

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Monday, July 10, 1995**

**ONE HUNDRED SIXTH SESSION DAY**

**TWO HUNDRED EIGHTEENTH 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  
Monday, July 10, 1995

The Assembly met at 11:08 a.m.

Hon. Brian Setencich, Majority 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 Sweeney moved a quorum call of the Assembly.

Motion carried. Time, 11:09 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 11:15 a.m., Majority Speaker pro Tempore Setencich declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—78:

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

**PRAYER**

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

*Mighty and Most High God*, Whom all creation worships, the fountainhead of wisdom, the fathomless depth of goodness and boundless sea of loving-kindness, You, loving Master, are the God of everlasting wonders. Look upon us servants and hear us; and in whatever we may do and accomplish, may our effort receive the gift of Your grace and the blessing of Your right hand.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Majority Speaker pro Tempore Setencich, Assembly Member Cannella then led the Assembly in the pledge of allegiance to the Flag.

**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 Escutia.*

**COMMUNICATIONS**

The following communications were presented by the Chief Clerk, and ordered printed in the Journal:

July 10, 1995

*Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised that Assemblymember Liz Figueroa will no longer serve on the Assembly Environmental Safety and Toxic Materials Committee.

Sincerely,

WILLIE L. BROWN, JR.

July 10, 1995

*Mr. E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California*

Dear Dotson: Please be advised of the following changes:

Assemblymember Kerry Mazzoni will no longer serve on the Assembly Housing Committee. I have appointed her to the Assembly Environmental Safety and Toxic Materials Committee as Vice Chairwoman.

Assemblymember Joe Baca will no longer chair the Assembly Utilities and Commerce Committee, but will continue to serve as a member. Assemblywoman Diane Martinez will serve as Chair of the Assembly Utilities and Commerce Committee.

I have appointed Assemblymember Joe Baca to serve on the Assembly Appropriations Committee. Assemblymember Diane Martinez will no longer serve on the Assembly Appropriations Committee.

Sincerely,

WILLIE L. BROWN, JR.

### CAUCUS ANNOUNCEMENTS

At 11:16 a.m., by unanimous consent, the Republican Caucus was permitted to meet in the Assembly Lounge, and the Democratic Caucus was permitted to meet in the Tom Bane Rules Committee Room.

### RECESS

By unanimous consent, at 11:16 a.m., Majority Speaker pro Tempore Setencich declared the Assembly recessed.

### REASSEMBLED

At 1:58 p.m., the Assembly reconvened.

Hon. Brian Setencich, Majority Speaker pro Tempore of the Assembly, presiding.

### 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 Hawkins, seconded by Assembly Member Speier.

### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 10, 1995

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

Assembly Bill No. 780

Assembly Bill No. 993

Assembly Bill No. 781

Assembly Bill No. 1190

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

### REFERENCE OF BILLS TO COMMITTEE

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

<i>Senate</i>		<i>Committee</i>
<i>Bill No.</i>		
29	-----	L. Gov. and W., P. & W.
654	-----	W., P. & W. and Nat. Res.
657	-----	Rev. & Tax.
947	-----	Jud.
1106	-----	B. & F.
<i>Senate Constitutional</i>		
<i>Amendment No.</i>		<i>Committee</i>
19	-----	Jud.
<i>Senate Joint</i>		
<i>Resolution No.</i>		<i>Committee</i>
26	-----	Rls.
27	-----	Rls.

*Senate Concurrent**Resolution No.**Committee*

39 ----- Rls.

**REQUEST TO SUSPEND JOINT RULES**

The following request was received, and read:

Assembly Chamber, July 10, 1995

Mme. Speaker: I request permission to suspend Joint Rule 61 as it relates to Senate Bill No. 1066.

RICHARD K. RAINEY

Above request ordered transmitted to the Committee on Rules.

**AUTHOR'S AMENDMENTS****Committee on Education**

July 10, 1995

Mme. Speaker: The Chair of your Committee on Education reports:

Senate Bill No. 1235

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

ALPERT, Chairwoman

**SENATE BILL NO. 1235**—An act to amend Section 51202 of, to add Sections 51207 and 51207.5 to, and to repeal Section 51221 of, the Education Code, relating to schools.

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**

July 10, 1995

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

Assembly Bill No. 566

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

MCDONALD, Chairwoman

**ASSEMBLY BILL NO. 566**—An act to add Section 6385.5 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.

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

July 10, 1995

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

Senate Bill No. 874

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

ISENBERG, Chairman

**SENATE BILL NO. 874**—An act relating to the court of appeal.

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**

July 10, 1995

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

Senate Bill No. 100

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

POOCHIGIAN, Chairman

**SENATE BILL NO. 100**—An act to amend, repeal, and add Section 19610.5 of the Business and Professions Code, relating to horseracing.

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 Rules**

July 10, 1995

Mme. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61, as it relates to the following bills be granted:

Senate Bill No. 206

Senate Bill No. 864

Senate Bill No. 564

Senate Bill No. 866

Senate Bill No. 861

AGUIAR, Alternate Chair

**Committee on Governmental Organization**

Date of Hearing: July 10, 1995

Mme. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1059

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

TUCKER, Chairman

Above bill re-referred to the Committee on Public Safety.

**Committee on Judiciary**

Date of Hearing: July 5, 1995

Mme. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1148

With the recommendation: Do pass, as amended.

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.

ISENBERG, Chairman

Above bill ordered to second reading.

**Committee on Rules**

Date of Hearing: July 10, 1995

Mme. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 34

Assembly Joint Resolution No. 35

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 resolutions be placed on the Consent Calendar.

AGUIAR, Alternate Chair

Above resolutions ordered on file.

Date of Hearing: July 10, 1995

Mme. Speaker: Your Committee on Rules reports:  
Senate Bill No. 1359

With the recommendation: Do pass.

AGUIAR, Alternate Chair

Above bill ordered to second reading.

**Committee on Governmental Organization**

Date of Hearing: July 10, 1995

Mme. Speaker: Your Committee on Governmental Organization reports:  
Senate Bill No. 106  
Senate Bill No. 136

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

TUCKER, Chairman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 10, 1995

Mme. Speaker: Your Committee on Governmental Organization reports:  
Senate Bill No. 408  
Senate Bill No. 646

With the recommendation: Do pass.

TUCKER, Chairman

Above bills ordered to second reading.

Date of Hearing: July 10, 1995

Mme. Speaker: Your Committee on Governmental Organization reports:  
Senate Bill No. 398

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.

TUCKER, Chairman

Above bill ordered to second reading.

**Committee on Judiciary**

Date of Hearing: July 5, 1995

Mme. Speaker: Your Committee on Judiciary reports:  
Senate Bill No. 1070  
Senate Bill No. 1315

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

ISENBERG, Chairman

Above bills ordered to second reading.

**MESSAGES FROM THE SENATE**

Senate Chamber, July 10, 1995

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

Assembly Bill No. 806

And respectfully requests the Assembly to concur in said amendments.

RICK ROLLENS, Secretary of the Senate  
By John W. Rovane, Assistant Secretary

Above bill ordered to unfinished business file.

Senate Chamber, July 10, 1995

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

Assembly Concurrent Resolution No. 40

And respectfully requests the Assembly to concur in said amendments.

RICK ROLLENS, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

Senate Chamber, July 10, 1995

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

Senate Bill No. 23

RICK ROLLENS, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Senate Chamber, July 10, 1995

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

Senate Bill No. 17

RICK ROLLENS, Secretary of the Senate

By John W. Rovane, Assistant Secretary

### **FIRST READING OF SENATE BILLS**

The following bill was read the first time:

**SENATE BILL NO. 17**—An act relating to the payment of judgments and settlement claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

### **REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Rogan was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of Isobel Heely, daughter of Jon and Lauri Heely, of Burbank.

### **Request for Unanimous Consent**

Speaker Emeritus Brown was granted unanimous consent that all rules be dispensed with to permit all Budget trailer bills to be taken up without reference to file, today and subsequent days until all Budget trailer bills have been taken up for consideration.

### **JOINT RULE 62(a) WAIVED**

Assembly Member Martinez was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 663 for hearing in the Committee on Higher Education on July 11, 1995.

Assembly Member McDonald was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 216 for hearing in the Committee on Revenue and Taxation on Wednesday, July 12, 1995.

### **COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member McDonald announced that the Committee on Revenue and Taxation would meet today, 1 hour after adjournment of Floor session.



**SENATE BILL NO. 458 REMOVED FROM CONSENT  
CALENDAR AND TAKEN UP**

Assembly Member Kuykendall was granted unanimous consent that Senate Bill No. 458 be removed from the Consent Calendar, and to take the bill up at this time, without reference to file, for purpose of amendment.

**SENATE BILL NO. 458 (Beverly)**—An act to amend Sections 7704, 8576, and 8757 of the Fish and Game Code, relating to fish.

Bill read third time.

**Motion to Amend**

Assembly Member Kuykendall moved the adoption of amendments.

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

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Sher announced that the Committee on Natural Resources would meet today, upon adjournment of Floor session.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Mazzoni was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Geoffrey Sackett, of Novato.

**MOTION BY ASSEMBLY MEMBER BORDONARO**

Assembly Member Bordonaro moved that the following language be substituted for Assembly Rule 10, as contained in the rule adopted by the Assembly by motion on June 5, 1995:

10. (a) The Speaker shall appoint the Chair of each standing committee, including the Committee on Rules, each of whom shall be of the same party as the Speaker.

(b) The Floor Leader of the other party shall appoint the vice-chairs of each standing committee, including the Committee on Rules.

(c) No member may serve as chair or vice-chair of more than one standing committee, including the Committee on Rules.

Assembly Member Thompson seconded the motion.

**Parliamentary Inquiry**

Assembly Member Burton arose to the following parliamentary inquiry:

Is Assembly Member Bordonaro's motion considered an amendment to the rules?

**Reply by Majority Speaker pro Tempore Setencich**

The Majority Speaker pro Tempore replied in the affirmative.

**Point of Order**

Assembly Member Burton arose to the following point of order:

Under the rules, an amendment to the rules must be introduced at the Desk in resolution form, and referred to the appropriate committee.

**Ruling by Majority Speaker pro Tempore Setencich**

The Majority Speaker pro Tempore ruled the point of order well-taken; that an amendment to the rules must be introduced at the Desk in resolution form, and referred to the appropriate committee; whereupon he referred the Bordonaro motion to the Committee on Rules.

**Motion to Appeal from the Decision of the Chair**

Assembly Member Bordonaro moved to appeal from the decision of the Chair.

Assembly Member Thompson seconded the motion.

The question being: Shall the decision of the Chair that the Bordonaro motion be referred to the Committee on Rules as it was not introduced at the Desk in resolution form, be overruled?

The roll was opened and the decision of the Chair sustained by the following vote:

**AYES—33**

Aguiar	Conroy	Kaloogian	Pringle
Alby	Cunneen	Knight	Rainey
Baldwin	Firestone	Knowles	Rogan
Battin	Frusetta	Kuykendall	Takasugi
Boland	Granlund	Margett	Thompson
Bordonaro	Harvey	McPherson	Weggeland
Bowler	Hawkins	Miller	
Brewer	Hoge	Morrissey	
Brulte	House	Olberg	

**NOES—41**

Alpert	Cortese	Knox	Setencich
Archie-Hudson	Davis	Kuehl	Sher
Baca	Ducheny	Lee	Speier
Bates	Figueroa	Machado	Sweeney
Bowen	Friedman	Martinez	Tucker
Brown, Valerie	Gallegos	Mazzoni	Vasconcellos
Brown, Willie	Goldsmith	McDonald	Villaraigosa
Burton	Hannigan	Murray, Kevin	Mme. Speaker
Bustamante	Hauser	Murray, Willard	
Caldera	Isenberg	Napolitano	
Campbell	Katz	Richter	

**MOTION BY ASSEMBLY MEMBER BALDWIN**

Assembly Member Baldwin moved that Assembly Rule 17 be added to the rules adopted by the Assembly by motion on June 5, 1995, to read as follows:

17. (a) The Speaker may create committees other than standing committees, including subcommittees.

(b) The Speaker shall appoint the Chair of these committees, each of whom shall be of the same party as the Speaker and shall not be a Chair of a Standing Committee.

(c) The membership of each of these committees shall have one more member of the majority party than the minority party. The term "majority" party for purposes of these rules means the party with the greater number of Members in the Assembly as determined by party registration.

(d) The Floor Leader of the other party shall select the vice-chair of these committees.

Assembly Member Hawkins seconded the motion.

**Motion Referred to Committee**

Majority Speaker pro Tempore Setencich referred the motion to the Committee on Rules as the motion to amend the rules was not introduced at the Desk in resolution form.

**Motion to Appeal from the Decision of the Chair**

Assembly Member Baldwin moved to appeal from the decision of the Chair.

Assembly Member Hawkins seconded the motion.

The question being: Shall the decision of the Chair that the Baldwin motion to amend the rules be referred to the Committee on Rules as it was not introduced at the Desk in resolution form, be overruled?

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Baldwin moved a call of the Assembly.

Motion carried. Time, 2:10 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**MOTION BY ASSEMBLY MEMBER HAWKINS**

Assembly Member Hawkins moved that Assembly Rule 10, as contained in the rules adopted by the Assembly by motion on June 5, 1995, be amended to read:

(e) No member may serve as chair or vice-chair of more than one standing committee, including the Committee on Rules.

Assembly Member Morrissey seconded the motion.

**Motion Referred to Committee**

Majority Speaker pro Tempore Setencich referred the Hawkins motion to amend the rules to the Committee on Rules as it was not introduced at the Desk in resolution form.

**Motion to Appeal from the Decision of the Chair**

Assembly Member Hawkins moved to appeal from the decision of the Chair.

Assembly Member Morrissey seconded the motion.

The question being: Shall the decision of the Chair that the Hawkins motion to amend the rules be referred to the Committee on Rules as it was not introduced at the Desk in resolution form be overruled?

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Hawkins moved a call of the Assembly.

Motion carried. Time, 2:15 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**WITHDRAWAL AND RE-REFERENCE OF BILLS**

Assembly Member Knowles was granted unanimous consent that Senate Bill No. 1020 be withdrawn from the Committee on Health and re-referred to the Committee on Insurance.

**BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE**

Assembly Member Knowles was granted unanimous consent that Senate Bill No. 672, be withdrawn from the Committee on Insurance and placed on the second reading file.

**JOINT RULE 62(a) WAIVED**

Assembly Member Knowles was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 266 and 1020 for hearing in the Committee on Insurance.

Assembly Member Villaraigosa was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 691 for hearing in the Committee on Public Safety on July 11, 1995.

**ASSEMBLY CONCURRENT RESOLUTION NO. 41 TAKEN UP  
BY UNANIMOUS CONSENT**

Assembly Member Villaraigosa was granted unanimous consent to take up Assembly Concurrent Resolution No. 41, without reference to committee or file, and that the same be considered engrossed.

**ASSEMBLY CONCURRENT RESOLUTION NO. 41**—Relative to Breastfeeding Awareness Week.

Resolution read.

**Members Made Coauthors of  
Assembly Concurrent Resolution No. 41**

Assembly Member Villaraigosa was granted unanimous consent that all Assembly Members voting “Aye” be placed upon Assembly Concurrent Resolution No. 41 as coauthors.

**Roll Call**

The following Assembly Members indicated a desire to become coauthors:

Aguar, Allen, Alpert, Archie-Hudson, Baca, Battin, Bowen, Valerie Brown, Willie Brown, Burton, Bustamante, Caldera, Cannella, Cortese, Cunneen, Davis, Ducheny, Figueroa, Firestone, Friedman, Frusetta, Gallegos, Hannigan, Harvey, Hauser, Hoge, Isenberg, Katz, Knowles, Knox, Kuehl, Lee, Machado, Martinez, Mazzoni, McDonald, Kevin Murray, Willard Murray, Napolitano, Setencich, Sher, Speier, Sweeney, and Vasconcellos.

**Request for Unanimous Consent**

Assembly Member Villaraigosa was granted unanimous consent to take up Assembly Concurrent Resolution No. 41, as amended, without reference to print or file, and that the same be considered engrossed.

**Consideration of  
Assembly Concurrent Resolution No. 41, as Amended**

**ASSEMBLY CONCURRENT RESOLUTION NO. 41**—Relative to Breastfeeding Awareness Week.

Resolution read, as amended, and adopted unanimously.

Resolution ordered printed, and transmitted to the Senate.

**RECESS**

By unanimous consent, at 2:16 p.m., Majority Speaker pro Tempore Setencich declared the Assembly recessed to permit the introduction of special guests.

Assembly Members Bowler and Alby introduced California State Police Chief Duane Lowe, Sgt. Larry Seals, Officer Ralph Martin, and Melanie Schultz, Coordinator, California State Police. In recognition of July 10, 1995 as the last day of independent operation of the California State Police, Assembly Members Bowler and Alby presented a resolution to Chief Duane Lowe expressing appreciation for the years of dedicated service of the California State Police.

Chief Duane Lowe then addressed the assemblage.

**REASSEMBLED**

At 2:20 p.m., the Assembly reconvened.

Hon. Brian Setencich, Majority Speaker pro Tempore of the Assembly, presiding.

**CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT**

Assembly Member Alby was granted unanimous consent to take up Assembly Concurrent Resolution No. 40, without reference to file, for purpose of consideration of Senate amendments.

**ASSEMBLY CONCURRENT RESOLUTION NO. 40** (Alby)—Relative to the California State Police.

The question being: Shall the Assembly concur in the Senate amendments to the above resolution?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—71**

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

**NOES—None**

Above resolution ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT**

Assembly Member Davis was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eva Ritchie, of San Diego.

**CONSIDERATION OF DAILY FILE****SENATE BILLS RETURNED TO SECOND READING FILE  
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

**Senate Bills Nos. 840, 1264, and 558** ordered to third reading.

**SECOND READING OF SENATE BILLS**

**SENATE BILL NO. 429**—An act to amend Sections 20111, 20113, 20114, 20116, 20651, 20654, 20655, and 20657 of, and to repeal Section 20651.5 of, the Public Contract Code, relating to local agency contracts.

Bill read second time; amendments proposed by the Committee on Education read and adopted, bill ordered reprinted and to be re-referred to the Committee on Local Government.

**SENATE BILL NO. 1036**—An act to amend Section 33492.71 of the Health and Safety Code, relating to redevelopment.

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

**SENATE BILL NO. 822**—An act to amend Sections 628.1, 628.2, 628.4, 628.5, and 628.6 of the Penal Code, relating to school crimes, and declaring the urgency thereof, to take effect immediately.

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.

**SENATE BILL NO. 424**—An act to add Section 676.9 to the Insurance Code, relating to insurance.

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

### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

**ASSEMBLY BILL NO. 1413 (Sher)**—An act to amend Section 5093.547 of, to add Section 5093.70 to, and to repeal Section 5093.548 of, the Public Resources Code, relating to wild and scenic rivers.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

#### AYES—65

Aguilar	Campbell	Knight	Olberg
Alby	Cannella	Knowles	Poochigian
Alpert	Conroy	Knox	Pringle
Archie-Hudson	Cortese	Kuehl	Rainey
Baca	Cunneen	Kuykendall	Richter
Bates	Davis	Lee	Rogan
Battin	Ducheny	Machado	Sher
Bordonaro	Figueroa	Margett	Speier
Bowen	Firestone	Martinez	Sweeney
Bowler	Friedman	Mazzoni	Takasugi
Brewer	Frusetta	McDonald	Tucker
Brown, Valerie	Gallegos	McPherson	Villaraigosa
Brown, Willie	Hannigan	Morrissey	Woods
Brulte	Harvey	Morrow	Mme. Speaker
Burton	Hauser	Murray, Kevin	
Bustamante	Isenberg	Murray, Willard	
Caldera	Katz	Napolitano	

#### NOES—8

Baldwin	Goldsmith	Hoge	Miller
Boland	Granlund	Kaloogian	Thompson

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Assembly Member Sher was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 1413**

July 10, 1995

*E. Dotson Wilson**Chief Clerk of the Assembly  
State Capitol—Room 3196*

Dear Mr. Wilson: I respectfully request that this letter be inserted in the Assembly Journal.

It is my intent, as author of AB 1413, to exclude the lower reaches of both Mill and Deer Creeks from the provisions of the bill because the Mill and Deer Creek Watershed Conservancies have assured me that existing water rights decrees make it virtually impossible and unlikely that new dams, diversions or water impoundment facilities will ever be constructed along these stream segments.

I also agreed to exclude the lower reaches on both creeks because of voluntary efforts undertaken by the landowners to provide water to aid migration of Spring-run chinook salmon. Landowners in the Mill Creek watershed have already entered into a contractual agreement whereby the State of California provides groundwater to farmers in exchange for farmers' leaving an equal amount of natural flow in the stream during critical periods of the spring migration of Spring-run chinook salmon.

Water rights holders on Deer Creek are currently cooperating with the Departments of Water Resources, and Fish and Game, to similarly develop alternative water resources and provide fishery flows during the spawning season for Spring-run chinook salmon. The Deer Creek Irrigation District and Stanford-Vina Ranch Irrigation Company have cooperated in making voluntary flow releases at the request of the Department of Fish and Game (DFG) for the past five years. Efforts are underway to formalize the availability of fish migration flows through a water exchange agreement between DFG, the Department of Water Resources and the two water agencies.

For these reasons, I have deferred to the wishes of the affected landowners by limiting the provisions of AB 1413 to the upper reaches of both Mill and Deer Creeks.

Sincerely,

BYRON D. SHER, Assembly Member  
Twenty-first District



**CONSIDERATION OF DAILY FILE (RESUMED)**  
**UNFINISHED BUSINESS (RESUMED)**  
**CONSIDERATION OF SENATE AMENDMENTS**

**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.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

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

**NOES—None**

Above bill ordered enrolled.

**ASSEMBLY BILL NO. 1628 (Olberg)**—An act to amend Sections 1010 and 1011 of the Military and Veterans Code, relating to veterans.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

*(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)*

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

**AYES—76**

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

**NOES—None**

Above bill ordered enrolled.

**MOTIONS TO RECONSIDER BILLS CONTINUED**

Assembly Member Kaloogian was granted unanimous consent that the motion to reconsider the vote on Speier amendments—Set 94 to Assembly Bill No. 111 be continued until Thursday, July 13, 1995.

Assembly Member Caldera was granted unanimous consent that the motion to reconsider the vote on Senate Bill No. 51 be continued until Thursday, July 13, 1995.

**MOTION TO RECONSIDER ASSEMBLY BILL NO. 773**

In compliance with a motion given on a previous day, Assembly Member Brulte moved that the vote be reconsidered whereby Assembly Bill No. 773 was refused passage.

Assembly Bill No. 773 reconsidered by the following vote:

**AYES—41**

Aguilar	Firestone	Kuykendall	Richter
Alby	Frusetta	Machado	Rogan
Baldwin	Goldsmith	Margett	Setencich
Battin	Granlund	McPherson	Takasugi
Boland	Harvey	Miller	Thompson
Bordonaro	Hawkins	Morrissey	Weggeland
Bowler	Hoge	Morrow	Woods
Brewer	House	Olberg	Mme. Speaker
Brulte	Kaloogian	Poochigian	
Conroy	Knight	Pringle	
Cunneen	Knowles	Rainey	

**NOES—34**

Archie-Hudson	Cannella	Katz	Napolitano
Baca	Cortese	Knox	Sher
Bates	Ducheny	Kuehl	Speier
Brown, Valerie	Figueroa	Lee	Sweeney
Brown, Willie	Friedman	Martinez	Tucker
Burton	Gallegos	Mazzoni	Vasconcellos
Bustamante	Hannigan	McDonald	Villaraigosa
Caldera	Hauser	Murray, Kevin	
Campbell	Isenberg	Murray, Willard	

**REQUEST FOR UNANIMOUS CONSENT TO LIMIT DEBATE**

Majority Speaker pro Tempore Setencich was granted unanimous consent that debate on Assembly Bill No. 773 be limited to two proponents and two opponents.

**FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 773**

**ASSEMBLY BILL NO. 773 (Brulte)**—An act to amend Sections 17041, 17062, 23151, and 23455 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—41**

Aguiar	Firestone	Kuykendall	Richter
Alby	Frusetta	Machado	Rogan
Baldwin	Goldsmith	Margett	Setencich
Battin	Granlund	McPherson	Takasugi
Boland	Harvey	Miller	Thompson
Bordonaro	Hawkins	Morrissey	Weggeland
Bowler	Hoge	Morrow	Woods
Brewer	House	Olberg	Mme. Speaker
Brulte	Kaloogian	Poochigian	
Conroy	Knight	Pringle	
Cunneen	Knowles	Rainey	

**NOES—37**

Alpert	Campbell	Isenberg	Napolitano
Archie-Hudson	Cannella	Katz	Sher
Baca	Cortese	Knox	Speier
Bates	Davis	Kuehl	Sweeney
Bowen	Ducheny	Lee	Tucker
Brown, Valerie	Figueroa	Martinez	Vasconcellos
Brown, Willie	Friedman	Mazzoni	Villaraigosa
Burton	Gallegos	McDonald	
Bustamante	Hannigan	Murray, Kevin	
Caldera	Hauser	Murray, Willard	

**Request to Transmit Bill to Senate Immediately**

Assembly Member Brulte requested unanimous consent that Assembly Bill No. 773 be transmitted to the Senate immediately.

Assembly Member Burton withheld unanimous consent.

**Motion to Transmit to Senate Immediately**

Assembly Member Brulte moved that Assembly Bill No. 773 be transmitted to the Senate immediately.

The roll was opened.

**Call of the Assembly**

Pending the announcement of the vote, Assembly Member Caldera moved a call of the Assembly.

Motion carried. Time, 2:43 p.m.

The Sergeant at Arms was directed to close the doors, and to bring in the absent Members.

**Motion to Dispense with Call of the Assembly**

Assembly Member Brulte moved that the Call of the Assembly as it relates to his motion on Assembly Bill No. 773 be dispensed with.

Motion carried by the following vote:

**AYES—40**

Aguiar	Cunneen	Knight	Pringle
Alby	Firestone	Knowles	Rainey
Baldwin	Frusetta	Kuykendall	Richter
Battin	Goldsmith	Margett	Rogan
Boland	Granlund	McPherson	Setencich
Bordonaro	Harvey	Miller	Takasugi
Bowler	Hawkins	Morrissey	Thompson
Brewer	Hoge	Morrow	Weggeland
Brulte	House	Olberg	Woods
Conroy	Kaloogian	Poochigian	Mme. Speaker

**NOES—36**

Alpert	Caldera	Hauser	Murray, Kevin
Archie-Hudson	Campbell	Isenberg	Murray, Willard
Baca	Cannella	Katz	Napolitano
Bates	Davis	Knox	Sher
Bowen	Ducheny	Kuehl	Speier
Brown, Valerie	Figueroa	Lee	Sweeney
Brown, Willie	Friedman	Martinez	Tucker
Burton	Gallegos	Mazzoni	Vasconcellos
Bustamante	Hannigan	McDonald	Villaraigosa

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
MOTION TO TRANSMIT  
ASSEMBLY BILL NO. 773 TO SENATE IMMEDIATELY**

At 2:45 p.m., further proceedings under the call of the Assembly were dispensed with.

The motion to transmit Assembly Bill No. 773 to the Senate immediately carried by the following vote:

**AYES—41**

Aguiar	Firestone	Kuykendall	Richter
Alby	Frusetta	Machado	Rogan
Baldwin	Goldsmith	Margett	Setencich
Battin	Granlund	McPherson	Takasugi
Boland	Harvey	Miller	Thompson
Bordonaro	Hawkins	Morrissey	Weggeland
Bowler	Hoge	Morrow	Woods
Brewer	House	Olberg	Mme. Speaker
Brulte	Kaloogian	Poochigian	
Conroy	Knight	Pringle	
Cunneen	Knowles	Rainey	

**NOES—34**

Alpert	Caldera	Katz	Napolitano
Archie-Hudson	Campbell	Knox	Sher
Baca	Ducheny	Kuehl	Speier
Bates	Figueroa	Lee	Sweeney
Bowen	Friedman	Martinez	Tucker
Brown, Valerie	Gallegos	Mazzoni	Vasconcellos
Brown, Willie	Hannigan	McDonald	Villaraigosa
Burton	Hauser	Murray, Kevin	
Bustamante	Isenberg	Murray, Willard	

Bill ordered transmitted to the Senate immediately.

**THIRD READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 982 (Firestone)**—An act to amend, repeal, and add Section 6366 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, and passed by the following vote:

**AYES—51**

Aguiar	Conroy	House	Poochigian
Alby	Cunneen	Kaloogian	Pringle
Alpert	Davis	Knight	Rainey
Baca	Ducheny	Knowles	Richter
Baldwin	Figueroa	Kuykendall	Rogan
Battin	Firestone	Lee	Setencich
Boland	Frusetta	Machado	Takasugi
Bordonaro	Gallegos	Margett	Thompson
Bowler	Goldsmith	McDonald	Villaraigosa
Brewer	Granlund	McPherson	Weggeland
Brown, Willie	Harvey	Morrissey	Woods
Brulte	Hawkins	Morrow	Mme. Speaker
Campbell	Hoge	Olberg	

**NOES—11**

Caldera	Isenberg	Kuehl	Napolitano
Hannigan	Katz	Martinez	Sher
Hauser	Knox	Mazzoni	

Bill ordered transmitted to the Senate.

**CONSIDERATION OF ASSEMBLY BILL NO. 1671 BY UNANIMOUS CONSENT**

Assembly Member Takasugi was granted unanimous consent to take up Assembly Bill No. 1671, out of order.

**ASSEMBLY BILL NO. 1671 (Takasugi)**—An act to amend Section 24358 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

**Motion to Amend**

Assembly Member Takasugi moved the adoption of amendments.

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

**REQUEST TO TAKE UP ASSEMBLY BILL NO. 940, OUT OF ORDER**

Assembly Member Knight requested unanimous consent to take up Assembly Bill No. 940, out of order.

Assembly Member Bustamante withheld unanimous consent.

**Consideration of Assembly Bill No. 940**

**ASSEMBLY BILL NO. 940 (Knight)**—An act to add Sections 15819.90 and 15819.95 to the Government Code, and to amend Sections 1010 and 1011 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

Bill read third time.

**Point of Order**

Assembly Member Bustamante arose to the following point of order:

That he had raised objection to consideration of Assembly Bill No. 940, out of order.

**Ruling by Majority Speaker pro Tempore Setencich**

The Majority Speaker pro Tempore ruled the point of order well-taken.

**Further Consideration of Assembly Bill No. 940, by Unanimous Consent**

The question being on the passage of the bill.

Bill passed by the following vote:

**AYES—64**

Aguiar	Cannella	Kaloogian	Murray, Willard
Alby	Conroy	Katz	Napolitano
Alpert	Cortese	Knight	Olberg
Archie-Hudson	Cunneen	Knox	Poochigian
Baca	Davis	Kuehl	Pringle
Baldwin	Ducheny	Kuykendall	Rainey
Bates	Firestone	Lee	Richter
Battin	Frusetta	Machado	Rogan
Boland	Gallegos	Margett	Setencich
Bordonaro	Goldsmith	Martinez	Sweeney
Bowler	Granlund	McDonald	Takasugi
Brewer	Harvey	McPherson	Thompson
Brown, Valerie	Hauser	Miller	Tucker
Brulte	Hawkins	Morrissey	Weggeland
Burton	Hoge	Morrow	Woods
Campbell	House	Murray, Kevin	Mme. Speaker

**NOES—9**

Bowen	Hannigan	Sher
Brown, Willie	Isenberg	Speier
Caldera	Mazzoni	Villaraigosa

**Vote Changes**

By unanimous consent, the following vote change was permitted on Assembly Bill No. 940: Assembly Member Cunneen, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**BILLS PASSED ON FILE**

**Assembly Bill No. 397**—Passed on file.

**UNANIMOUS CONSENT WITHHELD**

Assembly Member Pringle announced that he would withhold unanimous consent on any requests to pass and retain bills on this day's file.

**CONSIDERATION OF SENATE BILL NO. 493 BY UNANIMOUS CONSENT**

Assembly Member Isenberg was granted unanimous consent to take up Senate Bill No. 493, out of order.

**SENATE BILL NO. 493 (Wright)**—An act to amend Section 25673.1 of the Health and Safety Code, relating to radiologic technology.

Bill read third time.

**Motion to Amend**

Assembly Member Isenberg moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

**Further Consideration of Senate Bill No. 493, as Amended,  
by Unanimous Consent**

Assembly Member Isenberg was granted unanimous consent to take up Senate Bill No. 493, as amended, without reference to file for purpose of consideration at this time.

**SENATE BILL NO. 493 (Maddy)**—An act to add and repeal Article 3.8 (commencing with Section 349.100) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to amend, repeal, and add Section 30124 of the Revenue and Taxation Code, to repeal Sections 14148.95, 14148.96, and 14148.97 of the Welfare and Institutions Code, and to amend Section 54 of Chapter 195 of the Statutes of 1994, relating to health care, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Assembly Member Isenberg.

**Urgency Clause**

Urgency clause read, and adopted by the following vote:

**AYES—67**

Aguiar	Conroy	Isenberg	Murray, Willard
Alby	Cortese	Kaloogian	Napolitano
Alpert	Cunneen	Knight	Poochigian
Archie-Hudson	Davis	Knox	Rainey
Baca	Ducheny	Kuehl	Richter
Baldwin	Figueroa	Kuykendall	Rogan
Battin	Firestone	Lee	Setencich
Boland	Friedman	Machado	Speier
Bordonaro	Frusetta	Margett	Sweeney
Bowler	Gallegos	Martinez	Takasugi
Brewer	Goldsmith	Mazzoni	Thompson
Brown, Valerie	Granlund	McDonald	Tucker
Brown, Willie	Hannigan	McPherson	Villaraigosa
Brulte	Harvey	Miller	Weggeland
Bustamante	Hauser	Morrissey	Woods
Campbell	Hawkins	Morrow	Mme. Speaker
Cannella	House	Murray, Kevin	

**NOES—4**

Bowen	Hoge	Katz	Pringle
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The question being on the passage of the bill.  
Bill passed by the following vote:

**AYES—67**

Aguiar	Conroy	Isenberg	Murray, Willard
Alby	Cortese	Kaloogian	Napolitano
Alpert	Cunneen	Knight	Poochigian
Archie-Hudson	Davis	Knox	Rainey
Baca	Ducheny	Kuehl	Richter
Baldwin	Figueroa	Kuykendall	Rogan
Battin	Firestone	Lee	Setencich
Boland	Friedman	Machado	Speier
Bordonaro	Frusetta	Margett	Sweeney
Bowler	Gallegos	Martinez	Takasugi
Brewer	Goldsmith	Mazzoni	Thompson
Brown, Valerie	Granlund	McDonald	Tucker
Brown, Willie	Hannigan	McPherson	Villaraigosa
Brulte	Harvey	Miller	Weggeland
Bustamante	Hauser	Morrissey	Woods
Campbell	Hawkins	Morrow	Mme. Speaker
Cannella	House	Murray, Kevin	

**NOES—4**

Bowen	Hoge	Katz	Pringle
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Bill ordered transmitted to the Senate.



**CONSIDERATION OF CONSENT CALENDAR**

The Majority Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

**Consent Calendar—Senate Bill**

**SENATE BILL NO. 1095 (Marks)**—An act to amend Section 11356.5 of the Health and Safety Code, and to amend Sections 186.22, 674, 1203.095, 1417.6, 2085.5, 4532, 12022, 12022.5, and 12316 of the Penal Code, relating to crimes.

Bill read third time, and passed by the following vote:

**AYES—78**

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

**NOES—None**

Bill ordered transmitted to the Senate.

**RESOLUTIONS**

The following resolutions were offered:

**Resolutions to Suspend Joint Rules**

By Assembly Member Rainey:

*Resolved*, That Joint Rule 61 be suspended to permit the Committees on Local Government and Appropriations to meet, consider, and report Senate Bills Nos. 564, 861, 864, and 866 for further action.

By Assembly Member Richter:

*Resolved*, That Joint Rule 61 be suspended to permit the Committees on Environmental Safety and Toxic Materials and Appropriations to meet, consider, and report Senate Bill No. 206 for further action.

Resolutions read, and adopted by the following vote:

**AYES—78**

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

**NOES—None**

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Katz announced that the Committee on Transportation would meet today at 4 p.m. in Room 4202.

**JOINT RULE 62(a) WAIVED**

Assembly Member McDonald was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 657 and Assembly Bill No. 217 for hearing in the Committee on Revenue and Taxation on Wednesday, July 12, 1995, at 9 a.m.

Assembly Member Villaraigosa was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1059 for hearing in the Committee on Public Safety on Tuesday, July 11, 1995.

**REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL**

On behalf of Assembly Member Ducheny, Assembly Member Brulte was granted unanimous consent that the following statement of legislative intent be printed in the Journal:

**Legislative Intent—Assembly Bill No. 1298**

July 10, 1995

*Honorable Doris Allen  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Madame Speaker: I respectfully submit this letter in an effort to clarify the meaning of recent amendments to my Assembly Bill 1298. I do so in order to address confusion expressed about how my bill would impact school districts, community college districts, county offices of education and their respective employees which are subject to coverage by this legislation.

Sections 1 through 15, inclusive, of the May 30th version of the bill simply are intended to clarify the existing eligibility requirements for membership in the existing Defined Benefit Plan provided and

administered by the State Teachers Retirement System (STRS) pursuant to Education Code Section 22000 et seq. It has never been my intent to expand the current membership eligibility requirements of the existing STRS Defined Benefit Plan. In addition, the sponsors of this measure, the State Teachers Retirement System, have assured me that in proposing this legislation they do not intend to expand membership eligibility of the STRS Defined Benefit Plan. I believe that AB 1298, as amended May 30, 1995, neither expands nor restricts membership eligibility under the existing Defined Benefit Plan and is consistent with current law. The purpose of Sections 1 through 15, inclusive, of AB 1298 is to make membership eligibility subject to a functional definition as opposed to restricting membership eligibility by exclusion based upon enumerated positions.

As amended May 30th, Section 16 of the bill, which proposes to establish the STRS' Cash Balance Plan, is designed to ensure that the governing boards of school districts, community college districts and county offices of education make the decision as to whether or not that educational entity will offer the Cash Balance Plan to its part-time employees. This section, however, does not specify how the governing boards go about making their decision, ie. does not require or preclude the decision from being made as part of any collective bargaining process, nor does it preclude a board from offering other part-time employee retirement benefit options along with the Cash Balance Plan. The recent amendment to proposed Section 26000 of Part 14 governing the STRS' Cash Balance Plan provides that if such an educational entity decides not to offer the STRS' Cash Balance Plan, then the provisions of AB 1298's Section 16 are not applicable to that educational entity and have no impact on its employees. These amendments can only be interpreted to make the STRS' Cash Balance Plan an option for school districts, community college districts and county offices of education.

Amendments to Section 16 relating to the proposed employer and participant responsibilities governing the STRS' Cash Balance Plan ensures that when a governing board of a school district, community college district, or county office of education elects by formal action to provide the STRS' Cash Balance Plan, that any individual subject to coverage of that plan has the right following commencement of his or her employment to choose between the STRS' Cash Balance Plan and an alternative retirement plan, if offered by the educational entity. The intent of these amendments is to provide choice to such employees in those instances where the educational entity has decided to provide competing options for those employees.

While AB 1298 is a complex bill, I am carrying the measure in order to benefit part-time employees of school districts, community college districts, and county offices of education. It is my hope that AB 1298 puts forward a viable, attractive and competitive part-time employee retirement benefit.

I trust that this clarification, regarding both the current STRS' Defined Benefit Plan and my proposed STRS' Cash Balance Plan, will alleviate any confusion as to my, or my sponsors, intent with this legislation. Thank you for allowing me this opportunity to address these matters.

Respectfully submitted,

DENISE MORENO DUCHENY, Assembly Member  
Seventy-ninth District

**COMMITTEE MEETING ANNOUNCEMENTS**

Assembly Member Weggeland announced that the Committee on Banking and Finance would meet today at 4 p.m. in Room 126, instead of Room 447.

**JOINT RULE 62(a) WAIVED**

Assembly Member Poochigian was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 156 for hearing in the Committee on Appropriations on July 12, 1995.

**REQUEST TO WAIVE JOINT RULE 62(a)**

Assembly Member Poochigian requested unanimous consent that Joint Rule 62(a) be waived for the purpose of setting bills for hearing in the Committee on Appropriations pending re-referral from the Committee on Revenue and Taxation.

Assembly Member Caldera withheld unanimous consent.

**JOINT RULE 62(a) WAIVED**

Assembly Member Rainey was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 429 for hearing in the Committee on Local Government on Wednesday, July 12, 1995.

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
MOTION TO APPEAL FROM DECISION OF THE CHAIR**

At 3:17 p.m., on motion of Assembly Member Baldwin, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The decision of the Chair as it relates to the Baldwin motion was sustained by the following vote:

**AYES—34**

Alby	Cunneen	Knowles	Pringle
Baldwin	Firestone	Kuykendall	Rainey
Battin	Frusetta	Margett	Rogan
Boland	Harvey	McPherson	Takasugi
Bordonaro	Hawkins	Miller	Thompson
Bowler	Hoge	Morrissey	Weggeland
Brewer	House	Morrow	Woods
Brulte	Kaloogian	Olberg	
Conroy	Knight	Poochigian	

**NOES—41**

Alpert	Cortese	Knox	Setencich
Archie-Hudson	Davis	Kuehl	Sher
Baca	Ducheney	Lee	Speier
Bates	Figueroa	Machado	Sweeney
Bowen	Friedman	Martinez	Tucker
Brown, Valerie	Gallegos	Mazzoni	Vasconcellos
Brown, Willie	Goldsmith	McDonald	Villaraigosa
Burton	Hannigan	Murray, Kevin	Mme. Speaker
Bustamante	Hauser	Murray, Willard	
Caldera	Isenberg	Napolitano	
Campbell	Katz	Richter	

**CALL OF THE ASSEMBLY DISPENSED WITH ON  
MOTION TO APPEAL FROM THE DECISION OF THE CHAIR**

At 3:18 p.m., on motion of Assembly Member Hawkins, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The decision of the Chair as it relates to the Hawkins motion was sustained by the following vote:

**AYES—36**

Aguiar	Conroy	Kaloogian	Olberg
Alby	Cunneen	Knight	Poochigian
Baldwin	Firestone	Knowles	Pringle
Battin	Frusetta	Kuykendall	Rainey
Boland	Granlund	Margett	Rogan
Bordonaro	Harvey	McPherson	Takasugi
Bowler	Hawkins	Miller	Thompson
Brewer	Hoge	Morrissey	Weggeland
Brulte	House	Morrow	Woods

**NOES—42**

Alpert	Cannella	Katz	Richter
Archie-Hudson	Cortese	Knox	Setencich
Baca	Davis	Kuehl	Sher
Bates	Ducheney	Lee	Speier
Bowen	Figueroa	Machado	Sweeney
Brown, Valerie	Friedman	Martinez	Tucker
Brown, Willie	Gallegos	Mazzoni	Vasconcellos
Burton	Goldsmith	McDonald	Villaraigosa
Bustamante	Hannigan	Murray, Kevin	Mme. Speaker
Caldera	Hauser	Murray, Willard	
Campbell	Isenberg	Napolitano	

**COMMITTEE MEETING ANNOUNCEMENTS AND  
JOINT RULE 62(a) WAIVER**

Assembly Member Knowles announced that the Committee on Insurance would meet tomorrow at 8 a.m., instead of 9 a.m. and was granted unanimous consent that Joint Rule 62(a) be waived to permit the following bills to be heard in the Committee on Insurance:

Assembly Bill No. 341; Senate Bills Nos. 58, 87, 306, 351, 354, 425, 455, 542, 590, 619, 658, 672, 781, 879, 907, 1051, 1138, 1179, 1327, 1328, 245, 395, 424, 464, 882, and 1091.

**VOTE ADDS**

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

**Bordonaro Motion to Appeal the Decision of the Chair:** McPherson—Aye; Bustamante and Kuehl—No.

**Assembly Concurrent Resolution No. 41, Coauthors:** Kuehl—Aye.

**Assembly Concurrent Resolution No. 40, Concurrence:** Aguiar, Boland, Cunneen, and Kuehl—Aye.

**Assembly Bill No. 1413, Concurrence:** Aguiar and Kuehl—Aye; Boland and Goldsmith—No.

**Assembly Bill No. 640, Concurrence:** Aguiar and Kuehl—Aye.

**Assembly Bill No. 1628, Concurrence:** Aguiar and Kuehl—Aye.

**Assembly Bill No. 773, Motion to Reconsider:** Kuehl—No.

**Assembly Bill No. 773:** Kuehl—No.

**Assembly Bill No. 982:** Ducheny, Goldsmith, Poochigian, and Villaraigosa—Aye; Kuehl—No.

**Assembly Bill No. 940:** Katz—Aye; Bowen—No.

**Senate Bill No. 493 and Urgency:** Valerie Brown—Aye; Hoge—No.

**MOTION TO ADJOURN**

At 3:19 p.m., Assembly Member Brulte moved that the Assembly do now adjourn.

Assembly Member Brewer seconded the motion.

Motion carried.

**QUORUM CALL OF THE ASSEMBLY DISPENSED WITH**

At 3:19 p.m., Majority Speaker pro Tempore Setencich declared the quorum call of the Assembly dispensed with.

**ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, July 10, 1995

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

Assembly Bill No. 128  
Assembly Bill No. 189  
Assembly Bill No. 431  
Assembly Bill No. 529  
Assembly Bill No. 555  
Assembly Bill No. 834  
Assembly Bill No. 1071  
Assembly Bill No. 1156

Assembly Bill No. 1196  
Assembly Bill No. 1226  
Assembly Bill No. 1324  
Assembly Bill No. 1435  
Assembly Bill No. 1481  
Assembly Bill No. 1609  
Assembly Bill No. 1616  
Assembly Bill No. 1833

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., July 10, 1995.

E. DOTSON WILSON, Chief Clerk

**COMMUNICATIONS**

The following communications were presented by the Speaker, and ordered printed in the Journal:

July 10, 1995

*E. Dotson Wilson*

*Chief Clerk*

*State Capitol, Room 3196*

*Sacramento, California*

Dear Dotson: Please be advised that I will no longer serve as Chairwoman of the Assembly Health Committee but will remain a member of this committee. I have also appointed Assemblymember Brett Granlund to serve as Chairman to the Assembly Health Committee.

Sincerely,

DORIS ALLEN

Speaker of the Assembly

July 10, 1995

*E. Dotson Wilson*

*Chief Clerk*

*State Capitol, Room 3196*

*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Jim Cunneen to the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee to fill an existing vacancy for the hearing on Tuesday, July 11, 1995 only.

Sincerely,

DORIS ALLEN

Speaker of the Assembly

July 10, 1995

*E. Dotson Wilson*

*Chief Clerk*

*State Capitol, Room 3196*

*Sacramento, California*

Dear Dotson: Please be advised that I have appointed Assemblymember Brian Setencich to the Assembly Public Safety Committee to serve as Chairman for the hearing on Tuesday, July 11, 1995 only. I have also appointed Assemblymember Paula Boland to this committee to fill an existing vacancy for the hearing on Tuesday, July 11, 1995 only.

Sincerely,

DORIS ALLEN

Speaker of the Assembly

July 10, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tom Woods to the Assembly Insurance Committee to fill an existing vacancy for the hearing on Tuesday, July 11, 1995 only. I have also appointed Assemblymember Tom Woods to the Assembly Higher Education Committee to fill an existing vacancy for the hearing on Tuesday, July 11, 1995 only.

Sincerely,

DORIS ALLEN  
Speaker of the Assembly

July 10, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Gary Miller to the Assembly Health Committee to fill an existing vacancy for the hearing on Tuesday, July 11, 1995 only.

Sincerely,

DORIS ALLEN  
Speaker of the Assembly

July 10, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymembers Bob Margett and Bruce McPherson to the Assembly Water, Parks and Wildlife Committee to fill existing vacancies for the hearing on Tuesday, July 11, 1995 only.

Sincerely,

DORIS ALLEN  
Speaker of the Assembly



**INTRODUCTION OF GUESTS**

Assembly Member Battin, of the 80th Assembly District, introduced the following members of the Mulberry-Magnolia 4-H Club of Imperial County: Sarah Gaudi, Loren Schaffner, Robby Turner, Emily Johnson, Gina Wells, Yvette Ihidoy, Laura Daniels, Scott Wright, Kyle Lynch, Shanna Mamer, Elisha Smith, Jessica Hamby, Marique Hamby, Eric Hamby, Stephanie Mainas, Jack Shropshire, Freddy Miranda, Rachel Nilson, Carie Hamby; and their chaperones Leslie Mamer and Linda Hamby.

Assembly Member Figueroa, of the 20th Assembly District, introduced her son Aaron Bloom, and friends Jason Oppenheim and Robbie Lanam; and Kelly Doyle and Jeff Barbosa, of Fremont.

Assembly Member Valerie Brown, of the 7th Assembly District, introduced Michele Cadden and Devon Halliday, of Piner High School.

**ADJOURNMENT**

At 3:20 p.m., pursuant to the motion by Assembly Member Brulte, the Assembly adjourned until 7 a.m., Tuesday, July 11, 1995, out of respect to the memory of Geoffrey Sackett, on motion of Assembly Member Mazzoni; out of respect to the memory of Eva Ritchie, on motion of Assembly Member Davis; and in honor of the birth of Isobel Heely, on motion of Assembly Member Rogan.

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DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON JULY 10, 1995**

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

*Assembly Bills*

566  
1671

*Senate Bills*

100  
424  
429  
458  
493  
822  
874  
1036  
1235