

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, July 25, 1995

**ONE HUNDRED NINETEENTH SESSION DAY
TWO HUNDRED THIRTY-THIRD CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, July 25, 1995

The Assembly met at 7 a.m.
Hon. John Vasconcellos, Assembly Member, 22nd District,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Akiba H. Howard reading.

ROLL CALL

The following were placed upon the morning roll call—69:

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

Quorum present.

At 2:39 p.m., Hon. Brooks Firestone, 35th 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 Hoge, Kevin Murray, Speier, and Villaraigosa.

On legislative business, and waiving per diem: Assembly Member Cunneen.

On personal business, and waiving per diem: Assembly Members Escutia, Lee, and Thompson.

Because of a family emergency: Assembly Member Alby.

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 24, 1995

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

Dear Speaker Allen: I would like to request that I be excused from session on Tuesday, July 25, waiving per diem, as I must be away from Sacramento on legislative business. Thank you.

Sincerely,

JIM CUNNEEN, Assembly Member
Twenty-fourth District

July 25, 1995

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

Dear Madam Speaker: I would appreciate being excused from Check-In Session on legislative business on Tuesday, July 25, 1995. Thank you for your consideration on this matter.

Sincerely,

BILL HOGE, Assembly Member
Forty-fourth District

July 20, 1995

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

Dear Speaker Allen: This letter is to request to be excused from Session on Tuesday and Wednesday, July 25 and 26, 1995, on legislative business. I have very important matters in the District which I am unable to reschedule.

Your approval of my request would be greatly appreciated.
Thank you.

Yours sincerely,

KEVIN MURRAY, Assembly Member
Forty-seventh District

July 25, 1995

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

Dear Madame Speaker: I respectfully request that I be excused from check-in session today, Tuesday, July 25, 1995 on legislative business in my district.

Thank you for your consideration of this request.

All the best,

JACKIE SPEIER, Assembly Member
Nineteenth District

July 25, 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 Check-in Session on Tuesday, July 25, 1995 due to legislative business I have in my district.

Thank you for your consideration of this request.

Sincerely,

ANTONIO R. VILLARAIGOSA, Assembly Member
Forty-fifth District

COMMUNICATIONS

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

July 24, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Trice Harvey to the Assembly Environmental Safety and Toxic Materials Committee in place of Assemblymember Barbara Alby for the hearing on Tuesday, July 25, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

July 25, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Ted Weggeland to the Assembly Appropriations Committee to fill an existing vacancy for the hearing on Wednesday, July 26, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

July 25, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Bob Margett to the Assembly Local Government Committee to fill an existing vacancy for the hearing on Wednesday, July 26, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

July 25, 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 Wednesday, July 26, 1995 only. I have also appointed Assemblymember Jan Goldsmith in my place and Assemblymember Tom Bordonaro in place of Assemblymember Jim Battin to the Assembly Health Committee for the hearing on Wednesday, July 26, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

The following communication was presented by the Chief Clerk from:

Randy D. Poole, P.E., General Manager/Chief Engineer, Sonoma County Water Agency, Santa Rosa, dated July 17, 1995, transmitting "Resolution of the Board of Directors of the Sonoma County Water Agency Authorizing General Manager/Chief Engineer to Execute Agreements with Property Owners and Shamrock Materials Inc. Regarding Flood Remediation Project at Big Sulphur Creek. Referred by the Speaker to the Committee on Water, Parks and Wildlife.

REPORTS

The following report was presented by the Chief Clerk:

Report to the Legislature Concerning the Implementation of AB 3490 and AB 1476 (Moore)—Upgrade of Professional Standard Regarding Highway Safety Standards/Workers' Compensation Requirements

Above transmitted report, together with letter of transmittal from William R. Schutle, Director, Safety and Enforcement Division, Public Utilities Commission, San Francisco, dated July 14, 1995, referred by the Speaker to the Committee on Utilities and Commerce.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 24, 1995

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

Assembly Concurrent Resolution No. 2

Assembly Concurrent Resolution No. 24

And reports the same correctly enrolled, and presented to the Secretary of State on the 24th day of July, 1995, at 3:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 25, 1995

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

Assembly Bill No. 1446

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, July 25, 1995

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

Assembly Bill No. 730

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, July 25, 1995

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

Assembly Joint Resolution No. 41

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, July 25, 1995

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1943

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to the Consent Calendar.

AUTHOR'S AMENDMENTS
Committee on Budget

July 25, 1995

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

Assembly Constitutional Amendment No. 25

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

VASCONCELLOS, Chairman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending and repealing Section 12 of, and adding Section 12.1 to, Article IV thereof, and by amending and repealing Section 5.5 of Article XIII B thereof, relating to the state budget.

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

AUTHOR'S AMENDMENTS
Committee on Human Services

July 25, 1995

Mme. Speaker: The Chair of your Committee on Human Services reports:

Assembly Bill No. 1126

Assembly Bill No. 1235

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

BREWER, Chairwoman

ASSEMBLY BILL NO. 1126—An act to add Section 17013 to the Welfare and Institutions Code, relating to general assistance.

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

ASSEMBLY BILL NO. 1235—An act to add Section 12300.5 to the Welfare and Institutions Code, relating to public social services.

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 25, 1995

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

Senate Bill No. 454

Senate Bill No. 726

Senate Bill No. 950

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

POOCHIGIAN, Chairman

SENATE BILL NO. 454—An act to amend Sections 1367 and 1368 of the Health and Safety Code, relating to health care service plans.

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

SENATE BILL NO. 726—An act to amend Section 29532.1 of, and to add Title 7.94 (commencing with Section 67940) to, the Government Code, to amend Section 98101 of the Public Utilities Code, to amend Section 255 of, and to add Sections 941.6 and 954.6 to, the Streets and Highways Code, to amend Sections 1808.5, 9901, 11406, 11713, 12505, 12509, 12527, 12804.9, 12804.13, 12804.14, 12814.5, 13353.8, 14601, 14601.1, 14601.2, 21053, 23116, 24607, 25950, 34500, and 35400 of, to amend, repeal, and add Sections 22349, 22354, 22356, 22357, 22358, and 22360 of, to add Sections 22366, 24611, and 40200.8 to, and to repeal Sections 2424.5 and 4602.1 of, the Vehicle Code, and to amend Section 10850 of the Welfare and Institutions Code, relating to transportation.

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

SENATE BILL NO. 950—An act to add Section 186.11 to the Penal Code, relating to crimes.

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 Health

Date of Hearing: July 11, 1995

Mme. Speaker: Your Committee on Health reports:

Senate Bill No. 835

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

GRANLUND, Chairman

Above bill ordered to second reading.

Committee on Education

Date of Hearing: July 24, 1995

Mme. Speaker: Your Committee on Education reports:

Assembly Bill No. 1569

With the recommendation: That the Senate amendments be concurred in.

ALPERT, Chairwoman

Above bill ordered to unfinished business.

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

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 1446, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 174—An act to amend Sections 11553 and 11554 of the Government Code, to amend Section 12153 of the Public Contract Code, and to amend Sections 607, 40400, 40401, 40404, 40405, 40406, 40410, 40433, 41782, 41821, 41825, 42010, 42301, 43200, 43214, 43216, 43217, 43230, 44005, 44007, 44014, 44016, 44018, 44104, 44152, 44800, 44802, 44803, 44815, 44816, and 45500 of, to add Section 40400.5 to, to add Article 6 (commencing with Section 42350) to Chapter 5.5 of, Chapter 8.5 (commencing with Section 42460) to, and Chapter 20 (commencing with Section 42970) to, Part 3 of, to add Article 1.5 (commencing with Section 44020) to Chapter 3 of Part 4 of, to add Chapter 5 (commencing with Section 48700) and Chapter 6 (commencing with Section 48750) to Part 7 of, and to add Part 9 (commencing with Section 49700) to, Division 30 of, to repeal Sections 40003 and 44009 of, to repeal Article 9 (commencing with Section 3460) of Chapter 1 of Division 3 of, Chapter 1.5 (commencing with Section 3475) of Division 3 of, Division 12.1 (commencing with Section 14500) of, Division 12.2 (commencing with Section 15000) of, Division 12.7 (commencing with Section 18000) of, Division 12.9 (commencing with Section 19500) of, and Division 31 (commencing with Section 50000) of, and to repeal and add Article 3.5 (commencing with Section 47200) of Chapter 1 of Part 7 of Division 30 of, the Public Resources Code, relating to waste management.

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

SENATE BILL NO. 901—An act to add Section 21151.9 to the Public Resources Code, and to add Part 2.10 (commencing with Section 10910) to Division 6 of the Water Code, relating to water.

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

SENATE BILL NO. 75—An act to amend Section 2150 of, and to add Section 2144 to, the Elections Code, relating to voter registration.

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. 297—An act to add Section 11019.6 to the Government Code, relating to government agencies.

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.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 25, 1995

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

Assembly Concurrent Resolution No. 38

And reports the same correctly enrolled, and presented to the Secretary of State on the 25th day of July, 1995, at 2 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 25, 1995

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

Assembly Bill No. 16
 Assembly Bill No. 110
 Assembly Bill No. 149
 Assembly Bill No. 182
 Assembly Bill No. 202
 Assembly Bill No. 218
 Assembly Bill No. 247
 Assembly Bill No. 251
 Assembly Bill No. 323
 Assembly Bill No. 433

Assembly Bill No. 530
 Assembly Bill No. 610
 Assembly Bill No. 611
 Assembly Bill No. 637
 Assembly Bill No. 697
 Assembly Bill No. 701
 Assembly Bill No. 725
 Assembly Bill No. 774
 Assembly Bill No. 989

And reports the same correctly enrolled, and presented to the Governor at 3 p.m., July 25, 1995.

E. DOTSON WILSON, Chief Clerk

MESSAGES FROM THE GOVERNOR

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

Veto Message—Assembly Bill No. 834

Governor's Office, Sacramento
 July 22, 1995

To the Members of the California Assembly:

I am returning Assembly Bill No. 834 without my signature.

This bill would seek to clarify the law which automatically abolishes land use restrictions enforceable as "powers of termination" after thirty years unless the restrictions are also enforceable as "equitable servitudes" to provide that restrictions enforceable as "covenants running with the land" are also not automatically abolished.

While the effort to clarify arcane laws which distinguish between interests in real property is commendable this bill raises more questions than it resolves.

The issue regarding whether 1982 legislation terminated certain venerable covenants is clearly in dispute. This bill proclaims that it did not. If this is a correct analysis of the law that portion of AB 834 would prove to be a nullity providing its proponents with no legal rights that they do not already enjoy.

If AB 834 is incorrect in its proposed restatement of the law it seeks to reinstate already terminated covenants in an arguably unconstitutional fashion.

More problematic than either of these possibilities which would ultimately be resolved by the courts is the exception created by the bill wherein any person who acquired real property between January 1, 1989 and January 1, 1996 relying to his or her detriment on the non-existence of a restriction on the property and without real or constructive knowledge of the restriction would not be subject to such restriction.

This bill would accordingly do what it declares current law does not, it would extinguish covenants which have existed for many years as they relate to an unidentified group of properties sold during a seven year period based on the subjective beliefs of the purchasers.

While I am sympathetic to the concerns of the proponents of this bill its impacts are not quantifiable and therefore not justifiable.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 24th day of July 1995, at 4:35 p.m., of Assembly Bill No. 834, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

LAWRENCE A. MURMAN

Assistant Chief Clerk of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Labor and Employment, on August 16, 1995.

ADJOURNMENT

At 5:39 p.m., the Assembly adjourned until 9 a.m., Wednesday, July 26, 1995.

BRIAN SETENCICH, Majority Speaker pro Tempore

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 25, 1995**

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

Assembly Bills

1126

1235

*Assembly
Constitutional
Amendment*

25

Senate Bills

75

174

297

454

726

901

950