

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, March 10, 1997

THIRTY-EIGHTH SESSION DAY

NINETY-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
Monday, March 10, 1997

The Assembly met at 10:34 a.m.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Brian Ebbert reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Floyd moved a quorum call of the Assembly. Motion carried. Time, 10:34 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 10:43 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—78:

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	Martinez	Shelley
Aroner	Floyd	Mazzoni	Strom-Martin
Ashburn	Frusetta	McClintock	Sweeney
Baca	Gallegos	Migden	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Olberg	Washington
Brewer	Kaloogian	Oller	Wayne
Brown	Keeley	Ortiz	Wildman
Caldera	Knox	Pacheco	Woods
Cardenas	Kuehl	Papan	Wright
Cardoza	Kuykendall	Perata	Mr. Speaker
Cunneen	Leach	Poochigian	
Davis	Lempert	Prenter	

PRAYER

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

Lord, Grant us to pass this day in gladness and in peace, without stumbling and without stain; so that as the day ends, we may remain victorious over all temptation. We praise You, O Eternal God, for You are blessed and You govern all things.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Morrissey 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 Alquist, seconded by Assembly Member Ackerman.

LEAVES OF ABSENCE FOR THE DAY

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

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

Because of illness: Assembly Member Richter.

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

March 10, 1997

*E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: This is advise you that the following Assemblymembers have been appointed to the Joint Committee on School Facilities:

- Susan Davis
- George House
- Rod Pacheco
- Jack Scott
- Virginia Strom-Martin

Thank you for the attention to this matter.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

March 10, 1997

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

Dear Dotson: This is to advise you that the following members have been appointed to the Joint Committee on Workers' Compensation:

Martin Gallegos, Co-Chair
 Barbara Alby
 Liz Figueroa
 Brett Granlund
 Helen Thomson

Thank you for the attention to this matter.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

March 10, 1997

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

Dear Mr. Wilson: Please be advised, pursuant to Public Resources Code § 30301, 30301.2 and 30312, that I have appointed the following members to serve on the California Coastal Commission effective immediately. These three appointments below will fill vacant seats:

The Honorable Dave Potter, Monterey County Supervisor;
 Central Coast

The Honorable Christine Kehoe, San Diego City
 Councilwoman; San Diego Coast

Mr. Pedro Nava of Santa Barbara; Public member.

Ms. Andrea Tuttle of Arcata; Public member, will be replacing
 Honorable Bob Campbell, effective March 17, 1997.

If I can be of any assistance to you in the future, please do not hesitate to contact me.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

March 10, 1997

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

Dear Mr. Wilson, Please be informed that I have previously appointed Assemblyman George Runner as a Republican Whip.

Sincerely,

CURT PRINGLE
Assembly Republican Leader

The following communications relative to Senate appointees to Joint Committees were presented by the Chief Clerk, and ordered printed in the Journal:

February 13, 1997

The Honorable Leroy Greene, Chairman
Joint Committee on School Facilities
State Capitol, Room 2082
Sacramento, California

Dear Senator Greene: The Senate Rules Committee has appointed Senator Polanco as a member of the Joint Committee on School Facilities to fill an existing vacancy.

Sincerely,

BILL LOCKYER
Chairman

February 20, 1997

The Honorable Steve Peace
Joint Committee on Workers Compensation
State Capitol, Room 5080
Sacramento, California

Dear Senator Peace: The Senate Rules Committee has appointed you as Chairman of the Joint Committee on Workers' Compensation. Senators Hughes, Johnson, Lockyer and Maddy have been appointed to serve as members.

Sincerely,

BILL LOCKYER
Chairman

February 24, 1997

The Honorable Scott Wildman, Chairman
Joint Legislative Audit Committee
State Capitol, Room 4158
Sacramento, California

Dear Assemblymember Wildman: The Senate Rules Committee has appointed the following Senate members to the Joint Legislative Audit Committee: Senator Maddy, V. Ch.; Senators Ayala, Haynes, Kopp, Peace, Schiff and Vasconcellos.

Sincerely,

BILL LOCKYER
 Chairman

February 24, 1997

The Honorable Cruz Bustamante
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Bustamante: The Senate Rules Committee has appointed the following Senate members to the Joint Committee on the Arts: Senators Schiff (recommend as Chairman), Craven, Hughes, Maddy, McPherson and Polanco.

Sincerely,

BILL LOCKYER
 Chairman

February 27, 1997

The Honorable Mike Thompson, Chairman
Joint Legislative Budget Committee
State Capitol, Room 3056
Sacramento, California

Dear Senator Thompson: The Senate Rules Committee has appointed the following members to the Joint Legislative Budget Committee to fill existing vacancies: Senators Johannessen, O'Connell and Polanco.

Sincerely,

BILL LOCKYER
 Chairman

February 27, 1997

The Honorable Cruz Bustamante
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Bustamante: The Senate Rules Committee has appointed the following Senate members to the Joint Rules Committee to fill existing vacancies: Senators Brulte, Burton, Hughes, Johnson and Solis.

Sincerely,

BILL LOCKYER
 Chairman

March 3, 1997

*The Honorable Leroy F. Greene, Chairman
Joint Legislative Sunset Review Committee
State Capitol, Room 2082
Sacramento, California*

Dear Senator Greene: The Senate Rules Committee has appointed Senator Polanco as a member of the Joint Legislative Sunset Review Committee to fill an existing vacancy.

Sincerely,

BILL LOCKYER
Chairman

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, March 10, 1997

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

- Assembly Bill No. 93
- Assembly Bill No. 102
- Assembly Bill No. 138

- Assembly Bill No. 168
- Assembly Bill No. 169
- Assembly Bill No. 1400

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, March 10, 1997

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

- Assembly Concurrent Resolution No. 3

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

REFERENCE OF BILLS TO COMMITTEE

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

<i>Assembly Bill No.</i>	<i>Committee</i>
161 -----	Trans.
242 -----	L. Gov.
318 -----	L. & E.
338 -----	L. Gov. and Jud.
392 -----	Nat. Res.
393 -----	L. Gov.
415 -----	Trans.
420 -----	P.E.,R. & S.S.
423 -----	Pub. S.
433 -----	Pub. S.
437 -----	Ed.
439 -----	Ed.
498 -----	Ed.
526 -----	L. Gov. and Jud.
530 -----	Higher Ed.
531 -----	Pub. S.
533 -----	Pub. S.
535 -----	Pub. S.
537 -----	Health
538 -----	P.E.,R. & S.S.
539 -----	Rev. & Tax.

541	-----	E.S. & T.M.
542	-----	Trans.
543	-----	Trans.
544	-----	Ed.
545	-----	Health
546	-----	G.O.
547	-----	G.O.
549	-----	Higher Ed.
550	-----	Pub. S.
551	-----	Rev. & Tax.
553	-----	Ed.
554	-----	L. Gov.
555	-----	Pub. S.
557	-----	Trans.
559	-----	Rev. & Tax.
560	-----	Health
562	-----	Pub. S.
563	-----	Health
565	-----	Pub. S.
566	-----	Pub. S.
568	-----	Ed.
569	-----	G.O.
570	-----	Pub. S.
571	-----	Ins.
572	-----	Ed.
575	-----	L. Gov.
576	-----	Higher Ed.
577	-----	Pub. S.
578	-----	U. & C.
579	-----	U. & C.
580	-----	U. & C.
581	-----	U. & C.
582	-----	U. & C.
583	-----	C.P.,G.E. & E.D.
584	-----	Trans.
585	-----	Trans.
587	-----	Ins.
588	-----	Ins.
590	-----	Agri.
592	-----	E.S. & T.M.
593	-----	Health
594	-----	Jud.
599	-----	Pub. S.
600	-----	Health
601	-----	Rev. & Tax.
603	-----	C.P.,G.E. & E.D.
604	-----	Ins. and L. & E.
605	-----	W.,P. & W.
606	-----	Ed.
610	-----	Health and Agri.
611	-----	Ed.
612	-----	Jud.
613	-----	Rev. & Tax.
614	-----	Pub. S.

615	-----	Jud.
616	-----	C.P.,G.E. & E.D. and I. T. & D.
617	-----	P.E.,R. & S.S.
618	-----	Pub. S.
619	-----	Health
620	-----	Pub. S.
622	-----	Pub. S.
623	-----	Agri.
624	-----	W.,P. & W.
626	-----	G.O.
627	-----	E.,R. & C.A.
628	-----	Ed.
629	-----	P.E.,R. & S.S.
630	-----	Jud.
631	-----	Pub. S.
633	-----	C.P.,G.E. & E.D.
635	-----	Pub. S.
640	-----	Pub. S.
641	-----	Ed.
642	-----	Rev. & Tax.
643	-----	Rev. & Tax.
644	-----	Ed.
645	-----	Pub. S.
646	-----	Pub. S.
648	-----	Rev. & Tax.
649	-----	Ins.
650	-----	Ins.
651	-----	Trans. and Ins.
652	-----	P.E.,R. & S.S.
654	-----	Rev. & Tax.
656	-----	Hum. S.
658	-----	P.E., R. & S.S.
659	-----	Health
660	-----	Ins.
661	-----	L. Gov.
662	-----	Pub. S.
663	-----	Health
664	-----	Health
665	-----	W.,P. & W.

Assembly Concurrent

Resolution No.

Committee

25 ----- Rls.

Assembly Joint

Resolution No.

Committee

8 ----- Trans.

AUTHOR'S AMENDMENTS

Committee on Judiciary

March 10, 1997

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

Assembly Bill No. 233

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

ESCUZIA, Chairwoman

ASSEMBLY BILL NO. 233—An act to amend Section 116.230 of the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Sections 26820.4, 26823, 26827, 26827.4, 26830, 26831, 26832, 26833, 26835, 26836, 26837, 26838, 26850, 26851, 26852, 26853, 26855, 26857, 26862, 27361, 68073, 68085, 68090.8, 68113, 72054, 72055, 72060, 75103.5, 76000, and 77003 of, to add Sections 27081.5, 68073.1, 68088, 72056.01, 77001, and 77009 to, to add Chapter 2.1 (commencing with Section 68650) to, and Chapter 14 (commencing with Section 77600) to, Title 8 of, to repeal Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of, to add and repeal Sections 3501.7 and 26826.01 of, to repeal and add Section 71383 of, and to repeal and add Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of, the Government Code, to amend Sections 1463.001, 1463.005, 1463.007, 1463.009, and 1464 of, to add Sections 1463.010 and 1463.07 to, and to repeal Sections 1463.003 and 1463.01 of, the Penal Code, and to add Sections 11205.1 and 42007.1 to, and to repeal and add Section 42007 of, the Vehicle Code, relating to trial court funding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

AUTHOR'S AMENDMENTS
Committee on Education

March 10, 1997

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

Assembly Constitutional Amendment No. 7

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

MAZZONI, Chairwoman

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII A thereof, and by amending Section 18 of Article XVI thereof, relating to school facilities financing.

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

AUTHOR'S AMENDMENTS
Committee on Education

March 10, 1997

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

Assembly Bill No. 234

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

MAZZONI, Chairwoman

ASSEMBLY BILL NO. 234—An act to amend Section 17017.9 of the Education Code, relating to school facilities.

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 Judiciary

March 10, 1997

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

Assembly Bill No. 86

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

ESCUZIA, Chairwoman

ASSEMBLY BILL NO. 86—An act to amend Section 116.230 of the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Sections 26820.4, 26823, 26827, 26827.4, 26830, 26831, 26832, 26833, 26835, 26836, 26837, 26838, 26850, 26851, 26852, 26853, 26855, 26857, 26862, 27361, 68073, 68085, 68090.8, 68113, 72054, 72055, 72060, 75103.5, 76000, and 77003 of, to add Sections 27081.5, 68073.1, 72056.01, 77001, and 77009 to, to repeal and add Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of, to add Chapter 14 (commencing with Section 77600) to Title 8 of, to repeal Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of, and to repeal and add Sections 26826.01 and 71383 of, the Government Code, to amend Sections 1463.001, 1463.005, 1463.007, 1463.009, and 1464 of, to add Sections 1463.010 and 1463.07 to, and to repeal Sections 1463.003 and 1463.01 of, the Penal Code, and to amend Section 42007.1 of, to amend and repeal Section 42007 of, and to add Sections 11205.1 and 42007.01 to, the Vehicle Code, relating to trial court funding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

REPORTS OF STANDING COMMITTEES

Committee on Education

Date of Hearing: March 5, 1997

Mr. Speaker: Your Committee on Education reports:
Assembly Bill No. 40

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

MAZZONI, Chairwoman

Above bill ordered to second reading.

Committee on Rules

Date of Hearing: March 10, 1997

Mr. Speaker: Your Committee on Rules reports:
Assembly Concurrent Resolution No. 23

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Committee on Rules

Date of Hearing: March 10, 1997

Mr. Speaker: Your Committee on Rules reports:
Assembly Concurrent Resolution No. 25

With amendments with the recommendation: Amend, and be adopted, as amended.

PERATA, Chairman

Above resolution ordered on file.

ADJOURN IN MEMORY

Assembly Member Cardoza was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Norman Fullerton, of Merced and former Assembly Member Gordon H. Winton, of Merced.

Assembly Member Baugh was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Laura Fuge, of Huntington Beach.

Assembly Member Cardenas was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Shannon Haupt, Michael Encinas, and Pablo Munoz, of Sylmar.

Assembly Member Aguiar was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of longtime community activist Dee Meyer, of Chino.

Assembly Member Frusetta was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Paul W. Bertuccio, of Hollister.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

Legislative Intent—Assembly Bill No. 1562

March 10, 1997

*The Honorable Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Assembly Bill 1562, Statutes of 1996, Chapter 908

Dear Dotson: It has come to my attention that certain clerical errors have been found in my AB 1562, Statutes of 1996, Chapter 908, relating to community notification of sex offenders. I am writing to clarify this error, as well as the intent of one minor portion of the bill that has caused some confusion of application.

It was my intent in AB 1562 that high risk sex offenders, who are defined in Penal Code section 290, subdivision (n)(1)(A), be defined as follows: "A high risk sex offender is a person who has been convicted of an offense enumerated in Penal Code section 290.4, subdivision (a)(1) and also meets one of the following criteria: . . ."

Due to a clerical error, the legislation erroneously defined a high risk sex offender as "a person who has been convicted of an offense for which registration is required under paragraph (2) of subdivision (a)" of Penal Code section 290, "who also meets one of the following criteria: . . ."

It was my intent in AB 1562 that persons requesting to view the CD-ROM or other electronic media pursuant to Penal Code section 290.4 be allowed to take notes by hand. Thus, the prohibition on "copying" in section 290.4, subdivision (c), was not meant to apply to copying information by hand writing.

In order to correct these errors, I have introduced AB 290. However, as AB 1562 is already operative, a prompt resolution is necessary.

Cordially,

BARBARA ALBY, Assembly Member
Fifth District

ADJOURN IN MEMORY

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 Mrs. Tono Takasugi, of Oxnard.

Assembly Member Aroner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Willa Hives, of Vallejo.

SPECIAL RECOGNITION

Assembly Members Leach and Perata gave special recognition to the “Gallopig Gaels” Men’s Basketball Team of St. Mary’s College in Moraga, who will be making a first appearance in the NCAA Tournament since 1989.

REQUEST TO ADJOURN IN MEMORY

Assembly Member Murray requested unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Christopher Wallace, a.k.a. rapper “Biggie Smalls”.

Assembly Member McClintock withheld unanimous consent.

Motion to Adjourn in Memory

Assembly Member Murray moved that when the Assembly adjourns on this day it do so out of respect to the memory of Christopher Wallace, a.k.a. rapper “Biggie Smalls”.

Assembly Member Papan seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 11 a.m.

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

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 167—An act to amend Section 46201 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

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

THIRD READING OF ASSEMBLY BILLS

ASSEMBLY CONCURRENT RESOLUTION NO. 3 (Wright)—Relative to gun safety.

Resolution read.

Motion to Re-refer Assembly Concurrent Resolution No. 3 to Committee

Assembly Member Mazzoni moved that Assembly Concurrent Resolution No. 3 be re-referred to the Committee on Education.

Assembly Member Caldera seconded the motion.

CAUCUS ANNOUNCEMENTS

At 11:10 a.m., Assembly Member Bustamante was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

At 11:10 a.m., Assembly Member Battin was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:10 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 11:40 a.m., the Assembly reconvened.

Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW MOTION

Assembly Member Mazzoni requested unanimous consent to withdraw her motion to re-refer Assembly Concurrent Resolution No. 3 to the Committee on Education.

Motion Not Withdrawn

In the absence of consent of Assembly Member Caldera to withdraw his second to the motion by Assembly Member Mazzoni, the motion was not withdrawn.

Parliamentary Inquiry

Assembly Member Battin arose to the following parliamentary inquiry:

Was the motion to re-refer to committee by Assembly Member Mazzoni not withdrawn?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that in the absence of consent of the second to the motion, the motion to re-refer is not withdrawn, and is before the Body.

Demand for Previous Question

Assembly Members Escutia, Baca, Villaraigosa, Papan, and Cardenas demanded the previous question. Demand sustained.

The question being on the Mazzoni motion to re-refer Assembly Concurrent Resolution No. 3 to the Committee on Education.

Motion to re-refer lost by the following vote:

AYES—3

Bowen	Caldera	Strom-Martin
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NOES—60

Ackerman	Cunneen	Leonard	Perata
Aguiar	Ducheny	Machado	Prenter
Alby	Escutia	Margett	Runner
Alquist	Figueroa	Mazzoni	Scott
Aroner	Firestone	McClintock	Shelley
Ashburn	Goldsmith	Migden	Thompson
Baca	Granlund	Miller	Thomson
Baldwin	Havice	Morrissey	Torlakson
Battin	Hertzberg	Morrow	Villaraigosa
Baugh	Honda	Murray	Vincent
Bordonaro	House	Napolitano	Wayne
Bowler	Keeley	Oller	Wildman
Brown	Knox	Ortiz	Woods
Cardenas	Kuykendall	Pacheco	Wright
Cardoza	Leach	Papan	Mr. Speaker

Further Consideration of Assembly Concurrent Resolution No. 3

ASSEMBLY CONCURRENT RESOLUTION NO. 3 (Wright)—Relative to gun safety.

Resolution read.

Motion to Amend by Assembly Member Caldera—Set 1

Assembly Member Caldera moved the adoption of amendments.
Amendments read.

**Motion to Table Caldera Amendments
to Assembly Concurrent Resolution No. 3—Set 1**

Assembly Member Murray moved that the amendments offered by Assembly Member Caldera to Assembly Concurrent Resolution No. 3—Set 1 be laid upon the table.

Assembly Member Baca seconded the motion.

Motion carried by the following vote:

AYES—48

Ackerman	Brown	McClintock	Prenter
Aguiar	Cardenas	Migden	Pringle
Alby	Cardoza	Miller	Runner
Aroner	Ducheny	Morrissey	Strom-Martin
Ashburn	Granlund	Morrow	Takasugi
Baca	Havice	Murray	Thompson
Baldwin	Hertzberg	Napolitano	Thomson
Battin	Honda	Olberg	Torlakson
Baugh	House	Oller	Vincent
Bordonaro	Leonard	Papan	Wayne
Bowler	Machado	Perata	Woods
Brewer	Margett	Poochigian	Wright

NOES—16

Bowen	Escutia	Lempert	Shelley
Caldera	Keeley	Martinez	Villaraigosa
Cunneen	Knox	Ortiz	Wildman
Davis	Kuehl	Scott	Mr. Speaker

Motion to Amend by Assembly Caldera—Set 2

Assembly Member Caldera moved the adoption of amendments.
Amendments read.

**Motion to Table Caldera Amendments
to Assembly Concurrent Resolution No. 3—Set 2**

Assembly Member Murray moved that the amendments offered by Assembly Member Caldera to Assembly Concurrent Resolution No. 3—Set 2 be laid upon the table.

Assembly Member Baca seconded the motion.

Motion carried by the following vote:

AYES—45

Ackerman	Cardoza	Morrow	Thompson
Alby	Ducheny	Murray	Thomson
Ashburn	Granlund	Olberg	Torlakson
Baca	Havice	Oller	Vincent
Baldwin	Hertzberg	Papan	Wayne
Battin	Honda	Perata	Wildman
Baugh	Leonard	Poochigian	Woods
Bordonaro	Margett	Prenter	Wright
Bowen	McClintock	Pringle	Mr. Speaker
Bowler	Migden	Runner	
Brewer	Miller	Strom-Martin	
Brown	Morrissey	Takasugi	

NOES—18

Alquist	Escutia	Kuehl	Scott
Caldera	Figueroa	Lempert	Shelley
Cardenas	Frusetta	Martinez	Villaraigosa
Cunneen	Keeley	Napolitano	
Davis	Knox	Ortiz	

Vote Changes

By unanimous consent, the following vote change was permitted on the amendments offered by Assembly Member Caldera to Assembly Concurrent Resolution No. 3—Set 2: Assembly Member Frusetta, from “Aye” to “No”.

Motion to Amend by Assembly Member Caldera—Set 3

Assembly Member Caldera moved the adoption of amendments.
Amendments read.

**Motion to Table Caldera Amendments
to Assembly Concurrent Resolution No. 3—Set 3**

Assembly Member Vincent moved that the amendments offered by Assembly Member Caldera to Assembly Concurrent Resolution No. 3—Set 3 be laid upon the table.

Assembly Member Baca seconded the motion.

Motion carried by the following vote:

AYES—44

Ackerman	Brewer	Machado	Poochigian
Aguiar	Brown	Margett	Prenter
Alby	Cardoza	McClintock	Pringle
Ashburn	Ducheny	Migden	Runner
Baca	Frusetta	Miller	Strom-Martin
Baldwin	Granlund	Morrissey	Takasugi
Battin	Havice	Morrow	Thompson
Baugh	Hertzberg	Murray	Torlakson
Bordonaro	Honda	Olberg	Vincent
Bowen	House	Oller	Woods
Bowler	Leonard	Papan	Wright

NOES—16

Caldera	Keeley	Martinez	Shelley
Cardenas	Knox	Napolitano	Thomson
Cunneen	Kuehl	Ortiz	Villaraigosa
Escutia	Lempert	Scott	Mr. Speaker

AMENDMENTS WITHDRAWN

Without objection, Assembly Member Bordonaro withdrew his amendments to Assembly Concurrent Resolution No. 3—Set 4.

Without objection, Assembly Member Battin withdrew his amendments to Assembly Concurrent Resolution No. 3—Set 5.

Without objection, Assembly Member Prenter withdrew his amendments to Assembly Concurrent Resolution No. 3—Set 6.

Without objection, Assembly Member Scott withdrew his amendments to Assembly Concurrent Resolution No. 3—Set 7.

Without objection, Assembly Member Miller withdrew his amendments to Assembly Concurrent Resolution No. 3—Set 8.

Further Consideration of Assembly Concurrent Resolution No. 3

Resolution read, and presented by Assembly Member Wright.

Demand for Previous Question

Assembly Member Villaraigosa, Baca, Gallegos, Ackerman, and Mazzoni demanded the previous question. Demand sustained.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 3**

Assembly Member Wright was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Assembly Concurrent Resolution No. 3.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Ackerman, Baldwin, Frusetta, Kaloogian, McClintock, Morrow, Papan, Runner, and Vincent.

Request for Unanimous Consent

Assembly Member Wright was granted unanimous consent to take up Assembly Concurrent Resolution No. 3, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 3, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 3—Relative to gun safety.

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

AYES—48

Ackerman	Cunneen	Kuykendall	Poochigian
Aguiar	Ducheny	Leonard	Prenter
Alby	Figueroa	Machado	Pringle
Ashburn	Firestone	Margett	Runner
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thomson
Baugh	Havice	Morrow	Torlakson
Bordonaro	Hertzberg	Murray	Vincent
Bowler	Honda	Olberg	Wayne
Brown	House	Oller	Woods
Cardoza	Kaloojian	Papan	Wright

NOES—20

Aroner	Escutia	Martinez	Perata
Bowen	Keeley	Mazzoni	Scott
Caldera	Knox	Migden	Shelley
Cardenas	Kuehl	Napolitano	Villaraigosa
Davis	Lempert	Ortiz	Wildman

Resolution ordered printed, and transmitted to the Senate.

Communications

The following explanation of vote was presented by the Chief Clerk, and ordered printed in the Journal:

Explanation of Vote—Assembly Concurrent Resolution No. 3

March 10, 1997

*E. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol
Sacramento, California*

Dear Dotson: Pursuant to Assembly Rule 104, I want to note that it was my full intent to vote 'Aye' on ACR 3 (Wright).

I was incorrectly listed as 'Not Voting' at the time of Floor Session this morning. I request that this letter be printed in the Journal.

Sincerely,

LYNNE C. LEACH, Assembly Member
Fifteenth District

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

SENATE CONCURRENT RESOLUTION NO. 4 (Burton)—Relative to Medi-Cal program expenses.

Resolution read.

Motion to Re-refer Senate Concurrent Resolution No. 4 to Committee

Assembly Member Granlund moved that Senate Concurrent Resolution No. 4 be re-referred to the Committee on Health.

Assembly Member Olberg seconded the motion.

Demand for Previous Question

Assembly Members Villaraigosa, Gallegos, Mazzoni, Napolitano, and Thompson demanded the previous question. Demand sustained.

The question being on the Granlund motion to re-refer Senate Concurrent Resolution No. 4 to the Committee on Health.

Motion lost by the following vote:

AYES—28

Ackerman	Bordonaro	Leach	Oller
Aguiar	Bowler	Leonard	Poochigian
Alby	Brewer	Margett	Prenter
Ashburn	Goldsmith	McClintock	Pringle
Baldwin	Granlund	Miller	Runner
Battin	House	Morrow	Takasugi
Baugh	Kaloogian	Olberg	Woods

NOES—42

Alquist	Frusetta	Migden	Thomson
Aroner	Gallegos	Murray	Torlakson
Baca	Havice	Napolitano	Villaraigosa
Bowen	Hertzberg	Ortiz	Vincent
Brown	Honda	Papan	Washington
Caldera	Keeley	Perata	Wayne
Cardenas	Knox	Scott	Wildman
Cardoza	Kuehl	Shelley	Wright
Davis	Kuykendall	Strom-Martin	Mr. Speaker
Escutia	Lempert	Sweeney	
Figueroa	Mazzoni	Thompson	

Further Consideration of Senate Concurrent Resolution No. 4

Resolution presented by Assembly Member Shelley.

Members Made Coauthors of Senate Concurrent Resolution No. 4

Assembly Member Shelley was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Concurrent Resolution No. 4.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Alquist, Aroner, Brown, Caldera, Cardoza, Escutia, Figueroa, Havice, Hertzberg, Honda, Keeley, Knox, Kuehl, Kuykendall, Mazzoni, Migden, Murray, Napolitano, Ortiz, Perata, Scott, Shelley, Strom-Martin, Sweeney, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, and Wildman.

Request for Unanimous Consent

Assembly Member Shelley was granted unanimous consent to take up Senate Concurrent Resolution No. 4, as amended, without reference to print or file.

Consideration of Senate Concurrent Resolution No. 4, as Amended

SENATE CONCURRENT RESOLUTION NO. 4—Relative to Medi-Cal program expenses.

Resolution read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 12:28 p.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
MURRAY MOTION TO ADJOURN IN MEMORY**

At 12:28 p.m., on motion of Assembly Member Murray, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

**Record Expunged and Action Rescinded on
Murray Motion to Adjourn in Memory**

Assembly Member Murray was granted unanimous consent that the record be expunged and the action rescinded whereby a roll call vote was taken on this day on his motion to adjourn in memory of Christopher Wallace, a.k.a. rapper “Biggie Smalls”.

SESSION SCHEDULE AND OTHER ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced the following session schedule:

Tuesday, March 11, 1997, Check-in Session;

Wednesday, March 12, 1997, Check-in Session;

Thursday, March 13, 1997, Floor Session, at 9:30 a.m.

Speaker pro Tempore Kuehl also announced that the Assembly will convene with the Senate in Joint Convention at 10:30 a.m. on Thursday, March 13, 1997.

CAUCUS ANNOUNCEMENTS

Assembly Member Torlakson announced that the Local Government Caucus would meet today, upon adjournment of Floor session, in Room 3162; and tomorrow at 8 a.m., in Room 126.

ADJOURN IN MEMORY

Assembly Member Morrissey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Fred Hummer, of Fountain Valley.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Murray announced that the Committee on Transportation would meet today at 1:30 p.m. in Room 4202.

CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE CONCURRENT RESOLUTION NO. 4

At 12:32 p.m., on motion of Assembly Member Shelley, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

Pending the announcement of the vote, Assembly Member Baca moved to continue the call of the Assembly.

Motion carried. Time, 12:32 p.m.

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

CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE CONCURRENT RESOLUTION NO. 4

At 12:33 p.m., on motion of Assembly Member Battin, seconded by Assembly Member Kuykendall, further proceedings under the call of the Assembly were dispensed with.

Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—41

Alquist	Escutia	Martinez	Thomson
Aroner	Figueroa	Mazzoni	Torlakson
Baca	Gallegos	Migden	Villaraigosa
Bowen	Havice	Napolitano	Vincent
Brown	Hertzberg	Ortiz	Washington
Caldera	Honda	Perata	Wayne
Cardenas	Keeley	Scott	Wildman
Cardoza	Knox	Shelley	Mr. Speaker
Cunneen	Kuehl	Strom-Martin	
Davis	Kuykendall	Sweeney	
Ducheny	Lempert	Thompson	

NOES—19

Ackerman	Goldsmith	McClintock	Poochigian
Ashburn	Granlund	Miller	Pringle
Baldwin	House	Morrow	Runner
Baugh	Leonard	Oller	Woods
Brewer	Margett	Pacheco	

Motion to Reconsider Senate Concurrent Resolution No. 4 on Next Legislative Day

Assembly Member Pringle moved to reconsider on the next legislative day the vote whereby Senate Concurrent Resolution No. 4 was this day adopted.

Senate Concurrent Resolution No. 4 ordered to the unfinished business file.

MOTION TO ADJOURN

At 12:36 p.m., Assembly Member Woods moved that the Assembly do now adjourn.

Assembly Member Villaraigosa seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Bustamante and Pringle arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

The question being on the motion of Assembly Member Woods that the Assembly adjourn.

Motion carried.

VOTE ADDS

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

Assembly Concurrent Resolution No. 3, Mazzoni Motion to Re-refer: Aguiar and Goldsmith—No.

Assembly Concurrent Resolution No. 3, Motion to Table Caldera Amendments—Set 1: Lempert—No.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 12:37 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1558—Committee on Agriculture (Cardoza (Chair), House (Vice Chair), Brown, Ducheny, Frusetta, Machado, Perata, Prenter, and Thomson) An act to amend Sections 77528, 77541, 77589, and 77665 of, and to add Section 77591 to, the Food and Agricultural Code relating to agriculture.

ASSEMBLY BILL NO. 1559—Committee on Agriculture (Cardoza (Chair), House (Vice Chair), Brown, Ducheny, Frusetta, Machado, Perata, Prenter, and Thomson). An act to amend Section 17065 of the Food and Agricultural Code, relating to agriculture.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 27—Papan. Relative to the taxation of automated teller machines.

HOUSE RESOLUTION NO. 15—Morrissey. Relative to California Manufacturing Week.

**AUTHOR'S AMENDMENTS
Committee on Natural Resources**

March 10, 1997

Mr. Speaker: The Chair of your Committee on Natural Resources reports:

Assembly Bill No. 117

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

BOWEN, Chairwoman

ASSEMBLY BILL NO. 117—An act to add Section 42318 to the Health and Safety Code, relating to air pollution.

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 Housing and Community Development

March 10, 1997

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

Assembly Bill No. 108

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

TORLAKSON, Chairman

ASSEMBLY BILL NO. 108—An act to add Part 12 (commencing with Section 53800) to Division 31 of the Health and Safety Code, relating to the financing of a program to provide low-interest loans for the replacement of shake roofs that have been in existence for _____ or more years through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

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 Consumer Protection, Governmental Efficiency and Economic Development

March 10, 1997

Mr. Speaker: The Chair of your Committee on Consumer Protection, Governmental Efficiency and Economic Development reports:

Assembly Bill No. 84

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

DAVIS, Chairwoman

ASSEMBLY BILL NO. 84—An act to amend Section 12161 of the Public Contract Code, relating to state contracts.

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 Public Safety

March 10, 1997

Mr. Speaker: The Chair of your Committee on Public Safety reports:

Assembly Bill No. 59

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 59—An act to amend Sections 207, 208, 209, 290, 290.4, 667.5, 667.7, 667.71, 667.8, 667.83, 667.85, 669, 1170.1, 1203.066, and 2933.5 of, and to repeal and amend Section 667.61 of, the Penal Code, relating to crimes.

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 Revenue and Taxation

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 82

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

CALDERA, Chairman

ASSEMBLY BILL NO. 82—An act to amend Section 7103 of the Government Code, and to amend Sections 17052.15 and 23612.6 of the Revenue and Taxation Code, relating to economic development, 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.

REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation

Date of Hearing: March 10, 1997

Mr. Speaker: Your Committee on Revenue and Taxation reports:
Senate Bill No. 39

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

CALDERA, Chairman

Above bill re-referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

Senate Chamber, March 10, 1997

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

Senate Bill No. 106
Senate Bill No. 131
Senate Bill No. 180

Senate Bill No. 191
Senate Bill No. 350

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, March 10, 1997

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

Senate Joint Resolution No. 1

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Senate Chamber, March 10, 1997

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

Assembly Concurrent Resolution No. 10

And respectfully requests the Assembly to concur in said amendments.

GREG P. SCHMIDT, Secretary of the Senate
By John W. Rovane, Assistant Secretary

Above resolution ordered to unfinished business file.

FIRST READING OF SENATE BILLS

The following bills were read the first time:

SENATE BILL NO. 106—An act to amend and renumber Section 5 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

SENATE BILL NO. 131—An act relating to vehicles.

SENATE BILL NO. 180—An act to amend Section 47610 of, and to add Section 47611.5 to, the Education Code, relating to charter schools.

SENATE BILL NO. 191—An act to add Section 22365 to the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

SENATE BILL NO. 350—An act relating to violence against women, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The following resolution was read:

SENATE JOINT RESOLUTION NO. 1—Relative to parachute equipment.

INTRODUCTION OF GUESTS

Assembly Member Migden, of the 13th Assembly District, introduced David Lara, of San Francisco and Peter Arguedas, of Ridgewood, New Jersey.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Woods, the Assembly adjourned until 7 a.m., Tuesday, March 11, 1997 out of respect to the memory of Norman Fullerton and Gordon H. Winton, on motion of Assembly Member Cardoza; out of respect to the memory of Laura Fuge, on motion of Assembly Member Baugh; out of respect to the memory of Shannon Haupt, Michael Encinas, and Pablo Munoz, on motion of Assembly Member Cardenas; out of respect to the memory of Dee Meyer, on motion of Assembly Member Aguiar; out of respect to the memory of Paul W. Bertuccio, on motion of Assembly Member Frusetta; out of respect to the memory of Mrs. Tono Takasugi, on motion of Assembly Member Takasugi; out of respect to the memory of Willa Hives, on motion of Assembly Member Aroner; and out of respect to the memory of Fred Hummer, on motion of Assembly Member Morrissey.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON MARCH 10, 1997**

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

AB	RN
59	9708159
82	9707830
84	9708525
86	9708509
108	9708421
117	9708467
167	9708290
233	9708474
234	9707813

ACA	RN
7	9701811

Amendments were considered by the Assembly, but not adopted, to the following measures:

ACR

- 3 (Caldera amendments—Set 1, RN 9708522, laid upon the table)
- (Caldera amendments—Set 2, RN 9708541, laid upon the table)
- (Caldera amendments—Set 3, RN 9708514, laid upon the table)

O