

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, January 17, 1996
ONE HUNDRED FIFTY-THIRD SESSION DAY
FOUR HUNDRED NINTH 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 17, 1996

The Assembly met at 7 a.m.

Hon. Mickey Conroy, Assembly Member, 71st District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—79:

Ackerman	Campbell	House	Murray, Willard
Aguiar	Cannella	Isenberg	Napolitano
Alby	Conroy	Kaloogian	Olberg
Alpert	Cortese	Katz	Poochigian
Archie-Hudson	Cunneen	Knight	Rainey
Baca	Davis	Knowles	Richter
Baldwin	Ducheny	Knox	Rogan
Bates	Escutia	Kuehl	Setencich
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	

Quorum present.

At 1:52 p.m., Hon. Tom Woods, 2nd District, presiding

REGULAR BUSINESS DISPENSED WITH

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

COMMUNICATIONS

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

January 17, 1996

E. Dotson Wilson

*Chief Clerk, State Assembly
State Capitol, Room 3196*

Dear Mr. Wilson, Please be advised that Assemblyman Trice Harvey is appointed to replace Assemblyman Peter Frusetta at today's hearing of the Appropriations Committee.

Sincerely,

CURT PRINGLE
Chair, Committee on Rules

The following letter of transmittal was presented by the Speaker, and ordered printed in the Journal:

California State Auditor

Investigative Report I950038

January 17, 1996

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly of the
Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: The Bureau of State Audits presents its investigative report concerning the California Cemetery Board (board). This report concludes that two employees of the board engaged in incompatible activities. Specifically, an official violated state laws prohibiting incompatible activities by accepting \$10,237.66 in cemetery trust funds from the president of the corporate owner of cemeteries subject to board enforcement. In addition, the official made false representations and withheld information concerning these trust funds. Further, he improperly exempted the cemetery from statutory requirements. The other employee violated state laws when he accepted \$3,840 from another cemetery under court-ordered receivership.

In addition, the official breached his fiduciary duty over one cemetery's trust funds by spending \$6,426 for illegal and improper purposes, spending the trust's principal without court authorization, and failing to identify the trust's property as belonging to the trust. Finally, the official breached his fiduciary responsibility over trust funds in general by failing to invest the funds prudently and prepare accounting documents as required by law.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

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

January 17, 1996

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

Dear Dotson: Please be advised that the following payments have been received by the Assembly Rules Committee in connection with the International Trade Conference on the Americas:

Source	San Gabriel Valley Commerce and Cities Consortium
Amount	Nonmonetary payment of \$850.40
Purpose	International Trade Conference on the Americas

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Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Department of Food and Agriculture
Amount	Nonmonetary payment of \$825.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Business Network Expositions
Amount	Nonmonetary payment of \$16,200.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Committee for Economic Development through Power in Regional Partnerships
Amount	Nonmonetary payment of \$10,000.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Santee Dairies, Inc.
Amount	Nonmonetary payment of \$150.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	The State Bar of California
Amount	Nonmonetary payment of \$3,487.53
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Freedom Communications of Irvine
Amount	Nonmonetary payment of \$3,160.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Norwalk Chamber of Commerce
Amount	Nonmonetary payment of \$500.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Beyond Our Borders

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Amount	Nonmonetary payment of \$50.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Rosemead Area Chamber of Commerce and Visitor Information Center
Amount	Nonmonetary payment of \$1,025.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	CM Magnetics Corporation
Amount	Nonmonetary payment of \$150.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Sheraton Norwalk Hotel
Amount	Nonmonetary payment of \$5,410.85
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Cerritos Community College District
Amount	Nonmonetary payment of \$6,678.84
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	United Airlines Cargo
Amount	Nonmonetary payment of \$5,130.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Economic Development Corporation
Amount	Nonmonetary payment of \$319.62
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Hollingshead International
Amount	Nonmonetary payment of \$1,243.50
Purpose	International Trade Conference on the Americas

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Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Cellatroniks Via Technologies
Amount	Nonmonetary payment of \$200.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Rio Hondo College
Amount	Nonmonetary payment of \$1,050.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	GTE Telephone Operations
Amount	Nonmonetary payment of \$138.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	Southern California Gas Company
Amount	Nonmonetary payment of \$2,075.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff
Source	California Manufacturers Association
Amount	Nonmonetary payment of \$300.00
Purpose	International Trade Conference on the Americas
Person/Class for Whom Payment Used	Assembly Select Committee on the Americas, Assembly Members and Staff

Please cause this information to be printed in the Assembly Journal in accordance with HR 37.

Very truly yours,

JIM RICHARDSON
Chief Administrative Officer
Assembly Rules Committee

The following communications were presented by the Chief Clerk from:

Kathleen F. DaRosa, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

Top Income Tax Brackets. Continuation. Revenues to Local Agencies. Initiative Statute.

Referred by the Speaker to the Committee on Revenue and Taxation.

Wesley Franklin, Director, Public Utilities Commission, San Francisco, dated January 9, 1996, relative to delay in submitting a report to the Legislature on the status of utility programs relating to manufactured homes and mobilehomes. Referred by the Speaker to the Committee on Natural Resources.

REPORTS

The following reports were presented by the Chief Clerk:

**Report to the California Legislature on
Approved Mandate Claims July 1, 1995–December 31, 1995
(Pursuant to Government Code Section 17600)**

Above transmitted report, together with letter of transmittal from Kirk G. Stewart, Executive Director, Commission on State Mandates, Sacramento, dated January 9, 1996, referred by the Speaker to the Committee on Appropriations.

**Report to the California Legislature
on Denied Mandate Claims January 1, 1995–December 31, 1995
(Pursuant to Government Code Section 17601)**

Above transmitted report, together with letter of transmittal from Kirk G. Stewart, Executive Director, Commission on State Mandates, Sacramento, dated January 9, 1996, referred by the Speaker to the Committee on Appropriations.

**Property Tax Assessment Surveys in the Counties of
Alpine, Del Norte, El Dorado, Lake, Madera, Mariposa, Nevada, Plumas,
San Diego, San Joaquin, Santa Clara, Sonoma, Shasta,
Trinity, Tulare, and Stanislaus.
(Pursuant to Government Code Section 15646)**

Above transmitted report, together with letter of transmittal from Burton W. Oliver, Executive Director, State Board of Equalization, Sacramento, dated December 29, 1995, referred by the Speaker to the Committee on Revenue and Taxation.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, January 17, 1996

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bill No. 341.

DAVID KNOWLES

Above request ordered transmitted to the Committee on Rules.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 17, 1996

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

Assembly Bill No. 1179

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, January 17, 1996

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

Assembly Bill No. 108

Assembly Bill No. 1368

Assembly Bill No. 612

Assembly Bill No. 1492

Assembly Bill No. 677

Assembly Bill No. 1537

Assembly Bill No. 893

Assembly Bill No. 1809

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 17, 1996

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

Assembly Bill No. 52

Assembly Bill No. 583

Assembly Bill No. 352

Assembly Bill No. 978

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. 2071—Miller. An act to amend Sections 11758.40, 11758.43, and 11758.45 of, and to add Sections 11758.41, 11758.42, and 11758.44 to, the Health and Safety Code, relating to drug programs.**ASSEMBLY BILL NO. 2072—Kevin Murray.** An act to add Section 1465.7 to the Penal Code, relating to vehicles.**ASSEMBLY BILL NO. 2073—Battin.** An act to amend Sections 17062 and 23457 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.**ASSEMBLY BILL NO. 2074—Hannigan.** An act to add Article 1.9 (commencing with Section 26639.5) to Chapter 2 of Part 3 of Division 2 of Title 3 of the Government Code, relating to county officers.**ASSEMBLY BILL NO. 2075—Hannigan.** An act to amend Section 2892 of the Public Utilities Code, relating to telephones.**ASSEMBLY BILL NO. 2076—Burton.** An act to amend Sections 12200.015, 12200.017, and 12201 of the Welfare and Institutions Code, relating to public social services.**AUTHOR'S AMENDMENTS****Committee on Insurance**

January 17, 1996

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

Assembly Bill No. 341

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

KNOWLES, Chairman

ASSEMBLY BILL NO. 341—An act to amend Section 1861.02 of the Insurance Code, relating to insurance, 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 Elections, Reapportionment and Constitutional Amendments

January 17, 1996

Mr. Speaker: The Chair of your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 10

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

MCPHERSON, Chairman

ASSEMBLY BILL NO. 10—An act to add Sections 2137.3, 2137.5, 2137.7, and 14216.5 to the Elections Code, relating to elections.

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 17, 1996

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

Senate Bill No. 292

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

POOCHIGIAN, Chairman

SENATE BILL NO. 292—An act to add Chapter 15 (commencing with Section 53000) to Part 28 of the Education Code, relating to the California Scholars Program, 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 Appropriations

January 17, 1996

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

Assembly Bill No. 1018

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

POOCHIGIAN, Chairman

ASSEMBLY BILL NO. 1018—An act to amend Section 1170.12 of the Penal Code, relating to sentencing.

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 Water, Parks and Wildlife**

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 363

Assembly Bill No. 748

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

CORTESE, Chairman

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. 735

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 Education

Date of Hearing: January 10, 1996

Mr. Speaker: Your Committee on Education reports:

Assembly Bill No. 508

Assembly Bill No. 649

Assembly Bill No. 955

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

ALPERT, Chairwoman

Above bills ordered to second reading.

Committee on Water, Parks and Wildlife

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Bill No. 360

Assembly Bill No. 619

Assembly Bill No. 474

Assembly Bill No. 1359

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

CORTESE, Chairman

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. 1607

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

VILLARAIGOSA, Chairman

Above bill ordered to second reading.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Assembly Bill No. 362

Assembly Bill No. 1651

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

RICHTER, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:
Assembly Bill No. 1530

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

RICHTER, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:
Assembly Bill No. 403

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

RICHTER, Chairman

Above bill ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing: January 9, 1996

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 916
Assembly Bill No. 1673

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

McDONALD, Chairwoman

Above bills ordered to second reading.

Committee on Water, Parks and Wildlife

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Water, Parks and Wildlife reports:
Assembly Bill No. 1363

With the recommendation: Do pass.

CORTESE, Chairman

Above bill ordered to second reading.

Committee on Banking and Finance

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Banking and Finance reports:
Assembly Bill No. 1646

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

MILLER, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Assembly Bill No. 779
Assembly Bill No. 1193

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

McDONALD, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Revenue and Taxation reports:
 Assembly Bill No. 456
 Assembly Bill No. 1081

With the recommendation: Do pass.

MCDONALD, Chairwoman

Above bills ordered to second reading.

Committee on Appropriations

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Appropriations reports:
 Assembly Bill No. 244
 Assembly Bill No. 409
 Assembly Bill No. 589

With the recommendation: Do pass.

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Appropriations reports:
 Assembly Bill No. 243
 Assembly Bill No. 246

Assembly Bill No. 1207
 Assembly Bill No. 1220

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

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Committee on Local Government

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Local Government reports:
 Assembly Bill No. 5
 Assembly Bill No. 15

With the recommendation: Do pass.

RAINEY, Chairman

Above bills ordered to second reading.

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Local Government reports:
 Assembly Bill No. 134

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

RAINEY, Chairman

Above bill ordered to second reading.

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Local Government reports:
 Assembly Bill No. 698

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

RAINEY, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Local Government reports:
Assembly Bill No. 1537

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.

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

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 1179 and 1856, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 879—An act to add Section 9025.5 to the Government Code, relating to the Legislature.

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

ASSEMBLY BILL NO. 1848—An act to add Section 34051.17 to the Vehicle Code, relating to vehicles.

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

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

Assembly Bill No. 1719, on request of Assembly Member Isenberg.

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

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

By unanimous consent the motion to withdraw Assembly Bill No. 528 from the Committee on Human Services was continued until the next legislative day.

MOTION 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.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 8:30 a.m., Thursday, January 18, 1996.

CURT PRINGLE, Speaker

ROCEL BETTENCOURT, Acting Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 17, 1996**

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

AB	RN
10	9601025
341	9600582
879	9601174
1018	9600715
1848	9601126
SB	RN
292	9600683