

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, August 26, 1996

TWO HUNDRED FIFTY-NINTH SESSION DAY

SIX 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to Minute Clerk: Phone 445-6021)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, August 26, 1996

The Assembly met at 11:04 a.m.
Hon. Fred Aguiar, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Rainey moved a quorum call of the Assembly.
Motion carried. Time, 11:05 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 11:20 a.m., Speaker pro Tempore Aguiar declared a quorum of
the Assembly present.

The roll call was completed, and the following answered to their
names—64:

Ackerman	Campbell	Harvey	Murray, Kevin
Aguiar	Cannella	Hauser	Murray, Willard
Alby	Conroy	Hoge	Napolitano
Alpert	Cortese	House	Olberg
Baca	Cunneen	Isenberg	Poochigian
Baldwin	Davis	Kaloogian	Rainey
Bates	Ducheny	Knight	Richter
Battin	Escutia	Knowles	Rogan
Baugh	Figueroa	Knox	Setencich
Boland	Firestone	Machado	Speier
Bordonaro	Friedman	Martinez	Sweeney
Bowler	Frusetta	Mazzoni	Takasugi
Brewer	Gallegos	McPherson	Tucker
Brown	Goldsmith	Miller	Weggeland
Brulte	Granlund	Morrissey	Woods
Burton	Hannigan	Morrow	Mr. Speaker

PRAYER

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

Lord, You have made us citizens of a great land and inheritors of a valiant freedom. Grant that Your Spirit may imbue our mightiest endeavors and our humblest toil. Nourish in us the fruits of the Spirit that the splendor of our country may shine forth in the world, to Your honor and glory, and the benefit of us all.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Aguiar, Assembly Member House then led the Assembly in the pledge of allegiance to the Flag.

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 Campbell, seconded by Assembly Member Goldsmith.

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 Bowen, Hawkins, Kuykendall, Margett, and Thompson.

On personal business, and waiving per diem: Assembly Members Archie-Hudson, Bustamante, Caldera, Katz, Kuehl, Lee, Migden, and Villaraigosa.

Because of illness: Assembly Member Vasconcellos.

EXPLANATIONS OF ABSENCE

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

August 26, 1996

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

Dear Mr. Speaker: I am writing to request that I be excused from session today as I will be in my district on legislative business. I will return to Sacramento late this afternoon.

Please feel free to contact me should you have any questions.

Sincerely,

DEBRA BOWEN, Assembly Member
Fifty-third District

August 20, 1996

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

Dear Speaker Pringle: I would like to be excused from session on Monday, August 26, 1996 for Legislative business. I will be attending a presentation ceremony at the Offices of the Archdiocese of Los Angeles. The purpose of the meeting is to present a framed rendition of HR 33 authored by Assemblyman Bruce Thompson, commending the Roman Catholic Church in California. The ceremony is scheduled for 11:00 a.m. I will be returning to Sacramento at 4:15 on Monday afternoon.

If you have any questions regarding this matter please contact Charissa Fisher in my Capitol Office at 445-6047. Thank you for your consideration of this request.

Sincerely,

PHIL HAWKINS, Assembly Member
Fifty-sixth District

August 13, 1996

*Hon. Curt Pringle
Chair, Assembly Rules Committee
State Capitol, Room 219
Sacramento, California*

Dear Speaker Pringle: On Monday, August 26, 1996, I respectfully request an excused absence from Floor Session due to Legislative Business in the district. If you have any questions, please call Lori Sanders in my Capitol office at 445-9234.

Sincerely,

STEVEN T. KUYKENDALL, Assembly Member
Fifty-fourth District

August 21, 1996

*Speaker Curt Pringle
California State Assembly
Room 219*

Dear Mr. Speaker: I respectfully request that I be excused from the morning session on August 26, 1996, for the purpose of presenting HR 33 to Cardinal Roger Mahony of the Los Angeles Catholic Arch Diocese. I will be traveling back to Sacramento directly following the presentation to be present for session that afternoon.

Thank you for your attention to this request.

Warmest Regards,

BOB MARGETT, Assembly Member
Fifty-ninth District

August 20, 1996

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

Dear Mr. Speaker: Please excuse me from Session Monday, August 26 and Tuesday, August 27, 1996. I have legislative and district business to attend to.

Please know your assistance and consideration in this matter is greatly appreciated.

Sincerely,

BRUCE THOMPSON, Assembly Member
Sixty-sixth District

COMMUNICATIONS

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

August 26, 1996

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

Dear Mr. Wilson: Please be advised that Assembly Member Granlund is temporarily appointed to the Appropriations Committee for the purpose of today's hearing, replacing Assembly Member Thompson.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

August 26, 1996

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

Dear Mr. Wilson: Please be advised that Assembly Members Ducheny and Escutia are temporarily appointed to the Appropriations Committee for the purpose of today's hearing, replacing Assembly Members Archie-Hudson and Villaraigosa.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

95105.1

August 21, 1996

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the Oakland Unified School District's current financial condition, its classification of costs for State reporting purposes, and the actions the district has taken in response to the Office of the Auditor General's 1989 and 1990 reports on the district. This report concludes that the Oakland Unified School District has improved its financial condition and has projected that it will have approximately the State's recommended level of reserve in its general fund for fiscal year 1995-96. However, we found the district does not always correctly classify and thereby allocate program costs in the automated accounting system it uses to prepare reports for the State. Finally, although the district has improved its management controls since the reports issued by the Office of the Auditor General identified weaknesses in this area, it needs to further tighten its controls over payroll and facilities' keys.

Respectfully submitted,

MARIANNE P. EVASHENK

for

KURT R. SJOBERG

State Auditor

Above report referred to the Committee on Education.

California State Auditor

96107.1

August 22, 1996

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the California State Lottery (lottery). Our review focused on whether the lottery's strategic planning efforts, administrative functions and expenses, mandated audit activity, and Scratch product distribution system are effective and efficient. This report concludes that the lottery can further improve its annual planning process and it needs to prepare a long-term strategic plan. In addition, the lottery should continue its efforts to monitor and reduce its administrative costs. Also, the lottery can improve its Scratch product distribution system by using its sales staff more

efficiently. Finally, the State Controller's Office needs to provide better documentation of its charges to the lottery and ensure its audit work is valuable, timely, and not duplicative.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Governmental Organization.

REPORTS

The following report was presented by the Chief Clerk:

Employment Training Panel, Strategic Plan, 1996-99

Above transmitted report, together with letter of transmittal from Gerald G. Geismar, Executive Director, Employment Training Panel, Sacramento, dated August 14, 1996, referred by the Speaker to the Committee on Labor and Employment.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 26, 1996

Mr. Speaker: I request permission to suspend Joint Rule 61 as it relates to Senate Bills Nos. 738 and 1389.

RICHARD K. RAINEY

Above request ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS

Committee on Housing and Community Development

August 26, 1996

Mr. Speaker: The Chair of your Committee on Housing and Community Development reports:

Senate Bill No. 1490

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

HAWKINS, Chairman

SENATE BILL NO. 1490—An act to amend Sections 16100 and 16102 of, to amend the heading of Chapter 3 (commencing with Section 16500) of Division 12.5 of, and to add Section 16113 to, the Health and Safety Code, relating to earthquake damage.

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 Appropriations

August 22, 1996

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

Assembly Bill No. 2168	Assembly Bill No. 2982
Assembly Bill No. 2524	Assembly Bill No. 3182
Assembly Bill No. 2623	Assembly Bill No. 3203
Assembly Bill No. 2810	Assembly Bill No. 3270
Assembly Bill No. 2846	Assembly Bill No. 3400
Assembly Bill No. 2901	Assembly Bill No. 3457
Assembly Bill No. 2943	

POOCHIGIAN, Chairman

Above bills ordered filed with the Chief Clerk.

Committee on Public Safety

August 8, 1996

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

Assembly Bill No. 2120	Assembly Bill No. 2578
Assembly Bill No. 2164	Assembly Bill No. 3079

BOLAND, Chairwoman

Above bills ordered filed with the Chief Clerk.

Committee on Appropriations

August 22, 1996

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

Senate Bill No. 277	Senate Bill No. 841
Senate Bill No. 498	Senate Bill No. 965
Senate Bill No. 533	Senate Bill No. 971
Senate Bill No. 638	Senate Bill No. 1235
Senate Bill No. 746	Senate Bill No. 2034

POOCHIGIAN, Chairman

Above bills ordered filed with the Chief Clerk.

MESSAGES FROM THE SENATE

Senate Chamber, August 21, 1996

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

Assembly Bill No. 349	Assembly Bill No. 1734
Assembly Bill No. 401	Assembly Bill No. 1849
Assembly Bill No. 635	Assembly Bill No. 1987
Assembly Bill No. 1191	Assembly Bill No. 2246
Assembly Bill No. 1455	

And respectfully requests the Assembly to concur in said amendments.

JOHN W. ROVANE, Acting Secretary of the Senate

Above bills ordered to unfinished business file.

August 23, 1996

*Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill No. 1587 to the Assembly for further action.

Sincerely,

JOHN W. ROVANE
Acting Secretary of the Senate

Above bill held at the Desk.

August 23, 1996

*Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill No. 623 and Senate Bill No. 1162 to the Assembly for further action.

Sincerely,

JOHN W. ROVANE
Acting Secretary of the Senate

Above bills held at the Desk.

Senate Chamber, August 23, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Peace, Leonard and Sher as a Committee on Conference concerning:

Senate Bill No. 1322.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senator O'Connell vice Senator Solis as a Committee on Conference concerning:

Senate Bill No. 728.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senator Calderon as Chair, and appointed Senator Mello vice Senator Sher to the Committee on Conference concerning:

Assembly Bill No. 1317.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senator O'Connell vice Senator Solis to the Committee on Conference concerning:

Assembly Bill No. 3268.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senator O'Connell vice Senator Solis to the Committee on Conference concerning:

Assembly Bill No. 3054.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 1001

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 2797

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day respectfully refused to concur in Assembly amendments to:

Senate Constitutional Amendment No. 21

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

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

Senate Bill No. 324
Senate Bill No. 1063
Senate Bill No. 1425
Senate Bill No. 1497
Senate Bill No. 1596
Senate Bill No. 1638
Senate Bill No. 1641
Senate Bill No. 1665
Senate Bill No. 1685

Senate Bill No. 1757
Senate Bill No. 1851
Senate Bill No. 1859
Senate Bill No. 1875
Senate Bill No. 1928
Senate Bill No. 2073
Senate Bill No. 2076
Senate Joint Resolution No. 27

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 23, 1996

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

Assembly Bill No. 3232

And respectfully requests the Assembly to concur in said amendments.

JOHN W. ROVANE, Acting Secretary of the Senate

Above bill ordered to unfinished business file.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Cunneen was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of C. E. "Chuck" Schmale, of San Jose.

Assembly Member Sweeney was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Clifford Small, of Hayward.

Assembly Member Speier was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Owen Bartel, of Belmont.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Campbell announced that the Committee on Housing and Community Development would meet today at 3:45 p.m. in Room 447.

ANNOUNCEMENT OF CONFERENCE COMMITTEE MEETING

Assembly Member Ducheny announced that the Conference Committee on Assembly Bill No. 861 would meet today, at 4 p.m., in Room 127.

ASSEMBLY BILL NO. 2757 WITHDRAWN FROM ENROLLMENT

Assembly Member Hauser was granted unanimous consent that Assembly Bill No. 2757 be withdrawn from enrollment and that the bill be held at the Desk.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS (RESUMED)****ASSEMBLY BILL NO. 2741 RECONSIDERED BY UNANIMOUS CONSENT
AND RETURNED TO SENATE**

In compliance with a motion given, Assembly Member Ackerman was granted unanimous consent that the vote be reconsidered whereby Assembly Bill No. 2741 was refused concurrence; and that the bill be returned to the Senate for further action.

**SENATE CONCURRENT RESOLUTION NO. 67 TAKEN UP
BY UNANIMOUS CONSENT**

Assembly Member Burton was granted unanimous consent to take up Senate Concurrent Resolution No. 67, without reference to committee or file.

SENATE CONCURRENT RESOLUTION NO. 67—Relative to Major League Baseball.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Takasugi announced his intention to request that Senate Bills Nos. 1502 and 1584 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Rainey announced his intention to request that Senate Bill No. 1693 be removed from the inactive file.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Rainey announced that the Committee on Local Government would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Brewer announced her intention to request that Senate Bill No. 1841 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Olberg announced his intention to request that Senate Bill No. 112 be removed from the inactive file.

SENATE JOINT RESOLUTION NO. 53 WITHDRAWN FROM COMMITTEE

Assembly Member Conroy was granted unanimous consent that Senate Joint Resolution No. 53 be withdrawn from the Committee on Governmental Organization for the purpose of consideration at this time, without reference to file.

SENATE JOINT RESOLUTION NO. 53 (Petris)—Relative to the compensation of retired military personnel.

Resolution read, presented by Assembly Member Conroy, and adopted by the following vote:

AYES—57

Ackerman	Cannella	Harvey	Napolitano
Aguiar	Conroy	Hauser	Olberg
Alby	Cortese	Hoge	Poochigian
Alpert	Cunneen	House	Rainey
Baca	Davis	Kaloogian	Rogan
Baldwin	Ducheny	Knight	Speier
Bates	Escutia	Knowles	Sweeney
Battin	Figueroa	Knox	Takasugi
Baugh	Firestone	Machado	Tucker
Boland	Friedman	Martinez	Weggeland
Bordonaro	Frusetta	Mazzoni	Woods
Bowler	Gallegos	McPherson	Mr. Speaker
Brewer	Goldsmith	Miller	
Brown	Granlund	Morrissey	
Brulte	Hannigan	Murray, Kevin	

NOES—None

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Isenberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Faustos Ramos, of Milpitas.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Cunneen announced his intention to request that Senate Bill No. 1898 be removed from the inactive file.

ACTION RESCINDED ON SENATE BILL NO. 623

Assembly Member Boland was granted unanimous consent to rescind the action whereby the Assembly, on September 7, 1995 (Assembly Journal, page 3627), passed Senate Bill No. 623, and whereby the bill was ordered transmitted to the Senate.

**CONSIDERATION OF SENATE BILL NO. 623
BY UNANIMOUS CONSENT**

Assembly Member Boland was granted unanimous consent to take up Senate Bill No. 623, without reference to file, for purpose of amendment.

SENATE BILL NO. 623 (Peace)—An act to repeal and add Section 593d of the Penal Code, relating to crimes.

Bill read third time.

Motion to Amend

Assembly Member Boland moved the adoption of amendments.

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

NOTICE OF MOTION TO WITHDRAW BILLS FROM COMMITTEE

Pursuant to the provisions of Assembly Rule 96, Assembly Member Burton gave notice that he would move to withdraw House Resolution No. 38 and Assembly Concurrent Resolution No. 75 from the Committee on Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS**

SENATE BILL NO. 1849 (Kelley)—An act to amend Section 308 of the Penal Code, relating to crimes.

Bill read third time.

Motion to Amend

Assembly Member Alpert moved the adoption of amendments.

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

SENATE BILL NO. 1374 (Peace)—An act to amend Sections 21626, 21628, 21636, and 21641 of the Business and Professions Code, and to amend Section 11106 of the Penal Code, relating to crime.

Bill read third time.

Motion to Amend

Assembly Member Hauser moved the adoption of amendments.

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

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Knox announced his intention to request that Senate Bill No. 385 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Knowles announced his intention to request that Senate Bill No. 879 be removed from the inactive file.

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

ASSEMBLY BILL NO. 1221 (Pringle)—An act to add Section 597.2 to the Penal Code, relating to animals.

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—61

Ackerman	Campbell	Hoge	Olberg
Aguiar	Cannella	House	Poochigian
Alby	Conroy	Isenberg	Rainey
Alpert	Cortese	Kaloogian	Richter
Baca	Cunneen	Knight	Rogan
Baldwin	Davis	Knowles	Setencich
Bates	Ducheny	Knox	Speier
Battin	Escutia	Machado	Sweeney
Baugh	Figueroa	Martinez	Takasugi
Boland	Friedman	Mazzoni	Tucker
Bordonaro	Gallegos	McPherson	Weggeland
Bowler	Goldsmith	Miller	Woods
Brewer	Granlund	Morrissey	Mr. Speaker
Brown	Hannigan	Murray, Kevin	
Brulte	Harvey	Murray, Willard	
Burton	Hauser	Napolitano	

NOES—None

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1221: Assembly Member Firestone, from “Aye” to “Not Voting”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1121 (Conroy)—An act to amend Section 490 of, and to add Section 247 to, the Public Utilities Code, relating to telecommunications.

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—63

Ackerman	Campbell	Harvey	Murray, Willard
Aguiar	Cannella	Hauser	Napolitano
Alby	Conroy	Hoge	Olberg
Alpert	Cortese	House	Poochigian
Baca	Cunneen	Isenberg	Rainey
Baldwin	Davis	Kaloogian	Richter
Bates	Ducheny	Knight	Rogan
Battin	Escutia	Knowles	Setencich
Baugh	Figueroa	Knox	Speier
Boland	Firestone	Machado	Sweeney
Bordonaro	Friedman	Martinez	Takasugi
Bowler	Frusetta	Mazzoni	Tucker
Brewer	Gallegos	McPherson	Weggeland
Brown	Goldsmith	Miller	Woods
Brulte	Granlund	Morrissey	Mr. Speaker
Burton	Hannigan	Murray, Kevin	

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 3224 (Poochigian)—An act to add Section 827.1 to the Welfare and Institutions Code, relating to minors.

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—61

Ackerman	Conroy	Hoge	Olberg
Aguiar	Cortese	House	Poochigian
Alby	Cunneen	Isenberg	Rainey
Alpert	Davis	Kaloogian	Richter
Baca	Ducheny	Knight	Rogan
Baldwin	Escutia	Knowles	Setencich
Bates	Figueroa	Knox	Speier
Battin	Firestone	Machado	Sweeney
Baugh	Friedman	Martinez	Takasugi
Boland	Frusetta	Mazzoni	Tucker
Bordonaro	Gallegos	McPherson	Weggeland
Bowler	Goldsmith	Miller	Woods
Brewer	Granlund	Morrissey	Mr. Speaker
Brown	Hannigan	Murray, Kevin	
Brulte	Harvey	Murray, Willard	
Cannella	Hauser	Napolitano	

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1914 (Escutia)—An act to add Chapter 6.5 (commencing with Section 2791) to Part 2 of Division 1 of the Public Utilities Code, relating to public utilities.

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.

Call of the Assembly

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

Motion carried. Time, 11:55 a.m.

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

SENATE BILL NO. 1524 REMOVED FROM INACTIVE FILE AND TAKEN UP

Assembly Member Ducheny was granted unanimous consent that Senate Bill No. 1524 be withdrawn from the inactive file, and to take the bill up at this time, without reference to file, for purpose of amendment.

SENATE BILL NO. 1524 (Johnston)—An act to amend Sections 1095, 1269, 1274.10, 1342, and 10201 of, to add Sections 1274.05 and 1342.1 to, and to repeal Section 1267.5 of, the Unemployment Insurance Code, relating to unemployment insurance.

Bill read third time.

Motion to Amend

Assembly Member Ducheny moved the adoption of amendments.

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

CONSIDERATION OF DAILY (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 2601 (Burton)—An act to add Sections 8558, 8558.1, 8558.2, and 8558.3 to the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

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—49

Ackerman	Cortese	Hauser	Murray, Kevin
Alpert	Cunneen	Hoge	Murray, Willard
Baca	Davis	House	Napolitano
Baldwin	Ducheny	Isenberg	Rainey
Bates	Escutia	Kaloogian	Setencich
Boland	Figueroa	Knight	Speier
Bordonaro	Firestone	Knowles	Sweeney
Brewer	Friedman	Knox	Takasugi
Brown	Frusetta	Machado	Tucker
Burton	Callegos	Martinez	Woods
Campbell	Goldsmith	Mazzoni	
Cannella	Hannigan	McPherson	
Conroy	Harvey	Morrissey	

NOES—2

Baugh Olberg

Above bill ordered enrolled.

SENATE BILL NO. 1951 RECONSIDERED BY UNANIMOUS CONSENT

In compliance with a motion given, Assembly Member Hannigan was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 1951 was refused passage; and that the bill be passed on file, to retain its place on file.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

Legislative Intent—Assembly Bill No. 3229

August 26, 1996

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

Dear Mr. Wilson: This letter is to clarify the intent of the Legislature in approving AB 3229 (Chapter 134, Statutes 1996) and establishing the “Supplemental Local Law Enforcement Service Fund” (SLESF).

Government Code Section 30062 (a), created in AB 3229, reads as follows:

“(a) Except as required by paragraphs (1) and (2) of subdivision (b) of Section 30061, moneys allocated from a SLESF to a recipient entity shall be expended exclusively to provide front line law enforcement services. *These moneys shall supplement existing services, and shall not be used to supplant existing funding for law enforcement services provided by that entity.*” (Emphasis added)

The language of the bill was specifically and intentionally written to state, “these moneys shall supplement existing *services*,” without reference to existing *funding levels*. Clearly, this provision requires that local government maintain the existing (FY 1995–1996) level of services, even if this necessitates a funding increase reflecting the increased cost of providing those services. In approving this language, it was the Legislature’s intent that the funding provided to local law enforcement entities under this new program would not be

used as a mechanism for local governments to decrease or inhibit natural growth in their non-SLESF funding commitment.

Therefore, it was the intent of the Legislature that local governments would set their 1996–1997 funding levels to maintain existing service levels, without consideration of the SLESF funds. It is to this base level of support, defined again by the services provided and not the dollar amount, that the SLESF funds are intended to be added. As the very name of the program signifies, the fund was created to “supplement” services which were already being provided by local governments.

In sum, the reduction of funding, below the level necessary to maintain these existing services, in anticipation of SLESF funds, circumvents the entire purpose of this act, which was to maximize local law enforcement services.

Sincerely,

CURT PRINGLE
Speaker of the Assembly

MOTION TO SUSPEND JOINT RULE 28.1

Assembly Member Pringle moved that Joint Rule 28.1 be suspended to permit the appointment of conferees to Conference Committees on Senate Bills Nos. 1322 and 160; Senate Constitutional Amendment No. 21; and Assembly Bill No. 3426.

Motion carried by the following vote:

AYES—64

Ackerman	Campbell	Harvey	Murray, Kevin
Aguiar	Cannella	Hauser	Murray, Willard
Alby	Conroy	Hoge	Napolitano
Alpert	Cortese	House	Olberg
Baca	Cunneen	Isenberg	Poochigian
Baldwin	Davis	Kaloogian	Rainey
Bates	Ducheny	Knight	Richter
Battin	Escutia	Knowles	Rogan
Baugh	Figueroa	Knox	Setencich
Boland	Firestone	Machado	Speier
Bordonaro	Friedman	Martinez	Sweeney
Bowler	Frusetta	Mazzoni	Takasugi
Brewer	Gallegos	McPherson	Tucker
Brown	Goldsmith	Miller	Weggeland
Brulte	Granlund	Morrissey	Woods
Burton	Hannigan	Morrow	Mr. Speaker

NOES—None

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning:

Senate Bill No. 1322: Conroy, Kuykendall, and Martinez;

Senate Constitutional Amendment No. 21: Conroy, Kuykendall, and Martinez;

Assembly Bill No. 3426: Bowler, Miller, and Escutia.

**CHANGES IN CONFEREES—CONFERENCE COMMITTEE ON
SENATE BILL NO. 160**

The Speaker made the following changes in the Conference Committee on Senate Bill No. 160:

Assembly Member Escutia, in place of Assembly Member Villaraigosa.

SPECIAL CEREMONY HONORING RETIRING MEMBERS

At 12:09 p.m., a special ceremony was convened to honor Members retiring from the California State Assembly.

The following resolution was read:

House Resolution No. 58

By Assembly Member Pringle

Relative to commending the Honorable Dan Hauser.

WHEREAS, The Honorable Dan Hauser, the distinguished and able Assembly Member from the 1st Assembly District, is drawing to a close his tenure with the California State Assembly following 14 years of exemplary service, and it is appropriate at this time to highlight the many achievements of his illustrious tenure and to extend to him the highest commendations; and

WHEREAS, Dan Hauser was first elected to the California State Assembly in 1982, and his North Coast district encompasses one-third of California's coast and includes Del Norte, Humboldt, Lake, Mendocino, and Northern Sonoma Counties; and

WHEREAS, He led the West Coast effort to ban Tributyl Tin (TBT), a highly toxic chemical known to destroy aquatic plant and animal life, in antifouling paints used to coat the bottom of water vessels; he has been a strong advocate against offshore oil drilling and has successfully carried landmark legislation making the North Coast an ocean sanctuary; and he has been an advocate for California's fisheries, the sport and commercial fishing industry, and the California Department of Fish and Game; and

WHEREAS, He has authored and worked on many pieces of legislation to promote affordable housing, improve building standards, and protect historical buildings, and to assist mobilehome residents, condominium owners, veterans, seniors, Native Americans, and others to obtain better housing and living conditions; and

WHEREAS, Assembly Member Hauser has distinguished himself as Chair of the Committee on Housing and Community Development and the Joint Committee on Fisheries and Aquaculture and as a member of the Governmental Organization Committee, the Insurance Committee, the Transportation Committee, the Select Committee on California Wine Production and Economy, and the Legislative Ethics Committee; and

WHEREAS, He has represented California as Chairman of the Western Legislative Forestry Task Force and the Pacific Legislative Task Force; and

WHEREAS, Assembly Member Hauser has more than 18 years of experience in public service and, prior to his election to the California State Assembly, he served eight years on the Arcata City Council and was Mayor of Arcata for four of those years; and

WHEREAS, A native Californian, Dan Hauser was born in Riverside and graduated from California State University at Humboldt with a Bachelor of Arts degree in American history, and he served as a Scoutmaster for 22 years and received the prestigious Silver Beaver Award; and

WHEREAS, He has been named "Legislator of the Year" several times for his dedicated record of public service; and

WHEREAS, Through his professional, public, and community activities, he has made a significant impact on the people of the 1st Assembly District and the State of California, and he will be sorely missed by those individuals with whom he has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members take great pride in honoring Assembly Member Dan Hauser for his outstanding service to the people of 1st Assembly District and the people of California during his tenure as a Member of the Legislature, and extend to him heartiest best wishes for happiness and success in his future endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Honorable Dan Hauser.

House Resolution No. 58 Taken up by Unanimous Consent

Assembly Member Hannigan was granted unanimous consent to take up House Resolution No. 58, without reference to committee or file.

HOUSE RESOLUTION NO. 58—Relative to commending the Honorable Dan Hauser.

Resolution read, and adopted unanimously.

At 12:12 p.m., Speaker Curt Pringle, 68th District, presiding

Best Wishes Expressed

Speaker Pringle appointed Assembly Members Hannigan and Gallegos to escort Assembly Member Hauser to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as he departs the California State Assembly.

Assembly Member Dan Hauser then addressed the assemblage.

* * *

House Resolution No. 56

By Assembly Member Pringle

Relative to commending the Honorable K. Jacqueline Speier.

WHEREAS, The Honorable K. Jacqueline Speier, the distinguished Assembly Member from the 19th District, is drawing to a close her tenure in the California State Assembly after 10 years of outstanding leadership, and it is appropriate at this time to highlight her many achievements and to commend her for her illustrious record of service to the State of California; and

WHEREAS, A native Californian, Jackie Speier was born and raised in the San Francisco Bay Area, and after graduating from Burlingame's Mercy High School, she went on to earn a Bachelor of

Arts degree from the University of California, Davis, and a Juris Doctor degree from Hastings College of the Law; and

WHEREAS, Her career in public service dates back to November 1980, when she became the youngest elected member of the San Mateo County Board of Supervisors; she was reelected to a second term and became chair of the board in 1985; and

WHEREAS, In November 1986 she became the first woman to be elected to represent the 19th Assembly District, and in her fifth bid for office in 1994, she was nominated by both Republicans and Democrats; and

WHEREAS, She has distinguished herself as Chair of the Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development, the Assembly's lead consumer protection "watchdog" committee, and she has championed many pro-consumer bills, now law, that provide the people of California with greater protection from travel fraud, 900-phone number scams, unfair funeral and cremation practices, and illegal stock transactions, and she also led the legislative investigation of unfair and illegal practices of vehicle manufacturers and dealers; and

WHEREAS, As a member of the powerful Assembly Committees on Judiciary and Health, she has been a prime force in reforming workers' compensation laws, and she has brought great credit to herself through her many years as Majority Whip of the Assembly; and

WHEREAS, Throughout her tenure in the Assembly, Jackie Speier has helped shape some of the most important laws that have recently been enacted in California, and she is renowned and respected by her peers in the Assembly as one of the most thorough and conscientious legislators in the house; and

WHEREAS, She is the recipient of a litany of awards and commendations that attest to her unparalleled record of public leadership; and

WHEREAS, Jackie Speier is the mother of two children, Jackson Kent and Stephanie Katelin Elizabeth; and

WHEREAS, Through her professional, public, and community activities, she has made a significant impact on the people of the 19th Assembly District and beyond, and she will be sorely missed by those individuals with whom she has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members take great pride in honoring Assembly Member K. Jacqueline Speier for her outstanding service to the people of 19th District and throughout California during her tenure as a Member of the California State Assembly, and extend to her heartiest best wishes for happiness and success in her future endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Honorable K. Jacqueline Speier.

House Resolution No. 56 Taken up by Unanimous Consent

Assembly Member Isenberg was granted unanimous consent to take up House Resolution No. 56, without reference to committee, or file.

HOUSE RESOLUTION NO. 56—Relative to commending the Honorable K. Jacqueline Speier.

Resolution read, and adopted unanimously.

Best Wishes Expressed

Speaker Pringle appointed Assembly Members Isenberg and Gallegos to escort Assembly Member Speier to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as she departs the California State Assembly.

Assembly Member K. Jacqueline Speier then addressed the assemblage.

* * *

House Resolution No. 78

By Assembly Member Pringle

Relative to commending the Honorable Mickey Conroy.

WHEREAS, Assembly Member Mickey Conroy is drawing to a close his tenure with the California State Assembly following five years of exemplary service, and it is appropriate at this time to highlight the many achievements of his illustrious tenure and to extend to him the highest commendations; and

WHEREAS, Mickey Conroy served his country with honor and distinction for 21 years in the United States Armed Forces and still remains active in veterans affairs; he led the efforts to establish the Veterans National Cemetery in Riverside County, which led to the establishment of national veterans cemeteries throughout the nation; and he was the first recipient of the Secretary of the Navy Achievement Medal for his efforts on behalf of minorities; and

WHEREAS, Assembly Member Mickey Conroy was first elected to the California State Assembly in a special election in September 1991 as the representative of the 71st Assembly District, with constituents in Anaheim, Capistrano Beach, Coto de Caza, Dove Canyon, Foothill Ranch, Irvine, Lake Forest, Mission Viejo, Orange, Ortega, Portola Hills, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Santa Ana, Silverado Canyon, Trabuco Canyon, Tustin, and Villa Park; and

WHEREAS, He has served the Assembly admirably as Chair of the Utilities and Commerce Committee and as a member of the Higher Education, Housing and Community Development, and Insurance Committees; he also has provided leadership as Vice Chair of the Select Committee on Defense Conversion, as a member of the Select Committee on the Insolvency of Orange County, and as a member of the Joint Committee on Oversight on Lowering the Cost of Electric Services; and

WHEREAS, While he has introduced, coauthored, and supported legislation on numerous issues of importance to his district, he is renowned for his authorship of legislation dealing with crime,

workers' compensation, domestic violence, illegal immigration, and adoption; and

WHEREAS, During the 1993–94 First Extraordinary Session, concerning crime, Assembly Member Conroy introduced legislation that sent a clear message to the criminals of California, and in 1995 he introduced legislation that would return corporal punishment to the classroom; and

WHEREAS, He has been the recipient of many distinguished awards, including the Employer of the Year Award from the California State Employment Development Department, and Legislator of the Year from the California Association of County Veterans Service Officers, the American Legion, and the California Trucking Association; and

WHEREAS, Through his professional, public, and community activities, he has made a significant impact on the people of the 71st Assembly District and the State of California, and he will be sorely missed by those individuals with whom he has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members express their appreciation to their fellow public official and friend, Assembly Member Mickey Conroy, for his many invaluable contributions to the people of the State of California throughout his distinguished tenure with the California State Assembly, and convey to him best wishes for continued success in the future; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitable prepared copy of this resolution to the Honorable Mickey Conroy.

House Resolution No. 78 Taken up by Unanimous Consent

Assembly Member Morrissey was granted unanimous consent to take up House Resolution No. 78, without reference to committee or file.

HOUSE RESOLUTION NO. 78—Relative to commending the Honorable Mickey Conroy.

Resolution read, and adopted unanimously.

Best Wishes Expressed

Speaker Pringle appointed Assembly Members Morrissey and Rogan to escort Assembly Member Conroy to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as he departs the California State Assembly.

Assembly Member Mickey Conroy then addressed the assemblage.

* * *

House Resolution No. 69

By Assembly Member Pringle

Relative to commending the Honorable Richard K. Rainey.

WHEREAS, The Honorable Richard K. Rainey, the distinguished Assembly Member who has represented the 15th Assembly District for the past four years, is drawing to a close his tenure in office, and

upon this occasion, he is deserving of highest commendations for his record of dedicated service to his constituents and the State of California; and

WHEREAS, Richard Rainey was first elected to the California State Assembly in 1992 as the representative of the 15th Assembly District, and he was reelected to office in 1994; and

WHEREAS, He has distinguished himself as Chairperson of the Local Government Committee and as a member of the Environmental Safety and Toxic Materials Committee, the Public Safety Committee, the Transportation Committee, and the Subcommittee on Juvenile Justice; and

WHEREAS, Throughout his tenure in the Assembly, he has stood firm to his beliefs that state government must be kept accountable to the people, that the state budget should be balanced by spending cuts, not tax increases, unless approved by the voters, that government must encourage, not penalize, our free enterprise system, that tough laws are needed to combat crime and drug abuse, and that education, law enforcement, and health care are areas of vital concern; and

WHEREAS, He also has held to his conviction that the prosperity of California depends on a healthy economy where businesses are free from overregulation to create jobs; and

WHEREAS, A native of Medford, Oregon, Richard Rainey became a police officer for the City of Compton, California, in 1962; he was hired by the Contra Costa County Sheriff-Coroner's Department in 1964 as a deputy sheriff and was promoted to sergeant, lieutenant, and captain prior to 1978 when he was elected Sheriff-Coroner, and he won reelection in 1982, 1986, and 1990; and

WHEREAS, He graduated from California State University, Sacramento, with a Bachelor of Arts degree in administration of justice and went on to earn a Master of Arts degree in public administration from Golden Gate University; and

WHEREAS, He was appointed by Governor George Deukmejian to the State Board of Corrections and the Board of Trustees of the Robert Presley Institute of Corrections; and

WHEREAS, Richard Rainey and his wife, Sue McNulty Rainey, make their home in Walnut Creek, and they are the proud parents of seven adult children; and

WHEREAS, Through his professional, public, and community activities, he has made a significant impact on the people of the 15th Assembly District and the State of California, and he will be sorely missed by those individuals with whom he has been associated; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members take great pride in honoring Assembly Member Richard K. Rainey for his outstanding service to the people of the 15th District and the State of California during his tenure as a Member of the California State Assembly, and extend to him heartiest best wishes for happiness and success in his future endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Honorable Richard K. Rainey.

House Resolution No. 69 Taken up by Unanimous Consent

Assembly Member Miller was granted unanimous consent to take up House Resolution No. 69, without reference to committee or file.

HOUSE RESOLUTION NO. 69—Relative to commending the Honorable Richard K. Rainey.

Resolution read, and adopted unanimously.

Best Wishes Expressed

Speaker Pringle appointed Assembly Members Miller and Rogan to escort Assembly Member Rainey to the Rostrum, whereupon a resolution was presented expressing the best wishes of all Members of the Assembly as he departs the California State Assembly.

Assembly Member Richard K. Rainey then addressed the assemblage.

SPECIAL TRIBUTE

Assembly Member Conroy paid special tribute to the late B.T. Collins who was elected to the Assembly at the same time as Assembly Member Conroy and who would also have retired from the California State Assembly this year.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Morrow announced his intention to request that Senate Bills Nos. 1589 and 1583 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Granlund announced his intention to request that Senate Bill No. 661 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Cunneen announced his intention to request that Senate Bill No. 1529 be removed from the inactive file.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Takasugi was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Knox H. Takasugi, of Ojai.

JOINT RULE 62(a) WAIVED

Assembly Member Brewer was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of convening the Rules Subcommittee on Sexual Harassment, on August 27, 1996, at 1:30 p.m., in Room 3162.

**NOTICE OF INTENTION TO REMOVE BILL
FROM INACTIVE FILE**

Pursuant to Assembly Rule 78, Assembly Member Baldwin announced his intention to request that Senate Bill No. 2022 be removed from the inactive file.

Pursuant to Assembly Rule 78, Assembly Member Knowles announced his intention to request that Senate Bill No. 2168 be removed from the inactive file.

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

ASSEMBLY BILL NO. 1041 (Alpert)—An act to amend Section 44253.10 of the Education Code, relating to teacher credentialing.

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—51

Ackerman	Brulte	Harvey	Napolitano
Aguiar	Cannella	Hoge	Olberg
Alby	Conroy	House	Poochigian
Alpert	Cortese	Isenberg	Rainey
Baldwin	Cunneen	Knox	Rogan
Bates	Davis	Machado	Setencich
Battin	Figueroa	Martinez	Speier
Baugh	Firestone	Mazzoni	Sweeney
Boland	Frusetta	McPherson	Takasugi
Bordonaro	Gallegos	Morrissey	Weggeland
Bowler	Goldsmith	Morrow	Woods
Brewer	Granlund	Murray, Kevin	Mr. Speaker
Brown	Hannigan	Murray, Willard	

**NOES—None
Vote Changes**

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1041: Assembly Member Ducheny, from "Aye" to "Not Voting".

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS (RESUMED)

SENATE BILL NO. 1682 (Johnston)—An act to amend Section 1176 of, and to add Section 1185 to, the Unemployment Insurance Code, relating to employment development, and making an appropriation therefor.

Bill read third time.

Motion to Amend

Assembly Member Cortese moved the adoption of amendments.

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

**RE-REFERENCE OF BILLS TO COMMITTEE PURSUANT TO
ASSEMBLY RULE 77.2**

Upon request of Assembly Member Cortese, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bill No. 360 to the Committee on Water, Parks and Wildlife.

**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. 118 and 1482, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 1129—An act to amend Section 116.880 of the Code of Civil Procedure, to amend Sections 11580.1, 11580.2, 11611 of, and to add Article 3.5 (commencing with Section 11605) to Chapter 1 of, and Chapter 6 (commencing with Section 12000) to, Part 3 of Division 2 of, the Insurance Code, and to amend Sections 16021, 16053, 16054, 16055, 16056, 16057, 16250, 16430, 16431, 16433, 16436, 16480, 17151, and 17709 of, to add Section 4000.37 to, and to repeal Sections 16027, 16434, and 16435 of, the Vehicle Code, relating to insurance.

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. 1511—An act to amend Section 2800.1 of the Vehicle Code, relating to vehicles.

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. 1619—An act to amend Sections 19596, 19596.1, 19596.2, and 19605.3 of the Business and Professions Code, relating to horseracing, and making an appropriation therefor.

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. 1628—An act to amend Sections 65091, 65804, and 65905 of, and to add Section 65805 to, the Government Code, relating to land use.

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. 1809—An act to amend Section 66010.4 of the Education Code, to amend Sections 15379.20, 15379.25, and 15379.80 of, and to add Sections 15379.26 and 15379.28 to, the Government Code, relating to postsecondary education, and making an appropriation therefor.

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. 1838—An act to amend Section 7285.8 of, and to add Section 7285.9 to, the Revenue and Taxation Code, relating to taxation.

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. 1533—An act to add Part 7.1 (commencing with Section 15427) to the Government Code, relating to the death penalty, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 622—An act to amend Sections 4600.3 and 4600.5 of the Labor Code, relating to workers' compensation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1812—An act to amend Section 11170 of the Penal Code, and to add Chapter 4 (commencing with Section 16300) to Part 4 of Division 9 of, the Welfare and Institutions Code, relating to children.

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

SENATE BILL NO. 1983—An act to add Section 13823.18 to the Penal Code, relating to crime prevention, and making an appropriation therefor.

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

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

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

SENATE BILL NO. 1517—An act to add Section 14669.35 to the Government Code, relating to real property.

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. 1864—An act to repeal and add Chapter 12.3 (commencing with Section 8876.1) of Division 1 of Title 2 of the Government Code, relating to seismic safety, 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.

RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Poochigian was granted unanimous consent that Senate Bill No. 1511 be referred from the second reading file to the Committee on Elections, Reapportionment and Constitutional Amendments.

CAUCUS ANNOUNCEMENTS

Assembly Member Kevin Murray announced that the Democratic Caucus would meet today, upon adjournment of Floor session, in the Tom Bane Rules Committee Room.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

SENATE BILL NO. 144 (Calderon)—An act to amend Sections 3130, 3556, and 4845 of, and to add Sections 3135, 3136, 3137, 3655, 3655.5, 3656, 3656.5, 3657, 3657.5, 3658, and 3658.5 to, the Family Code, relating to family law.

Bill read third time.

Motion to Amend

Assembly Member Ducheny moved the adoption of amendments.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1914**

At 1:16 p.m., on motion of Assembly Member Escutia, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1914 by the following vote:

AYES—42

Aguiar	Cannella	Callegos	Morrissey
Alby	Conroy	Goldsmith	Murray, Kevin
Alpert	Cortese	Hannigan	Murray, Willard
Baca	Cunneen	Hauser	Napolitano
Bates	Davis	Isenberg	Rainey
Bordonaro	Ducheny	Kaloogian	Setencich
Bowler	Escutia	Knox	Speier
Brown	Figueroa	Machado	Sweeney
Brulte	Firestone	Martinez	Tucker
Burton	Friedman	Mazzoni	
Campbell	Frusetta	McPherson	

NOES—16

Ackerman	Brewer	House	Olberg
Baldwin	Granlund	Knowles	Takasugi
Baugh	Harvey	Miller	Woods
Boland	Hoge	Morrow	Mr. Speaker

Above bill ordered enrolled.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Poochigian announced that the Committee on Appropriations would meet today, at 2:15 p.m., in Room 4202.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bills were withdrawn from the inactive file, and placed upon the third reading file:

Senate Bill No. 1516, on request of Assembly Member Goldsmith;
Senate Bill No. 1540, on request of Assembly Member Morrow;
Senate Bill No. 489, on request of Assembly Member Speier;
Senate Bill No. 1959, on request of Assembly Member Cunneen;
Senate Bill No. 1076, on request of Assembly Member Rainey;
Senate Bill No. 1946, on request of Assembly Member Kaloogian;
Senate Bill No. 2031, on request of Assembly Member Morrissey;
Senate Bill No. 2112, on request of Assembly Member Brulte;
Senate Bill No. 2139, on request of Assembly Member Baldwin;
Senate Bill No. 1378, on request of Assembly Member Goldsmith;
Senate Bill No. 109, on request of Assembly Member Poochigian;
Senate Bill No. 1836, on request of Assembly Member Takasugi;
Senate Bill No. 715, on request of Assembly Member Takasugi;
Senate Bill No. 1827, on request of Assembly Member Takasugi;
Assembly Bill No. 2614, on request of Assembly Member Baugh;
Senate Bill No. 2161, on request of Assembly Member Alby;
Senate Bill No. 535, on request of Assembly Member Granlund;
Senate Bill No. 1420, on request of Assembly Member Cunneen.

MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Senate Bills Nos. 1609, 1155, 183, 524, 858, 649, 357, 509, 1750, 1626, and 1808; Assembly Joint Resolutions Nos. 52 and 72; Assembly Bill No. 2338; Assembly Constitutional Amendments Nos. 45, 42, and 30 were continued until the next legislative day.

VOTE ADDS

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

Senate Joint Resolution No. 53: Brulte, Cortese, Knox, Martinez, McPherson, Napolitano, and Weggeland—Aye.

Assembly Bill No. 1221, Concurrence: Goldsmith, Machado, Martinez, Napolitano, Speier, and Weggeland—Aye.

Assembly Bill No. 1121, Concurrence: Goldsmith, Martinez, Napolitano, and Weggeland—Aye.

Assembly Bill No. 3224, Concurrence: Bates, Goldsmith, Martinez, Napolitano, Speier, and Weggeland—Aye.

Assembly Bill No. 2601, Concurrence: Goldsmith, Martinez, and Napolitano—Aye; Olberg—No.

Assembly Bill No. 1041, Concurrence: Granlund—Aye.

Assembly Bill No. 1914, Concurrence: Frusetta—Aye.

MOTION TO ADJOURN

At 1:18 p.m., Assembly Member Kevin Murray moved that the Assembly do now adjourn.

Assembly Member Rogan seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:19 p.m., Speaker Pringle declared the quorum call of the Assembly dispensed with.

ENGROSSMENT AND ENROLLMENT REPORTS

	Assembly Chamber, August 26, 1996
Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:	
Assembly Bill No. 2775	Assembly Bill No. 2970
Assembly Bill No. 2776	Assembly Bill No. 3090
Assembly Bill No. 2808	Assembly Bill No. 3316

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., August 26, 1996.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 26, 1996

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

Assembly Bill No. 9
 Assembly Bill No. 153
 Assembly Bill No. 744
 Assembly Bill No. 775
 Assembly Bill No. 850
 Assembly Bill No. 1042
 Assembly Bill No. 1201
 Assembly Bill No. 1260
 Assembly Bill No. 1387
 Assembly Bill No. 1934

Assembly Bill No. 2027
 Assembly Bill No. 2345
 Assembly Bill No. 2384
 Assembly Bill No. 2396
 Assembly Bill No. 2461
 Assembly Bill No. 2483
 Assembly Bill No. 2635
 Assembly Bill No. 2655
 Assembly Bill No. 2673
 Assembly Bill No. 2681

And reports the same correctly enrolled, and presented to the Governor at 2 p.m., August 26, 1996.

E. DOTSON WILSON, Chief Clerk

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 98—Kevin Murray. Relative to the Julia Ann Singer Center.

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

August 26, 1996

Mr. Speaker: The Chair of your Committee on Higher Education reports:

Senate Concurrent Resolution No. 66

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

FIRESTONE, Chairman

SENATE CONCURRENT RESOLUTION NO. 66—Relative to postsecondary education.

Resolution read; 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 Insurance**

August 26, 1996

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

Senate Bill No. 484

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

KNOWLES, Chairman

SENATE BILL NO. 484—An act to add Section 1348.8 to 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.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: August 21, 1996

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 500

Senate Bill No. 2023

Senate Bill No. 1365

Senate Bill No. 2028

Senate Bill No. 1634

Senate Bill No. 2164

Senate Bill No. 1943

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

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Committee on Local Government

Date of Hearing: August 26, 1996

Mr. Speaker: Your Committee on Local Government reports:

Senate Bill No. 908

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.

RAINEY, Chairman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: August 21, 1996

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 282

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

POOCHIGIAN, Chairman

Above bill ordered to second reading.

**Committee on Consumer Protection, Governmental Efficiency
and Economic Development**

Date of Hearing: August 22, 1996

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Senate Bill No. 1077

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

MORRISSEY, Chairman

Above bill ordered to second reading.

Date of Hearing: August 22, 1996

Mr. Speaker: Your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 1383

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

MORRISSEY, Chairman

Above bill ordered to unfinished business.

Committee on Housing and Community Development

Date of Hearing: August 26, 1996

Mr. Speaker: Your Committee on Housing and Community Development reports:

Senate Bill No. 1490

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

HAWKINS, Chairman

Above bill re-referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

August 26, 1996

Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber

Dear Dotson: The Senate this day suspended Joint Rule 29.5(a) on Senate Bill No. 1322, Senate Constitutional Amendment No. 21, and Assembly Bill No. 2444.

Sincerely,

JOHN W. ROVANE
Acting Secretary of the Senate

CONFERENCE COMMITTEE REPORTS RECEIVED

Assembly Chamber, August 26, 1996

Mr. Speaker: The Committee on Conference has met concerning: **Senate Bill No. 1094**, as amended in Assembly on September 14, 1995, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consent to the report:

QUENTIN L. KOPP
HENRY MELLO

BILL HOGE
KEITH OLBERG

Senate Committee on Conference Assembly Committee on Conference
The undersigned Member dissenting to the report:

SUSAN DAVIS
Assembly Committee on Conference

Assembly Chamber, August 26, 1996

Mr. Speaker: The Committee on Conference has met concerning: **Senate Bill No. 1307**, as amended in Assembly on August 30, 1995, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

CHARLES M. CALDERON
BYRON D. SHER
LUCY L. KILLEA

KEITH OLBERG
MICHAEL SWEENEY
BERNIE RICHTER

Senate Committee on Conference Assembly Committee on Conference

Assembly Chamber, August 26, 1996

Mr. Speaker: The Committee on Conference has met concerning: **Senate Bill No. 1923**, as amended in Assembly on July 3, 1996, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

MIKE THOMPSON
HERSCHEL ROSENTHAL
ROBERT G. BEVERLY

CURTIS R. TUCKER, JR.
BILL HOGE

Senate Committee on Conference Assembly Committee on Conference

MESSAGES FROM THE SENATE

Senate Chamber, August 26, 1996

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Peace, Leonard and Sher as a Committee on Conference concerning:

Senate Constitutional Amendment No. 21.

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 26, 1996

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

Senate Bill No. 286
Senate Bill No. 318
Senate Bill No. 323
Senate Bill No. 398
Senate Bill No. 506
Senate Bill No. 610
Senate Bill No. 802
Senate Bill No. 1081
Senate Bill No. 1259
Senate Bill No. 1285
Senate Bill No. 1369
Senate Bill No. 1377
Senate Bill No. 1398
Senate Bill No. 1439
Senate Bill No. 1454
Senate Bill No. 1457
Senate Bill No. 1470
Senate Bill No. 1480
Senate Bill No. 1500
Senate Bill No. 1501
Senate Bill No. 1554

Senate Bill No. 1570
Senate Bill No. 1588
Senate Bill No. 1592
Senate Bill No. 1613
Senate Bill No. 1630
Senate Bill No. 1666
Senate Bill No. 1690
Senate Bill No. 1721
Senate Bill No. 1732
Senate Bill No. 1737
Senate Bill No. 1748
Senate Bill No. 1798
Senate Bill No. 1803
Senate Bill No. 1804
Senate Bill No. 1811
Senate Bill No. 1872
Senate Bill No. 1899
Senate Bill No. 1909
Senate Bill No. 1933
Senate Bill No. 1954

JOHN W. ROVANE, Acting Secretary of the Senate

Senate Chamber, August 26, 1996

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

Senate Bill No. 1962
Senate Bill No. 1979
Senate Bill No. 1987
Senate Bill No. 1995
Senate Bill No. 2005
Senate Bill No. 2014

Senate Bill No. 2043
Senate Bill No. 2062
Senate Bill No. 2098
Senate Bill No. 2151
Senate Bill No. 2174

JOHN W. ROVANE, Acting Secretary of the Senate

August 26, 1996

*Hon. E. Dotson Wilson
Chief Clerk of the Assembly
Assembly Chamber*

Dear Dotson: By direction of the Senate I am returning Senate Bill No. 1547 to the Assembly for further action.

Sincerely,

JOHN W. ROVANE
Acting Secretary of the Senate

Above bill held at the Desk.

INTRODUCTION OF GUESTS

Speaker pro Tempore Aguiar introduced Jeanette Beck and her grandson, Seth Harper, of Ontario.

Assembly Member Speier, of the 19th Assembly District, introduced Rachel Ezrati, Jasmine Salamera, and Jamie Pfister.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Kevin Murray, the Assembly adjourned until 9:30 a.m., Tuesday, August 27, 1996, out of respect to the memory of Faustos Ramos, on motion of Assembly Member Isenberg; out of respect to the memory of C. E. "Chuck" Schmale, on motion of Assembly Member Cunneen; out of respect to the memory of Clifford Small, on motion of Assembly Member Sweeney; out of respect to the memory of Owen Bartel, on motion of Assembly Member Speier; and out of respect to the memory of Knox H. Takasugi, on motion of Assembly Member Takasugi.

CURT PRINGLE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 26, 1996**

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

SB	RN
144	9627107
484	9627943
623	9627478
1094	9626632 (Conf.)
1129	9626035
1307	9627855 (Conf.)
1374	9627394
1490	9627886
1511	9627319
1517	9627561
1524	9626525
1619	9627347
1628	9627036
1682	9627634
1809	9627068
1812	9627546
1838	9627462
1849	9626479
1856	9627500
1864	9627560
1923	9626700 (Conf.)
1983	9627480
SCR	RN
66	9627873