

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, July 26, 1995

ONE HUNDRED TWENTIETH SESSION DAY

TWO HUNDRED THIRTY-FOURTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, July 26, 1995

The Assembly met at 7 a.m.

Hon. Bernie Richter, Assembly Member, 3rd District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Walker reading.

ROLL CALL

The following were placed upon the morning roll call—67:

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

Quorum present.

At 1:13 p.m., Hon. Howard Kaloogian, 74th 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 Archie-Hudson, Cortese, Hannigan, Hoge, McPherson, Kevin Murray, Sher, and Speier.

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

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

Because of illness in his family: Assembly Member Battin.

EXPLANATIONS OF ABSENCE

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

July 26, 1995

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

Dear Madame Speaker: This letter is to respectfully request to be excused from check-in Session on Wednesday, July 26, 1995, due to legislative business in my district. Should you have any questions or comments, please feel free to call my office at 445-2363.

Sincerely,

MARGUERITE ARCHIE-HUDSON, Assembly Member
Forty-eighth District

July 24, 1995

*Honorable Doris Allen
Room 219
State Capitol Building
Sacramento, California*

Dear Madam Speaker, It was requested that I be excused from session on July 26 through July 28 on legislative business, waiving per diem. I will be attending the National Crime Prevention Council in Baltimore.

The conference is being held at the Baltimore Omni Harbor Inn where I can be reached at 410-752-1100. If my vote is needed to pass the budget, I will return on the next available flight.

Thank you,

TOM BATES, Assembly Member
Fourteenth District

July 26, 1995

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

Dear Madam Speaker: Please excuse me from Session today, Wednesday, July 26, 1995. I'll be meeting with a group in my district relative to legislation pending before my committee.

I would respectfully appreciate your consideration of this request.

Sincerely,

DOMINIC L. CORTESE, Assembly Member
Twenty-third District

July 25, 1995

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

Dear Doris: I respectfully request to be excused from legislative session on Wednesday, July 26, 1995 on legislative business in my district.

Thank you for your consideration of this request.

Sincerely,

THOMAS M. HANNIGAN, Assembly Member
Eighth District

July 26, 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 Wednesday, July 26, 1995.

Thank you for your consideration on this matter.

Sincerely,

BILL HOGE, Assembly Member
Forty-fourth District

July 26, 1995

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

Dear Madame Speaker: Please excuse me from check-in session today, July 26, 1995. I will be attending to prior commitments and conducting legislative business in my district.

Thank you for your attention to this request.

Sincerely,

BRUCE MCPHERSON, Assembly Member
Twenty-seventh District

July 26, 1995

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

Dear Madam Speaker: I am requesting to be excused, on legislative business, from check-in session on Wednesday, July 26, 1995. As a Uniform Law Commission member, I will be participating in a meeting in Kansas City, Missouri, this weekend and will be home today working on a presentation that I will be making at that meeting.

Thank you for your consideration.

Sincerely,

BYRON D. SHER, Assembly Member
Twenty-first District

July 26, 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, Wednesday, July 26, 1995 on legislative business in my district.

Thank you for your consideration of this request.

All the best,

JACKIE SPEIER, Assembly Member
Nineteenth District

(NOTE: For letter explaining the absence of Assembly Member Kevin Murray on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, July 25, 1995.)

COMMUNICATIONS

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

July 26, 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 Thursday, July 27, 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 Thursday, July 27, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

July 26, 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 Thursday, July 27, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 26, 1995

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

Assembly Bill No. 1126

Assembly Bill No. 1235

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, July 26, 1995

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

Assembly Constitutional Amendment No. 25

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

Assembly Chamber, July 26, 1995

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

Assembly Concurrent Resolution No. 41

And reports the same correctly enrolled, and presented to the Secretary of State on the 26th day of July, 1995, at 11:30 a.m.

E. DOTSON WILSON, Chief Clerk

AUTHOR'S AMENDMENTS**Committee on Water, Parks and Wildlife**

July 26, 1995

Mme. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 1280

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

CORTESE, Chairman

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

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

AUTHOR'S AMENDMENTS**Committee on Appropriations**

July 26, 1995

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

Senate Bill No. 215

Senate Bill No. 888

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

POOCHIGIAN, Chairman

SENATE BILL NO. 215—An act to amend Section 2933 of, and to add Section 3041.6 to, the Penal Code, relating to prisoners.

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. 888—An act to amend Sections 14233, 14250, 14260, and 14427 of the Business and Professions Code, to amend, repeal, and add Section 2104 of the Code of Civil Procedure, to amend Section 9409 of, and to amend, repeal, and add Sections 9403, 9404, 9405, and 9406 of, the Commercial Code, to amend Section 17701 of the Corporations Code, and to amend Sections 12181, 12192, 12204, 12210, 12211, and 12214 of the Government Code, relating to fees.

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

AUTHOR'S AMENDMENTS

Committee on Local Government

July 26, 1995

Mme. Speaker: The Chair of your Committee on Local Government reports:

Assembly Constitutional Amendment No. 13

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

RAINEY, Chairman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XIIC and Article XIID thereto, and by repealing Section 4 of Article XIII A thereof, relating to local government finance.

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.

REPORTS OF STANDING COMMITTEES

Committee on Environmental Safety and Toxic Materials

Date of Hearing: July 25, 1995

Mme. Speaker: Your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 808

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

RICHTER, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing: July 11, 1995

Mme. Speaker: Your Committee on Health reports:

Senate Bill No. 661

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

GRANLUND, Chairman

Above bill ordered to second reading.

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. 75 and 297, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 835—An act to amend Sections 14016.5, 14301, 14304, and 14408 of, and to add Section 14464 to, the Welfare and Institutions Code, relating to Medi-Cal.

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.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 26, 1995

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

Assembly Bill No. 62	Assembly Bill No. 1293
Assembly Bill No. 254	Assembly Bill No. 1471
Assembly Bill No. 1075	Assembly Bill No. 1536
Assembly Bill No. 1097	Assembly Bill No. 1540
Assembly Bill No. 1104	Assembly Bill No. 1604
Assembly Bill No. 1115	Assembly Bill No. 1611
Assembly Bill No. 1125	Assembly Bill No. 1725
Assembly Bill No. 1159	Assembly Bill No. 1736
Assembly Bill No. 1216	Assembly Bill No. 1839
Assembly Bill No. 1273	Assembly Bill No. 1845

And reports the same correctly enrolled, and presented to the Governor At 2 p.m., July 26, 1995.

E. DOTSON WILSON, Chief Clerk

(NOTE: On July 28, 1995, the action was rescinded whereby Assembly Bill No. 1839 was reported correctly enrolled and presented to the Governor. See page 3012.)

Assembly Chamber, July 26, 1995

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

Assembly Bill No. 1968

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., July 26, 1995.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Thursday, July 27, 1995.

DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 26, 1995**

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

*Assembly Constitutional
Amendment*

13

Senate Bills

215
835
888
1280