CALIFORNIA LEGISLATURE 1995–96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, March 7, 1996

ONE HUNDRED EIGHTY-SECOND SESSION DAY FOUR HUNDRED FIFTY-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 Thursday, March 7, 1996

The Assembly met at 9:30 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk. Assistant Clerk Akiba H. Howard reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Conroy moved a quorum call of the Assembly. Motion carried. Time, 9:31 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 9:48 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	Caldera	Hawkins	Morrow
Aguiar	Campbell	Hoge	Napolitano
Alby	Cannella	House	Olberg
Alpert	Conroy	Isenberg	Poochigian
Archie-Hudson	Cortese	Kaloogian	Rainey
Baca	Cunneen	Katz	Richter
Baldwin	Davis	Knight	Rogan
Bates	Ducheny	Knox	Setencich
Battin	Escutia	Kuykendall	Speier
Baugh	Figueroa	Lee	Sweeney
Boland	Firestone	Machado	Takasugi
Bordonaro	Frusetta	Margett	Thompson
Bowler	Gallegos	Martinez	Tucker
Brewer	Goldsmith	Mazzoni	Vasconcellos
Brown	Granlund	McDonald	Villaraigosa
Brulte	Hannigan	McPherson	Weggeland
Burton	Harvey	Miller	Woods
Bustamante	Hauser	Morrissey	Mr. Speaker

PRAYER

Upon invitation of Speaker pro Tempore Aguiar, the following prayer was offered by Rev. Constantine C. Pappademos, Pastor of Saint Katherine Greek Orthodox Church:

O Lord Who Loves Us All, You know our created nature; You know our infirmity. Though we have sinned, we have not forsaken You, O God, nor have we stretched out our hands to a strange god. Free us then, O Heavenly Master, from every bond of iniquity and spare us in Your love.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Aguiar, Assembly Member Rainey 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 Sweeney, seconded by Assembly Member Burton.

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 Friedman, Knowles, Kevin Murray, and Willard Murray.

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

Because of jury duty and legislative business: Assembly Member Bowen.

Because of illness in her family: Assembly Member Kuehl.

EXPLANATIONS OF ABSENCE

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

March 5, 1996

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

Dear Speaker Pringle: This letter is to respectfully request to be excused from Session on Thursday, March 7, 1996, due to legislative business in Southern California.

Thank you for your consideration of this request.

Sincerely,

BARBARA FRIEDMAN, Assembly Member Fortieth District

March 5, 1996

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

Dear Mr. Speaker: Please excuse me from Floor Session activities on Thursday, March 7, 1996 as I will be traveling on legislative business.

If there are any questions regarding this request, please contact Kevin Brown in my Capitol Office at 445-8343.

Sincerely,

DAVID KNOWLES, Assembly Member Fourth District

March 7, 1996

Honorable Curt Pringle Speaker of the Assembly

Dear Speaker Pringle: I respectfully request to be excused from Floor Session on Thursday, March 7, 1996. I will be attending to legislative business in my district.

Thank you for your consideration and approval of this request.

Sincerely,

WILLARD H. MURRAY, JR., Assembly Member Fifty-second District

(NOTE: For letter explaining the absence of Assembly Member Kevin Murray on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, March 5, 1996; for letter explaining the absence of Assembly Member Bowen on this day on jury duty and legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, March 5, 1996.)

WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member Boland was granted unanimous consent that Senate Bill No. 989 be withdrawn from the Committee on Public Safety and re-referred to the Committee on Education.

Assembly Member Bowler was granted unanimous consent that Senate Bill No. 956 be withdrawn from the Committee on Transportation and re-referred to the Committee on Utilities and Commerce.

Assembly Member Bordonaro was granted unanimous consent that Assembly Bill No. 2298 be withdrawn from the Committee on Human Services and re-referred to the Committee on Health; and that Assembly Bill No. 2020 be withdrawn from the Committee on Human Services and re-referred to the Committee on Judiciary.

REQUEST FOR UNANIMOUS CONSENT

Speaker Pringle was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Judy Nelson, of San Iose.

Assembly Member Cortese was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sunnie Y. Montoya, of San Iose.

Assembly Member Rainey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Gerald Awes of Walnut Creek; and Ellen Amen, of Orinda.

CONSIDERATION OF SENATE BILL NO. 671 BY UNANIMOUS CONSENT

Assembly Member Rainey was granted unanimous consent to take up Senate Bill No. 671, out of order.

SENATE BILL NO. 671 (Lewis)—An act to amend Sections 12001, 12071, 12072, 12073, 12074, 12077, 12078, and 12082 of, and to repeal Section 12083 of, the Penal Code, relating to firearms.

Bill read third time.

Motion to Amend

Assembly Member Rainey moved the adoption of amendments. Amendments read, and adopted by the following vote:

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Ackerman	Conroy	Kaloogian	Richter
Aguiar	Cortese	Knight	Rogan
Alby	Firestone	Kuykendall	Setencich
Baldwin	Frusetta	Margett	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Weggeland
Boland	Harvey	Morrow	Woods
Bordonaro	Hawkins	Olberg	Mr. Speaker
Brewer	Hoge	Poochigian	
Brulte	House	Rainey	

NOES-24

Alpert	Cunneen	Katz	McPherson
Archie-Hudson	Davis	Knox	Napolitano
Bates	Escutia	Lee	Speier
Brown	Gallegos	Machado	Sweeney
Burton	Hannigan	Mazzoni	Tucker
Cannella	Isenberg	McDonald	Villaraigosa

Bill ordered reprinted, and to be returned to the third reading file.

WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member Olberg was granted unanimous consent that Assembly Bill No. 2573 be withdrawn from the Committee on Natural Resources and re-referred to the Committee on Transportation.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Caldera announced his intention to request that Senate Bill No. 96 be removed from the inactive file.

WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member Morrissey was granted unanimous consent that Assembly Bill No. 2466 be withdrawn from the Committee on Consumer Protection, Governmental Efficiency and Economic Development and re-referred to the Committee on Banking and Finance.

RECESS

By unanimous consent, at 10:07 a.m., Speaker pro Tempore Aguiar declared the Assembly recessed.

REASSEMBLED

At 10:26 a.m., the Assembly reconvened.

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

CAUCUS ANNOUNCEMENTS

At 10:27 a.m., Speaker pro Tempore Aguiar was granted unanimous consent that the Republican Caucus be permitted to meet in the Assembly Lounge.

RECESS

By unanimous consent, at 10:27 a.m., Speaker pro Tempore Aguiar declared the Assembly recessed.

REASSEMBLED

At 11:40 a.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, March 7, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate this day concurred in Assembly amendments to:

Senate Concurrent Resolution No. 47

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, March 7, 1996

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

Assembly Bill No. 242 Assembly Bill No. 835

And respectfully requests the Assembly to concur in said amendments.

JOHN W. ROVANE, Acting Secretary of the Senate

Above bills ordered to unfinished business file.

Senate Chamber, March 7, 1996

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

Assembly Concurrent Resolution No. 51

JOHN W. ROVANE, Acting Secretary of the Senate

Above resolution ordered enrolled.

Senate Chamber, March 7, 1996

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

Assembly Concurrent Resolution No. 55

And respectfully requests the Assembly to concur in said amendments.

JOHN W. ROVANE, Acting Secretary of the Senate

Above resolution ordered to unfinished business file.

CONSIDERATION OF SENATE BILL NO. 714 BY UNANIMOUS CONSENT

Assembly Member Brulte was granted unanimous consent to take up Senate Bill No. 714, out of order.

SENATE BILL NO. 714 (Watson)—An act to add Chapter 12 (commencing with Section 30600) to Division 3 of Title 3 of the Government Code, to amend Sections 4703 and 4703.2 of, to add Section 95.31 to, and to add Article 1.5 (commencing with Section 30115) to Chapter 2 of Part 13 of Division 2 of, the Revenue and Taxation Code, to amend Section 2105 of the Streets and Highways Code, and to amend Sections 17000.6 and 17001.5 of the Welfare and Institutions Code, relating to taxation, and making an appropriation therefor.

Bill read third time.

Temporary Suspension of the Rules

Assembly Member Brulte was granted unanimous consent that the Rules be temporarily suspended to allow the roll to be opened for the purpose of creating a ballot that will serve as an amendment (Set 1) to add coauthors.

Bill read third time.

Motion to Amend by Assembly Member Brulte—Set 1

Assembly Member Brulte moved the adoption of amendments. Amendments read and adopted.

Motion to Amend by Assembly Member Brulte—Set 2

Assembly Member Brulte moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

WITHDRAWAL AND RE-REFERENCE OF BILLS

Assembly Member Poochigian was granted unanimous consent that Senate Bill No. 909 be withdrawn from the Committee on Appropriations and re-referred to the Committee on Higher Education.

Assembly Member Morrow was granted unanimous consent that Assembly Bill No. 2491 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Public Safety.

CAUCUS ANNOUNCEMENTS

At 11:50 a.m., without objection the Democratic Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:50 a.m., Speaker pro Tempore Aguiar declared the Assembly recessed.

REASSEMBLED

At 12:14 p.m., the Assembly reconvened.

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

CONSIDERATION OF DAILY FILE UNFINISHED BUSINESS MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 976 and 378 were continued until the next legislative day.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Speaker pro Tempore Aguiar announced that the Committee on Rules would meet today, upon adjournment of the Floor session, in the Tom Bane Rules Committee Room.

MOTION TO ADJOURN

At 12:15 p.m., Assembly Member Brulte moved that the Assembly do now adjourn.

Assembly Member Gallegos seconded the motion.

Motion carried.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

Senate Bill No. 671, Rainey Motion to Amend: Cunneen, McPherson, and Speier—No.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:15 p.m., Speaker pro Tempore Aguiar declared the quorum call of the Assembly dispensed with.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 44—Ducheny (Principal Senate coauthor: O'Connell). A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 10 to Article IX thereof, relating to postsecondary education.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY JOINT RESOLUTION NO. 57—Thompson, Ackerman, Baldwin, Conroy, Harvey, House, Knight, Morrow, Richter, and Woods. Relative to the defense of Taiwan.

COMMUNICATIONS

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

March 7, 1996

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

Dear Mr. Wilson, Please be advised that Assembly Members Howard Kaloogian and Jim Rogan are appointed to the Committee on Rules for the purpose of today's meeting, replacing Assembly Members Barbara Alby and Marilyn Brewer.

Sincerely,

CURT PRINGLE

Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 7, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 2017
Assembly Bill No. 2055
Assembly Bill No. 2085
Assembly Bill No. 2085
Assembly Bill No. 2092

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 7, 1996

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

Assembly Constitutional Amendment No. 33

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to Committee:

Assembly	
Bill No.	Committee
2541	Ed.
	L. Gov.
2566	Jud.
2609	H. & C.D.
2611	H. & C.D.
2617	L. Gov.
	L. Gov.
2648	L. Gov.
	C.P.,G.E. & E.D. and L. Gov.
2662	Jud.
	Trans.
	Pub. S.
	E.S. & T.M.
	H. & C.D.
2729	Hum. S.

2732	H. & C.D.
2733	
2736	
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2743	P.E.,R. & S.S.
2744	
	Health
2747	P.E.,R. & S.S.
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2757	W.P. & W. and Nat. Res.
2758	Pub. S.
2760	G.O.
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2765	Rev. & Tax.
2766	
2767	
2768	Pub. S. and L. Gov.
2769	Ed.
2770	Pub. S.
2771	Health
2772	
2773	C.P.,G.E. & E.D. W.,P. & W.
2774	Health
2775	P.E.,R. & S.S.
2776	E.S. & T.M.
2777	Jud.
2778	Pub. S.
2779	Pub. S. Trans. and L. Gov.
2780	Ins. and Health
2781	H. & C.D.
	E.,R. & C.A.
2783	Ed.
2784	Trans. and L. Gov.
2785	Health
2786	Pub. S.
2787	Jud.
2788	Tud.
2789	W.,P. & W.
2790	Rev. & Tax.
2791	L. & E.
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2793	_ C.P.,G.E. & E.D.
2794	_C.P.,G.E. & E.D. and Rev. & Tax.
2795	Bev. & Tax
2796	CPGE & ED
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2824	- Hum. 5. W/D & W/
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2828	I Cov
2831	
2832	
2834	-jud. Fd
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2851	Health
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2853	CPCE & ED
2854	L. Gov.
2855	Pub. S.
2856	Hum. S.
2858	Nat. Res.
2860	C.P. G.E. & E.D.
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2864	_ E.,R. & C.A. and L. Gov.
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  2926 _____Hum. S.
  2927 _____Health
  2928 _____Health
  2929 _____Ins.
  2930 _____Trans.
  2931 _____Health
  2932 _____Health
  2933 _____Pub. S.
  2934 _____Health
  2935 _____C.P.,G.E. & E.D.
  2936 _____Pub. S.
  2937 _____Nat. Res.
  2938 _____L. Gov. and Rev. & Tax.
  2939 _____P.E., R. & S.S.
  2940 _____U. & C.
  2942 _____Ed. and Higher Ed.
  2943 _____Hum. S.
  2944 _____ Rev. & Tax.
  2945 _____Hum. S.
  2946 _____Pub. S.
  2948 _____Agri.
  2949 _____Pub. S.
  2950 ----- Rev. & Tax.
  2951 _____L. Gov. and Rev. & Tax.
  2952 ____H. & C.D.
  2953 _____Jud. and L. Gov.
  2954 _____P.E.,R. & S.S.
  2955 _____Rev. & Tax.
  2957 _____C.P.,G.E. & E.D.
  2958 _____C.P.,G.E. & E.D.
  2959 _____Jud.
  2960 _____Higher Ed.
  2962 _____C.P.,G.E. & E.D.
  2963 _____Nat. Res.
  2965 _____E.S. & T.M.
  2966 _____Iud.
  2967 _____Jud.
  2968 _____Pub. S.
  2969 _____Jud.
  2970 _____Jud.
  2972 _____Ed.
  House
Resolution No.
                  Committee
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AUTHOR'S AMENDMENTS Committee on Public Safety

March 7, 1996

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

Assembly Bill No. 1985 Assembly Bill No. 2147

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

BOLAND, Chairwoman

ASSEMBLY BILL NO. 1985—An act to amend Sections 191.5, 193, and 1170.12 of the Penal Code, and to amend Sections 2800.3, 23104, 23180, and 23190 of, and to repeal Section 23185 of, the Vehicle Code, relating to driving under the influence.

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. 2147—An act to amend Sections 1621.5 and 120290 of, and to add Sections 120291 and 120292 to, the Health and Safety Code, and to amend Sections 273a, 803, and 12022.95 of the Penal Code, relating to human immunodeficiency virus.

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

March 7, 1996

Mr. Speaker: The Chair of your Committee on Local Government reports: Senate Bill No. 19

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

RAINEY, Chairman

SENATE BILL NO. 19—An act to amend Sections 17558, 17560, 17561, 17561.5, and 17562 of the Government Code, relating to state-mandated local programs.

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 Water, Parks and Wildlife

March 7, 1996

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Senate Bill No. 846

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

CORTESE, Chairman

SENATE BILL NO. 846—An act to add Section 1603.5 to the Fish and Game Code, relating to water.

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 Insurance

March 7, 1996

Mr. Speaker: The Chair of your Committee on Insurance reports: Senate Bill No. 1138

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

KNOWLES, Chairman

SENATE BILL NO. 1138—An act to add Section 1879.9 to the Insurance Code, relating to insurance.

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 AMENDMENTSCommittee on Appropriations

March 7, 1996

Mr. Speaker: The Chair of your Committee on Appropriations reports: Senate Bill No. 1233

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

POOCHIGIAN, Chairman

SENATE BILL NO. 1233—An act to add Section 42238.135 to the Education Code, relating to school finance.

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 Banking and Finance

Date of Hearing: March 4, 1996

Mr. Speaker: Your Committee on Banking and Finance reports: Senate Bill No. 261

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

GOLDSMITH, Chairman

Above bill ordered to second reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 7, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 1489

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., March 7, 1996.

E. DOTSON WILSON, Chief Clerk

INTRODUCTION OF GUESTS

Assembly Member Napolitano, of the 58th Assembly District, introduced Kathleen Pompey and the following students who are participating in Kathleen Pompey's mentorship project with the California Association for Education of Young Children's Political Internship Program: Lisa Wozab, Kathleen King, Stephanie Butler, Rosamarie Rosen, and Andrew Pompey all from the City of Whittier.

Assembly Member Olberg, of the 34th Assembly District, introduced his wife Lisa Olberg and their children Jordon and Lindy. Also introduced were his father-in-law Don Snyder and his mother-in-law Clare Snyder.

Assembly Member Baca, of the 62nd Assembly District, introduced the following individuals from the Office of the County Superintendent of Schools, Child Development Services: Fran Rauba, Juliette Lynn, Peggy Olson, and Kathy Alvarado.

Assembly Member Gallegos, of the 57th Assembly District, introduced Dorothy Daniels, Rowland Unified School District, of Rowland Heights; and Elizabeth Serrao of Azusa.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Brulte, the Assembly adjourned until 11 a.m., Monday, March 11, 1996, out of respect to the memory of Judy Nelson, on motion of Speaker Pringle; out of respect to the memory of Sunnie Y. Montoya, on motion of Assembly Member Cortese; and out of respect to the memory of Gerald Awes, and Ellen Amen on motion of Assembly Member Rainey.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MARCH 7, 1996

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

AB 1985 2147	RN 9607281 9607409
SB	RN
19	9607098
671	9606861
714	9607359
846	9607017
1138	9607166
1233	9607161