

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, February 21, 1995

TWENTY-NINTH SESSION DAY

SEVENTY-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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 445-6021)

Vol. 1 10-616

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, February 21, 1995

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 Stephen J. Greene, Jr. reading.

ROLL CALL

The following were placed upon the morning roll call—76:

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

Quorum present.

At 11:45 a.m., Hon. Richard K. Rainey, 15th District, presiding

REGULAR BUSINESS DISPENSED WITH

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

LEAVES OF ABSENCE FOR THE DAY

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

On legislative business: Assembly Member Horcher.

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

Because of illness in her family: Assembly Member Bowen.

EXPLANATIONS OF ABSENCE

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

February 15, 1995

*The Honorable Willie L. Brown
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I am requesting to be excused from the Assembly session on Tuesday, February 21 and Wednesday, February 22. I will be out of the area on legislative business.

Thank you for your consideration in this matter.

Sincerely,

PAUL V. HORCHER, Assembly Member
Sixtieth District

COMMUNICATIONS

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

February 21, 1995

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

Dear Dotson: Please be advised that Assemblymember Antonio Villaraigosa has been appointed Vice Chairman of the Assembly Public Safety Committee.

Sincerely,

WILLIE L. BROWN, JR.
Speaker of the Assembly

Explanation of Absence—February 10, 1995

February 21, 1995

*Honorable Willie L. Brown, Jr.
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: This letter is to request that the Assembly Daily Journal on February 10, 1995 be corrected to reflect that my absence on February 10, 1995 was due to legislative business in my district and not personal business.

Thank you for your consideration of this request.

Sincerely,

BARBARA LEE, Assembly Member
Sixteenth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 21, 1995

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

Assembly Bill No. 11

Assembly Bill No. 20

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. 627—Katz. An act to add Division 2.5 (commencing with Section 297) to the Family Code, to add Section 1261 to the Health and Safety Code, and to amend Sections 1460, 1811, 1812, 1820, 1821, 1822, 1829, 1861, 1863, 1871, 1873, 1874, 1891, 1895, 2212, 2213, 2357, 2423, 2430, 2504, 2572, 2580, 2614.5, 2622, 2651, 2653, 2681, 2682, 2687, 2700, 2803, 2805, and 6240 of, and to add Section 37 to, the Probate Code, relating to human relationships.

ASSEMBLY BILL NO. 628—Thompson. An act to amend Section 17533.7 of the Business and Professions Code, relating to advertising.

ASSEMBLY BILL NO. 629—Caldera. An act to add Chapter 1.5 (commencing with Section 12150) to Title 2 of Part 4 of the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 630—Villaraigosa. An act to amend Section 12021 of, and to add Sections 12036 and 12079 to, the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 631—Davis. An act to amend Section 12021 of, and to add Section 12036 to, the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 632—Katz. An act to amend Sections 12025 and 12031 of, and to repeal Section 12031.5 of, the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 633—Lee. An act to amend Section 12028 of the Penal Code, relating to weapons.

ASSEMBLY BILL NO. 634—Caldera. An act to repeal Section 53071 of the Government Code, relating to firearms.

ASSEMBLY BILL NO. 635—Bowler. An act to add Section 12039 to the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 636—Bowler. An act to amend Sections 32261, 32262, 32280, 32290, and 32295 of the Education Code, relating to school safety.

ASSEMBLY BILL NO. 637—Bowler. An act to amend Section 204 of the Welfare and Institutions Code, relating to juveniles.

ASSEMBLY BILL NO. 638—Knight (Principal Senate coauthor: Monteith) Harvey, Bordonaro, Bowler, Conroy, Granlund, Hawkins, Knowles, Morrow, Richter, Setencich, and Woods (Senators Haynes, Hurtt, Johannessen, and Rogers, coauthors). An act to amend Sections 12050 and 12054 of the Penal Code, relating to concealable weapons licenses.

ASSEMBLY BILL NO. 639—Campbell. An act relating to historical resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 640—Weggeland. An act to amend Sections 118, 307, 308, 317, 510, 910, 1201, 1600, 2115, 5015, 5211, 5225, 5238, 5819, 7211, 7225, 7237, 7819, and 9211 of the Corporations Code, relating to corporations.

ASSEMBLY BILL NO. 641—Mazzoni. An act to amend Sections 46300.4 and 51747 of, and to repeal Sections 46300.3 and 51749.5 of, the Education Code, relating to schools.

ASSEMBLY BILL NO. 642—Setencich. An act to amend Section 6303 of the Food and Agricultural Code, relating to agriculture.

ASSEMBLY BILL NO. 643—Setenchich. An act to add and repeal Section 17053.36 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 644—Richter An act to add Section 25102 to the Health and Safety Code, relating to hazardous waste.

ASSEMBLY BILL NO. 645—Frusetta. An act to amend Section 25202 of the Health and Safety Code, relating to hazardous waste.

ASSEMBLY BILL NO. 646—Woods. An act to amend Section 830.7 of the Penal Code, relating to peace officers.

ASSEMBLY BILL NO. 647—Bowen. An act to amend Sections 23151 and 23153 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 648—Cannella. An act to add and repeal Section 743.3 of the Public Utilities Code, relating to public utilities.

ASSEMBLY BILL NO. 649—Davis. An act to add Section 51219 to the Education Code, relating to pupil testing.

ASSEMBLY BILL NO. 650—Speier (Principal coauthors: Bowen and Harvey). An act to add Sections 4000.37, 16028, 16029, 16030, and 16058 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 651—Davis. An act to amend Section 261.5 of the Penal Code, relating to unlawful sexual intercourse.

ASSEMBLY BILL NO. 652—Davis. An act to amend Section 18987 of the Welfare and Institutions Code, relating to youths.

ASSEMBLY BILL NO. 653—Davis. An act to amend Section 11166.9 of the Penal Code, relating to child death.

ASSEMBLY BILL NO. 654—Davis. An act to amend Section 6383 of the Family Code, relating to domestic violence.

ASSEMBLY BILL NO. 655—McPherson. An act to add Section 7520.6 to the Business and Professions Code, and to amend Section 987.2 of the Penal Code, relating to private investigators.

ASSEMBLY BILL NO. 656—Brulte. An act to add Section 2750.7 to the Labor Code, relating to employment.

ASSEMBLY BILL NO. 657—Conroy. An act to amend Section 1031 of the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 658—Kuehl. An act to amend Section 12945 of the Government Code, relating to discrimination.

ASSEMBLY BILL NO. 659—Kuykendall (Principal coauthor: Goldsmith) Baldwin, Bowler, Conroy, Harvey, Olberg, and Rainey. An act to add Article 5 (commencing with Section 40100) to Chapter 6 of Part 23 of the Education Code, relating to schools.

ASSEMBLY BILL NO. 660—Conroy. An act to add Section 68024 to, and to add Chapter 9.1 (commencing with Section 66710) to Part 40 of, the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 661—Boland. An act to add Section 17703 to the Financial Code, relating to escrow agents.

ASSEMBLY BILL NO. 662—Boland. An act to amend Section 13853 of the Penal Code, and to repeal Section 2 of Chapter 1292 of the Statutes of 1982, relating to career criminals.

ASSEMBLY BILL NO. 663—Boland. An act to add Section 12022.86 to the Penal Code, relating to sex offenses.

ASSEMBLY BILL NO. 664—Brulte. An act to amend Section 830.6 of the Penal Code, relating to peace officers.

ASSEMBLY BILL NO. 665—Mazzoni. An act to add Section 66644 to the Government Code, and to repeal and add Section 29605 of the Public Resources Code, relating to the San Francisco Bay Conservation and Development Commission.

ASSEMBLY BILL NO. 666—Hauser. An act to amend Section 8280.1 of, and to add Section 8279.1 to, the Fish and Game Code, relating to commercial fishing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 667—Bustamante. An act to add Part 1.75 (commencing with Section 442.10) to Division 1 of the Health and Safety Code, relating to rural health care.

ASSEMBLY BILL NO. 668—Cannella. An act to amend Sections 1000, 1001, and 1002 of, and to add Section 1003 to, the Health and Safety Code, relating to health.

ASSEMBLY BILL NO. 669—Bowler. An act to add Section 5076 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 670—Alby, Baldwin, Bordonaro, Bowler, Conroy, Harvey, House, Morrissey, Morrow, Richter, and Weggeland (Senators Haynes and Monteith, coauthors). An act to amend Sections 11353.1 and 11380.1 of, and to repeal and add Section 11353.6 of, the Health and Safety Code, relating to controlled substances.

ASSEMBLY BILL NO. 671—Kevin Murray. An act to amend Section 1036 of the Public Utilities Code, relating to carriers.

ASSEMBLY BILL NO. 672—Kevin Murray. An act to add Section 1678 to the Vehicle Code, relating to voting.

ASSEMBLY BILL NO. 673—Hoge. An act to add Sections 9025.5 and 9130 to, to add Article 1.5 (commencing with Section 9010) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, and to repeal and add Section 9026 of, the Government Code, relating to the Legislature.

ASSEMBLY BILL NO. 674—Poochigian. An act to amend Sections 18987.05, 18987.1, and 18987.5 of the Welfare and Institutions Code, relating to children, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 675—Poochigian. An act to amend Section 387 of the Penal Code, relating to corporate criminal liability.

ASSEMBLY BILL NO. 676—Brulte. An act to add Section 2753 to the Labor Code, relating to independent contractors.

ASSEMBLY BILL NO. 677—Conroy. An act to amend Sections 2109 and 2157 of the Elections Code, relating to elections.

ASSEMBLY BILL NO. 678—Woods. An act to add Article 21 (commencing with Section 8669) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to emergency repairs.

ASSEMBLY BILL NO. 679—Conroy. An act to amend Section 13142 of the Health and Safety Code, relating to fire prevention.

ASSEMBLY BILL NO. 680—Mazzoni. An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating to elections.

ASSEMBLY BILL NO. 681—Hannigan. An act to amend Section 1202.1 of the Penal Code, relating to sex offenders.

ASSEMBLY BILL NO. 682—Tucker. An act to amend Section 24300 of, and to repeal Section 24015.5 of, the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 683—Tucker. An act to add Section 23057 to the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 684—Tucker. An act to amend Sections 23805, 24072, and 24300 of, to add Section 23057 to, and to repeal Sections 23323 and 24015.5 of, the Business and Professions Code, relating to alcoholic beverages.

ASSEMBLY BILL NO. 685—Tucker. An act to amend Section 8880.26 of the Government Code, relating to the state lottery.

ASSEMBLY BILL NO. 686—Tucker. An act to amend Section 22958 of, and to add Section 22960 to, the Business and Professions Code, relating to tobacco.

ASSEMBLY BILL NO. 687—Goldsmith. An act to add Section 39140.3 to, and to amend Section 39116 of, the Education Code, relating to school facilities.

ASSEMBLY BILL NO. 688—Frusetta. An act to amend Section 146e of the Penal Code, and to amend Section 1808.4 of the Vehicle Code, relating to public records.

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

ASSEMBLY BILL NO. 690—Burton. An act to amend Section 1347 of the Health and Safety Code, relating to health care service plans.

ASSEMBLY BILL NO. 691—Napolitano. An act to amend Section 1197.1 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 692—Napolitano. An act to add Section 48915.8 to the Education Code, relating to pupils.

ASSEMBLY BILL NO. 693—Napolitano. An act to add Section 17210 to the Business and Professions Code, relating to unfair competition.

ASSEMBLY BILL NO. 694—Bustamante. An act to add Section 6358.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 695—Napolitano. An act to amend Section 51.7 of the Civil Code, and to amend Sections 422.6, 422.7, 422.75, and 1170.75 of the Penal Code, relating to hate crimes.

ASSEMBLY BILL NO. 696—Harvey. An act to add Section 41786.5 to the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 697—Cannella. An act to add Section 12832 to the Food and Agricultural Code, relating to economic poisons.

ASSEMBLY BILL NO. 698—Cannella (Senator Monteith, coauthor). 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.

ASSEMBLY BILL NO. 699—Cunneen. An act to amend Section 307 of the Corporations Code, relating to corporations.

ASSEMBLY BILL NO. 700—Cunneen. An act to amend Section 846 of the Civil Code, relating to real property.

ASSEMBLY BILL NO. 701—Cunneen. An act to add Section 19816.18 to the Government Code, relating to civil service.

ASSEMBLY BILL NO. 702—Cunneen. An act to add Section 1725.5 to the Insurance Code, relating to insurance.

ASSEMBLY BILL NO. 703—Setenchich. An act to amend Section 24449 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 704—Hauser. An act to add Section 7861.2 to the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

ASSEMBLY BILL NO. 705—Brulte. An act to amend Section 4497.34 of the Penal Code, relating to juvenile facilities, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 706—Caldera. An act to add Division 1.2 (commencing with Section 4100) to the Financial Code, relating to banking, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 708—Goldsmith and Granlund. An act to add Chapter 8.5 (commencing with Section 10975) to Part 2 of Division 9 of the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 709—Vasconcellos. An act to amend Section 15365.12 of the Government Code, relating to trade and commerce.

ASSEMBLY BILL NO. 710—Vasconcellos and Alpert (Senator Russell, coauthor). An act to add Section 15337.5 to the Government Code, relating to trade and commerce, and making an appropriation therefor.

ASSEMBLY BILL NO. 711—Richter. An act to amend Sections 4551.9, 4593, 4593.3, 4593.4, 4593.6, 4593.7, 4593.8, 4593.9, 4593.11, 4594, 4594.2, 4594.4, 4594.6, and 4594.7 of, to amend and renumber Section 4593.2 of, and to add Section 4593.2 to, the Public Resources Code, and to amend Section 14 of, and repeal Section 13 of, Chapter 1290 of the Statutes of 1989, relating to forest practices.

ASSEMBLY BILL NO. 712—Conroy. An act relating to air pollution.

ASSEMBLY BILL NO. 713—Kuehl. An act to amend Section 12940 of the Government Code, relating to employment.

ASSEMBLY BILL NO. 714—Conroy. An act to amend Section 3311 of the Government Code, relating to public safety officers.

ASSEMBLY BILL NO. 715—Hannigan. An act to add Section 413.1 to the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 716—Lee. An act to amend Section 1170 of the Penal Code, relating to corrections.

ASSEMBLY BILL NO. 717—Ducheny and Hauser (Senator Ayala, coauthor). An act to add Chapter 7 (commencing with Section 18965) to Part 2.5 of Division 13 of the Health and Safety Code, relating to construction inspectors.

ASSEMBLY BILL NO. 718—Hauser. An act to amend Sections 8051.1 and 8051.2 of the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

ASSEMBLY BILL NO. 719—Lee. An act to amend Section 4420 of the Government Code, relating to public works.

ASSEMBLY BILL NO. 720—Speier. An act to amend Sections 136.2, 273.5, 977, and 1269c of the Penal Code, relating to domestic violence.

ASSEMBLY BILL NO. 721—Baldwin. An act to amend Sections 47602, 47605, and 47606 of the Education Code, relating to charter schools.

ASSEMBLY BILL NO. 722—Baldwin. An act to add Section 1033.7 to the Code of Civil Procedure, relating to costs.

ASSEMBLY BILL NO. 723—Baldwin. An act to add Section 68075.5 to the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 724—Alby, Bordonaro, Conroy, Harvey, Hawkins, House, Morrissey, Morrow, and Richter (Senators Haynes, Hurtt, and Monteith, coauthors). An act to amend Section 186.22 of the Penal Code, relating to gangs.

ASSEMBLY BILL NO. 725—Baldwin, Alby, Bordonaro, Bowler, Goldsmith, and Richter, (Senators Haynes, Hurtt, and Monteith, coauthors). An act to amend Section 1033 of the Code of Civil Procedure, relating to judgments.

ASSEMBLY BILL NO. 726—Baldwin. An act to add Part 45.5 (commencing with Section 73000) to the Education Code, relating to postsecondary education.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 11—Morrow. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 12 to Article VII of the California Constitution, relating to state functions.

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 9—Weggeland (Senator Haynes, coauthor). Relative to Norco Naval Warfare Assessment Division.

AUTHOR'S AMENDMENTS
Committee on Public Safety

February 21, 1995

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

Assembly Bill No. 70

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

BOLAND, Chairwoman

ASSEMBLY BILL NO. 70—An act to amend Sections 12070, 12077, 12078, and 12081 of the Penal Code, relating to firearms.

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.

ADJOURNMENT

At 4:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, February 22, 1995.

JOHN BURTON, Chair,
Assembly Rules Committee

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 21, 1995**

The following measure was amended in the Assembly on this day:

Assembly Bill

70