

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, August 4, 1997

ONE HUNDRED NINETEENTH SESSION DAY

TWO HUNDRED FORTY-SIXTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, August 4, 1997

The Assembly met at 11 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 Morrissey moved a quorum call of the Assembly.

Motion carried. Time, 11:01 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 11:22 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

The roll call was completed, and the following answered to their names—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 Lord, God of our Salvation, We thank You for everything You do to benefit our lives. You give us rest through the night and raise us from our beds. We pray, O Lord, that You give us Your grace and strength, that we may sing to You in wisdom and pray to You unceasingly. For You are the helper and defender of our lives and we bless You forever.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Campbell 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 Havice, seconded by Assembly Member Alby.

COMMUNICATIONS

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

August 1, 1997

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

Dear Mr. Speaker: I respectfully request that my per diem be waived for Thursday, July 31, 1997 and Friday, August 1, 1997.

Respectfully,

MICHAEL SWEENEY, Assembly Member
Eighteenth District

The following letters of transmittal were presented by the Speaker, and ordered printed in the Journal:

California State Auditor

97012
August 4, 1997

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by Chapter 716, statutes of 1992, the Bureau of State Audits presents its audit report concerning the processing activity associated with reimbursement requests for certain prescribed drugs under the California Medical Assistance Program. These requests are known as drug treatment

authorization requests (TARs). This report concludes that the Department of Health Services needs to focus additional efforts on minimizing the time to process these requests, since some drug TARs were not processed within one workday, as required.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Health.

California State Auditor

96107.2
July 31, 1997

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its second audit report concerning the California State Lottery (lottery). This review completes our comprehensive performance audit of the lottery and focuses on the lottery's information technology operations. We also reviewed the contract and lawsuit between the lottery and High Integrity Systems, Inc. (HISI). The lottery filed the lawsuit in 1993 after it terminated the contract with HISI for the Scratcher automation project. This report concludes that the lottery is not effectively managing its information technology operations. Specifically, the lottery's Information Management and Services Division (IMS division) is not effectively managing its resources. In addition, the lottery's primary database is not structured to allow lottery staff direct access to retailer sales information. Also, the IMS division's service request process and Help Desk do not adequately meet the needs of lottery staff. Further, the lottery has not developed a long-term strategic plan for its IMS division.

During the procurement of and litigation related to the Scratcher automation project, the lottery's decisions strongly contributed to the failure of the project under the terms of the original contract. Further, the lottery was not aggressive in managing the lawsuit and may have been able to reach settlement much earlier. During the litigation and settlement process, the lottery incurred at least \$7.5 million in contract dispute costs.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Governmental Organization.

California State Auditor

96015
July 24, 1997

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As required by Chapter 1044, Statutes of 1990, the Bureau of State Audits presents its audit report concerning deficiencies we found in contracts between five state departments and their contractors. These deficiencies occurred because the departments' management of contracts and interagency agreements, current law related to public contracting, and the State's existing system for overseeing contracts have failed to prevent recurring contract deficiencies.

This report concludes that the state departments we reviewed did not always protect the public interest by adequately planning and managing contracts. We found that some departments restricted rather than fostered competition, did not ensure that all contracts contain specific terms so that contract or performance can be measured, and did not ensure that invoices were adequately supported or the goods received before the departments paid the contractors. We also found that one state department misused interagency agreements with the California state universities to avoid competitive bidding and incurred unnecessary administrative costs. Further, the department used interagency agreements to enter into sole-source contracts with private parties. Finally, we found that the State may be missing opportunities to obtain lower prices by using master agreements to take advantage of the State's buying power.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Consumer Protection, Governmental Efficiency and Economic Development.

REPORTS

The following reports were presented by the Chief Clerk:

**Annual Report to the Legislature on Coordination Activities
(Pursuant to Government Code Section 9795)**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, San Francisco, dated July 2, 1997, referred by the Speaker to the Committee on Judiciary.

**Judicial Disability Retirement Report, 1996-97
(Pursuant to Government Code Section 75060.3)**

Above transmitted report, together with letter of transmittal from Victoria B. Henley, Director-Chief Counsel, Commission on Judicial Performance, San Francisco, dated July 8, 1997, referred by the Speaker to the Committee on Judiciary.

**Child Health and Disability Prevention Program Services
Provided by Medi-Cal Health Plans
(Pursuant to Health and Safety Code Section 55)**

Above transmitted report, together with letter of transmittal from S. Kimberly Belshe, Director, Department of Health Services, Sacramento, dated July 11, 1997, referred by the Speaker to the Committee on Health.

**Immunization of Young Children in California
(Pursuant to SB 2266, Chapter 606, Statutes of 1990)**

Above transmitted report, together with letter of transmittal from S. Kimberly Belshe, Director, Department of Health Services, Sacramento, dated July 11, 1997, referred by the Speaker to the Committee on Health.

**State Teachers' Retirement System, Quarterly Report of System Assets,
As of March 31, 1997
(Pursuant to Education Code Section 22358)**

Above transmitted report, together with letter of transmittal from James D. Mosman, Chief Executive Officer, State Teachers' Retirement System, Sacramento, dated July 17, 1997, referred by the Speaker to the Committee on Public Employees, Retirement and Social Security.

**California Lottery, Small Businesses, Socially and
Economically Disadvantaged, Businesses and California Businesses,
Contracts Awarded for Fiscal Year 1996-97
(Pursuant to Lottery Act Section 88850.56(b)(4))**

Above transmitted report, together with letter of transmittal from Terri Fontenette, Director, Business and Employee Assistance Office, California Lottery, Sacramento, dated July 17, 1997, referred by the Speaker to the Committee on Governmental Organization.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 4, 1997

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

Assembly Bill No. 1397

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

**AUTHOR'S AMENDMENTS
Committee on Transportation**

August 4, 1997

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

Senate Concurrent Resolution No. 43

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

MURRAY, Chairman

SENATE CONCURRENT RESOLUTION NO. 43—Relative to highways.

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

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 4, 1997

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

- Senate Bill No. 547
- Senate Bill No. 603
- Senate Bill No. 877

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

MIGDEN, Chairwoman

SENATE BILL NO. 547—An act to add Chapter 3.8 (commencing with Section 13829) to Title 6 of Part 4 of the Penal Code, relating to gangs.

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. 603—An act to amend Sections 12824 and 12825 of the Food and Agricultural Code, relating to pesticides.

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. 877—An act to add Chapter 5 (commencing with Section 88300) to Part 51 of the Education Code, relating to postsecondary education.

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

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Date of Hearing: July 30, 1997

Mr. Speaker: Your Committee on Appropriations reports:

- Senate Bill No. 500
- Senate Bill No. 980
- Senate Bill No. 1224

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. 1254

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.

MESSAGES FROM THE SENATE

Senate Chamber, August 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Greene, Brulte and O'Connell as a Committee on Conference concerning:

Senate Bill No. 250.

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

Senate Chamber, August 4, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate appointed Senators Greene, Brulte and O'Connell as a Committee on Conference concerning:

Senate Bill No. 1227.

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

ADJOURN IN MEMORY

Assembly Member Bowler was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of James Pinkerton, former Mayor of Lodi.

Assembly Member Brown was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rondo, of the Vallejo Police Department K-9 Unit.

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

Assembly Member Preter was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kathryn Tracy, of Wasco.

Assembly Member Olberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of 2-year-old Robert Xavier James, of Hesperia.

Assembly Member Alby was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Lucille Webb, of Fair Oaks.

Assembly Member Ducheny was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Juliana Camberos Barajas, of San Diego; and Paul Bell, of San Diego.

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

Pursuant to Assembly Rule 78, Assembly Member Torlakson announced his intention to request that Assembly Bills Nos. 1001 and 1039 be removed from the inactive file.

ANNOUNCEMENTS

Assembly Member Havice announced that Tuesday, August 5, 1997 is the 14th Annual National Night Out to Stop Crime, where communities across America show commitment to families and neighbors by participating in neighborhood watch activities.

ADJOURN IN MEMORY

Assembly Member Davis was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the innocent victims of the recent suicide bombing in Jerusalem.

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 David Lee Henley, of Hughson; Patricia Sinkovic, of Modesto; and Mike Ferrel, of Hughson.

Assembly Members Alquist, Honda, and Cunneen were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of R. Eugene Lokey, of San Jose.

SPECIAL RECOGNITION

The Members of the Assembly joined Assembly Member Alquist in extending best wishes to her husband, former Senator Alfred E. Alquist, on the occasion of his birthday.

CONSIDERATION OF SENATE BILL NO. 132 BY UNANIMOUS CONSENT

Assembly Member Kuykendall was granted unanimous consent to take up Senate Bill No. 132, out of order.

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.

Motion to Amend

Assembly Member Kuykendall 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. 850 BY UNANIMOUS CONSENT

Assembly Member Baldwin was granted unanimous consent to take up Senate Bill No. 850, out of order.

SENATE BILL NO. 850 (Kelley)—An act to add Section 6523.75 to the Government Code, relating to public health.

Bill read third time.

Motion to Amend

Assembly Member Baldwin moved the adoption of amendments.

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

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

Legislative Intent—Senate Bill No. 124

July 28, 1997

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

Dear Mr. Wilson: I wish to have this letter published in the Assembly Daily Journal in order to establish the intent of Senate Bill 124, which I have authored, and which is currently pending on the Assembly floor.

Senate Bill 124 is specifically intended to negate a series of "advice letters" emanating from the FPPC since early 1996. Those letters conclude that under the FPPC's regulation (2 C.C.R. Sec. 18215), any

payment “made at the behest of” an elected officeholder is a “contribution” unless a specific exception in the Political Reform Act or the FPPC’s regulatory scheme applies. If the payment is not a “contribution,” it may be treated instead as a “gift.” This bill recognizes that elected officeholders engage in governmental, legislative and charitable activities which are neither “campaign” activities nor “personal” activities. Payments made by others to assist in the conduct of such governmental, legislative, or charitable activities, even “at the behest of” an elected officeholder are neither “gifts” nor “contributions,” and should not be subject to limits or other restrictions. The bill does, however, require public disclosure of these payments once a threshold is met and exceeded.

Nor is this bill intended to result in these “behested” payments being treated as part of an officeholder’s expense account under Proposition 208’s section 853134. As stated by Common Cause in its letter of support for SB 124: “The creation of an officeholder account under section 85313 is optional, not mandatory [I]n drafting Proposition 208, it was not contemplated that section 85313 would limit an officeholder’s ability to request that payments be made for legislative, governmental or charitable purposes as set forth in SB 124. Had it been so intended, limiting language would have been included in Proposition 208.”

This bill is specifically intended to *not* alter other aspects of the Political Reform Act or FPPC regulations relating to campaign contributions. This bill is not intended to become a basis for wholesale revisiting of long-settled FPPC regulations and interpretations of what is not a campaign contribution.

Lastly, this bill is specifically intended to resolve the issue of whether a public official receives a “gift” when no personal benefit accrues to the official from the item. In the past, interpretation of the gift rules by the FPPC has led to the conclusion that various items were “gifts” to public officials in situations where the public official received no personal benefit from the gift. However, this bill is not intended to result in changes to existing FPPC regulations and interpretations regarding gifts to family members of public officials, which are generally consistent with the change made by this bill.

Thank you for your attention to this matter.

Sincerely,

BETTY KARNETTE

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 259

Assembly Member Scott was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 259; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on July 21, 1997 (Assembly Journal, page 3335); and that the bill be held at the Assembly Desk.

CAUCUS ANNOUNCEMENTS

At 11:38 a.m., Assembly Member Shelley was granted unanimous consent that the Democratic Caucus be permitted to meet in the Assembly Lounge.

Assembly Member Pringle announced that the Republican Caucus would meet at this time in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 11:39 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 3:01 p.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, August 4, 1997

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

Assembly Bill No. 1542

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.

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 412

Assembly Member Wildman was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 412; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on July 22, 1997 (Assembly Journal, page 3361); and that the bill be returned to the Senate for further action.

ORDERS OF THE DAY DEMANDED

Assembly Member Papan demanded the Orders of the Day.

CONSIDERATION OF DAILY 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. 94 and 1323, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 564—An act to amend Sections 3021 and 6323 of, and to add Section 6346 to, the Family Code, relating to family law.

Bill read second time; amendments proposed by the Committee on Judiciary read and adopted, bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

BILL RETURNED TO SENATE

Without objection, Assembly Member Wright returned Assembly Bill No. 1222 to the Senate for further action.

At 3:08 p.m., Speaker Cruz M. Bustamante, 31st District, presiding

CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT

Without objection, Assembly Bill No. 1542 was taken up, without reference to file, for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 1542 (Ducheny)—An act to amend Sections 8208, 8263, and 8286 of, to add Sections 8208.1, 8216, 8225, 8263.1, 8277.5, 8277.6, 8481, 72620.5, and 84759 to, to add Article 5 (commencing with Section 79200) to Chapter 9 of Part 48 of, to add Chapter 2.3 (commencing with Section 8499) to Chapter 9 of, to add Chapter 2 (commencing with Section 10200) to Part 7 of, to repeal Chapter 2.5 (commencing with Section 8499) of Part 6 of, and to repeal and add Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of, the Education Code, to add Chapter 1.12 (commencing with Section 15365.50) to Part 6.7 of Division 3 of Title 2 of the Government Code, to add Section 1597.36 to, and to add Chapter 17 (commencing with Section 50897) to Part 2 of Division 31 of, the Health and Safety Code, to add Section 99155.1 to the Public Utilities Code, to add Sections 10214.7, 15003.4, and 15003.5 to, to add Chapter 6 (commencing with Section 11010) to Part 1 of Division 3 of, to add Division 9 (commencing with Section 17000) to, and to repeal and add Section 1611.5 of, the Unemployment Insurance Code, to amend Sections 11004, 11008.13, 11008.14, 11155, 11155.2, 11157, 11200, 11201, 11250.4, 11320.3, 11322.2, 11323.2, 11323.4, 11324, 11324.4, 11324.5, 11324.6, 11324.7, 11324.8, 11325.2, 11325.21, 11325.22, 11325.25, 11325.4, 11325.6, 11326, 11327.4, 11327.5, 11327.6, 11327.8, 11329.2, 11331.5, 11450, 11450.018, 11450.5, 11453, 11477, and 14132.90 of, to amend the heading of Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of, to amend the heading of Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of, to add Sections 10063, 10553.2, 10619, 11155.3, 11157.5, 11160, 11253.5, 11265.2, 11265.8, 11266.5, 11320.1, 11320.15, 11320.31, 11322.61, 11322.62, 11322.65, 11322.7, 11322.9, 11325.1, 11325.5, 11325.7, 11325.8, 11327.9, 11450.12, 11450.13, 11451.5, 11454, 11454.5, 11454.6, 11475.3, 11475.4, 11477.02, 11477.04, 11486.5, 14005.30, 15204.3, 15204.4, 15204.8, 17016, and 17021 to, to add Article 7.5 (commencing with Section 11495), Article 9 (commencing with Section 11520), Article 9.5 (commencing with Section 11525), and Article 9.7 (commencing with Section 11526) to Chapter 2 of Part 3 of, to add Chapter 3 (commencing with Section 10065) to Part 1 of, to add Chapters 1.3 (commencing with Section 10530) and 1.5 (commencing with Section 10540) to Part 2 of, to add Chapter 3.2 (commencing with Section 18220) and Chapter 3.3 (commencing with Section 18230) to Part 6 of, to add and repeal Section 11255.3 of, to repeal Sections 11018, 11201.5, 11255, 11320.2, 11320.4, 11320.6, 11320.8, 11321, 11321.2, 11321.4, 11321.8, 11322, 11322.41, 11323, 11323.1, 11324.2, 11325, 11327.2, 11328, 11328.1, 11328.4, 11328.6, 11329.5, 11329.7, 11450.1, 11450.6, 11451.6, 11451.7, 15204.6, and 15204.7 of, to repeal Chapter 3.8 (commencing with Section 10780) of Part 2 of Division 9 of, to repeal and add Sections 11008.135, 11320, 11322.4, 11322.6, 11322.8, 1323.6, 11323.8, 11325.23, 11453.2, 11486, 15204.2, 16575, 16576, 16576.5, and 16577 of, and to repeal and add Article 8 (commencing with Section 11500) of Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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.)

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—66

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

NOES—11

Aroner	Martinez	Ortiz	Villaraigosa
Keeley	McClintock	Perata	Washington
Kuehl	Migden	Shelley	

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

AYES—66

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

NOES—11

Aroner	Martinez	Ortiz	Villaraigosa
Keeley	McClintock	Perata	Washington
Kuehl	Migden	Shelley	

Above bill ordered enrolled.

Communications

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

Explanation of Vote—Assembly Bill No. 1542

I have voted against AB 1542 because of provisions which undermine the strict work requirements in federal law. These provisions include the extension of aid far beyond the federal time limits and the litany of exemptions available to evade the work requirements.

TOM McCLINTOCK, Assembly Member
Thirty-eighth District

CAUCUS ANNOUNCEMENTS

At 5:02 p.m., Assembly Member Pringle was granted unanimous consent that the Republican Caucus be permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 5:02 p.m., Speaker Bustamante declared the Assembly recessed.

REASSEMBLED

At 5:28 p.m., the Assembly reconvened.

Hon. Cruz M. Bustamante, Speaker of the Assembly, presiding.

AUTHOR'S AMENDMENTS Committee on Health

August 4, 1997

Mr. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 1439

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

GALLEGOS, Chairman

ASSEMBLY BILL NO. 1439—An act to amend Section 5251 of the Welfare and Institutions Code, relating to mental health.

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.

MESSAGES FROM THE SENATE

August 4, 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 SB 162. 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, August 4, 1997

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

Assembly Bill No. 1008

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, August 4, 1997

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

Assembly Bill No. 38
Assembly Bill No. 252
Assembly Bill No. 256
Assembly Bill No. 307
Assembly Bill No. 335
Assembly Bill No. 349
Assembly Bill No. 356
Assembly Bill No. 361
Assembly Bill No. 396
Assembly Bill No. 400
Assembly Bill No. 622
Assembly Bill No. 625
Assembly Bill No. 627
Assembly Bill No. 672
Assembly Bill No. 692

Assembly Bill No. 711
Assembly Bill No. 721
Assembly Bill No. 723
Assembly Bill No. 754
Assembly Bill No. 770
Assembly Bill No. 793
Assembly Bill No. 1148
Assembly Bill No. 1173
Assembly Bill No. 1175
Assembly Bill No. 1316
Assembly Bill No. 1366
Assembly Bill No. 1432
Assembly Bill No. 1445
Assembly Bill No. 1548
Assembly Bill No. 1549

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, August 4, 1997

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

Assembly Joint Resolution No. 17

And respectfully requests the Assembly to concur in said amendments.

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

Above resolution ordered to unfinished business file.

Senate Chamber, August 4, 1997

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

Assembly Bill No. 116
Assembly Bill No. 210
Assembly Bill No. 298

Assembly Bill No. 658
Assembly Bill No. 946

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

Above bills ordered enrolled.

Senate Chamber, August 4, 1997

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

Assembly Concurrent Resolution No. 65
Assembly Joint Resolution No. 25

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

Above resolutions ordered enrolled.

Senate Chamber, August 4, 1997

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

- Senate Concurrent Resolution No. 44
- Senate Concurrent Resolution No. 48

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

FIRST READING OF SENATE BILLS

The following resolutions were read:

SENATE CONCURRENT RESOLUTION NO. 44—Relative to apportionment of income for franchise tax purposes.

SENATE CONCURRENT RESOLUTION NO. 48—Relative to the Thomas M. Sanders Memorial Bridge.

Senate Chamber, August 5, 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. 114 | Senate Bill No. 608 |
| Senate Bill No. 123 | Senate Bill No. 618 |
| Senate Bill No. 170 | Senate Bill No. 784 |
| Senate Bill No. 192 | Senate Bill No. 789 |
| Senate Bill No. 204 | Senate Bill No. 815 |
| Senate Bill No. 357 | Senate Bill No. 849 |
| Senate Bill No. 373 | Senate Bill No. 871 |
| Senate Bill No. 448 | Senate Bill No. 1137 |
| Senate Bill No. 481 | Senate Bill No. 1324 |
| Senate Bill No. 573 | Senate Concurrent Resolution No. 25 |

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

Senate Chamber, August 4, 1997

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

Assembly Bill No. 399.

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

CONSIDERATION OF SENATE AMENDMENTS BY UNANIMOUS CONSENT

Without objection, Assembly Bill No. 1008 was taken up, without reference to file, for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 1008 (Ashburn)—An act to add Sections 11251.3 and 17012.5 to the Welfare and Institutions Code, relating to human services.

Assembly Bill No. 1008 Passed Temporarily

By unanimous consent Assembly Bill No. 1008 was passed temporarily on file.

At 5:32 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

CONSIDERATION OF SENATE BILL NO. 477 BY UNANIMOUS CONSENT

Without objection, unanimous consent was granted to take up Senate Bill No. 477, out of order.

SENATE BILL NO. 477 (Peace)—An act to amend Sections 63010 and 63025.1 of the Government Code, and to amend Sections 367, 840, 841, 842, and 843 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend by Assembly Member Martinez—Set 1

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

Point of Order

Assembly Member Martinez arose to the following point of order:

Assembly Member Wright is not limiting debate to the merits of the proposed amendments.

Ruling by Speaker pro Tempore Kuehl

The Speaker pro Tempore ruled the point of order well-taken; that debate be confined to the merits of the proposed amendments.

The question being on the adoption of Martinez amendments to Senate Bill No. 477—Set 1.

Martinez amendments refused adoption by the following vote:

AYES—14

Aroner	Escutia	Migden	Sweeney
Battin	Honda	Napolitano	Vincent
Brown	Kuehl	Ortiz	
Cardenas	Martinez	Shelley	

NOES—51

Ackerman	Ducheny	Leonard	Richter
Alby	Figueroa	Machado	Runner
Ashburn	Firestone	Margett	Scott
Baca	Frusetta	McClintock	Strom-Martin
Baldwin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	Havice	Morrow	Thomson
Bowen	Hertzberg	Murray	Torlakson
Bowler	Kaloogian	Oller	Villaraigosa
Brewer	Keeley	Papan	Washington
Caldera	Knox	Perata	Woods
Campbell	Kuykendall	Poochigian	Wright
Cardoza	Leach	Pringle	

Vote Changes

By unanimous consent, the following vote change was permitted on the amendments offered by Assembly Member Martinez to Senate Bill No. 477—Set 1: Assembly Member Shelley, from "No" to "Aye".

Amendments Withdrawn

Without objection, Assembly Member Martinez withdrew her amendments to Senate Bill No. 477—Set 2.

Motion to Amend by Assembly Member Keeley—Set 3

Assembly Member Keeley moved the adoption of amendments.
Amendments read and adopted by the following vote:

AYES—76

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

NOES—1

Martinez

Bill ordered reprinted, and to be returned to the third reading file.

At 6:04 p.m., Assistant Speaker pro Tempore Joe Baca, Sixty-second District, presiding

Request to Take Up Senate Bill No. 477, Without Reference to File

Assembly Member Leonard requested unanimous consent to take up Senate Bill No. 477, as amended, without reference to file.

Assembly Member Martinez withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Assembly Member Leonard moved that the Rules be temporarily suspended for the purpose of permitting consideration of Senate Bill No. 477, as amended, without reference to file.

Assembly Member Kuykendall seconded the motion.

Rules temporarily suspended by the following vote:

AYES—74

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Ashburn	Firestone	Mazzoni	Strom-Martin
Baca	Frusetta	McClintock	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	Kaloogian	Ortiz	Wayne
Caldera	Keeley	Pacheco	Wildman
Campbell	Knox	Papan	Woods
Cardenas	Kuehl	Perata	Wright
Cardoza	Kuykendall	Pochigian	
Cunneen	Leach	Prenter	

NOES—1

Martinez

Further Consideration of Senate Bill No. 477

SENATE BILL NO. 477 (Peace)—An act to amend Sections 63010 and 63025.1 of the Government Code, and to amend Sections 366, 367, 396, 454, 840, 841, 842, and 843 of, to add Sections 365.5, 366.5, 391, 392.1, 394.1, 394.2, 394.25, 394.27, 394.3, 394.4, 394.5, 394.6, 394.7, 394.8, and 394.9 to, and to repeal and add Sections 392 and 394 of, the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read.

Additional Time for Debate Granted

Without objection, Assembly Member Martinez was granted 1 minute additional time for debate.

The question being on the adoption of the urgency clause.

Urgency clause adopted by the following vote:

AYES—71

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

NOES—5

Aroner	Napolitano	Vincent
Martinez	Sweeney	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—71

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

NOES—5

Aroner	Napolitano	Vincent
Martinez	Sweeney	

Objection to Vote Adds

Assembly Member Martinez withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 477.

Request to Transmit to the Senate Immediately

Assembly Member Leonard requested unanimous consent that Senate Bill No. 477 be transmitted to the Senate immediately.

Assembly Member Martinez withheld unanimous consent.

Motion to Transmit Senate Bill No. 477 to the Senate Immediately

Assembly Member Aguiar moved that Senate Bill No. 477 be transmitted to the Senate immediately.

Assembly Member Thompson seconded the motion.

Motion carried by the following vote:

AYES—74

Ackerman	Ducheny	Leonard	Richter
Aguiar	Escutia	Machado	Runner
Alby	Figueroa	Margett	Scott
Alquist	Firestone	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	Olberg	Villaraigosa
Bowler	House	Oller	Washington
Brewer	Kaloogian	Ortiz	Wayne
Brown	Keeley	Pacheco	Wildman
Caldera	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardoza	Kuykendall	Poohigian	Mr. Speaker
Cunneen	Leach	Prenter	
Davis	Lempert	Pringle	

NOES—1

Martinez

Senate Bill No. 477 transmitted to the Senate immediately.

RE-REFERENCE OF BILLS

Assembly Member Takasugi was granted unanimous consent that Assembly Bill No. 66 and Assembly Concurrent Resolution No. 71 be re-referred from the Committee on Revenue and Taxation to the Committee on Local Government.

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 1354

Assembly Member Granlund requested unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 1354.

Parliamentary Inquiry

Assembly Member Martinez arose to the following parliamentary inquiry:

Has the request by Assembly Member Granlund been approved by leadership of both Caucuses?

Unanimous Consent Withheld

Assembly Member Davis withheld unanimous consent on the request by Assembly Member Granlund that the Chief Clerk be directed to request that the Governor return Assembly Bill No. 1354.

At 6:33 p.m., Speaker Cruz M. Bustamante, 31st District presiding

Motion to Request Governor to Return Assembly Bill No. 1354

Assembly Member Granlund moved that the Chief Clerk be directed to request that the Governor return Assembly Bill No. 1354.

Assembly Member Thompson seconded the motion.

Announcement

Speaker Bustamante announced that the motion by Assembly Member Granlund was not debatable, although debate was permitted to provide clarity.

Further Consideration of Granlund Motion

The question being on the Granlund motion that the Chief Clerk be directed to request that the Governor return Assembly Bill No. 1354.

Granlund motion lost by the following vote:

AYES—35

Ackerman	Brewer	Leach	Pacheco
Aguiar	Campbell	Leonard	Poohigian
Alby	Firestone	Margett	Prenter
Ashburn	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Baugh	House	Morrow	Thompson
Bordonaro	Kaloogian	Olberg	Woods
Bowler	Kuykendall	Oller	

NOES—39

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

Objection to Vote Adds

Assembly Member Battin withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Granlund motion that the Chief Clerk be directed to request that the Governor return Assembly Bill No. 1354.

FURTHER CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1008

ASSEMBLY BILL NO. 1008 (Ashburn)—An act to add Sections 11251.3 and 17012.5 to the Welfare and Institutions Code, relating to human services.

At 7:07 p.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding

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.)

Demand for Previous Question

Assembly Members Washington, Wayne, Thomson, Napolitano, and Mazzoni demanded the previous question. Demand sustained.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

AYES—54

Ackerman	Cardoza	Knox	Poochigian
Aguiar	Cunneen	Kuykendall	Prenter
Alby	Davis	Leach	Pringle
Alquist	Escutia	Lempert	Runner
Ashburn	Firestone	Leonard	Scott
Baca	Frusetta	Machado	Sweeney
Baldwin	Gallegos	Margett	Takasugi
Battin	Goldsmith	McClintock	Thompson
Baugh	Granlund	Miller	Thomson
Bordonaro	Havice	Morrissey	Wayne
Bowler	Hertzberg	Morrow	Woods
Brewer	House	Olberg	Mr. Speaker
Brown	Kaloogian	Oller	
Caldera	Keeley	Papan	

NOES—14

Aroner	Mazzoni	Shelley	Washington
Bowen	Migden	Strom-Martin	Wright
Honda	Murray	Torlakson	
Kuehl	Ortiz	Villaraigosa	

Above bill ordered enrolled.

At 7:21 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

CONSIDERATION OF CONSENT CALENDAR

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

Consent Calendar—Senate Bills

SENATE BILL NO. 561 (Burton)—An act to amend Section 84305.5 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Senate Bill No. 561 Passed and Retained

Assembly Member Wright was granted unanimous consent that Senate Bill No. 561 be passed and retained on file.

SENATE BILL NO. 113 (Lewis)—An act to add Section 44246 to the Health and Safety Code, relating to air pollution, 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. 156 (Johannessen)—An act to add Section 1348.2 to the Fish and Game Code, relating to real property.

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. 482 (Lewis)—An act to amend Sections 900.7, 7015, and 12752 of, and to repeal Sections 901, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, and 921 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. 486 (Craven)—An act to add Section 974.5 to the Military and Veterans Code, relating to veterans.

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. 708 (Greene)—An act to amend Sections 17291 and 17405 of, and to repeal Sections 17290, 17405, 39141.10, and 39304.5 of, the Education Code, relating to school facilities, 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. 1057 (Mountjoy)—An act to amend Section 11713.15 of the Vehicle Code, relating to vehicles, 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. 1063 (Peace)—An act to amend Sections 4600.5 and 5401.7 of, to add Section 4600.6 to, and to repeal Part 3.2 (commencing with Section 5150) of Division 4 of, the Labor Code, relating to workers' compensation.

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. 1204 (Schiff)—An act to add Section 729.13 to the Welfare and Institutions Code, relating to youth mentoring.

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. 335 (Johannessen)—An act to add Section 1012.5 to the Military and Veterans Code, relating to veterans, 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. 380 (Peace)—An act to amend Sections 1749.3 and 1857.9 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. 465 (Rainey)—An act to add Sections 81004 and 81678 to the Education Code, and to amend Section 15792 of the Government Code, relating to postsecondary education.

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.)

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—78

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

NOES—None

SPECIAL CONSENT CALENDAR ANNOUNCEMENT

Speaker pro Tempore Kuehl announced that commencing today a special consent calendar for Assembly bills amended in the Senate will be created. The criteria for a bill being placed on this special consent calendar will be: (1) No “NO” votes in any Senate or Assembly committee, and (2) No “NO” votes on either the Assembly or Senate Floor. Bills will be placed on a First Day Special Consent Calendar and will be voted upon on the Second Day Special Consent Calendar. Any bill placed upon the Special Consent Calendar may be removed upon the objection of a Member.

Parliamentary Inquiry

Assembly Member Woods arose to the following parliamentary inquiry:

Will the Special Consent Calendar contain bills on which Members have abstained from voting?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied in the affirmative; that the only criteria for measures being placed on the Special Consent Calendar is no "No" votes recorded in any Senate or Assembly committee on no "No" votes recorded on either the Senate or Assembly Floor.

Parliamentary Inquiry

Assembly Member Woods arose to the following parliamentary inquiry:

Is an abstention not a "No" vote?

Reply by Speaker pro Tempore

The Speaker pro Tempore replied that an abstention is not a "No" vote or an "Aye" vote, but rather, a non-vote.

Parliamentary Inquiry

Assembly Member Mazzoni arose to the following parliamentary inquiry:

Does an abstention of vote indicate a conflict of interest on a particular bill and is "not voting" simply a non-vote?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that "abstaining" or "not voting" is a non-vote; that a Member may print a letter in the Journal to explain a conflict of interest; and measures may be removed from the Special Consent Calendar at the request of a Member.

MESSAGES FROM THE GOVERNOR

The following veto messages from the Governor were received and ordered printed in the Journal and the bills ordered to the unfinished business file:

Veto Message—Assembly Bill No. 1167

Governor's Office, Sacramento

August 2, 1997

To the Members of the California Assembly:

I am returning Assembly Bill No. 1167 without my signature.

This bill provides for additional penalties to be imposed on employers for non-compliance with specified Labor Code provisions relating to the payment of wages and would require an employer to post a notice containing a description of the nature of a labor violation relating to the payment of wages or employment discrimination at each job site. This measure would also require actions of the Industrial Welfare Commission (IWC) to be submitted to the Legislature for approval.

Current law already provides both civil and criminal penalties against employers for wage violations. There is no evidence to suggest that doubling civil penalties for these violations is warranted.

Requiring employers to post notices for at least 60 days at every job site for violations of the labor law relating to the payment of wages or employment discrimination is draconian. This “scarlet letter” provision is particularly onerous considering that the violation could be an unintentional, isolated incident affecting just one section of a single work site.

Finally, the Legislative Counsel has opined that the provision of the bill which requires IWC actions to be approved by the Legislature “would be violative of those provisions of the California Constitution that delineate the separation of powers of state government.” The Legislature should exercise those powers properly entrusted to it and refrain from attempting to usurp executive authority.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 958

Governor’s Office, Sacramento
August 2, 1997

To the Members of the California Assembly:

I am returning Assembly Bill No. 958 without my signature.

This bill would prohibit employers of firefighters from including in employment contracts the requirement that firefighters reimburse their employers for hiring and training expenses.

Existing law authorizes employers and employees to negotiate the terms and conditions of employment. The issue of reimbursing employees for hiring and training costs is a term and condition of employment. Accordingly, it is currently negotiable through the collective bargaining process at both the state and local levels. This measure will circumvent that process by removing a condition of employment which is more appropriately resolved through negotiations between employers and employees.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 655

Governor’s Office, Sacramento
August 2, 1997

To the Members of the California Assembly:

I am returning Assembly Bill 655 without my signature.

This bill would specify Legislative intent that any appropriations required to “settle-up” amounts owed in satisfaction of a prior year’s Proposition 98 guarantee, that are to be allocated on a per-pupil basis, include the per-pupil average daily attendance (ADA) of pupils enrolled in adult education and regional occupational centers and programs (ROC/Ps).

The California Constitution requires a minimum level of funding be provided for K–14 education. If insufficient amounts have been provided for current or prior years due to changing factors affecting the minimum funding guarantee, the State is required to appropriate additional “Proposition 98 settle-up funds,” that are to be allocated on a per-pupil basis, including adult education and regional occupational center/program attendance in the per-pupil count. I

disagree with the premise contained in this bill that these programs necessarily have the same needs as those in regular, mandated K-12 education programs and should automatically be entitled to any additional one-time funds.

While adult education and RPC/P provide a valuable educational service and may have unfunded needs, it is appropriate, in the budget process, to evaluate appropriations on a case-by-case basis when determining how the funds should be allocated. This bill would unnecessarily limit the flexibility of a Governor and Legislature to allocate the funds on the basis of priorities and needs.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 782

Governor's Office, Sacramento

August 4, 1997

To the Members of the California Assembly:

I am returning Assembly Bill No. 782 without my signature.

This bill would create eight financing committees to oversee the current 36 bond finance committees, with the intent of streamlining the bond issuance process.

This bill is unclear as to the duties of the new financing committees and their interaction with the existing finance committees, thereby adding an unnecessary layer of bureaucracy and additional costs for staffing the new financing committees. The result could be a more cumbersome rather than streamlined bond issuance process.

Cordially,

PETE WILSON

Veto Message—Assembly Bill No. 1354

Governor's Office, Sacramento

August 4, 1997

To the Members of the California Assembly:

I am returning Assembly Bill No. 1354 without my signature.

This bill would require disability insurers and health care service plans to allow enrollees or insureds to seek obstetrical and gynecological services directly from participating obstetrician, gynecologist, or family practice physician and surgeon without prior referral or prior authorization from another physician or provider.

As I explained to the author in asking her to hold this bill, I take no position on its merits. Rather, I am deferring consideration of the merits of this bill, and almost all others relating to managed care until we have benefit of the wisdom of the Managed Health Care Improvement Task Force next January.

Last year, the legislature sent to my desk legislation creating the Managed Health Care Improvement Task Force, and charging the Task Force with a broad mandate to comprehensively review the appropriate role for government in guaranteeing the highest standards in quality of care, without sacrificing its affordability, so that it would be widely accessible. With the establishment of the Task Force, the prudent course of action for the Legislature would be to take a five month hiatus from uncoordinated, reactive, piecemeal decisions on literally dozens of bills until January of 1998, when the

Task Force will provide comprehensive and coherent recommendations and policy guidance on the key, overarching policy questions raised by managed care.

I do not ask or expect the Task Force to assume responsibility for the consideration of specific legislation. Rather this approach requires only that the Task Force do what is charged to do by the enacting legislation—consider broad policy questions raised by managed care in a thoughtful, comprehensive, reasoned manner—and that the Legislature honor the obligation it assumed by creating the Task Force, the obligation to consider with the care it deserves the work product of the Task Force.

Therefore, I am with one exception, deferring consideration of all managed care-related bills, regardless of the specific policy merits or focus, pending conclusion of the Task Force's deliberations. I strongly urge that authors of managed care bills make 2-year bills of their legislation and pursue them no further until after the Task Force has completed its work, shortly after the first of the year.

The only bill I will entertain signing is AB 38 (Figueroa). This bill would comply with recently enacted federal law as it relates to health coverage for maternity benefits.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 4th day of August 1997, at 7:18 p.m., of Assembly Bills Nos. 1167, 958, 655, 782, and 1354, 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

ADJOURN IN MEMORY

Assembly Member Napolitano was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David Zaritsky, of Fontana.

MOTION BY ASSEMBLY MEMBER AGUIAR

Assembly Member Aguiar moved that the Assembly direct the Joint Rules Committee to adopt a policy with regard to the issuance of subpoenas.

Assembly Member Thompson seconded the motion.

Point of Order

Assembly Member Wildman arose to the following point of order:

Assembly Member Aguiar is not limiting debate to the merits of the motion.

Ruling by Speaker pro Tempore Kuehl

The Speaker pro Tempore ruled the point of order well-taken.

Parliamentary Inquiry

Assembly Member Murray arose to the following parliamentary inquiry:

Is a request that Rules Committee develop a policy the proper subject matter of a motion?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that the subject matter of the motion was properly before the Body.

Parliamentary Inquiry

Assembly Member Murray arose to the following parliamentary inquiry:

If such a motion carries requesting that Joint Rules Committee develop a policy, what is the binding effect on the Joint Rules Committee?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that the motion “directs” Joint Rules Committee to develop a policy, and as a directive of the House, would be binding.

Point of Personal Privilege

Assembly Member Wildman arose to a point of personal privilege.

Ruling by Speaker pro Tempore Kuehl

The Speaker pro Tempore ruled that a point of personal privilege is not in order if a Member is misquoted because a misquote may be clarified in debate.

Motion to Refer Motion

Assembly Member Villaraigosa moved that the Aguiar motion be referred to the Committee on Rules.

Assembly Member Escutia seconded the motion.

Parliamentary Inquiry

Assembly Member Kuykendall arose to the following parliamentary inquiry:

How is it a proper motion to refer the Aguiar motion to the Rules Committee when the Aguiar motion deals with action taken by the Rules Committee?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that the Villaraigosa motion to refer the Aguiar motion to the Rules Committee is an appropriate motion.

Point of Information

Assembly Member Thompson arose to the following point of information:

If the Villaraigosa motion to refer the Aguiar motion to the Committee on Rules carries, the scheduled hearing of the Joint Legislative Audit Committee should be postponed until Rules Committee meets.

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that the hearing of the Joint Legislative Audit Committee has been properly noticed in the file and is not relative to the debate on the Villaraigosa motion to refer the Aguiar motion to Rules Committee.

Point of Order

Assembly Member Miller arose to the following point of order:

Assembly Member Villaraigosa is not limiting debate to the merits of his motion to refer the Aguiar motion to Rules Committee.

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that debate is to be limited to the merits of the motion before the Body.

Point of Order

Assembly Member Escutia arose to the following point of order:

Assembly Member Kuykendall is not limiting debate to the merits of the Villaraigosa motion to refer the Aguiar motion to the Rules Committee.

Demand for Previous Question

Assembly Members Papan, Sweeney, Baca, Machado, and Honda demanded the previous question.

Roll Call Demanded

Assembly Members Brewer, Battin, and Kuykendall, demanded a roll call.

The roll was called, and the demand for the previous question was sustained by the following vote:

AYES—41

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

NOES—33

Ackerman	Campbell	Leach	Prenter
Aguiar	Cunneen	Leonard	Pringle
Alby	Firestone	Margett	Runner
Ashburn	Frusetta	McClintock	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Battin	Granlund	Olberg	Woods
Bordonaro	House	Oller	
Bowler	Kaloogian	Pacheco	
Brewer	Kuykendall	Poochigian	

**Further Consideration of
Villaraigosa Motion to Refer Aguiar Motion to Committee**

The question being on the Villaraigosa motion to refer the Aguiar motion to the Committee on Rules.

Villaraigosa motion carried by the following vote:

AYES—40

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

NOES—35

Ackerman	Campbell	Leach	Pacheco
Aguiar	Cunneen	Leonard	Poochigian
Alby	Firestone	Margett	Prenter
Ashburn	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Battin	Granlund	Morrissey	Takasugi
Bordonaro	House	Morrow	Thompson
Bowler	Kaloogian	Olberg	Woods
Brewer	Kuykendall	Oller	

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

Pursuant to Assembly Rule 78, Assembly Member Scott announced his intention to request that Assembly Bill No. 812 be removed from the inactive file.

BILL RETURNED TO CONSENT CALENDAR

Assembly Member Ducheny was granted unanimous consent that Senate Bill No. 106 be returned to the Consent Calendar.

RE-REFERENCE OF BILLS

Assembly Member Migden was granted unanimous consent that Assembly Concurrent Resolution No. 69 be re-referred from the Committee on Transportation to the Committee on Appropriations.

SESSION SCHEDULE AND OTHER ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced the following session schedule:

Tuesday, August 5 and Wednesday, August 6, Check-in Session, 7 a.m.—3 p.m.;

Thursday, August 8, Floor Session, 9 a.m.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

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, August 7, 1997.

CAUCUS ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced that the Democratic Caucus regularly scheduled for Tuesday, August 5, 1997, is canceled.

VOTE ADDS

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

Assembly Bill No. 1542, Urgency and Concurrence: Margett and Woods—Aye.

Senate Bill No. 477, Martinez Amendments—Set 1: Bowen and Hertzberg—No.

Senate Bill No. 477, Keeley Amendments—Set 3: Machado—Aye.

Aguiar Motion to Transmit Bill to Senate Immediately: Bowen—Aye.

MOTION TO ADJOURN

At 7:46 p.m., Assembly Member Woods moved that the Assembly do now adjourn.

Assembly Member Brewer seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Members Davis, Granlund, House, and Kuykendall arose to speak on the condition of the file. Assembly Member Kuehl arose to speak on condition of the file, from Assembly Member Villaraigosa's desk, without objection.

At 7:55 p.m., Hon. Helen Thomson, 8th District, presiding

FURTHER CONSIDERATION OF MOTION TO ADJOURN

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

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 7:56 p.m., Acting Speaker Thomson declared the quorum call of the Assembly dispensed with.

BILLS PLACED ON SPECIAL CONSENT CALENDAR

The following bills were placed on the Special Consent Calendar:

Assembly Bills Nos. 252, 256, 335, 349, 356, 361, 396, 622, 692, 711, 723, 754, 770, 793, 1148, 1173, 1175, 1316, 1366, 1432, 1445, 1548, and 1549; and Assembly Joint Resolution No. 17.

INTRODUCTION OF GUESTS

Assembly Member Campbell, of the 71st Assembly District, introduced his son Brian Campbell, of Villa Park.

ADJOURNMENT

At 7:57 p.m., pursuant to the motion by Assembly Member Woods, the Assembly adjourned until 7 a.m., Tuesday, August 5, 1997, out of respect to the memory of James Pinkerton, on motion of Assembly Member Bowler; out of respect to the memory of Rondo, on motion of Assembly Member Brown; out of respect to the memory of Takeshi George Inokuchi, on motion of Assembly Member Frusetta; out of respect to the memory of the victims of the recent suicide bombing in Jerusalem, on motion of Assembly Member Davis; out of respect to the memory of David Lee Henley, Patricia Sinkovic, and Mike Ferrel, on motion of Assembly Member House; out of respect to the memory of R. Eugene Lokey, on motion of Assembly Members Alquist, Honda, and Cunneen; out of respect to the memory of Kathryn Tracy, on motion of Assembly Member Prenter; out of respect to the memory of Robert Xavier James, on motion of Assembly Member Olberg; out of respect to the memory of Lucille Webb, on motion of Assembly Member Alby; out of respect to the memory of Juliana Camberos Barajas and Paul Bell, on motion of Assembly Member Ducheny; and out of respect to the memory of David Zaritsky, on motion of Assembly Member Napolitano.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 4, 1997**

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

AB	RN
1439	9719888

SB	RN
132	9719894
477	9720021
547	9719825
564	9719941
603	9720020
850	9720022
877	9720063

SCR	RN
43	9719659

Daily Total:	9
Cumulative Total:	2965

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

SB
477 (Martinez amendments—Set 1, RN 9719634)

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