

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, April 19, 1995**

**FIFTY-EIGHTH SESSION DAY**

**ONE HUNDRED THIRTY-SIXTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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, April 19, 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 Sue Walker reading.

#### ROLL CALL

The following were placed upon the morning roll call—78:

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

Quorum present.

At 1:41 p.m., Hon. Tom Hannigan, 8th 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 Brulte.*

**REPORTS**

The following reports were presented by the Chief Clerk:

**County of San Mateo Job Training and Economic Development**

Above transmitted report, together with letter of transmittal from Melody Page, Contracts Manager, County of San Mateo JTED/PIC, Redwood City, dated April 4, 1995, referred by the Speaker to the Committee on Labor and Employment.

**Report on the 1992 California Interexchange Market  
(Pursuant to PUC Decision No. 88-12-091)**

Above transmitted report, together with letter of transmittal from Neal J. Shulman, Executive Director, Public Utilities Commission, San Francisco, dated April 6, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 19, 1995

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

- Assembly Bill No. 141
- Assembly Bill No. 146
- Assembly Bill No. 390

- Assembly Bill No. 441
- Assembly Bill No. 699

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, April 19, 1995

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

- Assembly Bill No. 264

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, April 19, 1995

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

- Assembly Bill No. 28
- Assembly Bill No. 39
- Assembly Bill No. 266
- Assembly Bill No. 275
- Assembly Bill No. 514
- Assembly Bill No. 536
- Assembly Bill No. 542
- Assembly Bill No. 564
- Assembly Bill No. 731
- Assembly Bill No. 737
- Assembly Bill No. 789
- Assembly Bill No. 938
- Assembly Bill No. 943
- Assembly Bill No. 973

- Assembly Bill No. 976
- Assembly Bill No. 984
- Assembly Bill No. 1003
- Assembly Bill No. 1019
- Assembly Bill No. 1073
- Assembly Bill No. 1140
- Assembly Bill No. 1176
- Assembly Bill No. 1287
- Assembly Bill No. 1303
- Assembly Bill No. 1389
- Assembly Bill No. 1489
- Assembly Bill No. 1786
- Assembly Bill No. 1836
- Assembly Bill No. 1877

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 19, 1995

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

- Assembly Bill No. 189
- Assembly Bill No. 1197

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, April 19, 1995

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

Assembly Bill No. 1936

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**REQUEST TO SUSPEND JOINT RULES**

The following requests were received, and read:

Assembly Chamber, April 19, 1995

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bills Nos. 1386, 1577, 1578, and 1579.

JACKIE SPEIER

Assembly Chamber, April 19, 1995

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bills Nos. 531, 552, 795, 924, 926, 995, 1639, 1773, 1778, 1918, 1943, and 1955.

BYRON D. SHER

Assembly Chamber, April 19, 1995

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bill No. 1884.

PAULA L. BOLAND

Assembly Chamber, April 19, 1995

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bills Nos. 671, 1019, 1645, 1669, 1691, and 1777.

RICHARD KATZ

Assembly Chamber, April 19, 1995

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bills Nos. 1410, 1785, and 1804.

PHILLIP ISENBERG

Assembly Chamber, April 19, 1995

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bill No. 650.

DAVID KNOWLES

Assembly Chamber, April 19, 1995

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bill No. 1361.

JACKIE SPEIER

Assembly Chamber, April 19, 1995

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Assembly Bill No. 1969.

DORIS ALLEN

Above requests ordered transmitted to the Committee on Rules.

**SPECIAL COMMITTEE MEETINGS**

Unanimous consent was granted that the Committee on Utilities and Commerce be permitted to hold a special meeting on April 20, 1995, upon adjournment of Floor session, in the Tom Bane Rules Committee Room and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1621 for hearing.

**AUTHOR'S AMENDMENTS****Committee on Judiciary**

April 19, 1995

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

Assembly Bill No. 237

Assembly Bill No. 239

Assembly Bill No. 238

Assembly Bill No. 495

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

ISENBERG, Chairman

**ASSEMBLY BILL NO. 237**—An act to amend Section 2024 of the Code of Civil Procedure, relating to civil procedure.

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. 238**—An act to amend Section 2025 of the Code of Civil Procedure, relating to civil procedure.

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. 239**—An act to amend Section 2025 of the Code of Civil Procedure, relating to civil discovery.

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. 495**—An act to amend Section 2025 of the Code of Civil Procedure, relating to civil procedure.

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 Revenue and Taxation**

April 19, 1995

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 1372

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

MCDONALD, Chairwoman

**ASSEMBLY BILL NO. 1372**—An act to amend Section 6359 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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**

April 19, 1995

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

Assembly Bill No. 1557

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

KNOWLES, Chairman

**ASSEMBLY BILL NO. 1557**—An act to amend Section 733 of, and to add Article 4.66 (commencing with Section 1214) to Chapter 2 of Part 2 of Division 1 of, 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 AMENDMENTS**  
**Committee on Banking and Finance**

April 19, 1995

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Assembly Bill No. 661

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

WEGGELAND, Chairman

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

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**

April 19, 1995

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

Assembly Bill No. 299

Assembly Bill No. 1253

Assembly Bill No. 1451

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

PRINGLE, Chairman

**ASSEMBLY BILL NO. 299**—An act to amend Section 23036 of, and to add Sections 17147 and 23812 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 1253**—An act to add and repeal Sections 17053.50 and 23650 of the Revenue and Taxation Code, relating to taxation.

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. 1451**—An act to add Section 739.2 to the Public Utilities Code, relating to public utilities.

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 Agriculture**

Date of Hearing: April 17, 1995

Mr. Speaker: Your Committee on Agriculture reports:

Assembly Bill No. 179

Assembly Bill No. 697

Assembly Bill No. 1561

With the recommendation: Do pass, and be re-referred to the Committee on Environmental Safety and Toxic Materials.

HARVEY, Chairman

Above bills re-referred to the Committee on Environmental Safety and Toxic Materials.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: April 17, 1995

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Assembly Bill No. 680

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

MCPHERSON, Chairman

Above bill re-referred to the Committee on Appropriations.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: April 18, 1995

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

Assembly Bill No. 563

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 Governmental Organization**

Date of Hearing: April 17, 1995

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 940

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

HORCHER, Chairman

Above bill ordered to second reading.

Date of Hearing: April 17, 1995

Mr. Speaker: Your Committee on Governmental Organization reports:

Assembly Bill No. 1640

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

HORCHER, Chairman

Above bill ordered to second reading.

**Committee on Higher Education**

Date of Hearing: April 18, 1995

Mr. Speaker: Your Committee on Higher Education reports:

Assembly Bill No. 1386

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

ARCHIE-HUDSON, Chairwoman

Above bill ordered to second reading.

**Committee on Environmental Safety and Toxic Materials**

Date of Hearing: April 18, 1995

Mr. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:  
 Assembly Bill No. 1962  
 Assembly Bill No. 1964  
 Assembly Bill No. 1966

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

RICHTER, Chairman

Above bills ordered to second reading.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing: April 17, 1995

Mr. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

|                        |                        |
|------------------------|------------------------|
| Assembly Bill No. 1085 | Assembly Bill No. 1711 |
| Assembly Bill No. 1532 | Assembly Bill No. 1713 |
| Assembly Bill No. 1701 | Assembly Bill No. 1714 |
| Assembly Bill No. 1702 | Assembly Bill No. 1769 |
| Assembly Bill No. 1703 | Assembly Bill No. 1806 |
| Assembly Bill No. 1705 | Assembly Bill No. 1875 |
| Assembly Bill No. 1708 | Assembly Bill No. 1936 |

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

McPHERSON, Chairman

Above bills re-referred to the Committee on Appropriations.

**Committee on Judiciary**

Date of Hearing: April 19, 1995

Mr. Speaker: Your Committee on Judiciary reports:  
 Assembly Bill No. 1361

With the recommendation: Do pass, and be re-referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

ISENBERG, Chairman

Above bill re-referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

**Committee on Natural Resources**

Date of Hearing: April 17, 1995

Mr. Speaker: Your Committee on Natural Resources reports:  
 Assembly Bill No. 1777

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

SHER, Chairman

Above bill re-referred to the Committee on Transportation.

**Committee on Housing and Community Development**

Date of Hearing: April 19, 1995

Mr. Speaker: Your Committee on Housing and Community Development reports:  
 Assembly Bill No. 189  
 Assembly Bill No. 997  
 Assembly Bill No. 1197

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

HAUSER, Chairman

Above bills re-referred to the Committee on Appropriations.



**Committee on Natural Resources**

Date of Hearing: April 3, 1995

Mr. Speaker: Your Committee on Natural Resources reports:

Assembly Bill No. 381

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

SHER, Chairman

Above bill ordered to second reading.

**Committee on Insurance**

Date of Hearing: April 18, 1995

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 13

Assembly Bill No. 1274

Assembly Bill No. 1839

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

KNOWLES, Chairman

Above bills re-referred to the Committee on Appropriations.

**Committee on Revenue and Taxation**

Date of Hearing: April 17, 1995

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 456

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

McDONALD, Chairwoman

Above bill ordered to second reading.

**Committee on Insurance**

Date of Hearing: April 18, 1995

Mr. Speaker: Your Committee on Insurance reports:

Assembly Bill No. 1410

With amendments with the recommendation: Amend, and re-refer to the Committee on Judiciary.

KNOWLES, Chairman

Above bill ordered to second reading.

**Committee on Public Safety**

Date of Hearing: April 18, 1995

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 650

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

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. 390, 141, and 146, ordered to third reading;

Assembly Bills Nos. 699 and 441, ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 933**—An act to amend Section 5011.5 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

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. 989**—An act to amend Sections 729.6 and 731.1 of the Welfare and Institutions Code, relating to minors.

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. 472**—An act to amend Section 3200 of the Food and Agricultural Code, relating to fairs and expositions, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 1166**—An act to amend Section 23357.3 of the Business and Professions Code, relating to alcoholic beverages.

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

**ASSEMBLY BILL NO. 285**—An act to amend Section 19607.5 of the Business and Professions Code, relating to horseracing.

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

**ASSEMBLY BILL NO. 1583**—An act to amend Section 19603 of the Business and Professions Code, relating to horseracing, and making an appropriation therefor.

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

**ASSEMBLY BILL NO. 1900**—An act to amend Section 79 of the Military and Veterans Code, relating to veterans.

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

**ASSEMBLY BILL NO. 1762**—An act relating to gaming.

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

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, April 19, 1995

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

Assembly Concurrent Resolution No. 25

And reports the same correctly enrolled, and presented to the Secretary of State on the 19th day of April, 1995, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, April 20, 1995.

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WILLIE L. BROWN, JR., Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON APRIL 19, 1995**

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

*Assembly Bills*

237  
238  
239  
285  
299  
472  
495  
661  
933  
989  
1166  
1253  
1372  
1451  
1557  
1583  
1762  
1900