CALIFORNIA LEGISLATURE 1995–96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 21, 1996

TWO HUNDRED SEVENTEENTH SESSION DAY FIVE HUNDRED THIRTY-FOURTH 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, May 21, 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—78:

Ackerman	Campbell	House	Murray, Willard
Aguiar	Cannella	Isenberg	Napolitano
Alby	Conroy	Kaloogian	Olberg
Alpert	Cortese	Katz	Poochigian
Archie-Hudson	Cunneen	Knight	Rainey
Baca	Davis	Knowles	Richter
Baldwin	Ducheny	Knox	Rogan
Bates	Escutia	Kuehl	Setencich
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
\mathbf{Brown}	Hannigan	Migden	Weggeland
Brulte	Harvey	Miller	Woods
Burton	Hauser	Morrissey	Mr. Speaker
Bustamante	Hawkins	Morrow	-
Caldera	Hoge	Murray, Kevin	

Quorum present.

At 2 p.m., Hon. Trice Harvey, 32nd District, presiding

REGULAR BUSINESS DISPENSED WITH

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

COMMUNICATIONS

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

96103 May 20, 1996

The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning instructional training agreements between community college districts and state, local, and private agencies. We determined that many community college districts are contracting with these agencies to generate millions of dollars in state funds for providing limited administrative support services. Specifically, of the 71 districts surveyed, 28 reported that they had such agreements and we estimate that these districts generated more than \$11 million in state apportionment funds.

We reviewed agreements that four district had with state, local, and private agencies and found that both the district and the agency received benefits at the State's expense. For example, during fiscal year 1994–95, the four districts received \$3.9 million of state apportionment funds while the agencies earned \$2.6 million. State agencies used their earnings to procure goods and services "off the books," thereby circumventing the State's budget and procurement practices while local and private agencies received cash payments. Furthermore, we noted that three of the four districts did not meet the minimum conditions necessary to qualify the attendance of students in the training courses for state apportionment funds. As a result, these three districts inappropriately received approximately \$6.7 million of state apportionment funds.

Finally, we conclude that although the regulations allow districts to enter into agreements with public and private agencies, the agreements needlessly cost the State millions of dollars in that the districts receive state support for providing services that are primarily administrative rather than instructional in nature.

Respectfully submitted,

KURT R. SJOBERG State Auditor

Above report referred to the Committee on Higher Education.

California State Auditor

96021 May 21, 1996

The Honorable Speaker of the Assembly The Honorable Members of the Assembly of the Legislature of California State Capitol, Room 3196 Sacramento, California

Members of the Assembly: As required by Chapter 782, Statutes of 1995, the Bureau of State Audits presents its audit report concerning the State Bar of California's (State Bar) use of membership fees, its discipline process, and its administration and planning practices. This report concludes that the State Bar has not taken advantage of opportunities to reduce fees. For example, if the State Bar improved its recovery of costs from disciplined attorneys, it could significantly reduce the annual membership fee. Further, the State Bar could reduce costs by strengthening its controls over travel expenses and contracting. For example, we found instances where the State Bar could have saved money if it had hired additional staff rather than contracting for services. In addition, although it has improved the discipline process, the State Bar should make additional changes to enhance its effectiveness. Moreover, certain discipline practices may

create the appearance of bias in favor of attorneys. Finally, the State Bar has not developed a complete strategic plan that management can use as a guide to accomplishing the overall mission.

Respectfully submitted.

KURT R. SJOBERG State Auditor

Above report referred to the Committee on Judiciary.

REPORTS

The following reports were presented by the Chief Clerk:

Draft Budget and Draft Work Program, Fiscal Year 1996-97 Draft Budget and Draft Work Program, Supporting Documentation, Fiscal Year 1996-97 (Pursuant to SB 1853, 1994)

Above transmitted report, together with letter of transmittal from James M. Lents, Ph.D., Executive Officer, South Coast Air Quality Management District, Diamond Bar, dated May 14, 1996, referred by the Speaker to the Committee on Natural Resources.

State Teachers' Retirement System, Quarterly Report of System Assets, As of December 31, 1995 (Pursuant to Education Code Section 22358)

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated May 6, 1996, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

RESOLUTIONS

The following resolutions were offered:

HOUSE RESOLUTION NO. 51-Rainey and Davis. Relative to nuclear fusion research.

HOUSE RESOLUTION NO. 52—Brulte. Relative to Individual Retirement Accounts.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 21, 1996

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

Assembly Bill No. 2267 Assembly Bill No. 2561 Assembly Bill No. 2516

Assembly Bill No. 3244

E. DOTSON WILSON, Chief Clerk Above bills ordered to third reading.

And reports the same correctly engrossed.

Assembly Chamber, May 21, 1996

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

Assembly Bill No. 2277 Assembly Bill No. 2808 Assembly Bill No. 2312 Assembly Bill No. 3010 Assembly Bill No. 2322 Assembly Bill No. 3240 Assembly Bill No. 2361 Assembly Bill No. 3267 Assembly Bill No. 2378 Assembly Bill No. 2509 Assembly Bill No. 2560 Assembly Bill No. 3298 Assembly Bill No. 3352 Assembly Bill No. 3380 Assembly Bill No. 2640 Assembly Bill No. 3401

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, May 21, 1996

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

Assembly Bill No. 3312 Assembly Bill No. 3502

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

AUTHOR'S AMENDMENTS Committee on Revenue and Taxation

May 21, 1996

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Assembly Constitutional Amendment No. 29

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

TAKASUGI, Chairman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending subdivision (a) of Section 9 of Article II thereof, and by adding Sections 28.5 and 36 to, and by repealing and adding Sections 26, 27, 28, 34, and 35 of, Article XIII thereof, relating to taxation, and making an appropriation therefor.

Resolution read second time; author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

AUTHOR'S AMENDMENTS Committee on Revenue and Taxation

May 21, 1996

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Senate Bill No. 14

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

TAKASUGI, Chairman

SENATE BILL NO. 14—An act to add Sections 6357.7 and 7102.5 to, and to add Chapter 2.8 (commencing with Section 23481) to Part 11 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 Revenue and Taxation

May 21, 1996

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports: Senate Bill No. 877

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

TAKASUGI, Chairman

SENATE BILL NO. 877—An act to add Chapter 4 (commencing with Section 7289) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to transportation.

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

May 21, 1996

Mr. Speaker: The Chair of your Committee on Local Government reports: Assembly Bill No. 3435

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

RAINEY, Chairman

ASSEMBLY BILL NO. 3435—An act to amend Sections 6011 and 6012 of, and to add Chapter 3.2 (commencing with Section 7287.15) to, Part 1.7 of Division 2 of, the Revenue and Taxation Code, relating to local 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.

AUTHOR'S AMENDMENTS Committee on Local Government

May 21, 1996

Mr. Speaker: The Chair of your Committee on Local Government reports: Senate Bill No. 2111

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

RAINEY, Chairman

SENATE BILL NO. 2111—An act to amend Section 10061 of the Public Utilities Code, relating to local government.

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

May 21, 1996

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

Senate Bill No. 415 Senate Bill No. 575

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

POOCHIGIAN, Chairman

SENATE BILL NO. 415—An act to repeal Sections 737.4, 737.5, 737.6, and 737.7 of, and to repeal and add Section 737.3 to, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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.

SENATE BILL NO. 575—An act to amend Section 1502 of, and to add Sections 1502.1 and 1530.1 to, the Health and Safety Code, relating to juveniles.

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. committee.

AUTHOR'S AMENDMENTS Committee on Health

May 21, 1996

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

Assembly Bill No. 2142

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

GRANLUND, Chairman

ASSEMBLY BILL NO. 2142—An act to amend Section 32121 of the Health and Safety Code, relating to local health care districts.

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 Transportation

May 21, 1996

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

Senate Bill No. 160
With author's amendments with the recommendation: Amend, and re-refer to the

BOWLER, Chairman

SENATE BILL NO. 160—An act to amend Sections 14523, 14524, 14525, 14526, 14527, 14529.6, 14536, and 65082 of, and to add Sections 14529.1 and 14529.8 to, to repeal and add Section 14529 of, and to repeal Sections 14520.3, 14524.5, 14529.01, 14529.2, and 14530.5 of, the Government Code, to amend Sections 99310, 99312, and 99315 of, and to repeal Sections 99315.5, 99315.6, 99318, and 99318.2 of, the Public Utilities Code, and to amend Sections 167, 188, and 188.8 of, to repeal and add Sections 164 and 164.1 of, to repeal Sections 164.2, 164.50, 168, 188.9, 190, 199, 199.1, and 199.8 of, and to repeal Chapter 16 (commencing with Section 2600) of Division 3 of, the Streets and Highways Code, relating to transportation.

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 Appropriations

Date of Hearing: May 15, 1996

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 388

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Date of Hearing: May 15, 1996

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Joint Resolution No. 62

With the recommendation: Be adopted.

POOCHIGIAN, Chairman

Above resolution ordered to third reading.

Date of Hearing: May 15, 1996

Mr. Speaker: Your Committee on Appropriations reports:

Senate Concurrent Resolution No. 55

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

POOCHIGIAN, Chairman

Above resolution ordered on file.

Committee on Judiciary

Date of Hearing: May 15, 1996

 $Mr.\ Speaker:\ Your\ Committee\ on\ Judiciary\ reports:$

Assembly Bill No. 2859

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

MORROW. Chairman

Above bill ordered to second reading.

Date of Hearing: May 15, 1996

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 2396

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

MORROW, Chairman

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. 2121, 2457, 2545, 2600, 2620, 2898, 3087, 3378, and 3426, ordered to third reading;

Assembly Bills Nos. 2789 and 3167, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 2071—An act to add Sections 11758.41, 11758.42, 11758.44, 11758.46, and 11758.47 to the Health and Safety Code, relating to drug programs.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2149—An act to amend Section 2336 of, and to add Sections 2335.5 and 2338.5 to, the Family Code, relating to family law.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2218—An act to amend Section 23958.4 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file. ASSEMBLY BILL NO. 2288—An act to amend Section 22651 of, and to add Section 23109.2 to, the Vehicle Code, relating to vehicles.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2465—An act to amend Sections 25000, 25014.6, 25014.7, 25016, 25100, 25102, 25103, 25104, 25105, 25110, 25111, 25112, 25113, 25114, 25115, 25116, 25117, 25120, 25130, 25133, 25134, 25140, 25141, 25142, 25143, 25144, 25145, 25146, 25150, 25151, 25160, 25162, 25164, 25165, 25501, 25503, 25504.1, 25507, 25532, 25607, 25608, 25611, 25619, 25704, and 25705 of, to add Sections 25000.5, 25003.3, 25013.5, 25015.5, and 25403 to, and to repeal Sections 25121, 25122, 25131, 25132, 25148, and 25149 of, the Corporations Code, relating to corporations.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2599—An act to amend Sections 8869.83 and 8869.84 of, and to add Section 8869.95 to, the Government Code, relating to housing.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 2772—An act to add Chapter 4 (commencing with Section 18210) to Part 1 of Division 5 of Title 2 of the Government Code, relating to administrative regulations.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 3074—An act to add Section 727.6 to the Welfare and Institutions Code, relating to juveniles.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 3151—An act to amend Sections 2081, 2084, and 2085 of the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 3181—An act to repeal Section 19445 of, and to repeal and add Chapter 5 (commencing with Section 19800) of Division 8 of, the Business and Professions Code, to add Section 1822.60 to the Code of Civil Procedure, to amend Sections 12012 and 15001 of, and to add Sections 15001.1 and 15001.2 to, the Government Code, and to amend Sections 186.9 and 14161 of, and to add Section 337j to, the Penal Code, relating to gambling.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 3475—An act to amend Sections 100850, 100855, 100860, and 100885 of, and to add Section 100837 to, the Health and Safety Code, relating to environmental laboratories.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be returned to the second reading file. ASSEMBLY BILL NO. 3041—An act to amend Section 12325 of the Government Code, relating to the Treasurer.

Bill read second time; amendments proposed by the Committee on Rules read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 1997—An act to add Section 56111.12 to the Government Code, and to amend Section 99231 of the Public Utilities Code, relating to annexation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2867—An act to add Division 26 (commencing with Section 79000) to the Water Code, relating to water.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 3188—An act to amend Sections 49422 and 56320 of the Education Code, relating to psychology.

Bill read second time, and ordered to third reading.

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

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 3014—An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the acquisition, expansion, development, restoration, and increased utilization of neighborhood parks and recreational facilities, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

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

ASSEMBLY BILL NO. 2221—An act to amend Section 10177.2 of the Business and Professions Code, to add Section 1103 to the Civil Code, to amend Section 18025 of, and to add Sections 18046 and 18046.1 to, the Health and Safety Code, relating to manufactured housing.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 2876—An act to amend Section 14091.21 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, and ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1306—An act to amend Section 695.221 of the Code of Civil Procedure, and to amend Section 11350.5 of 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.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 21, 1996

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined: Assembly Bill No. 2876

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

Assembly Bill No. 3357, on request of Assembly Member Ackerman;

Assembly Bill No. 3045, on request of Assembly Member Olberg; Senate Bill No. 1185, on request of Assembly Member Brulte.

JOINT RULE 62(a) WAIVED

Unanimous consent was granted that Joint Rule 62 (a) be waived to permit the Committees on Health and Insurance to hold an informational meeting on Thursday, May 23, 1996, at 2 p.m., instead of 3 p.m.

Unanimous consent was granted that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 2943 for hearing in the Committee on Appropriations on Wednesday, May 22, 1996 and Thursday, May 23, 1996.

MESSAGES FROM THE SENATE

Senate Chamber, May 21, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Hayden, Sher and Haynes as a Committee on Conference concerning:

Assembly Bill No. 423.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, May 21, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senator Kelley, vice Senator Russell as a Committee on Conference concerning:

Senate Bill No. 207.

JOHN W. ROVANE, Acting Secretary of the Senate

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 22, 1996.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON MAY 21, 1996

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

\mathbf{AB}	$\mathbf{R}\mathbf{N}$	AB	$\mathbf{R}\mathbf{N}$
2071	9618979	3475	9619015
2142	9618964		
2149	9619044	ACA	RN
2218	9619036	29	9619117
2270	9618989		001011.
2288	9619034	SB	RN
2465	9619053	1.4	0010000
2599	9618977	14	9618236
2772	9618991	160	9618933
3014	9619200	415	9618332
3041	9617039	575	9618806
3074	9619043	877	9618830
3151	9619007	1306	9619125
3181	961000	2111	9618511
3435	9616935		
0 100	001000		