

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 7, 1996

TWO HUNDRED FIFTY-FIRST SESSION DAY

SIX HUNDRED TWELFTH 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, August 7, 1996

The Assembly met at 7 a.m.

Hon. Jim Morrissey, Assembly Member, 69th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The following were placed upon the morning roll call—73:

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

Quorum present.

At 2:45 p.m., Hon. Wally Knox, 42nd 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 Lee and Weggeland.

On personal business, and waiving per diem: Assembly Member McPherson.

Because of illness: Assembly Member Bowen.

The following Assembly Member was excused for the day: Isenberg.

EXPLANATIONS OF ABSENCE

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

August 6, 1996

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

Dear Speaker Pringle: Please excuse me from Assembly check-in session on Wednesday August 7, 1996 due to legislative business in my district.

Thank you for your consideration in this matter.

Sincerely,

BARBARA LEE, Assembly Member
Sixteenth District

August 6, 1996

*Honorable Curt Pringle
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I request permission to be excused from check-in on Wednesday, August 7 so that I may travel to my district to attend to legislative business.

I thank you for your attention to this matter.

Sincerely,

TED WEGGELAND, Assembly Member
Sixty-fourth District

COMMUNICATIONS

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

August 7, 1996

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

Dear Mr. Wilson: Please be advised that Assembly Member Conroy is temporarily appointed to the Budget Committee for the day, replacing Assembly Member Kuykendall.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

August 7, 1996

E. Dotson Wilson
Chief Clerk, State Assembly
State Capitol, Room 3196

Dear Mr. Wilson: Please be advised that Assembly Members Machado and Migden are temporarily appointed to the Appropriations Committee for the day, replacing Assembly Members Burton and Cannella.

Sincerely,

CURT PRINGLE
 Speaker of the Assembly

REPORTS

The following reports were presented by the Chief Clerk:

Uniform Codes Manual Revision
(Pursuant to Government Code Section 13300)

Above transmitted report, together with letter of transmittal from Barry L. Rockwell, Chief, Fiscal Systems and Consulting Unit, Department of Finance, Sacramento, referred by the Speaker to the Committee on Budget.

California State Police and California Highway Patrol
Consolidation
(Pursuant to Governor's Reorganization Plan #1 of 1995)

Above transmitted report, together with letter of transmittal from D.O. Helmick, Commissioner, Department of California Highway Patrol, Sacramento, dated July 31, 1996, referred by the Speaker to the Committee on Transportation.

California Lottery,
Small, Socially and Economically Disadvantaged, and California Business
(S/SED/CB) Participation in Contracts Awarded for 1995-96 Fiscal Year
(Pursuant to Lottery Act Code Section 88850.56(b) (4))

Above transmitted report, together with letter of transmittal from Terry Fontenette, Director, Business & Employee Assistance Office, California Lottery, Sacramento, dated July 26, 1996, referred by the Speaker to the Committee on Utilities and Commerce.

Evaluation of ENvestSCE and TEEM Pilot Projects,
Final Report, July 8, 1996
(Pursuant to Public Utilities Code Section 744.7)

Above transmitted report, together with letter of transmittal from P. Gregory Conlon, President of the Commission, Public Utilities Commission, San Francisco, dated July 31, 1996, referred by the Speaker to the Committee on Natural Resources.

REQUEST TO SUSPEND JOINT RULES

The following requests were received, and read:

Assembly Chamber, August 7, 1996

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Senate Bill No. 1988.

GEORGE HOUSE

Assembly Chamber, August 7, 1996

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Senate Bill No. 2165.

PAULA L. BOLAND

Above requests ordered transmitted to the Committee on Rules.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 7, 1996

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

Assembly Bill No. 385	Assembly Bill No. 2683
Assembly Bill No. 1389	Assembly Bill No. 2897
Assembly Bill No. 1856	Assembly Bill No. 2975
Assembly Bill No. 2306	Assembly Bill No. 3125
Assembly Bill No. 2536	Assembly Bill No. 3148
Assembly Bill No. 2617	Assembly Bill No. 3233
Assembly Bill No. 2674	Assembly Bill No. 3313

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., August 7, 1996.

E. DOTSON WILSON, Chief Clerk

(NOTE: On August 15, 1996, the action was rescinded whereby Assembly Bill No. 2683 was enrolled and presented to the Governor. See page 8192.)

AUTHOR'S AMENDMENTS

Committee on Judiciary

August 7, 1996

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

Senate Bill No. 1856

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

MORROW, Chairman

SENATE BILL NO. 1856—An act to add Section 69912 to the Government Code, relating to superior courts.

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

August 7, 1996

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

Senate Bill No. 1185	Senate Bill No. 1471
Senate Bill No. 1285	Senate Bill No. 1943
Senate Bill No. 1446	

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

POOCHIGIAN, Chairman

SENATE BILL NO. 1185—An act to amend Sections 17850, 17882, 17883, and 17899.3 of, to add Section 17767 to, and to add and repeal Section 17899.4 to, the Education Code, relating to school facilities, and making an appropriation therefor.

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. 1285—An act to add Chapter 6.96 (commencing with Section 25548) to Division 20 of the Health and Safety Code, relating to hazardous materials.

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

SENATE BILL NO. 1446—An act to amend Section 1464 of the Penal Code, to amend Sections 4354, 4355, and 4357 of, to add Sections 4357.2, 4358.5, and 4359 to, and to repeal and add Section 4356 of, 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.

SENATE BILL NO. 1471—An act to repeal and add Section 53356.2 of the Government Code, and to amend Section 8833 of the Streets and Highways Code, relating to local agencies.

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. 1943—An act to repeal and add Section 14087.46 of the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

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

AUTHOR'S AMENDMENTS

Committee on Utilities and Commerce

August 7, 1996

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:
Senate Bill No. 1035

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

CONROY, Chairman

SENATE BILL NO. 1035—An act to amend Section 2983 of the Public Utilities Code, relating to public utilities.

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

August 7, 1996

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 282
Senate Bill No. 420

Senate Bill No. 1111
Senate Bill No. 2029

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

POOCHIGIAN, Chairman

SENATE BILL NO. 282—An act to amend Sections 3304 and 3309.5 of, and to add Section 3306.5 to, the Government Code, relating to public safety officers.

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. 420—An act to amend Sections 17053.8 and 23622 of 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.

SENATE BILL NO. 1111—An act to amend Section 3074 of the Civil Code, and to amend Sections 9562, 22523, 22851.8, and 22851.12 of the Vehicle Code, relating to vehicles.

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. 2029—An act to amend Sections 4475, 4476, 4477, 5604, 17601, 17604, 17605.05, 17605.10, 17606.05, 17606.10, and 17608.10 of the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

REPORTS OF STANDING COMMITTEES

Committee on Health

August 6, 1996

Mr. Speaker: Your Committee on Health reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 2842

GRANLUND, Chairman

Above bill ordered filed with the Chief Clerk.

August 6, 1996

Mr. Speaker: Your Committee on Health reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 3256

GRANLUND, Chairman

Above bill ordered filed with the Chief Clerk.

Committee on Insurance

Date of Hearing: August 6, 1996

Mr. Speaker: Your Committee on Insurance reports:

Senate Bill No. 705

With the recommendation: That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study.

KNOWLES, Chairman

Subject matter of the above bill referred to the Committee on Rules.

Committee on Public Safety

Date of Hearing: August 6, 1996

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2237

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

BOLAND, Chairwoman

Above bill ordered to unfinished business.

Date of Hearing: August 6, 1996

Mr. Speaker: Your Committee on Public Safety reports:

Senate Bill No. 1651

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

BOLAND, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: August 6, 1996

Mr. Speaker: Your Committee on Public Safety reports:

Assembly Bill No. 2289

With the recommendation: That the Senate amendments not be concurred in.

BOLAND, Chairwoman

Above bill ordered to unfinished business.

Committee on Environmental Safety and Toxic Materials

Date of Hearing: August 6, 1996

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

Senate Bill No. 1889

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.

Date of Hearing: August 6, 1996

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

Senate Bill No. 1851

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.

RICHTER, Chairman

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: August 7, 1996

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 392

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.

MORROW, Chairman

Above bill ordered to second reading.

Date of Hearing: August 7, 1996

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1646

With the recommendation: Do pass.

MORROW, Chairman

Above bill ordered to second reading.

Committee on Local Government

Date of Hearing: August 7, 1996

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 1004

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

RAINEY, Chairman

Above bill ordered to unfinished business.

Date of Hearing: August 7, 1996

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 1904

With amendments with the recommendation: Do pass, as amended, and re-refer to the Committee on Appropriations with recommendation: To Consent Calendar.

RAINEY, Chairman

Above bill ordered to second reading.

Date of Hearing: August 7, 1996

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 1940

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

RAINEY, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: August 7, 1996

Mr. Speaker: Your Committee on Local Government reports:

Assembly Bill No. 3503

With the recommendation: Do pass.

RAINEY, 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. 744, 2058, 1510, 1540, 1501, and 1853, ordered to third reading.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Human Services on August 19, 1996, at 1:30 p.m. in Room 4202.

CONFERENCE COMMITTEE REPORTS RECEIVED

Assembly Chamber, Received at Desk: August 7, 1996

Mr. Speaker: The Committee on Conference has met concerning:

Assembly Bill No. 574, as amended in Senate September 14, 1995, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

CATHIE WRIGHT

ANTONIO R. VILLARAIGOSA

TERESA HUGHES

PHIL HAWKINS

CHARLES M. CALDERON

RICHARD K. RAINEY

Senate Committee on Conference

Assembly Committee on Conference

Above bill ordered reprinted, as proposed by the Conference Committee.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 7, 1996

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

Senate Bill No. 1889

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

POOCHIGIAN, Chairman

SENATE BILL NO. 1889—An act to amend Section 65850.2 of the Government Code, to amend Sections 25531, 25534, 25534.1, 25535, 25537, 25538, 25539, 25540, 25541, 25543.1, and 25543.2 of, to add Sections 25531.2, 25534.05, 25535.1, 25535.5, 25536.5, 25537.5, 25540.5, 25541.3, 25541.5, 25542, and 25543.3 to, to repeal and amend Section 25535.2 of, and to repeal and add Sections 25532, 25533, 25534.2, 25534.5, 25536, and 25543 to, the Health and Safety Code, relating to hazardous materials.

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

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, August 8, 1996.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 7, 1996**

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

AB	RN
574	9622830 (Conf.)

SB	RN
282	9625222
420	9625027
1035	9625655
1111	9625316
1185	9625338
1285	9625477
1446	9625286
1471	9625446
1856	9625191
1889	9625619
1943	9625396
2029	9624598