

CALIFORNIA LEGISLATURE
1995-96 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, August 30, 1995

**ONE HUNDRED THIRTY-THIRD SESSION DAY
TWO HUNDRED SIXTY-NINTH CALENDAR DAY**

AT SACRAMENTO, CALIFORNIA



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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, August 30, 1995

The Assembly met at 7 a.m.

Hon. Mickey Conroy, Assembly Member, 71st District presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Walker reading.

ROLL CALL

The following were placed upon the morning roll call—72:

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

Quorum present.

At 10:57 a.m., Hon. Gary G. Miller, 60th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Kaloogian, Kuykendall, and Thompson.

On personal business, and waiving per diem: Assembly Members Willie Brown and Lee.

Because of illness: Assembly Member Sher.

The following Assembly Member was excused for the day, and his per diem was waived: Isenberg.

EXPLANATIONS OF ABSENCE

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

August 30, 1995

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

Dear Madam Speaker: I would appreciate being excused from Check-In Session on legislative business on Wednesday, August 30, 1995.

Thank you for your consideration on this matter.

Respectfully,

HOWARD KALOOGLIAN, Assembly Member
Seventy-fourth District

August 24, 1995

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

Dear Madame Speaker: Please excuse me from Session August 30 and 31, 1995. I have important legislative business to attend to in my district. The copy of the USDA hearing invitation scheduled in Escondido already forwarded to you should provide you with the necessary information.

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

Sincerely,

BRUCE THOMPSON, Assembly Member
Sixty-sixth District

(NOTE: For letter explaining the absence of Assembly Member Kuykendall on this day on legislative business pursuant to the Assembly Rules, see Assembly Daily Journal for Tuesday, August 29, 1995.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 30, 1995

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

Assembly Bill No. 651

Assembly Bill No. 732

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, August 30, 1995

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

Assembly Constitutional Amendment No. 8

Assembly Constitutional Amendment No. 32

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolutions re-referred to committee.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 30, 1995

Mme. Speaker: I request permission to suspend Joint Rule 61 as it relates to Senate Bill No. 1180.

BYRON D. SHER

Above request ordered transmitted to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

Date of Hearing: August 29, 1995

Mme. Speaker: Your Committee on Transportation reports:

Senate Bill No. 836

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

KATZ, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: August 29, 1995

Mme. Speaker: Your Committee on Transportation reports:

Senate Bill No. 163

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

KATZ, Chairman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: August 29, 1995

Mme. Speaker: Your Committee on Transportation reports:

Senate Bill No. 788

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

KATZ, Chairman

Above bill ordered to second reading.

Committee on Natural Resources

Date of Hearing: August 28, 1995

Mme. Speaker: Your Committee on Natural Resources reports:

Senate Bill No. 501

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

SHER, Chairman

Above bill re-referred to the Committee on Appropriations.

Committee on Local Government

Date of Hearing: August 30, 1995

Mme. Speaker: Your Committee on Local Government reports:

Senate Bill No. 229

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

RAINEY, Chairman

Above bill re-referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

Senate Chamber, August 30, 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. 595
- Senate Bill No. 1109

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

Senate Chamber, August 30, 1995

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

- Assembly Bill No. 207

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

Above bill ordered enrolled.

Senate Chamber, August 30, 1995

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 3 | Assembly Bill No. 709 |
| Assembly Bill No. 13 | Assembly Bill No. 827 |
| Assembly Bill No. 77 | Assembly Bill No. 965 |
| Assembly Bill No. 119 | Assembly Bill No. 1107 |
| Assembly Bill No. 231 | Assembly Bill No. 1108 |
| Assembly Bill No. 307 | Assembly Bill No. 1158 |
| Assembly Bill No. 365 | Assembly Bill No. 1334 |
| Assembly Bill No. 488 | Assembly Bill No. 1617 |
| Assembly Bill No. 586 | |

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.

BILLS PLACED ON SPECIAL CONSENT CALENDAR

The following bills were placed on the Special Consent Calendar:
Assembly Bills Nos. 965 and 1617.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 50—An act to repeal Section 6357 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 341—An act to amend Section 1861.02 of the Insurance 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 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. 855, 887, 991, 1051, 1088, 1305, 1313, 1, 38, 120, 187, 273, 342, 370, 414, 508, 513, 557, 609, 612, 619, 640, 670, 671, 689, 691, 935, 1077, 1161, 82, 87, 325, 410, 465, 709, 911, 1221, 1283, and 423, ordered to third reading;

Senate Bills Nos. 452, 454, 487, 644, 716, 910, 946, and 1020, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 199—An act to add Sections 40448.5.1 and 43022 to the Health and Safety Code, and to add Section 25225 to the Public Resources Code, relating to vehicles and fuels.

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. 275—An act to add Division 10.2 (commencing with Section 10200) to the Public Resources Code, and to add Sections 421.5 and 422.5 to the Revenue and Taxation Code, relating to agricultural land conservation.

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. 431—An act to amend Sections 19807, 19808, and 19818 of, to add Sections 19827, 19828, 19829, and 19830 to, to add and repeal Section 19819.5 of, and to repeal Section 19819 of, the Business and Professions Code, relating to gaming, 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.

SENATE BILL NO. 523—An act to amend Sections 124, 4160, 10175.2, and 23083 of the Business and Professions Code, to amend Sections 232 and 94323 of, and to add Section 92001 to, the Education Code, to amend Sections 3373 and 8054 of the Financial Code, to amend Sections 202 and 355 of the Fish and Game Code, to amend Section 755.5 of the Evidence Code, to amend Sections 3541.3, 3563, 8541, 11018, 11125.7, 11340.5, 11342, 11346.2, 11349.9, 11350, 11370, 11370.3, 11370.5, 11371, 11500, 11501, 11502, 11505, 11506, 11507.6, 11507.7, 11508, 11509, 11511, 11511.5, 11512, 11513, 11517, 11518, 11519, 11520, 11523, 11524, 11526, 11529, 12935, 19582.5, 21758, 37624.2, and 68560.5 of, to amend the heading of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of, to add Sections 11340.4, 11507.3, 11511.7, 11518.5, 15609.5, and 17533 to, to add article headings immediately preceding Sections 11370 and 11371 of, to add Article 3 (commencing with Section 11380) to Chapter 4 of, and to add Chapter 4.5 (commencing with Section 11400) to, Part 1 of Division 3 of Title 2 of, and to repeal Sections 11346.14, 11346.54, 11346.6, 11501.5, 11502.1, 11510, 11513.5, 11525, and 11530 of, the Government Code, to amend Sections 443.37, 1551.5, 1568.065, 1569.515, 1596.8875, 11830, 11830.5, 11834.37, 11994, 18930, 18949.6, 25149, 25229, 25299.59, 25375.5, 32154, 39657, 40843, 50199.17, and 57005 of the Health and Safety Code, to amend Sections 146, 4600, 5278, 5710, 5811, 6380.5, and 6603 of, and to add Section 1144.5 to, the Labor Code, to add Section 105 to the Military and Veterans Code, to add Section 3066 to the Penal Code, to amend Sections 663.1, 4204, and 40412 of, and to add Sections 25513.3 and 30329 to, the Public Resources Code, to amend Section 1701 of the Public Utilities Code, to amend Sections 1636, 19044, and 19084 of the Revenue and Taxation Code, to amend Section 409 of the Unemployment Insurance Code, to amend Sections 3066,

11728, and 14112 of the Vehicle Code, and to amend Sections 4689.5, 11350.6, and 14105.41 of, and to add Sections 1778 and 3158 to, the Welfare and Institutions Code, relating to administrative procedure.

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. 534—An act to amend Sections 214, 3691, and 3698.5 of, and to add Section 3698.7 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. 547—An act to add Article 4.05 (commencing with Section 14139.1) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to long-term care.

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. 833—An act to amend Sections 14602.6, 14604, and 40000.11 of, to add Section 5002.9 to, to amend, repeal, and add Sections 210, 22451, and 40518 of, and to add and repeal Section 21455.5 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. 1302—An act to add Part 10.8 (commencing with Section 17920) to Division 1 of Title 1 of the Education Code, relating to air pollution.

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. 303—An act to add Section 1347.5 to the Penal Code, relating to testimony.

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. 729—An act to amend Sections 51225.3, 51226, 52300, 52302.5, 52322, 52335.4, 52335.5, and 52372.1 of, to add Sections 51226.1, 52314.8, and 52335.9 to, and to repeal Sections 52318, 52319, 52335.6, and 52335.7 of, the Education Code, relating to career education.

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. 882—An act to add and repeal Chapter 8.9 (commencing with Section 10089.7) of Part 1 of Division 2 of the Insurance Code, relating to earthquake insurance, 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.

SENATE BILL NO. 990—An act to add and repeal Section 14087.41 of the Welfare and Institutions Code, relating to managed care services.

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. 130—An act to amend Sections 25143.2 and 25144 of the Health and Safety Code, relating to hazardous waste.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 206—An act to add Section 25143.8 to the Health and Safety Code, and to amend Section 13050 of the Water Code, relating to waste.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 283—An act to add Section 12833 to the Food and Agriculture Code, relating to economic poisons.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 412—An act to amend Section 14009.5 of, and to repeal Section 14006.7 of, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 957—An act to amend Section 1349.2 of the Health and Safety Code, and to amend Section 740 of the Insurance Code, relating to health care service plans.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1060—An act to amend Section 25187.8 of the Health and Safety Code, relating to hazardous waste.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1107—An act to amend Section 25404.5 of the Health and Safety Code, relating to hazardous materials, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1299—An act to add and repeal Chapter 5 (commencing with Section 71035) of Part 1 of Division 34 of the Public Resources Code, relating to environmental protection.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1361—An act to add and repeal Section 84200.4 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 845—An act to amend Sections 25163 and 25218 of, and to add Sections 25218.1 and 25218.11 to, the Health and Safety Code, relating to household hazardous waste.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1172—An act to amend Sections 4010.1, 4017, and 4019.10, and to add Section 4010.35 to, of the Health and Safety Code, relating to drinking water.

Bill read second time, and ordered to Consent Calendar.

SENATE BILL NO. 1191—An act to amend Sections 25110.4, 25110.10, 25117.6, 25117.9.1, 25121.3, 25143.10, 25144.6, 25145, 25150, 25158, 25163.3, 25171.5, 25178, 25180, 25180.5, 25181, 25182, 25185, 25185.6, 25186, 25186.5, 25187, 25187.1, 25187.2, 25187.5, 25187.6, 25187.7, 25187.8, 25191, 25194, 25194.5, 25195, 25200.3, 25200.10, 25200.14, 25201.3, 25201.4, 25201.5, 25201.8, 25202.9, 25204.6, 25205.14, 25244.21, 25244.23, 25250.19, 25270.2, 25270.4, 25281, 25283, 25284, 25285, 25286, 25287, 25288, 25293, 25297.1, 25299.3, 25299.41, 25404, 25404.1, 25404.2, 25404.3, 25404.4, 25404.5, 25501, 25502, and 25532 of, and to add Sections 13143.10, 25122.9, and 25123.7 to, the Health and Safety Code, and to amend Section 50108.1 of the Revenue and Taxation Code, relating to hazardous materials.

Bill read second time, and ordered to Consent Calendar.

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

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. 1307—An act to amend Sections 4010, 4019.10, 4019.35, 4019.45, 4023.1, 4023.2, and 4030 of, to repeal Sections 4018 and 4022 of, and to repeal and add Section 4023 of, the Health and Safety Code, relating to drinking water, 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. 1327—An act to add Section 10089.4 to the Insurance Code, relating to insurance, 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.

SENATE BILL NO. 1176—An act to amend Sections 8370 and 15907 of, to amend and renumber Section 9025 of, to add Article 7 (commencing with Section 7390) to Chapter 2 of Part 2 of Division 6 of, and to add and repeal Section 9027.5 of, the Fish and Game Code, relating to fish, 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. 678—An act to add and repeal Chapter 2.2 (commencing with Section 350) of Part 1 of Division 1 of the Public Utilities Code, relating to public utilities, and making an appropriation therefor.

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

SENATE BILL NO. 127—An act to amend Sections 16809, 16809.3, 16809.4, 16990.9, 17603, and 17604 of the Welfare and Institutions Code, relating to local services.

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, and to be placed upon the Consent Calendar.

SENATE BILL NO. 1291—An act to amend Sections 25123.3, 25143, 25200.1, 25200.3, 25200.5, 25200.10, 25201, 25201.5, 25201.6, 25201.13, 25205.14, 25218.5, 25245.4, and 25246 of, to add Sections 25110.9.1, 25200.16, 25200.17, and 25204.7 to, and to repeal Section 25245.5 of, the Health and Safety Code, relating to hazardous waste.

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, and to be placed upon the Consent Calendar.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 30, 1995

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

Assembly Bill No. 50

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, August 31, 1995.

DORIS ALLEN, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 30, 1995**

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

Assembly Bill

341

Senate Bills

127
199
275
303
431
523
534
547
623
678
729
833
882
990
1176
1291
1302
1307
1327