

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, July 14, 1997

ONE HUNDRED SIXTH SESSION DAY

TWO HUNDRED TWENTY-FIFTH 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, July 14, 1997

The Assembly met at 11:37 a.m.

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

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk Sue Parker reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Richter moved a quorum call of the Assembly. Motion carried. Time, 11:38 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 12:05 p.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—80:

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

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:

O Master, God of All, We bless You for having looked with mercy and compassion upon us and for having redeemed us from the malicious and vain world. We thank You, Lord, that You have been our guardian and helper, our refuge and savior. According to the multitude of Your compassions, perfect us, in every good work that is well-pleasing to You; and guide our minds and our hearts to do Your will in all things. For Yours it is to have mercy and to save, O God, and to You we send up all glory.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member McClintock 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 Scott, seconded by Assembly Member Leonard.

COMMUNICATIONS

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

July 14, 1997

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Jan Goldsmith to the Assembly Banking Committee to replace Assemblymember Howard Kaloogian for today, July 14, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

July 14, 1997

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: Please be advised that I am appointing Assemblymember Brett Granlund to the Assembly Utilities and Commerce Committee to replace Assemblymember Barbara Alby for today, July 14, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

July 14, 1997

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

Dear Dotson: Please be advised that I am appointing Assemblymember Steve Baldwin to the Assembly Revenue and Taxation Committee to replace Assemblymember Howard Kalogian for today, July 14, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

July 14, 1997

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

Dear Dotson: This is to advise you that I am appointing the following Assemblymembers to the Select Committee on Rural Economic Development:

Roy Ashburn, Fred Aguiar, Dennis Cardoza, Grace Napolitano, Charles Poochigian, Helen Thomson, Tom Torlakson, Tom Woods, Roderick Wright

Thank you for your assistance in this matter.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

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

July 11, 1997

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

Dear Dotson: Please be advised that on July 11, 1997, the Assembly Rules Committee adopted the following policy:

The Rules Committee shall approve no mailing done in conjunction with a co-sponsored event if that event is scheduled to occur within 90 days of a statewide general election.

Sincerely,

DON PERATA
 Chair, Assembly Rules Committee

July 14, 1997

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Dotson: Please be advised that the Assembly Rules Committee heard Assemblyman Jan Goldsmith's petition today. The motion to approve the item failed passage, reconsideration was granted, and the item failed a second time. Therefore, I am returning the petition to the Assembly Desk.

Sincerely,

DON PERATA
Chair, Assembly Rules Committee

(NOTE: The above referenced petition received and referred to the Committee on Rules on June 12, 1997. See Assembly Journal, page 2706.)

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 14, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1363

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, July 14, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Bill No. 1614

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, July 14, 1997

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
House Resolution No. 36

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Budget

July 14, 1997

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

Assembly Constitutional Amendment No. 2

DUCHENY, Chairwoman

Above resolution ordered filed with the Chief Clerk.

Committee on Rules

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 14

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.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 65

With the recommendation: Be adopted, as amended.

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.

PERATA, Chairman

Above resolution ordered on file.

Committee on Public Employees, Retirement and Social Security

Date of Hearing: July 9, 1997

Mr. Speaker: Your Committee on Public Employees, Retirement and Social Security reports:

Senate Bill No. 471

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

KNOX, Chairman

Above bill ordered to second reading.

Committee on Transportation

Date of Hearing: July 7, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 567

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

MURRAY, Chairman

Above bill ordered to second reading.

Date of Hearing: July 7, 1997

Mr. Speaker: Your Committee on Transportation reports:

Senate Bill No. 89

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

MURRAY, Chairman

Above bill ordered to second reading.

Committee on Budget

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Budget reports:

Senate Bill No. 292

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

DUCHENY, Chairwoman

Above bill ordered to second reading.

Committee on Consumer Protection, Governmental Efficiency and Economic Development

Date of Hearing: July 8, 1997

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

Senate Bill No. 816

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

DAVIS, Chairwoman

Above bill ordered to second reading.

Date of Hearing: July 8, 1997

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

Senate Bill No. 702

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

DAVIS, Chairwoman

Above bill ordered to second reading.

Date of Hearing: July 8, 1997

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

Senate Bill No. 1212

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

DAVIS, Chairwoman

Above bill ordered to second reading.

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Members McClintock, Oller, and Torlakson on the occasion of their birthdays.

ADJOURN IN MEMORY

Assembly Member Thomson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Helen Madere, Vice Mayor of Rio Vista.

Assembly Member Honda was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tokio Ishikawa, of San Jose.

Assembly Member Runner was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rosemary Dispenza, of Palmdale.

Assembly Member Lempert was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Marvin Auerback, M.D., of Hillsborough and Phebe Bostwick, of Portola Valley.

Assembly Member McClintock was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Todd Vincent Osburn, of Van Nuys.

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 Porfirio "Pilo" Campos, of Thousand Oaks.

JOINT RULE 62(a) WAIVED

Assembly Member Papan was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 784, 930, 633, and 1200 for hearing in the Committee on Banking and Finance today.

PARLIAMENTARY INQUIRY

Assembly Member Richter requested that the Speaker establish a bipartisan committee to inquire into the question of what happened to the blank audio recording tapes of the hearing of the Committee on Labor and Employment and that any person having knowledge of what happened to the tape be put under Oath.

Reply by Speaker Bustamante

Speaker pro Tempore Kuehl deferred to Speaker Bustamante whereupon he replied that a situation occurred in a committee hearing in which there was concern with regard to a tape. The Speaker's office immediately looked into the issue in order to resolve the matter. It was determined that tapes were available; copies of the tapes along with a letter were sent to the Attorney General last week pursuant to his interest in reviewing the matter. Full cooperation has been extended to the Attorney General and Mr. Richter may contact the Attorney General.

JOINT RULE 62(a) WAIVED

Assembly Member Vincent was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1351 for hearing in the Committee on Elections, Reapportionment and Constitutional Amendments today.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Kuykendall was granted unanimous consent that the following Legislative Counsel opinion be printed in the Journal:

Sacramento, California
July 9, 1997

*Honorable Steven T. Kuykendall
5158 State Capitol*

School District Reorganization—#16331

Dear Mr. Kuykendall:

QUESTION

Does subdivision (b) of Section 35700 of the Education Code and subdivision (b) of Section 35721 of the Education Code apply to school district reorganizations where a community that is part of one school district with over 200,000 pupils in average daily attendance wants to secede from that school district and become part of another existing school district?

OPINION

Subdivision (b) of Section 35700 of the Education Code and subdivision (b) of Section 35721 of the Education Code do not apply to school district reorganizations where a community that is part of one school district with over 200,000 pupils in average daily attendance wants to secede from that school district and become part of another existing school district.

ANALYSIS

By way of background, a general discussion of the procedures to reorganize a school district may be helpful. In that regard, Chapter 3

(commencing with Section 35500) and Chapter 4 (commencing with Section 35700) of Part 21 of the Education Code¹ (hereafter Chapter 3 and Chapter 4, respectively) contain the statutory provisions governing the reorganization of school districts. An action to "reorganize" school districts may be an action to form, dissolve, or lapse a school district, the annexation of all or part of the territory of one district to another, the transfer of all or part of one district to another, the unification or deunification of a school district, any other alteration of the boundaries of a school district, or any combination of all of those actions (Sec. 35511).

Thus, an action to reorganize school districts pursuant to Section 35511 includes the situation where a community that is part of one school district secedes from that school district and becomes part of another existing school district. This kind of reorganization is generally referred to in Chapter 3 and Chapter 4 as a territory transfer (see Secs. 35706, 35709, and 35710).

An action to reorganize a school district may be commenced, alternatively, by different persons or entities and pursuant to different statutory provisions. More specifically, an action to reorganize a school district may be commenced either by petition of voters, property owners, or members of governing boards of school districts (see Art. 1 (commencing with Sec. 35700), Ch. 4, Pt. 21), or by voters or the county committee on school district organization (hereafter county committee) (see Art. 2 (commencing with Sec. 35720), Ch. 4, Pt. 21).

As to an action to reorganize a school district that is initiated by petition of voters, property owners, or members of governing boards of school districts, Section 35700 provides as follows:

"35700. An action to reorganize one or more districts is initiated upon the filing, with the county superintendent of schools, of a petition to reorganize one or more school districts signed by any of the following:

"(a) At least 25 percent of the registered voters residing in the territory proposed to be reorganized if the territory is inhabited. Where the petition is to reorganize territory in two or more school districts, the petition shall be signed by at least 25 percent of the registered voters in that territory in each of those districts.

"(b) *A number of registered voters residing in the territory proposed to be reorganized, equal to at least 8 percent of the votes cast for all candidates for Governor at the last gubernatorial election in the territory proposed to be reorganized, where the affected territory consists of a single school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the district into two or more districts.*

"(c) The owner of the property, provided that territory is uninhabited and the owner thereof has filed either a tentative subdivision map with the appropriate county or city agency or an application for any project, as defined in

¹ All further statutory references are to the Education Code, unless otherwise indicated.

Section 21065 of the Public Resources Code, with one or more local agencies.

“(d) A majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization.” (Emphasis added.)

Thus, subdivision (b) of Section 35700 provides that an action to reorganize is initiated upon the filing, with the county superintendent of schools, of a petition to reorganize signed by the number of registered voters residing in the territory proposed to be reorganized, equal to at least 8 percent of the votes cast for all candidates for Governor at the last gubernatorial election in the territory proposed to be reorganized, where the affected territory consists of a single school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the school district into two or more districts.

The issue we address in this opinion as to subdivision (b) of Section 35700 is whether this provision applies to a territory transfer where the territory to be transferred is in a school district with over 200,000 pupils in average daily attendance. We begin by noting that only the Los Angeles Unified School District has over 200,000 pupils in average daily attendance. In 1995, the Los Angeles Unified School District had an enrollment in excess of 750,000 pupils (*California Public School Directory* (1995), p. 210).

To ascertain the meaning of a statute, we look to the language in which the statute is framed (*Leroy T. v. Workmen's Comp. Appeals Bd.*, 12 Cal. 3d 434, 438). Where a statute is susceptible to two constructions, the one that leads to the more reasonable result will be followed (*Metropolitan Water Dist. v. Adams*, 32 Cal. 2d 620, 630–631).

Section 35700 generally applies to territory transfers and to other reorganizations involving two or more school districts. For example, the first paragraph of Section 35700 provides for petitions to reorganize one or more school districts. Moreover, subdivision (a) of Section 35700 provides that where a petition is to reorganize territory in two or more school districts, the petition shall be signed by at least 25 percent of the registered voters in the territory in each of those school districts. Finally, subdivision (d) of Section 35700 provides that a petition to reorganize two or more school districts may be initiated and signed by a majority of the members of the governing boards of each of the school districts that would be affected by the school district reorganization.

In contrast, subdivision (b) of Section 35700 does not specify a method to include the voters residing in the school district where the territory would be transferred within the petition process. This difference in subdivision (b) indicates that the Legislature did not intend to include within that subdivision, as it did in the other subdivisions of Section 35700, territory transfers or reorganizations involving two or more school districts. The words in a statute are to be given their ordinary meaning unless a different meaning is clearly intended (*Hazelwood v. Hazelwood*, 57 Cal. App. 3d 693, 698) and subdivision (b) of Section 35700 provides that an action to reorganize may be initiated pursuant to this subdivision when the affected

territory "consists of a single school district" and the petition is to reorganize the school district "into two or more districts."

Moreover, Section 35706 provides that, within 120 days of the commencement of the first public hearing on the petition, the county committee is required to recommend approval or disapproval "of a petition for unification of school districts or for the division of the territory of an existing school district into two or more separate school districts, as the petition may be augmented, or shall approve or disapprove a petition for the transfer of territory, as the petition may be augmented." This section, and Sections 35709 and 35710, which also set forth specific procedures for a reorganization involving a transfer of territory, indicate that the Legislature views a reorganization of an existing school district into two or more school districts differently than a reorganization involving a transfer of territory. In view of the rule of statutory construction which provides that a phrase or expression may be interpreted in accordance with its use in other related statutes (*Frediani v. Ota*, 215 Cal. App. 2d 127, 133), in our view the Legislature did not intend subdivision (b) of Section 35700 to apply to territory transfers.

Thus we conclude that subdivision (b) of Section 35700 does not apply to school district reorganizations where a community that is part of one school district with over 200,000 pupils in average daily attendance wants to secede from that school district and become part of another existing school district.

We now turn to Section 35721 which provides as follows:

"35721. (a) On receipt of a petition signed by at least 10 percent of the qualified electors residing in any district for a consideration of unification or other reorganization of any area, the county committee shall hold a public hearing on the petition at a regular or special meeting.

"(b) *On receipt of a petition signed by at least 5 percent of the qualified electors residing in a school district with over 200,000 pupils in average daily attendance in which the petition is to reorganize the district into two or more districts, the county committee shall hold a public hearing on the petition at a regular or special meeting.*

"(c) Following the hearing conducted pursuant to subdivision (a) or (b), the county committee shall grant or deny the petition. If the county committee grants the petition, it shall adopt a tentative recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization. The provisions of Sections 35705 and 35705.5 shall apply to any such public hearing." (Emphasis added.)

Thus, subdivision (b) of Section 35721 provides that a petition may be signed by at least 5 percent of the qualified electors residing in any school district with over 200,000 pupils in average daily attendance in which the petition is to reorganize the school district into two or more school districts.

This provision, like subdivision (b) of Section 35700, pertains to a petition to reorganize a school district into two or more school districts. A statute should be interpreted with reference to the

system of law of which it is a part (*People v. Comingore*, 20 Cal. 3d 142, 147). Thus, the words in subdivision (b) of Section 35721 should be interpreted in the same manner as the identical words in subdivision (b) of Section 35700.

Thus, subdivision (b) of Section 35721 does not apply to school district reorganizations involving a transfer of territory.

In conclusion, subdivision (b) of Section 35700 of the Education Code and subdivision (b) of Section 35721 of the Education Code do not apply to school district reorganizations where a community that is part of one school district with over 200,000 pupils in average daily attendance wants to secede from that school district and become part of another existing school district.

Very truly yours,

BION M. GREGORY
Legislative Counsel

By
Shira K. Gilbert
Deputy Legislative Counsel

**SENATE BILL NO. 112 REMOVED FROM CONSENT
CALENDAR AND TAKEN UP**

Assembly Member Migden was granted unanimous consent that Senate Bill No. 112 be removed from the Consent Calendar, and to take the bill up at this time, without reference to file, for purpose of amendment.

SENATE BILL NO. 112 (Kopp)—An act to amend Sections 9250.7 and 22710 of the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Migden moved the adoption of amendments.

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

REQUEST FOR PHOTOGRAPHER

Assembly Member Alquist was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

JOINT RULE 62(a) WAIVED

Assembly Member Lempert was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 227 for hearing in the Committee on Higher Education, on July 15, 1997, at 1:30 p.m.

Assembly Member Hertzberg was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 669 for hearing in the Committee on Public Safety, on July 15, 1997.

ACTION RESCINDED ON SENATE BILL NO. 386

Assembly Member Hertzberg was granted unanimous consent to rescind the action whereby the Assembly, on July 3, 1997 (Assembly Journal, page 3006), passed Senate Bill No. 386, and whereby the bill was ordered transmitted to the Senate.

ADJOURN IN MEMORY

Assembly Member Floyd was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of longtime Capitol employee Gerri Schroeder, of Citrus Heights.

JOINT RULE 62(a) WAIVED

Assembly Member Mazzoni was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1110 for hearing in the Committee on Education, on Thursday, July 17, 1997.

RULES TEMPORARILY SUSPENDED

Assembly Member Escutia was granted unanimous consent that Assembly Rule 77 be suspended to permit consideration of Senate amendments to Assembly Bill No. 112.

ASSEMBLY BILL NO. 112 (Escutia)—An act relating to health.

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 refused to concur in Senate amendments by the following vote:

AYES—1

Villaraigosa

NOES—72

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

BEST WISHES EXTENDED

Assembly Member Wright was joined by Members of the Assembly in extending best wishes to former Assembly Member Marguerite Archie-Hudson as she recuperates following a recent auto accident.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 549, on request of Assembly Member Takasugi.

CAUCUS ANNOUNCEMENTS

At 12:32 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 12:33 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 2:10 p.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, July 14, 1997

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

Assembly Bill No. 637

Assembly Bill No. 685

And respectfully requests the Assembly to concur in said amendments.

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

Above bills ordered to unfinished business file.

Senate Chamber, July 14, 1997

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

Assembly Bill No. 1279

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

Above bill ordered enrolled.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Murray announced that the Committee on Transportation would meet today, 15 minutes after adjournment of Floor session.

BILLS REMOVED FROM CONSENT CALENDAR

The following bill was removed from the Consent Calendar, and placed on the third reading file, pursuant to Joint Rule 22.2:

Senate Bill No. 1014, on request of Assembly Member Murray.

RESOLUTIONS

The following resolution was offered:

Resolutions to Suspend Joint Rules

By Assembly Member Floyd:

Resolved, That Joint Rule 61(a)(7) be suspended to permit Assembly Bill No. 258 to be considered for passage.

Resolution read, and adopted by the following vote:

AYES—77

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

NOES—1

Martinez

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

ASSEMBLY BILL NO. 258 (Floyd)—An act relating to taxation.

Bill read third time, and passed by the following vote:

AYES—72

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

NOES—1

Pacheco

Bill ordered transmitted to the Senate.

HOUSE RESOLUTION NO. 36 (Brown)—Relative to the California wine industry.
Resolution read.

Members Made Coauthors of House Resolution No. 36

Assembly Member Brown was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 36.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Ackerman, Aguiar, Alby, Alquist, Aroner, Baca, Baldwin, Battin, Bowen, Bowler, Brewer, Campbell, Cardenas, Cardoza, Cunneen, Davis, Ducheny, Escutia, Figueroa, Frusetta, Granlund, Hertzberg, House, Keeley, Knox, Kuehl, Kuykendall, Leach, Lempert, Leonard, Machado, Margett, Martinez, Mazzoni, McClintock, Migden, Miller, Morrissey, Morrow, Murray, Napolitano, Oller, Ortiz, Pacheco, Papan, Perata, Poochigian, Prenter, Pringle, Richter, Runner, Scott, Shelley, Strom-Martin, Sweeney, Takasugi, Thompson, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, Wildman, Woods, and Wright.

Request for Unanimous Consent

Assembly Member Brown was granted unanimous consent to take up House Resolution No. 36, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 36, as Amended

HOUSE RESOLUTION NO. 36—Relative to the California wine industry.

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

AYES—76

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

NOES—None

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 14 (Caldera)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 26 of Article XIII thereof, relating to taxation.

Resolution read third time, and adopted by the following vote:

AYES—76

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

NOES—None

Resolution ordered transmitted to the Senate.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 220, on request of Assembly Member Brown.

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Consent Calendar.

Consent Calendar—Assembly Resolution

ASSEMBLY JOINT RESOLUTION NO. 34 (Baca)—Relative to religion.

Resolution read, and adopted by the following vote:

AYES—78

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

NOES—None

Resolution ordered transmitted to the Senate.

Consent Calendar—Senate Bills

SENATE BILL NO. 343 (Calderon)—An act to amend Section 10127.9 of the Insurance Code, relating to insurance.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 1153 (Johnson)—An act to amend Section 990.8 of, and to add Section 6512.2 to, the Government Code, relating to insurance.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 590 (Johnson)—An act to add Section 873 to the Welfare and Institutions Code, relating to minors.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 925 (Ayala)—An act to amend Section 1203.05 of the Penal Code, relating to criminal procedure.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 33 (Maddy)—An act to amend Section 155.20 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 162 (Haynes)—An act to add Section 24304.1 to the Government Code, to amend Section 1463.007 and 1463.16 of the Penal Code, and to add and repeal Section 42007.1 of the Vehicle Code, relating to counties, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 188 (Kelley)—An act to amend Sections 110, 1109, 2114, 2115, 2117, 6910, 8910, 12680, 25102, and 25113 of, and to repeal Sections 2108 and 2109 of, the Corporations Code, and to amend Section 15204 of the Financial Code, relating to corporations.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 198 (Kelley)—An act to amend Section 308 of the Penal Code, relating to crimes.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 229 (Johnston)—An act to amend Sections 14087.325 of the Welfare and Institutions Code, relating to human services.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 430 (Knight)—An act to amend Sections 68085 and 77205.1 of the Government Code, relating to trial court funding, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 433 (Lewis)—An act to amend Sections 18145, 18165, and 18166 of, and to add Sections 18145.1 and 18165.1 to, the Financial Code, relating to industrial loan companies.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 437 (Johnston)—An act to amend Sections 1 and 2 of Chapter 213 of the Statutes of 1907, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 467 (Rainey)—An act to amend Section 30546 of the Water Code, relating to water.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 504 (Johnston)—An act to add Section 11440.60 to the Government Code, relating to administrative law.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 1041 (Johnson)—An act to amend Sections 18205.5, 18206, and 18455 of, to repeal Sections 18267 and 18273 of, and to repeal Article 7 (commencing with Section 18310) of, Chapter 3 of Division 7 of, the Financial Code, relating to industrial loan companies.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 650 (Lewis)—An act to amend Sections 4980.43, 4980.54, and 4996.22 of the Business and Professions Code, relating to healing arts.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 833 (Rosenthal)—An act to amend Section 2651 of, and to add Sections 2650.2 and 2655.75 to, the Business and Professions Code, relating to physical therapy.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 1017 (Leslie)—An act to add Section 2220.5 to the Business and Professions Code, relating to medicine.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 144 (Thompson)—An act to amend Sections 5517, 8183, 8280.1, and 9001.6 of, to add Section 8280.7 to, to repeal, add, and repeal Section 8279.1 of, and to repeal Section 8599.6 of, the Fish and Game Code, relating to fish.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 792 (Burton)—An act to add Section 1213 to the Probate Code, relating to probate.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 1159 (Schiff)—An act to amend, repeal, and add Section 820.9 of the Government Code, relating to governmental tort liability.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 562 (Alpert)—An act to amend Section 66499.7 of the Government Code, relating to land use.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 691 (Committee on Local Government)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 692 (Committee on Local Government)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 693 (Committee on Local Government)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 927 (Ayala)—An act to amend Section 65858 of the Government Code, relating to land use.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 206 (Ayala)—An act to amend Section 12514 of the Water Code, relating to water.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 922 (Thompson)—An act to amend Section 2290.5 of the Business and Professions Code, relating to medicine.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 595 (Burton)—An act to amend Section 303 of the Public Utilities Code, relating to the Public Utilities Commission, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 786 (Knight)—An act to amend Section 832.6 of the Penal Code, relating to peace officers.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 1058 (Schiff)—An act to add Section 827.6 to the Welfare and Institutions Code, relating to minors.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 1088 (Lockyer)—An act to add Section 68804 to the Government Code, relating to capital judgments.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 16 (Knight)—An act to amend Section 11413 of the Penal Code, relating to crime.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 107 (Kelley)—An act to amend and repeal Section 9880.2 of the Business and Professions Code, relating to automotive repair.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 122 (Alpert)—An act to amend Section 273 of the Penal Code, relating to adoption.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 132 (Solis)—An act to amend Sections 1095 and 1137.1 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 186 (Solis)—An act to amend Sections 12022.3 and 12022.8 of the Penal Code, relating to crimes.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 282 (Leslie)—An act to amend Sections 148 and 653t of the Penal Code, relating to crimes.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 358 (Rainey)—An act to amend Section 20575 of the Government Code, relating to public employees.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 366 (Hughes)—An act to add Section 13510.6 to the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 457 (Costa)—An act to amend Sections 11470, 11488.5, 11489, and 11492 of the Health and Safety Code, relating to controlled substances, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 497 (Brulte)—An act to amend Section 1367 of the Health and Safety Code, relating to health care service plans.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 518 (Monteith)—An act to amend Sections 1247.5 and 1247.6 of the Business and Professions Code, relating to clinical laboratory technology.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 568 (Sher)—An act to add Chapter 6 (commencing with Section 4900) to, and to repeal Chapter 6 (commencing with Section 4800) of, Part 5 of Division 9 of the Family Code, relating to family law.

Bill read third time, passed, and ordered transmitted to the Senate.

*(For the vote on the above bill, see this day's
Consent Calendar roll call.)*

SENATE BILL NO. 1215 (Burton)—An act to amend Sections 1, 2, 3, 5, 6, 8, and 9 of, to add Section 13.6 to, and to repeal Section 10 of, Chapter 1143 of the Statutes of 1991, relating to San Francisco filled tidelands, and declaring the urgency thereof, to take effect immediately.

Bill read third time, urgency clause adopted, bill passed, and ordered transmitted to the Senate.

*(For the vote on the above bill and urgency clause, see this day's
Consent Calendar roll call.)*

Consent Calendar Roll Call

The roll was called, and the above bills on the Consent Calendar passed, and any urgency clauses to the bills adopted, by the following vote:

AYES—79

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

NOES—None

ASSEMBLY BILL NO. 174 WITHDRAWN FROM ENROLLMENT

Assembly Member Napolitano was granted unanimous consent that Assembly Bill No. 174 be withdrawn from enrollment and that the bill be returned to the Senate for further action.

ACTION RESCINDED ON ASSEMBLY BILL NO. 234

Assembly Member Battin was granted unanimous consent to rescind the action whereby the Assembly, on July 11, 1997 (Assembly Journal, page 3133), refused to concur in Senate amendments to Assembly Bill No. 234.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 368, on request of Assembly Member Floyd.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Martinez announced that the Committee on Utilities and Commerce would meet today, 15 minutes after adjournment of Floor session.

Assembly Member Bowen announced that the Committee on Natural Resources would meet today hour after adjournment of Floor session.

CONSIDERATION OF DAILY FILE (RESUMED)

**ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bill was this day on the second reading file:

Assembly Bill No. 1363, ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1418—An act relating to school facilities.

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.

ASSEMBLY BILL NO. 1468—An act to amend Section 12050 of the Penal Code, relating to concealed weapons.

Bill read second time; amendments proposed by the Committee on Public Safety 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. 788 and 674, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 601—An act to amend Sections 19171, 19175, 19570, 19574, 19815.41, 19832, 19997, 19997.2, 19997.3, 19997.8, 19997.11, 19997.13, and 19997.14 of, to add Sections 19574.3 and 19997.16 to, and to repeal and add Section 19576 of, the Government Code, relating to state civil service.

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

SENATE BILL NO. 969—An act to amend Sections 75033.5, 75075, 75076, 75520, and 75522 of the Government Code, relating to judges.

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

SENATE BILL NO. 629—An act to amend Sections 24001, 24007, and 24101 of, and to add Sections 24001.5 and 24101.5 to, the Education Code, and to amend Section 21540.5 of the Government Code, relating to public employees.

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. 827—An act to amend Sections 101, 128.5, 130, 200.1, 205, 675, 800, 1242.6, 1680, 2071, 2221.1, 2660, 2701, 2708, 2761, 2841, 2842, 2847, 2873.6, 2873.7, 2881, 2890, 2893, 2894, 3527, 3750, 4001, 4003, 4008, 4501, 4503, 4546, 4547, 4800, 4804.5, 4848, 4905, 4955, 5510, 5514, 5517, 5526, 5536.27, 8520, 8528, and 8616.4 of, to amend and repeal Sections 5566, 5566.1, and 5566.2 of, and to add Sections 473.15, 473.6, 4013, and 4808.5 to, the Business and Professions Code, relating to licensed professionals, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 1224—An act to add Section 190.26 to the Penal Code, relating to murder.

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

SENATE BILL NO. 930—An act to amend Sections 1747.05, 1785.11, 1785.15, 1785.16, and 1785.17 of, and to add Section 1747.82 to, the Civil Code, relating to consumer credit.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Banking and Finance.

SENATE BILL NO. 1273—An act to add Section 11104.5 to the Government Code, relating to state agencies.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Televising the Assembly and Information Technology.

SENATE BILL NO. 1184—An act to amend Sections 63000, 63010, 63021, 63025.1, 63026, 63055, and 63071 of, to amend and renumber Sections 63042 and 63048 of, to amend and renumber the headings of Article 4 (commencing with Section 63042) and Article 6 (commencing with Section 63048) of Chapter 2 of Division 1 of Title 6.7 of, to add Sections 63027, 63028, 63040, 63084, 63085, 63086, and 63087 to, to repeal Section 63001 of, to repeal Article 3 (commencing with Section 63040) of Chapter 2 of Division 1 of Title 6.7 of, to repeal the heading of Article 1 (commencing with Section 63050) of Chapter 3 of Division 1 of Title 6.7 of, to repeal Part 10.2 (commencing with Section 15710) of Division 3 of Title 2 of, and to repeal and add Article 5 (commencing with Section 63043) of Chapter 2 of Division 1 of Title 6.7 of, the Government Code, relating to state infrastructure.

Bill read second time; amendments proposed by the Committee on Consumer Protection, Governmental Efficiency and Economic Development read and adopted, bill ordered reprinted and to be re-referred to the Committee on Local Government.

MOTION TO ADJOURN

At 2:32 p.m., Assembly Member House moved that the Assembly do now adjourn.

Assembly Member Martinez seconded the motion.

Motion carried.

VOTE ADDS

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

Assembly Bill No. 112, Concurrence: Brewer and Scott—No.

Assembly Bill No. 258: Thompson—Aye.

House Resolution No. 36, Coauthors: Murray and Richter—Aye.

Assembly Constitutional Amendment No. 14: Richter—Aye.

Consent Calendar: Kuehl—Aye.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 2:33 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Assembly Bill No. 112:

Figueroa, Villaraigosa, and Aguiar.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bill was introduced and read the first time:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 25—Morrissey. A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to state government.

RESOLUTIONS

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 69—Kaloogian (Principal coauthor: Thompson). Relative to the Ron Packard Parkway.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, July 14, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(3) and (a)(7) as it relates to Assembly Bill No. 297.

EDWARD VINCENT

Above request ordered transmitted to the Committee on Rules.

**AUTHOR'S AMENDMENTS
Committee on Local Government**

July 14, 1997

Mr. Speaker: The Chair of your Committee on Local Government reports: Senate Bill No. 451

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

SWEENEY, Chairman

SENATE BILL NO. 451—An act to amend Sections 65302, 65351, and 65352 of the Government Code, relating to land use.

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**

July 14, 1997

Mr. Speaker: The Chair of your Committee on Public Safety reports: Senate Bill No. 441

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

HERTZBERG, Chairman

SENATE BILL NO. 441—An act to add and repeal Article 4 (commencing with Section 3100) of Chapter 8 of Title 1 of Part 3 of the Penal Code, relating to parolees.

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

July 14, 1997

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

Senate Bill No. 780

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

MIGDEN, Chairwoman

SENATE BILL NO. 780—An act to amend Sections 146.5, 6980.23, 6980.33, 6980.48, 6980.81, 7506.9, 7529, 7571, 7582.13, 7583.20, 7583.32, 7588.2, 7593.11, 7596, 7596.7, 7598.14, 7598.17, 7599.72, 9810, 9830.5, 9832, 9832.5, 9847.5, 9849, 9851, 9853, 9855.2, 9855.3, 9855.9, 9860, 9862.5, 9863, 9873, 19008, 19010, 19080, 19123.4, and 19208 of, to amend, repeal, and add Sections 6980.79, 7511, 7570, 7588, 7599.70 of, to add Sections 7511.1 and 9814.5 to, to repeal Sections 6980.84, 7599.75, and 9854 of, to add and repeal Section 9812.5 of, and to repeal and add Sections 7558 and 7586 of, the Business and Professions Code, and to amend Sections 1791 and 1794.4 of the Civil Code, relating to consumer affairs, 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.

AUTHOR'S AMENDMENTS
Committee on Public Safety

July 14, 1997

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

Assembly Bill No. 1115

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 1115—An act to amend Section 12021 of, and to amend, add, and repeal Section 246.1 of, the Penal Code, and to add and repeal Section 12803 of the Vehicle 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 Judiciary

July 14, 1997

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

Senate Bill No. 19

Senate Bill No. 653

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

ESCUTIA, Chairwoman

SENATE BILL NO. 19—An act to amend Section 1286.2 of, and to add Sections 1280.1 and 1286.5 to, the Code of Civil Procedure, relating to arbitration.

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. 653—An act to add Article 16 (commencing with Section 11475.10) to Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, relating to administrative law.

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

July 14, 1997

Mr. Speaker: The Chair of your Committee on Local Government reports:
Senate Bill No. 466
Senate Bill No. 480

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

SWEENEY, Chairman

SENATE BILL NO. 466—An act to amend Section 99 of the Revenue and Taxation Code, relating to local agencies.

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

SENATE BILL NO. 480—An act to amend Section 6 and 10.5 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

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 Housing and Community Development

Date of Hearing: July 9, 1997

Mr. Speaker: Your Committee on Housing and Community Development reports:
Senate Bill No. 219

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

TORLAKSON, Chairman

Above bill ordered to second reading.

Committee on Public Safety

Date of Hearing: July 8, 1997

Mr. Speaker: Your Committee on Public Safety reports:
Senate Bill No. 314

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

HERTZBERG, Chairman

Above bill ordered to second reading.

Committee on Governmental Organization

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:
Senate Constitutional Amendment No. 13

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

BROWN, Chairwoman

Above resolution re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:
Senate Bill No. 359
Senate Bill No. 508

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

BROWN, Chairwoman

Above bills ordered to second reading.

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1304

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

BROWN, Chairwoman

Above bill re-referred to the Committee on Budget.

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 94

Senate Bill No. 1040

Senate Bill No. 993

Senate Bill No. 1067

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

BROWN, Chairwoman

Above bills re-referred to the Committee on Appropriations.

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 88

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

BROWN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1350

With the recommendation: Do pass.

BROWN, Chairwoman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, July 14, 1997

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

Assembly Bill No. 112.

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

Senate Chamber, July 14, 1997

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

Senate Joint Resolution No. 6

Senate Joint Resolution No. 25

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

FIRST READING OF SENATE BILLS

The following resolutions were read:

SENATE JOINT RESOLUTION NO. 6—Relative to Filipino veterans' benefits.

SENATE JOINT RESOLUTION NO. 25—Relative to the Job Creation and Infrastructure Restoration Act and the Jobs 2000 Act of 1997.

REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Senate Bill No. 1102

With the recommendation: Do pass, and be re-referred to the Committee on Transportation with recommendation: To Consent Calendar.

CALDERA, Chairman

Above bill re-referred to the Committee on Transportation.

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Constitutional Amendment No. 22

With the recommendation: Be adopted, and be re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

CALDERA, Chairman

Above resolution re-referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

Date of Hearing: July 14, 1997

Mr. Speaker: Your Committee on Revenue and Taxation reports:

Assembly Bill No. 1614

With the recommendation: Be adopted, and be re-referred to the Committee on Televising the Assembly and Information Technology.

CALDERA, Chairman

Above bill re-referred to the Committee on Televising the Assembly and Information Technology.

INTRODUCTION OF GUESTS

Speaker pro Tempore Kuehl and Speaker Bustamante introduced Bill and Mary Wilson, and their children, Jonathan, Julian, and Katherine, of Pacific Palisades.

Assembly Member Figueroa, of the 20th Assembly District, introduced Celia French and Charlotte Roberts, of Modesto.

Assembly Members Napolitano and Alquist introduced the following individuals from the Ukraine sponsored by the Sacramento Council for International Visitors: Ms. Olga Deineg, Head, Housing Subsidies Department, Dniprovisky District Communal Service Company of Kyiv; Ms. Valentyna Lypnik, Head, Inhabitants Inquiries, Department of Starokyivsky District State Administration Kyiv; Ms. Galina Rotayenko, Editor-in-Chief, Ukrainian Women's magazine, *Marianna* Editor-in-Chief, Ukrainian Almanac, *Penati* Deputy Editor, *Panorama Weekly*; Ms. Irina Rummyantseva, Editor, Women's Political Page, *Vremia* (Time); Ms. Kateryna Samoilyk, Member, Ukrainian Parliament, Committee on Human Rights Head, Sub-Committee on Women's Issues; Ms. Oksana Adamivna Sapeliak, Science Fellow, The Institute of Humanities, National Academy of Sciences; Ms. Zoya Sharykova, Journalist, Senior Consultant to Supreme Rada Committee on Legislative Provision of Freedom of Speech and Mass Media; and Ms. Ludmila Zortchenko NGO Development Officer, Kharkiv City Administration.

ADJOURNMENT

At 4:55 p.m., pursuant to the motion by Assembly Member House, the Assembly adjourned until 7 a.m., Tuesday, July 15, 1997, out of respect to the memory of Helen Madere, on motion of Assembly Member Thomson; out of respect to the memory of Tokio Ishikawa, on motion of Assembly Member Honda; out of respect to the memory of Rosemary Dispenza, on motion of Assembly Member Runner; out of respect to the memory of Marvin Auerback, M.D. and Phebe Bostwick, on motion of Assembly Member Lempert; out of respect to the memory of Gerri Schroeder, on motion of Assembly Member Floyd; out of respect to the memory of Todd Vincent Osburn, on motion of Assembly Member McClintock; and out of respect to the memory of Porfirio ‘‘Pilo’’ Campos, on motion of Assembly Member Takasugi.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 14, 1997

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

AB	RN
1115	9717393
1418	9718273
1468	9718152
SB	RN
19	9718086
112	9718140
441	9718340
451	9718489
466	9718354
480	9718379
601	9718147
629	9718194
653	9718125
780	9717997
827	9718024 Set 1
	9718123 Set 2
930	9718283
969	9718196
1184	9718225
1224	9718169
1273	9718307

Daily Total: 19
Cumulative Total: 2714

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