

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 12, 1996

ONE HUNDRED FIFTY-FIRST SESSION DAY

FOUR HUNDRED FOURTH 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
Friday, January 12, 1996

The Assembly met at 8:30 a.m.

Hon. Fred Aguiar, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Brulte moved a quorum call of the Assembly. Motion carried. Time, 8:31 a.m.

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

Quorum Present

At 8:57 a.m., Speaker pro Tempore Aguiar declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—72:

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

PRAYER

Upon invitation of Speaker pro Tempore Aguiar, the following prayer was offered by Pastor Parnell M. Lovelace, Jr., of Center of Praise Ministries, Rancho Cordova:

Our Father, We thank You for this day that You have created, and we thank You for the women and men that You have placed to lead this great state. Father as we commemorate the birth date of Dr. Martin Luther King, Jr., we would ask Your blessings upon today's session, that You would guide the women and men of this state, the leaders You have placed, in wisdom and knowledge, and in the spirit of reconciliation and unity, that great things will be accomplished. We thank You for this and all of Your blessings, in Christ's name we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Aguiar, Assembly Member Brewer 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 Thompson, seconded by Assembly Member Bustamante.

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 Members Cortese, Granlund, McPherson, Miller, Morrow, and Rogan.

Because of illness: Assembly Member Goldsmith.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 10, 1996

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

Dear Mr. Speaker: Please excuse me from Session Friday, January 12, 1996. I am hosting a Breakfast Speaker Series in my district which has been planned for months. The first event, scheduled for January 12, features California State University Chancellor Barry Munitz. My presence at this function is essential.

I would respectfully appreciate your consideration of this request.

Sincerely,

DOMINIC L. CORTESE, Assembly Member
Twenty-third District

January 10, 1996

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

Dear Mr. Speaker: This letter is to request an excuse from session on Friday, January 12, as I have some pressing legislative business with some constituents in my district.

Your favorable consideration of this request would be appreciated. Thank you.

Sincerely,

BRETT GRANLUND, Assembly Member
Sixth-fifth District

January 9, 1996

*Honorable Curt Pringle
Speaker of the Assembly
State Capitol, Room 219*

Dear Mr. Speaker: Please excuse me from session this Friday, January 12, 1996. I will be attending to prior commitments in my district.

Thank you for your attention to this request.

Sincerely,

BRUCE MCPHERSON, Assembly Member
Twenty-seventh District

January 12, 1996

*The Honorable Curt Pringle
Rules Committee, Chairman
California State Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: Please excuse me from session on January 12, 1996. I will be away on legislative business.

Sincerely,

BILL MORROW, Assembly Member
Seventy-third District

January 11, 1996

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

Dear Speaker Pringle: Please excuse me from session on Friday, January 12, 1996. I will be on legislative business.

Thank you. With best personal regards, I remain

Sincerely,

JAMES E. ROGAN, Assembly Member
Forty-third District

(NOTE: For letter explaining the absence of Assembly Member Miller on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Thursday, January 11, 1996.)

COMMUNICATIONS

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

January 12, 1996

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

Dear Mr. Wilson, Please be advised of the following temporary committee assignments for January 16.

Assemblyman Pete Knight is appointed to the Health Committee to fill an existing vacancy, and Assemblyman Phil Hawkins is appointed to replace Assemblyman Jim Morrissey.

Assemblyman Bob Margett is appointed to the Insurance Committee to replace Assemblyman Curt Pringle.

Assemblymen Tom Bordonaro, George House and Trice Harvey are appointed to fill the existing vacancies on the Water, Parks and Wildlife Committee.

Sincerely,

CURT PRINGLE
 Chair, Committee on Rules

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 12, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
 Assembly Bill No. 1901

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, January 12, 1996

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

Assembly Bill No. 9	Assembly Bill No. 1195
Assembly Bill No. 260	Assembly Bill No. 1285
Assembly Bill No. 273	Assembly Bill No. 1346
Assembly Bill No. 622	Assembly Bill No. 1651
Assembly Bill No. 707	Assembly Bill No. 1741
Assembly Bill No. 708	Assembly Bill No. 1745
Assembly Bill No. 880	Assembly Bill No. 1914
Assembly Bill No. 890	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 12, 1996

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

Assembly Bill No. 462	Assembly Bill No. 1918
Assembly Bill No. 1350	Assembly Bill No. 1952
Assembly Bill No. 1678	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS
Committee on Natural Resources

January 12, 1996

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 995

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

SHER, Chairman

ASSEMBLY BILL NO. 995—An act to amend Sections 14575 and 14585 of 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.

AUTHOR'S AMENDMENTS
Committee on Natural Resources

January 12, 1996

Mr. Speaker: The Chair of your Committee on Natural Resources reports:
Assembly Bill No. 1675

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

SHER, Chairman

ASSEMBLY BILL NO. 1675—An act to add Section 43703 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.

**RECESS IN OBSERVANCE OF THE
BIRTHDAY OF DR. MARTIN LUTHER KING JR.**

At 9 a.m. Speaker pro Tempore Aguiar declared the Assembly recessed for a special observance of the birthday of Dr. Martin Luther King Jr., by the California Legislative Black Caucus.

At 9:01 a.m. Hon. Willard Murray, 52nd District, presiding

SPECIAL RECITATION

Celebrated Sacramento poet, author and educator Fred James Jackson recited his composition "The Balcony" to the Members of the Assembly.

MUSICAL PRESENTATION

A gospel music medley was performed for the Members of the Assembly by the Center of Praise Ministries *Praise Ensemble*: Beverly Douglas (Director), Janice Davis, Michelle Monday, Darlene Tellis, and Emelda Wade.

SPECIAL RECOGNITION

Assembly Member Murray gave special recognition to Rev. Parnell M. Lovelace, Jr., who had offered the morning prayer earlier this day, and introduced his wife Mrs. Dianna Lovelace and Assistant Pastor Randy Dean, seated in the rear of the Chamber.

ORATORY

Assembly Member Murray then introduced Rev. Dennis M. Brown, a talented musician, singer, and Vietnam veteran, who delivered a special oratory of excerpts from Dr. King's speeches "Love is Our Method" and "The March on Selma".

Assembly Member Murray introduced Rev. Brown's wife, Mrs. Francine Brown who was seated at the rear of the Chamber.

REASSEMBLED

At 9:16 a.m., the Assembly reconvened.

Hon. Fred Aguiar, Speaker pro Tempore of the Assembly, presiding.

WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member Bordonaro was granted unanimous consent that Assembly Bill No. 974 be withdrawn from the Committee on Human Services and re-referred to the Committee on Health.

REQUEST FOR UNANIMOUS CONSENT

Assembly Members Alpert, Davis, and Ducheny were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. M. Larry Lawrence, Ambassador to Switzerland.

Assembly Member Villaraigosa was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jack Smith, A long-time columnist with the *Los Angeles Times* who died on Tuesday. For 30 years, with wit and wisdom, he humorously chronicled the everchanging face of the City of Los Angeles. He will be missed.

Assembly Member McDonald was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gabriel Reyes.

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Aureo C. Salas, of City of Commerce.

Assembly Member Burton was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Russ Cone, longtime journalist and "Dean of City Hall reporters" for the *San Francisco Examiner*.

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

Pursuant to Assembly Rule 78, Assembly Member Archie-Hudson announced her intention to request that Assembly Bill No. 797 be removed from the inactive file.

ACTION RESCINDED ON ASSEMBLY BILL NO. 698

Assembly Member Cannella was granted unanimous consent to rescind the action whereby the Assembly, on June 2, 1995 (Assembly Journal, page 1983), refused adoption of the urgency clause to Assembly Bill No. 698.

**RE-REFERENCE OF BILLS FROM DESK TO COMMITTEE
AND JOINT RULE 62(a) WAIVED**

Assembly Member Cannella was granted unanimous consent that Assembly Bill No. 698 be referred from the Desk to the Committee on Local Government; and that Joint Rule 62(a) be waived for the purpose of setting the bill for hearing in the Committee on Local Government on Wednesday, January 17, 1996.

JOINT RULE 62(a) WAIVED

Assembly Member Friedman was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 974 for hearing in the Committee on Health.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Baca was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of George Coleman, of Rialto.

Assembly Member Kaloogian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Don Olmstead, of Vista.

**RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE
AND JOINT RULE 62(a) WAIVED**

Assembly Member Knowles was granted unanimous consent that Assembly Bill No. 341 be referred from the third reading file to the Committee on Insurance, and that Joint Rule 62(a) be waived for the purpose of setting the bill for hearing in the Committee on Insurance on Thursday, January 18, 1996.

BILLS RETURNED TO UNFINISHED BUSINESS FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the unfinished business file:
Assembly Bill No. 1910, on request of Assembly Member Campbell.

MOTION TO RECONSIDER URGENCY CLAUSE TO SENATE BILL NO. 1332

Assembly Member Brulte moved to take up the motion by Assembly Member Goldsmith, given on a previous day, to reconsider the vote whereby the urgency clause to Senate Bill No. 1332 was refused adoption.

Assembly Member Katz withheld unanimous consent.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Brown was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

Legislative Intent—Assembly Bill No. 568

January 11, 1996

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

Dear Mr. Wilson: I would like to submit this letter to the Daily Journal for the purpose of clarifying provisions of my Assembly Bill 568, which was passed and signed into law during the 1995 legislative session.

Assembly Bill 568, as chaptered, was not intended to restrict the authority of county agricultural commissioners with respect to the Migratory Bird Act or other authority expressly provided in existing law. Further, AB 568 was not intended to limit the authority of county agricultural commissioners established pursuant to any official agreement or memorandum of understanding with other regulatory agencies.

I hope this letter will clarify any concerns which may have arisen due to the passage of AB 568.

Sincerely,

VALERIE K. BROWN, Assembly Member
Seventh District

**WITHDRAWAL AND RE-REFERENCE OF BILLS
AND JOINT RULE 62(a) WAIVED**

Assembly Member Boland was granted unanimous consent that Assembly Bill No. 294 be withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Public Safety; and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 294 for hearing in the Committee on Public Safety.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Bates was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Isabel Van Frank, of Berkeley.

Assembly Member Alby was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Merlyn Colin Ferris, who is the father of former Member of the Assembly Bev Hansen.

BILLS STRICKEN FROM FILE

Assembly Member Thompson was granted unanimous consent that Assembly Bill No. 307 be stricken from file.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Hannigan was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of William J. Weniger, of Sacramento.

**WITHDRAWAL AND RE-REFERENCE OF BILLS
AND JOINT RULE 62(a) WAIVED**

Assembly Member Sher was granted unanimous consent that Assembly Bill No. 926 be withdrawn from the Committee on Natural Resources and re-referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development; and that Joint Rule 62(a) be waived for the purpose of setting the bill for hearing in the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member Sher was granted unanimous consent that Assembly Bill No. 165 be withdrawn from the Committee on Water, Parks and Wildlife and re-referred to the Committee on Natural Resources.

Assembly Member Sher was granted unanimous consent that Assembly Bill No. 1675 be withdrawn from the Committee on Natural Resources and re-referred to the Committee on Transportation.

SPECIAL COMMITTEE MEETINGS

Assembly Member Villaraigosa was granted unanimous consent that the Committee on Transportation be permitted to hold a special meeting on Wednesday, January 17, 1996, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1675 for hearing.

Assembly Member Sher was granted unanimous consent that the Committee on Natural Resources be permitted to hold a special meeting on Tuesday, January 16, 1996, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 165 for hearing.

CAUCUS ANNOUNCEMENTS

At 9:33 a.m., by unanimous consent, the Republican Caucus was permitted to meet in the Assembly Lounge, and the Democratic Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 9:34 a.m., Speaker pro Tempore Aguiar declared the Assembly recessed.

REASSEMBLED

At 10:13 a.m., the Assembly reconvened.

Hon. Fred Aguiar, Speaker pro Tempore of the Assembly, presiding.

ANNOUNCEMENT

Speaker pro Tempore Aguiar announced that the extended deadline for filing the FPPC candidate statement is January 15th which falls on Monday. Monday is a holiday, making today the *last day* to file.

FPPC Form 721 statements should be express mailed to the County Registrar of Voters today.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 1901, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1553—An act to add Section 19818.11 to the Government Code, relating to state civil service.

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

ASSEMBLY BILL NO. 185—An act to amend and repeal Section 25332 of the Government Code, relating to county services.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 205—An act to repeal Section 19821 of the Government Code, relating to state employees.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 766—An act to amend Section 3206 of the Government Code, relating to public employees.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 276—An act to add Sections 31693 and 31694.5 to the Government Code, relating to county employees.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1286—An act to add Section 401.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1971—An act to amend Sections 17004, 17039, 17220, 18633, 19132, 19602, 19604, 23036, and 23081 of, to add Sections 17851.5 and 19606 to, and to add Chapter 10.5 (commencing with Section 17935), Chapter 10.6 (commencing with Section 17941), and Chapter 10.7 (commencing with Section 17951) to Part 10 of Division 2 of, and to repeal Chapter 1.5 (commencing with Section 23081), Chapter 1.6 (commencing with Section 23091), and Chapter 1.7 (commencing with Section 23097) of Part 11 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1972—An act to amend Section 1060.5 of the Code of Civil Procedure, and to amend Sections 17063, 18152.5, 19602, 19604, 19605, 23051.5, 23455, and 23801 of, and to repeal Section 23804 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1026—An act to add Section 12172.6 to the Government Code, relating to the duties of the Secretary of State.

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.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 12, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 205

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS**

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 285 (Hauser)—An act relating to energy resources, making an appropriation therefor, 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, and adopted by the following vote:

AYES—61

Ackerman	Burton	Katz	Poochigian
Aguiar	Bustamante	Knight	Rainey
Alby	Campbell	Knox	Richter
Alpert	Cannella	Kuehl	Setencich
Archie-Hudson	Cunneen	Kuykendall	Sher
Baca	Davis	Lee	Speier
Bates	Ducheny	Machado	Sweeney
Battin	Escutia	Margett	Takasugi
Baugh	Figuroa	Martinez	Thompson
Boland	Firestone	Mazzoni	Tucker
Bordonaro	Friedman	McDonald	Vasconcellos
Bowen	Frusetta	Morrissey	Villaraigosa
Bowler	Gallegos	Murray, Kevin	Weggeland
Brewer	Harvey	Murray, Willard	
Brown	Hauser	Napolitano	
Brulte	Isenberg	Olberg	

NOES—3

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

AYES—61

Ackerman	Burton	Katz	Poochigian
Aguiar	Bustamante	Knight	Rainey
Alby	Campbell	Knox	Richter
Alpert	Cannella	Kuehl	Setencich
Archie-Hudson	Cunneen	Kuykendall	Sher
Baca	Davis	Lee	Speier
Bates	Ducheny	Machado	Sweeney
Battin	Escutia	Margett	Takasugi
Baugh	Figueroa	Martinez	Thompson
Boland	Firestone	Mazzoni	Tucker
Bordonaro	Friedman	McDonald	Vasconcellos
Bowen	Frusetta	Morrissey	Villaraigosa
Bowler	Gallegos	Murray, Kevin	Weggeland
Brewer	Harvey	Murray, Willard	
Brown	Hauser	Napolitano	
Brulte	Isenberg	Olberg	

NOES—3

Hoge	Kaloogian	Knowles
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Above bill ordered enrolled.

BILLS STRICKEN FROM FILE

Assembly Member Hauser was granted unanimous consent that Assembly Bill No. 997 be stricken from file.

Assembly Member Willard Murray was granted unanimous consent that Assembly Bills Nos. 1558 and 1454 be stricken from file.

Assembly Member Kevin Murray was granted unanimous consent that Assembly Bill No. 1528 be stricken from file.

Assembly Member Knox was granted unanimous consent that Assembly Bill No. 590 be stricken from file.

Assembly Member Speier was granted unanimous consent that Assembly Bill No. 1101 be stricken from file.

**MOTION TO WITHDRAW ASSEMBLY JOINT RESOLUTION NO. 18
FROM COMMITTEE WAIVED**

Assembly Member Caldera waived his motion to withdraw Assembly Joint Resolution No. 18 from the Committee on Public Safety.

**MOTION TO WITHDRAW ASSEMBLY BILL NO. 528
FROM COMMITTEE CONTINUED**

Assembly Member Setencich was granted unanimous consent that the motion to withdraw Assembly Bill No. 528 from the Committee on Human Services be continued until the next legislative day.

MOTION TO RECONSIDER ASSEMBLY BILL NO. 458

Assembly Member Brulte moved that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 458 were refused concurrence.

Parliamentary Inquiry

Assembly Member Burton arose to the following parliamentary inquiry:

Is Assembly Member Brulte's motion properly before the Body as the motion to reconsider was made by the author of the bill?

Reply by Speaker pro Tempore

The Speaker pro Tempore replied that the author of the motion to reconsider could take up her motion or move to continue the motion to the next legislative day.

Motion to Continue Motion to Reconsider

Assembly Member Ducheny moved to continue the motion to reconsider the vote whereby Senate amendments to Assembly Bill No. 458 were refused concurrence.

Assembly Member Bates seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 10:26 a.m.

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

MOTION TO DISPENSE WITH CALL OF THE ASSEMBLY

Assembly Member Katz moved to dispense with the Call of the Assembly as it relates to File Item 43—Assembly Bill No. 976.

Motion Ruled Out of Order

Speaker pro Tempore Aguiar ruled the motion out of order as Item 43—Assembly Bill No. 976 is before the House for consideration at this time and there is no Call of the Assembly pending.

MOTION TO DISPENSE WITH CALL OF THE ASSEMBLY

Assembly Member McDonald moved to dispense with the Call of the Assembly as it relates to the motion to continue the motion to reconsider Assembly Bill No. 458.

Motion Ruled Out of Order

Speaker pro Tempore Aguiar ruled the motion by Assembly Member McDonald out of order as Item 43—Assembly Bill No. 976 is before the House for consideration at this time.

Motion to Appeal from the Decision of the Chair

Assembly Member McDonald moved to appeal from the decision of the Chair.

Assembly Member Willard Murray seconded the motion.

The question being: Shall the decision of the Chair that the motion to dispense with the Call of the Assembly is not in order be overruled?

The roll was opened and the decision of the Chair overruled by the following vote:

AYES—36

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

NOES—32

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

MOTION TO ADJOURN

At 10:29 a.m., Assembly Member Katz moved that the Assembly do now adjourn.

Motion Ruled Out of Order

Speaker pro Tempore Aguiar ruled the motion out of order as there is a Call upon the Assembly, and the House cannot adjourn while under Call.

MOTION TO DISPENSE WITH CALL OF THE ASSEMBLY

Assembly Member McDonald moved to dispense with the Call of the Assembly as it relates to the motion to continue the motion to reconsider Assembly Bill No. 458.

Assembly Member Bowen seconded the motion.

Motion carried by the following vote:

AYES—36

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

NOES—31

Ackerman	Bowler	House	Poochigian
Aguiar	Brewer	Kaloogian	Rainey
Alby	Brulte	Knight	Richter
Baldwin	Cunneen	Knowles	Takasugi
Battin	Firestone	Kuykendall	Thompson
Baugh	Frusetta	Margett	Weggeland
Boland	Harvey	Morrissey	Mr. Speaker
Bordonaro	Hoge	Olberg	

CALL OF THE ASSEMBLY DISPENSED WITH ON MOTION TO CONTINUE MOTION TO RECONSIDER ASSEMBLY BILL NO. 458

At 10:32 a.m., further proceedings under the call of the Assembly were dispensed with.

The motion to continue the motion to reconsider the vote whereby Senate amendments to Assembly Bill No. 458 were refused concurrence carried by the following vote:

AYES—36

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

NOES—32

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

**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. 976, 1317, 574, and 378; and Senate Bills Nos. 1332 and 394 were continued until the next legislative day.

MOTION TO ADJOURN

At 10:32 a.m., Assembly Member Katz moved that the Assembly do now adjourn.

Assembly Member Brulte seconded the motion.

Motion carried by the following vote:

AYES—55

Ackerman	Brulte	Kaloojian	Olberg
Aguiar	Caldera	Katz	Poochigian
Alby	Campbell	Knight	Rainey
Alpert	Cunneen	Knowles	Richter
Archie-Hudson	Davis	Knox	Setencich
Baldwin	Ducheny	Kuykendall	Sher
Bates	Figueroa	Lee	Sweeney
Battin	Friedman	Margett	Takasugi
Baugh	Frusetta	Martinez	Thompson
Bordonaro	Gallegos	McDonald	Vasconcellos
Bowen	Harvey	Morrissey	Villaraigosa
Bowler	Hoge	Murray, Kevin	Weggeland
Brewer	House	Murray, Willard	Mr. Speaker
Brown	Isenberg	Napolitano	

NOES—11

Baca	Cannella	Kuehl	Speier
Boland	Escutia	Machado	Tucker
Burton	Hauser	Mazzoni	

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:33 a.m., Speaker pro Tempore Aguiar 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. 2061—Margett. An act to add Section 730.8 to the Welfare and Institutions Code, relating to juveniles.

ASSEMBLY BILL NO. 2062—Kevin Murray. An act to amend Section 5406.5 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 2063—Isenberg. An act to amend Section 33426.5 of the Health and Safety Code, relating to redevelopment.

ASSEMBLY BILL NO. 2064—Bordonaro. An act to amend Section 8610.5 of the Government Code, relating to nuclear radiation, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2065—Knight. An act to amend Section 186.22 of the Penal Code, relating to street terrorism.

ASSEMBLY BILL NO. 2066—Alby. An act to amend Section 1093 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 2067—Friedman. An act to add Section 1374.4 to the Health and Safety Code, and to add Sections 10124.1 and 11512.81 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 1068—Richter. An act to add Article 16 (commencing with Section 1360) to Chapter 2 of Division 10 of the Evidence Code, relating to hearsay.

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 48—Conroy, Ackerman, Boland, Granlund, Harvey, Hoge, Knight, Margett, and Rainey, (Senator Kopp, coauthor). Relative to illegal aliens.

AUTHOR'S AMENDMENTS
Committee on Human Services

January 12, 1996

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

Senate Bill No. 278

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

BORDONARO, Chairman

SENATE BILL NO. 278—An act to add and repeal Section 14132.97 of, and to repeal, add, and repeal Section 12302.7 of, the Welfare and Institutions Code, relating to social services.

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 12, 1996

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

Assembly Bill No. 492

Assembly Bill No. 583

Assembly Bill No. 1982

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

KUEHL, Chairwoman

ASSEMBLY BILL NO. 492—An act to add Section 3298 to the Civil Code, relating to exemplary damages.

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. 583—An act to add Chapter 5 (commencing with Section 16100) to, and to repeal Chapter 1 (commencing with Section 15001) of, Title 2 of the Corporations Code, relating to partnerships.

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. 1982—An act to amend Section 300 of the Family Code, relating to family law.

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 12, 1996

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 66
With author's amendments with the recommendation: Amend, and re-refer to the committee.

POOCHIGIAN, Chairman

ASSEMBLY BILL NO. 66—An act to add Section 47606.1 to 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 Environmental Safety and Toxic Materials

January 12, 1996

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:
Assembly Bill No. 1909
With author's amendments with the recommendation: Amend, and re-refer to the committee.

RICHTER, Chairman

ASSEMBLY BILL NO. 1909—An act to add Section 25141.2 to the Health and Safety 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 Local Government

January 12, 1996

Mr. Speaker: The Chair of your Committee on Local Government reports:
Assembly Bill No. 698
With author's amendments with the recommendation: Amend, and re-refer to the committee.

RAINEY, Chairman

ASSEMBLY BILL NO. 698—An act to add Section 96.11 to the Revenue and Taxation Code, relating to local government finance, 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.

REPORTS OF STANDING COMMITTEES
Committee on Education

Date of Hearing: January 10, 1996

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 1438
With the recommendation: Do pass, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

ALPERT, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 10, 1996

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 164

Assembly Bill No. 979

Assembly Bill No. 440

Assembly Bill No. 1031

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

ALPERT, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing: January 11, 1996

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 669

Assembly Bill No. 1460

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

VILLARAIGOSA, Chairman

Above bills re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 296

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

MCDONALD, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing: January 11, 1996

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 845

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

VILLARAIGOSA, Chairman

Above bill re-referred to the Committee on Utilities and Commerce.

Committee on Utilities and Commerce

Date of Hearing: January 11, 1996

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 384

Assembly Bill No. 1588

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

MARTINEZ, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 11, 1996

Mr. Speaker: Your Committee on Utilities and Commerce reports:

Assembly Bill No. 288

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

MARTINEZ, Chairwoman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: January 10, 1996

Mr. Speaker: Your Committee on Education reports:

- Assembly Bill No. 745
- Assembly Bill No. 1432
- Assembly Bill No. 1813

With the recommendation: Do pass.

ALPERT, Chairwoman

Above bills ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: January 11, 1996

Mr. Speaker: Your Committee on Utilities and Commerce reports:

- Assembly Constitutional Amendment No. 9

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

MARTINEZ, Chairwoman

Above resolution re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

Committee on Appropriations

Date of Hearing: January 10, 1996

Mr. Speaker: Your Committee on Appropriations reports:

- Assembly Bill No. 1179

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

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: January 8, 1996

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

- Assembly Bill No. 1856

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

McPHERSON, Chairman

Above bill ordered to second reading.

Committee on Consumer Protection, Governmental Efficiency and Economic Development

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

- Assembly Bill No. 621

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

SPEIER, Chairwoman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: May 10, 1995

Mr. Speaker: Your Committee on Education reports:

- Assembly Bill No. 352

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

ALPERT, Chairwoman

Above bill ordered to second reading.

**Committee on Consumer Protection, Governmental Efficiency
and Economic Development**

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1368

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

SPEIER, Chairwoman

Above bill ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: January 8, 1996

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 677

Assembly Bill No. 1492

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

McPHERSON, Chairman

Above bills 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. 893

Assembly Bill No. 1809

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.

Committee on Local Government

Date of Hearing: January 10, 1996

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 52

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

RAINEY, Chairman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, January 12, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Solis and Leonard as a Committee on Conference concerning:

Assembly Bill No. 223.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, January 12, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Johnston, Thompson and Leslie as a Committee on Conference concerning:

Assembly Bill No. 861.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, January 12, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Calderon, Solis and Beverly as a Committee on Conference concerning:

Senate Bill No. 1221.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, January 12, 1996

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

Senate Bill No. 468

JOHN W. ROVANE, Acting Secretary of the Senate

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 468—An act to amend Section 704.110 of the Code of Civil Procedure, to amend Sections 20230 and 21263 of the Government Code, and to add Section 11350.7 to the Welfare and Institutions Code, relating to family law.

INTRODUCTION OF GUESTS

Assembly Member Napolitano, of the 58th Assembly District, acknowledged the five California Teachers of the Year: Cedric Anderson, Los Angeles County Office of Education, Los Angeles County; Sandra Fleishman, Las Virgenes Unified School District, Los Angeles County; Emma Glover, Hanford Elementary School District, Kings County; Javier Gonzalez, Whittier Union High School District, Los Angeles County; and John McGuire, Pacific Union Elementary School District, Humboldt County.

She then introduced Javier Gonzalez, of Whittier Union High School District, in her Assembly District.

Assembly Member Kuehl, of the 41st Assembly District, introduced Sandra Fleishman, a 1996 California Teacher of the Year from Yerba Buena Elementary School in the Las Virgenes School District.

Assembly Members Margett and Napolitano introduced Andy Ramirez and his father Bob Ramirez of West Covina.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Katz, the Assembly adjourned until 11 a.m., Tuesday, January 16, 1996, out of respect to the memory of Hon. M. Larry Lawrence, on motion of Assembly Member Alpert; out of respect to the memory of Jack Smith, on motion of Assembly Member Villaraigosa; out of respect to the memory of Gabriel Reyes, on motion of Assembly Member McDonald; out of respect to the memory of Don Olmstead, on motion of Assembly Member Kaloogian; out of respect to the memory of Merlyn Colin Ferris, on motion of Assembly Member Alby; out of respect to the memory of William J. Weniger, on motion of Assembly Member Hannigan; out of respect to the memory of Aureo C. Salas, on motion of Assembly Member Gallegos; out of respect to the memory of George Coleman, on motion of Assembly Member Baca; out of respect to the memory of Russ Cone, on motion of Assembly Member Burton; and out of respect to the memory of Isabel Van Frank, on motion of Assembly Member Bates.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 12, 1996**

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

AB	RN
66	9532918
492	9600799
583	9600761
698	9600936
995	9534950
1026	9600652
1553	9600573

AB	RN
1675	9600687
1909	9600768
1982	9533475

SB	RN
278	9600636