

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, July 28, 1997

ONE HUNDRED FIFTEENTH SESSION DAY

TWO HUNDRED THIRTY-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, July 28, 1997

The Assembly met at 1:30 p.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 Firestone moved a quorum call of the Assembly.

Motion carried. Time, 1:31 p.m.

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

Quorum Present

At 1:55 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—79:

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

O Lord Almighty, You dwell on high and look down on things that are lowly. You examine the hearts of us all and know all our secrets. Accept our supplications this day and forgive us our faults in thought, word or deed. Make us temples of Your Holy Spirit that we may pass through this life with a vigilant heart and a sober mind. Lord, You are the true light that enlightens and sanctifies all, and You are praised by all creation.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Hertzberg 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 Shelley, seconded by Assembly Member Kuykendall.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

On legislative business: Assembly Member Caldera.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

July 28, 1997

Hon. Cruz Bustamante

Speaker of the Assembly

State Capitol, Room 219

Sacramento, California

Dear Mr. Speaker: This letter is to request that I be excused from session on July 28, 1997, due to legislative business in my district office.

Thank you for your attention to this matter.

Sincerely,

LOUIS CALDERA, Assembly Member
Forty-sixth District

COMMUNICATIONS

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

July 25, 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 Entertainment and the Arts:

Robert Hertzberg, Jim Battin, Scott Wildman, Sheila Kuehl, Kevin Murray and Steven T. Kuykendall.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

July 25, 1997

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

Dear Mr. Wilson: Please be advised that pursuant to Government Code Sec. 8501, I have named Mr. Daniel W. Hancock to serve on the Little Hoover Commission, Milton Marks Commission on CA State Government Organization and Economy. The effective date of the appointment is July 31, 1997, and this is a term appointment, ending on January 1, 2001. Mr. Hancock will be replacing Mr. Michael E. Alpert.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

July 28, 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 Denise Ducheny to the Assembly Joint Committee on Rules replacing Assemblymember Joe Baca for Monday, July 28, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

July 28, 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 Denise Ducheny to the Assembly Rules Committee replacing Assemblymember Joe Baca for Monday, July 28, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
Speaker of the Assembly

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 24, 1997

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

Assembly Joint Resolution No. 22

Assembly Joint Resolution No. 28

And reports the same correctly enrolled, and presented to the Secretary of State on the 24th day of July, 1997, at 3:15 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 28, 1997

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

Assembly Joint Resolution No. 7

And reports the same correctly enrolled, and presented to the Secretary of the State on the 28th day of July, 1997, at 11:45 a.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 28, 1997

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

Assembly Bill No. 1418

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered returned to second reading file.

Assembly Chamber, July 28, 1997

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

Assembly Joint Resolution No. 2

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

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

Assembly Concurrent

Resolution No.

Committee

73 ----- Budget

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 1121

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

ESCUTIA, Chairwoman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: July 23, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 464

Senate Bill No. 951

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

MIGDEN, Chairwoman

Above bills ordered to second reading.

Committee on Judiciary

Date of Hearing: July 16, 1997

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 517

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

ESCUTIA, Chairwoman

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing: July 16, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 780

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

July 25, 1997

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

Dear Dotson: The Senate this day rescinded the action whereby it concurred in Assembly amendments to Senate Bill 467. The Senate then ordered the bill returned to the Assembly.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

Senate Chamber, July 25, 1997

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

Assembly Bill No. 360

And respectfully requests the Assembly to concur in said amendments.

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

Above bill ordered to unfinished business file.

Senate Chamber, July 25, 1997

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

Assembly Bill No. 611

Assembly Bill No. 1126

Assembly Bill No. 1564

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 25, 1997

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

Senate Bill No. 47

Senate Bill No. 183

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

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Assembly Bill No. 399:

Gallegos, Granlund, and Honda.

ADJOURN IN MEMORY

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rev. Grover Cleveland Stephens Jr., of Hughson.

ADJOURN IN HONOR

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of Alyssa Danielle Alvarez, born on July 24, 1997 to Danny and Lynn Alvarez.

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 Allen Dale Lacky, of Woodland.

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 Robert Hawthorn, of Atwater.

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

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Member Battin on the occasion of his birthday.

BILLS RETURNED TO SENATE

Without objection, Assembly Member Lempert returned Assembly Bill No. 1022 to the Senate for further action.

Without objection, Assembly Member Ashburn returned Assembly Bill No. 500 to the Senate for further action.

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

Without reference to file without objection, the Speaker re-referred Assembly Bill No. 360 to the Committee on Utilities and Commerce, pursuant to Assembly Rule 77.2.

Parliamentary Inquiry

Assembly Member Kuykendall arose to the following parliamentary inquiry:

What course of action is required to waive rules to permit Assembly Bill No. 360 to be heard in the Committee on Utilities and Commerce?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that waiver of Joint Rule 62(a) may be granted by the House.

JOINT RULE 62(a) WAIVED

Assembly Member Leonard was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 360 for hearing in the Committee on Utilities and Commerce.

REQUEST FOR PHOTOGRAPHER

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

RECESS

By unanimous consent, at 2:10 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Frusetta introduced Tsering Chodak, a soldier in the Tibetan Army who accompanied the Dalai Lama in the flight from Tibet in 1959, and commended his courage and devotion in overcoming difficult circumstances to make a better life in the State of California.

Assembly Member Frusetta also introduced family members Tsering Youdon and Tsering Thakchoe Lama.

REASSEMBLED

At 2:12 p.m., the Assembly reconvened.

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

**CONSIDERATION OF DAILY FILE
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. 1418, ordered to third reading.

**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. 193, and 461, ordered to third reading;

Senate Bills Nos. 335, 380, and 465, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 402—An act to add Part 4.5 (commencing with Section 124960) to Division 106 of the Health and Safety Code, relating to health.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1080—An act to amend Sections 15052 and 16956 of, and to repeal and add Section 16955.5 of, the Corporations Code, relating to limited liability partnerships.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 867—An act to amend Section 96.31 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1240—An act to add Section 51256 to, and to add and repeal Section 51257 of, the Government Code, relating to the Williamson Act.

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

SENATE BILL NO. 920—An act to amend Section 112895 of the Health and Safety Code, relating to food labeling.

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

SENATE BILL NO. 19—An act to amend Sections 639, 1033.5, and 1286.2 of, to add Sections 1280.1 and 1286.5 to, to add and repeal Title 11.5 (commencing with Section 1770) of Part 3 of, and to repeal Section 1775.16 of, the Code of Civil Procedure, and to amend Section 68616 of the Government Code, relating to alternative dispute resolution.

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

SENATE BILL NO. 661—An act to add Section 13307.1 to the Water Code, relating to water.

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

SENATE BILL NO. 275—An act to amend Sections 33080.1 and 33349 of, and to add Sections 33437.5 and 33763.5 to, the Health and Safety Code, relating to redevelopment.

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

SENATE BILL NO. 873—An act to add Section 115930 to the Health and Safety Code, relating to pool safety.

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

**UNFINISHED BUSINESS
CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 1132 (Alby)—An act to amend Section 2085.5 of the Penal Code, and to amend Section 1752.81 of the Welfare and Institutions Code, relating to restitution.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—74

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 757 (Escutia)—An act to add Sections 1254.6 and 1596.847 to the Health and Safety Code, relating to infant safety.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—63

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

NOES—10

Ackerman	Leonard	Olberg	Thompson
Baldwin	McClintock	Oller	
Kaloogian	Morrow	Runner	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 503 (Cardoza)—An act to amend Section 12728 of the Business and Professions Code, relating to weights and measures.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—76

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 676 (Strom-Martin)—An act to add Article 9 (commencing with Section 39280) to Chapter 2 of Part 23 of, the Education Code, relating to school safety.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—65

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

NOES—11

Ackerman	Kaloogian	Morrow	Runner
Baldwin	Leonard	Olberg	Thompson
Baugh	McClintock	Pringle	

Above bill ordered enrolled.

MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 620, 949, and 452 were continued until Thursday, July 31, 1997.

ACTION RESCINDED ON SENATE BILL NO. 132

Assembly Member Kuykendall was granted unanimous consent to rescind the action whereby the Assembly on, July 14, 1997 (Assembly Journal, page 3176), passed Senate Bill No. 132, and whereby the bill was ordered transmitted to the Senate.

CONSIDERATION OF CONSENT CALENDAR

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

Consent Calendar—Senate Bill

SENATE BILL NO. 839 (Karnette)—An act to amend Section 35700.5 of the Vehicle Code, relating to vehicles.

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

AYES—77

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

NOES—None

Bill ordered transmitted to the Senate.

CONSIDERATION OF SENATE BILL NO. 386 BY UNANIMOUS CONSENT

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

SENATE BILL NO. 386 (Kopp)—An act to amend Section 1382 of the Penal Code, relating to criminal procedure.

Bill read third time.

Motion to Amend

Assembly Member Hertzberg moved the adoption of amendments.

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

CONSIDERATION OF SENATE BILL NO. 903 BY UNANIMOUS CONSENT

Assembly Member Figueroa was granted unanimous consent to take up Senate Bill No. 903, out of order.

SENATE BILL NO. 903 (Lee)—An act to add Article 6.5 (commencing with Section 124118) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to child health.

Bill read third time.

Motion to Amend

Assembly Member Figueroa moved the adoption of amendments.

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

ADJOURN IN MEMORY

Assembly Members Papan and Migden were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Helen Menicou of Milbrae.

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

ASSEMBLY BILL NO. 1178 (Davis)—An act to amend Section 17533.6 of, and to add Sections 17537.8 and 17537.9 to, the Business and Professions Code, relating to unfair practices.

The question being: Shall the Assembly concur in the Senate amendments to the above bill?

(NOTE: Text of Senate amendments on file with the Secretary of the Senate.)

The roll was opened, and the Assembly concurred in Senate amendments by the following vote:

AYES—64

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

NOES—8

Baugh	Campbell	McClintock	Olberg
Bowler	Leonard	Miller	Thompson

Above bill ordered enrolled.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced that the Democratic Caucus would meet in the Assembly Lounge and the Republican Caucus would meet in the Tom Bane Rules Committee Room, upon adjournment of Floor session.

MOTION TO ADJOURN

At 2:31 p.m., Assembly Member House moved that the Assembly do now adjourn.

Assembly Member Washington 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. 1132, Concurrence: Ackerman, Baca, Brown, Ducheny, Goldsmith, Honda, Kaloogian, Olberg, Ortiz, and Wildman—Aye.

Assembly Bill No. 757, Concurrence: Baca, Brown, Ducheny, Granlund, Honda, Ortiz, Wildman, and Woods—Aye; Ackerman, Kaloogian, and Olberg—No.

Assembly Bill No. 503, Concurrence: Baca, Brown, Honda, Kaloogian, Olberg, Ortiz, and Wildman—Aye.

Assembly Bill No. 676, Concurrence: Baca, Honda, Ortiz, and Wildman—Aye; Kaloogian and Olberg—No.

Consent Calendar: Baca—Aye.

Assembly Bill No. 1178, Concurrence: Aguiar, Baca, Pacheco, and Takasugi—Aye.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 2:32 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 74—Kaloogian. Relative to Workplace Fitness Month.

HOUSE RESOLUTION NO. 39—Strom-Martin. Relative to sister cities.

**AUTHOR'S AMENDMENTS
Committee on Appropriations**

July 28, 1997

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

- | | |
|---------------------|----------------------|
| Senate Bill No. 413 | Senate Bill No. 810 |
| Senate Bill No. 472 | Senate Bill No. 936 |
| Senate Bill No. 659 | Senate Bill No. 1034 |

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

MIGDEN, Chairwoman

SENATE BILL NO. 413—An act to add and repeal Section 1260 of the Health and Safety Code, relating to health, 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.

SENATE BILL NO. 472—An act to amend Sections 6450, 6453, and 6455 of, and to add Sections 6440, 6459, and 6460 to, the Fish and Game Code, relating to fish, and making an appropriation therefor.

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

SENATE BILL NO. 659—An act to amend Sections 25404.2 and 25404.3 of, and to add Section 25404.7 to, the Health and Safety Code, relating to hazardous waste and materials.

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. 810—An act to amend Sections 654, 654.05, 654.06, 655.3, and 668 of the Harbors and Navigation Code, and to amend Section 256 of the Welfare and Institutions Code, relating to vessels.

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

SENATE BILL NO. 936—An act to amend Sections 11475.8 and 15200.8 of, to add and repeal Section 15200.92 of, and to repeal and add Section 15200.91 of, the Welfare and Institutions Code, relating to human services.

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

SENATE BILL NO. 1034—An act to amend Sections 117670, 117680, 117690, 117705, 117755, and 117760 of, to add Sections 117672, 117776, 117777, 117778, and 118005 to, and to add Chapter 9.5 (commencing with Section 118321) to Part 14 of Division 104 of, the Health and Safety Code, relating to trauma scene waste.

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**

July 28, 1997

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:
Assembly Bill No. 9

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

CALDERA, Chairman

ASSEMBLY BILL NO. 9—An act to add Sections 18152 and 24996 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

REPORTS OF STANDING COMMITTEES **Committee on Agriculture**

Date of Hearing: July 28, 1997

Mr. Speaker: Your Committee on Agriculture reports:
Assembly Bill No. 440

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

CARDOZA, Chairman

Above bill ordered to unfinished business.

Committee on Rules

Date of Hearing: July 28, 1997

Mr. Speaker: Your Committee on Rules reports:
Assembly Concurrent Resolution No. 66

With the recommendation: That the resolution be re-referred to the Committee on Transportation.

PERATA, Chairman

Above resolution re-referred to the Committee on Transportation.

MESSAGES FROM THE SENATE

July 28, 1997

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

Dear Dotson: By direction of the Senate I am returning Senate Bill 1255 to the Assembly for further action.

Sincerely,

Gregory Schmidt
Secretary of the Senate

Above bill held at the Desk.

Senate Chamber, July 28, 1997

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

- Assembly Bill No. 170
- Assembly Bill No. 300
- Assembly Bill No. 1207

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 28, 1997

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

Senate Bill No. 250

Senate Bill No. 1227.

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

Senate Chamber, July 28, 1997

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

- Senate Bill No. 97
- Senate Bill No. 112
- Senate Bill No. 138

- Senate Bill No. 171
- Senate Bill No. 292
- Senate Bill No. 1296

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 28, 1997

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

- Assembly Bill No. 237
- Assembly Bill No. 289
- Assembly Bill No. 299
- Assembly Bill No. 317
- Assembly Bill No. 331
- Assembly Bill No. 354
- Assembly Bill No. 380
- Assembly Bill No. 442
- Assembly Bill No. 447
- Assembly Bill No. 477

- Assembly Bill No. 558
- Assembly Bill No. 568
- Assembly Bill No. 578
- Assembly Bill No. 820
- Assembly Bill No. 848
- Assembly Bill No. 854
- Assembly Bill No. 866
- Assembly Bill No. 892
- Assembly Bill No. 927
- Assembly Bill No. 950

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., July 28, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, July 28, 1997

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

Assembly Bill No. 1152

Assembly Bill No. 1261

Assembly Bill No. 1196

Assembly Bill No. 1263

Assembly Bill No. 1215

Assembly Bill No. 1451

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., July 28, 1997.

E. DOTSON WILSON, Chief Clerk

MESSAGES FROM THE GOVERNOR

The following veto message from the Governor was received and ordered printed in the Journal and the bill ordered to the unfinished business file:

Veto Message—Assembly Bill No. 967

Governor's Office, Sacramento

July 27, 1997

To the Members of the California Assembly:

I am returning Assembly Bill 967 without my signature.

This bill would allow the Director of the Department of Health Services to request, but not require, an eligible metropolitan area, as defined under Title 42, United States Code, or county to shift local or federal funds to administer the AIDS Drug Assistance Program (ADAP).

The ongoing fiscal integrity of ADAP is dependent upon the annual identification of sufficient budget year funding including potential fiscal participation of counties who are Ryan White CARE Act Title I Eligible Metropolitan Areas (EMAs). To ensure the ADAP program has the financial resources to make medical breakthroughs available for persons with AIDS, it is important to have the necessary flexibility to fund the program. This bill, however, would preclude mandatory EMA county participation as a funding option, thereby limiting the state's options to fund this program.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 28th day of July 1997, at 3 p.m., of Assembly Bill No. 967, without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL
Acting Chief Clerk

INTRODUCTION OF GUESTS

Assembly Member Olberg, of the 34th Assembly District, introduced his daughter Lindy Olberg, of Victorville.

Assembly Member Cardenas, of the 39th Assembly District, introduced his wife Norma, son Cristian Cardenas, and daughter Vanessa Narvaez, of Sylmar.

Assembly Member Gallegos, of the 57th Assembly District, introduced John Paul Gondek, and the teachers and students from Children's World Learning Center, in Carmichael.

Assembly Member House, of the 25th Assembly District, introduced his sister and brother-in-law Irma and Wendall Rapier, their son and daughter-in-law Gregory and Lori Rapier, and their son Gregory N. Rapier; and Tammy and Torrance Chumbley, and their son Trevor Chumbley.

Assembly Member Campbell, of the 71st Assembly District, introduced his son Chris Campbell, of Villa Park, and his friend Daniela Corvalan, of Santiago, Chile.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member House, the Assembly adjourned until 7 a.m., Tuesday, July 29, 1997, out of respect to the memory of Rev. Grover Cleveland Stephens Jr., on motion of Assembly Member House; out of respect to the memory of Allen Dale Lacky, on motion of Assembly Member Thomson; out of respect to the memory of Robert Hawthorn, on motion of Assembly Member Cardoza; out of respect to the memory of Eleanor Forester, on motion of Assembly Members Ducheny and Davis; out of respect to the memory of Helen Menicou, on motion of Assembly Members Papan and Migden; and in honor of the birth of Alyssa Danielle Alvarez, on motion of Assembly Member Migden.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JULY 28, 1997

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

AB	RN
9	9719612

SB	RN
19	9719576
275	9719013
386	9719742
413	9719554
472	9719652
659	9719747
661	9719466
810	9719343
873	9719566
903	9719284
920	9719271
936	9719564
1034	9719585
1240	9719657

Daily Total:	15
Cumulative Total:	2939

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