

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Sunday, July 23, 1995

**ONE HUNDRED SEVENTEENTH SESSION DAY
TWO HUNDRED THIRTY-FIRST 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
Sunday, July 23, 1995

The Assembly met at 5:03 p.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

At 5:04 p.m., Majority Speaker pro Tempore Setencich placed a quorum call upon the Assembly.

The Majority Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

PRAYER

Upon invitation of Majority Speaker pro Tempore Setencich, the following prayer was offered by Assembly Member Gary G. Miller, of the 60th Assembly District:

Our God and Father: We thank You for this beautiful day You have blessed us with. We pray that You will watch over each of us; we ask that all we say and do will be pleasing unto You. In Your name we pray.—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.

READING OF THE JOURNAL DISPENSED WITH

By unanimous consent, reading of the Journal of the previous legislative day was dispensed with.

QUORUM PRESENT

At 5:17 p.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—63:

Aguiar	Conroy	Katz	Murray, Willard
Alpert	Cortese	Knight	Napolitano
Archie-Hudson	Cunneen	Knox	Olberg
Baca	Davis	Kuehl	Poochigian
Baldwin	Ducheney	Kuykendall	Pringle
Bates	Figueroa	Lee	Rainey
Battin	Gallegos	Machado	Richter
Bordonaro	Goldsmith	Margett	Rogan
Bowler	Granlund	Martinez	Setencich
Brewer	Hannigan	Mazzoni	Sweeney
Brown, Valerie	Harvey	McDonald	Takasugi
Brulte	Hauser	McPherson	Tucker
Burton	Hawkins	Miller	Vasconcellos
Bustamante	Hoge	Morrissey	Weggeland
Campbell	House	Morrow	Woods
Cannella	Isenberg	Murray, Kevin	

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 Boland, Bowen, Caldera, Frusetta, Knowles, and Villaraigosa.

On legislative business, and waiving per diem: Assembly Members Firestone and Kaloogian.

On personal business, and waiving per diem: Assembly Members Alby, Willie Brown, Escutia, Friedman, Speier, and Thompson.

Because of illness: Assembly Member Sher.

Because of illness in her family: Assembly Member Allen.

EXPLANATIONS OF ABSENCE

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

July 23, 1995

*Hon. Doris Allen
Speaker of the Assembly
State Capitol, Room 219*

Dear Mme. Speaker: This is to request that I be excused on this day on legislative business in my district. I am a featured speaker at an event in my district and a replacement cannot be found at this late notice.

Thank you for your consideration of this request.

Sincerely,

**PAULA L. BOLAND, Assembly Member
Thirty-eighth District**

July 21, 1995

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

Dear Mme. Speaker: I am writing to request that I be excused from session on Sunday, July 23rd, Monday, July 24th and Thursday, July 27th. As the legislative representative to the Judicial Council's Court Technology Committee I will be in San Francisco attending the regularly scheduled meetings of that body.

Please do not hesitate to call should you have any questions.

Sincerely,

DEBRA BOWEN, Assembly Member
Fifty-third District

July 21, 1995

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

Dear Speaker Allen: Due to legislative business in my district this Sunday, July 23, 1995, I would like to be excused from attending session.

Sincerely,

LOUIS CALDERA, Assembly Member
Forty-sixth District

July 21, 1995

*Hon. Doris Allen
Speaker of the Assembly
State Capitol
Sacramento, California*

Dear Ms. Allen: Please be advised that I will be unable to attend the Assembly Floor Session scheduled for this Sunday, July 23, at 5:00 p.m. I will be away from the Capitol on legislative business. I waive my per diem for this day.

Sincerely,

BROOKS FIRESTONE, Assembly Member
Thirty-fifth District

July 24, 1995

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

Dear Madam Speaker: Please excuse me from Assembly Floor Session on Sunday, July 23, 1995. I will be in my district on legislative business.

Sincerely,

PETER FRUSETTA, Assembly Member
Twenty-eighth District

July 23, 1995

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

Dear Madam Speaker: Due to important legislative business in my district I will be unable to attend the Floor Session scheduled for Sunday, July 23, 1995.

I request that my absence be noted in the Journal, and to waive per diem for the day.

Thank you for your consideration of this request.

Sincerely,

HOWARD KALOOGIAN, Assembly Member
Seventy-fourth District

July 24, 1995

*Speaker Doris Allen
State Capitol
Sacramento, California*

Dear Speaker Allen: Please excuse my absence from session on July 23, due to legislative business.

Sincerely,

DAVID KNOWLES, Assembly Member
Fourth District

July 23, 1995

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

Dear Speaker Allen: This letter is to request that I be excused from Assembly Session on Sunday, July 23, 1995 due to legislative business. Thank you for your consideration of this request.

Sincerely,

ANTONIO R. VILLARAIGOSA, Assembly Member
Forty-fifth District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 23, 1995

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

Assembly Bill No. 604

Assembly Bill No. 913

Assembly Bill No. 1943

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: July 19, 1995

Mme. Speaker: Your Committee on Appropriations reports:

Assembly Bill No. 1446

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

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: July 15, 1995

Mme. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 633

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

SETENCICH, 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. 604 and 913, ordered to third reading;

Assembly Bill No. 1943, ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS**ASSEMBLY BILL NO. 208**—An act to add and repeal Sections 17053.51 and 23651 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 546—An act to add and repeal Section 17206 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 1098—An act to amend Section 23153 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 1759—An act to add and repeal Section 17053.33 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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. 1123—An act to add Section 453.2 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to Consent Calendar.

**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. 424, 291, and 446, ordered to third reading;

Senate Bills Nos. 152, 193, and 1244, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 266—An act to amend Sections 10082, 10086, and 10089 the Insurance Code, relating to earthquake insurance.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1360—An act to amend Section 1290 of, to add Section 27 to, and add Division 101 (commencing with Section 100100), Division 102 (commencing with Section 102100), Division 103 (commencing with Section 104100), Division 104 (commencing with Section 106500), Division 105 (commencing with Section 120100), Division 106 (commencing with Section 123100), and Division 107 (commencing with Section 127000) to, to repeal Sections 26, 850, 1250.9, 1250.10, and 1260 of, to repeal Article 1 (commencing with Section 200), Article 1.5 (commencing with Section 225), Article 1.7 (commencing with Section 230), Article 1.7 (commencing with Section 235), Article 1.8 (commencing with Section 242), Article 1.9 (commencing with Section 246.1), Article 2 (commencing with Section 248), Article 2.1 (commencing with Section 275), Article 2.4 (commencing with Section 283), Article 2.6 (commencing with Section 289), Article 2.9 (commencing with Section 295), Article 3 (commencing with Section 300), Article 3.1 (commencing with Section 309.7), Article 3.2 (commencing with Section 309.100), Article 3.3 (commencing with Section 310), Article 3.4 (commencing with Section 320), Article 3.45 (commencing with Section 324.7), Article 3.5 (commencing with Section 325), Article 3.6 (commencing with Section 340), Article 3.7 (commencing with Section 349), Article 4 (commencing with Section 350), Article 4.5 (commencing with Section 360), Article 4.6 (commencing with Section 372), Article 5 (commencing with Section 374), Article 5.5 (commencing with Section 380), Article 5.7 (commencing with Section 390), Article 6 (commencing with Section 400), Article 6.1 (commencing with Section 402), Article 6.5 (commencing with Section 405), Article 7 (commencing with Section 410), Article 7.2 (commencing with Section 412), Article 7.7 (commencing with Section 417), Article 7.8 (commencing with Section 418), Article 8 (commencing with Section 420), Article 8.1 (commencing with Section 421), Article 8.5 (commencing with Section 423), Article 8.7 (commencing with Section 424.10), Article 9.5 (commencing with Section 426), Article 10 (commencing with Section 427), Article 10.2 (commencing with Section 427.10), Article 11 (commencing with Section 428), Article 13 (commencing with Section 429.11), Article 13.1 (commencing with Section 429.13), Article 14.5 (commencing with Section 429.35), and Article 15 (commencing with Section 429.40), Article 16 (commencing with Section 429.50), Article 17 (commencing with Section 429.60), Article 18 (commencing with Section 429.70), Article 18.5 (commencing with Section 429.90), Article 19 (commencing with Section 429.94, and Article 20 (commencing with Section 429.994) of Chapter 2 of Part 1 of Division 1 of, to repeal Article 8 (commencing with Section 1630) of Chapter 4 of Division 2 of, to repeal Chapter 1 (commencing with Section 100), Chapter 1.4 (commencing with Section 140), Chapter 1.5 (commencing with Section 150), Chapter 1.7 (commencing with Section 175), Chapter 1.8 (commencing with Section 185), Chapter 1.85 (commencing with Section 188), Chapter 1.9 (commencing with Section 190), Chapter 1.10 (commencing with Section 195), Chapter 1.11 (commencing with Section 199.20), Chapter 1.12 (commencing with Section 199.30), Chapter 1.13 (commencing with Section 199.42), Chapter 1.14 (commencing with Section 199.45), Chapter 1.15 (commencing with Section 199.55), Chapter 1.16 (commencing with Section 199.70), Chapter 1.17 (commencing with Section 199.81), Chapter 1.19 (commencing with Section 199.86), Chapter 1.20 (commencing with Section 199.95), Chapter 3 (commencing with Section 430) of, Chapter 4 (commencing with Section 436), and Chapter 5 (commencing with Section 436.50) of Part 1 of Division 1 of, to repeal Chapter 1 (commencing with Section 450), Chapter 2 (commencing with Section 600), Chapter 3 (commencing with Section 700), Chapter 6 (commencing with Section 954), Chapter 7 (commencing with Section 1000), Chapter 7.5 (commencing with Section 1010), and Chapter 8 (commencing with Section 1100) of Part 2 of Division 1 of, to repeal Chapter 7 (commencing with Section 1700) of Division 2 of, to

repeal Chapter 2 (commencing with Section 1800), Chapter 3 (commencing with Section 1900), Chapter 4 (commencing with Section 2100), Chapter 5.5 (commencing with Section 2425), and Chapter 9 (commencing with Section 2950) of Division 3 of, to repeal Chapter 6.5 (commencing with Section 5474.20) of Part 3 of Division 5 of, to repeal Chapter 1 (commencing with Section 15000) of Division 12.5 of, to repeal Chapter 1.5 (commencing with Section 19010) of Part 3 of Division 13 of, to repeal Chapter 1 (commencing with Section 24000), Chapter 1.2 (commencing with Section 24160), Chapter 1.5 (commencing with Section 24180), Chapter 3 (commencing with Section 24380), Chapter 3.5 (commencing with Section 24385), Chapter 4 (commencing with Section 24400), Chapter 4.3 (commencing with Section 24425), Chapter 4.5 (commencing with Section 24450), Chapter 5 (commencing with Section 24800), Chapter 6 (commencing with Section 25000), Chapter 6.1 (commencing with Section 25015), Chapter 6.99 (commencing with Section 25572), Chapter 7 (commencing with Section 25600), Chapter 7.1 (commencing with Section 25620), Chapter 7.2 (commencing with Section 25625), Chapter 7.3 (commencing with Section 25650), Chapter 7.4 (commencing with Section 25660), Chapter 7.5 (commencing with Section 25700), Chapter 7.6 (commencing with Section 25800), Chapter 7.7 (commencing with Section 25880), Chapter 7.8 (commencing with Section 25882), Chapter 7.9 (commencing with Section 25884), Chapter 8 (commencing with Section 25895), Chapter 9 (commencing with Section 25898), Chapter 10 (commencing with Section 25900), Chapter 10.2 (commencing with Section 25906), Chapter 10.5 (commencing with Section 25920), Chapter 10.7 (commencing with Section 25930), Chapter 10.8 (commencing with Section 25940), Chapter 11 (commencing with Section 25950), Chapter 12 (commencing with Section 25960), Chapter 12.7 (commencing with Section 25967), Chapter 13 (commencing with Section 25970), Chapter 13.7 (commencing with Section 25989.500), Chapter 14 (commencing with Section 25990), Chapter 14.5 (commencing with Section 25995), and Chapter 14.7 (commencing with Section 25996.950) of Division 20 of, to repeal Part 1.5 (commencing with Section 437.01), Part 1.8 (commencing with Section 443), Part 1.85 (commencing with Section 444), Part 1.95 (commencing with Section 446), Part 1.96 (commencing with Section 447.70), Part 1.97 (commencing with Section 448), Part 3 (commencing with Section 1170), Part 3.5 (commencing with Section 1175), Part 6 (commencing with Section 1180), Part 6.9 (commencing with Section 1189.101), and Part 7 (commencing with Section 1190) of Division 1 of, to repeal Part 1 (commencing with Section 3700) and Part 2 (commencing with Section 4100) of Division 5 of, to repeal Division 2.3 (commencing with Section 1795), Division 4 (commencing with Section 3000), Division 9 (commencing with Section 10000), Division 9.5 (commencing with Section 10800), Division 9.7 (commencing with Section 10900), Division 10.1 (commencing with Section 11670), Division 17 (commencing with Section 23000), Division 21 (commencing with Section 26000), and Division 22 (commencing with Section 27000) of, the Health and Safety Code, relating to reorganization of the Health and Safety Code.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 761—An act to amend Section 1373.621 of the Health and Safety Code, to amend Sections 10116.5 and 11512.03 of the Insurance Code, and to amend Section 2800.2 of, and to repeal Section 2807.5 of, the Labor Code, relating to health insurance.

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

SENATE BILL NO. 361—An act to amend Sections 5370.2 and 5512 of, to amend and repeal Section 5510 of, and to repeal Section 5512 of, the Welfare and Institutions Code, relating to mental health.

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

SENATE BILL NO. 684—An act to add Article 3.9 (commencing with Section 14124.50) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to managed care.

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

SENATE BILL NO. 351—An act to amend Section 769 of 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 returned to the second reading file.

SENATE BILL NO. 531—An act to amend Section 6902.2 of, and to add Section 6075 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately.

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

SENATE BILL NO. 699—An act to add Section 35730.1 to the Education Code, relating to school district reorganization.

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. 1043—An act to amend Sections 32230, 32231, 32233, 32235, 32237, and 32239 of, and to add Sections 32236 and 32238 to, the Education Code, relating to schools, making an appropriation therefor, 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. 892—An act to amend Section 7145 of the Fish and Game Code, relating to sportfishing.

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

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

Senate Bill No. 549, on request of Assembly Member Takasugi.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 111—Set 94 amendments, Assembly Bill No. 1574; and Senate Bills Nos. 772 and 901 were continued until the next legislative day.

MOTION TO ADJOURN

At 5:19 p.m., Assembly Member Richter moved that the Assembly do now adjourn.

Assembly Member Napolitano seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 5:20 p.m., Majority Speaker pro Tempore Setencich declared the quorum call of the Assembly dispensed with.

ADJOURNMENT

At 6:58 p.m., pursuant to the motion by Assembly Member Richter the Assembly adjourned until 11 a.m., Monday, July 24, 1995.

BRIAN SETENCICH, Majority Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 23, 1995**

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

Assembly Bills

208
546
1098
1759

Senate Bills

351
361
531
684
699
761
892
1043