

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Monday, August 25, 1997

**ONE HUNDRED TWENTY-FIFTH SESSION DAY
TWO HUNDRED SIXTY-SEVENTH 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 25, 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 Caldera 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

The following prayer was offered by Speaker pro Tempore Kuehl:

Dearest Lord, Eternal Are Your Mercies. Your grace sustains us throughout every difficulty and supplies our needy hearts with encouragement. Give us wisdom for the work that is before us. Calm our attitudes. Bless us with strength to do the work of this new day.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Caldera 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 Baca, seconded by Assembly Member Thompson.

COMMUNICATIONS

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

August 14, 1997

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

Dear Speaker Bustamante: This letter is to notify you that after serving two very event-filled years as the leader of the Assembly Republican Caucus, I am stepping down. My resignation is effective Monday, August 18, 1997. Assemblyman Bill Leonard will assume the position of caucus leader at that time.

It has been a great honor to serve my fellow Assembly Republicans as their political and policy leader. Together, we were able to accomplish a great deal in a relatively short period of time, and I will always be proud of those accomplishments. Likewise I will always treasure the trust and support given to me by my Republican colleagues, as well as the respect and decency offered to me by so many of my Assembly Democrat colleagues.

Sincerely,

CURT L. PRINGLE
Assembly Republican Leader

August 18, 1997

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

Dear Speaker Bustamante: I hereby appoint as the Republican Rules Committee Members the following members:

The Honorable Fred Aguiar (Rules Vice Chair)
The Honorable Jim Battin
The Honorable Brett Granlund
The Honorable Keith Olberg
The Honorable Steve Kuykendall (Rules Alternate)

Thank you for your attention to these appointments. Please contact me if you have any comments or questions.

Sincerely,

BILL LEONARD

August 18, 1997

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

Dear Dotson: Please be advised that the new Assembly Republican Leadership team is as follows:

Assistant Republican Leader	Roy Ashburn
Assistant Republican Leader	Tom Bordonaro
Assistant Republican Leader	Bruce Thompson
Caucus Chair	Lynne Leach
Whip	Dick Ackerman
Whip	George Runner

If you have any questions, please do not hesitate to contact me.

Sincerely,

BILL LEONARD
Assembly Republican Leader

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

California State Auditor

Investigative Report I97-2

August 12, 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: The Bureau of State Audits presents its investigative report concerning investigations of improper governmental activities completed from January 1 through June 30, 1997.

Respectfully submitted,

MARIANNE P. EVASHENK

for

KURT R. SJOBERG

State Auditor

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

California State Auditor

97502

August 20, 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: The Bureau of State Audits presents its audit report concerning the Prison Industry Authority (PIA) titled "Prison Industry Authority: Has Failed To Take Significant Corrective Action on Many State Auditor Recommendations." This audit was performed as a follow-up to our April 1996 audit. We reviewed the actions take by the PIA to the numerous recommendations we made in our April 1996 report. This report concludes that overall, the PIA and the California Department of Corrections have been slow to implement the recommendations made in our 1996 report. Specifically, the PIA's Enterprise Review Teams have not addressed the recommendations regarding cost controls and operational improvements as the PIA claims. Also, we estimate that the PIA's excess inventories have doubled since fiscal year 1994-95. The PIA's Prompt Delivery Program is a one-dimensional approach to meeting delivery goals which has contributed to the increase in excess inventory. Finally, we found

that the PIA has taken little or no action to implement the cost accounting recommendations that are key to managing its operations.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Public Safety.

California State Auditor

Investigative Report I960159

August 21, 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: The Bureau of State Audits presents its investigative report concerning the Stephen P. Teale Data Center. This report concludes that one official had conflicts of interest when he awarded contracts and purchase orders to four vendors after accepting gifts from them. In addition, he failed to disclose these and other gifts, and also improperly claimed reimbursement for educational expenses. A second official also failed to disclose gifts. Further, Stephen P. Teale Data Center improperly paid for luxury lodging, golf, and other expenses incurred by the two officials.

Respectfully submitted,

KURT R. SJOBERG
State Auditor

Above report referred to the Committee on Elections, Reapportionment and Constitutional Amendments.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were received and ordered printed in the Journal:

Governor's Office, Sacramento
August 15, 1997

To the Members of the Assembly:

Assembly Bill 103, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill 103 as an emergency measure.

Sincerely,

PETE WILSON

Governor's Office, Sacramento
August 15, 1997

To the Members of the Assembly:

Assembly Bill 1086, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill 1086 as an emergency measure.

Sincerely,

PETE WILSON

Governor's Office, Sacramento
August 15, 1997

To the Members of the Assembly:

Assembly Bill 1465, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill 1465 as an emergency measure.

Sincerely,

PETE WILSON

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, August 15, 1997

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

Assembly Bill No. 103

Assembly Bill No. 1465

And reports the same correctly enrolled, and presented to the Governor at 11:15 a.m., August 15, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 15, 1997

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

- | | |
|------------------------|------------------------|
| Assembly Bill No. 64 | Assembly Bill No. 1582 |
| Assembly Bill No. 751 | Assembly Bill No. 1584 |
| Assembly Bill No. 783 | Assembly Bill No. 1586 |
| Assembly Bill No. 1086 | Assembly Bill No. 1589 |
| Assembly Bill No. 1153 | Assembly Bill No. 1591 |
| Assembly Bill No. 1576 | Assembly Bill No. 1592 |
| Assembly Bill No. 1578 | Assembly Bill No. 1593 |
| Assembly Bill No. 1579 | |

And reports the same correctly enrolled, and presented to the Governor at 11:15 a.m., August 15, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 15, 1997

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 38 | Assembly Bill No. 723 |
| Assembly Bill No. 170 | Assembly Bill No. 754 |
| Assembly Bill No. 300 | Assembly Bill No. 793 |
| Assembly Bill No. 361 | Assembly Bill No. 1148 |
| Assembly Bill No. 440 | Assembly Bill No. 1173 |
| Assembly Bill No. 611 | Assembly Bill No. 1316 |
| Assembly Bill No. 672 | Assembly Bill No. 1366 |
| Assembly Bill No. 692 | Assembly Bill No. 1432 |
| Assembly Bill No. 721 | |

And reports the same correctly enrolled, and presented to the Governor at 12 m., August 15, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 18, 1997

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

- | | |
|-----------------------|------------------------|
| Assembly Bill No. 111 | Assembly Bill No. 799 |
| Assembly Bill No. 174 | Assembly Bill No. 1023 |
| Assembly Bill No. 593 | Assembly Bill No. 1602 |

And reports the same correctly enrolled, and presented to the Governor at 2:30 p.m., August 18, 1997.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 19, 1997

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

- Assembly Concurrent Resolution No. 43

And reports the same correctly enrolled, and presented to the Secretary of State on the 19th day of August, 1997, at 2:30 p.m.

E. DOTSON WILSON, Chief Clerk

Assembly Chamber, August 25, 1997

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

- Assembly Bill No. 1039

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

REFERENCE OF BILLS TO COMMITTEE

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

*Assembly
Bill No.*

Committee

185 - - - - - B. & F.

Assembly Constitutional

<i>Amendment No.</i>	<i>Committee</i>
27 -----	C.P.,G.E. & E.D. and Budget

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
68 -----	Rls.
70 -----	Rls.
74 -----	Rls.

Assembly Joint

<i>Resolution No.</i>	<i>Committee</i>
36 -----	Trans.

House

<i>Resolution No.</i>	<i>Committee</i>
39 -----	Rls.

Senate Concurrent

<i>Resolution No.</i>	<i>Committee</i>
20 -----	Rls.
38 -----	Rls.
44 -----	Rev. & Tax.
48 -----	Trans.
49 -----	Rls.
54 -----	L. & E.

Senate Joint

<i>Resolution No.</i>	<i>Committee</i>
26 -----	Trans.

REQUEST TO SUSPEND JOINT RULES

The following requests were received, and read:

Assembly Chamber, August 25, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(2), (a)(5), and (a)(7) as it relates to Assembly Bill No. 185.

LOUIS J. PAPAN

Assembly Chamber, August 25, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9) as it relates to Senate Bill No. 638.

DEBRA BOWEN

Assembly Chamber, August 25, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(5) as it relates to Assembly Bill No. 1397.

CAROLE MIGDEN

Assembly Chamber, August 25, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9) as it relates to Senate Bill No. 1350.

VALERIE BROWN

Assembly Chamber, August 25, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9) as it relates to Senate Bill No. 431.

MICHAEL SWEENEY

Above requests ordered transmitted to the Committee on Rules.

AUTHOR'S AMENDMENTS

Committee on Environmental Safety and Toxic Materials

August 25, 1997

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 1307

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

WAYNE, Chairman

SENATE BILL NO. 1307—An act to amend Sections 116275, 116285, 116290, 116325, 116390, 116425, 116540, 116565, 116580, 116585, and 116880 of, to amend and renumber Section 116300 of, to add Sections 116286 and 116287 to, to add Chapter 4.5 (commencing with Section 116760) to Part 12 of Division 104 of, and to repeal and add Section 116875 of, the Health and Safety Code, relating to drinking water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

AUTHOR'S AMENDMENTS

Committee on Environmental Safety and Toxic Materials

August 25, 1997

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:

Senate Bill No. 1189

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

WAYNE, Chairman

SENATE BILL NO. 1189—An act to amend Section 51012.4 of the Government Code, to amend Section 25298.5 of, to add Section 100886 to, and to add Article 7.5 (commencing with Section 116610) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, and to add Section 25367 to the Public Resources Code, relating to drinking water.

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

AUTHOR'S AMENDMENTS

Committee on Local Government

August 25, 1997

Mr. Speaker: The Chair of your Committee on Local Government reports:

Senate Bill No. 712

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

SWEENEY, Chairman

SENATE BILL NO. 712—An act to amend Section 57103 of, to repeal Section 56839.1 of, and to add Section 57093 to, the Government Code, relating to local government organization.

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

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

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

Senate Bill No. 318

Senate Bill No. 567

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

MIGDEN, Chairwoman

SENATE BILL NO. 318—An act to amend Section 41865 of, and to add Chapter 4.5 (commencing with Section 39750) to Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution, 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. 567—An act to amend Section 130051 of the Public Utilities Code, relating to transportation.

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

AUTHOR'S AMENDMENTS
Committee on Public Safety

August 25, 1997

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

Assembly Bill No. 880

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

HERTZBERG, Chairman

ASSEMBLY BILL NO. 880—An act to amend Sections 653.1 and 654.3 of the Welfare and Institutions Code, relating to minors.

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

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

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

Senate Bill No. 776

Senate Bill No. 1039

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

MIGDEN, Chairwoman

SENATE BILL NO. 776—An act to add Section 14661 to the Government Code, relating to state property.

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. 1039—An act to amend Sections 4500.5, 4501, 4508, 4512, 4593, 4595, 4598, 4647, 4648, 4660, 4661, 4664, and 4666 of, and to add Sections 4414, 4418.3, 4542, 4602, 4640.8, and 12300.5 to, 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

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

Senate Bill No. 227

Senate Bill No. 543

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

MIGDEN, Chairwoman

SENATE BILL NO. 227—An act to amend Section 22509 of, and to add Sections 22508.5 and 70905 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

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. 543—An act to amend Sections 74224 and 11454 of the Water Code, and to add Section 32.5 to the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

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

Senate Bill No. 394

Senate Bill No. 463

Senate Bill No. 1052

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

MIGDEN, Chairwoman

SENATE BILL NO. 394—An act to add Section 33117.7 to the Education Code, and to amend Section 15037.1 of the Unemployment Insurance Code, relating to school-to-career opportunities.

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. 463—An act to amend Section 12009 of, and to add Article 8 (commencing with Section 7400) to Chapter 2 of Part 2 of Division 6 of, the Fish and Game Code, relating to fish and game, 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. 1052—An act to amend Sections 10232.1, 10234.93, and 10237.1 of, to amend and renumber Section 10232.8 of, to add Sections 10232.2, 10232.92, 10232.93, 10232.95, 10232.96, 10234.86, 10234.87, 10235.9, 10235.30, 10235.40, 10235.50, 10235.51, 10235.52, 10235.90, 10237.4, 10237.5, and 10237.6 to, and to repeal and add Section 10234.95 of, the Insurance Code, relating to health insurance.

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 Budget

August 25, 1997

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

Senate Bill No. 726

Senate Bill No. 744

Senate Bill No. 727

Senate Bill No. 750

Senate Bill No. 731

Senate Bill No. 768

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

DUCHENY, Chairwoman

SENATE BILL NO. 726—An act relating to the Department of the Youth Authority, 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. 727—An act relating to education finance, 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. 731—An act relating to air pollution, 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. 744—An act relating to consumer affairs, 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. 750—An act relating to public 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. 768—An act relating to taxation, and declaring the urgency thereof, to take effect immediately.

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

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

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

Senate Bill No. 936
 Senate Bill No. 95
 Senate Bill No. 316
 Senate Bill No. 408
 Senate Bill No. 472
 Senate Bill No. 526
 Senate Bill No. 542

Senate Bill No. 842
 Senate Bill No. 1006
 Senate Bill No. 1031
 Senate Bill No. 1234
 Senate Bill No. 1291
 Senate Bill No. 1338
 Senate Bill No. 1339

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

MIGDEN, Chairwoman

SENATE BILL NO. 936—An act to amend Sections 11475.8, 15200.8, 15200.9, and 15200.95 of, to add Section 15200.92 to, 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. 95—An act to amend Sections 11124.1, 11125, 11125.1, 11125.5, 11125.7, 11126, 11126.3, 11129, 11130, 11130.7, and 11131 of, and to add Sections 11121.95, 11125.4, 11125.8, 11128.5, and 11131.5 to, the Government Code, relating to open meetings.

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. 316—An act to add Chapter 7 (commencing with Section 99300) to Part 65 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.

SENATE BILL NO. 408—An act to amend Section 84752 of the Education Code, to amend Sections 8543.2, 8545, and 14525.6 of, and to repeal Section 8544.1 of, the Government Code, to amend Section 14105.42 of, and to repeal and add Section 19640.5 of, the Welfare and Institutions Code, and to amend Section 13 of Chapter 1044 of the Statutes of 1990, relating to the State Auditor.

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. 526—An act to amend Section 1054.2 of the Penal Code, relating to criminal procedure.

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. 542—An act to amend Sections 63.1, 75.31, 255, 273, 273.5, 275, 275.5, 276, 401.13, 430.5, 534, 1603, and 1605 of, and to add Section 5145.5 to, the Revenue and Taxation Code, relating to taxation.

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. 842—An act to amend Section 23221 of the Revenue and Taxation Code, relating to taxation.

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. 1006—An act to add and repeal Sections 10915, 10916, 10917, and 10918 of the Fish and Game Code, relating to marine refuges, 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. 1031—An act to add and repeal Article 3.6 (commencing with Section 35746) of Chapter 4 of Part 21 of the Education Code, relating to 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.

SENATE BILL NO. 1234—An act to amend Sections 17009, 17039, 17941, 18633.5, 23036, and 23038 of 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.

SENATE BILL NO. 1291—An act to amend Sections 1799.90, 1799.91, 2985.7, 2986.3, 2986.4, 2986.13, and 2989.2 of, to add Section 2987 to, to repeal Section 2986.2 of, and to repeal and add Sections 2985.71 and 2985.8 of, the Civil Code, relating to motor vehicle leases.

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. 1338—An act relating to state purchases, 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. 1339—An act to amend Section 12020 of the Penal Code, relating to firearms.

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

AUTHOR'S AMENDMENTS
Committee on Local Government

August 25, 1997

Mr. Speaker: The Chair of your Committee on Local Government reports:

Senate Bill No. 431

Senate Bill No. 451

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

SWEENEY, Chairman

SENATE BILL NO. 431—An act relating to meetings.

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. 451—An act to amend Sections 65302, 65351, and 65352 of the Government Code, relating to land use.

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

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

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

Senate Bill No. 79

Senate Bill No. 826

Senate Bill No. 135

Senate Bill No. 827

Senate Bill No. 713

Senate Bill No. 1184

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

MIGDEN, Chairwoman

SENATE BILL NO. 79—An act to amend Section 22050 of, to add Sections 20711 and 20792 to, and to add Article 130 (commencing with Section 21700) to Chapter 1.5 of Part 3 of Division 2 of, the Public Contract Code, relating to local agency contracts.

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

SENATE BILL NO. 135—An act to amend and repeal Sections 48431.6, 48431.7, 51884, 62000.1, and 62000.5 of, to amend, repeal, and add Sections 63000 and 64000 of, to add Part 28.5 (commencing with Section 53008) to, to add and repeal Sections 42926, 44498, 44689.6, 48642, 52091, 52115, 52187, 54669.1, 54686.3, 54698, 58410, and 58609 of, to add and repeal Article 4 (commencing with Section 44689.1) of Chapter 3.1 of Part 25 of, and Article 4 (commencing with Section 54146) of Chapter 2 of, and Article 3 (commencing with Section 54349) of Chapter 3 of, Part 29 of, Article 6 (commencing with Section 58070) of Chapter 1 of, and Article 7 (commencing with Section 58930) of Chapter 9 of, Part 31 of, to repeal Article 4 (commencing with Section 44490) of Chapter 3 of Part 25 of, Article 2 (commencing with Section 48630) of Chapter 4 of Part 27 of, Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of, Article 2 (commencing with Section 54020) of, and Article 4 (commencing with Section 54040) of, Chapter 1 of, Article 3 (commencing with Section 54660) of, Article 4.5 (commencing with Section 54685) of, and Article 5 (commencing with Section 54690) of, Chapter 9 of Part 29 of, to repeal Chapter 11.3 (commencing with Section 42920) of Part 24 of, Chapter 3.1 (commencing with Section 44670.1) of, and Chapter 3.15 (commencing with Section 44689.5) of, Part 25 of, Chapter 6.8 (commencing with Section 52080) of, and Chapter 6.9 (commencing with Section 52100) of, Part 28 of, Chapter 2 (commencing with Section 54100) of, and Chapter 3 (commencing with Section 54300) of, Part 29 of, and to repeal Chapter 1 (commencing with Section 58000) of, Chapter 2 (commencing with Section 58400) of, Chapter 4 (commencing with Section 58600) of, and Chapter 9 (commencing with Section 58900) of, Part 31 of, the Education Code, relating to 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.

SENATE BILL NO. 713—An act to amend Sections 1743 and 1748 of, and to add Section 1746.1 to, the Business and Professions Code, relating to dentistry.

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. 826—An act to amend Sections 1601, 1616.5, and 1742 of, and to add Sections 160.5 and 1616.1 to, the Business and Professions Code, and to amend Section 830.3 of the Penal Code, relating to dentistry.

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. 827—An act to amend Sections 101, 128.5, 130, 200.1, 205, 675, 800, 1242.5, 1680, 2071, 2221.1, 2660, 2701, 2708, 2761, 2841, 2842, 2847, 2873.6, 2873.7, 2881, 2890, 2893, 2894, 3527, 3750, 4001, 4003, 4008, 4501, 4503, 4546, 4547, 4800, 4804.5, 4833, 4834, 4835, 4848, 4905, 4955, 5510, 5517, 5526, 5536.27, 8520, and 8528 of, to amend and repeal Sections 5566, 5566.1, and 5566.2 of, to add Section 473.15, 473.16, 473.6, and 4832 to, to amend, repeal, and add Section 4842.2 to, the Business and Professions Code, relating to licensed professionals, 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. 1184—An act to amend Sections 63000, 63010, 63021, 63025.1, 63026, 63055, and 63071 of, to amend and renumber Sections 63042 and 63048 of, to amend and renumber the headings of Article 4 (commencing with Section 63042) and Article 6 (commencing with Section 63048) of Chapter 2 of Division 1 of Title 6.7 of, to add Sections 63027, 63028, 63040, 63084, 63085, 63086, and 63087 to, to repeal Section 63001 of, to repeal Article 3 (commencing with Section 63040) of Chapter 2 of Division 1 of Title 6.7 of, to repeal the heading of Article 1 (commencing with Section 63050) of Chapter 3 of Division 1 of Title 6.7 of, to repeal Part 10.2 (commencing with Section 15710) of Division 3 of Title 2 of, and to repeal and add Article 5 (commencing with Section 63043) of Chapter 2 of Division 1 of Title 6.7 of, the Government Code, relating to state infrastructure.

Bill read second time; 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 Natural Resources**

August 25, 1997

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

Senate Bill No. 1179

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

BOWEN, Chairwoman

SENATE BILL NO. 1179—An act to add Section 40059.1 to the Public Resources Code, relating to solid 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 Insurance

August 25, 1997

Mr. Speaker: The Chair of your Committee on Insurance reports:
Senate Bill No. 319

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

FIGUEROA, Chairwoman

SENATE BILL NO. 319—An act to amend Section 1057.6 of, and to add Sections 1057.61, 1057.62, and 1057.63 to, the Civil Code, and to add Sections 12340.12 and 12340.13 to the Insurance Code, relating to title insurance.

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 Environmental Safety and Toxic Materials

August 25, 1997

Mr. Speaker: The Chair of your Committee on Environmental Safety and Toxic Materials reports:
Senate Bill No. 660

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

WAYNE, Chairman

SENATE BILL NO. 660—An act to amend Sections 25143, 25165, 25166, 25166.5, 25174, 25174.2, 25174.6, 25192, 25201.6, 25201.9, 25205.4, 25205.5, 25205.6, 25205.7, 25205.14, 25205.18, 25205.19, 25207.12, 25209.7, 25221, 25324, 25330, 25334, 25336, 25337, 25343, 25351.1, 25354.5, 25360, and 25404.5 of, to add Section 25173.6 to, to add Article 9.2 (commencing with Section 25206.1) to Chapter 6.5 of Division 20 of, and to repeal Sections 25167, 25187.9, 25205.8, 25205.9, 25340, 25341, 25345, and 25351 of, the Health and Safety Code, to amend Sections 7713, 7714, and 7718 of, and to repeal Sections 7714.5 and 7727 of, the Public Utilities Code, and to amend Sections 43053, 43054, and 43101 of, and to repeal Section 43055 of, the Revenue and Taxation Code, relating to hazardous waste, and making an appropriation therefor.

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

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 48
Senate Bill No. 560
Senate Bill No. 659
Senate Bill No. 921
Senate Bill No. 945
Senate Bill No. 1325

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

MIGDEN, Chairwoman

SENATE BILL NO. 48—An act to add Sections 1611.7 and 10214.7 to the Unemployment Insurance Code, relating to employment insurance, 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. 560—An act to add Part 14.5 (commencing with Section 33001) to Division 2 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, 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.

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. 921—An act to amend Sections 16809, 16809.3, and 16809.4 the Welfare and Institutions Code, relating to public social 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. 945—An act to amend Sections 1337.7, 1337.9, 1338.5, 1728.1, 1736.3, 1736.5, and 1736.6 of the Health and Safety Code, and to amend Sections 15671, 15673, 15675 of the Welfare and Institutions Code, relating to 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.

SENATE BILL NO. 1325—An act to amend Section 2982 of the Civil Code, and to amend Sections 14602.6 and 22850.5 of the Vehicle Code, relating to vehicles.

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 Human Services**

August 25, 1997

Mr. Speaker: The Chair of your Committee on Human Services reports:

Senate Bill No. 817

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

ARONER, Chairwoman

SENATE BILL NO. 817—An act to amend Section 1502 of, and to add Article 2.6 (commencing with Section 1528) to Chapter 3 of Division 2 of, the Health and Safety Code, and to amend Sections 361.2, 777, 11402.5, and 16514 of, and to add Sections 725.6, 11402.7, and 11462.06 to, the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

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

AUTHOR'S AMENDMENTS **Committee on Water, Parks and Wildlife**

August 25, 1997

Mr. Speaker: The Chair of your Committee on Water, Parks and Wildlife reports:

Senate Bill No. 614

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

MACHADO, Chairman

SENATE BILL NO. 614—An act to add Section 2762.1 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.

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

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

Senate Bill No. 802

Senate Bill No. 818

Senate Bill No. 1121

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

MIGDEN, Chairwoman

SENATE BILL NO. 802—An act relating to independent study.

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. 818—An act to amend Sections 2933 and 3057 of, and to add Chapter 4.9 (commencing with Section 1175) to Title 7 of Part 2 of, the Penal Code, relating to prisons.

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. 1121—An act to amend Sections 8502 and 8801.5 of the Family Code, relating to family law.

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

AUTHOR'S AMENDMENTS
Committee on Utilities and Commerce

August 25, 1997

Mr. Speaker: The Chair of your Committee on Utilities and Commerce reports:

Senate Bill No. 638

Senate Bill No. 1268

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

MARTINEZ, Chairwoman

SENATE BILL NO. 638—An act to amend Section 371 of the Public Utilities Code, relating to public utilities.

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. 1268—An act to add Chapter 2.5 (commencing with Section 2718) to Division 2 of the Public Utilities Code, relating to water corporations.

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 Health

August 25, 1997

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

Senate Bill No. 406

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

GALLEGOS, Chairman

SENATE BILL NO. 406—An act relating to health care service plans.

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

August 25, 1997

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

Assembly Bill No. 873

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

CALDERA, Chairman

ASSEMBLY BILL NO. 873—An act to add Sections 17053.30, 17053.31, 23630, and 23631 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 Rules

August 25, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(a)(9), as it relates to the following bills be granted:

Senate Bills Nos. 8, 225, 431, and 1350.

DON PERATA, Chairman

August 25, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a)(2)(5)(7), as it relates to the following bill be granted:

Assembly Bill No. 185

DON PERATA, Chairman

MESSAGES FROM THE GOVERNOR

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

Item Veto—Assembly Bill No. 107

Governor's Office, Sacramento
August 18, 1997

I object to the following appropriations contained in Assembly Bill 107.

Item 0250-001-0001—For support of Judiciary. I reduce this item from \$186,358,500 to \$185,858,500 by reducing:

(b) 20-Courts of Appeal from \$125,061,000 to \$124,561,000.

This veto is necessary to conform the Budget Act with the Legislature's action to eliminate \$500,000 in funding for the Document Management System.

Item 0450-111-0001—For local assistance, State Trial Court Funding. I reduce this item from \$196,588,000 to \$191,488,000.

This veto is necessary to conform the Budget Act with the Legislature's action taken in this item to eliminate increased funding for court security and to change the proposed distribution of specific fines and penalties to cities. This results in a net reduction to this Item of \$5,100,000.

Item 0505-001-0001—For support of the Department of Information Technology. I delete Provision 5.

I am deleting Provision 5 which would require the Department of Information Technology to work with the Department of General Services (DGS) to develop recommendations for improving current state contracting practices for information technology projects. This is necessary because the DGS has already developed recommendations for procurement reform which are included in pending legislation which would enact the California Acquisition Reform Act of 1997.

Item 0690-101-0320—For local assistance, Office of Emergency Services. I delete this item.

I am deleting the \$200,000 legislative augmentation to fund preliminary plans and working drawings for an Emergency Operations Center for Santa Barbara County. Construction of this facility is a local, not a state, responsibility.

Item 0820-001-0001—For support of Department of Justice. I reduce this item from \$203,256,000 to \$203,056,000 by reducing:

(g) 50-Law Enforcement from \$171,709,000 to 171,509,000, and by deleting Provisions 5 and 6.

I am deleting the \$200,000 legislative augmentation for support of narcotic information networks because it is unnecessary. I am have been informed that federal funds previously provided through a federal grant award to the Department of Justice for the narcotic information networks are now provided to local agencies. Local agencies are, in turn, availing themselves of the information contained in the system and are reimbursing the Department of Justice to maintain the networks.

I am deleting Provisions 5 and 6 to conform to this action.

Item 0860-001-0001—For support of State Board of Equalization. I reduce this item from \$182,197,000 to \$181,289,000 by reducing:

- (a) 100000-Personal Services from \$214,795,000 to \$214,339,000, and
 - (b) 30000-Operating Expenses and Equipment from \$77,330,000 to \$76,878,000,
- and by deleting Provision 1.

I am deleting the \$908,000 augmentation for Insurance Tax collection and auditing activities because the Legislature did not pass the necessary authorizing legislation. I recognize the need for increased resources for these purposes and will support legislation to provide funding to the Department of Insurance.

I am deleting Provision 1 and identical language in Item 1760-001-0666, which requires approval of the Board of Equalization of any contract for janitorial and property management services for the building they occupy in Sacramento. This language is an infringement on the ability of the Executive Branch to efficiently manage all state buildings, which includes the State Board of Equalization headquarters building. This language is also inconsistent with current law which provides for service contracts to be competitively bid.

Item 1100-001-0001—For support of California Science Center. I reduce this item from \$8,529,000 to \$8,329,000 by reducing:

- (c) 40.01-Administration from \$1,238,000 to \$1,038,000;
- and by deleting Provision 3.

I am deleting the \$200,000 legislative augmentation for a study on Exposition Park. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I delete Provision 3 to conform to this action.

Item 1111-101-0001—For local assistance, Department of Consumer Affairs. I delete this item and Provision 1.

I am deleting the \$1,510,000 legislative augmentation for the Verdugo Hills of Peace Cemetery. This item would appropriate funds for allocation to the City of Los Angeles when the city assumes receivership of this cemetery and conservatorship of the cemetery's endowment care fund. This appropriation would set an undesirable precedent by using General Fund moneys to address the financial problems of local cemeteries.

Item 1760-001-0002—For support of Department of General Services. I delete Provision 1.

Provision 1 authorizes the Department of General Services to exchange with the City of Los Angeles, in whole or in part, approximately 20 acres of land located in the City of Los Angeles within the area bounded by Santa Fe Avenue, the Los Angeles River, Olympic Boulevard and Washington Boulevard.

I am deleting Provision 1 because the language restricts the Department of General Services' options for disposing of this property which was designated surplus in Chapter 695, Statutes of 1992. This property was purchased with General Obligation Bond funds approved by the voters to build and expand youth and adult correctional facilities. The property is in the process of being sold and the proceeds from the sale of this property should be returned to the

1986 Prison Construction General Obligation Bond Fund, from which the funds were appropriated.

Item 1760-001-0666—For support of Department of General Services. I delete Provision 11.

Provision 11 prohibits any funds from being expended for any property services described in a three-party contract between the Board of Equalization, the Department of General Services and a private vendor for property services to the Capitol Square Building at 450 N Street occupied by the Board of Equalization, except under a contract approved by vote of the members of the Board of Equalization.

I am deleting Provision 11 because this language impedes on the ability of the Department of General Services to efficiently manage this building, as the Department would not have sufficient resources to pay for administering maintenance contracts necessary to operate and maintain the building. Under current law, the Department of General Services is authorized to administer and maintain the buildings under its care as well as to charge an appropriate fee for these services.

I am also revising this item to conform to the action I have taken in Item 1760-001-0001.

Item 1760-492—Reappropriation, for capital outlay, Department of General Services. I revise this item by deleting Provision 2.

I am deleting Provision 2 which would have reappropriated funds for the working drawings and construction phase of the Hazard Mitigation and Demolition of the Legislative Office Building Annex project. The most recent project schedule indicates the funds will not be necessary in 1997–98.

Item 1880-001-0001—For support of State Personnel Board. I delete Provision 1.

Provision 1 requires the State Personnel Board to remain in its existing building at 801 Capitol Mall and prohibits funds appropriated in this item from being used to relocate the State Personnel Board staff or functions from this location. This language interferes with the ability of the Executive Branch to manage its programs and deploy staff in the most appropriate manner. In addition, the language is unnecessary because the Administration's previous plan to relocate the State Personnel Board has been revised and no funds have been appropriated to relocate the Board.

Item 2100-001-0081—For support of Department of Alcoholic Beverage Control.

I am sustaining the legislative augmentation of \$2,000,000 to this item and the \$500,000 augmentation in Item 2100-101-0081 for the Grant Assistance to Law Enforcement (GALE) program. The augmentation will provide for 18 additional field investigator positions and 6 associated support positions. I will, however, be vetoing Assembly Bill 783 which was intended to provide a permanent funding source for this augmentation by redirecting fine revenues from the General Fund to the Alcohol Beverage Control Fund. It is clear, however, that, as desirable as added enforcement resources are, the program level contained in this augmentation cannot be sustained without sufficient additional revenues to

maintain it. In order to continue the added level of enforcement, I am amenable to legislation to provide added revenues to the fund without affecting the State General Fund.

Item 2240-003-0001—For support of Department of Housing and Community Development. I delete this item.

I am deleting this item and the funding of \$150,000 which provides a transfer of funds from the State General Fund to the Rental Housing Construction Fund to fund support costs for the Urban Predevelopment Loan Program. I delete this item in conformance with my action on item 2240-105-0001.

Item 2240-003-0938—For support of the Department of Housing and Community Development. I delete this item.

I am deleting this item and the funding of \$150,000 which provides for support costs, funded from the Rural Housing Construction Fund, for the Urban Predevelopment Loan Program. I delete this item in conformance with my action on Item 2240-105-0001.

Item 2240-105-0001—For local assistance, Department of Housing and Community Development. I delete this item.

I am deleting this item and the funding of \$1,000,000 for transfer from the General Fund to the Rental Housing Construction Fund. These funds were intended to renew funding for the Urban Predevelopment Loan Program which has not been funded since 1992–93. I am not convinced of the need to reestablish this program and am therefore unwilling at this time to commit new state funding for this purpose.

Item 2240-105-0938—For local assistance, Department of Housing and Community Development. I delete this item and Provision 1.

I delete this item in conformance with my action on item 2240-105-0001.

Item 2600-001-0046—For support of California Transportation Commission. I delete Provision 1.

I am deleting Provision 1 which requires the California Transportation Commission to notify the Joint Legislative Budget Committee and the Chairperson of the fiscal committee of each house that considers budget appropriations before allocating funding for the working drawing phase of traffic management centers.

This language is inconsistent with statutes governing the process for managing and allocating funds for highway capital outlay whereby the California Transportation Commission programs transportation projects and allocates transportation funding. Additionally, the language does not fit the Commission's allocation process since the Commission does not allocate funding based on construction phases but rather on a project-by-project basis. Finally, this language may result in project delays and would infringe on the Executive Branch's ability to effectively manage the program.

Item 2660-001-0042—For support of the Department of Transportation. I revise this item by reducing:

- (i) 30-Mass Transportation from \$76,166,000 to \$72,568,000, and
 - (q) Amount payable from the Transportation Planning and Development Account, State Transportation Fund (Item 2660-001-0046) from (–\$85,843,000) to (–\$82,245,000).
- deleting Provision 7.

I am deleting Provision 7 which requires the Department of Transportation to redirect \$600,000 to pay for a Bureau of State Audits performance review of the Department's capital outlay support, information technology, telecommunications, financial analysis, and planning projections. The purposes and objectives of the proposed audit are unspecified, lacking in focus, and appear to duplicate the work of SRI International which issued a report covering similar topics in early 1994. The redirection of \$600,000 from the Department's support budget for this audit constitutes an unallocated reduction to the Department, which reduces resources available to implement the recommendations of the SRI report. For these reasons, I question the value of initiating another performance review of the department at this time.

I am revising the schedules in this item to conform to the action I have taken in Item 2660-001-0046.

Item 2660-001-0046—For support of Department of Transportation. I reduce this item from \$85,843,000 to \$82,245,000 and delete Provisions 5 and 7.

I am reducing this item by \$1,548,000 which would fund intercity passenger rail route services operated under contract by the National Passenger Railroad Corporation for the operation of a fifth and sixth train on the Capitol Corridor. In addition, I am also reducing this item by \$550,000 for extending service between Sacramento and Stockton.

While I support these two proposals for service expansion, they are premature as negotiations with the Union Pacific railroad regarding necessary signalization and track improvements for a fifth and sixth Capital Corridor train have not concluded, and these improvements will not be in place in time to begin service in 1997-98. Similarly, the track improvements which are needed to make the connection for the Sacramento-to-Stockton extension are not complete. Negotiations with the railroads that control these tracks have not been concluded, and this service cannot begin in 1997-98. Thus, there is little likelihood that these funds could be spent in 1997-98.

As a conforming action, I am deleting Provision 7.

I am deleting the \$1,500,000 augmentation to expand intercity passenger rail route services between the counties of Los Angeles, Riverside, and San Bernardino to the Coachella Valley on weekends for a nine-month period in conjunction with the Southern California Regional Rail Authority's existing operations. There is no market analysis of this route to determine whether it represents a viable route for investing Transportation Planning and Development Account resources. In addition, this augmentation sets the precedent of the State providing intercity rail funding to transit agencies for local rail operations.

As a conforming action, I am deleting Provision 5.

Item 2720-011-0042—For support of the California Highway Patrol. I revise this item by deleting Provision 1.

I am deleting Provision 1 which would state Legislative intent to limit future State Highway Account funding of the Commercial Motor Vehicle Inspection Program to 40 percent. Existing law does not place any limits or restrictions on the use of State Highway Account funds for support of the Commercial Vehicle Inspection

Program within the California Highway Patrol. The funding source for this program is an appropriate subject to be addressed annually in the budget process and should not be limited.

Item 2780-001-0683—For support of Stephen P. Teale Data Center. I revise this item by revising Provision 1.

I am revising Provision 1 of this item to delete language that would unnecessarily restrict the provision from applying to expenditures related to payment of services provided by private law firms. Because of the irregularity and unpredictability of the need for such legal services, this provision interferes with the ability of the Executive Branch to engage legal representation as required.

“1. Notwithstanding any other provision of law, the Director of Finance may authorize expenditures for the Stephen P. Teale Data Center in excess of the amount appropriated not sooner than 30 days after notification in writing of the necessity therefor is provided to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the chairperson of the committee, or his or her designee, may in each instance determine. ~~However, no expenditure authorized by this provision may be applied, directly or indirectly, to pay for services provided by a private sector law firm.~~”

Item 2920-001-0001—For support of California Trade and Commerce Agency. I revise this item by deleting Provisions 1 and 4.

The Legislature adopted Provision 1 to appropriate an additional \$30,000 for Program 10, Economic Development, contingent upon Agency notification to the Legislature of having compiled and published information relating to state assistance available to businesses. I am deleting this provision because it is an inappropriate way to establish priorities in the budget. Although this proposal may have merit, it is not of comparable priority to the Agency's existing business assistance activities.

I am deleting Provision 4 which directs the Trade and Commerce Agency to allocate \$100,000 of the funding in Program 20, the International Trade and Investment Program, subject to obtaining matching funds from private sources, for the state's participation in the 1998 exposition in Lisbon, Portugal. Within the funding for the International Trade and Investment Program are resources for the Trade and Commerce Agency to be represented at various domestic and international trade shows and expositions. The decision as to which shows and expositions to participate in is determined on a priority basis, based on an evaluation of the potential for generating increased trade or tourism to the state.

Item 2920-101-0001—For local assistance, California Trade and Commerce Agency. I revise this item by deleting Provision 3.

The Legislature adopted Provision 3 directing the Trade and Commerce Agency to allocate up to \$125,000 of the funds appropriated in this item for economic development to the California Council of Science and Technology to conduct a study on how the state organizes and conducts its research and development in science and technology and to recommend the best ways to

deliver this technology to the state's industrial base. I am deleting this provision because there is no clear link between academic research and the development matching grant programs of the Trade and Commerce Agency. In addition, the Agency has typically been able to leverage its funding for strategic technology projects to obtain additional funds from federal and private sources. Although the project designated in this language would be eligible to compete on a priority basis for funding administered by the Agency, it is not likely that it would qualify for federal matching funds. I am not willing to sacrifice the potential to fund higher priority projects to specify the particular project in this language.

Item 3360-001-0381—For support of the State Energy Resources, Conservation and Development Commission. I revise this item by deleting Provisions 1 and 2.

I am deleting Provision 1 because this language is unnecessary and duplicative. Chapter 854, Statutes of 1996, already requires enactment of administrative and expenditure criteria before expenditure of funds.

I am deleting Provision 2 because Control Section 2.0 of this Act limits the funds contained in this item to expenditure only during the 1997-98 fiscal year, making this language unnecessary.

Item 3360-001-0382—For support of State Energy Resources, Conservation and Development Commission. I revise this item by deleting Provisions 1 and 2.

I am deleting Provisions 1 and 2 which would allocate funds appropriated by this item, specify future allocation of funds, and all revenues to four sub-funds. I am deleting this language because it appears to restrict the ability of the Commission to manage its operations.

Item 3480-001-0001—For support of Department of Conservation. I revise this item by reducing:

- (c) 30-Land Resource Protection from \$2,345,000 to \$2,308,000, and
- (k) Amount payable from the California Environmental License Plate Fund (Item 3480-001-0140) from -\$92,000 to -\$55,000.

I am revising this item to conform to the action I have taken in Item 3480-001-0140.

Item 3480-001-0140—For support of Department of Conservation. I reduce this item from \$92,000 to \$55,000.

I am reducing this item by \$37,000 which the Legislature added for farmland mapping in Mendocino County. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Item 3540-001-0001—For support of Department of Forestry and Fire Protection. I reduce this item from \$263,306,000 to \$262,825,000 by reducing:

- (a) 100000-Personal services from \$308,273,000 to \$308,241,000,
- (b) 300000-Operating expenses and equipment from \$121,869,000 to \$121,288,000, and

- (h) Amount payable from the California Environmental License Plate Fund (Item 3540-001-0140) from -\$926,000 to -\$794,000.

I am deleting the \$481,000 legislative action that transferred the establishment of a centralized training facility for an urban search and rescue program from the Office of Emergency Services (OES), as I proposed in the budget, to the Department of Forestry and Fire Protection (CDF). The Legislature inappropriately moved this program activity to CDF. This responsibility properly belongs with OES which currently establishes all required standards for training, equipment, and operational tactics for urban search and rescue teams. Additionally, OES is responsible for the coordination and management of the eight urban search and rescue task forces that make up the State's urban search and rescue system. I will support legislation to restore the funding for this program in OES.

I am revising this item to conform to the action I have taken in Item 3540-001-0140.

Item 3540-001-0140—For support of Department of Forestry and Fire Protection. I reduce this item from \$926,000 to \$794,000 and delete Provisions 1 and 2.

I am deleting the legislative augmentation of \$100,000 for research on the pine pitch canker fungus. The Department of Forestry and Fire Protection is already an active participant, along with the federal government, local governments and commercial growers, of the Pine Pitch Task Force which is attempting to address the spread of this disease. It is not clear that this augmentation is needed at this time given the work of the Task Force.

I am also deleting the legislative augmentation of \$32,000 to provide permanent funding for the Red Mountain Fire Lookout. After extensive evaluation by the Department of Forestry and Fire Protection, it has been determined that fire lookouts are no longer critical to firefighting efforts as they have become a secondary notification source due to increased populations moving into wildland areas and modern technology, such as cellular phones. Consequently, it is not an efficient use of the Department's limited firefighting resources to staff these lookouts. Moreover, the California Environmental License Plate Fund does not appear to be an appropriate funding source for the permanent support of fire lookout stations.

I am deleting Provisions 1 and 2 to conform to these actions.

Item 3600-001-0140—For support of Department of Fish and Game. I reduce this item from \$11,643,000 to \$11,146,000, and delete Provisions 2 and 3 and revise Provision 4.

I am deleting the legislative augmentation of \$170,000 and 1.9 personnel years for enforcement and management at South Spit in Humboldt County to handle illegal encampment and refuse/debris problems. This is a local enforcement problem and it would be inappropriate for the State to fund this local responsibility. Moreover, the State does not have jurisdiction over this property. In addition, it is unclear if this project qualifies as an appropriate use of California Environmental License Plate Funds.

I am deleting the legislative augmentation of \$177,000 and 1.9 personnel years for two biologists at Clear Lake and other lakes and

reservoirs that are accessible from major urban areas. It is unclear if there is sufficient workload for the additional positions. Workload needs should be evaluated in the context of the department's statewide staffing needs and priority programs as well as availability of funds.

I delete Provisions 2 and 3 to conform to the above actions.

I am reducing the legislative augmentation of \$300,000 by \$150,000 to fund the levee construction work at the Pine Creek Unit-Expansion #3. Construction of this levee would provide future flood protection between a department managed habitat area and private property at Pine Creek. Because the property is managed for riparian habitat purposes and would provide habitat benefits, it would be appropriate to use other available special funds for this purpose. As such, I am directing the Department and the Wildlife Conservation Board to identify funding for the remaining \$150,000.

I revise Provision 4 to conform to this action.

“From funds appropriated by this item, the Department of Fish and Game shall make disbursements, not to exceed ~~\$300,000~~ \$150,000, to owners of real property located near the Department's Pine Creek Unit-Expansion #3, in the County of Glenn, for purposes of the construction of a levee to protect against future flooding of those properties resulting from the failure of the adjacent levee owned by the Department of Fish and Game. A memorandum of agreement shall be executed between the Department of Fish and Game and all the owners of the real property adjoining the proposed levee. The memorandum shall include provisions requiring the maintenance of the levee by the owners of the real property.”

Item 3600-001-0200—For support of Department of Fish and Game. I revise this item by reducing:

- (a) 10-Enforcement of Laws and Regulations from \$34,826,000 to \$34,656,000,
- (c) 35-Wildlife and Natural Heritage Management from \$46,137,000 to \$45,987,000,
- (d) 55-Fisheries Management from \$72,604,000 to \$72,427,000, and
- (k) Amount payable from the California Environmental License Plate Fund (Item 3600-001-0140) from $-\$11,643,000$ to $-\$11,146,000$.

I revise this item to conform to the action I have taken in Item 3600-001-0140.

Item 3640-101-0262—For local assistance, Wildlife Conservation Board. I delete this item and Provision 1.

I am deleting the \$250,000 legislative augmentation for a local assistance grant to the City of La Canada-Flintridge for the Cherry Canyon acquisition. This project is not of a sufficient priority to justify the use of limited state resources. This action conforms with action taken in the Department of Parks and Recreation (Item 3790-101-0262).

I delete Provision 1 to conform to the action taken in this item.

Item 3640-101-0545—For local assistance, Wildlife Conservation Board. I delete this item and Provision 1.

I am deleting the \$1,500,000 legislative augmentation for a local assistance grant to the City of Sacramento to acquire lands for a parkway along the Sacramento River. The needs at that location

have not been prioritized relative to other qualifying projects along the Sacramento River. Additionally, provisional language requires that the acquisitions be made from willing sellers. The total costs for acquisition appear to be substantial because of the requirement of willing sellers; setting aside resources for this purpose with that requirement does not appear to be prudent.

I am also deleting Provision 1 to conform to the action taken in this item.

Item 3680-101-0516—For local assistance, Department of Boating and Waterways. I reduce this item from \$45,162,000 to \$44,612,000 by reducing:

- (b) 20-Boating Operations from \$9,225,000 to \$8,725,000
 - (c) 30-Beach Erosion Control from \$4,473,000 to 3,423,000
- and by deleting:
- (e) Amount payable from the Renewable Resources Investment Fund (Item 3680-101-0940) (-\$1,000,000).

I am deleting the legislative augmentation of \$50,000 for the County of Santa Cruz, East Cliff Drive Beach Erosion Repair project. The January Budget included \$960,000 for this project, which has been sustained by the Legislature. It is unclear why there is a need for an additional contribution from the State. While I am supportive of this project, as noted by the inclusion of \$960,000, this project is not of sufficiently high priority to justify a further augmentation using limited state resources.

and by deleting:

Redwood City: Disposal of Abandoned Vessels \$500,000.

I am reducing this item by \$500,000 for the above mentioned local assistance grant to Redwood City. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I delete Provisions 4 and 6 to conform with actions taken in Item 3680-101-0940.

I revise this item to conform to the actions taken in Item 3680-101-0940.

Item 3680-101-0940—For local assistance, Department of Boating and Waterways. I delete this item and Provision 1.

I am deleting the legislative augmentation of \$700,000 for the U.S. Navy Aircraft Carrier Homeporting Project for the San Diego Association of Governments. While the project may have merit, state funding of \$4 million has been appropriated over the past two years with the understanding that the State would contribute 25 percent of the total costs. To date, the entire \$4 million has been paid and the State's commitment is complete. I understand that there has been a recent decrease in the project costs. As such, the need for this augmentation is unclear since it represents a significant increase in the State's current commitment.

I am deleting the legislative augmentation of \$300,000 to fund a sand replenishment program. While the program may have merit, I am concerned that this appropriation could result in significant future costs to the state as the sand continues to migrate to the ocean floor.

I am also deleting Provision 1 to conform to the action in this item.

Item 3760-301-0383—For capital outlay, State Coastal Conservancy. I revise this item by deleting Provision 3.

I am deleting Provision 3 because it permits the Conservancy to give priority to the Pier 98 Wetlands Enhancement and Public Access Project in the San Francisco Bay. While this provision is permissive, it would create an expectation that the project will be undertaken without regard to its merit and readiness relative to other eligible projects. Deletion of this provision does not prevent the Conservancy from undertaking the projec, but does allow the Conservancy to evaluate the project according to its established review process.

Item 3760-301-0545—For capital outlay, River Parkway Subaccount. I reduce this item from \$8,000,000 to \$7,000,000 by deleting:

- (5) 80.97.094—River Parkway Program, Guadalupe River (\$1,000,000)

I am deleting this project because its priority has not been evaluated relative to other river parkway projects throughout the state.

Item 3790-101-0140—For local assistance, Department of Parks and Recreation. I reduce this item from \$1,310,000 to \$760,000 by reducing:

- (1) 80.25 Local Grants from \$1,310,000 to \$760,000, and by deleting:
 - (b) City of San Diego: Coast to Crest Trail (200,000)
 - (c) City of Bellflower: West Branch Greenway Trail (250,000)
 - (e) City of Tracy: Park Improvements (20,000)

I am reducing the aforementioned legislative augmentations by \$470,000. These projects are not of sufficiently high priority to justify the use of limited state resources from the California Environmental License Plate Fund. In addition, the local assistance grant to the City of Tracy for park improvements is for the purchase of a graffiti abatement machine. While this project may have merit, this is an not an appropriate use of California Environmental License Plate Funds.

and by deleting:

- (f) City of Redondo Beach: Wilderness Park Improvements (80,000)

I am deleting this legislative augmentation of \$80,000. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Item 3790-101-0235—For local assistance, Department of Parks and Recreation. I reduce this item from \$4,548,000 to \$1,830,000 by reducing:

- (1) 80.25 Local Grants from \$4,548,000 to \$1,830,000 by deleting:
 - (e) City of Glendale: Glendale Memorial Park (250,000)
 - (j) City of Sylmar: Wilson Canyon Equestrian Improvements (15,000)
 - (k) City and County of San Francisco: MLK, Jr. Community Center Pool (250,000)

(m) City of Oakland: Sanborn Park (148,000)

I am deleting the \$663,000 in legislative augmentations for the four local assistance grants listed above. These projects are not of sufficient priority to justify the use of limited resources.

and by deleting:

(a) City of Santa Maria: United Youth Center (1,000,000)

(g) City of San Diego: Cadman Community Park Tot Lot (105,000)

(h) City of San Diego: Gershwin Neighborhood Park Tot Lot (125,000)

(n) City of Maywood: Regional Park (500,000)

(o) City of Clearlake: Senior Center (250,000)

(cc) National City: El Toyon Park Improvements (75,000)

For Schedules 1(a), 1(g), 1(h), 1(n), 1(o), and 1(cc), I am reducing this item by \$2,055,000. These amounts are set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Item 3790-101-0262—For local assistance, Department of Parks and Recreation. I revise this item by deleting:

(2) 80.25.056 City of Canada-Flintridge: Cherry Canyon Acquisition (\$250,000)

(3) Reimbursements from (–\$250,000)

and by deleting Provision 3.

I am deleting the \$250,000 legislative augmentation for local assistance for the City of Canada-Flintridge: Cherry Canyon Acquisition, to be reimbursed from the Wildlife Conservation Board, Habitat Conservation Fund. This project is not of a sufficient priority to justify the use of limited state resources.

I delete Provision 3 to conform to this action.

Item 3790-101-0383—For local assistance, Department of Parks and Recreation. I reduce this item from \$4,181,000 to \$1,010,000 by deleting:

(1) 80.25 Local Grants from \$4,181,000 to \$1,010,000

(b) City and County of San Francisco: Esprit Park Acquisition (500,000)

(c) Sunrise PRD: Robert Frost Park (100,000)

(d) Regional Parks Foundation: MLK Jr. Freedom Center (174,000)

(e) City of Los Angeles: Japanese American National Museum (500,000)

(f) City of Calabasas: Agoura Hills/Calabasas Community Center (400,000)

(h) Pittsburg Historical Society: Purchase New Museum Building (75,000)

(l) City of Pomona: Harrison Park (90,000)

(n) City of El Monte: Teen Center (250,000)

(q) City of San Bernardino: Nunez Park Improvements (150,000)

(w) City of San Diego: Bay Terrace Community Park (\$100,000)

(y) City of Mammoth Lakes: Lodestar Bike Trail (\$225,000)

While I am supportive of efforts in this area, these projects are not of sufficiently high priority to justify the use of limited state resources. Additionally, the City of Mammoth Lakes Lodestar Bike

Trail is a reappropriation of Environmental Enhancement and Mitigation Demonstration Program Funds, which have been reappropriated in the CalTrans budget (Item 2660-491). As such, this augmentation is not necessary

and by deleting:

- (g) Linden Unified School District: Renovation of Swimming Pool (25,000)
- (m) City of San Diego: Regional Teen Center (250,000)
- (o) City of San Jose: Vietnamese Cultural Heritage Garden (100,000)
- (s) Youth Garden Alliance: Community Garden in Mendocino County (32,000)
- (u) City of Merced: Sports Complex (200,000)

For Schedule 1(g), 1(m), 1(o), 1(s), 1(u), I am reducing this item by \$607,000. These amounts are set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Item 3790-491—Reappropriation, Department of Parks and Recreation. I delete this item.

0140-California Environmental License Plate Fund

- (1) Item 3790-101-140(2), Budget Act of 1987, as reappropriated by Item 3790-491, Budget Act of 1991, 50.20.140 Sacramento County-Dry Creek Parkway Acquisition for purposes of open space and recreation.

I am deleting this item which reappropriates \$400,000 to the County of Sacramento. These funds have already been reappropriated twice for revised projects. This current reappropriation is not consistent with the intent or scope of the initial and subsequent appropriations. Because the projects for which the funds were initially intended have not been realized, the funds should revert back to the fund of origin and this project should compete for funding along with other projects.

Item 3860-001-0001—For support of Department of Water Resources. I revise this item by reducing:

- (a) 10-Continuing Formulation of the California Water Plan from \$55,411,000 to \$55,261,000;
- (kk) Amount payable from Local Projects Subaccount (Item 3860-001-0543) from -\$650,000 to -\$500,000.

I revise this item to conform to the action I have taken in Item 3860-001-0543.

Item 3860-001-0543—For support of Department of Water Resources. I reduce this item from \$650,000 to \$500,000.

I am reducing this item by \$150,000 by deleting the legislative augmentation for the Success Reservoir Feasibility Study. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Item 3900-001-0044—For support of State Air Resources Board. I revise this item by reducing:

- (b) 25-Stationary Source from \$39,256,000 to \$36,756,000,
- (f) Amount payable from the Air Pollution Control Fund (Item 3900-001-0115) from \$9,836,000 to -\$7,336,000, and by deleting Provision 1.

Provision 1 would require the Air Resources Board to expend \$50,000 of limited Air Pollution Control Fund resources on comparing air monitoring sampling technologies for methyl bromide. The budget already includes \$17,800,000 for air monitoring activities, and it is not necessary to earmark funding for this purpose at the expense of other worthwhile programs.

I am revising this item to conform to the action I have taken in Item 3900-001-0115.

Item 3900-001-0115—For support of Air Resources Board. I reduce this item from \$9,836,000 to \$7,336,000.

I am deleting the \$2,500,000 legislative augmentation for increased levels of air pollution control activities. The \$2,500,000 to fund these activities would have been raised through increased fees on California businesses. No companion legislation to the budget has been enacted to authorize such fees. Consequently, since no funding will be available, I am deleting the augmentation.

Item 3900-101-0001—For local assistance, State Air Resources Board. I delete this item to make a technical correction to the Budget Bill.

This veto is necessary to conform the Budget Act with the Legislature's action taken in Item 3900-101-0044, which denied a proposal to shift subvention funding to the General Fund.

Item 3910-001-0387—For support of California Integrated Waste Management Board. I delete Provision 4.

I am deleting Provision 4 because it is unnecessarily restrictive. It would require the California Integrated Waste Management Board to target certain programs for reduction should revenues in the Integrated Waste Management Account fall short of projections. The Board should have greater flexibility to determine the means of coping with any revenue shortfall in the Account.

Item 3930-001-0001—For support of Department of Pesticide Regulation. I revise this item by deleting Provisions 2 and 3.

In order to correct technical errors in the Budget Bill, I am deleting Provisions 2 and 3, which would specify the use of \$150,000 for pesticide use reporting, and \$1,500,000 for alternative pesticide research, respectively. Both of these provisions were considered by the Legislature and rejected, but inadvertently left in the Budget Bill. This veto will conform the Budget Act to the action taken by the Legislature.

Item 3930-001-0106—For support of Department of Pesticide Regulation. I revise this item by deleting Provisions 2 and 3.

In order to correct technical errors in the Budget Bill, I am deleting Provisions 2 and 3, which would make Department of Pesticide Regulation Fund moneys available for all departmental activities, and earmark \$500,000 for high-priority risk assessments, respectively. Both of these provisions were considered by the Legislature and rejected, but inadvertently left in the Budget Bill. This veto will conform the Budget Act to the action taken by the Legislature.

Item 3930-101-0106—For local assistance, Department of Pesticide Regulation. I revise this item by deleting Provision 2.

In order to correct a technical error in the Budget Bill, I am deleting Provision 2, which would make Department of Pesticide Regulation Fund moneys available for all departmental activities. This provision was considered by the Legislature and rejected, but inadvertently left in the Budget Bill. This veto will conform the Budget Act to the action taken by the Legislature.

Item 3940-001-0001—For support of State Water Resources Control Board. I revise this item by reducing:

(a) 10-Water Quality from \$339,493,000 to \$338,923,000, and by deleting:

(gg) Amount payable from the California Environmental License Plate Fund (Item 3940-001-0140) (-\$570,000),

and by deleting Provision 2.

Provision 2 would authorize the State Water Resources Control Board (Water Board) to augment its Water Quality Program by \$600,000 from the General Fund to implement coastal nonpoint source abatement grants after the Water Board submits a plan to the Legislature to implement the Nonpoint Source Management Program's Technical Advisory Committee recommendations. The budget already contains over \$7 million to implement nonpoint source abatement activities. Moreover, the grant program has not been analyzed and prioritized for funding with other worthwhile programs. Consequently, I am deleting Provision 2.

I am revising this item to conform to action I have taken in Item 3940-001-0140.

Item 3940-001-0140—For support of State Water Resources Control Board. I delete this item and Provisions 1 and 2.

This item is intended to augment funding for various coastal water quality activities. I am deleting this item because the budget already contains over \$1.4 million for coastal water quality activities. Moreover, this augmentation has not been analyzed and prioritized for funding with other worthwhile programs.

I delete Provisions 1 and 2 to conform to this action.

Item 3940-001-0282—For support of State Water Resources Control Board. I revise this item by deleting Provisions 1 and 2.

Provision 1 would direct the State Water Resources Control Board to allocate the funds in this item to the regional water quality boards. Provision 2 would condition the expenditure of \$450,000 on providing a report to the Legislature on (1) overlapping and duplicative monitoring and water quality planning activities, and (2) a plan to meet current statutory requirements for toxic cleanup of bay estuaries.

I am deleting Provision 1 because I believe the Board should have the flexibility to allocate funds to programs to effectively achieve its goals.

I am deleting Provision 2 because the Board is completing the Enclosed Bays and Estuaries Plan, which is focused on establishing water quality standards that will protect the beneficial uses of bays and estuaries. The Board indicates that this is the only effort underway related to developing water quality standards for bays and estuaries, and does not overlap or duplicate other water quality planning efforts. There is no need for the language in Provision 2, which could actually cause delays in the progress that is being made

in developing water quality standards by diverting staff to the preparation of the report.

Item 3940-101-0383—For local assistance, State Water Resources Control Board. I delete this item.

I am deleting the \$280,000 legislative augmentation to reimburse the Yucaipa Valley Water District (Water District) for disputed audit repayments. This augmentation is premature because the Water District has not received a final audit determination, and has not exhausted various administrative appeals. Further, there is an audit risk inherent with the receipt of any government funding that an entity receives as a condition of spending the funds.

I am also deleting the \$175,000 legislative augmentation to pay the Spring Valley Lake Association (Association) for expenses incurred for cleaning up a leaking underground storage tank after the Association's contractor had gone bankrupt and failed to leave needed documentation to support the Association's additional cleanup costs from the Underground Storage Tank Cleanup Fund (Cleanup Fund). If the Association could justify its claim, the Cleanup Fund would be the appropriate funding source.

Item 3960-001-0001—For support of Department of Toxic Substances Control. I reduce this Item from \$18,731,000 to \$17,416,000, and delete Provision 3.

I am deleting the \$1,315,000 legislative augmentation for the Railroad Accident Prevention and Immediate Deployment (RAPID) program. The RAPID program should be supported by fees and reimbursements, rather than the General Fund. After this action, \$685,000 in fee and reimbursement funding will still be available to support the RAPID program in 1997-98. I fully support the purpose and objectives of the program and am willing to increase the available funding in future years from fee revenues. Although statutory authorization for RAPID fees has expired, I hope that my action in this item will spur interest in enactment of legislation that authorizes fees for the ongoing support of the RAPID program.

I am deleting Provision 3 to conform to this action.

Item 3960-001-0014—For support of Department of Toxic Substances Control. I revise this item by reducing:

- (a) 12-Site Mitigation from \$87,658,000 to \$86,343,000, and
- (h) Amount payable from General Fund (Item 3960-001-0001) from -\$18,731,000 to -\$17,416,000.

I am revising this item to conform to action I have taken in Item 3960-001-0001.

Item 4200-101-0890—For local assistance, Department of Alcohol and Drug Programs. I am sustaining the Legislature's action in this item with the following comments:

In the January Budget I had proposed that these funds be used to provide critically needed treatment services to substance abusing parents and their infants. The treatment, along with hospital protocols for early identification, would have gone far in preventing the abuse and neglect of newborn infants. The Legislature instead designated these funds to be used by the Department of Social Services for substance abuse treatment of CalWORKs recipients.

While moving recipients to work and providing the necessary services to facilitate their ability to work is a high priority, numerous programs and funds are already available to serve adult populations; services to infants, however, are woefully inadequate. It is my hope that the Legislature will recognize the needs of our youngest victims and appropriate funding to provide these critically needed services.

Item 4260-101-0001—For local assistance, Department of Health Services. I reduce this item from \$6,957,490,000 to \$6,955,495,000 by reducing:

- (a) 20.10.030-Benefits (Medical Care and Services) from \$16,043,445,000 to \$16,041,700,000,
- (b) 20.10.010-Eligibility (County Administration) from \$887,047,000 to \$884,947,000, and
- (e) Amount payable from the Federal Trust Fund (Item 4260-101-0890) from -\$10,100,419,000 to -\$10,098,569,000, and deleting Provisions 14, 20, 25 and 26.

I am reducing the legislative augmentation of \$15,910,000 for pregnancy related services by \$1,745,000 and deleting Provision 26, which would have extended the state-only program of pregnancy-related services to persons not lawfully present in the United States. Legal residents and citizens should have first priority in the use of limited resources for health care. Further, the availability of free prenatal care for illegal immigrants encourages unlawful entry into California. In order to provide sufficient time to process necessary regulatory changes, I am retaining funding to reflect termination of the program on October 1, 1997.

I am reducing the \$400,000 legislative augmentation by \$250,000 for expansion of outreach and simplification of eligibility to increase utilization of Transitional Medi-Cal for persons discontinued from AFDC due to employment or increased earnings. The remaining funds will allow the Department of Health Services to simplify eligibility forms and provide additional notification to beneficiaries.

I am deleting Provision 14, which would express intent to reduce the amount of required fund transfers to the Health Care Deposit Fund by an additional \$25,000,000 in the 1998-99 fiscal year. This language is an infringement on the Executive Branch's budget development process and restricts my authority to prepare a balanced budget reflecting my spending priorities.

I am deleting Provision 20, which would require a detailed and extensive report concerning specified managed care enrollment problems, because it is unnecessary, and would be required by an unrealistic due date of August 22, 1997.

I am deleting Provision 25, which would require the Department of Health Services to consider the "ripple effect" when estimating the impact of minimum wage increases on nursing home costs. Existing law already requires the department to consider costs of operating nursing facilities when establishing Medi-Cal rates. Therefore this language is unnecessary.

Item 4260-101-0890—For local assistance, Department of Health Services. I reduce this item from \$10,100,419,000 to \$10,098,569,000.

I am reducing this item by \$1,850,000 to conform to actions taken in Item 4260-101-0001.

Item 4260-111-0001—For local assistance, Department of Health Services. I reduce this item from \$341,623,000 to \$310,023,000 by reducing:

- (e) 10.30.060-AIDS from \$170,169,000 to \$168,569,000,
 - (g) 20.40-Primary Care and Family Health from \$1,259,418,000 to \$1,229,418,000,
- and deleting Provisions 4(g), 4(h) and 4(i).

I am deleting the \$1,600,000 legislative augmentation to continue confidential testing for AIDS and other sexually transmitted diseases through family planning clinics. This augmentation is not needed because the budget already provides adequate funding to ensure access to such testing through the Family PACT program or the confidential HIV testing program. In addition, funding should be provided through the normal competitive allocation process rather than being targeted to specific providers.

I am also deleting the \$30,000,000 legislative augmentation for the following indigent health care programs: \$6,500,000 for rural health clinics, \$7,000,000 for increased services in Expanded Access to Primary Care clinics, and \$16,500,000 to augment the California Health Care for Indigent program. While these programs have merit, I am sustaining other health related augmentation to provide increased access and services. In addition, two of these programs are funded by the Cigarette and Tobacco Products Surtax Fund, a declining revenue source. An augmentation from the General Fund would establish the precedent that these programs will be maintained at a certain funding level.

I am sustaining a \$2,000,000 legislative augmentation for rural health clinics, a 45 percent increase to the base funding for this program and a \$3 million augmentation for the Seasonal Agricultural and Migrant Workers Community Clinics, which more than doubles the program.

I am deleting Provision 4(g) which would require an interim evaluation of the teen pregnancy prevention program's male involvement intervention project grants and the media campaign by January 1, 1998. These are multi-year programs for which evaluations are already planned and funded, and will be available June 30, 1998, and June 30, 1999, respectively.

I am deleting Provision 4(h) which would require the Department of Health Services to prepare a statewide comprehensive plan for teen pregnancy prevention programs. Current teen pregnancy prevention efforts include a media campaign, the Male Involvement Intervention grants and the Community Challenge Grant program. All are multi-year programs and each program has a funded evaluation component. It is premature to develop a statewide comprehensive pregnancy prevention plan in advance of the evaluations of the State's current programs.

I am deleting Provision 4(i) which would require reporting information on children eligible for the California Children's Services program who are also enrolled in Medi-Cal managed care treatment plans. This language requires the provision of data which will not be available because the Legislature deleted all funding for a case management tracking system which would have collected these data.

Item 4260-111-0231—For local assistance, Department of Health Services. I delete Provision 1.

I am deleting Provision 1 which would require an evaluation of the effectiveness of a smoking cessation program which received a \$5,000,000 appropriation in 1996–97. This program serves only Medi-Cal recipients. This provision is unnecessary because evaluations of all the State's anti-tobacco education programs are already required and funded by the Proposition 99-tobacco tax funds included in this item.

Item 4700-101-0001—For local assistance, Department of Community Services and Development. I reduce this item from \$7,000,000 to \$2,000,000 by deleting:

(b) 40.80-Citizenship Education (\$5,000,000)

I am deleting the \$5,000,000 legislative augmentation to provide citizenship services to legal immigrants. I recognize the importance of citizenship services and support funding for naturalization assistance through a reappropriation of \$3 million federal funds to the Department of Community Services and Development and an appropriation of \$12.6 million in federal adult education funds to the California Department of Education. These funds are in addition to the approximately \$19 million in Proposition 98 funds spent annually by school districts for citizenship classes. These resources should meet the needs for naturalization assistance and citizenship education.

Item 5100-001-0870—For support of Employment Development Department. I revise this item by deleting Provisions 5, 6, and 7.

Provision 5 would require the Employment Development Department (EDD) to give priority for federal funding of One-Stop Career Centers to areas of the state with high welfare caseloads. While I have no objection to the intent of this language, it is inconsistent with the conditions of the federal grant and would place the state out of compliance for receipt of the grant.

Provision 6 would require the EDD to conduct a statewide survey to determine why employers do not use the current job match system and report to the Legislature by January 1, 1998. Under this system, EDD screens job applicants to determine whether an appropriate match exists between the job listings and the applicant. This language is not necessary, as the department is implementing a new system of job identification and listings which will provide job seekers direct access to job listings on the Internet and computers in EDD field offices and the lobbies of county welfare offices. As information on the new job identification and listing system is available, it will be provided to the Legislature.

Provision 7 would require the EDD to submit a budget proposal for 1998–99 to provide local planners with data related to welfare-to-work activities. This language is not necessary as the department currently is piloting the California Career and Training Information System to develop data systems to assist local planners, economic developers and employers. This language also is an infringement on the Executive Branch's budget development process.

Item 5160-001-0001—For support of Department of Rehabilitation. I revise this item by deleting Provision 4.

I am deleting Provision 4 which would require the Department of Rehabilitation to reallocate any federal funds identified as underutilized or inappropriately matched through audits of transitional programs. This language is unnecessary because the Department already has the authority to reallocate unmatched or undermatched federal funds and is using this authority to maximize the use of federal funds.

Item 5180-001-0001—For support of Department of Social Services. I revise this item from \$71,920,000 to \$67,120,000 by reducing:

- (a) 10-Welfare Program Operations from \$83,978,000 to \$79,446,000,
- (b) 20-Social Services Programs from \$35,032,000 to \$34,900,000,
- (c) 30-Community Care Licensing from \$72,682,000 to \$72,546,000,
- (d) and by deleting Provisions 8, 11 and 16.

I am deleting Provision 8 which would reduce the DSS state operations budget by \$100,000 if a report on Child Welfare Services outcome measures is not submitted to the Legislature by March 1, 1998. The development of these measures is an important, but complex effort that will require significant resources, although no additional resources have been provided to carry out this effort. The Legislature has already reduced the department's state operations budget by \$5.7 million and additional reductions will only make it more difficult for the department to effectively manage its programs and complete this report in a timely manner. Nonetheless, given the importance of this issue, I am directing the department to prepare this report.

I am deleting a \$4,400,000 legislative augmentation for the Temporary Emergency Food Assistance Program. I am sustaining a \$2 million augmentation in the Department of Community Services and Development for expansion of the community food and nutrition program. This, along with the creation of a limited state program for food stamps for children and elderly legal immigrants, should address concerns in this area. I delete Provision 11 to conform to this action.

I am deleting a \$400,000 legislative augmentation to reimburse the Bureau of State Audits for an audit of selected departmental divisions. The scope of the audit is broad and unfocused, and thus unlikely to result in findings that can be used to affect specific management or operational improvements. In addition, the audit is premature given the fiscal, programmatic, and managerial changes facing the department that will result from implementation of welfare reform. I delete Provision 16 to conform to this action.

Item 5180-001-0279—For support of the Department of Social Services. I delete Provision 1.

I am deleting Provision 1 which would require specific positions in the Department to recruit and retain child care providers. While these activities are important and necessary, to restrict the responsibilities of these positions unnecessarily infringes upon the Executive Branch's flexibility to operate its programs in a responsive manner.

Item 5180-111-0001—For local assistance, Department of Social Services. I reduce this item from \$2,046,923,000 to \$2,021,923,000.

- (a) 10.08-SSI/SSP from \$2,046,923,000 to \$2,021,923,000.

I am deleting a \$17,000,000 legislative augmentation to create a State Assistance Program to provide cash grants to legal immigrants who arrived in this country after August 22, 1996 and, under federal law, are ineligible for SSI/SSP benefits. It is inappropriate for the State to create state-only cash grant entitlement programs when the control of immigration is solely a federal responsibility.

I am also deleting an \$8,000,000 legislative augmentation to continue SSI/SSP benefits to disabled children who are now federally ineligible because of recent changes in federal law which eliminated individual functional assessment and maladaptive behavior from program eligibility criteria. This change in law appears appropriate and I see no compelling argument to create a new state-only program for this population.

Item 5180-151-0001—For local assistance, Department of Social Services. I revise this item by reducing:

- (b) 20.05-Employment Services from \$553,912,000 to \$551,412,000,
- (l) Amount payable from the Federal Trust Fund (5180-151-0890) from -\$1,093,900,000 to -\$1,091,400,000.

I am deleting a \$2,500,000 Federal Trust Fund legislative augmentation which would provide for a three-year Microenterprise Demonstration Project for “at-risk” individuals and recipients of CalWORKs benefits. California’s welfare reform law takes effect January 1, 1998; given the efforts counties will undertake to develop welfare to work plans it is unlikely that funding will be necessary in 1997–98.

Item 5180-151-0890—For local assistance, Department of Social Services. I reduce this item from \$1,093,900,000 to \$1,091,400,000.

I am reducing this item by \$2,500,000 to conform to actions taken in Item 5180-151-0001.

Item 5240-001-0001—For support of the Department of Corrections. I reduce this item from \$3,407,986,911 to \$3,407,656,911 by reducing:

- (a) 21-Institution Program from \$2,634,268,850 to \$2,634,264,850,
- (b) 22-Health Care Services Program from \$461,821,778 to \$461,695,778, and
- (c) 31-Community Correctional Program from \$407,994,266 to \$407,794,266 and by deleting Provisions 10, 12, 13, 14, 15, 16, 17, 19, 20, 23, 24, 25, 27 and 29.

I am deleting \$1,000 and Provision 10. Provision 10 requires the Department of Corrections (CDC) to prepare a comprehensive management and program evaluation of the Health Care Services Division. It further requires the Department of Corrections to annually report to the Legislature on the status of the implementation of the health care delivery system, identify the cost of the health care delivery system, and summarize the results of any evaluations conducted.

Requiring CDC to prepare a comprehensive management and program evaluation would cause a significant redirection of funding from ongoing programs which the Legislature intends to continue in future years. The funding for the Health Care Services Division is required under court rulings which define the level of health care that must be provided to inmates. The redirection of this funding

could inhibit the ability of the Department of Corrections to act in accordance with these court rulings.

I am deleting Provision 12 which specifies that any funds for the Law Enforcement Automated Data System (LEADS) project may not be encumbered prior to approval of a feasibility report by the Department of Information Technology and subsequent to 30 day notification to the Joint Legislative Budget Committee. This provision is duplicative of existing policies and therefore is unnecessary.

I am deleting Provision 13 which requires the Department of Information Technology to recommend to the Legislature and the Director of Finance whether the LEADS Program should be transferred from the Department of Corrections to the Department of Justice. This provision is intrusive upon the operation of the CDC and interferes with the ability of the Executive Branch to manage its programs.

I am deleting Provision 14 which requires approval of a feasibility report for the Correctional Management Information System Project prior to the expenditure of funds. Current Administration policy requires a feasibility report for a project, and approval by the Department of Information Technology prior to project initiation. Therefore, these provisions are duplicative and unnecessary.

I am reducing this Item by \$1,000 and deleting Provision 15 which requires the use of an independent validation and verification contractor for the Correctional Management Information System Project. The department has planned for adequate independent validation and verification services and therefore this provision would result in an unnecessary cost.

I am deleting Provision 16 which requires approval of a feasibility report of the Corrections Automated Materials Management System prior to expenditure of funds for this project. This provision would unduly restrict the ability of the Executive Branch to administer this project.

I am reducing this Item by \$1,000 and deleting Provision 17 which would require the CDC to prepare an investigations activity report concerning the conduct of internal affairs investigations by the Office of Internal Affairs for the 1997-98 Fiscal Year. It is not evident that this report would provide information of sufficient value to justify the costs, and completion of this report would require CDC to redirect resources from other high priority programs. I am, however, directing CDC to provide summary data concerning the outcome of internal affairs investigations to the Legislature.

I am reducing this Item by \$1,000 and deleting Provision 19 which would require the CDC to prepare a report that identifies at least 5,000 additional beds at existing institutions, and includes a cost benefit analysis of constructing and occupying these beds. While I am supportive of efforts to provide adequate prison capacity, I am unable to support this provision because it is not clear that this report would contribute to correcting the inmate housing situation, or that the information contained within the report would justify the cost.

I am reducing this Item by \$1,000 and deleting Provision 20 which would require the CDC to develop a pilot program placing 3rd strike offenders, whose 3rd strike was non-violent, in Level III rather than Level IV facilities, and placing selected level III inmates in Level II facilities. The CDC is currently reviewing its policies regarding

inmate classification. Until such a review is completed, the pilot program required by this language is premature and could endanger the safety of both staff and inmates.

I am deleting Provision 23 which would require the CDC to reimburse the Bureau of State Audits for a workload/staffing audit of CDC headquarters at a cost not to exceed \$500,000. This provision would redirect funds from other priority programs which could jeopardize the safety of staff and inmates.

I am deleting the following augmentations: \$200,000 for reimbursement to the Bureau of State Audits for the costs of conducting a comprehensive performance review of the CDC's various community correctional programs; and \$125,000 for reimbursement to the Bureau of State Audits for the costs of conducting an investigative review of the CDC's procurement of medical services. If sufficiently important, these audits should be funded within existing funding available to the Bureau of State Audits.

I am deleting Provisions 24 and 25 to conform to this action.

I am deleting Provision 27 which requires the CDC to prepare a feasibility study report (FSR) on the Disability Placement Plan (DPP). This Provision requires approval of the FSR by the Department of Information Technology and subsequent 30 day notification to the Joint Legislative Budget Committee prior to expenditure of any funds appropriated in this item for specified software and hardware relating to the DPP. Current Administration policy requires a feasibility study report, and approval by the Department of Information Technology prior to project initiation. Therefore, this language is duplicative and unnecessary.

I am deleting Provision 29 which would require the CDC to reimburse the Bureau of State Audits up to \$250,000 per audit for audits conducted at the CDC's institutions and camps. This action would unduly restrict funds needed for implementation of currently mandated programs, including direct services for inmates.

Item 5240-011-0678—For Transfer by the Controller from the Prison Industries Revolving Fund to the General Fund. I delete this item.

I am deleting the \$8,000,000 for transfer from the Prison Industries Revolving Fund to the General Fund. The Prison Industry Authority is a self-supporting organization which requires a reserve in order to operate its enterprise fund. This transfer of funds would have reduced the Authority's reserve to an imprudent level.

Item 5240-301-0660—For capital outlay, State Public Works Board. I reduce this item from \$19,944,000 to \$19,569,000 by deleting:

- (4) 61.08.028-California Institution for Men, Chino: Cold Freezer Addition-Construction (\$375,000).

Legislative reductions to my proposed budget eliminated the preconstruction funds (preliminary plans and working drawings) for this project without prejudice to the merits of the project. The construction funds provided in this item for the project are, therefore, unnecessary.

Item 5430-295-0001—For local assistance, Board of Corrections. I reduce this item from \$1,847,000 to \$682,000 by deleting:

- (2) 98.01.091.379-Mandates: Domestic Violence Diversion (Ch. 913, Stats. 1979) (\$1,165,000)

I am reducing this item by \$1,165,000 because, as of June 30, 1997, the Domestic Violence Diversion mandate imposed by Chapter 913, Statutes of 1979 is no longer in effect. Therefore these funds, which were intended to reimburse local agencies for the costs of performing mandated services, are no longer needed.

Item 5460-001-0001—For support of the Department of the Youth Authority. I revise this item by deleting Provision 4.

I am deleting Provision 4 which would require the Youth Authority to reimburse the Bureau of State Audits up to \$150,000 per audit for audits conducted at the Youth Authority's institutions and camps. This action would unduly restrict funds needed for implementation of currently mandated programs including direct services for wards.

Item 5460-301-0660—For capital outlay, Department of the Youth Authority. I reduce this item from \$8,382,000 to \$7,882,000 by deleting:

- (5) 60.67.095-Heman G. Stark/Youth Training School: Additional Free Venture Work Space—Construction (\$500,000)

Legislative reductions to my proposed budget eliminated the preconstruction funds (preliminary plans and working drawings) for this project without prejudice to the merits of the project. The construction funds provided in this item for the project cannot be used and are therefore unnecessary.

Item 6110-001-0001—For support of Department of Education. I reduce this item from \$32,489,000 to \$28,789,000 by reducing:

- (b) 20-Instructional Support from \$53,086,000 to \$49,789,000,
 (c) 30-Special Programs from \$35,704,000 to \$35,404,000,
 (d) 41.00-Executive Management and Special Services from \$9,603,000 to \$7,603,000, and
 (i) Amount payable from Federal Trust Fund (Item 6110-001-0890) from -\$92,035,000 to -\$90,138,000

I am making an unspecified reduction to Schedule (b) of \$900,000 related to department workload reductions associated with the elimination of the current voluntary Pupil Testing Incentive Program. This program is proposed to be replaced in legislation I have sponsored which would enact a mandatory testing program for all pupils in grades 2 through 11. I am making a further unspecified reduction to Schedule (b) of \$800,000 for the pupil assessments program. This amount is set aside for restoration upon enactment of legislation which meets my requirement for a mandatory testing program for all pupils in grades 2 through 11. I am revising Provision 8 to conform to this action.

- “8. Of the funds appropriated in this item, ~~\$2,428,086~~ \$728,086 is for the purposes of a pupil testing program. ~~Of this amount, \$300,000 is available only to fund education consultant-level positions to develop the statewide test and upon certification by the State Board of Education to the Director of Finance that the content and performance standards, as defined in Section 60603 of the Education Code, for language arts and mathematics have been adopted pursuant to Section 60605 of the Education Code.~~”

I am also making an unspecified reduction in Schedule (d) for the department's Legal Office of \$2,000,000. I will consider restoration of these funds only after the department has taken all necessary steps for the establishment of the State Board of Education's remaining legal and other staff positions, including the drafting of acceptable duty statements by September 12, 1997. The release of funds when appropriated would be contingent upon the determination by the Department of Finance that these conditions have been satisfactorily met.

I am also revising the schedules in this item to conform to the actions I have taken in Item 6110-001-0890.

Item 6110-001-0890—For support of Department of Education. I reduce this item from \$92,035,000 to \$90,138,000.

I am reducing this item by \$1,442,000 (and 14 positions) to eliminate the augmentation for state support of the proposed Low-Performing Schools Program. I am directing the Department of Finance to work with the Legislature to craft an acceptable proposal for this program. In any case, this support augmentation, however, would be unnecessary because the department's support budget already has a \$300,000 set-aside reserved for a similar low performing school program which has yet to be implemented and should be available for support of a new program.

I am reducing the \$2,000,000 augmentation by \$300,000 by for evaluations of programs administered by local education agencies. This reduction is being set aside for subsequent legislation which appropriates these funds in augmentation of the Donated Computers Program. I am revising Provision 7(k) of this item to conform to this action.

“(k) ~~\$2,000,000~~ \$1,700,000 to support the evaluation of programs administered by school districts and county offices of education:

- (1) By November 30, 1997, the Superintendent of Public Instruction (SPI) shall recommend, and the State Board of Education (SBE) shall approve, a list of the programs that shall be evaluated during the 1997–98 fiscal year. The SBE may approve the whole list or make changes to the list, including rejecting programs or adding new programs to the list. The SPI shall identify the reasons that each of programs was chosen for evaluation, the primary objectives of each evaluation, the basic evaluation methodology, and the approximate cost of each evaluation. Except as specified by paragraph (3) of this provision, funds may not be spent prior to approval by the SBE of the list. To be eligible for funding, an evaluation must do the following:
 - (A) Focus on major program or policy areas that are of significant interest to educators, have statewide implications, and have not been adequately evaluated.
 - (B) Include a rigorous evaluation methodology that provides a high level of statistical confidence in the results. When feasible, an evaluation shall establish a control group in order to directly measure the

impact of program services. When appropriate, an evaluation also shall assess the impact of services on different groups of pupils and, if possible, under different types of school conditions.

- (C) Include a program to disseminate findings and conclusions to educators and policymakers. The program should include reports, summaries, seminars, and training sessions to ensure that the lessons learned from the evaluation are used to maximum advantage.
- (2) The State Department of Education (SDE) shall develop and implement a plan for garnering matching sources of funding for proposed evaluations from third-party sources. The SDE shall submit a report to the SBE on its progress in implementing the plan by May 1, 1998.
- (3) The SDE may use up to five percent of the funds identified in this provision to administer the program of evaluation described in this subdivision and to develop and implement the plan required in paragraph (2). The SBE shall forward a proposed budget and workplan for expenditure of the funds that are subject to this provision to the Department of Finance by October 1, 1997.’’

I am reducing this item by \$100,000 for the administrative costs of establishing the Pre-Internship Teaching Program. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am deleting Provision 7(h) to conform to this action.

I am reducing this item by \$55,000 for administrative costs of expanding the Paraprofessional Teacher Training Program. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am deleting Provision 7(i) to conform to this action.

Item 6110-113-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from \$44,870,000 to \$14,470,000 by deleting:

(c) 20.70.030.006-Pupil testing program (\$30,400,000)

I am deleting the funds which have been set aside in this schedule for the new mandatory testing program for all pupils in grades 2 through 11. This amount is set aside for restoration upon enactment of legislation which meets my requirements for this testing program. Were these funds to remain in the budget without accompanying legislation, there is no assurance that the funds would not be used for continued support of the existing voluntary pupil testing incentive program, which I propose to be replaced.

I am revising Provision 1 to conform to this action.

“1. The funds appropriated in this item shall be for the pupil testing program authorized by Chapter 5 (commencing with Section 60600), Chapter 6 (commencing with Section 60800) of Part 33 of the Education Code, and Sections 4 and 5 of Chapter

975 of the Statutes of 1995, as amended by Chapters 69 and 920 of the Statutes of 1996; ~~and for the pupil testing program authorized under Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of the Education Code, as that article is amended by legislation enacted during the 1997-98 Regular Session.~~”

Item 6110-142-0890—For local assistance, Department of Education, Goals 2000. I reduce this item from \$89,184,000 to \$81,900,000 by reducing:

(a) 20.10.003-Reading Improvement from \$56,384,000 to \$56,000,000

and by deleting:

(b) 20.10.003.005-Teaching Apprentice (\$5,400,000)

(c) 20.10.003.009-Bilingual Teacher Training (\$1,500,000)

and by revising Provision 2 and deleting Provisions 4 and 5.

I am reducing Schedule (a) by \$384,000 for Reading Staff Development which was funded for a broader level of activity than I believe is appropriate. The Legislature augmented this schedule by \$384,000 and expanded the purpose of the Administration’s reading proposal to include staff development in all subject areas, not just reading, for teachers hired to achieve class size reduction. I believe that sufficient funding already exists to support the general staff development of teachers hired to achieve class size reduction. Due to this and my commitment to strengthen reading instruction in the primary and intermediate grades, I am reducing the item by \$384,000.

I am revising Provision 2 to conform to this action.

“2. Of the funds appropriated in Schedule (a), and except as otherwise specified by this provision, ~~\$52,384,000~~ \$52,000,000 is available only to provide inservice training in reading instruction to teachers who teach reading in one or more of kindergarten and grades 1 to 8, inclusive, paraprofessionals, and schoolsite administrators, pursuant to Chapter 3.45 (commencing with Section 44755) of Part 25 of the Education Code, as that chapter is amended by legislation enacted in the 1997-98 Regular Session. ~~These funds may also be used to fund staff development for teachers who are hired to achieve class size reduction.~~”

I am also eliminating the \$5,400,000 in Schedule (b) for the establishment of the Pre-Internship Teaching Program. The amount of \$2,000,000 is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am deleting Provision 4 to conform to this action.

I am also eliminating the \$1,500,000 in Schedule (c) for the Bilingual Teacher Training Program. I believe it would be fiscally imprudent to initiate this program with funding from the Federal Goals 2000 Program. Funding from Goals 2000 will be substantially less in future years, which could result in significant pressure for the use of Proposition 98 General Funds.

I am deleting Provision 5 to conform to this action.

Item 6110-151-0001—For local assistance, Department of Education (Proposition 98). I delete this item.

I am deleting the \$500,000 augmentation for Indian Education Centers. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Item 6110-161-0890—For local assistance, Department of Education. I reduce this item from \$331,040,000 to \$329,040,000 by reducing:

- (d) 10.60.050.020-IDEA, direct and indirect instructional services approved in the State Plan from \$13,366,000 to \$11,366,000 and delete Provision 13.

I am reducing this schedule to eliminate the \$2,000,000 legislative augmentation for a new special education mediation process. I have seen no justification for this new program, and it is my understanding that it is not required under either state or federal law. I would note that this increase was funded through a shift from another schedule which provides the federal share of the entitlement formula for local assistance and serves to offset the amount of Proposition 98 funds needed for this purpose.

I am deleting Provision 13 to conform to this action. (I would note that this provision contains a technical error; the augmentation of \$2,000,000 was incorrectly shown as \$200,000,000.)

Item 6110-187-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from \$119,344,000 to \$99,521,000 by deleting the following schedules:

- (0.5) 10.10.004-School Apportionments, for Regional Occupational Centers/Programs, for transfer to Schedule (a) of Item 6110-105-0001 (\$7,553,000), and
- (4.5) 10.50.010.000-Adult Education, for transfer to Schedule (a) of Item 6110-156-001 (\$12,270,000).

I am reducing this item by \$19,823,000 to eliminate the cost-of-living adjustment of \$7,553,000 for Regional Occupational Centers/Programs and \$12,270,000 for the Adult Education Program. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Item 6110-196-0001—For local assistance, Department of Education (Proposition 98). I delete Provision 21.

I am deleting Provision 21 which would authorize the department to make available up to \$6,000,000 of the funds appropriated in the Extended Day Care Program (Schedule (b)(8) of this item) for literacy and recreation child care programs pursuant to legislation enacted during the 1997-98 Regular Session. Notwithstanding the merits of these programs, I cannot support a redirection of this magnitude from the existing program at this time.

Item 6110-201-0001—For local assistance, Department of Education (Proposition 98), Program 30.20-Child Nutrition. I reduce this item from \$1,500,000 to \$1,000,000.

I am deleting the augmentation of \$500,000 which would increase funding for start-up grants for the School Breakfast and Summer Food Service Programs. I am reducing this to a level that is more consistent with the anticipated demand for start-up grants in this program.

Item 6110-230-0001—For local assistance, Department of Education (Proposition 98). I reduce this item from \$2,486,740,000 to \$2,363,695,000, and delete Provision 11.

I am reducing this item by \$123,045,000 to eliminate the cost-of-living adjustment and enrollment growth funding. I am also deleting Provision 11. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Item 6110-485—Reappropriation, Department of Education (Proposition 98). I reduce this item from \$58,264,000 to \$57,264,000 by deleting schedule (d) of this item, which allocates \$1,000,000 for a joint use Library Revitalization Project of the Edison School within the Glendale Unified School District. The benefits of this project will be limited to the local level and there is not a compelling statewide interest in this project. This project could be funded through various one-time appropriations that are available to districts if it is a high priority at the local level.

Item 6360-001-0407—For support of Commission on Teacher Credentialing. I revise this item by reducing:

(a) 10-Standards for Preparation and Licensing of Teachers from \$12,883,000 to \$12,728,000

and by deleting:

(d) Reimbursements (-\$155,000),

and by deleting Provisions 5 and 6.

These actions conform to actions taken in Item 6110-001-0890 to reduce \$100,000 for the administrative costs of establishing the Pre-Intern Teaching Program and \$55,000 for the administrative costs of expanding the Paraprofessional Teacher Training Program.

I am deleting Provisions 5 and 6 to conform to this action.

Item 6360-101-0001—For local assistance, Commission on Teacher Credentialing (Proposition 98). I reduce this item from \$5,828,000 to \$3,828,000 by reducing:

(a) 10-Standards for Preparation and Licensing of Teachers from \$5,828,000 to \$3,828,000

and by revising Provision 2.

I am reducing this item by \$2,000,000 for expansion of the Paraprofessional Teacher Training Program. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

“2. Of the funds appropriated by this item, ~~\$3,478,000~~ \$1,478,000 shall be available for grants and subventions to school districts and county offices of education participating in the California School Paraprofessional Teacher Training Program pursuant to Article 6.5 (commencing with Section 69619) of Chapter 2 of Part 42 of the Education Code.

Item 6360-101-0407—For local assistance, Commission on Teacher Credentialing. I delete this item and Provision 1.

This action conforms to action taken in Item 6110-142-0890 regarding the \$5,400,000 augmentation for establishing the Pre-Internship Teaching Program.

Item 6440-001-0001—For support of University of California. I reduce this item from \$2,034,983,000 to \$2,033,730,000 by reducing:

- (a) Support from \$1,947,352,000 to \$1,946,099,000; and by deleting Provisions 16, 17, 18, 19, 23, 24, 25 and 26; and by revising Provision 13.

I am reducing this item by \$1,000,000 for additional outreach funding, which was to be matched with an equal amount of private funding. This item is set aside for restoration in the amount of \$500,000, contingent upon the restoration of \$500,000 in the budget of the California Student Aid Commission for the proposed Digital Arts Cal Grant program.

I delete Provision 24 to conform to this action.

I am deleting the \$250,000 legislative augmentation for the Nurse Midwifery Program at UC San Francisco. This funding would backfill for the loss of federal grant funds, which would set an undesirable precedent.

I delete Provision 25 to conform to this action.

I am revising Provision 13 which would earmark some of the University's new student outreach funds for the Health, Environment, and Police Science Academy. This language would constitute an appropriation for a program that, unlike the other programs in this provision, exists on one campus only.

“13. Of the funds appropriated in Schedule (a), \$2,000,000 shall be expended for student outreach, including \$500,000 for student outreach in the Central Valley, ~~\$50,000 for the Health, Environment, and Police Sciences Academy (HEP)~~; \$500,000 for Early Academic Outreach Program (EAOP), Puente Project, Mathematics, Engineering, and Science Achievement (MESA), and up to \$200,000 for planning and development costs associated with establishing an outreach high school on the San Diego campus and other campuses of the University of California to serve students from low-income and underrepresented communities.

I am deleting Provision 16 which would prohibit the University from using state funds for outside legal services associated with collective bargaining. This provision is unnecessarily restrictive and limits the flexibility of the University to manage its fiscal affairs.

I am reducing this item by \$1,000 and deleting Provision 17 which would require the University to report to the Legislature on funds expended on Public Employer Relations Board cases. I am deleting this provision because the report is both unnecessary and burdensome.

I am reducing this item by \$1,000 and deleting Provision 18 which would require the University to report to the Legislature on the financial condition of each of its academic medical centers. The report is unnecessary and burdensome.

I am reducing this item by \$1,000 and deleting Provision 19 which would require the University to report on the impact of any UC hospital mergers on employees. I am deleting this provision because the report is unnecessary and burdensome.

I am deleting Provision 23 which specifies that \$75,211,000 in the university's base budget is to be spent on building maintenance. This provision would infringe on the authority of the University to manage its fiscal affairs.

I am deleting Provision 26 which would specify that any reductions to the items are to be prorated equally between all programs. This provision is an infringement on the separation of powers in that it impinges upon my authority to veto legislative appropriations.

Item 6440-301-0001—For capital outlay, University of California. I delete this item and Provision 1.

I am deleting the \$500,000 legislative augmentation to fund preliminary plans for the proposed University of California San Francisco-Fresno Medical Center. The State has limited resources to address higher education capital outlay needs. Therefore, these resources should be allocated to projects identified by the segments as their highest priority needs. The University has not identified this project as a priority. Further, the cost of projects of this nature should be shared with local government or private agencies that receive significant benefits from the facility.

I delete Provision 1 to conform to this action.

Item 6440-301-0658—For capital outlay, University of California. I reduce this item from \$149,974,000 to \$149,724,000 by deleting the following schedule:

(18.1) 99.05.115-Western Center For Archaeology and Paleontology-Feasibility Study (\$250,000), and deleting Provisions 3, 4, and 5.

The State has limited resources to address higher education capital outlay needs. Therefore, these resources should be allocated to those projects identified by the segments as their highest priority.

I am deleting the \$250,000 legislative augmentation for the Western Center For Archaeology and Paleontology-Feasibility Study because the project is not a higher educational instructional facility and does not have specific ties to the university. Further, this project is an inappropriate use of bond funds.

I am deleting Provision 5 to conform to this action.

I am deleting both Provisions 3 and 4 because the language is unnecessarily restrictive. Provision 3 would prevent the University from proceeding with Phase I of the UC Hall Seismic Replacement Project at the existing San Francisco campus until an environmental study and all utilities and roads are completed on the new Mission Bay site. This requirement is not consistent with standard practice which is project site-specific rather than campus-wide. Further, the language would delay the project significantly. Provision 4 would prohibit augmentation for the York Hall Improvements Project at the San Diego campus beyond the funding level budgeted in 1997-98. This language places unnecessary limitations on the project.

Item 6440-490—Reappropriation, University of California. I delete Provision 4.

I am deleting Provision 4 which would specify that any carryover funds resulting from prior year compensation funding that was unused due to unsuccessful collective bargaining be available in 1997-98 for the compensation and benefits of the same employees. This language infringes on the authority of the Executive Branch by intruding into the collective bargaining process and by limiting the flexibility of UC to manage its internal operations.

Item 6610-001-0001—For support of California State University. I reduce this item from \$1,826,333,000 to \$1,823,833,000 by reducing:

- (a) Support from \$2,566,479,000 to \$2,563,979,000,
and by deleting Provision 8.

I am deleting the \$2,500,000 legislative augmentation designated to support the university's long-range Integrated Technology Strategy. Technology projects are more appropriately funded from within the higher education compact.

I am deleting Provision 8 which would specify that \$44,918,000 in the University's base budget is to be spent on building maintenance. This provision is unnecessarily restrictive and limits the flexibility of the University to manage its fiscal affairs.

Item 6610-301-0658—For capital outlay, California State University. I reduce this item from \$129,453,000 to \$128,846,000 by reducing:

- (0.5) 06.48.313-CSU, Channel Islands, Camarillo Site: Cost Benefit and Feasibility Studies from \$1,607,000 to \$1,000,000.

I am deleting the \$607,000 legislative augmentation for the cost benefit and feasibility studies, because there is no substantiation for this additional funding. The California State University estimated that the funding required for cost benefit and feasibility studies related to the Camarillo site would be \$1,000,000. While I support the studies, there is no documentation to support the necessity of the augmentation.

Item 6870-001-0001—For support of Board of Governors of the California Community Colleges. I reduce this item from \$9,803,000 to \$9,603,000 by reducing:

- (dd) Unallocated from \$500,000 to \$300,000.

I am reducing the \$500,000 legislative augmentation by \$200,000 to the Chancellor's office support budget. The Chancellor will retain \$600,000 for various initiatives including welfare reform.

Item 6870-101-0001—For local assistance, Board of Governors of the California Community Colleges. I reduce this item from \$1,852,838,000 to \$1,829,038,000 by reducing,

- (a) 10.10.010-Apportionments from \$1,323,201,000 to \$1,314,601,000,
- (i) 20.30.010-Faculty and Staff Development from \$10,233,000 to \$5,233,000,
- (k) 20.30.050-Economic Development from \$34,073,000 to \$29,073,000,

and by deleting:

- (w) 20.20.060-Health Services Fee Waiver Backfill (\$2,000,000),
 - (x) 20.20.070-Student Senate (\$200,000),
 - (y) 20.20.080-Full-time faculty (\$1,000,000),
 - (z) 20.20.055-Part-time faculty office hours (\$2,000,000),
- and by deleting Provision 21.

I am reducing schedule (i) of this item by \$5,000,000 which would provide funding for faculty and staff development. This activity is discretionary and colleges may already devote funds to this area if it is a high local priority.

I am reducing schedule (k) of this item by \$5,000,000 which would provide funding for the Economic Development Program. This is a technical correction to conform to the amount included by the Legislature in the control language adopted with this augmentation.

I am deleting schedule (w) which would provide funding for the Health Services Fee Waiver Backfill. The health services fee is one of several locally determined campus based fees. If the State were to begin paying this fee, it could be viewed as a precedent which would lead to all campus based fees becoming State obligations.

I am deleting schedule (x) which would provide funding for the Student Senate. This augmentation inappropriately shifts a state operations cost historically funded through the Chancellor's Office to Proposition 98.

I am deleting schedule (y) which would provide funding to increase the proportion of full-time faculty. This is a lower priority because there is no requirement that this augmentation will result in a demonstrable increase access to instructors or the quality of instruction or student services.

I am deleting schedule (z) which would provide funding for the part-time faculty office hours program. This amount is set aside for restoration upon enactment of legislation to ensure that this program is structured appropriately, and upon enactment of legislation which meets my requirements for mandatory testing program for all pupils in grades 2 through 11

I am reducing schedule (a) of this item by \$8,600,000 which would provide funding for equalization. This amount is set aside for restoration upon enactment of legislation which meets my requirements for mandatory testing program for all pupils in grades 2 through 11.

Item 6870-301-0658—For capital outlay, Board of Governors of the California Community Colleges. I reduce this item from \$158,608,000 to \$156,703,000 by deleting:

Glendale Community College District

Glendale College

(31.1) 40.18.121-Science Building Renovation-Preliminary plans and working drawings (\$420,000),

San Jose—Evergreen Community College District

San Jose City College

(71.5) 40.50.201-Library Addition-Preliminary plans and working drawings (\$765,000), and

Sonoma County Community College District

Santa Rosa Junior College

(82.1) 40.61.400-Windsor Criminal Justice Center, Phase 1-Preliminary plans and working drawings (\$720,000).

I am deleting these legislative augmentations in the amount of \$1,905,000 because they circumvent the established procedures for evaluating and prioritizing the California Community College's capital outlay projects.

In order to develop and maintain a consistent approach to a capital outlay program, all projects should be considered in relationship to competing needs for available resources. The State has limited resources to address education capital outlay needs. Therefore these resources should be allocated to projects identified by the segments as their highest priority needs. The circumvention of the established prioritization process undermines this approach.

Item 6870-301-0660—For capital outlay, State Public Works Board, payable for the Public Buildings Construction Fund. I reduce this item from \$2,023,000 to \$1,416,000 by deleting:

San Antonio Community College District

San Antonio Community College

(1.5) 40.33.107-Performing Arts Center—Construction (\$607,000)

I am deleting this legislative augmentation in the amount of \$607,000. This project was previously augmented by \$1,947,000, at which time the District agreed to fund an additional \$715,000 from local resources. Even if the District had not agreed to contribute local resources, state funding would not have been provided as these costs represent items that are ineligible for state funds.

Item 8260-101-0001—For local assistance, California Arts Council. I reduce this item from \$10,049,000 to \$9,831,000 by reducing:

(a) 10-Artists in Residence from \$2,073,000 to \$2,003,000,

(b) 20-Organizational Grants from \$6,101,000 to \$6,010,000,

(c) 25-Performing Arts Touring/Presenting Program from \$540,000 to \$492,000, and

(d) 40-Statewide Projects from \$1,770,000 to \$1,761,000.

I am reducing the \$318,000 legislative augmentation to \$100,000. While I am supportive of the arts, I do not believe these programs are of sufficiently high priority to justify providing the entire augmentation approved by the Legislature.

Item 8350-001-0001—For support of Department of Industrial Relations. I reduce this item from \$118,099,000 to \$118,049,000 by reducing:

(3) 30-Workers' Compensation Administration from \$92,238,000 to \$90,973,000,

(5) 36-Commission on Health and Safety and Worker's Compensation from \$1,068,000 to \$921,000,

(7) 50-Enforcement and Promulgation of Laws Relating to Wages, Hours, and Conditions of Employment, and Licensing and Adjudication from \$25,871,000 to \$25,821,000.

(11) 94.01-Administration from \$16,544,000 to \$16,234,000,

(12) 94.02-Distributed Administration from -\$16,544,000 to -\$16,234,000,

(19) Amount payable from the Workplace Health and Safety Revolving Fund (Item 8350-001-0222) from -\$1,068,000 to -\$921,000, and

(20) Amount payable from the Workers' Compensation Administration Revolving Fund (Item 8350-001-0223) from -\$18,864,000 to -\$17,599,000.

I am deleting the legislative augmentation of \$50,000 and one position provided as support to enable the Industrial Welfare Commission to mail out potential wage orders. Given that the Legislature acted to eliminate all funding for the Commission in a separate action, this augmentation fails to provide the Commission with even the basic resources necessary to carry out its statutorily mandated responsibilities. I would, however, consider a legislative proposal that provides sufficient resources to enable the Commission to carry out its statutory mandates and meet the needs of over 13 million California workers.

I am revising this item to conform to the actions I have taken in Item 8350-001-0222 and Item 8350-001-0223.

Item 8350-001-0222—For support of Department of Industrial Relations. I reduce this item from \$1,068,000 to \$921,000 and delete Provision 2.

I am deleting the legislative augmentation of \$147,000 and two personnel years provided to the Commission on Health and Safety and Workers' Compensation to address additional workload because the need for additional positions has not been demonstrated.

I am deleting Provision 2 which would require the Commission on Health, Safety, and Workers' Compensation to hold meetings of various advisory committees, to consult with these committees, and to distribute potential study requests as specified. While the commission should make appropriate use of advisory committees, the rigid guidelines specified in this provision unnecessarily interfere in the operation of the Commission.

Item 8350-001-0223—For support of Department of Industrial Relations. I reduce this item from \$18,864,000 to \$17,599,000 and delete Provision 1:

I am eliminating the \$1,265,000 and fifteen and one-half positions provided for implementation of a Workers' Compensation Information System. While I am supportive of efforts to develop an information system to assist the Department in the management and evaluation of California's workers' compensation system, it is inappropriate for the Legislature to fund the project solely from employer assessments.

I delete Provision 1 to conform to this action.

Item 8660-001-0462—For support of Public Utilities Commission.

While I am sustaining the legislative augmentation of \$1,106,000 and 16.1 personnel years for consumer protection workload related to Senate Bill 477, which I have signed, I am concerned that no workload data have been provided to the Department of Finance to substantiate this specific level of augmentation to the Public Utilities Commission's budget. I expect that the Commission will submit this substantiation to the Department of Finance for evaluation during development of the 1998-99 budget.

Item 8855-001-0001—For support of Bureau of State Audits. I revise this item by reducing:

- (a) 10-State Auditor from \$11,016,000 to \$9,616,000, and
- (b) Reimbursements from -\$1,910,000 to -\$510,000.

I am revising this item to conform to the actions I have taken in Item 5180-001-0001, Item 5240-001-0001 and Item 5460-001-0001 to reduce reimbursements from the Departments of Social Services, Corrections and Youth Authority, respectively, for specified audits of their activities and programs.

Item 8940-001-0001—For support of Military Department. I reduce this item from \$20,140,000 to \$19,140,000 by reducing:

- (e) 35-Military Support to Civil Authority from \$3,076,000 to \$2,076,000,
- and by deleting Provision 3.

I am eliminating the \$1 million Legislative augmented to this item for the Emergency Shelter Program, which makes armories

throughout the state available to the homeless during the winter months. This program was established with state funding in 1994 as a temporary measure. The Military Department has developed an administrative solution which provides additional time for communities that have not developed long-term homeless programs to complete and implement their long-range plans. The solution minimizes the impact on the National Guard, provides a reasonable degree of safety and security for our community and requires counties and cities to pay for all armory expenses. As such, no augmentation to the program is required.

I am deleting Provision 3, which states legislative intent to make another \$1,000,000 appropriation for this program in the 1998–99 fiscal year.

Item 8960-011-0001—For support of Veterans' Home of California-Yountville. I reduce this item from \$25,414,000 to \$25,264,000 by reducing:

- (a) 30-Care of Sick and Disabled Veterans from \$54,553,000 to \$54,403,000, and delete Provisions 4 and 5.

I am reducing this item by \$150,000. The Legislature augmented this item by \$250,000 to provide funding for the improvement and maintenance of the Yountville veteran's cemetery. While I am unable to approve the entire augmentation, the improvement and maintenance of the veteran's cemetery merits additional funding. Therefore, I am directing the Yountville Veterans' Home to expend the remaining \$100,000 for cemetery improvements.

I am deleting Provision 4, which would require a determination to be made regarding the success of the Barstow Veterans' Home information system prior to the Yountville Veterans' Home expending \$3,606,000 for a similar system. This language is no longer necessary because the funding for the Yountville Home's information system was deleted by the Legislature.

I am deleting Provision 5, which would authorize the Yountville Veterans' Home to pursue a deficiency augmentation pursuant to Section 27.00 of this act. This language is unnecessary since the Section 27.00 applies to the Home without this provision.

SEC. 7.00—Competitive Bidding, Conflict-of-Interest Criteria. I delete this control section.

This section would prohibit paid or otherwise employed consultants who advised state agencies in the development of a procurement from bidding on or being awarded a contract for that procurement. If an individual, company or other entity provides services or products without compensation or other consideration to a state agency as a means of promoting those services or products, it would be prohibited from bidding or being awarded a contract if that individual, company, or other entity is the sole bidder on the contract.

I am deleting Control Section 7.00 because it would unduly restrict state agencies' flexibility in procuring the best goods and services for technology projects. Technology acquisition projects often require the State to share its risks in developing a project solution with the private sector in order to obtain the most cost-effective solutions. The Administration has proposed legislation

to address conflict-of-interest laws regarding procurement practices for telecommunications and technology projects, without unduly limiting the ability of the state to proceed with such projects at minimum cost.

SEC. 10.00—Outside Legal Counsel. I delete this control section.

This section would limit attorney fees for outside counsel to \$125 per hour, except for counsel requiring specialized legal skills. This section would also require the Department of Finance to review and approve or deny all contracts for legal services that provide for payment of a fee over \$125 per hour.

I am deleting Control Section 10.00 because it could restrict the ability of the State to obtain the best possible outside legal counsel.

SEC. 10.10—Reduction in Outside Counsel Costs of State Agencies and Departments. I delete this control section.

This section authorizes reductions to General Fund appropriations for state departments for outside counsel services to reflect savings related to an increase in the availability of legal services from the Attorney General. This section also requires the Director of Finance to reduce state agencies' appropriations to reflect the savings resulting from the provision of legal services by the Attorney General and to report to the Joint Legislative Budget Committee and the Legislative fiscal committees on or before March 1, 1998 on the reductions implemented.

I am deleting Control Section 10.10 because it would require substantial effort on the part of state agencies and the Department of Finance without generating significant additional savings.

SEC. 11.25—Electrical Restructuring. I delete this control section.

I am deleting Control Section 11.25 because it is technically incorrect and is unnecessary and duplicative. Chapter 854, Statutes of 1996, sufficiently addresses administrative and expenditure criteria for these programs and funds.

With the above deletions, revisions and reductions, I hereby approve Assembly Bill 107.

PETE WILSON

RECEIPT

I acknowledge receipt this 18th day of August 1997, at 11 a.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 107 delivered to me personally by Karen Morgan.

RALPH ROMO
Chief Assistant Clerk

Item Veto—Assembly Bill No. 1578

Governor's Office, Sacramento
August 18, 1997

To the Members of the California Assembly:

On this date I am signing Assembly Bill 1578 with the following reductions.

I am reducing the appropriations made in Sections 40 and 41 by a total of \$14,869,000. Of this amount, \$4,645,000 is being eliminated because I have specific concerns about the projects or they are more

appropriately a local responsibility. The remaining reductions, totaling \$10,224,000 are being reduced until legislation is enacted which meets my requirements for a mandatory testing program for all pupils in grades 2 to 11. The specific reductions are as follows:

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (t) which allocates \$50,000 to the Pasadena Unified School District for a one-time comprehensive child cared needs assessment of the Pasadena area. This project could be funded through various one-time appropriations that are available to the district if it is a high priority at the local level.

I am reducing Section 41 by eliminating subdivision (v) which allocates \$100,000 to the Los Angeles Unified School District (LAUSD) for drug awareness programs for pupils in grades 4, 5, and 6. The 1997 Budget Act already includes almost \$44 million for the statewide Safe and Drug Free Schools Program, which is intended, among other things, for drug prevention and intervention purposes. This should be funded with local resources such as the more than \$500 million general purpose increase which will be allocated pursuant to legislation enacted in 1996.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (w) which allocates \$500,000 to the Riverside Community College for planning for a new library. The benefits of this project will be limited to local level and could be funded through various one-time appropriations that are available to community colleges if it is a high priority at the local level.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (y) which allocates \$300,000 for Homework Help Centers. The benefits of these projects will be limited to the local level and could be funded through various one-time appropriations that are available to local educational agencies if they are a high priority at the local level.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (z) which allocates \$175,000 to the La Canada Unified School District for a joint use library project. The benefits of this project will be limited to the local level and could be funded through various one-time appropriations that are available to districts if it is a high priority at the local level.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (ff) which allocates \$45,000 to the South Bay Union High School District to purchase science kit materials for students. Providing science kits is a normal expense for school districts. This project could be funded through the regular school apportionments or various one-time appropriations that are available to the district.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (ll) which allocates \$200,000 to the Mathematics Instruction Pilot Program in Inglewood Unified School District to enhance instruction in mathematics. This program should not commence until the State Board of Education study to assess methods to strengthen math instruction in grades K-12 is complete. In addition, the pilot project could result in unfunded General Fund costs to the California Department of Education and, although it is characterized as "one-time", I believe future augmentations would

be needed since it is doubtful that meaningful results could be obtained within one year.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (pp) which allocates \$400,000 to fund four community policing and school safety projects over a three-year period. The 1997 Budget Act provides over \$51 million, which may be used for similar school safety purposes. While I am supportive of efforts in this area, districts should use local resources or other one-time funds.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (qq) which allocates \$2,000,000 to the California Collaborative for Improving Academic Preparation. This program would provide direct student services to increase the college enrollment rates of educationally underserved students through collaboration of school districts, postsecondary education institutions, businesses and community groups. This program would be a duplication of existing academic preparation programs for which a total of \$4 million in augmentations for UC and CSU outreach programs has been provided over the two year period 1996-97 and 1997-98.

I delete Section 40 which would reappropriate the unexpended balance for the Low Performing Schools Program from the 1997-98 appropriation for the Community Day School Program. Subdivision (tt) of Section 41 contains an additional appropriation of \$3,000,000 as a set-aside for Low Performing School Program and the additional funding provided through Section 40 is not needed.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (uu) which allocates \$450,000 for the Middle College High Schools Program, to serve at-risk students on community college campuses. The 1997 Budget Act provides \$8.7 million for Community Colleges in the Fund for Student Success Program, for competitive grants to increase student success based on an analysis of student outcomes. The Fund for Student Success may be used to provide grants for Middle College High School Program. Therefore, this appropriation is duplicative and unnecessary.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (vv) which allocates \$200,000 to the Summer Mathematics Institute Pilot Program to be operated by the Santa Clara County Superintendent of Schools, which would establish a model for teaching mathematics to pupils with math difficulties in grades 6 through 8. I believe that this program should not commence until the State Board of Education study to assess methods to strengthen math instruction in grades K-12 is complete. In addition, the pilot project could result in unfunded General Fund costs to the California Department of Education and, although it is characterized as "one-time" future augmentations would be needed since it is doubtful that meaningful results could be obtained within one year.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (xx) which allocates \$125,000 to Project YES. There is no indication of how the centers would sustain themselves financially after the three year period of state support and there is no provision for an evaluation. If the proposal is funded, the State would

be expected to provide additional funds totaling \$1 million over the two year period from 1998-99 through 1999-00.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (aaa) which allocates \$100,000 to the Bellflower Unified School District Education Career Options Program. The staffing component of the request is ongoing in nature and without continued state funding, it is unclear how these positions would be funded in future years. District funds could be made available for this program if it is a high local priority.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (s) which allocates \$750,000 for the African-American Museum. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (u) which allocates \$500,000 for the Critical Hours Pilot Program. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (bb) which allocates \$50,000 to the Lodi Unified School District for a Job Shadowing Program. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (cc) which allocates \$250,000 to the Napa Valley Unified School District for technology. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (gg) which allocates \$10,000 to establish and fund an extended learning program after school and on Saturdays for children and adults at the Telfair Elementary School. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (kk) which allocates \$1,500,000 for Indian Education Centers. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (nn) which allocates \$1,000,000 for playground safety grants. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (rr) which allocates \$800,000 for Limited English Proficient Test Development. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11. I have asked the Office of Child Development

and Education to work with the Legislature to resolve some program concerns I have with the bill as currently drafted.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (ss) which allocates \$2,273,000 for school libraries. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (ww) which allocates \$1,646,000 to the San Joaquin County Office of Education. This amount is set aside for restoration upon enactment of legislation which meet my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (zz) which allocates \$100,000 to the St. Helena Unified School District for establishment of an agricultural center. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (bbb) which allocates \$395,000 to the Lompoc Unified School District for the Cabrillo High School Aquarium. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (ccc) which allocates \$450,000 to the Burbank Unified School District for technology modernization at John Muir Middle School. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

I am reducing the appropriation in Section 41 of this bill by eliminating subdivision (fff) which allocates \$500,000 for the New California Center. This amount is set aside for restoration upon enactment of legislation which meets my requirements for a mandatory testing program for all pupils in grades 2 through 11.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 18th day of August 1997, at 12:46 p.m., of the Governor's statement of the items of appropriation reduced or eliminated from Assembly Bill No. 1578 delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL
Acting Chief Clerk

Item Veto—Assembly Bill No. 1586

Governor’s Office, Sacramento
August 18, 1997

To the Members of the California Assembly:

I have this date signed Assembly Bill 1586.

I am deleting Section 10 of this bill which would create the Agriculture Employee Relief Fund and require unpaid wages collected from an employer found guilty of unfair labor practices be deposited into the fund when the worker eligible to receive these wages cannot be located after two years.

The Agricultural Labor Relations Board (ALRB) indicates that the balance of the undisbursed wages is \$142,364 as of August 11, 1997. Thus, Section 10 of this bill would appropriate \$142,364 to the Agricultural Employee Relief Fund.

The ALRB suggests that its current practice regarding the handling of unpaid wage settlements has resulted in General Fund savings due to decreased litigation expenses. Further, based on the size and volatility of payments, which have been as low as \$4,493 in fiscal year 1993–94 and zero in fiscal year 1994–95, it does not appear cost-effective to create and administer this special fund.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 18th day of August 1997, at 12:47 p.m., of the Governor’s statement of the items of appropriation reduced or eliminated from Assembly Bill No. 1586 delivered to me personally by Karen Morgan.

MELISSA SWART-WEIKEL
Acting Chief Clerk

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. 783

Governor’s Office, Sacramento
August 18, 1997

To the Members of the California Assembly:

I am returning Assembly Bill 783 without my signature.

This bill would redirect alcohol penalty revenues from the General Fund to the newly created Alcohol Beverage Control Special Enforcement and Training Fund. The bill would allocate annually the funds to local law enforcement agencies and for administrative costs associated with enhanced grant programs and remedial training.

This bill would create permanent funding for the Grant Assistance to Local Law Enforcement (GALE) Program. I have sustained a related budget augmentation to fund the GALE program for the 1997–98 fiscal year. As desirable as permanent funding is, the resources necessary should not be supported by the General Fund. I

am amenable to legislation to provide the additional revenues which does not impact the General Fund.

Cordially,

PETE WILSON

RECEIPT

I acknowledge receipt this 18th day of August 1997, at 12:45 p.m., of Assembly Bill No. 783, 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

MESSAGES FROM THE SENATE

Senate Chamber, August 7, 1997

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

Assembly Bill No. 29	Assembly Bill No. 650
Assembly Bill No. 140	Assembly Bill No. 760
Assembly Bill No. 153	Assembly Bill No. 829
Assembly Bill No. 200	Assembly Bill No. 849
Assembly Bill No. 207	Assembly Bill No. 1104
Assembly Bill No. 235	Assembly Bill No. 1112
Assembly Bill No. 255	Assembly Bill No. 1116
Assembly Bill No. 407	Assembly Bill No. 1317
Assembly Bill No. 445	Assembly Bill No. 1390
Assembly Bill No. 582	Assembly Bill No. 1526
Assembly Bill No. 588	

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 7, 1997

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

Assembly Concurrent Resolution No. 4

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 8, 1997

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

Assembly Bill No. 206

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 11, 1997

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

- Assembly Bill No. 489
- Assembly Bill No. 1157
- Assembly Bill No. 1547

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 12, 1997

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

- Assembly Bill No. 1092
- Assembly Bill No. 1221
- Assembly Bill No. 1308
- Assembly Bill No. 1546

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 12, 1997

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

- Assembly Bill No. 388
- Assembly Bill No. 500
- Assembly Bill No. 758
- Assembly Bill No. 761
- Assembly Bill No. 816
- Assembly Bill No. 1093
- Assembly Bill No. 1325
- Assembly Bill No. 1377
- Assembly Bill No. 1491

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 12, 1997

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

- Assembly Concurrent Resolution No. 2

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.

BILLS PLACED ON SPECIAL CONSENT CALENDAR

The following bills were placed on the Special Consent Calendar:

- Assembly Bills Nos. 445, 1546, 388, 500, 816, 1093, 1325, 1377, and 1491; and Assembly Concurrent Resolution No. 2.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Governmental Organization, on Monday, August 25, 1997, upon adjournment of session, in Room 3162;

Natural Resources, on Monday, August 25, 1997, at 1:30 p.m.;

Judiciary, on Tuesday, August 26, 1997, at 9 a.m.;

Criminal Procedure, Governmental Efficiency and Economic Development, on Tuesday, August 26, 1997;

Environmental Safety and Toxic Materials, on Tuesday, August 26, 1997, in Room 447 instead of Room 444;

Insurance, on Tuesday, August 26, 1997, at 9 a.m.;

Labor and Employment, on Tuesday, August 26, 1997, at 1:30 p.m., in Room 126;

Joint Legislative Audit Committee, on Wednesday, August 27, 1997, at 8:30 a.m., in Room 444; and

Banking and Finance, on Thursday, August 28, 1997.

REQUEST FOR PHOTOGRAPHER

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

ADJOURN IN MEMORY

Assembly Member Baca was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Isabel "Al" Alva, of Redlands.

Assembly Member Battin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Morongo Tribal Member, John Herrera.

Assembly Member Migden was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rembert "Itsie" Collins, of San Francisco, who was the uncle of Mayor Willie L. Brown, Jr., former Speaker of the California State Assembly.

Assembly Member Lempert was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jasmin Palesoo, of Daly City.

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 Mary Gibson, of Hollister.

Assembly Member Brewer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Karen Margreta Wood, of Laguna Hills; George Yorgo Spyropoulos, of Costa Mesa; and Clifford Perkins, of Costa Mesa.

Assembly Member Hertzberg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Los Angeles Sheriff's Department Deputy Shayne York.

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 Eleanor S. Northup, of Davis; and Thomas A. Johnson, of West Sacramento.

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

SPECIAL RECOGNITION

The Members of the Assembly joined in extending best wishes to Assembly Members Alquist and Scott on the occasion of their birthdays.

JOINT RULE 62(a) WAIVED

Assembly Member Murray was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Joint Resolution No. 36, Senate Concurrent Resolution No. 48, and Senate Joint Resolution No. 26 for hearing in the Committee on Transportation.

ANNOUNCEMENTS

Assembly Member Campbell announced that Assembly Member Kaloogian was named ‘Legislator of the Year’ by the American Legislative Exchange Council.

ADJOURN IN MEMORY

Assembly Member Campbell was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Kyle O’Brien, of Orange.

RE-REFERENCE OF BILLS

Assembly Member Martinez was granted unanimous consent that Senate Bill No. 638 be re-referred from the Committee on Utilities and Commerce to the Committee on Natural Resources.

SPECIAL RECOGNITION

The Members of the Assembly joined Assembly Member Ackerman in extending best wishes to Assembly Member Margett and his wife Beverly on the occasion of their 46th wedding anniversary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Joint Resolution No. 6

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

SENATE JOINT RESOLUTION NO. 6 REMOVED FROM CONSENT CALENDAR AND TAKEN UP

Assembly Member Honda was granted unanimous consent that Senate Joint Resolution No. 6 be removed from the Consent Calendar, and to take the resolution up at this time, without reference to file, for purpose of consideration.

SENATE JOINT RESOLUTION NO. 6 (Solis)—Relative to Filipino veterans’ benefits.

Resolution read.

Members Made Coauthors of Senate Joint Resolution No. 6

Assembly Member Honda was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of Senate Joint Resolution No. 6.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

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

Request for Unanimous Consent

Assembly Member Honda was granted unanimous consent to take up Senate Joint Resolution No. 6, as amended, without reference to print or file.

Consideration of Senate Joint Resolution No. 6, as Amended

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

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

AYES—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
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
Davis	Lempert	Prenter	

NOES—None

Resolution ordered transmitted to the Senate.

BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE

Assembly Member Ducheny was granted unanimous consent that Senate Bills Nos. 726, 727, 731, 744, 750, and 768, be withdrawn from the Committee on Budget and placed on the second reading file.

ADJOURN IN MEMORY

Assembly Member Woods was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Ed Petersen, of Cottonwood.

BILL RETURNED TO SENATE

Without objection, Assembly Member Granlund returned Senate Bill No. 162 to the Senate for further action.

COMMITTEE MEETING ANNOUNCEMENTS

Assembly Member Floyd announced that the Committee on Labor and Employment would meet on Tuesday, August 26, 1997, at 1:30 p.m. in Room 126, for purpose of hearing Senate Concurrent Resolution No. 54.

RESOLUTIONS

The following resolutions were offered:

Resolutions to Suspend Joint Rules

By Assembly Member Papan:

Resolved, That Joint Rule 61(a)(2), (a)(5), and (a)(7) be suspended to permit the Committees on Banking and Finance and Appropriations to meet, consider, and report Assembly Bill No. 185 for further action, and to be considered for passage.

By Assembly Member Vincent:

Resolved, That Joint Rule 61(a)(9) be suspended to permit the Committee on Elections, Reapportionment and Constitutional Amendments to meet, consider, and report Senate Bills Nos. 8 and 225 for further action.

By Assembly Member Brown:

Resolved, That Joint Rule 61(a)(9) be suspended to permit the Committee on Governmental Organization to meet, consider, and report Senate Bill No. 1350 for further action.

By Assembly Member Sweeney:

Resolved, That Joint Rule 61(a)(9) be suspended to permit the Committee on Local Government to meet, consider, and report Senate Bill No. 431 for further action.

Resolutions read, and adopted by the following vote:

AYES—74

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

NOES—None

JOINT RULE 62(a) WAIVED

Assembly Member Papan was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 185 for hearing in the Committee on Banking and Finance.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Assembly Member Migden was granted unanimous consent that Assembly Rule 56 be temporarily suspended for the purpose of permitting the Committee on Appropriations to notice hearing of Assembly Bill No. 1397; Assembly Constitutional Amendment No. 22; Assembly Concurrent Resolutions Nos. 66 and 71; Senate Bills Nos. 8, 225, 368, 451, 521, 525, 545, 660, 990, 1102, 1179, 1189, 1273, and 1307; and Senate Concurrent Resolution No. 43 in the Assembly Daily File, prior to re-referral to the committee.

JOINT RULE 62(a) WAIVED

Assembly Member Migden was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting the following bills for hearing in the Committee on Appropriations on Thursday, August 28, 1997:

Assembly Bill No. 1397; Assembly Constitutional Amendment No. 22; Assembly Concurrent Resolutions Nos. 66 and 71; Senate Bills Nos. 8, 225, 368, 451, 521, 525, 545, 660, 990, 1102, 1179, 1189, 1273, and 1307; and Senate Concurrent Resolution No. 43.

RE-REFERENCE OF BILLS

Assembly Member Migden was granted unanimous consent that Senate Bill No. 781 be re-referred from the Committee on Appropriations to the Committee on Revenue and Taxation.

ANNOUNCEMENTS

Speaker pro Tempore Kuehl announced that the ‘‘End of Session’’ Seminar for Members would be held on Thursday, August 28, 1997, from 9–11 a.m.

RECESS

By unanimous consent, at 11:55 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 11:57 a.m., the Assembly reconvened.

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

RESOLUTIONS

The following resolution was offered:

House Resolution No. 42

By Assembly Member Bustamante

Relative to commending Louis Caldera.

WHEREAS, Upon the occasion of his retirement as a Member of the California State Legislature representing the 46th Assembly District, the Honorable Louis Caldera is deserving of special recognition and the highest commendations; and WHEREAS, Louis Caldera was first elected to the California Assembly in November of 1992 to represent the 46th Assembly District, which encompasses communities in the heart of Los Angeles, including the Downtown, Central City, Civic Center, Bunker Hill, Koreatown, Wilshire Center, Pico-Union, Westlake/MacArthur Park, Boyle Heights, Little Tokyo, and East and South Central Los Angeles areas; and

WHEREAS, Assembly Member Caldera delighted in representing one of the most economically and ethnically diverse districts in the state and expertly tailored and executed his constituent and community services program to serve all sectors of the community with integrity, dedication, and sensitivity; and

WHEREAS, Through his conscientious leadership and responsiveness to the needs of his constituents, Louis Caldera partnered with numerous grass roots and other community organizers to improve their neighborhoods and quality of life—coordinating block and school cleanups, community festivals, and parenting, health care, senior citizen, college, youth leadership, legal rights, neighborhood safety, immigration and citizenship workshops and providing instrumental assistance in the planting of over 2,500 new trees in the district; he also authored legislation to give local communities the tools to develop business improvement districts and to fight the overconcentration of liquor outlets in blighted areas; and

WHEREAS, During his legislative career, Assembly Member Caldera was frequently relied upon for his expertise on business, economic, and financial matters; he served with distinction as Chairman of the Banking and Finance Committee, the Budget Subcommittee on Resources, Transportation, Agriculture and the Environment, the Budget Committee, and the Revenue and Taxation Committee; he also authored numerous important measures to improve the business climate in California, among them the Caldera-Weggeland-Killea Interstate Banking and Branching Act of 1995 and legislation streamlining California's consumer finance lender and real property laws; and

WHEREAS, Assembly Member Caldera is well known for his commitment to California's youth, striving to protect the health and safety of California's children and working to create better educational and economic opportunities for them; he received the 1996 "Heart of Los Angeles" award for contributions improving the lives of inner city youth, and was also named 1993 "Legislator of the Year" by both the Girls Scouts Council of California and the American Academy of Pediatrics for successfully authoring California's safety law requiring all children under the age of eighteen to wear bicycle helmets when cycling; he also has written laws to improve the educational opportunities of foster youth, facilitate the adoption of abused or neglected children, and prevent teen pregnancy; and

WHEREAS, Mr. Caldera has received numerous awards for his tireless efforts to reduce gun violence in the state of California, and has served as Chair of the Assembly Select Committee on Gun Violence; and

WHEREAS, Mr. Caldera served admirably during a stint as Assistant Democratic Floor Leader, and he has also been a leader of the California Democratic Leadership Council (DLC), a group of "New Democrats" setting a new, mainstream agenda for progressive government; and WHEREAS, Louis Caldera and his wife, Eva Orlebeke Caldera, became the parents of two beautiful daughters, Allegra and Sophia, during his tenure in the Legislature; and

WHEREAS, In June of 1997, President Clinton nominated Louis Caldera to be Managing Director and Chief Operating Officer for the Corporation for National and Community Service, which runs the administration's signature national service and volunteer programs, and recently the United States Senate confirmed him for that position; and

WHEREAS, Through his professional, public, and community activities, he has made a significant impact on the people of the 46th Assembly District and throughout the state, and he will be deeply missed by this individuals with whom he has been associated; now, therefore, be it

Resolved By Speaker of the Assembly Cruz M. Bustamante, That he takes great pride in honoring Assembly Member Louis Caldera for his outstanding service to the people of the 46th Assembly District and the people of the State of California during his tenure as a Member of the California State Legislature, and conveys to him best wishes for every success in his future endeavors.

REQUEST FOR PHOTOGRAPHER

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

At 12:05 p.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding

HOUSE RESOLUTION NO. 42 TAKEN UP BY UNANIMOUS CONSENT

Assembly Member Bustamante was granted unanimous consent to take up House Resolution No. 42, without reference to committee, print, or file.

HOUSE RESOLUTION NO. 42—Relative to commending Louis Caldera. Resolution read, and adopted.

Best Wishes Expressed

Speaker Bustamante was joined by Assembly Members Bowen, Pringle, Kuehl, Thompson and Alquist in expressing the best wishes of the Assembly to Assembly Member Louis Caldera as he departs the California State Assembly.

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

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 1310 (Wayne)—An act to amend Section 41512.7 of the Health and Safety Code, relating to air pollution.

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—50

Aguiar	Escutia	Lempert	Strom-Martin
Alquist	Figueroa	Machado	Sweeney
Aroner	Firestone	Mazzoni	Thomson
Ashburn	Floyd	Migden	Torlakson
Baca	Frusetta	Morrissey	Villaraigosa
Brown	Gallegos	Murray	Vincent
Caldera	Goldsmith	Napolitano	Washington
Campbell	Hertzberg	Ortiz	Wayne
Cardenas	Honda	Pacheco	Wildman
Cardoza	Keeley	Papan	Woods
Cunneen	Knox	Perata	Mr. Speaker
Davis	Kuehl	Scott	
Ducheny	Kuykendall	Shelley	

NOES—24

Ackerman	Brewer	Leonard	Olberg
Alby	Granlund	Margett	Oller
Baugh	Havice	Martinez	Poochigian
Bordonaro	House	McClintock	Prenter
Bowen	Kaloojian	Miller	Runner
Bowler	Leach	Morrow	Thompson

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1310: Assembly Member Woods, from “No” to “Aye”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1564 (Committee on Budget)—An act making an appropriation for the payment of claims against the State of California, 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.)

Bill presented by Assembly Member Ducheny.

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

AYES—75

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 307 (Kaloogian)—An act to add Section 48900.7 to the Education Code, relating to pupils.

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—78

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

NOES—1

Migden

Above bill ordered enrolled.

ASSEMBLY BILL NO. 400 (Kuehl)—An act to amend Sections 4320 and 4330 of the Family Code, relating to marriage.

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—46

Alby	Figueroa	Lempert	Sweeney
Alquist	Firestone	Machado	Thomson
Aroner	Frusetta	Mazzoni	Torlakson
Baca	Gallegos	Migden	Villaraigosa
Bordonaro	Havice	Morrissey	Vincent
Bowen	Hertzberg	Murray	Washington
Brown	Honda	Napolitano	Wayne
Cardoza	Keeley	Ortiz	Wildman
Cunneen	Knox	Perata	Wright
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Kuykendall	Shelley	
Escutia	Leach	Strom-Martin	

NOES—27

Ackerman	Campbell	Martinez	Poochigian
Ashburn	Floyd	McClintock	Prenter
Baldwin	Goldsmith	Miller	Pringle
Battin	Granlund	Morrow	Runner
Baugh	House	Olberg	Thompson
Bowler	Kaloogian	Oller	Woods
Brewer	Leonard	Pacheco	

Above bill ordered enrolled.

BILLS RETURNED TO THIRD READING FILE

Pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file.

Senate Bill No. 1351, on request of Assembly Member Brown.

ASSEMBLY BILL NO. 620 RECONSIDERED BY UNANIMOUS CONSENT AND RETURNED TO THE SENATE

In compliance with a motion given, Assembly Member Baugh was granted unanimous consent that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 620 were refused concurrence, and that the bill be returned to the Senate for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 1055 (Villaraigosa)—An act to add Article 4 (commencing with Section 115810) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—64

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

NOES—13

Ackerman	Kaloogian	Morrow	Thompson
Baldwin	Leonard	Olberg	
Baugh	Margett	Oller	
Bowen	McClintock	Pringle	

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—64

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

NOES—13

Ackerman	Kaloogian	Morrow	Thompson
Baldwin	Leonard	Olberg	
Baugh	Margett	Oller	
Bowen	McClintock	Pringle	

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause to Assembly Bill No. 1055, and on passage of the bill: Assembly Member Campbell, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

BILLS PLACED ON INACTIVE FILE

The following bills were placed upon the inactive file:

Assembly Bill No. 1001, on request of Assembly Member Torlakson;

Assembly Bill No. 812, on request of Assembly Member Scott.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

SENATE BILL NO. 66 (Greene)—An act relating to class size in the public elementary schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Assembly Member Mazzoni moved the adoption of amendments.

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

SENATE BILL NO. 355 (Monteith)—An act to add Chapter 2.96 (commencing with Section 7286.65) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1 p.m.

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

SENATE BILL NO. 340 (Sher)—An act to add Section 1714.455 to the Civil Code, relating to product liability.

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

Point of Personal Privilege

Assembly Member Granlund arose to a point of personal privilege.

The question being on passage of the bill.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:15 p.m.

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

At 1:16 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

SENATE BILL NO. 146 (Johnston)—An act to amend Section 12050 of the Penal Code, relating to weapons.

Bill read third time.

Motion to Amend by Assembly Member Oller—Set 1

Assembly Member Oller moved the adoption of amendments.

Amendments read.

Motion to Table Oller Amendments to Senate Bill No. 146—Set 1

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Oller to Senate Bill No. 146—Set 1 be laid upon the table.

Assembly Member Shelley seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:25 p.m.

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

Motion to Amend by Assembly Member Oller—Set 2

Assembly Member Oller moved the adoption of amendments.

Amendments read.

**Motion to Table Oller Amendments
to Senate Bill No. 146—Set 2**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Oller to Senate Bill No. 146—Set 2 be laid upon the table.

Assembly Member Sweeney seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:26 p.m.

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

Motion to Amend by Assembly Member Oller—Set 3

Assembly Member Oller moved the adoption of amendments.

Amendments read.

**Motion to Table Oller Amendments
to Senate Bill No. 146—Set 3**

Assembly Member Villaraigosa moved that the amendments offered by Assembly Member Oller to Senate Bill No. 146—Set 3 be laid upon the table.

Assembly Member Shelley seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:28 p.m.

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

SENATE BILL NO. 238 (Haynes)—An act to amend Section 903 of the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—78

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

NOES—None

The question being on the passage of the bill.
Bill passed by the following vote:

AYES—78

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 1344 (Johnston)—An act to add Chapter 1.4 (commencing with Section 24185) to Division 20 of the Health and Safety Code, relating to human cloning.

Bill read third time.

Motion to Amend

Assembly Member Battin moved the adoption of amendments.

Amendments read.

Senate Bill No. 1344 Passed Temporarily

By unanimous consent Senate Bill No. 1344 was passed temporarily.

At 1:35 p.m., Hon. Fred Keeley, 27th District, presiding

SENATE BILL NO. 1082 (Kelley)—An act to add Section 1812.5 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—59

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Olberg	Thomson
Baugh	Hertzberg	Oller	Torlakson
Bordonaro	Honda	Ortiz	Villaraigosa
Brewer	House	Pacheco	Wayne
Brown	Kaloogian	Perata	Woods
Campbell	Keeley	Poochigian	Wright
Cardenas	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Pringle	

NOES—6

Bowen	Havice	McClintock
Floyd	Machado	Murray

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—59

Ackerman	Davis	Leonard	Richter
Aguiar	Ducheny	Margett	Scott
Alquist	Figueroa	Martinez	Shelley
Aroner	Firestone	Mazzoni	Strom-Martin
Ashburn	Frusetta	Miller	Sweeney
Baca	Gallegos	Morrissey	Takasugi
Baldwin	Goldsmith	Morrow	Thompson
Battin	Granlund	Olberg	Thomson
Baugh	Hertzberg	Oller	Torlakson
Bordonaro	Honda	Ortiz	Villaraigosa
Brewer	House	Pacheco	Wayne
Brown	Kaloogian	Perata	Woods
Campbell	Keeley	Poochigian	Wright
Cardenas	Kuykendall	Prenter	Mr. Speaker
Cunneen	Leach	Pringle	

NOES—6

Bowen	Havice	McClintock
Floyd	Machado	Murray

Bill ordered transmitted to the Senate:

(NOTE: Later this day a motion to reconsider the above vote on Senate Bill No. 1082 was offered by Assembly Member Machado.)

SENATE BILL NO. 73 (Kopp)—An act to amend Sections 998 and 2101 of the Code of Civil Procedure, to amend Sections 9104, 9402, 9403, 9404, 9405, 9406, and 9407 of, and to repeal Section 5114 of, the Commercial Code, to amend Section 721 of the Evidence Code, and to amend Sections 12583 and 68616 of the Government Code, relating to civil law.

Bill read third time.

Motion to Amend

Assembly Member Baugh moved the adoption of amendments.

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

SENATE BILL NO. 850 (Kelley)—An act to add Sections 6523.6, 6523.7, and 6523.75 to the Government Code, relating to public health.

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

Bill passed by the following vote:

AYES—69

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

NOES—3

Havice	Martinez	Wildman
--------	----------	---------

Bill ordered transmitted to the Senate.

FURTHER CONSIDERATION OF SENATE BILL NO. 1344

SENATE BILL NO. 1344 (Johnston)—An act to add Chapter 1.4 (commencing with Section 24185) to Division 20 of the Health and Safety Code, relating to human cloning.

The question being on the adoption of the Battin amendments to Senate Bill No. 1344.

Battin amendments adopted by the following vote:

AYES—62

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

NOES—5

Baugh	Martinez	Napolitano
Floyd	McClintock	

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

RE-REFERENCE OF BILLS AND JOINT RULE 62(a) WAIVER

Assembly Member Sweeney was granted unanimous consent that Assembly Bill No. 66 and Assembly Concurrent Resolution No. 71 be re-referred from the Committee on Local Government to the Committee on Revenue and Taxation and that Joint Rule 62(a) be waived for the purpose of hearing the bills in the Committee on Revenue and Taxation.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 196 (Knight)—An act to amend Section 599aa of the Penal Code, relating to animal abuse.

Bill read third time.

Motion to Amend

Assembly Member Runner moved the adoption of amendments.

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

SENATE BILL NO. 416 (Kelley)—An act to add Section 124.1 to the Streets and Highways Code, relating to highways.

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

Bill passed by the following vote:

AYES—60

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

NOES—7

Ackerman	Baugh	McClintock	Oller
Baldwin	Kaloogian	Olberg	

Bill ordered transmitted to the Senate.

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Senate Bill No. 190, on request of Assembly Member Thomson.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 252 (Kelley)—An act relating to public utilities, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—77

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—77

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 418 (Costa)—An act to amend Section 6256 of the Penal Code, relating to correctional facilities.

Bill read third time.

Motion to Amend

Assembly Member Olberg moved the adoption of amendments.

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

SENATE BILL NO. 680 (Solis)—An act to amend Section 510 of, to add Sections 511, 512, 513, 514, and 557 to, and to repeal Section 1183.5 of, the Labor Code, relating to employment.

Bill read third time.

Motion to Amend by Assembly Member Granlund—Set 1

Assembly Member Granlund moved the adoption of amendments.

Amendments read.

Motion to Table Granlund Amendments to Senate Bill No. 680—Set 1

Assembly Member Shelley moved that the amendments offered by Assembly Member Granlund to Senate Bill No. 680—Set 1 be laid upon the table.

Assembly Member Sweeney seconded the motion.

Motion carried by the following vote:

AYES—39

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

NOES—35

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

Vote Changes

By unanimous consent, the following vote change was permitted on the Shelley motion to table the amendments offered by Assembly Member Granlund to Senate Bill No. 680—Set 1: Assembly Member Havice, from “Aye” to “Not Voting”.

Amendments Withdrawn

Without objection, Assembly Member Granlund withdrew his amendments to Senate Bill No. 680—Set 2.

Motion to Amend by Assembly Member Granlund—Set 3

Assembly Member Granlund moved the adoption of amendments.

Amendments read.

**Motion to Table Granlund Amendments
to Senate Bill No. 680—Set 3**

Assembly Member Shelley moved that the amendments offered by Assembly Member Granlund to Senate Bill No. 680—Set 3 be laid upon the table.

Assembly Member Sweeney seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:10 p.m.

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

At 2:10 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 219

Assembly Member Alby was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 219; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on August 14, 1997 (Assembly Journal, page 3689); and whereby on August 11, 1997 (Assembly Journal, page 3636), the Assembly concurred in Senate amendments and ordered the bill enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 67 (Kopp)—An act to amend Section 1714.45 of the Civil Code, relating to product liability.

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 2:12 p.m.

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

SENATE BILL NO. 468 (Rainey)—An act to add Section 1522.06 to the Health and Safety Code, relating to community care facilities.

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

Bill passed by the following vote:

AYES—70

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

NOES—4

Alby	Aroner	Martinez	Migden
------	--------	----------	--------

Bill ordered transmitted to the Senate.

SENATE BILL NO. 500 (Polanco)—An act to add Chapter 1.3 (commencing with Section 12125) to Title 2 of Part 4 of the Penal Code, relating to firearms.

Bill read third time.

Motion to Amend

Assembly Member Perata moved the adoption of amendments.

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

SENATE BILL NO. 471 (Burton)—An act to amend Sections 22002, 22115, 22119.2, 22134, 22155, 22456, 22701, 22710, 22713, 22901, 22903, 22904, 22950, 22951, 22952, 22954, 22955, 23000, 23002, 23005, 23008, 24005, 24205, and 24950 of the Education Code, relating to school employees.

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

Bill passed by the following vote:

AYES—76

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 219 (Rosenthal)—An act to amend Sections 3695.5, 3772.5, and 3791.4 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

Motion to Amend

Assembly Member Torlakson moved the adoption of amendments.

Amendments read and adopted.

Senate Bill No. 219 Passed Temporarily

By unanimous consent Senate Bill No. 219 was passed temporarily on file.

SENATE BILL NO. 883 (Committee on Local Government)—An act to amend Section 4106 of the Food and Agricultural Code, to amend Sections 25332, 25843, 26220, 50274, and 56706 of, to amend and renumber Section 25526.6 of, and to repeal Chapter 3.5 (commencing with Section 55530) of Part 2 of Division 2 of Title 5 of, the Government Code to amend Sections 32, 150, and 153 of, and to add Sections 156 and 157 to, the Fairfield-Suisun Sewer District Act (Chapter 303 of the Statutes of 1951), to amend Sections 3 and 6 of the Vallejo Sanitation and Flood Control District Act (Chapter 17 of the Statutes of 1952, First Extraordinary Session), and to amend Section 201 of the Colusa Basin Drainage District Act (Chapter 1399 of the Statutes of 1987), relating to the Local Government Omnibus Act of 1997.

Bill read third time.

Motion to Amend

Assembly Member Sweeney moved the adoption of amendments.

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

SENATE BILL NO. 1299 (Watson)—An act to amend Section 14087.961 of the Welfare and Institutions Code, relating to human services.

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

Bill passed by the following vote:

AYES—44

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

NOES—26

Ackerman	Campbell	Leonard	Pringle
Alby	Frusetta	Margett	Runner
Battin	Goldsmith	Miller	Takasugi
Baugh	Granlund	Morrissey	Thompson
Bordonaro	House	Olberg	Woods
Bowler	Kaloogian	Oller	
Brewer	Leach	Pacheco	

Bill ordered transmitted to the Senate.

At 2:30 p.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding

**UNFINISHED BUSINESS (RESUMED)
MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 949, 452, 1577, and 1583; and Senate Bills Nos. 682, 305, 248, 512, and ~~376~~ were continued until Thursday, August 28, 1997.

(NOTE: Later this day, the action was rescinded whereby the motion to reconsider Senate Bill No. 376 was continued. See page ____.)

BILL RETURNED TO SENATE

Without objection, Assembly Member Knox returned Assembly Bill No. 1104 to the Senate for further action.

NOTICE OF INTENTION TO REMOVE BILL FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Vincent announced his intention to request that Senate Bill No. 200 be removed from the inactive file.

REQUEST TO GOVERNOR TO RETURN ASSEMBLY BILL NO. 1175

Assembly Member Shelley was granted unanimous consent that the Chief Clerk be directed to request the Governor to return Assembly Bill No. 1175; and that the action be rescinded whereby the bill was reported correctly enrolled and presented to the Governor on August 14, 1997 (Assembly Journal, page 3689); and whereby on August 7, 1997 (Assembly Journal, page 3543), the Assembly concurred in Senate amendments and ordered the bill enrolled.

JOINT RULE 62(a) WAIVED

Assembly Member Takasugi was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 30, Assembly Bill No. 66, and Assembly Concurrent Resolution No. 71 for hearing in the Committee on Revenue and Taxation on Tuesday, August 26, 1997.

ACTION RESCINDED ON SENATE BILL NO. 376

Assembly Member Ortiz was granted unanimous consent to rescind the action whereby earlier this day (Assembly Journal, page ____), the motion to reconsider Senate Bill No. 376 was continued.

Senate Bill No. 376 Reconsidered by Unanimous Consent

In compliance with a motion given by Assembly Member Davis, Assembly Member Ortiz was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 376 was refused passage.

Further Consideration of Senate Bill No. 376

SENATE BILL NO. 376 (Alpert)—An act to amend and repeal Sections 48431.6, 48431.7, 62000.1, and 62000.5 of, to amend, repeal, and add Sections 63000 and 64000 of, to add Part 28.5 (commencing with Section 53008) to, to add and repeal Sections 42926, 44498, 44689.6, 48642, 52091, 52115, 52187, 54669.1, 54686.3, 58410, and 58609 of, to add and repeal Article 4 (commencing with Section 44689.1) of Chapter 3.1 of Part 25 of, and Article 4 (commencing with Section 54146) of Chapter 2 of, and Article 3 (commencing with Section 54349) of Chapter 3 of, Part 29 of, Article 6 (commencing with Section 58070) of Chapter 1 of, and Article 7 (commencing with Section 58930) of Chapter 9 of, Part 31 of, to repeal Article 4 (commencing with Section 44490) of Chapter 3 of Part 25 of, Article 2 (commencing with Section 48630) of Chapter 4 of Part 27 of, Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of, Article 3 (commencing with Section 54660) and Article 4.5 (commencing with Section 54685) of, Chapter 9 of Part 29 of, to repeal Chapter 11.3 (commencing with Section 42920) of Part 24 of, Chapter 3.1 (commencing with Section 44670.1) of, and Chapter 3.15 (commencing with Section 44689.5) of, Part 25 of, Chapter 6.8 (commencing with Section 52080) of, and Chapter 6.9 (commencing with Section 52100) of, Part 28 of, Chapter 2 (commencing with Section 54100) of, and Chapter 3 (commencing with Section 54300) of, Part 29 of, and to repeal Chapter 1 (commencing with Section 58000) of, Chapter 2 (commencing with Section 58400) of, Chapter 4 (commencing with Section 58600) of, and Chapter 9 (commencing with Section 58900) of, Part 31 of, the Education Code, relating to education.

Bill read third time.

Motion to Amend

Assembly Member Ortiz moved the adoption of amendments.

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

BILLS PLACED ON INACTIVE FILE

The following bill was placed upon the inactive file:

Assembly Bill No. 1175, on request of Assembly Member Shelley.

ADJOURN IN HONOR

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so in honor of the birth of Kouver Richard Smith, born on August 15, 1997 to Danielle Walters and Richard Smith.

COMMITTEE MEETING ANNOUNCEMENTS

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

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 347 (Thompson)—An act to amend Sections 651 and 668 of, and to add Section 655.7 to, the Harbors and Navigation Code, and to amend Section 11837.3 of the Health and Safety Code, relating to vessels.

Bill read third time.

Motion to Amend

Assembly Member Goldsmith moved the adoption of amendments.

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

SENATE BILL NO. 628 (Kopp)—An act to amend Section 1800.3 of the Probate Code, and to amend Sections 15657 and 15657.3 of, and to add Section 15610.06 to, the Welfare and Institutions Code, relating to elderly and dependent adults.

Bill read third time.

Motion to Amend

Assembly Member Pacheco moved the adoption of amendments.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 355**

At 2:42 p.m., on motion of Assembly Member Thomson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 355 passed by the following vote:

AYES—43

Aguiar	Escutia	Kuehl	Shelley
Alquist	Figueroa	Kuykendall	Strom-Martin
Aroner	Firestone	Margett	Sweeney
Ashburn	Floyd	Mazzoni	Takasugi
Baca	Frusetta	Napolitano	Thomson
Bordonaro	Gallegos	Ortiz	Torlakson
Brown	Hertzberg	Pacheco	Villaraigosa
Caldera	Honda	Papan	Wildman
Cardoza	House	Perata	Woods
Davis	Keeley	Richter	Wright
Ducheny	Knox	Runner	

NOES—23

Ackerman	Cunneen	McClintock	Oller
Alby	Granlund	Migden	Prenter
Baldwin	Havice	Miller	Pringle
Baugh	Kaloogian	Morrissey	Thompson
Bowler	Leach	Morrow	Wayne
Campbell	Leonard	Olberg	

Vote Changes

By unanimous consent, the following vote changes were permitted on Senate Bill No. 355: Assembly Members Ackerman, Cunneen, and Miller, from "Aye" to "No"; Assembly Member Woods, from "No" to "Aye".

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 340**

At 2:42 p.m., on motion of Assembly Member Kuehl, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

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

Motion carried. Time, 2:44 p.m.

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
VILLARAIGOSA MOTION TO TABLE OLLER AMENDMENTS TO
SENATE BILL NO. 146—SET 1**

At 2:44 p.m., on motion to Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Villaraigosa motion to table Oller amendments to Senate Bill No. 146—Set 1 carried by the following vote:

AYES—40

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

NOES—33

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
VILLARAIGOSA MOTION TO TABLE OLLER AMENDMENTS TO
SENATE BILL NO. 146—SET 2**

At 2:44 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Villaraigosa motion to table Oller amendments to Senate Bill No. 146—Set 2 carried by the following vote:

AYES—40

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

NOES—33

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
VILLARAIGOSA MOTION TO TABLE OLLER AMENDMENTS TO
SENATE BILL NO. 146—Set 3**

At 2:45 p.m., on motion of Assembly Member Thompson, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Villaraigosa motion to table Oller amendments to Senate Bill No. 146—Set 3 carried by the following vote:

AYES—39

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

NOES—34

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

Objection to Vote Adds

Assembly Member Aroner withheld unanimous consent on any requests for vote adds or vote changes on the roll call votes taken on this day on the Villaraigosa motions to table Oller amendments to Senate Bill No. 146—Sets 1, 2, and 3.

Further Consideration of Senate Bill No. 146

SENATE BILL NO. 146 (Johnston)—An act to amend Section 12050 of the Penal Code, relating to weapons.

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 3:26 p.m.

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

CALL OF THE ASSEMBLY DISPENSED WITH ON SHELLEY MOTION TO TABLE GRANLUND AMENDMENTS TO SENATE BILL NO. 680—SET 3

At 3:27 p.m., on motion of Assembly Member Olberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Shelley motion to table Granlund amendments to Senate Bill No. 680—Set 3 carried by the following vote:

AYES—39

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

NOES—36

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

Objection to Vote Adds

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call votes taken on this day on the Shelley motions to table Granlund amendments to Senate Bill No. 680—Sets 1 and 3.

Further Consideration of Senate Bill No. 680

SENATE BILL NO. 680 (Solis)—An act to amend Section 510 of, to add Sections 511, 512, 513, 514, and 557 to, and to repeal Section 1183.5 of, the Labor Code, relating to employment.

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

At 3:55 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

Point of Personal Privilege

Assembly Member Miller arose to a point of personal privilege.

Assembly Member Martinez arose to a point of personal privilege.

Demand for Previous Question

Assembly Members Villaraigosa, Sweeney, Alquist, Ortiz, and Washington demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—42

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

NOES—32

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

Bill ordered transmitted to the Senate immediately.

Objection to Vote Adds

Assembly Member Shelley 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. 680.

Communications

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

Explanation of Vote—Senate Bill No. 680

August 25, 1997

*Mr. Dotson Wilson, Chief Clerk
California State Assembly
State Capitol, Third Floor
Sacramento, California*

Dear Mr. Wilson: I intended to vote for Senate Bill 680 by Senator Hilda Solis today on the Assembly Floor, SB 680 requires overtime pay for overtime work. I support this.

I bring this matter to your attention for official documentation of the issue if it is ever misrepresented in the future.

Sincerely,

PETER FRUSETTA, Assembly Member
Twenty-eighth District

FURTHER CONSIDERATION OF SENATE BILL NO. 219

SENATE BILL NO. 219 (Rosenthal)—An act to amend Sections 3695.5, 3772.5, and 3791.4 of the Revenue and Taxation Code, relating to taxation.

Amendments Withdrawn

Without objection, Assembly Member Prenter withdrew his amendments to Senate Bill No. 219.

Senate Bill No. 219 ordered reprinted, as amended earlier this day by Assembly Member Torlakson, and to be returned to the third reading file.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 816 (O'Connell)—An act to amend Section 7735 of, and to add and repeal Section 17530.7 of, the Business and Professions Code, relating to funeral practices.

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

Bill passed by the following vote:

AYES—53

Ackerman	Davis	Leach	Strom-Martin
Aguiar	Ducheny	Leonard	Sweeney
Alquist	Escutia	Machado	Takasugi
Aroner	Figueroa	Martinez	Thomson
Ashburn	Firestone	Mazzoni	Torlakson
Baca	Floyd	Migden	Villaraigosa
Bordonaro	Gallegos	Morrissey	Washington
Bowen	Havice	Murray	Wayne
Brewer	Hertzberg	Ortiz	Wildman
Brown	Honda	Papan	Wright
Campbell	Keeley	Perata	Mr. Speaker
Cardenas	Knox	Prenter	
Cardoza	Kuehl	Scott	
Cunneen	Kuykendall	Shelley	

NOES—20

Alby	Goldsmith	Morrow	Pringle
Baldwin	House	Olberg	Richter
Battin	Kaloogian	Oller	Runner
Baugh	McClintock	Pacheco	Thompson
Bowler	Miller	Poochigian	Woods

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 340**

At 4:11 p.m., on motion of Assembly Member Kuehl, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Request to Expunge Record and Rescind Action

Assembly Member Kuehl requested unanimous consent that the record be expunged and the action rescinded whereby a roll call vote was taken on this day on Senate Bill No. 340.

Assembly Member Floyd withheld unanimous consent.

Parliamentary Inquiry

Assembly Member Martinez arose to the following parliamentary inquiry:

In the absence of unanimous consent, what is the vote required to permit the action to be rescinded and the record expunged whereby a roll call vote was taken on Senate Bill No. 340?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied that such action is a suspension of the rules and would therefore require present and voting.

**At 4:16 p.m., Assistant Speaker pro Tempore Joe Baca,
62nd District, presiding**

Parliamentary Inquiry

Assembly Member Brown arose to the following parliamentary inquiry:

What is the status of the motion by Assembly Member Martinez to temporarily suspend the rules to permit the action to be rescinded and the record expunged whereby a roll call vote was taken on Senate Bill No. 340?

Reply by Assistant Speaker pro Tempore Baca

The Assistant Speaker pro Tempore replied that Assembly Member Martinez' motion was not recognized as she spoke prior to making the motion, and further, the motion was not seconded.

Vote Announced on Senate Bill No. 340

AYES—40

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

NOES—25

Ackerman	Brewer	Margett	Pringle
Alby	Campbell	McClintock	Runner
Ashburn	Granlund	Miller	Takasugi
Baldwin	House	Morrow	Woods
Baugh	Kaloogian	Olberg	
Bordonaro	Leach	Oller	
Bowler	Leonard	Poohigian	

**Motion to Reconsider Senate Bill No. 340
on Next Legislative Day**

Assembly Member Kuehl moved to reconsider on Thursday, August 28, 1997 the vote whereby Senate Bill No. 340 was this day refused passage.

Senate Bill No. 340 ordered to the unfinished business file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 67**

At 4:20 p.m., on motion of Assembly Member Leonard, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

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

Motion carried. Time, 4:20 p.m.

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

CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 146

At 4:22 p.m. on motion of Assembly Member Ortiz, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The roll was opened.

Call of the Assembly Continued

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

Motion carried. Time, 4:22 p.m.

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

At 4:23 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 67

At 4:23 p.m., on motion of Assembly Member Olberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 67 passed by the following vote:

AYES—46

Aguiar	Figueroa	Machado	Sweeney
Alquist	Firestone	Martinez	Thompson
Aroner	Frusetta	Mazzoni	Thomson
Bordonaro	Gallegos	Migden	Torlakson
Bowen	Goldsmith	Napolitano	Villaraigosa
Brown	Havice	Ortiz	Vincent
Caldera	Honda	Pacheco	Washington
Cardenas	Keeley	Perata	Wayne
Cunneen	Knox	Prenter	Wildman
Davis	Kuehl	Scott	Mr. Speaker
Ducheny	Kuykendall	Shelley	
Escutia	Lempert	Strom-Martin	

NOES—21

Ackerman	Brewer	McClintock	Pringle
Alby	Granlund	Miller	Runner
Ashburn	Kaloogian	Morrow	Woods
Baldwin	Leach	Olberg	
Baugh	Leonard	Oller	
Bowler	Margett	Poochigian	

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
SENATE BILL NO. 146**

At 4:24 p.m., on motion of Assembly Member Oller, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Senate Bill No. 146 passed by the following vote:

AYES—41

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

NOES—34

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

Bill ordered transmitted to the Senate.

COMMITTEE MEETING ANNOUNCEMENTS

Speaker pro Tempore Kuehl made the following committee announcements:

Elections, Reapportionment, and Constitutional Amendments at 5 p.m. today, in Room 447;

Governmental Organization, upon adjournment of Session today, in Room 3162;

Natural Resources, 15 minutes after adjournment of Session today, in Room 437;

Revenue and Taxation, on Tuesday, August 26, 1997, at 1:30 p.m., in Room 444;

Televising the Assembly and Information Technology, on Tuesday, August 26, 1997, at 10:30 a.m., in Room 126; and

Transportation, 15 minutes after adjournment of Session today.

**MOTION TO RECONSIDER SENATE BILL NO. 1082
ON NEXT LEGISLATIVE DAY**

Assembly Member Machado moved to reconsider on the next legislative day the vote whereby Senate Bill No. 1082 was this day passed.

Senate Bill No. 1082 ordered to the unfinished business file.

OBJECTION WITHDRAWN

Assembly Member Thompson withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motions to table Granlund amendments to Senate Bill No. 680—Sets 1 and 3.

OBJECTION TO VOTE ADDS

Assembly Member Ortiz 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. 146.

JOINT RULE 62(a) WAIVED

Assembly Member Alquist was granted unanimous consent that Joint Rule 62(a) be waived for the purpose of setting Assembly Bill No. 1614 and Senate Bill No. 1273 for hearing in the Committee on Televising the Assembly and Information Technology on Tuesday, August 26, 1997.

Objection to Vote Adds

Assembly Member Granlund withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on the Shelley motions to table Granlund amendments to Senate Bill No. 680—Sets 1 and 3.

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 John P. Cook, Superintendent of the Montebello Unified School District.

VOTE ADDS

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

Senate Joint Resolution No. 6, Coauthors: Baldwin, Brown, Gallegos, and Goldsmith—Aye.

Senate Joint Resolution No. 6: Baldwin, Brown, and Gallegos—Aye.

Assembly Bill No. 1310, Concurrence: Aguiar, Frusetta, Gallegos, and Morrissey—Aye; Baugh, Bordonaro, Margett, and Martinez—No.

Assembly Bill No. 1564, Concurrence: Aguiar, Baugh, Bordonaro, Gallegos, Goldsmith, Margett, Morrissey, and Olberg—Aye.

Assembly Bill No. 307, Concurrence: Baugh, Gallegos, Margett, and Morrissey—Aye.

Assembly Bill No. 400, Concurrence: Gallegos, Hertzberg, Machado, Morrissey, and Washington—Aye; Baugh, Martinez, and Prenter—No.

Assembly Bill No. 1055 and Urgency: Gallegos—Aye; Baugh, Margett, and Olberg—No.

Senate Bill No. 238 and Urgency: Bowen, Davis, and Gallegos—Aye.

Senate Bill No. 1082 and Urgency: Baugh, Cunneen, Hertzberg, and Torlakson—Aye; Machado—No.

Senate Bill No. 850: Baugh, Bowen, Cunneen, Hertzberg, Machado, Oller, and Scott—Aye.

Senate Bill No. 1344, Battin Amendments: Alby, Bowler, Cunneen, Davis, Hertzberg, Kaloogian, Kuykendall, Machado, Olberg, Oller, Prenter, Scott, and Torlakson—Aye; Baugh—No.

Senate Bill No. 416: Baca, Bowen, Brown, Cunneen, Goldsmith, Havice, Machado, Martinez, and Scott—Aye; Baugh, Kaloogian, and Oller—No.

Senate Bill No. 252 and Urgency: Baca, Baugh, Cardenas, Cunneen, Kaloogian, Machado, and Oller—Aye.

Senate Bill No. 680, Shelley Motion to Table Granlund Amendments—Set 1: Baugh and Cunneen—No.

Senate Bill No. 468: Baca, Baugh, Brown, Cardenas, Davis, Gallegos, Granlund, and Machado—Aye.

Senate Bill No. 471: Baca, Baugh, Brown, Cardenas, Gallegos, Granlund, and Machado—Aye.

Senate Bill No. 1299: Machado, Prenter, and Torlakson—Aye; Goldsmith and Granlund—No.

Senate Bill No. 355: Davis, Hertzberg, and Honda—Aye; Campbell and Wayne—No.

Senate Bill No. 816: Baca, Brewer, and Leach—Aye; Olberg and Prenter—No.

MOTION TO ADJOURN

At 4:28 p.m., Assembly Member Martinez moved that the Assembly do now adjourn.

Assembly Member Washington seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 4:29 p.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

RESOLUTIONS

The following resolution was offered:

HOUSE RESOLUTION NO. 43—Sweeney, (Principal coauthor: Villaraigosa) Alquist, Aroner, Baca, Bowen, Brown, Cardenas, Cardoza, Davis, Ducheny, Escutia, Gallegos, Havice, Hertzberg, Honda, Keeley, Knox, Kuehl, Lempert, Martinez, Mazzoni, Migden, Napolitano, Ortiz, Perata, Scott, Shelley, Strom-Martin, Thomson, Torlakson, Vincent, Washington, Wayne, and Wildman. Relative to automated teller machine surcharges.

AUTHOR'S AMENDMENTS Committee on Banking and Finance

August 25, 1997

Mr. Speaker: The Chair of your Committee on Banking and Finance reports:

Assembly Bill No. 185

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

PAPAN, Chairman

ASSEMBLY BILL NO. 185—An act to amend Section 3537 of the Civil Code, relating to statutory interpretation.

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

AUTHOR'S AMENDMENTS
Committee on Appropriations

August 25, 1997

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

Senate Bill No. 535

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

MIGDEN, Chairwoman

SENATE BILL NO. 535—An act to add Section 11362.59 to the Health and Safety Code, relating to marijuana, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Joint Resolution No. 25

With the recommendation: Be adopted.

PERATA, Chairman

Above resolution ordered on file.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 39

With the recommendation: Be adopted, and be re-referred to the Committee on Appropriations with recommendation: To Consent Calendar.

PERATA, Chairman

Above resolution re-referred to the Committee on Appropriations.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 20

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

PERATA, Chairman

Above resolution ordered on file.

Committee on Governmental Organization

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 1350

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

BROWN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: August 25, 1997

Mr. Speaker: Your Committee on Governmental Organization reports:

Senate Bill No. 990

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

BROWN, Chairwoman

Above bill re-referred to the Committee on Appropriations.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, August 25, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(9) and 61(a)(10) as it relates to Senate Bill No. 1161.

DENNIS CARDOZA

Above request ordered transmitted to the Committee on Rules.

MESSAGES FROM THE SENATE

Senate Chamber, August 25, 1997

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

Assembly Bill No. 1126.

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

Senate Chamber, August 25, 1997

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

Senate Bill No. 593.

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

August 25, 1997

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

Dear Dotson: By direction of the Senate I am returning Senate Bill 450 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT
Secretary of the Senate

Above bill held at the Desk.

Senate Chamber, August 25, 1997

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

Senate Bill No. 291

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 291—An act relating to the payment of judgments and settlement claims against the State of California, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

INTRODUCTION OF GUESTS

Assembly Member Figueroa, of the 20th Assembly District, introduced Carol Bertsen, of Sunnyvale; and Kathy and Ken Hoyle, of Fremont.

Assembly Member Wildman, of the 43rd Assembly District, introduced Jennifer Hoang, of Glendale; and D'Valarie Travis, of Burbank.

Assembly Member Leonard, of the 63rd Assembly District, introduced Andres Gorbea, of Highland; and Rocio Castillo, of San Bernardino.

Assembly Member Takasugi, of the 37th Assembly District, introduced Lindsay, Diane, and Michael Hebert, of Camarillo.

ADJOURNMENT

At 4:30 p.m., pursuant to the motion by Assembly Member Martinez, the Assembly adjourned until 7 a.m., Tuesday, August 26, 1997, out of respect to the memory of Isabel "Al" Alva, on motion of Assembly Member Baca; out of respect to the memory of John Herrera, on motion of Assembly Member Battin; out of respect to the memory of Kyle O'Brien, on motion of Assembly Member Campbell; out of respect to the memory of Ed Petersen, on motion of Assembly Member Woods; out of respect to the memory of John P. Cook, on motion of Assembly Member Napolitano; out of respect to the memory of Jasmine Palesoo, on motion of Assembly Member Lempert; out of respect to the memory of Mary Gibson, on motion of Assembly Member Frusetta; out of respect to the memory of Karen Margreta Wood, George Yorgo Spyropoulos, and Clifford Perkins, on motion of Assembly Member Brewer; out of respect to the memory of Deputy Shayne York, on motion of Assembly Member Hertzberg; out of respect to the memory of Rembert "Itsie" Collins, on motion of Assembly Member Migden; out of respect to the memory of Eleanor S. Northup and Thomas A. Johnson, on motion of Assembly Member Thomson; out of respect to the memory of Phyliss Takeuchi, on motion of Assembly Member Honda; and in honor of the birth of Kouver Richard Smith, on motion of Assembly Member Gallegos.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON AUGUST 25, 1997

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

AB	RN	SB	RN
185	9719939	659	9721009
873	9715299	660	9720538
880	9712962	712	9721360
		713	9721008
		726	9721080
		727	9721066
		731	9721081
		744	9721073
		750	9721098
		768	9711075
		776	9720884
		802	9721029
		817	9720458
		818	9720259
		826	9720883
		827	9720935
		842	9721063
		883	9720751
		921	9721023
		936	9720954
		945	9720955
		1006	9721046
		1031	9710879
		1039	9721288
		1052	9721191
		1121	9720776
		1179	9721154
		1184	9721096
		1189	9721298
		1234	9721103
		1268	9720340
		1291	9721180
		1307	9721374
		1325	9720826
		1338	9721142
		1339	9721166
		1344	9720789

Daily Total:	72
Cumulative Total:	3111

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

SB

- 146 (Oller amendments—Set 1, RN 9718826, laid upon the table)
- (Oller amendments—Set 2, RN 9719069, laid upon the table)
- (Oller amendments—Set 3, RN 9719640, laid upon the table)
- 680 (Granlund amendments—Set 1, RN 9719892, laid upon the table)
- (Granlund amendments—Set 3, RN 9720066, laid upon the table)

O