

CALIFORNIA LEGISLATURE  
1995-96 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 22, 1996**

**TWO HUNDRED EIGHTEENTH SESSION DAY  
FIVE HUNDRED THIRTY-FIFTH 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, May 22, 1996

The Assembly met at 7 a.m.

Hon. Bruce McPherson, Assembly Member, 27th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

#### ROLL CALL

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

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

Quorum present.

At 1:10 p.m., Hon. Sheila James Kuehl, 41st 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 Brulte and Gallegos.*

**EXPLANATIONS OF ABSENCE**

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

May 22, 1996

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

Dear Speaker Pringle: I respectfully request an excused absence from check-in session on May 22, 1996, as I will be traveling on legislative business in my district.

If you have any questions, please contact Catherine Castro at 445-8490. Thank you.

Sincerely,

JAMES L. BRULTE, Assembly Member  
 Sixty-third District

May 22, 1996

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

Dear Mr. Speaker: This letter is to advise you that I will be out of the office most of the day on legislative business. However, I will be returning by 7:00 p.m. to attend the Assembly Committee on Appropriations hearing.

Thank you for your consideration in this matter.

Sincerely,

MARTIN GALLEGOS, Assembly Member  
 Fifty-seventh District

**COMMUNICATIONS**

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

May 7, 1996

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

Dear Mr. Speaker: As I leave this august body, I would like to have entered into the *Journal* this letter expressing my sincere appreciation to all of my staff who worked so hard on my behalf these past years. Their dedication and excellence greatly enhanced my effectiveness in the Assembly and I shall always be grateful. If my staff were ever considered "B" staff by their peers or any Member, clearly the "b" was short for "bright" and "brilliant." I wish them every success!

Sincerely,

JUANITA MILLENDER-McDONALD  
 Member of Congress

**REPORTS**

The following reports were presented by the Chief Clerk:

**Asset Forfeiture, Annual Report  
(Pursuant to AB 114, Chapter 314, Statutes of 1994)**

Above transmitted report, together with letter of transmittal from M. David Stirling, Chief Deputy Attorney General, Office of the Attorney General, Sacramento, dated April 29, 1996, referred by the Speaker to the Committee on Public Safety.

**RESOLUTIONS**

The following resolution was offered:

**ASSEMBLY JOINT RESOLUTION NO. 69—Bordonaro.** Relative to victims' rights.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, May 22, 1996

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

Assembly Bill No. 2071	Assembly Bill No. 2772
Assembly Bill No. 2149	Assembly Bill No. 3041
Assembly Bill No. 2218	Assembly Bill No. 3074
Assembly Bill No. 2270	Assembly Bill No. 3151
Assembly Bill No. 2288	Assembly Bill No. 3181
Assembly Bill No. 2465	Assembly Bill No. 3475
Assembly Bill No. 2599	

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 22, 1996

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

Assembly Bill No. 2770

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, May 22, 1996

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

Assembly Constitutional Amendment No. 29

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, May 22, 1996

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

Assembly Bill No. 2142

Assembly Bill No. 3014

Assembly Bill No. 3435

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

**AUTHOR'S AMENDMENTS  
Committee on Natural Resources**

May 22, 1996

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 3022

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

OLBERG, Chairman

**ASSEMBLY BILL NO. 3022**—An act to add Section 41904 to the Public Resources Code, relating to solid waste, 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.

**AUTHOR'S AMENDMENTS**

**Committee on Water, Parks and Wildlife**

May 22, 1996

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports: Senate Bill No. 1280

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

CORTESE, Chairman

**SENATE BILL NO. 1280**—An act to add Division 28 (commencing with Section 37000) to the Public Resources Code, and to amend Sections 17039 and 23036 of, and to add Sections 17053.30 and 23630 to, the Revenue and Taxation Code, relating to land and water conservation.

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 Environmental Safety and Toxic Materials**

May 22, 1996

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 324

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

RICHTER, Chairman

**SENATE BILL NO. 324**—An act to add Chapter 3 (commencing with Section 850) to Title 3 of Part 2 of Division 2 of the Civil Code, relating to hazardous materials.

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:

Assembly Bill No. 3073

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

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Date of Hearing: May 8, 1996

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 3085

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

POOCHIGIAN, Chairman

Above bill ordered to second reading.

**Committee on Budget**

Date of Hearing: May 21, 1996

Mr. Speaker: Your Committee on Budget reports:

Assembly Bill No. 3484	Assembly Bill No. 3494
Assembly Bill No. 3485	Assembly Bill No. 3495
Assembly Bill No. 3486	Assembly Bill No. 3496
Assembly Bill No. 3487	Assembly Bill No. 3497
Assembly Bill No. 3488	Assembly Bill No. 3482
Assembly Bill No. 3489	Assembly Bill No. 3483
Assembly Bill No. 3490	Assembly Bill No. 3498
Assembly Bill No. 3491	Assembly Bill No. 3499
Assembly Bill No. 3492	Assembly Bill No. 3500
Assembly Bill No. 3493	Assembly Bill No. 3501

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

MILLER, Chairman

Above bills 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. 2071, 2149, 2218, 2288, 2465, 2599, 2772, 3074, 3151, 3181, 3475, and 2270,** ordered to third reading;

**Assembly Bill No. 3041,** ordered to the Consent Calendar.

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 2859**—An act to amend Section 16904 of the Food and Agricultural Code, relating to civil actions.

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. 2396**—An act to amend Section 7159 of the Business and Professions Code, relating to contractors.

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.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 388**—An act to amend Section 29034.5 of the Public Utilities Code, relating to transportation.

Bill read second time, and ordered to Consent Calendar.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, May 23, 1996.

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CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 22, 1996**

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

<b>AB</b>	<b>RN</b>
2396	9618910
2859	9618895
3022	9619193

<b>SB</b>	<b>RN</b>
324	9619085
1280	9618406