 to, and to repeal Article 2.2 (commencing with Section 11271) of Chapter 3 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 2035—Frusetta. An act to amend Section 186.22 of, and to repeal Section 186.27 of, the Penal Code, relating to street terrorism.

ASSEMBLY BILL NO. 2036—Frusetta. An act to amend Section 11320.3 of, and to add Section 11451.5 to, the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 2037—Frusetta. An act to amend Sections 1601 and 1603 of the Fish and Game Code, relating to streambed alterations.

ASSEMBLY BILL NO. 2038—Frusetta. An act to amend Sections 222, 224, 227, 233, and 237 of the Food and Agricultural Code, relating to agriculture.

ASSEMBLY BILL NO. 2039—Frusetta. An act to amend Sections 86203 and 86204 of, and to repeal and add Section 86201 of, the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 2040—Frusetta. An act to amend Section 48915 of the Education Code, relating to pupil expulsion.

ASSEMBLY BILL NO. 2041—Frusetta. An act to amend Sections 17053.49 and 23649 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 2042—Frusetta. An act to add Section 1267.4 to the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 2043—Boland. An act to amend Section 57079 of the Government Code, relating to local government organization.

ASSEMBLY BILL NO. 2044—Granlund. An act to add Section 5029 to the Penal Code, relating to prison labor.

ASSEMBLY BILL NO. 2045—Willard Murray. An act to add Section 12029 to, to add Article 2.2 (commencing with Section 12250) to Chapter 2 of Division 5 of, and to repeal Section 12736 of, the Business and Professions Code, relating to weights and measures.

ASSEMBLY BILL NO. 2046—Tucker. An act to amend Sections 33021 and 33031 of, to amend the heading of Article 10 (commencing with Section 33420) of Part 1 of Division 24 of, and to add Sections 33039.5 and 33420.7 to, the Health and Safety Code, relating to redevelopment.

ASSEMBLY BILL NO. 2047—Hauser. An act to add Section 11521 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 2048—Hauser. An act to add and repeal Section 1201.6 to the Harbors and Navigation Code, relating to pilots, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 48—Baca. Relative to the City of San Bernardino.

AUTHOR'S AMENDMENTS

Committee on Health

January 10, 1996

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

Assembly Bill No. 1758

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

GRANLUND, Chairman

ASSEMBLY BILL NO. 1758—An act to add Sections 17141.5, 17267, 17267.5, and 24343.7 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.

AUTHOR'S AMENDMENTS

Committee on Appropriations

January 10, 1996

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

Senate Bill No. 430

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

POOCHIGIAN, Chairman

SENATE BILL NO. 430—An act to add Chapter 6 (commencing with Section 60800) to, and to add and repeal Chapter 5 (commencing with Section 60600) of, Part 33 of the Education Code, and to amend Section 11126 of the Government Code, relating to pupil testing, 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 Judiciary

January 10, 1996

Mr. Speaker: The Chair of your Committee on Judiciary reports:
Assembly Bill No. 1688

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

KUEHL, Chairwoman

ASSEMBLY BILL NO. 1688—An act to add Section 12013.1 to the Government Code, relating to legal proceedings.

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 Banking and Finance

January 10, 1996

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:
Assembly Bill No. 1646

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

MILLER, Chairman

ASSEMBLY BILL NO. 1646—An act to amend Sections 17207, 17208, and 17601 of the Financial Code, relating to escrow.

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 10, 1996

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 689
Assembly Bill No. 1318
Assembly Bill No. 1641

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

POOCHIGIAN, Chairman

ASSEMBLY BILL NO. 689—An act to amend Section 830.7 of the Penal Code, and to add Sections 5321 and 5322 to the Public Utilities Code, relating to household goods carriers.

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. 1318—An act to add Article 6 (commencing with Section 43850) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, and to add and repeal Section 6356.6 of the Revenue and Taxation Code, relating to air pollution, 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. 1641—An act to add Chapter 17 (commencing with Section 11600) to Part 7 of the Education Code, relating to education.

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 10, 1996

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 267

Assembly Bill No. 890

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

BOLAND, Chairwoman

ASSEMBLY BILL NO. 267—An act to add Section 1292.41 to the Penal Code, and to amend Section 204.5 of, and to add Sections 730.8 and 827.3 to, the Welfare and Institutions Code, relating to crime.

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. 890—An act to amend Section 219 of the Code of Civil Procedure, and to amend Sections 12027 and 12031 of the Penal Code, relating to peace officers.

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 Health

January 10, 1996

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

Assembly Bill No. 1210

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

GRANLUND, Chairman

ASSEMBLY BILL NO. 1210—An act to add Section 1360.5 to the Health and Safety Code, relating to health care service plans.

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 Natural Resources

January 10, 1996

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 1285

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

SHER, Chairman

ASSEMBLY BILL NO. 1285—An act to amend Section 31150.1 of the Public Resources Code, relating to the State Coastal Conservancy.

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 10, 1996

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Assembly Bill No. 880

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

BOLAND, Chairwoman

ASSEMBLY BILL NO. 880—An act to amend Section 1385 of the Penal Code, relating to criminal procedure.

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 Natural Resources

January 10, 1996

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 1918

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

SHER, Chairman

ASSEMBLY BILL NO. 1918—An act to amend Sections 14561 and 14575 of, to amend, repeal, and add Section 14504 of, and to add Sections 14560.2 and 14580.2 to, the public Resources Code, relating to beverage containers, 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.

REPORTS OF STANDING COMMITTEES
Committee on Transportation

Date of Hearing: January 8, 1996

Mr. Speaker: Your Committee on Transportation reports:
Assembly Bill No. 273

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

VILLARAIGOSA, Chairman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 81

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

BOLAND, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1346

Assembly Bill No. 1678

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Appropriations.

BOLAND, Chairwoman

Above bills ordered to second reading.

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1

Assembly Bill No. 7

Assembly Bill No. 172

Assembly Bill No. 411

Assembly Bill No. 1006

Assembly Bill No. 1018

Assembly Bill No. 1205

Assembly Bill No. 1490

Assembly Bill No. 1815

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

BOLAND, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Constitutional Amendment No. 18

With the recommendation: Be adopted, and be re-referred to the Committee on Judiciary.

BOLAND, Chairwoman

Above resolution re-referred to the Committee on Judiciary.

Committee on Appropriations

Date of Hearing: January 10, 1996

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1533

With the recommendation: Do pass.

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 1901

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

BOLAND, Chairwoman

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: January 8, 1996

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 260

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Natural Resources.

VILLARAIGOSA, Chairman

Above bill ordered to second reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 10, 1996

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

Assembly Bill No. 195
 Assembly Bill No. 246
 Assembly Bill No. 432
 Assembly Bill No. 614
 Assembly Bill No. 638
 Assembly Bill No. 766
 Assembly Bill No. 779
 Assembly Bill No. 859
 Assembly Bill No. 880
 Assembly Bill No. 987
 Assembly Bill No. 1008

Assembly Bill No. 1306
 Assembly Bill No. 1351
 Assembly Bill No. 1457
 Assembly Bill No. 1479
 Assembly Bill No. 1495
 Assembly Bill No. 1533
 Assembly Bill No. 1724
 Assembly Bill No. 1748
 Assembly Bill No. 1754
 Assembly Bill No. 1971

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1924—An act to add Section 5001 to the Education Code, and to amend Sections 9030 and 9031 of the Elections Code, relating to elections.

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

ASSEMBLY BILL NO. 297—An act to add Section 2156.5 to the Elections Code, relating to voter registration.

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

SPECIAL COMMITTEE MEETINGS

Unanimous consent was granted that the Committee on Utilities and Commerce be permitted to hold a special meeting on Thursday, January 11, 1996, at 1:30 p.m., in Room 437, and that Joint Rule 62 (a) be waived for the purpose of setting Assembly Bills Nos. 288, 384, 648, and 1588; and Assembly Constitutional Amendment No. 9 for hearing.

By unanimous consent, the following committee was permitted to meet:

Banking and Finance, on Wednesday, January 17, 1996, at 11:30 a.m.

MESSAGES FROM THE GOVERNOR

The following message from the Governor was received and ordered printed in the Journal:

January 10, 1996

To the Senate and the Assembly of the California Legislature:

I submit for your consideration the Governor's Budget for 1996-97.

We begin 1996 with a welcome change from recent years. The past year has seen a broad-based economic recovery in California, with growth that is outpacing the nation and which has generated additional revenue for the state. I firmly believe that this is in large part the result of reforms in the tax and regulatory structure that we have worked to enact in recent years.

This budget invests our increased resources in areas where the state will realize the greatest long-term rewards—in primary and secondary education, in our colleges and universities, in public safety, in infrastructure, and in preventive programs designed to give our children a better and healthier opportunity to grow and learn.

But as welcome as this growth is, experience tells us that we cannot rest on our accomplishments. Other states certainly are not complacent; 20 enacted tax reductions last year in an effort to lure job creators and attract investors. To ensure that our economic growth continues and expands, the budget reflects further reforms to California's tax system and efforts to further improve the state's business climate.

And the state must also move forward to confront two issues that we cannot afford to ignore: the undeniable crisis of juvenile violence, and the growing societal consequences of unwed and teenage pregnancy. This budget contains broad-based initiatives to address these urgent issues.

By investing in California's future, this budget will build on the accomplishments we have made, and create greater opportunity for all Californians.

Sincerely,

PETE WILSON

Accompanying Governor's Budget and Budget Summary ordered filed with the Secretary of State.

RECEIPT

I acknowledge receipt this 10th day of January, 1996, at 4:30 p.m., of the budget for the 1996-97 fiscal year, together with an explanatory message delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS (RESUMED)**

The following bill was introduced and read the first time:

ASSEMBLY BILL NO. 2049—Caldera. An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

ADJOURNMENT

At 4:31 p.m., the Assembly adjourned until 7 a.m., Thursday, January 11, 1996.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 10, 1996**

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

AB	RN
267	9600443
297	9600019
689	9600340
880	9600781
890	9534877
1210	9535606
1285	9600486
1318	9600316
1641	9600252

AB	RN
1646	9600564
1688	9600558
1758	9600248
1918	9535671
1924	9600347

SB	RN
430	9535279