

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 23, 1996

**ONE HUNDRED FIFTY-SIXTH SESSION DAY
FOUR HUNDRED FIFTEENTH 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
Tuesday, January 23, 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—78:

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

Quorum present.

At 12:20 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.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On personal business, and waiving per diem: Assembly Member McDonald.

COMMUNICATIONS

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

January 23, 1996

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

Dear Mr. Wilson, Please be advised that Assemblyman Larry Bowler is appointed as an Ex-Officio Member to the California Transportation Commission, as authorized by Government Code, Section 14500 et seq. This appointment reflects Mr. Bowler's recent appointment as the Chairman of the Assembly Transportation Committee.

Sincerely,

CURT PRINGLE
 Speaker of the Assembly

The following communications were presented by the Chief Clerk from:

Kathleen F. DaRosa, Initiative Coordinator, Department of Justice, Office of the Attorney General, transmitting revised copies of the ballot title, summary, and label, March 26, 1996, Primary Election Ballot, for the following Proposition in accordance with Justice Puglia's order of January 2, 1996, and in accordance with Elections Code Sections 9050-9051, 13280-13281, and 13247, and Government Code Sections 88002-88003:

**Proposition 199 Limits on Mobilehome Rent Control.
 Low-Income Rental Assistance.
 Initiative Statute**

(Revised January 2, 1996 pursuant to an Appellate Court Order/Stay)

Referred by the Speaker to the Committees on Housing and Community Development and Elections, Reapportionment and Constitutional Amendments.

Kathleen F. DaRosa, Initiative Coordinator, Department of Justice, Office of the Attorney General, transmitting supplemental ballot pamphlet titles, summaries, and labels, March 26, 1996, Primary Election Ballot, for the following Propositions in accordance with the provisions of Chapter 1, Statutes of 1996 (AB 1168), Chapter 2, Statutes of 1996 (AB 680), and in accordance with Elections Code Sections 9050-9051, 13280-13281, and 13247, and Government Code Sections 88002-88003:

**Proposition 192
 Seismic Retrofit Bond Act of 1996
 Chapter 2, Statutes of 1996 (AB 680)**

Referred by the Speaker to the Committee on Appropriations and Elections, Reapportionment and Constitutional Amendments.

**Proposition 203
 Public Education Facilities Bond Act of 1996
 Chapter 1, Statutes of 1996 (AB 1168) Chapter 2, Statutes of 1996 (AB 680)**

Referred by the Speaker to the Committee on Appropriations and Elections, Reapportionment and Constitutional Amendments.

The following communication was 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:

Education. Four District Pilot Program. Advancement by Test. Vouchers for Private Schools. Initiative Statute.

Referred by the Speaker to the Committee on Education.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 2091—Alpert and Davis. An act to add Section 23824.1 to the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 2092—Mazzoni. An act to amend Sections 7150.1, 7151, 7151.5, 7152, 7153, 7154, and 7184 of, and to add Section 7165 to, the Health and Safety Code, to add Article 14 (commencing with Section 18850) to Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, and to amend Section 1672 of the Vehicle Code, relating to organ donation.

ASSEMBLY BILL NO. 2093—Hauser. An act to amend Section 3003 of the Penal Code, relating to prisoners.

ASSEMBLY BILL NO. 2094—Cunneen. An act to amend Section 17039 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 23, 1996

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

Assembly Bill No. 583

Assembly Bill No. 1524

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, January 23, 1996

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

Assembly Joint Resolution No. 36

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, January 23, 1996

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

Assembly Bill No. 294

Assembly Bill No. 298

Assembly Bill No. 372

Assembly Bill No. 795

Assembly Bill No. 865

Assembly Bill No. 926

And reports the same correctly engrossed.

Assembly Bill No. 1094

Assembly Bill No. 1387

Assembly Bill No. 1670

Assembly Bill No. 1826

Assembly Bill No. 1832

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REPORTS OF STANDING COMMITTEES

Committee on Utilities and Commerce

Date of Hearing: January 22, 1996

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

Assembly Bill No. 1914

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

CONROY, Chairman

Above bill ordered to second reading.

Committee on Natural Resources

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 165

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

SHER, Chairman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1977

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

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Committee on Insurance

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 582

Assembly Bill No. 894

Assembly Bill No. 1002

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

KNOWLES, Chairman

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. 255

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

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Committee on Human Services

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Human Services reports:

Assembly Bill No. 154

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

BORDONARO, Chairman

Above bill ordered to second reading.

Committee on Housing and Community Development

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Housing and Community Development reports:
Assembly Bill No. 616

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

NAPOLITANO, Chairwoman

Above bill ordered to second reading.

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Housing and Community Development reports:
Assembly Bill No. 1625

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

NAPOLITANO, Chairwoman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: January 16, 1996

Mr. Speaker: Your Committee on Public Safety reports:
Assembly Bill No. 1017

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

BOLAND, Chairwoman

Above bill ordered to second reading.

Committee on Health

January 17, 1996

Mr. Speaker: Your Committee on Health reports the following bill pursuant to the
provisions of Joint Rule 62(a):

Assembly Bill No. 480

GRANLUND, Chairman

Above bill ordered filed with the Chief Clerk.

January 17, 1996

Mr. Speaker: Your Committee on Health reports the following bill pursuant to the
provisions of Joint Rule 62(a):

Assembly Bill No. 1162

GRANLUND, Chairman

Above bill ordered filed with the Chief Clerk.

January 17, 1996

Mr. Speaker: Your Committee on Health reports the following bill pursuant to the
provisions of Joint Rule 62(a):

Assembly Bill No. 1210

GRANLUND, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Transportation

January 8, 1996

Mr. Speaker: Your Committee on Transportation reports the following bills
pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 740

Assembly Bill No. 1457

VILLARAIGOSA, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Housing and Community Development

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Housing and Community Development reports:
Assembly Bill No. 1784

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

NAPOLITANO, Chairwoman

Above bill ordered to second reading.

Committee on Insurance

Date of Hearing: January 23, 1996

Mr. Speaker: Your Committee on Insurance reports:
Assembly Bill No. 341

With the recommendation: Do pass.

KNOWLES, Chairman

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: January 17, 1996

Mr. Speaker: Your Committee on Judiciary reports:
Assembly Bill No. 596

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

KUEHL, Chairwoman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: January 23, 1996

Mr. Speaker: Your Committee on Public Safety reports:
Assembly Bill No. 1652

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

BOLAND, Chairwoman

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. 583 and 1524, ordered to third reading.

(NOTE: Later this day Assembly Bill No. 1524 was re-referred to the Committee on Appropriations.)

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 607—An act to amend Section 116.880 of the Code of Civil Procedure, to amend Section 11622 of, to add and repeal Chapter 6 (commencing with Section 12000) of Part 3 of Division 2 of, and to repeal Sections 11580.1 and 11580.2 of, the Insurance Code, and to amend Sections 16053, 16054, 16056, 16250, 16430, 16431, 16433, 16436, 17151, and 17709 of, and to add Section 4000.37 to, the Vehicle Code, relating to insurance.

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

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

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

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

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

ASSEMBLY BILL NO. 1752—An act to add and repeal Section 1714.05 of the Civil Code, relating to causes of action.

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

ASSEMBLY BILL NO. 252—An act to add and repeal Section 17053.28 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

ASSEMBLY BILL NO. 90—An act to add Section 17052.6 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

ASSEMBLY BILL NO. 841—An act to add Chapter 3 (commencing with Section 90) to Division 1 of the Military and Veterans Code, relating to veterans.

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

ASSEMBLY BILL NO. 553—An act to amend Section 121475 of, and to add Section 121356 to, the Health and Safety Code, relating to communicable disease.

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

ASSEMBLY BILL NO. 1058—An act to amend Sections 259 and 706.030 of, to add Chapter 9 (commencing with Section 689.010) to Division 1 of Title 9 of Part 2 of, and to repeal Sections 639.5 and 640.1 of, the Code of Civil Procedure, to add Section 5246 to, to add Article 3 (commencing with Section 3680) to Chapter 6 of Part 1 of Division 9 of, to add Article 4 (commencing with Section 4250) to Chapter 2 of Part 2 of Division 9 of, and to add Division 14 (commencing with Section 10000) to, the Family Code, to amend Section 70141 of the Government Code, to amend Sections 11350.1, 11475.1, and 15200.6 of, and to add Sections 11350.7, 11354, 11355, and 11356 to, the Welfare and Institutions Code, relating to family law.

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

ASSEMBLY BILL NO. 127—An act to add Division 8.5 (commencing with Section 7800) to Title 1 of the Government Code, relating to public moneys.

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

ASSEMBLY BILL NO. 380—An act to amend Section 1202.1 of, and to amend and renumber Section 12022.85 of, the Penal Code, relating to sexual offenses.

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

ASSEMBLY BILL NO. 892—An act to add Section 12022.53 to the Penal Code, relating to sentencing.

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

ASSEMBLY BILL NO. 707—An act to add Section 11268.5 to the Welfare and Institutions Code, relating to public social services.

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

ASSEMBLY BILL NO. 1322—An act to add Section 11261 to the Welfare and Institutions Code, relating to public social services.

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

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

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

ASSEMBLY BILL NO. 1980—An act to add Section 1596.859 to the Health and Safety Code, relating to child day care facilities.

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

ASSEMBLY BILL NO. 932—An act to amend Section 4505 of the Family Code, relating to family law.

Bill read second time, and ordered to third reading.

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

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1357—An act to amend Section 4584 of the Public Resources Code, relating to forest practices.

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

ASSEMBLY BILL NO. 1675—An act to add Section 43703 to the Health and Safety Code, relating to air pollution.

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.

ASSEMBLY BILL NO. 881—An act to amend Sections 1170, 2930, and 2933 of, and to add Sections 1171, 2932.5, and 2936 to, the Penal Code, relating to prisoners.

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

ASSEMBLY BILL NO. 1353—An act to add Section 351 to the Welfare and Institutions Code, relating to juveniles, and making an appropriation therefor.

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

ASSEMBLY BILL NO. 101—An act to repeal and add Article 5 (commencing with Section 49000) to Chapter 6 of Part 27 of the Education Code, relating to pupils.

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

ASSEMBLY BILL NO. 780—An act to add Chapter 17 (commencing with Section 43100) to Part 24 of the Education Code, relating to school finance.

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

ASSEMBLY BILL NO. 781—An act relating to schools.

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

ASSEMBLY BILL NO. 782—An act to add Article 15.5 (commencing with Section 51885) to Chapter 5 of Part 28 of the Education Code, relating to education technology.

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

ASSEMBLY BILL NO. 783—An act to add Article 9 (commencing with Section 52490) to Chapter 9 of Part 28 of the Education Code, relating to vocational education.

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

ASSEMBLY BILL NO. 784—An act to add Part 29.5 (commencing with Section 55000) to the Education Code, relating to urban school districts.

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

ASSEMBLY BILL NO. 1195—An act to amend and renumber Section 429.14 of the Health and Safety Code, relating to occupational health.

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

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of the Rules, the following bill was ordered re-referred to the Committee on Appropriations:

Assembly Bill No. 1524.

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. 1286, on request of Assembly Member Takasugi.

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 668:

Brulte, Granlund, and Isenberg.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, January 24, 1996.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 23, 1996**

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

AB	RN	AB	RN
90	9601751	881	9602004
101	9601803	892	9601940
127	9601959	1058	9601711
252	9602087	1106	9601951
380	9601955	1195	9601954
553	9601699	1322	9602160
607	9601022	1353	9601765
707	9602150	1357	9601837
780	9601806	1650	9601961
781	9601813	1675	9601836
782	9601811	1723	9602152
783	9601814	1752	9601920
784	9601807	1980	9602166
841	9602010		