

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, February 14, 1996

ONE HUNDRED SIXTY-NINTH SESSION DAY

FOUR HUNDRED THIRTY-SEVENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, February 14, 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 Akiba H. Howard reading.

ROLL CALL

The following were placed upon the morning roll call—71:

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

Quorum present.

At 1:20 p.m., Hon. Martha M. Escutia, 50th District, presiding

REGULAR BUSINESS DISPENSED WITH

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

LEAVES OF ABSENCE FOR THE DAY

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

On legislative business: Assembly Members Boland, Caldera, Isenberg, McDonald, Rogan, and Sher.

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

Because of illness: Assembly Member Cortese.

EXPLANATIONS OF ABSENCE

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

February 6, 1996

*Speaker Curt Pringle
State Capitol
Sacramento, California*

Dear Speaker Pringle: This letter is to respectfully request to be excused from check in session on Wednesday, February 14, 1996 due to legislative business in my district. If you have any questions please feel free to contact Nathalie Halberg at (916) 445-8366.

Sincerely,

PAULA L. BOLAND, Assembly Member
Thirty-eighth District

February 14, 1996

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

Dear Mr. Speaker: This letter is to request that I be excused from session today due to legislative business in my district.

Thank you for your attention to this matter.

Sincerely,

LOUIS CALDERA, Assembly Member
Forty-sixth District

February 7, 1996

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

Dear Speaker Pringle: I will be traveling to San Diego, late morning, on Wednesday, February 14. I have been invited to speak at a League of California Cities meeting on a legislative issue. I am planning to return that same evening.

Please excuse me from any Committee meetings that may be held during this time.

Thank you for your consideration.

Sincerely,

PHIL ISENBERG, Assembly Member
Ninth District

February 14, 1996

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

Dear Speaker Pringle: I respectfully request that I be excused from session on Wednesday, February 14, 1996 to handle legislative business in my district. I also request *per diem*.

Thank you in advance for your consideration.

Sincerely,

JUANITA M. McDONALD, Assembly Member
Fifty-fifth District

February 13, 1996

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

Dear Speaker Pringle: Please excuse me from check-in on Wednesday, February 14, Thursday, February 15 and session, Friday, February 16, 1996. I will be on legislative business in the district.

Thank you. With best personal regards, I remain

Sincerely,

JAMES E. ROGAN, Assembly Member
Forty-third District

February 9, 1996

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

Dear Speaker Pringle: As I indicated to you on the floor today, I will be working in my district for a portion of next week. Please excuse me on legislative business from check-in session on Wednesday, February 14 and Thursday, February 15, and from floor session on Friday, February 16.

Thank you for your consideration.

Sincerely,

BYRON D. SHER, Assembly Member
Twenty-first District

COMMUNICATIONS

The following communication was presented by the Chief Clerk from:

Bill Jones, Secretary of State, Office of the Secretary of State, dated January 12, 1996, transmitting a copy of the qualified initiative entitled:

**Attorneys. Fees. Right to Negotiate. Frivolous Lawsuits.
Initiative Statute.**

Referred pursuant to Elections Code, Section 9034, to the Committees on Judiciary and Elections, Reapportionment and Constitutional Amendments.

REPORTS

The following reports were presented by the Chief Clerk:

**An Investigation into the Establishment of
Special Telecommunications Programs
to Encourage Telecommuting in the Entire State
(Pursuant to Senate Bill 1939, Chapter 943)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, San Francisco, dated January 26, 1996, referred by the Speaker to the Committee on Utilities and Commerce.

**The Inland Wetlands Conservation Program
Wildlife Conservation Board's Contributions Toward the
Central Valley Habitat Joint Venture
(Pursuant to Chapter 1645, Statutes of 1990)**

Above transmitted report, together with letter of transmittal from W. John Schmidt, Executive Director, Wildlife Conservation Board, Department of Fish and Game, Sacramento, dated January 30, 1996, referred by the Speaker to the Committee on Water, Parks and Wildlife.

**Report on Salaries in Occupations Comparable to State Civil Service 1995-96
(Pursuant to Government Code Section 19826)**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Sacramento, dated January 30, 1996, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**Annual Report on Exempt Employees, December 31, 1995
(Pursuant to Government Code Section 12010.6(f))**

Above transmitted report, together with letter of transmittal from David J. Tirapelle, Director, Department of Personnel Administration, Sacramento, dated January 31, 1996, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**New Reports of Award-Winning State Programs,
CSG's Innovations Award Program**

Above transmitted report, together with letter of transmittal from Daniel M. Sprague, Executive Director, the Council of State Governments, San Francisco, dated January 1996, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**California Law Revision Commission, Annual Report 1995
(Pursuant to Government Code Sections 8291 and 11095)**

Above transmitted report, together with letter of transmittal from Nathaniel Sterling, Executive Secretary, California Law Revision Commission, Palo Alto, dated February 1, 1996, referred by the Speaker to the Committee on Judiciary.

**California Public Employees' Retirement System,
General Purpose Financial Statements
for the Fiscal Year Ended June 30, 1995
(Pursuant to Government Code Section 20228)**

Above transmitted report, together with letter of transmittal from William Dale Crist, President, CalPERS' Board of Administration, Sacramento, dated February 2, 1996, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

California Department of Consumer Affairs, Annual Report 1994-95

Above transmitted report, together with letter of transmittal from Marjorie M. Berte, Director, Department of Consumer Affairs, Sacramento, dated February 5, 1996, referred by the Speaker to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Status of Utility Activities to Improve the
Energy Efficiency of Manufactured Housing and Mobile Homes
(Pursuant to Public Utilities Code Section 701.6)**

Above transmitted report, together with letter of transmittal from Wesley M. Franklin, Executive Director, Public Utilities Commission, San Francisco, dated February 8, 1996, referred by the Speaker to the Committee on Utilities and Commerce.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 14, 1996

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

Assembly Concurrent Resolution No. 53

And reports the same correctly enrolled, and presented to the Secretary of State on the 14th day of February, 1996, at 11 a.m.

E. DOTSON WILSON, Chief Clerk

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 2249—Cannella. An act to add and repeal Section 743.3 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2250—Poochigian. An act to amend Section 461 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 2251—Poochigian. An act to add Sections 2800.4 and 10851.1 to, and to amend and repeal Section 10851 of, the Vehicle Code, and to amend Section 626.5 of the Welfare and Institutions Code, relating to vehicles.

ASSEMBLY BILL NO. 2252—Poochigian. An act to add Article 1 (commencing with Section 82500) to Chapter 8 of Part 49 of the Education Code, relating to the State Center Community College District.

ASSEMBLY BILL NO. 2253—Cunneen. An act to amend Section 11710 of the Government Code, relating to information technology.

ASSEMBLY BILL NO. 2254—Cunneen. An act to amend Sections 859b and 1382 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 2255—Cunneen. An act to repeal Section 62000.11 of the Education Code, relating to adult education.

ASSEMBLY BILL NO. 2256—Woods. An act to amend Section 49141 of the Education Code, and to amend Section 1394 of the Labor Code, relating to minors.

ASSEMBLY BILL NO. 2257—Kuykendall. An act to amend Section 484d of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 2258—Kuykendall. An act to amend Section 273ab of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 2259—Kuykendall. An act to amend Section 73 of, to add Article 3.5 (commencing with Section 450) to, and to repeal and add Article 3 (commencing with Section 300) of, Chapter 2 of Division 1 of the Streets and Highways Code, relating to highways.

ASSEMBLY BILL NO. 2260—Kuykendall. An act to repeal Sections 54433 and 54434 of the Government Code, and to amend Sections 20981, 26500, 31006, and 36153 of, and to repeal Sections 74880 and 74978 of, the Water Code, relating to water.

ASSEMBLY BILL NO. 2261—Takasugi. An act to amend Sections 803, 1327, and 1328 of the Unemployment Insurance Code, relating to unemployment compensation.

ASSEMBLY BILL NO. 2262—Cunneen. An act to add Section 769.55 to the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 2263—Kevin Murray. An act to add Section 1950.6 to the Civil Code, relating to landlord-tenant.

ASSEMBLY BILL NO. 2264—Poochigian. An act to amend Section 12841 of the Food and Agricultural Code, relating to economic poisons.

ASSEMBLY BILL NO. 2265—Villaraigosa. An act to add Section 42239.7 to the Education Code, relating to summer school.

ASSEMBLY BILL NO. 2266—Cortese. An act to amend Section 2074.8 of the Fish and Game Code, relating to endangered species.

ASSEMBLY BILL NO. 2267—Harvey. An act to amend Section 19601 of the Business and Professions Code, relating to horseracing.

ASSEMBLY BILL NO. 2268—Thompson. An act to amend Sections 17576 and 17579 of the Government Code, relating to state mandates.

ASSEMBLY BILL NO. 2269—Thompson. An act to add Section 16501 to the Health and Safety Code, relating to substandard buildings.

ASSEMBLY BILL NO. 2270—Thompson. An act to amend Section 474 of the Code of Civil Procedure, relating to civil procedure.

ASSEMBLY BILL NO. 2271—Thompson. An act to add Section 85310 to the Government Code, relating to the Political Reform Act of 1974.

ASSEMBLY BILL NO. 2272—Thompson. An act to amend Section 3260 of, and to add Section 3260.2 to, the Civil Code, relating to works of improvement.

ASSEMBLY BILL NO. 2273—Thompson. An act to amend Section 45203 of the Education Code, relating to classified employees.

ASSEMBLY BILL NO. 2274—Thompson. An act to amend Section 139.05 of the Labor Code, relating to workers' compensation.

ASSEMBLY BILL NO. 2275—Thompson. An act to amend Section 13307 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 2276—Thompson. An act to add Section 1714.15 to the Civil Code, relating to civil liability.

ASSEMBLY BILL NO. 2277—Thompson. An act to add and repeal Sections 17052.28 and 23628 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 2278—Battin. An act to add Section 23433.5 to the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 2279—Alpert. An act to amend Section 1789.12 of the Civil Code, relating to consumer credit.

ASSEMBLY BILL NO. 2280—Cortese. An act to add Chapter 7 (commencing with Section 12560) to Part 5 of Division 6 of the Water Code, relating to water.

ASSEMBLY BILL NO. 2281—Aguiar. An act to add Section 1720.1 to the Labor Code, relating to public works.

ASSEMBLY BILL NO. 2282—Knox. An act to add Section 21655.9 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 2283—Kuehl. An act to amend Section 20440 of the Elections Code, relating to Code of Fair Campaign Practices.

ASSEMBLY BILL NO. 2284—Boland. An act to repeal and add Chapter 8 (commencing with Section 3000) of Title 1 of Part 3 of the Penal Code, relating to parole.

ASSEMBLY BILL NO. 2285—Aguiar. An act to amend Sections 2800.1, 2800.2, 2800.3, 11113, 12804.9, 13201, 13351, 14602, and 17004 of, and to add Section 2800.4 to, the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 2286—Boland. An act to amend Sections 4456 and 4456.1 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 2287—Woods. An act to amend Sections 861 and 862 of the Food and Agricultural Code, relating to agriculture.

ASSEMBLY BILL NO. 2288—Aguiar. An act to amend Section 22651 of, and to add Section 23109.2 to, the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 2289—Woods. An act to amend Section 487 of the Penal Code, relating to grand theft.

ASSEMBLY BILL NO. 2290—Cortese. An act to add Section 53121 to the Government Code, relating to juvenile crime reporting.

ASSEMBLY BILL NO. 2291—Knox. An act to add Section 846.1 to the Civil Code, relating to real property.

ASSEMBLY BILL NO. 2292—Knox. An act to amend Section 170 of, and to add Section 198.2 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 2293—Davis. An act to amend Section 39802 of the Education Code, relating to school transportation.

ASSEMBLY BILL NO. 2294—Sweeney. An act to amend Sections 3042 and 3058.6 of, and to add Sections 3044 and 3054 to, the Penal Code, relating to parole.

ASSEMBLY BILL NO. 2295—Sweeney (Principal coauthor: Thompson). An act to amend Section 53069.3 of the Government Code, to amend Sections 594, 594.1, 594.6, 594.8, 640.5, 640.6, and 4024.2 of the Penal Code, to amend Section 13202.6 of the Vehicle Code, and to amend Section 729.1 of the Welfare and Institutions Code, relating to graffiti.

ASSEMBLY BILL NO. 2296—Gallegos. An act to amend Section 795 of the Evidence Code, relating to testimony.

ASSEMBLY BILL NO. 2297—Cunneen. An act to add Section 18250 to the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 2298—Cunneen. An act to amend Section 16996 of the Welfare and Institutions Code, relating to health care for indigents.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 59—Thompson (Principal Senate coauthor: Haynes). Relative to Lake Domenigoni.

ASSEMBLY JOINT RESOLUTION NO. 52—Poochigian. Relative to the federal Endangered Species Act of 1973.

REPORTS OF STANDING COMMITTEES
Committee on Transportation

Date of Hearing: February 9, 1996

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 848

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

BOWLER, Chairman

Above bill ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: February 5, 1996

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

Senate Bill No. 207

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

CONROY, Chairman

Above bill ordered to second reading.

ADJOURNMENT

At 4 p.m., the Assembly adjourned until 7 a.m., Thursday, February 15, 1996.

CURT PRINGLE, Speaker

ROCEL BETTENCOURT, Acting Minute Clerk