

CALIFORNIA LEGISLATURE

1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, August 28, 1995

ONE HUNDRED THIRTY-FIRST SESSION DAY

TWO HUNDRED SIXTY-SEVENTH 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
Monday, August 28, 1995

The Assembly met at 11:10 a.m.

Hon. Brian Setencich, Majority Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Akiba H. Howard reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Kuykendall moved a quorum call of the Assembly.

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

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

Quorum Present

At 11:35 a.m., Majority Speaker pro Tempore Setencich declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—79:

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

PRAYER

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

God in Heaven, You have revealed to us that You are love. Each one of us shows that Your revelation is true and that we believe God is love, when we ourselves are loving. We confess, Lord that it is difficult to show the type of selfless benevolence that love requires and we ask for Your help. Fill our hearts with love for You and for those around us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Majority Speaker pro Tempore Setencich, Assembly Member Escutia 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 Hannigan, seconded by Assembly Member Frusetta.

COMMUNICATIONS

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

August 25, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Tom Bordonaro to the Assembly Utilities and Commerce Committee to fill an existing vacancy, for the hearing on Monday, August 28, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

August 25, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Brian Setencich to the Assembly Appropriations Committee to fill an existing vacancy, for the hearings on Monday, August 28, 1995 and Wednesday, August 30, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

August 25, 1995

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

Dear Dotson: Please be advised that the Joint Task Force on Disproportionate Share Hospitals has been created and the following Assemblymembers have been appointed:

Brett Granlund, Co-Chairman	Peter Frusetta
Martha Escutia	Bernie Richter
Barbara Friedman	
Sincerely,	

DORIS ALLEN
Speaker of the Assembly

August 25, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Mickey Conroy to the Assembly Elections, Reapportionment and Constitutional Amendments Committee to fill an existing vacancy, for the hearing on Monday, August 28, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymembers Bob Margett and Tom Woods to the Assembly Water, Parks and Wildlife Committee to fill existing vacancies for the hearing on Tuesday, August 29, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymembers David Knowles and Peter Frusetta to the Assembly Transportation Committee to fill existing vacancies for the hearing on Tuesday, August 29, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Phil Hawkins to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee to fill an existing vacancy for the hearing on Monday, August 28, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Jim Cunneen to the Assembly Local Government Committee to fill an existing vacancy for the hearing on Wednesday, August 30, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

August 28, 1995

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

Dear Dotson: Please be advised that I have appointed Assemblymember Brett Granlund to the Assembly Budget Committee to fill an existing vacancy for the hearing on Wednesday, August 30, 1995 only.

Sincerely,

DORIS ALLEN
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 25, 1995

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1113
Assembly Bill No. 1316

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., August 25, 1995.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 28, 1995

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 652
Assembly Bill No. 850

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 28, 1995

Mme. Speaker: I request permission to suspend Joint Rule 61 as it relates to Senate Bill No. 1106.

TED WEGGELAND

Above request ordered transmitted to the Committee on Rules.

MESSAGES FROM THE SENATE

Senate Chamber, August 24, 1995

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 33

RICK ROLLENS, Secretary of the Senate
By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 33—Relative to commemorating the 50th anniversary of Victory over Japan Day.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to Committee:

<i>Assembly Constitutional</i>	
<i>Amendment No.</i>	<i>Committee</i>
33 -----	E.,R. & C.A.
<i>Assembly Joint</i>	
<i>Resolution No.</i>	<i>Committee</i>
44 -----	Rls.
<i>Senate Concurrent</i>	
<i>Resolution No.</i>	<i>Committee</i>
33 -----	Rls.

AUTHOR'S AMENDMENTS
Committee on Natural Resources

August 28, 1995

Mme. Speaker: The Chair of your Committee on Natural Resources reports:
Senate Bill No. 1178

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

SHER, Chairman

SENATE BILL NO. 1178—An act to amend Sections 14518.5, 14537, 14538, 14539, 14549, 14549.6, 14550, 14560, 14571.8, 14572, 14573, 14573.5, 14575, 14580, 14581, and 14585 of, to add Sections 14514, 14515.5, 14518.4, 14536.1, and 14580.5 to, and to repeal Section 14581.5, of the Public Resources Code, relating to beverage containers, making an appropriation there, 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 Appropriations

August 28, 1995

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

Senate Bill No. 420

Senate Bill No. 793

Senate Bill No. 527

Senate Bill No. 920

Senate Bill No. 765

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

POOCHIGIAN, Chairman

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. 527—An act to add Sections 13100.1, 13100.2, and 13100.3 to, and to repeal Section 13125 of, the Penal Code, relating to criminal offender record information, 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. 765—An act to amend Sections 46146, 46201, 46202, and 48802 of the Education Code, relating to school finance.

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. 793—An act to amend Sections 42127.8 and 42238.2 of, and to add Section 42249.4 to, the Education Code, relating to education.

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. 920—An act to add Chapter 14 (commencing with Section 11652) to Division 10 of the Health and Safety Code, relating to the Statewide Integrated Narcotics System.

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

August 28, 1995

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

Senate Bill No. 81

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

RAINEY, Chairman

SENATE BILL NO. 81—An act to add Section 18902.5 to the Health and Safety Code, relating to closed military bases.

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 28, 1995

Mme. Speaker: The Chair of your Committee on Utilities and Commerce reports: Senate Bill No. 678

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

MARTINEZ, Chairwoman

SENATE BILL NO. 678—An act to amend Sections 739 and 739.7 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.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 33	Senate Bill No. 722
Senate Bill No. 136	Senate Bill No. 732
Senate Bill No. 159	Senate Bill No. 764
Senate Bill No. 226	Senate Bill No. 791
Senate Bill No. 379	Senate Bill No. 827
Senate Bill No. 429	Senate Bill No. 851
Senate Bill No. 443	Senate Bill No. 1003
Senate Bill No. 448	Senate Bill No. 1011
Senate Bill No. 496	Senate Bill No. 1098
Senate Bill No. 585	Senate Bill No. 1108
Senate Bill No. 614	Senate Bill No. 1147
Senate Bill No. 660	Senate Bill No. 1230
Senate Bill No. 687	Senate Bill No. 1308
Senate Bill No. 718	

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 bills be placed on the Consent Calendar.

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

Senate Joint Resolution No. 21

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

POOCHIGIAN, Chairman

Above resolution ordered to Consent Calendar.

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

- | | |
|---------------------|----------------------|
| Senate Bill No. 452 | Senate Bill No. 716 |
| Senate Bill No. 454 | Senate Bill No. 910 |
| Senate Bill No. 487 | Senate Bill No. 946 |
| Senate Bill No. 644 | Senate Bill No. 1020 |

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

- | | |
|----------------------|----------------------|
| Senate Bill No. 855 | Senate Bill No. 1088 |
| Senate Bill No. 887 | Senate Bill No. 1305 |
| Senate Bill No. 991 | Senate Bill No. 1313 |
| Senate Bill No. 1051 | |

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

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

- | | |
|---------------------|---------------------|
| Senate Bill No. 1 | Senate Bill No. 513 |
| Senate Bill No. 38 | Senate Bill No. 557 |
| Senate Bill No. 120 | Senate Bill No. 609 |
| Senate Bill No. 187 | Senate Bill No. 612 |
| Senate Bill No. 273 | Senate Bill No. 619 |
| Senate Bill No. 342 | Senate Bill No. 640 |
| Senate Bill No. 370 | Senate Bill No. 670 |
| Senate Bill No. 414 | Senate Bill No. 671 |
| Senate Bill No. 508 | |

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

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

- Senate Bill No. 1277

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

POOCHIGIAN, Chairman

Above bill re-referred to the Committee on Budget.

Committee on Rules

Date of Hearing: August 28, 1995

Mme. Speaker: Your Committee on Rules reports:

- Senate Concurrent Resolution No. 33

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

AGUIAR, Alternate Chair

Above resolution re-referred to the Committee on Appropriations.

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of the Rules, the following bill was ordered re-referred to the Committee on Appropriations:

- Senate Bill No. 1094.

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. 713, on request of Assembly Member McDonald;

Senate Bill No. 821, on request of Assembly Member Miller.

JOINT RULE 62(a) WAIVED

Assembly Member Vasconcellos was granted unanimous consent that Joint Rule 72(a) be waived for the purpose of setting Senate Bill No. 1277 for hearing in the Committee on Budget on Wednesday, August 30, 1995.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member Hoge was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Julian Mazzarella, of Tujunga.

RECESS

By unanimous consent, at 11:59 a.m., Majority Speaker pro Tempore Setencich declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Lee introduced Dwayne A. Gathers and presented a resolution to him commending his recent appointment by Governor Wilson as Director of the California Office of Trade and Investment in Johannesburg, South Africa.

REASSEMBLED

At 12:01 p.m., the Assembly reconvened.

Hon. Brian Setencich, Majority Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT

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 Herbert B. Stovall, Jr., of Hayward.

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

Pursuant to Assembly Rule 78, Assembly Member Sweeney announced his intention to request that Senate Bill No. 474 be removed from the inactive file.

CONSIDERATION OF SENATE BILL NO. 396 BY UNANIMOUS CONSENT

Assembly Member Harvey was granted unanimous consent to take up Senate Bill No. 396, out of order.

SENATE BILL NO. 396 (Maddy)—An act to amend Sections 113, 27510, 27511, 27512, 27517, 27519, 27523, 27531, 27534, 27535, 27550, 27560, 27601, 27604, 27613, 27614, 27621, 27622, 27623, 27625, 27627, 27629, 27632, 27675, 27791, 27844, 27845, and 27849 of, to add Sections 27508, 27512.5, 27514, 27514.1, 27514.2, 27518.5, 27519.1, 27519.2, 27523.1, 27523.2, 27523.3, 27523.4, 27523.8, 27525.1, 27531.5, 27533.5, 27536.3, 27601.5, 27602.3, 27602.4, 27612.1, 27677, and 27832 to, and to repeal and add Sections 27606 and 27612 of, the Health and Safety Code, relating to food facilities.

Bill read third time.

Motion to Amend

Assembly Member Harvey moved the adoption of amendments.

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

REQUEST FOR UNANIMOUS CONSENT

Assembly Member McPherson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Eloise Pickard Smith, of Santa Cruz.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 1973, on request of Assembly Member Figueroa.

RE-REFERENCE OF BILLS FROM FILE TO COMMITTEE

Assembly Member Martinez was granted unanimous consent that Senate Bill No. 423 be referred from the third reading file to the Committee on Utilities and Commerce.

REQUEST FOR UNANIMOUS CONSENT

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Sandi Piazza, of Hickman.

Minority Speaker pro Tempore Baca was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Manuel Vasquez, of Rialto.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

Legislative Intent—Assembly Bill No. 882

August 24, 1995

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

Dear Madame Speaker: This letter clarifies the intent of AB 882, which I authored. The bill concerns the admissibility in sexual offense cases of evidence that the defendant has committed another sexual offense or offenses.

AB 882 is modeled on Rules 413–15 of the Federal Rules of Evidence, and adapts the principle of these rules to the framework of California law. A number of statements were generated in the

legislative history of the federal rules that can be consulted and relied on for explanation concerning the background, rationale, and effect of this reform. See 140 Cong. Rec. H8991-91 (daily ed. Aug. 21, 1994) (statement of Rep. Susan Molinari, principal House sponsor of Fed. R. Evid. 413-15): Karp, *Evidence of Propensity and Probability in Sex Offense Cases and Other Cases*, 70 Chicago-Kent L. Rev. 15 (1994) (text of address by author of Fed. R. Evid. 413-15): 137 Cong. Rec. S3238-42 (daily ed. March 13, 1991) (analysis statement accompanying proposal of Fed. R. Evid. 413-15 in S. 635).

Specific explanation concerning AB 882, its relationship to prior California Law, and the need for its enactment in California, appears in an article by the legislation's sponsor, Attorney General Dan Lungren: *Stopping Rapists and Child Molesters by Giving Juries All the Facts—Reforms in Federal and California Law* (published in 1995 in *Prosecutor's Brief*, volume XVII, no. 2, at 13-14, 23.)

During its consideration by the legislature, AB 882 was the subject of hearings before the Assembly Committee on Public Safety, the Senate Committee on Criminal Procedure, and the Senate Committee on Judiciary. Three amendments were adopted to the bill in connection with these hearings.

During the hearing before the Assembly Committee on Public Safety, the language of the new S 1108 of the Evidence Code was amended to provide explicitly that evidence of other offenses within the scope of the section is not subject to S 1101's prohibition of evidence of character or disposition. This makes it clear that S 1108 permits courts to admit such evidence on a common sense basis—without a precondition of finding a “non-character” purpose for which it is relevant—and permits rational assessment by juries of evidence so admitted. This includes consideration of the other sexual offenses as evidence of the defendant's disposition to commit such crimes, and for its bearing on the probability or improbability that the defendant has been falsely or mistakenly accused of such an offense.

During the hearing before the Senate Committee on Criminal Procedure, the bill was amended to delete the direct application of the new S 1108 to civil actions. Nevertheless, the reform remains valuable to civil litigants who seek redress for sexual offenses. In cases where a criminal conviction for the underlying act is obtained with the help of new S 1108, normal collateral estoppel principles will generally foreclose the defendant from denying his commission of the offense in subsequent civil suit.

During the hearing before the Senate Committee on Judiciary, an amendment was adopted to provide explicitly that Evidence Code S 352 remains applicable to evidence offered under the new S 1108. While S 1108 explicitly supersedes S 1101's prohibition of evidence of character or disposition within its scope of application, it does not supersede other provisions of the Evidence Code, such as normal restrictions in hearsay and the court's authority to exclude evidence presenting an overriding likelihood of prejudice under S 352. Cf. *People v. Ewoldt*, 7 Cal. 4th 380, 404-08 (1994): *People v. Balcom* 7 Cal. 4th 414, 426-27 (1994) (S 352 balancing in relation to admission of evidence of other sexual offenses under S 1101).

The amendment adopted at the Judiciary Committee hearing simply makes this point explicit in relation to S 352. The reform does,

however, affect the practical operation of S 352 balancing, because admission and consideration of evidence of other sexual offenses to show character or disposition would be no longer treated as intrinsically prejudicial or impermissible. Hence, evidence offered under S 1108 could not be excluded on the basis of S 352 unless "the probability that its admission will . . . create substantial danger of undue prejudice" (or other adverse effects identified in S 352) substantially outweighed its probative value concerning the defendant's disposition to commit the sexual offense or offenses with which he is charged and other matters relevant to the determination of the charge. As with other forms of relevant evidence that are not subject to any exclusionary principle, the presumption will be in favor of admission.

At the hearing before the Judiciary Committee, there was discussion whether more exacting requirements of similarity between the charged offense and the defendant's other offenses should be imposed. The decision was against making such a change, because doing so would tend to reintroduce the excessive requirements of specific similarity under prior law which AB 882 is designed to overcome, *see* Lungren, *supra*, at 14, and could often prevent the admission and consideration of evidence of other sexual offenses in circumstances where it is rationally probative. Many sex offenders are not "specialists", and commit a variety of offenses which differ in specific character.

Sincerely,

JAMES E. ROGAN, Assembly Member
Forty-third District

CONSIDERATION OF SENATE BILL NO. 123 BY UNANIMOUS CONSENT

Assembly Member Hauser was granted unanimous consent to take up Senate Bill No. 123, out of order.

SENATE BILL NO. 123 (Thompson)—An act to amend and renumber Section 9025 of, to add Sections 715, 9025, 12012, and 12013 to, and to add and repeal Sections 9027 and 9029.5 of, the Fish and Game Code, relating to fish and wildlife.

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.

JOINT RULE 62(a) WAIVED

Assembly Member Speier was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1520 for hearing in the Committee on Consumer Protection, Governmental Efficiency and Economic Development today, upon adjournment of Floor session.

REPORTS OF STANDING COMMITTEES**Committee on Local Government**

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Local Government reports:

Senate Bill No. 29

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

RAINEY, Chairman

Above bill ordered to second reading.

**SENATE BILL NO. 29 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

Assembly Member Rainey was granted unanimous consent to take up Senate Bill No. 29 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

SENATE BILL NO. 29—An act to authorize the creation of the Surprise Valley Groundwater Management District, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Local Government read and adopted; bill ordered reprinted and to be re-referred to the Committee on Water, Parks and Wildlife.

CONSIDERATION OF SENATE BILL NO. 1247 BY UNANIMOUS CONSENT

Assembly Member Rainey was granted unanimous consent to take up Senate Bill No. 1247, out of order.

SENATE BILL NO. 1247 (Thompson)—An act to add Article 4.5 (commencing with Section 50090) to Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, relating to police protection.

Bill read third time.

Motion to Amend

Assembly Member Rainey moved the adoption of amendments.

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

BILLS STRICKEN FROM FILE

Assembly Member Kuehl was granted unanimous consent that Assembly Bills Nos. 834 and 1570 be stricken from file.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: August 28, 1995

Mme. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 37

With the recommendation: Be adopted.

AGUIAR, Alternate Chair

Above resolution ordered on file.

**ASSEMBLY JOINT RESOLUTION NO. 37 TAKEN UP
BY UNANIMOUS CONSENT**

Assembly Member Conroy was granted unanimous consent to take up Assembly Joint Resolution No. 37, without reference to file, and that the same be considered engrossed.

ASSEMBLY JOINT RESOLUTION NO. 37—Relative to human rights violations and political oppression in Vietnam.

Resolution read.

Members Made Coauthors of Assembly Joint Resolution No. 37

Assembly Member Conroy was granted unanimous consent that all Assembly Members voting “Aye” be placed upon Assembly Joint Resolution No. 37 as coauthors.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Alby, Allen, Alpert, Archie-Hudson, Baca, Baldwin, Bates, Battin, Boland, Bordonaro, Bowler, Brulte, Caldera, Cannella, Cortese, Cunneen, Ducheny, Frusetta, Gallegos, Goldsmith, Hauser, Hawkins, Hoge, House, Isenberg, Kaloogian, Knight, Knox, Kuykendall, Margett, Martinez, McPherson, Willard Murray, Olberg, Poochigian, Pringle, Rainey, Rogan, Setencich, Sher, Sweeney, Tucker, and Woods.

Request for Unanimous Consent

Assembly Member Conroy was granted unanimous consent to take up Assembly Joint Resolution No. 37, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 37, as Amended

ASSEMBLY JOINT RESOLUTION NO. 37—Relative to human rights violations and political oppression in Vietnam.

Resolution read, as amended, and adopted by the following vote:

AYES—70

Aguiar	Conroy	Isenberg	Napolitano
Alby	Cortese	Kaloogian	Olberg
Alpert	Cunneen	Katz	Poochigian
Archie-Hudson	Davis	Knight	Pringle
Baca	Ducheny	Knowles	Rainey
Baldwin	Figueroa	Knox	Rogan
Bates	Firestone	Kuehl	Setencich
Battin	Friedman	Kuykendall	Sher
Boland	Frusetta	Lee	Speier
Bordonaro	Gallegos	Machado	Sweeney
Bowen	Goldsmith	Margett	Takasugi
Bowler	Granlund	Martinez	Thompson
Brewer	Hannigan	McDonald	Tucker
Brown, Valerie	Harvey	McPherson	Weggeland
Brulte	Hauser	Miller	Woods
Caldera	Hawkins	Morrissey	Mme. Speaker
Campbell	Hoge	Murray, Kevin	
Cannella	House	Murray, Willard	

NOES—None

Resolution ordered transmitted to the Senate.

JOINT RULE 62(a) WAIVED

Assembly Member Martinez was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 423 for hearing in the Committee on Utilities and Commerce.

SPECIAL COMMITTEE MEETINGS

Assembly Member Katz was granted unanimous consent that the Committee on Transportation be permitted to hold a special meeting on August 29, 1995, upon adjournment of Floor session, at 1:30 p.m., in Room 4202.

CONSIDERATION OF SENATE BILL NO. 803 BY UNANIMOUS CONSENT

Assembly Member House was granted unanimous consent to take up Senate Bill No. 803, out of order.

SENATE BILL NO. 803 (Monteith)—An act to amend and repeal Section 41851 of the Education Code, relating to schools

Bill read third time, and presented by Assembly Member House.

Bill passed by the following vote:

AYES—68

Aguiar	Cortese	Kaloogian	Napolitano
Alby	Cunneen	Katz	Olberg
Alpert	Davis	Knight	Poochigian
Archie-Hudson	Ducheny	Knowles	Pringle
Baca	Escutia	Knox	Rainey
Baldwin	Firestone	Kuehl	Rogan
Bates	Frusetta	Kuykendall	Setencich
Battin	Gallegos	Lee	Sher
Boland	Goldsmith	Machado	Speier
Bordonaro	Granlund	Margett	Sweeney
Bowen	Hannigan	McDonald	Takasugi
Bowler	Harvey	McPherson	Thompson
Brown, Valerie	Hauser	Miller	Tucker
Brulte	Hawkins	Morrissey	Vasconcellos
Campbell	Hoge	Morrow	Weggeland
Cannella	House	Murray, Kevin	Woods
Conroy	Isenberg	Murray, Willard	Mme. Speaker

NOES—None

Bill ordered transmitted to the Senate.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Campbell announced his intention to request that Senate Bill No. 863 be removed from the inactive file.

JOINT RULE 62(a) WAIVED

Assembly Member Cortese was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 29 for hearing in the Committee on Water, Parks and Wildlife on August 29, 1995.

CONSIDERATION OF SENATE BILL NO. 149 BY UNANIMOUS CONSENT

Assembly Member Hannigan was granted unanimous consent to take up Senate Bill No. 149, out of order.

SENATE BILL NO. 149 (Johannessen)—An act to amend Section 11005.3 of the Revenue and Taxation Code and to amend Section 2107 of the Streets and Highways Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Hannigan 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 Rainey announced his intention to request that Senate Bill No. 537 be removed from the inactive file.

CONSIDERATION OF SENATE BILL NO. 872 BY UNANIMOUS CONSENT

Assembly Member Alpert was granted unanimous consent to take up Senate Bill No. 872, out of order.

SENATE BILL NO. 872 (O'Connell)—An act to amend Section 8670.7 of the Government Code, relating to oil spills.

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.

REQUEST FOR UNANIMOUS CONSENT

Assembly Members Ducheny, Alpert, and Davis were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard Wooten and Raymond Zanella, of San Diego.

Assembly Members Ducheny and Bates were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of her great aunt Clarinda Phillips, of Berkeley.

CONSIDERATION OF SENATE BILL NO. 386 BY UNANIMOUS CONSENT

Assembly Member Olberg was granted unanimous consent to take up Senate Bill No. 386, out of order.

SENATE BILL NO. 386 (Rogers)—An act to add Section 29.1 to the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959), relating to the Mojave Water Agency.

Bill read third time.

Motion to Amend

Assembly Member Olberg moved the adoption of amendments.

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Date of Hearing: August 28, 1995

Mme. Speaker: Your Committee on Rules reports:

Assembly Joint Resolution No. 44

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations.

AGUIAR, Alternate Chair

Above resolution re-referred to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 44 WITHDRAWN FROM COMMITTEE

Assembly Member Gallegos was granted unanimous consent that Assembly Joint Resolution No. 44 be withdrawn from the Committee on Appropriations for the purpose of consideration at this time, without reference to file.

ASSEMBLY JOINT RESOLUTION NO. 44 (Gallegos)—Relative to forced labor.
Resolution read.

Members Made Coauthors of Assembly Joint Resolution No. 44

Assembly Member Gallegos was granted unanimous consent that all Assembly Member voting "Aye" be placed upon Assembly Joint Resolution No. 44 as coauthors.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Allen, Alpert, Archie-Hudson, Baca, Bates, Bowen, Valerie Brown, Burton, Bustamante, Caldera, Campbell, Cannella, Conroy, Cortese, Cunneen, Davis, Ducheny, Escutia, Figueroa, Friedman, Goldsmith, Hannigan, Hauser, House, Isenberg, Katz, Kuehl, Lee, Machado, Margett, Martinez, Mazzoni, McDonald, McPherson, Kevin Murray, Willard Murray, Napolitano, Setencich, Sher, Speier, Sweeney, Tucker, Vasconcellos, and Villaraigosa.

Request for Unanimous Consent

Assembly Member Gallegos was granted unanimous consent to take up Assembly Joint Resolution No. 44, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Joint Resolution No. 44, as Amended

ASSEMBLY JOINT RESOLUTION NO. 44—Relative to forced labor.

Resolution read, as amended, and adopted by the following vote:

AYES—72

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

NOES—None

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Speaker Allen was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT

Assembly Member Tucker was granted unanimous consent to take up Assembly Bill No. 1053, out of order for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 1053 (Tucker)—An act to amend Section 942 of the Insurance Code, relating to insurance.

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—64

Aguiar	Davis	Isenberg	Napolitano
Alby	Ducheny	Kaloogian	Olberg
Alpert	Escutia	Katz	Poochigian
Archie-Hudson	Figueroa	Knight	Pringle
Baca	Firestone	Knowles	Rainey
Battin	Friedman	Knox	Rogan
Boland	Frusetta	Kuehl	Setencich
Bordonaro	Gallegos	Kuykendall	Speier
Bowen	Goldsmith	Lee	Sweeney
Bowler	Granlund	Margett	Takasugi
Burton	Hannigan	Martinez	Thompson
Caldera	Harvey	Mazzoni	Tucker
Cannella	Hauser	McDonald	Vasconcellos
Conroy	Hawkins	McPherson	Villaraigosa
Cortese	Hoge	Miller	Woods
Cunneen	House	Morrissey	Mme. Speaker

NOES—None

Above bill ordered enrolled.

RECESS

By unanimous consent, at 12:40 p.m., Majority Speaker pro Tempore Setencich declared the Assembly recessed.

REASSEMBLED

At 12:54 p.m., the Assembly reconvened.

Hon. Brian Setencich, Majority Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 111—Set 94 amendments; Assembly Bill No. 1574; and Senate Bill No. 772 were continued until Thursday, August 31, 1995.

VOTE ADDS

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

Assembly Joint Resolution No. 37, Coauthors: Alpert, Brulte, Cunneen, Ducheny, Granlund, and McPherson—Aye.

Assembly Joint Resolution No. 37: Brulte, Cunneen, Ducheny, Granlund, Kuehl, Lee, and McPherson—Aye.

Senate Bill No. 803: Alpert, Baldwin, Cunneen, Davis, Ducheny, Granlund, Knox, Kuehl, Lee, McPherson, Napolitano, and Weggeland—Aye.

Assembly Joint Resolution No. 44, Coauthors: Cunneen, Goldsmith, and McPherson—Aye.

Assembly Joint Resolution No. 44: Bordonaro, Granlund, Miller, and Rogan—Aye.

Assembly Bill No. 1053, Concurrence: Baca, Goldsmith, Granlund, and Rogan—Aye.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

SENATE BILL NO. 861—An act to amend Sections 56382, 56384, and 57004 of the Government Code, relating to local agency formation commissions.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 866—An act to amend Sections 53601, 53635, and 53859 of, to add Sections 27000.1, 27000.3, 27000.5, 53600.3, 53600.5, 53600.6, 53601.6, 53630.1, 53631.5, 53821.5, 53841.5, and 53852.5 to, and to add Article 6 (commencing with Section 27130) to Chapter 5 of Division 2 of Title 3 of, the Government Code, relating to local agency funds.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 808—An act to amend Sections 13127.31 and 13127.32 of the Food and Agricultural Code, relating to economic poisons.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1135—An act to amend Sections 25123.3, 25143, 25200.3, and 25201.5 of, and to add Section 25150.6 to, the Health and Safety Code, relating to hazardous waste.

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

SENATE BILL NO. 36—An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 40—An act to amend Section 82322 of, and to add Section 76361.5 to, the Education Code, and to amend Section 545.1 of the Vehicle Code, relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 58—An act to amend Sections 10081 and 10086 of, and to amend, repeal, and add Section 10086.5 of, the Insurance Code, relating to earthquake insurance.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 113—An act to amend Sections 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1209.1, 1210, 1211, 1212, 1220, 1222, 1222.5, 1223, 1224, 1227, 1241, 1245, 1246.5, 1261, 1261.5, 1262, 1263, 1265, 1269, 1300, 1301, 1320, 1321, 1322, 1323, 1324, 1325, and 1327 of, to add Sections 1202.5, 1206.5, 1224.5, and 1288.5 to, to add Article 6.5 (commencing with Section 1310) to Chapter 3 of Division 2 of, and to repeal Sections 1229, and 1241.1 of, the Business and Professions Code, relating to clinical laboratories.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 121—An act to amend Section 22 of the Penal Code, relating to criminal procedure.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 125—An act to amend Sections 14502, 14503, 14504, 14504.2, 14505, and 41341 of the Education Code, relating to education.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 142—An act to add Article 2.8 (commencing with Section 17552) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, and to amend Section 3.5 of Chapter 1123 of the Statutes of 1994, relating to travel.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 162—An act to add Section 68083 to the Government Code, relating to courts.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 190—An act to amend Sections 32504 and 32512 of, and to add Sections 32537 and 32538 to, the Public Resources Code, relating to the San Joaquin River Conservancy.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 210—An act to amend Sections 48915.5 and 56361 of the Education Code, relating to special education.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 217—An act to amend Sections 18990 and 18992 of, and to repeal and add Section 18993 of, the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 245—An act to amend Section 3700.5 of the Labor Code, relating to workers' compensation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 295—An act to add Section 1522.01 to the Health and Safety Code, and to amend Sections 290 and 290.4 of the Penal Code, relating to community care facilities.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 296—An act to amend Section 1607 of the Health and Safety Code, relating to human blood.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 346—An act to add Section 5030 to the Penal Code, relating to prisoners.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 357—An act to amend Sections 12071, 12072, and 12080 of, and to add Section 12004 to, the Penal Code, and to amend Section 8101 of the Welfare and Institutions Code, relating to firearms.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 361—An act to amend Sections 4689.2 and 5370.2 of, to amend and repeal Sections 5510 and 5512 of, the Welfare and Institutions Code, relating to human services.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 372—An act to amend Sections 25020.5, 25022.8, 25023.2, 25023.8, 25024, 25027, 25027.5, 25041, 25055, 25061, 25062.5, 25063, 25080, 25081, 25088, 25090, and 25090.5 of, and to add Sections 25021.9, 25025.9, 25030.5, 25070.4, and 25090.6 to, the Health and Safety Code, and to add Section 21084.2 to the Public Resources Code, relating to medical waste.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 395—An act relating to earthquake insurance, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 445—An act to add Article 11 (commencing with Section 1399.70) to Chapter 2.2 of Division 2 of the Health and Safety Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 455—An act to add Sections 156.5, 180.5, and 201.6 to the Corporations Code, and to amend Section 709.5 of the Insurance Code, relating to insurers.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 456—An act to add Sections 40440.10, 40440.11, and 40920.6 to the Health and Safety Code, relating to air pollution.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 457—An act to amend Sections 14031.8, 14031.9, and 14035 of the Government Code, and to amend Section 164.55 of the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 503—An act to amend Sections 1204.3, 1212, 1268, and 1596.95 of the health and Safety Code, and to amend Sections 27360, 27362, 27363.5, and 27364 of, and to add Section 27366 to, the Vehicle Code, relating to vehicles.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 521—An act to amend Section 1250.9 of the Health and Safety Code, relating to health facilities.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 524—An act to amend Sections 82002, 86104, and 86114 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 602—An act to add Section 7205.1 to the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 633—An act to add Sections 1826, 19720, and 19721 to the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 645—An act to add Section 15037.1 to the Unemployment Insurance Code, relating to employment.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 662—An act to add Section 9415 to the Government Code, relating to legislative committees.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 663—An act to amend Sections 45313 and 88132 of the Education Code, relating to schools.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 714—An act to amend Sections 19011, 23036, 23051.5, 25110, and 25112 of, to add Section 21015 to, and to repeal Section 18634 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 761—An act to amend Sections 1373.621 and 1399.63 of the Health and Safety Code, to amend Sections 10116.5, 10128.3, and 11512.03 of the Insurance Code, and to amend Section 2800.2 of, and to repeal Section 2807.5 of, the Labor Code, relating to health insurance.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 763—An act to amend Sections 17700, 17706, 17716, 17717, 17717.5, 17720, 17730.3, 17740, 17740.1, 17741.8, and 17742 of, to add Sections 17705.2, 17705.3, and 17727 to, to repeal and add Section 17740.3 of, to repeal Sections 17717.6, 17717.7, 17740.2, 17740.3, 17740.7, 17741.5, and 17741.6 of, the Education Code, relating to school facilities funding.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 778—An act to amend Sections 594.8 and 640.5 of the Penal Code, relating to graffiti.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 815—An act to amend Sections 1524.5, 1550, 1551, 1562.3, and 1569.617 of, and to add Section 1562.4 to, the Health and Safety Code, relating to care facilities.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 817—An act to amend Sections 1337.6, 1337.7, 1423, and 1736.3 of, and to repeal and add Section 1736.2 of, the Health and Safety Code, relating to health.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 856—An act to add Sections 3060.7 and 14202.2 to the Penal Code, relating to parole.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 860—An act to amend Section 47610 of, and to add Section 47611.5 to, the Education Code, to amend Sections 20038.5, 20950.1, 21101, 21251.13, 21251.147, 21296, 21364, 21373, 21382.5, 21404, and 21411 of, to add Section 20038.4 to, and to repeal Section 21406 of, the Government Code, relating to public employees.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 888—An act to amend Sections 14233, 14250, 14260, and 14427 of the Business and Profession 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 12192, 12204, 12210, 12211, and 12214 of, and to amend, repeal and add Section 12181 of, the Government Code, relating to fees.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 912—An act to amend Sections 22159, 22250, 22305, 22337, 22453, and 22467 of, and to add Section 22112 to, the Financial Code, relating to financial institutions.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 941—An act to add and repeal Article 3.55 (commencing with Section 330.10) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to child health, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 944—An act to add Sections 2550.5, 2550.6, and 2550.7 to the Education Code, relating to pupils.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 980—An act to add Chapter 9.8 (commencing with Section 66760) to Part 40 of the Education Code, relating to postsecondary education.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1015—An act to amend Section 65863.11 of the Government Code, relating to assisted housing developments.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1026—An act to add an article heading immediately preceding Section 42700 of, and to add Article 2 (commencing with Section 42705) to, Chapter 14 of Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1048—An act to add Sections 708.3, 10011.5, 12819.5, and 16480.5 to the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1059—An act to amend Section 6254 of the Government Code, relating to public records.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1065—An act to amend Sections 25402.5, 25421, 25449.3, and 25449.4 of, and to add Sections 25417.5 and 25443.5 to, the Public Resources Code, relating to energy resources.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1076—An act to add Section 85310 to the Government Code, relating to the Political Reform Act of 1974.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1091—An act to add and repeal Chapter 1.5 (commencing with Section 1120) of Part 2 of Division 1 of the Insurance Code, relating to insurance, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1105—An act to add Chapter 2.12 (commencing with Section 7286.60) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1110—An act to add Section 11274 to the Welfare and Institutions Code, relating to public social services.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1151—An act to amend Section 1345 of, and to add Section 1373.3 to, the Health and Safety Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1224—An act to amend Sections 701 and 710 of the Harbors and Navigation Code, to amend the heading of Chapter 5B (commencing with Section 853.1) of Title 3 of Part 2 of, to add an article heading immediately preceding Section 853.1 of, and to add Article 2 (commencing with Section 853.3) to Chapter 5B of Title 3 of Part 2 of, the Penal Code, and to amend Section 1804 of the Vehicle Code, relating to crimes and vessels, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1228—An act to amend Section 1879.2 of the Insurance Code, and to amend and repeal Section 550 of the Penal Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1232—An act relating to district reorganization.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1262—An act to amend Section 11402 of, and to add and repeal Sections 362.7 and 362.8 of, the Welfare and Institutions Code, relating to youths.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1284—An act to amend Sections 69899.5, 69911, 70046.2, 73084.2, 73084.3, 73084.4, 73084.5, 73089, 73096, 73348, 73351, 73353, 73358, 73398, 73399, 73433, 73433.1, 73433.4, 73434, 73435, 73436, 73436.1, 73436.2, 73440, 73487, 3489, 73490, 73523, 73524, 73525, 73529, 73601, 73602, 73644, 73682, 73683, 73684, 73691, 73692, 73695, 73699.1, 73705, 73710, 73713, 73714, 73736, 73822, 73823, 73954, 74001.5, 74002, 74004, 74010, 74011, 74012, 74013, 74014, 74141, 74143, 74207, 74208, 74344, 74604, 74607, 74610, 74642, 74643, 74644.1, 74644.5, 74647, 74663, 74665, 74745, 74783, 74803, 74805, 74807, 74808, 74809, 74921.10, 74925.2, 74954, 74954.5, 74955, 74956, 74984, 74985, 74986, and 74987 of, to add Sections 73436.05 and 74811 to, and to repeal Sections 73485, 73491, 73492, 73708, 73715, 73716.2, and 74809.5 of, the Government Code, relating to courts.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1325—An act to amend Section 12927 of, and to add Section 12927.15 to, the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1328—An act to amend Sections 1033 and 10541 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

COMMITTEE MEETING ANNOUNCEMENTS

Majority Speaker pro Tempore Setencich announced that the following committees would meet today upon adjournment of Floor session:

Appropriations at 1:30 p.m., Room 4202, Utilities and Commerce upon adjournment, and Natural Resources at 1:30 p.m., Room 444.

MOTION TO ADJOURN

At 12:55 p.m., Assembly Member Katz moved that the Assembly do now adjourn.

Assembly Member Hannigan seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:56 p.m., Majority Speaker pro Tempore Setencich declared the quorum call of the Assembly dispensed with.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 28, 1995

Mme. Speaker: I request permission to suspend Joint Rule 61 as it relates to Senate Bill No. 1129.

TED WEGGELAND

Above request ordered transmitted to the Committee on Rules.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 45—Lee. Relative to the Commission on the Status of African-American Males.

AUTHOR'S AMENDMENTS

Committee on Banking and Finance

August 28, 1995

Mme. Speaker: The Chair of your Committee on Banking and Finance reports:
Senate Bill No. 1129

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

WEGGELAND, Chairman

SENATE BILL NO. 1129—An act to amend Section 866.4 of the Financial Code, relating to financial institutions.

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 28, 1995

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

Senate Bill No. 256

Senate Bill No. 543

Senate Bill No. 356

Senate Bill No. 936

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

POOCHIGIAN, Chairman

SENATE BILL NO. 256—An act to amend Sections 15364.51, 15364.52, 15364.53, and 15364.54 of, to add Chapter 2.2 (commencing with Section 15372.60) to Part 6.7 of Division 3 of Title 2 of, the Government Code, relating to state tourism.

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. 356—An act to amend Section 11280 of, to amend, repeal, and add Section 11501 of, to add Sections 11451.8, 11451.9, and 11502.1 to, and to repeal Sections 11451.6 and 11451.7 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. 543—An act to amend Section 48980 of, and to add Section 35298 to, of the Education Code, relating to schools.

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. 936—An act to amend Sections 65582, 65583.1, and 65584.5 of, to add Section 65584.1 to, and to repeal and add Section 65584 of, the Government Code, relating to housing.

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 28, 1995

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

Senate Bill No. 531

Senate Bill No. 575

Senate Bill No. 979

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

POOCHIGIAN, Chairman

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

Bill read second time; 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. 575—An act to amend Section 1502 of, and to add Sections 1502.1 and 1530.1 to, the Health and Safety Code, relating to juveniles.

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. 979—An act to amend Sections 24306 and 24954 of, and to amend and repeal Sections 18042 and 24611 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 28, 1995

Mme. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 786

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

POOCHIGIAN, Chairman

ASSEMBLY BILL NO. 786—An act to add Chapter 12.3 (commencing with Section 67010) to Part 40 of the Education Code, relating to funding higher education facilities through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of those funds, 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 Appropriations

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:
Senate Bill No. 726

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.

POOCHIGIAN, Chairman

Above bill ordered to second reading.

Committee on Local Government

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Local Government reports:
Senate Bill No. 1066

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

RAINEY, Chairman

Above bill ordered to second reading.

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Local Government reports:
Assembly Constitutional Amendment No. 8

With amendments with the recommendation: Amend, be adopted, as amended, and be re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

RAINEY, Chairman

Above resolution ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing: August 28, 1995

Mme. Speaker: Your Committee on Elections, Reapportionment and Constitutional Amendments reports:

Senate Bill No. 76

With the recommendation: Do pass.

MCPHERSON, Chairman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 689

Senate Bill No. 1077

Senate Bill No. 691

Senate Bill No. 1161

Senate Bill No. 935

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

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Date of Hearing: August 23, 1995

Mme. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 82

Senate Bill No. 709

Senate Bill No. 87

Senate Bill No. 911

Senate Bill No. 325

Senate Bill No. 1221

Senate Bill No. 410

Senate Bill No. 1283

Senate Bill No. 465

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

POOCHIGIAN, Chairman

Above bills ordered to second reading.

Committee on Utilities and Commerce

Date of Hearing: August 28, 1995

Mme. Speaker: Your Committee on Utilities and Commerce reports:

Senate Bill No. 423

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

MARTINEZ, Chairwoman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, August 28, 1995

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

Assembly Bill No. 437

Assembly Bill No. 1060

Assembly Bill No. 457

Assembly Bill No. 1466

Assembly Bill No. 717

Assembly Bill No. 1910

And respectfully requests the Assembly to concur in said amendments.

RICK ROLLENS, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bills ordered to unfinished business file.

Senate Chamber, August 28, 1995

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

Assembly Bill No. 1912

RICK ROLLENS, Secretary of the Senate

By John W. Rovane, Assistant Secretary

Above bill ordered enrolled.

Senate Chamber, August 28, 1995

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 16

Assembly Concurrent Resolution No. 39

RICK ROLLENS, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above resolutions ordered enrolled.

Senate Chamber, August 28, 1995

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

Senate Bill No. 69

Senate Bill No. 103

RICK ROLLENS, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, August 28, 1995

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

Senate Bill No. 987

RICK ROLLENS, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, August 28, 1995

Mme. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

Senate Concurrent Resolution No. 38

RICK ROLLENS, Secretary of the Senate
By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 987—An act to amend Section 6500 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

The following resolution was read:

SENATE CONCURRENT RESOLUTION NO. 38—Relative to commending the United States Marine Corps on the occasion of its 220th anniversary.

August 28, 1995

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

Dear Dotson: By direction of the Senate I am returning Senate Bill 1121 to the Assembly for further action.

Sincerely,

RICK ROLLENS
Secretary of the Senate

Above bill held at the Desk.

BILLS PLACED ON SPECIAL CONSENT CALENDAR

The following bill was placed on the Special Consent Calendar:
Assembly Bill No. 1466.

INTRODUCTION OF GUESTS

Assembly Member Alby, of the 5th Assembly District, introduced her sister and brother-in-law Marian and Paul Chapman, Paul's parents Helen and Gaylord Chapman, and special guests, Antonio and Maria Jimenez from Seville, Spain.

Assembly Member Speier, of the 19th Assembly District, introduced Kris Anderson-Moore of El Dorado County.

Assembly Member Archie-Hudson, of the 48th Assembly district, introduced the following students representing the I Have a Dream Foundation—Los Angeles: Jorge Garcia, Kameika Mason, Vanessa Galvez, Daniel Randell, Janet Mendoza, Neyra Garcia, Xiomara Rauda, Jason Lee, and Kim Williams. Accompanying the students were Felix Black, coordinator and Myrna Patterson, staff coordinator.

Assembly Member Napolitano, of the 58th Assembly District, introduced Marjhe Covino, Pamela Coffey, and Frank Lawley representing the F.O.C.U.S. Foundation, Faces of Cancer: Unveiling Shadows sponsoring the photo display in the Capitol Rotunda, "Survivors of Breast Cancer".

Assembly Member Conroy, of the 71st Assembly District, introduced the Venerable Thich Giac Luong, Chan Tran, Trac Huy Pham, Tran Viet Nghi, and Hoang Tran.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Tuesday, August 29, 1995, out of respect to the memory of Julian Mazarella, on motion of Assembly Member Hoge; out of respect to the memory of Herbert B. Stovall, Jr., on motion of Assembly Member Sweeney; out of respect to the memory of Richard Wooten and Raymond Zanella, on motion of Assembly Members Ducheny, Alpert, and Davis; out of respect to the memory of Eloise Pickard Smith, on motion of Assembly Member McPherson; out of respect to the memory of Sandi Piazza, on motion of Assembly Member House; out of respect to the memory of Manuel Vasquez, on motion of Minority Speaker pro Tempore Baca; and out of respect to the memory of Clarinda Phillips, on motion of Assembly Members Ducheny and Bates.

DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 28, 1995**

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

Assembly Bill

786

Senate Bills

29
81
123
149
256
356
386
396
420
527
531
543
575
678
765
793
872
920
936
976
1129
1135
1178
1247