

CALIFORNIA LEGISLATURE

1997-98 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, September 12, 1997

ONE HUNDRED THIRTY-EIGHTH SESSION DAY

TWO HUNDRED EIGHTY-FIFTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
 Friday, September 12, 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 Campbell 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 11:28 a.m., Speaker pro Tempore Kuehl declared a quorum of the Assembly present.

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

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

PRAYER

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

O Lord, Take Your rightful place in our hearts and reign supreme in our lives. Show us that every wound has a blessing and every scar a remembered grace. Be with us in moments of hard thinking and painful decision-making as well as in times of triumphant joy. Lord, You are the source of our inspiration. May justice and truth be the fruit of our labors.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Kuehl, Assembly Member Campbell then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Sweeney, seconded by Assembly Member Ackerman.

LEAVES OF ABSENCE FOR THE DAY

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

Because of a death in his family and waiving per diem: Assembly Member Olberg.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, September 12, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(11) as it relates to Senate Bills Nos. 8 and 1101.

CAROLE MIGDEN

Above request ordered transmitted to the Committee on Rules.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, September 12, 1997

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

Assembly Bill No. 1378

And reports the same correctly enrolled, and presented to the Governor at 9:15 a.m., September 12, 1997.

E. DOTSON WILSON, Chief Clerk

ADJOURN IN MEMORY

Assembly Member Alby was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Stephanie Frazier McDowell, of Sacramento.

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 Evelyn M. Campbell, of Newport Beach.

Assembly Member Ortiz was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Brenda L. Smith, of Sacramento.

BILL RETURNED TO SENATE

Assembly Member Escutia was granted unanimous consent to return Assembly Bill No. 233 to the Senate for further action.

BILLS PLACED ON INACTIVE FILE

The following bills were placed upon the inactive file:

Senate Bill No. 225, on request of Assembly Member Papan;

Senate Bill No. 495, on request of Assembly Member Sweeney.

ADJOURN IN MEMORY

Assembly Member Shelley was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Lou Growney Gianniani, of San Francisco.

Assembly Member House was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patricia Dean, of Oakdale; Hughson Post Master Paul Wilson; and California Department of Corrections Officers Mylene Gudrun Zalar, of Riverside and Paul B. Berldon, of Chino Hills.

CONSIDERATION OF SENATE BILL NO. 247 BY UNANIMOUS CONSENT

Assembly Member Kuehl was granted unanimous consent to take up Senate Bill No. 247, out of order, for purpose of amendment.

SENATE BILL NO. 247 (Lockyer)—An act to amend Section 19272 of, and to amend and renumber Section 19532 of, the Revenue and Taxation Code, and to amend Section 11475.1 of the Welfare and Institutions Code, relating to support.

Bill read third time.

Motion to Amend

Assembly Member Kuehl moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted.

Further Consideration of Senate Bill No. 247, as Amended by Unanimous Consent

Assembly Member Kuehl was granted unanimous consent to take up Senate Bill No. 247, as amended, without reference to file.

SENATE BILL NO. 247 (Lockyer)—An act to amend Section 102425 of the Health and Safety Code, to amend Section 19272 of, and to amend and renumber Section 19532 of, the Revenue and Taxation Code, and to amend Section 11475.1 of the Welfare and Institutions Code, relating to support.

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

Bill passed by the following vote:

AYES—55

Aguiar	Figueroa	Leach	Perata
Alquist	Firestone	Lempert	Prenter
Aroner	Frusetta	Leonard	Scott
Baca	Gallegos	Machado	Shelley
Battin	Goldsmith	Martinez	Strom-Martin
Bowen	Granlund	Mazzoni	Sweeney
Brewer	Havice	McClintock	Thomson
Brown	Hertzberg	Migden	Torlakson
Cardenas	Honda	Morrissey	Villaraigosa
Cardoza	House	Murray	Washington
Cunneen	Keeley	Napolitano	Wayne
Davis	Knox	Ortiz	Wildman
Ducheny	Kuehl	Pacheco	Mr. Speaker
Escutia	Kuykendall	Papan	

NOES—17

Ackerman	Bordonaro	Miller	Woods
Alby	Bowler	Morrow	Wright
Ashburn	Campbell	Oller	
Baldwin	Kalooogian	Runner	
Baugh	Margett	Thompson	

Bill ordered transmitted to the Senate.

At 11:47 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

**CONSIDERATION OF DAILY FILE
SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Senate bills were this day on the second reading file:

Senate Bill No. 5, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 524—An act to add Section 366.1 to the Public Utilities Code, relating to public utilities.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 972—An act to repeal and add Section 19622.2 of the Business and Professions Code, to amend Sections 3311 and 3332 of, and to repeal Sections 3335 and 3336 of, the Food and Agricultural Code, and to amend Sections 11272, 12470, and 16310 of the Government Code, relating to the California Exposition and State Fair, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

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

SENATE BILL NO. 200 (Kelley)—An act to add Section 7073.8 to the Government Code, and to amend Sections 17053.74 and 23622.7 of, to add Sections 17053.47 and 23622.8 to, and to repeal and amend Sections 17053.70, 17053.75, 17235, 23612.2, and 24384.5 of, the Revenue and Taxation Code, relating to economic development.

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

Bill passed by the following vote:

AYES—70

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

NOES—4

Bowen	Havice	Martinez	Wildman
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Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 200: Assembly Member Davis, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

SENATE BILL NO. 550 (O’Connell)—An act to amend Section 35735.1 of the Education Code, relating to education.

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

Bill passed by the following vote:

AYES—77

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

NOES—None

Bill ordered transmitted to the Senate.

At 11:41 a.m., Hon. Fred Keeley, 27th District, presiding

Bill ordered transmitted to the Senate.

SENATE BILL NO. 526 (Hayden)—An act to add Article 12 (commencing with Section 1915) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to the Youth Authority, and making an appropriation therefor.

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

Demand for Previous Question

Assembly Members Campbell, Alquist, Margett, Morrissey, and Mazzoni demanded the previous question. Demand sustained.

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—58

Alquist	Figueroa	Martinez	Strom-Martin
Aroner	Firestone	Mazzoni	Sweeney
Baca	Frusetta	McClintock	Takasugi
Battin	Gallegos	Migden	Thomson
Bowen	Granlund	Morrissey	Torlakson
Bowler	Havice	Murray	Villaraigosa
Brewer	Hertzberg	Napolitano	Vincent
Brown	Honda	Ortiz	Washington
Campbell	Keeley	Papan	Wayne
Cardenas	Knox	Perata	Wildman
Cardoza	Kuehl	Prenter	Woods
Cunneen	Kuykendall	Pringle	Wright
Davis	Lempert	Richter	Mr. Speaker
Ducheny	Machado	Scott	
Escutia	Margett	Shelley	

NOES—19

Ackerman	Baugh	Leach	Pacheco
Aguiar	Bordonaro	Leonard	Poochigian
Alby	Goldsmith	Miller	Runner
Ashburn	House	Morrow	Thompson
Baldwin	Kaloogian	Oller	

Bill ordered transmitted to the Senate.

SENATE BILL NO. 66 (Greene)—An act to repeal Chapter 23 (commencing with Section 17770) of, and to add and repeal Chapter 19 (commencing with Section 17200) of, Part 10 of, the Education Code, 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, and presented by Assembly Member Mazzoni.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES—77

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—77

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 45 (Kopp)—An act to amend Sections 14523, 14524, 14525, 14526, 14527, 14530.1 14531, 14536, 65081.1, 65082, 65083, and 65086 of, to add Sections 14529.1, 14529.8, 14529.12, and 14529.15 to, to repeal and add Sections 14520.3, 14529, 65080, and 65086.4 of, and to repeal Sections 14524.5, 14529.01, 14529.2, 14529.6, 14530.5, 14555, 65071, and 65081 of, the Government Code, to amend Sections 99310, 99312, and 99315 of, and to repeal Sections 99315.5, 99315.6, 99318, and 99318.2 of, the Public Utilities Code, and to amend Sections 164.3, 167, 188, and 188.8 of, to amend and repeal Sections 2601, 2602, and 2602.1 of, to add Sections 164.6 and 188.10 to, to repeal and add Sections 163, 164, and 182.5 of, and to repeal Sections 164.2, 164.4, 164.35, 164.50, 164.51, 164.52, 164.55, 164.57, 168, 182.4, 182.8, 188.9, 199, 199.1, 199.2, 199.3, 199.4, 199.6, 199.7, 199.8, 199.9, 199.10, 199.11, and 2600 of, the Streets and Highways Code, relating to transportation.

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

Bill passed by the following vote:

AYES—62

Ackerman	Cunneen	Machado	Pringle
Aguiar	Escutia	Margett	Richter
Alby	Figueroa	Martinez	Runner
Alquist	Firestone	Mazzoni	Scott
Aroner	Frusetta	McClintock	Shelley
Ashburn	Goldsmith	Migden	Sweeney
Baldwin	Granlund	Miller	Takasugi
Battin	Hertzberg	Morrissey	Thompson
Baugh	Honda	Morrow	Thomson
Bordonaro	House	Napolitano	Torlakson
Bowler	Kaloogian	Oller	Villaraigosa
Brewer	Keeley	Ortiz	Wayne
Brown	Kuykendall	Pacheco	Woods
Campbell	Leach	Papan	Mr. Speaker
Cardenas	Lempert	Perata	
Cardoza	Leonard	Poochigian	

NOES—11

Baca	Knox	Prenter	Washington
Bowen	Kuehl	Strom-Martin	Wildman
Havice	Murray	Vincent	

Vote Changes

By unanimous consent, the following vote changes were permitted on Senate Bill No. 45: Assembly Members Mazzoni and Ortiz, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

SENATE BILL NO. 298 (Leslie)—An act to amend Sections 52122 and 52124.5 of the Education Code, and to amend Section 9 of Chapter 298 of the Statutes of 1997, relating to school finance, and declaring the urgency thereof, to take effect immediately.

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—77

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

NOES—None

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—77

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 540 (Johnston)—A act to add and repeal Section 42250.2 of the Education Code, relating to school facilities.

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

Bill passed by the following vote:

AYES—77

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

NOES—1

McClintock

Bill ordered transmitted to the Senate.

REQUEST TO RE-REFER BILL TO COMMITTEE

Assembly Member Floyd requested unanimous consent that Senate Bill No. 655 be re-referred to the Committee on Labor and Employment.

Senate Bill No. 655 Passed Temporarily

By unanimous consent Senate Bill No. 655 was passed temporarily on file.

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

SENATE BILL NO. 227 (Solis)—An act to amend Sections 22509, 22801, and 22803 of, and to add Section 22508.5 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

Bill read third time, and presented by Assembly Member Ducheny

Bill passed by the following vote:

AYES—77

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

NOES—1

McClintock

Bill ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 59 (Solis)—Relative to Mother Teresa.

Resolution read, presented by Assembly Member Escutia, and adopted.

Resolution ordered transmitted to the Senate.

RECESS

By unanimous consent, at 12:20 p.m., Speaker pro Tempore Kuehl declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Murray introduced Captain Stanton H. Perez of the California Highway Patrol who has served as Legislative Liaison to the Members of the California State Legislature and presented a resolution honoring his superior record and dedication to law enforcement. Assembly Member Murray was joined by the Members of the Assembly in extending best wishes in future endeavors to Mr. Perez as he departs his current position to accept a position as Commander of the Office of Dignitary Protection.

Stanton H. Perez then addressed the assemblage.

REASSEMBLED

At 12:21 p.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, September 10, 1997

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

Assembly Bill No. 257

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

Above bill ordered enrolled.

Senate Chamber, September 12, 1997

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

Assembly Bill No. 633

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.

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

SENATE BILL NO. 828 (Greene)—An act to amend Sections 6710, 6714, 6747, and 8710 of the Business and Professions Code, relating to professional engineers.

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

Bill passed by the following vote:

AYES—68

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

NOES—8

Baldwin	Leonard	Morrow	Poochigian
Kaloogian	McClintock	Oller	Thompson

Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 828: Assembly Member Ackerman, from “No” to “Aye”.

Bill ordered transmitted to the Senate.

SENATE BILL NO. 990 (Calderon)—An act to amend Sections 19802, 19807.1, 19809, and 19809.5 of the Business and Professions Code, relating to gaming.

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

Bill passed by the following vote:

AYES—55

Ackerman	Cardenas	Machado	Poochigian
Aguiar	Cardoza	Margett	Pringle
Alby	Cunneen	Mazzoni	Richter
Aroner	Figueroa	McClintock	Runner
Ashburn	Firestone	Migden	Strom-Martin
Baca	Frusetta	Miller	Takasugi
Baldwin	Gallegos	Morrissey	Thomson
Battin	Goldsmith	Morrow	Torlakson
Baugh	Granlund	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowler	Honda	Oller	Wildman
Brewer	Keeley	Ortiz	Wright
Brown	Kuykendall	Pacheco	Mr. Speaker
Campbell	Leach	Perata	

NOES—15

Alquist	Kaloogian	Martinez	Washington
Bowen	Kuehl	Prenter	Wayne
Floyd	Lempert	Sweeney	Woods
Havice	Leonard	Thompson	

Bill ordered transmitted to the Senate.

SENATE BILL NO. 1155 (Leslie)—An act to add and repeal Section 42285.3 of the Education Code, relating to education.

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

Bill passed by the following vote:

AYES—74

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

NOES—1

McClintock

Bill ordered transmitted to the Senate.

CONSIDERATION OF CONSENT CALENDAR

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

Consent Calendar—Senate Bill

SENATE BILL NO. 1305 (Sher)—An act to add Article 14 (commencing with Section 398.1) to Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code, relating to public utilities.

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

AYES—78

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 1254 (Calderon)—An act to amend Section 11166.5 of, and to add and repeal Section 290.05 of, the Penal Code, relating to children, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—72

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

NOES—None

Bill ordered transmitted to the Senate.

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

Upon request of Assembly Member Floyd, pursuant to Assembly Rule 77.2, by unanimous consent the Speaker re-referred Senate Bill No. 655 to the Committee on Labor and Employment.

UNFINISHED BUSINESS**ASSEMBLY BILL NO. 949 RECONSIDERED BY UNANIMOUS CONSENT**

In compliance with a motion given, Assembly Member Ducheny was granted unanimous consent that the vote be reconsidered whereby Senate amendments to Assembly Bill No. 949 were refused concurrence.

Further Consideration of Senate Amendments to Assembly Bill No. 949

ASSEMBLY BILL NO. 949 (Ducheny)—An act to add Chapter 5.68 (commencing with Section 2598) to Division 2 of the Business and Professions Code, relating to social workers.

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.

Call of the Assembly

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

Motion carried. Time, 12:56 p.m.

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

MOTIONS TO RECONSIDER BILLS CONTINUED

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 1577 and Senate Bills Nos. 1334 and 867 were continued until the next legislative day.

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 627 (Scott and Thomson)—An act to amend Section 87207 of, and to add Article 4.6 (commencing with Section 87460) to Chapter 7 of Title 9 of, the Government Code, relating to the Political Reform Act of 1974.

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—70

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

NOES—3

Ackerman	Baugh	Morrow
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Above bill ordered enrolled.

ASSEMBLY BILL NO. 781 (Sweeney)—An act to amend Sections 51871, 51872, 51874, 51875, and 51876 of, to amend and renumber Sections 51881 and 51884 of, to amend, renumber, and repeal Section 51883 of, and to add Sections 51871.5 and 51872.5 to, the Education Code, relating to education.

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

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

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

AYES—76

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	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	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1230 (Wright)—An act to amend Sections 14001, 14030, 14037, 14059, 14070, and 14076 of the Corporations Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—71

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

NOES—7

Baugh	McClintock	Oller	Thompson
Kaloogian	Morrow	Runner	

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

AYES—71

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

NOES—7

Baugh	McClintock	Oller	Thompson
Kaloogian	Morrow	Runner	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1394 (Figueroa)—An act to repeal and add Section 12606 of the Business and Professions Code, and repeal and add Section 110375 of the Health and Safety Code, relating to packaging and labeling.

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

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

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

AYES—76

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 62 (McClintock)—An act to amend Section 57079 of, and to add Sections 56075.5, 56656, 56844.2, 57103.1, 57132.5, and 57176.1 to, the Government Code, relating to local government organization.

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.)

At 1:17 p.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:32 p.m.

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

ASSEMBLY BILL NO. 702 (Villaraigosa)—An act to add Section 19721.6 to the Revenue and Taxation Code, relating to child support.

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—58

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

NOES—17

Ackerman	Campbell	Miller	Runner
Alby	Goldsmith	Morrow	Thompson
Baldwin	House	Oller	
Baugh	Kaloogian	Poochigian	
Bordonaro	Leonard	Pringle	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1507 (Cardoza)—An act to add Article 7 (commencing with Section 15373.100) to Chapter 2.5 of Part 6.7 of Division 3 of Title 2 of, and to repeal Chapter 1.9 (commencing with Section 65055) of Division 1 of Title 7 of, the Government Code, relating to economic development.

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—53

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

NOES—22

Ackerman	Bowler	Margett	Pacheco
Aguiar	Campbell	McClintock	Pringle
Alby	Granlund	Miller	Runner
Baldwin	Kaloojian	Morrissey	Thompson
Baugh	Leach	Morrow	
Bordonaro	Leonard	Oller	

Above bill ordered enrolled.

CAUCUS ANNOUNCEMENTS

At 1:40 p.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 1:40 p.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed.

REASSEMBLED

At 4:55 p.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, September 11, 1997

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

Assembly Bill No. 1539

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

Above bill ordered enrolled.

Senate Chamber, September 12, 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. 258

Assembly Bill No. 412

Assembly Bill No. 670

Assembly Bill No. 1544

Assembly Bill No. 1561

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 28, 1997

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

Assembly Bill No. 181

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, September 12, 1997

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

Assembly Bill No. 158

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, September 10, 1997

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

Assembly Bill No. 571

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, September 11, 1997

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

Assembly Bill No. 560

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, September 12, 1997

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

Assembly Bill No. 280

Assembly Bill No. 1219

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.

RESOLUTIONS

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 80—Aguiar. Relative to commending prison chaplains.

ASSEMBLY JOINT RESOLUTION NO. 42—Olberg. Relative to the California Desert Protection Act of 1994.

REQUEST TO SUSPEND JOINT RULES

The following request was received, and read:

Assembly Chamber, September 12, 1997

Mr. Speaker: I request permission to suspend Joint Rule 61(a)(11) as it relates to Senate Bill No. 8.

VALERIE BROWN

Above request ordered transmitted to the Committee on Rules.

CONSIDERATION OF SPECIAL CONSENT CALENDAR

The Speaker pro Tempore announced that the next roll call would be on the Special Consent Calendar, First Legislative Day and Second Legislative Day, by unanimous consent.

Consideration of Senate Amendments to Assembly Bills

ASSEMBLY BILL NO. 102 (Cunneen)—An act to add Section 1170.76 to the Penal Code, relating to sentencing.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 387 (Miller)—An act to amend Sections 18672, 18673, 18676, 18677, 19575, and 19683 of, and to add Section 18672.1 to, the Government Code, relating to state government.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 545 (Gallegos)—An act to amend Section 14412 of, to add Sections 14087.307, 14087.308, and 14087.309 to, and to repeal Section 14413 of, the Welfare and Institutions Code, relating to health services.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 777 (Prenter)—An act to amend Sections 36012 and 36101 of the Vehicle Code, relating to vehicles.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 920 (Davis)— An act to add Chapter 10 (commencing with Section 13890) to Title 6 of Part 4 of the Penal Code, relating to crime laboratories, and making an appropriation therefor.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 957 (Migden)— An act to add Section 69639 to, and to add and repeal Article 7 (commencing with Section 69620) to Chapter 2 of Part 42 of, the Education Code, relating to postsecondary education.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1610 (Ortiz)— An act to amend Sections 44237 and 45125 of, and to add Section 45125.1 to, the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1612 (Alby)—An act to add Sections 44332.6, 44346.1, 44830.1, and 45122.1 to the Education Code, relating to school employees, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1559 (Cardoza)—An act to amend Section 17065 of, and to add Section 12846.5 to, the Food and Agricultural Code, and to amend Section 110050 of, and to amend and repeal Section 110485 of, the Health and Safety Code, relating to food and agriculture.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 939 (Ortiz)—An act to amend Section 467.5 of the Business and Professions Code, to amend Section 1775.10 of the Code of Civil Procedure, to amend and renumber the heading of Chapter 2 (commencing with Section 1150) of Division 9 of, to add Chapter 2 (commencing with Section 1115) to Division 9 of, and to repeal Sections 1152.5 and 1152.6 of, the Evidence Code, to amend Sections 66032 and 66033 of the Government Code, to amend Sections 10089.80 and 11089.82 of the Insurance Code, to amend Section 65 of the Labor Code, and to amend Section 350 of the Welfare and Institutions Code, relating to mediation.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1357 (Baldwin)—An act to amend Sections 25200.2, 25218.2, 25218.9, 25404, and 25404.5 of, and to add Section 25201.4.1 to, the Health and Safety Code, relating to hazardous waste.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1425 (Campbell)—An act relating to highways, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1556 (Committee on Health)—An act to amend Section 2483 of, and to repeal and add Section 2497.1 of, the Business and Professions Code, relating to podiatric medicine.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 127 (Morrow)—An act to add and repeal Section 239 of the Code of Civil Procedure, relating to juries.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 152 (Morrow)—An act to amend Sections 679.02 and 3043.2 of, and to add Sections 1191.16 and 3043.25 to, the Penal Code, relating to victim's rights.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 219 (Alby)—An act to amend Section 1248.4 of the Health and Safety Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

The Assembly adopted the urgency clause and concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 290 (Alby)—An act to amend Section 1279.5 of the Code of Civil Procedure, and to amend Sections 243.4, 290, and 290.4 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

The Assembly adopted the urgency clause and concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 605 (Ashburn)—An act to amend Sections 2073.3, 2073.5, and 2074 of, and to add Sections 2073.4 and 2073.7 to, the Fish and Game Code, relating to endangered species.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 713 (Caldera)—An act to amend Sections 18640, 18648, 19008, 19049, 19064, 19104, 19111, 19132, 19280, 19290, 19503, 19717, 21013, 21016, and 21019 of, to add Sections 21022, 21023, 21024, 21025, 21026, and 21027 to, and to repeal Section 18525 of, the Revenue and Taxation Code, relating to taxation.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 994 (Sweeney)—An act to add Section 20103.6 to the Public Contract Code, relating to local agency contracts.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1065 (Goldsmith)—An act to amend Sections 11167.5 and 11170 of the Penal Code, relating to child abuse.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1082 (Committee on Governmental Organization)—An act to amend Sections 23355.1, 24045.15, and 25501 of, to amend and repeal Section 25658.4 of, and to add Section 25758.5 to, the Business and Professions Code, and to add Section 172p to the Penal Code, relating to alcoholic beverages.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1391 (Goldsmith)—An act to amend Section 11461 of the Welfare and Institutions Code, relating to human services.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1480 (Bordonaro)—An act to amend Sections 21744, 21745, 22001.5, 22008, 55403, 56109, and 56161 of, and to add Sections 22037 and 55462 to, the Food and Agricultural Code, relating to agriculture.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1555 (Committee on Health)—An act to amend Sections 2076.5, 2111, 2135, 2185, 2290.5, and 2443 of, and to repeal Section 2076 of, the Business and Professions Code, relating to physicians and surgeons, and making an appropriation therefor.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 76 (Miller)—An act to amend Sections 1368 and 1375 of, and to add Sections 1363.1 and 1375.1 to, the Civil Code, relating to common interest developments.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 178 (Gallegos)—An act to add and repeal Section 13710.5 of the Business and Professions Code, relating to automotive products.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

ASSEMBLY BILL NO. 1172 (Kaloogian)—An act to amend Section 641 of the Code of Civil Procedure, to amend Sections 39, 250, 1000, 1060, 1061, 1063, 1064, 1890, 2356.5, 8226, 17200, 17203, 20123, 20223, and 21350 of, to add Sections 1460.1, 16060.5, 16061.5, 16061.7, and 16061.8 to, to add Part 3 (commencing with Section 1300) to Division 3 of, to add Part 6 (commencing with Section 21600) to Division 11 of, to repeal and add Section 16063 of, and to repeal Sections 2312, 3024, 4948, 8406, 17207, and 19028 of, to repeal Chapter 11 (commencing with Section 2750) of Part 4 of Division 4, to repeal Chapter 5 (commencing with Section 6560) of Division 6, and to repeal Article 3 (commencing with Section 7240) of Chapter 3 of Part 1 of Division 7, of the Probate Code, and to amend Sections 10850, 14100.2, 15610.30, and 15657 of the Welfare and Institutions Code, relating to estate planning, trusts, and probate.

The Assembly concurred in the above Senate amendments; bill ordered enrolled.

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

Special Consent Calendar Roll Call

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

AYES—78

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

NOES—None**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

ASSEMBLY BILL NO. 84 (Woods)—An act to add Article 2.5 (commencing with Section 12175) to Chapter 4 of Part 2 of Division 2 of the Public Contract Code, relating to state contracts.

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—75

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

NOES—1

McClintock

Above bill ordered enrolled.

ASSEMBLY BILL NO. 242 (Honda)—An act to add Section 50802.1 to the Health and Safety Code, relating to homeless shelters, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

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

AYES—57

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

NOES—21

Ackerman	Bowler	Leach	Pringle
Alby	Brewer	Leonard	Runner
Ashburn	Campbell	McClintock	Thompson
Baldwin	Goldsmith	Morrow	
Baugh	House	Oller	
Bordonaro	Kaloogian	Poochigian	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 352 (Scott)—An act to amend and renumber Section 69619.1 of, and to add Section 44392 to, the Education Code, relating to teachers.

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—71

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

NOES—6

Baugh	McClintock	Runner
Kaloojian	Oller	Thompson

Above bill ordered enrolled.

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 Assembly Bill No. 242.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

Legislative Intent—Assembly Bill No. 1553

September 12, 1997

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

Dear Dotson: This letter is to clarify my intent in amending a notification requirement for health insurers in my AB 1553.

Insurance Code Section 10123.87(b)(2), and Health and Safety Code 1367.62(b)(2) were amended to allow insurers to narrow the notification of maternity length of stay benefits to just those women in their reproductive years, as a way of reducing administrative expenses. However, it has come to my attention that some insurers

would find it more cost effective to notify *all* policyholders, instead.

The above amendments were not intended to require duplicative notification, nor require health plans to notify all policyholders or subscribers in order to comply with the notification requirements of existing law.

Sincerely,

LIZ FIGUEROA, Assembly Member
Twentieth District

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

ASSEMBLY BILL NO. 353 (Wildman)—An act to amend and renumber Section 69619.1 of, to add Section 44392 to, and to repeal and add Section 44391 of, the Education Code, relating to teachers.

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—60

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

NOES—17

Ackerman	Campbell	Morrow	Takasugi
Alby	House	Oller	Thompson
Battin	Kaloogian	Poochigian	
Baugh	Leonard	Pringle	
Bowler	McClintock	Runner	

Above bill ordered enrolled.

**At 5:05 p.m., Assistant Speaker pro Tempore Joe Baca,
62nd District, presiding**

ASSEMBLY BILL NO. 498 (Wildman)—An act to amend Sections 14502, 41020, 41341, and 41609 of, to add Sections 14506.1 and 14506.2 to, to add Article 3.1 (commencing with Section 41344) to Chapter 3 of Part 24 of, and to add and repeal Section 41339.1 of, the Education Code, relating to education.

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—71

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

NOES—5

Ackerman	McClintock	Runner
Baugh	Pringle	

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 498: Assembly Member Morrow, from “No” to “Aye”.

Above bill ordered enrolled.

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 Assembly Bill No. 353.

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

ASSEMBLY BILL NO. 592 (Kuehl)—An act to amend Section 51010.5 of, to add Sections 51017.1 and 51017.2 to, and to repeal and add Section 51017 of, the Government Code, to amend Sections 25298.5 and 116375 of, to add Section 100886 to, and to add Article 12 (commencing with Section 25299.97) and Article 13 (commencing with Section 25299.99) to Chapter 6.75 of Division 20 of, 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 Sections 13272.1 and 13274 to, the Water Code, relating to environmental protection, and making an appropriation therefor.

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

NOES—None

Above bill ordered enrolled.

**CONSIDERATION OF SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1572 BY UNANIMOUS CONSENT**

Assembly Member Aguiar was granted unanimous consent to take up Assembly Bill No. 1572, out of order, for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 1572 (Villaraigosa)—An act to amend Section 101755 of the Health and Safety Code, and to add Sections 12693.105, 12693.16, and 12693.365 to the Insurance Code and to amend Sections 14087.51, 14087.52, and 14087.53 of the Welfare and Institutions Code, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read.

Point of Order

Assembly Member Martinez arose to the following point of order:

Assembly Member McClintock is not limiting debate to the Senate amendments to Assembly Bill No. 1572.

Ruling by Assistant Speaker pro Tempore Baca

The Assistant Speaker pro Tempore ruled the point of order not well-taken; that Members are not precluded by the Rules from debating the merits of the entire bill.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 5:24 p.m.

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

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 600 (Kuehl)—An act to amend Section 24027 of, and to add Section 24025 to, the Welfare and Institutions Code, relating to health.

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

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 5:32 p.m.

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

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

Legislative Intent—Assembly Bill No. 592

September 11, 1997

The Honorable Cruz M. Bustamante
Speaker
California State Assembly

Mr. Speaker: I wish to clarify that Section 11 of AB 592, which adds Section 116610(d) to the Health and Safety Code, simply requires that the state Department of Health Services adopt a secondary drinking water standard that meets the consumer acceptance levels for taste, odor, or appearance as required by the criteria in the existing Health and Safety Code Section 116275(d), and not to add “consumer acceptance” to the criteria for adopting a secondary drinking water standard. Also, Section 116612 of the Health and Safety Code as added by this bill is not intended to require the Office of Environmental Health Hazard Assessment to make a recommendation whether or not to list MTBE as a carcinogenic or reproductive toxin by January 1, 1999, if there is no scientific data available at that time on which the recommendation can be made.

In addition, there is a typographical error in Section 25299.97(d)(4) of the Health and Safety Code as added by AB 592. The word “modification” should in fact read “notification.” The sentence should then read, “The pilot projects shall study appropriate notification to public water systems and response times.”

Finally, this bill adds Section 13274 to the Water Code. Subdivision (b) of that section is not intended to confer any additional legal right that is not held by a private land owner under the current law that is in effect at the time this bill is enacted.

Sincerely,

SHEILA JAMES KUEHL
Speaker pro Tempore
California State Assembly

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

ASSEMBLY BILL NO. 680 (House)—An act to amend Section 101305 of the Health and Safety Code, and to add Section 14105.11 to the Welfare and Institutions Code, relating to human services.

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—71

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 833 (Ortiz)—An act to add Sections 138.4 and 109278 to the Health and Safety Code, relating to cancer.

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.

Call of the Assembly

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

Motion carried. Time, 5:35 p.m.

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

ASSEMBLY BILL NO. 896 (Napolitano)—An act to amend Section 15365.8 of, and to add Section 15365.13 to, the Government Code, relating to international trade, and making an appropriation therefor.

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.

Call of the Assembly

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

Motion carried. Time, 5:40 p.m.

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

ASSEMBLY BILL NO. 922 (Battin)—An act to amend Sections 98 and 98.02 of the Revenue and Taxation Code, relating to local government finance.

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—72

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

NOES—1

Martinez

Above bill ordered enrolled.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 5:42 p.m., by unanimous consent, the members of the Committee on Rules were excused for the purpose of attending a meeting of the committee at this time, in the Tom Bane Rules Committee Room, and without objection, the House was permitted to continue the Floor session.

REPORTS OF STANDING COMMITTEES
Committee on Rules

September 12, 1997

Mr. Speaker: Your Committee on Rules recommends that the requests to suspend Joint Rule 61(a)(11), as it relates to the following bills be granted:

Senate Bills Nos. 8 and 1101.

DON PERATA, Chairman

September 12, 1997

Mr. Speaker: Your Committee on Rules recommends that the request to suspend Joint Rule 61(a)(11), to allow the Governmental Organization Committee to meet for the purpose of only hearing the subject matter of Senate Bill No. 8 be granted.

DON PERATA, Chairman

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

ASSEMBLY BILL NO. 1017 (Aguiar)—An act to add Sections 14087.330, 14087.331, 14115.8, and 14172.3 to, the Welfare and Institutions Code, relating to Medi-Cal.

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

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

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

AYES—76

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	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	Oller	Vincent
Brewer	Kaloogian	Ortiz	Washington
Brown	Keeley	Pacheco	Wayne
Campbell	Knox	Papan	Wildman
Cardenas	Kuehl	Perata	Woods
Cardoza	Kuykendall	Poochigian	Wright
Cunneen	Leach	Prenter	Mr. Speaker

NOES—1

McClintock

Above bill ordered enrolled.

CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 738 BY UNANIMOUS CONSENT

Assembly Member Papan was granted unanimous consent to take up Assembly Bill No. 738, out of order, for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 738 (Papan)—An act to amend Sections 10511, 10512, and 10513 of the Public Contract Code, relating to state contracts.

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—75

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

NOES—3

Bowen	McClintock	Sweeney
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Above bill ordered enrolled.

At 5:44 p.m., Hon. Roderick Wright, 48th District, presiding

ASSEMBLY BILL NO. 1029 (Frusetta)—An act to amend Section 27803 of, and to add Sections 21714, 27315.1, and 27368 to, the Vehicle Code, relating to vehicles.

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

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

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

AYES—65

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

NOES—7

Bowen	Davis	Lempert	Sweeney
Brown	Knox	Martinez	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1363 (Machado)—An act to add Section 1295.5 of the Labor Code, relating to employment, 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.)

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

AYES—65

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

NOES—4

Bowen	Havice	Martinez	Migden
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Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1363: Assembly Member Shelley, from “No” to “Not Voting”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1479 (Sweeney)—An act to amend Sections 13390, 13391.5, 13392, 13392.5, 13393.5, 13394, 13394.5, 13394.6, 13395, and 13396.5 of, to add Sections 13394.2 and 13396.8 to, to repeal Sections 13392.6 and 13393 of, and to repeal Chapter 5.6 (commencing with Section 13390) of Division 7 of, the Water Code, relating to water.

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

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

NOES—31

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

Above bill ordered enrolled.

ASSEMBLY BILL NO. 115 (Havice)—An act to amend Section 667.5 of the Penal Code, relating to sentencing.

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

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

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

AYES—74

Ackerman	Davis	Lempert	Pringle
Aguiar	Ducheny	Leonard	Richter
Alby	Escutia	Machado	Runner
Alquist	Figueroa	Margett	Scott
Aroner	Firestone	Martinez	Shelley
Ashburn	Frusetta	Mazzoni	Strom-Martin
Baca	Gallegos	McClintock	Sweeney
Baldwin	Goldsmith	Miller	Takasugi
Battin	Granlund	Morrissey	Thompson
Baugh	Havice	Morrow	Thomson
Bordonaro	Hertzberg	Murray	Torlakson
Bowen	Honda	Napolitano	Vincent
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Ortiz	Wildman
Brown	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.

**At 5:53 p.m., Assistant Speaker pro Tempore Joe Baca,
62nd District, presiding**

ASSEMBLY BILL NO. 173 (Aguiar)—An act to add Article 13 (commencing with Section 44400) to Chapter 2 of Part 25 of the Education Code, relating to teacher credentialing.

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—54

Aguiar	Figueroa	Lempert	Shelley
Alquist	Firestone	Leonard	Strom-Martin
Aroner	Floyd	Machado	Sweeney
Ashburn	Frusetta	Martinez	Takasugi
Baca	Gallegos	Miller	Thomson
Bordonaro	Goldsmith	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Havice	Napolitano	Vincent
Brewer	Hertzberg	Ortiz	Wayne
Brown	Honda	Papan	Wildman
Cardenas	Keeley	Perata	Woods
Cardoza	Knox	Prenter	Mr. Speaker
Cunneen	Kuehl	Richter	
Escutia	Kuykendall	Scott	

NOES—16

Ackerman	Baugh	McClintock	Poochigian
Alby	Campbell	Morrow	Pringle
Baldwin	Kaloogian	Oller	Runner
Battin	Margett	Pacheco	Thompson

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 173: Assembly Member Alby, from "Aye" to "No".

Above bill ordered enrolled.

ASSEMBLY BILL NO. 179 (Bowen)—An act to amend Sections 6252 and 6258 of, to amend and renumber Section 6253 of, to add the heading of Article 1 (commencing with Section 6250) to Chapter 3.5 of Division 7 of Title 1 of, to add Sections 6252.5 and 6253 to, and to repeal Sections 6253.1, 6256, 6256.1, 6256.2 and 6257 of, the Government Code, relating to public records.

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—71

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

NOES—6

Ackerman	Bordonaro	Runner
Baugh	Leach	Thompson

Above bill ordered enrolled.

CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1223 BY UNANIMOUS CONSENT

Assembly Member Strom-Martin was granted unanimous consent to take up Assembly Bill No. 1223, out of order, for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 1223 (Strom-Martin)—An act to amend Section 5164 of the Public Resources Code, relating to parks and recreation.

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

NOES—None

Above bill ordered enrolled.

OBJECTION WITHDRAWN

Assembly Member Shelley withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 242.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 278 (Escutia)—An act to amend Sections 39606, 39655, 39660, 39662, 40451, and 116365 of, and to add Sections 25502.5, 39606.1, 39618, and 39667.5 to, the Health and Safety Code, relating to environmental protection.

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

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

Demand for Previous Question

Assembly Members Washington, Mazzoni, Wayne, Alquist, and Hertzberg demanded the previous question. Demand sustained.

The question being on concurrence in Senate amendments.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 6:27 p.m.

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT
BY UNANIMOUS CONSENT**

Assembly Member Aguiar was granted unanimous consent to take up the Conference Committee Report on Assembly Bill No. 1126, out of order.

ASSEMBLY BILL NO. 1126 (As proposed by the Conference Committee)—An act to amend Section 6254 of the Government Code, to amend Section 101755 of the Health and Safety Code, and to add and repeal Part 6.2 (commencing with Section 12693) of Division 2 of the Insurance Code, relating to children, and making an appropriation therefor.

Conference Committee Report presented by Assembly Member Villaraigosa.

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, 6:54 p.m.

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT
BY UNANIMOUS CONSENT**

Assembly Member Aguiar was granted unanimous consent to take up the Conference Committee Report on Senate Bill No. 903, out of order.

SENATE BILL NO. 903 (As proposed by the Conference Committee)—An act to amend Sections 14067 and 14148.75 of, and to add Sections 14005.23, 14011.1 and 14016.11 to, the Welfare and Institutions Code, relating to human services.

Conference Committee Report presented by Assembly Member Figueroa.

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, 6:59 p.m.

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT
BY UNANIMOUS CONSENT**

SENATE BILL NO. 376 (As proposed by the Conference Committee)—An act to amend Sections 33050, 60603, 60604, 60605, 60606, 60607, 60613, 60616, and 60630 of, and to repeal and add Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

At 7:10 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

Conference Committee Report presented by Assembly Member Mazzoni.

Urgency Clause

Urgency clause read.

Additional Time for Debate Granted

Assembly Member Strom-Martin was granted unanimous consent that she be granted 1 minutes additional time for debate.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 8:13 p.m.

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

RESOLUTIONS

The following resolutions were offered:

Resolutions to Suspend Joint Rules

By Assembly Member Brown:

Resolved, That Joint Rule 61(a)(11) be suspended to permit the Committee on Governmental Organization to meet for the purpose of only hearing the subject matter of Senate Bill No. 8.

By Assembly Member Migden:

Resolved, That Joint Rule 61(a)(11) be suspended to permit the Committee on Appropriations to meet, consider, and report Senate Bills Nos. 1101 and 8 for further action.

Resolutions read, and adopted by the following vote:

AYES—78

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

NOES—None

SPECIAL COMMITTEE MEETINGS

Assembly Member Migden was granted unanimous consent that the Committee on Appropriations be permitted to hold a special meeting today, off the Floor, at 9:30 p.m., in Room 4202, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bills Nos. 8, 273, and 1101 for hearing.

COMMUNICATIONS

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

September 12, 1997

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

Dear Dotson: Please be advised that I am appointing Assemblymember George Runner to replace Assemblymember Keith Olberg on the Assembly Appropriations Committee for today, September 12, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

Assembly Member Brown was granted unanimous consent that the Committee on Governmental Organization be permitted to hold a special meeting today, upon adjournment of the Committee on Appropriations, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 8 for hearing.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 1997

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

Assembly Bill No. 57

Assembly Bill No. 208

Assembly Bill No. 1492

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.

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

Upon request of Assembly Member Murray, pursuant to Assembly Rule 77.2, the Speaker re-referred Assembly Bills Nos. 208, 57, and 1492 to the Committee on Transportation.

SPECIAL COMMITTEE MEETINGS

Assembly Member Murray was granted unanimous consent that the Committee on Transportation be permitted to hold a special meeting today, at 9:30 p.m., in the Speaker's Conference Room, and that Joint Rule 62(a) be waived for the purpose of setting Assembly Bills Nos. 57, 208, and 1492 for hearing.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
CONFERENCE COMMITTEE REPORTS**

ASSEMBLY BILL NO. 1581 (As proposed by the Conference Committee)—An act relating to coastal and ocean resources, and making an appropriation therefor.

Conference Committee Report presented by Assembly Member Keeley.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 8:22 p.m.

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

At 8:24 p.m., Hon., Fred Keeley, 27th District, presiding

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 287 (Honda)—An act to amend Sections 8473.3, 8802, 8921, 8925, 8926, 33006, 33050, 33310, 39619, 41601, 44865, 46307, 48661, 49500, 49513, 49516, 49531, 49536, 49550.3, 49553, 49559, 51230, 51747.5, 94153, 94774, and 94778 of, to amend and renumber Section 8277.5 of, to repeal Sections 49514 and 49532 of, and to repeal, amend, and add Sections 44757.4 and 44759.5 of, the Education Code, to amend Section 53646 of the Government Code, and to amend Section 1 of Chapter 58 of the Statutes of 1997 and Section 3 of Chapter 340 of the Statutes of 1997 relating to education, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—72

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

NOES—1

McClintock

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

AYES—72

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

NOES—1

McClintock

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause and concurrence in Senate amendments to Assembly Bill No. 287: Assembly Member Pacheco, from “No” to “Aye”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1043 (Committee on Revenue and Taxation)—An act to add Sections 7284.6 and 7284.7 to the Revenue and Taxation Code, relating to taxation.

Bill presented by Assembly Member Knox.

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—75

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1484 (Hertzberg)—An act to add and repeal Section 56302 of the Government Code, relating to local government reorganization, and making an appropriation therefor.

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.

Call of the Assembly

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

Motion carried. Time, 8:27 p.m.

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

ASSEMBLY BILL NO. 1015 (Knox)—An act to amend Section 6425 of the Labor Code and to amend Section 193 of the Penal Code, relating to occupational safety and health.

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

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

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 8:47 p.m.

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

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Woods was granted unanimous consent that the following statement of clarification be printed in the Journal:

Clarification—Assembly Bill No. 84

September 12, 1997

The Honorable Cruz Bustamante, Speaker of the Assembly

The Honorable Bill Lockyer, Senate President Pro Tem

State Capitol

Sacramento, California

The Legislature has approved and sent to the Governor AB 84 (Woods), which establishes a state price preference for products manufactured with rice straw. I am submitting this letter to the journal to clarify my intent that any product that appears in the 1997 "Report of the Advisory Committee on Alternatives to Rice Straw Burning," should be considered eligible to receive a state price preference under the provisions of AB 84.

Sincerely,

TOM WOODS, Assembly Member
Second District

ADJOURN IN MEMORY

Assembly Member Gallegos was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Valerie Vasquez Pasillas, of Hacienda Heights.

BILLS ORDERED TO THIRD READING

Assembly Member Villaraigosa was granted unanimous consent that Senate Bills Nos. 5, 524, and 972 on this day's second reading file be ordered to third reading on the Supplemental File.

At 8:50 p.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

ASSEMBLY BILL NO. 1595 (Committee on Public Employees, Retirement and Social Security)—An act to amend Sections 20232, 20405, 21074, 21151, 21221, 21451, 21493, 21494, 21497, 21506, 21674, 22013.3, 22013.6, 22013.7, 22013.75, 22013.76, 22013.8, 22013.85, 22013.9, 22013.95, 22013.955, 22013.96, 22013.97, 22013.10, 22013.11, 22014.5, 22754, 22810, 22810.3, 22811.5, 22811.6, 22818, 22823, 22825.5, 22832, and 22850.2 of, to amend and repeal Section 20903 of, to amend and renumber Section 21296 of, to add Chapter 18 (commencing with Section 21700) to Part 3 of Division 5 of Title 2 of, and to repeal Sections 20234 and 22014.3 of, the Government Code, relating to public employees, and making an appropriation therefor.

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—75

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

NOES—1

McClintock

Above bill ordered enrolled.

ASSEMBLY BILL NO. 594 (Torlakson)—An act to amend Section 1375 of, and to repeal Section 1368.4 of, the Civil Code, to add Section 664.7 to, and to add Title 7.5 (commencing with Section 576.5) to Part 2 of, the Code of Civil Procedure, and to amend Section 19719 of the Revenue and Taxation Code, relating to liability.

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.

Call of the Assembly

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

Motion carried. Time, 9:20 p.m.

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

ASSEMBLY BILL NO. 321 (Bordonaro)—An act to add Sections 20408.5 and 22013.12 to, and to repeal Section 20411 of, the Government Code, relating to public employees.

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—69

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

NOES—8

Ackerman	Bowler	McClintock	Runner
Baldwin	Kaloogian	Oller	Thompson

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 321: Assembly Member Poochigian, from “No” to “Aye”.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS (RESUMED)

SENATE BILL NO. 1092 (Lockyer)—An act to add Section 13967.6 to the Government Code, to amend and renumber Sections 18966 and 18966.1 of, to amend, renumber, and add Section 18965 of, and to add Sections 18965.1, 18965.2, and 18965.3 to, the Welfare and Institutions Code, relating to victims of crime, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—73

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

NOES—3

Ackerman	House	Thompson
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Bill ordered transmitted to the Senate.

SENATE BILL NO. 90 (Sher)—An act to add Chapter 7.1 (commencing with Section 25620) to Division 15 of, and to add and repeal Section 25620.9 of, the Public Resources Code, and to amend Section 371 of, to add Sections 383.5 and 384 to, and to add Article 5 (commencing with Section 445) to Chapter 2.5 of Part 1 of Division 1 of, and to add and repeal Section 380 of, the Public Utilities Code, relating to energy resources, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—72

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

NOES—5

Ackerman	Baugh	Runner
Baldwin	McClintock	

Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 90: Assembly Member Bowen, from "Aye" to "Not Voting".

Bill ordered transmitted to the Senate.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 9:34 p.m., by unanimous consent, the Members of the Committee on Appropriations were excused for the purpose of attending a meeting at this time, in Room 4202; and the Members of the Committee on Transportation were excused for the purpose of attending a meeting in the Speaker's Conference Room, and without objection, the House was permitted to continue in Floor session.

At 9:34 p.m., Hon. Fred Keeley, 27th District, presiding

OBJECTION TO VOTE ADDS

Assembly Member Cunneen 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. 990 and Assembly Bill No. 1029.

OBJECTION WITHDRAWN

Assembly Member Cunneen withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 990 and Assembly Bill No. 1029.

OBJECTION WITHDRAWN

Assembly Member Shelley withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 353.

RECESS

By unanimous consent, at 9:45 p.m., Acting Speaker Keeley declared the Assembly recessed.

REASSEMBLED

At 11:10 p.m., the Assembly reconvened.
Hon. Sheila James Kuehl, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

Date of Hearing: September 12, 1997

Mr. Speaker: Your Committee on Transportation reports:

Assembly Bill No. 57

Assembly Bill No. 208

Assembly Bill No. 1492

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

MURRAY, Chairman

Above bills ordered to unfinished business.

Committee on Appropriations

Date of Hearing: September 12, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 1101

With the recommendation: Do pass.

MIGDEN, Chairwoman

Above bill ordered to second reading.

Date of Hearing: September 12, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 273

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 1997

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

Assembly Bill No. 217

Assembly Bill No. 856

Assembly Bill No. 241

Assembly Bill No. 999

Assembly Bill No. 488

Assembly Bill No. 1415

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, September 12, 1997

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

Senate Joint Resolution No. 32

GREG P. SCHMIDT, Secretary of the Senate

By John W. Rovane, Assistant Secretary

FIRST READING OF SENATE BILLS

The following resolution was read:

SENATE JOINT RESOLUTION NO. 32—Relative to veterans.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 1997

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

Senate Bill No. 1110.

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

Senate Chamber, September 12, 1997

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

Assembly Bill No. 1344.

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

Senate Chamber, September 12, 1997

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

Assembly Concurrent Resolution No. 21
Assembly Concurrent Resolution No. 76
Assembly Concurrent Resolution No. 77
Assembly Joint Resolution No. 37
Assembly Joint Resolution No. 38
Assembly Joint Resolution No. 39

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

Above resolutions ordered enrolled.

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

ASSEMBLY BILL NO. 1188 (Lempert)—An act to amend and supplement the Budget Act of 1997 (Chapter 282 of the Statutes of 1997), relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 11:13 p.m.

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

ASSEMBLY BILL NO. 1587 (Committee on Budget)—An act relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read.

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, 11:15 p.m.

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

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

SENATE BILL NO. 368 (Peace)—An act relating to energy resources, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—72

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

NOES—4

Baugh	Bowler	House	McClintock
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Bill ordered transmitted to the Senate.

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

ASSEMBLY BILL NO. 456 (Ducheny)—An act to add Chapter 8 (commencing with Section 1923) to Title 4 of Part 4 of the Civil Code, and to add Section 818.10 to the Government Code, relating to real property.

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—77

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

NOES—1

McClintock

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1055 (Villaraigosa)—An act to add and repeal Article 4 (commencing with Section 115810) of Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public playgrounds, 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.)

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

AYES—59

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

NOES—19

Ackerman	Bowler	Leonard	Poochigian
Alby	Brewer	Margett	Pringle
Baldwin	Goldsmith	McClintock	Richter
Baugh	House	Morrow	Thompson
Bowen	Kaloogian	Oller	

Above bill ordered enrolled.

SENATE BILL NO. 535 RECONSIDERED BY UNANIMOUS CONSENT

In compliance with a motion given, Assembly Member Migden was granted unanimous consent that the vote be reconsidered whereby Senate Bill No. 535 was refused passage; and that the bill be placed upon the inactive file.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

Legislative Intent—Senate Bill No. 368

September 12, 1997

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

Dear Dotson: As a principal co-author and floor manager for Senate Bill 368 (Peace), I am writing to you to clarify the intent of certain provisions of that bill.

Specifically, the funds appropriated by each subparagraph under paragraphs (2) and (3) of subdivision (a) of Section 1 of the bill and by each subparagraph under paragraphs (2) and (3) of subdivision (c) of Section 1 of the bill are intended to be grants. The provisions specifying that these appropriations are to be grants were

inadvertently omitted from the bill when it was amended in Assembly Appropriations Committee on September 11, 1997.

Thank you for the opportunity to make the above technical clarification of the intent of Senate Bill 368, as amended in Assembly September 11, 1997.

Sincerely,

KEVIN MURRAY
Assemblymember, 47th
District

BILL LEONARD
Assemblymember, 63rd
District

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

HOUSE RESOLUTION NO. 45 (Committee on Rules)—Relative to the California Veterans' Week.

Resolution read, presented by Assembly Member Perata, and adopted.

HOUSE RESOLUTION NO. 46 (Committee on Rules)—Relative to women veterans.

Resolution read, presented by Assembly Member Perata, and adopted.

HOUSE RESOLUTION NO. 47 (Bowler)—Relative to Mother Teresa.

Resolution read.

Members Made Coauthors of House Resolution No. 47

Assembly Member Bowler was granted unanimous consent to open the roll for the purpose of permitting Members to add as coauthors of House Resolution No. 47.

Roll Call

The following Assembly Members indicated a desire to become coauthors:

Ackerman, Aguiar, Alby, Ashburn, Baca, Baldwin, Battin, Baugh, Bordonaro, Bowen, Brewer, Campbell, Cardenas, Cardoza, Cunneen, Figueroa, Firestone, Frusetta, Goldsmith, Granlund, Hertzberg, Kaloogian, Kuykendall, Leach, Leonard, Machado, Margett, McClintock, Miller, Morrissey, Morrow, Oller, Pacheco, Perata, Pochigian, Prenter, Pringle, Richter, Runner, Sweeney, Takasugi, Thompson, Vincent, Washington, Woods, and Wright.

Request for Unanimous Consent

Assembly Member Bowler was granted unanimous consent to take up House Resolution No. 47, as amended, without reference to print or file.

Consideration of House Resolution No. 47, as Amended

HOUSE RESOLUTION NO. 47—Relative to Mother Teresa.

Resolution read, as amended, and adopted.

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

ASSEMBLY BILL NO. 633 (Cardenas)—An act to add Section 14069.6 to the Corporations Code, relating to small business, and making an appropriation therefor.

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—73

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

NOES—4

Brewer	Floyd	House	McClintock
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Above bill ordered enrolled.

ASSEMBLY BILL NO. 29 (Villaraigosa)—An act to amend Section 1170 of the Penal Code, relating to prisoners.

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—54

Alby	Escutia	Machado	Strom-Martin
Alquist	Figueroa	Martinez	Sweeney
Aroner	Firestone	Mazzoni	Thompson
Ashburn	Gallegos	Migden	Thomson
Baca	Granlund	Morrissey	Torlakson
Bordonaro	Hertzberg	Murray	Villaraigosa
Bowen	Honda	Napolitano	Vincent
Bowler	House	Ortiz	Washington
Brewer	Keeley	Papan	Wayne
Brown	Knox	Perata	Wildman
Cardenas	Kuehl	Prenter	Wright
Cunneen	Kuykendall	Richter	Mr. Speaker
Davis	Lempert	Scott	
Ducheny	Leonard	Shelley	

NOES—22

Ackerman	Cardoza	Margett	Poochigian
Aguiar	Frusetta	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Battin	Havice	Morrow	Takasugi
Baugh	Kaloogian	Oller	
Campbell	Leach	Pacheco	

Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 29: Assembly Members Cardoza and Frusetta, from “Aye” to “No”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 258 (Floyd)—An act to amend Section 6203 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 412 (Wildman)—An act to amend Section 48900 of, and to add Section 48900.8 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—77

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 670 (Mazzoni)—An act to amend Section 41862 of, to amend and repeal Sections 44757.4 and 44759.5 of, and to add Section 17203.5 to, the Education Code, relating to education.

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—75

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

NOES—1

McClintock

Above bill ordered enrolled.

(NOTE: Later this day, the action was rescinded whereby the Assembly concurred in Senate amendments to Assembly Bill No. 670 and whereby the bill was ordered enrolled. See page 4706.)

ASSEMBLY BILL NO. 1544 (Committee on Human Services)—An act to amend Section 1228.1 of the Evidence Code, to amend Sections 8614, 8700, and 8715 of, and to add Sections 8714.5 and 8714.7 to, the Family Code, to amend Sections 1502 and 1505 of, and to add Section 1505.2 to, the Health and Safety Code, and to amend Sections 309, 319, 355, 358.1, 361, 361.3, 361.5, 366, 366.21, 366.22, 366.23, 366.26, 366.3, 387, 11400, 16206, and 16501.1 of, and to add Section 316.2 to, the Welfare and Institutions Code, relating to minors.

Bill presented by Assembly Member Aroner.

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

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

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

AYES—74

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

NOES—1

Morrow

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1544: Assembly Member Havice, from “No” to “Aye”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 181 (Kuykendall)—An act to amend Section 288.2 of the Penal Code, relating to crimes.

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

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

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

AYES—76

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 158 (Papan)—An act to add Section 19852.5 to the Business and Professions Code, relating to gaming.

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.

Call of the Assembly

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

Motion carried. Time, 11:47 p.m.

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

ASSEMBLY BILL NO. 571 (House)—An act to amend Section 3212.1 of the Labor Code, relating to workers’ compensation.

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—71

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

NOES—5

Baldwin	Brewer	Runner
Baugh	McClintock	

Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 571: Assembly Members Baldwin and Baugh, from “Aye” to “No”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 560 (Perata)—An act to amend Sections 1725, 1741, 1750, 1751, and 1764 of, and to add Sections 1765, 1768, and 1770 to, the Business and Professions Code, and to amend Section 14132 of the Welfare and Institutions Code, relating to dentistry, and making an appropriation therefor.

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

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

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

AYES—76

Ackerman	Ducheny	Leonard	Pringle
Aguiar	Escutia	Machado	Richter
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	Oller	Vincent
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Kuehl	Papan	Wildman
Cardoza	Kuykendall	Perata	Woods
Cunneen	Leach	Poochigian	Wright
Davis	Lempert	Prenter	Mr. Speaker

NOES—None

Above bill ordered enrolled.

MOTION TO SUSPEND JOINT RULE 28.1

Assembly Member Villaraigosa moved that Joint Rule 28.1 be suspended to permit the appointment of conferees to the Conference Committee on Senate Bill No. 406.

Motion carried by the following vote:

AYES—78

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

NOES—None

APPOINTMENT OF COMMITTEE ON CONFERENCE

The Speaker appointed the following Assembly Members as a Committee on Conference concerning Senate Bill No. 406:

Gallegos, Alby, and Davis.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 280 (Keeley)—An act to amend Section 100.3 of the Revenue and Taxation Code, relating to public finance.

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—61

Ackerman	Escutia	Mazzoni	Sweeney
Aguiar	Figueroa	Migden	Takasugi
Alquist	Frusetta	Miller	Thompson
Aroner	Gallegos	Morrissey	Thomson
Ashburn	Granlund	Murray	Torlakson
Baca	Hertzberg	Napolitano	Villaraigosa
Battin	Honda	Oller	Vincent
Bordonaro	House	Ortiz	Washington
Bowen	Kaloogian	Papan	Wayne
Brown	Keeley	Perata	Wildman
Campbell	Knox	Poohigian	Woods
Cardenas	Kuehl	Prenter	Wright
Cardoza	Kuykendall	Runner	Mr. Speaker
Cunneen	Lempert	Scott	
Davis	Leonard	Shelley	
Ducheny	Machado	Strom-Martin	

NOES—8

Baldwin	Firestone	Leach	Pacheco
Baugh	Goldsmith	Martinez	Pringle

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 280: Assembly Member Havice, from ‘‘Aye’’ to ‘‘Not Voting’’.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1561 (Committee on Transportation)—An act to amend Sections 25161, 25167.4, and 25323.6 of, and to add Section 25168.1 to, the Health and Safety Code, to amend Section 1463.22 of the Penal Code, to amend Sections 20281 and 20291 of the Public Contract Code, to amend Section 391 of, and to add Section 391.1 to, to the Streets and Highways Code, and to amend Sections 2256, 4456, 5066, 5204, 11520, 16028, 22507.8, 22651.5, 22655, 24953, 25251, 25258, 25259, 26101, 27000, 34001, 34060, 34622, and 40000.16 of, to add Sections 2420, 21718, and 34500.5 to, and to repeal Section 22520 of, the Vehicle Code, relating to transportation.

Bill presented by Assembly Member Murray.

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—73

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

NOES—1

McClintock

Above bill ordered enrolled.

**TWO HUNDRED EIGHTY-SIXTH CALENDAR DAY
AT SACRAMENTO, CALIFORNIA**

Assembly Chamber, September 13, 1997

At 12 midnight.

Speaker pro Tempore Sheila James Kuehl, presiding.

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 949**

At 12:01 a.m., on motion of Assembly Member Runner, 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 Ducheny moved to continue the call of the Assembly.

Motion carried. Time, 12:01 a.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 CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 62**

At 12:01 a.m., on motion of Assembly Member Murray, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 62 by the following vote:

AYES—50

Ackerman	Cardoza	Leonard	Prenter
Aguiar	Cunneen	Margett	Pringle
Alby	Firestone	Martinez	Richter
Ashburn	Frusetta	Mazzoni	Runner
Baldwin	Goldsmith	McClintock	Scott
Battin	Granlund	Miller	Takasugi
Baugh	Hertzberg	Morrissey	Thompson
Bordonaro	Kaloogian	Morrow	Villaraigosa
Bowen	Keeley	Napolitano	Wildman
Bowler	Knox	Oller	Woods
Brewer	Kuehl	Pacheco	Mr. Speaker
Campbell	Kuykendall	Perata	
Cardenas	Leach	Poochigian	

NOES—15

Aroner	House	Papan	Washington
Figueroa	Migden	Sweeney	Wayne
Floyd	Murray	Thomson	Wright
Honda	Ortiz	Vincent	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1572**

At 12:02 a.m., on motion of Assembly Member Villaraigosa, 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 Miller moved to continue the call of the Assembly.

Motion carried. Time, 12:02 a.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 CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 600**

At 12:03 a.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 Assembly concurred in Senate amendments to Assembly Bill No. 600 by the following vote:

AYES—46

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

NOES—30

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

Above bill ordered enrolled.

CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 833

At 12:03 a.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 Assembly concurred in Senate amendments to Assembly Bill No. 833 by the following vote:

AYES—70

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

NOES—7

Ackerman	Baugh	McClintock	Runner
Baldwin	Kaloogian	Pringle	

Above bill ordered enrolled.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

- Assembly Bill No. 1126
- Assembly Bill No. 1581

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

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 896**

At 12:03 a.m., on motion of Assembly Member Napolitano, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 896 by the following vote:

AYES—57

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

NOES—19

Ackerman	Bordonaro	Leach	Oller
Alby	Brewer	Leonard	Pringle
Ashburn	Firestone	McClintock	Thompson
Baldwin	Frusetta	Miller	Woods
Baugh	Kaloogian	Morrow	

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 278**

At 12:03 a.m., on motion of Assembly Member Escutia, 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 Escutia moved to continue the call of the Assembly.

Motion carried. Time, 12:04 a.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
CONFERENCE COMMITTEE REPORT ON ASSEMBLY BILL NO. 1126**

At 12:06 a.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 roll was opened.

Call of the Assembly Continued

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

Motion carried. Time, 12:06 a.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
CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 903**

At 12:06 a.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.

Conference Committee Report on Senate Bill No. 903 adopted by the following vote:

AYES—53

Aquist	Frusetta	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Takasugi
Baca	Granlund	Morrissey	Thomson
Bowen	Havice	Murray	Torlakson
Brown	Hertzberg	Napolitano	Villaraigosa
Cardenas	Honda	Ortiz	Vincent
Cardoza	Keeley	Pacheco	Washington
Cunneen	Knox	Papan	Wayne
Davis	Kuehl	Perata	Wildman
Ducheny	Kuykendall	Prenter	Wright
Escutia	Lempert	Richter	Mr. Speaker
Figueroa	Leonard	Scott	
Firestone	Machado	Shelley	
Floyd	Martinez	Strom-Martin	

NOES—21

Ackerman	Bowler	McClintock	Runner
Alby	Brewer	Miller	Thompson
Ashburn	Campbell	Morrow	Woods
Baldwin	Goldsmith	Oller	
Baugh	Kaloogian	Poochigian	
Bordonaro	Margett	Pringle	

Vote Changes

By unanimous consent, the following vote change was permitted on the Conference Committee report on Senate Bill No. 903: Assembly Member Leach, from "Aye" to "Not Voting".

**CALL OF THE ASSEMBLY DISPENSED WITH ON
URGENCY CLAUSE AND CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 376**

At 12:06 a.m., on motion of Assembly Member Mazzoni, 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 Mazzoni moved to continue the call of the Assembly.

Motion carried. Time, 12:06 a.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
CONFERENCE COMMITTEE REPORT ON ASSEMBLY BILL NO. 1581**

At 12:06 a.m., on motion of Assembly Member Martinez, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Conference Committee Report on Assembly Bill No. 1581 adopted by the following vote:

AYES—59

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

NOES—13

Ackerman	Baugh	Morrow	Thompson
Alby	Leonard	Pacheco	
Ashburn	Margett	Poochigian	
Baldwin	McClintock	Runner	

Above bill ordered enrolled.

CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1484

At 12:08 a.m., on motion of Assembly Member Hertzberg, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1484 by the following vote:

AYES—58

Aguiar	Floyd	Martinez	Shelley
Alquist	Frusetta	Mazzoni	Strom-Martin
Aroner	Gallegos	McClintock	Sweeney
Baca	Granlund	Migden	Thomson
Battin	Havice	Miller	Torlakson
Baugh	Hertzberg	Morrissey	Villaraigosa
Bowen	Honda	Murray	Vincent
Brown	House	Napolitano	Washington
Cardenas	Keeley	Ortiz	Wayne
Cardoza	Knox	Pacheco	Wildman
Cunneen	Kuehl	Papan	Woods
Davis	Kuykendall	Perata	Wright
Ducheny	Lempert	Pringle	Mr. Speaker
Figueroa	Machado	Richter	
Firestone	Margett	Scott	

NOES—17

Ackerman	Brewer	Leonard	Runner
Ashburn	Campbell	Morrow	Thompson
Baldwin	Goldsmith	Oller	
Bordonaro	Kaloogian	Poochigian	
Bowler	Leach	Prenter	

Above bill ordered enrolled.

CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1015

At 12:08 a.m., on motion of Assembly Member Knox, 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 Knox moved to continue the call of the Assembly.

Motion carried. Time, 12:08 a.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 CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 594

At 12:08 a.m., on motion of Assembly Member Morrow, 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 Morrow moved to continue the call of the Assembly.

Motion carried. Time, 12:08 a.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
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1188**

At 12:09 a.m., on motion of Assembly Member Lempert, 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 Leonard moved to continue the call of the Assembly.

Motion carried. Time, 12:09 a.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
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1587**

At 12:10 a.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 Leonard moved to continue the call of the Assembly.

Motion carried. Time, 12:10 a.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
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 158**

At 12:11 a.m., on motion of Assembly Member Martinez, 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 Martinez moved to continue the call of the Assembly.

Motion carried. Time, 12:11 a.m.

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

PARLIAMENTARY INQUIRY

Assembly Member Floyd arose to the following parliamentary inquiry:

Do the Rules preclude a Member from moving a Call of the Assembly more than once?

Reply by Speaker pro Tempore Kuehl

The Speaker pro Tempore replied in the negative.

MOTION TO DISPENSE WITH CALL OF THE ASSEMBLY

Assembly Member Floyd moved that the Call of the Assembly be dispensed with on Assembly Bill No. 158.

Assembly Member Kaloogian seconded the motion.

Motion carried by the following vote:

AYES—67

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

NOES—None

CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 158

At 12:14 a.m., further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 158 by the following vote:

AYES—54

Alby	Ducheny	Leonard	Richter
Alquist	Escutia	Machado	Runner
Aroner	Firestone	Mazzoni	Scott
Ashburn	Floyd	Migden	Shelley
Baca	Gallegos	Morrissey	Strom-Martin
Baldwin	Goldsmith	Morrow	Thomson
Battin	Granlund	Murray	Torlakson
Bowler	Havice	Ortiz	Villaraigosa
Brewer	Hertzberg	Pacheco	Vincent
Brown	Honda	Papan	Washington
Campbell	Keeley	Perata	Wright
Cardenas	Knox	Poochigian	Mr. Speaker
Cardoza	Kuehl	Prenter	
Cunneen	Lempert	Pringle	

NOES—15

Ackerman	Frusetta	Martinez	Takasugi
Aguiar	House	McClintock	Wildman
Baugh	Leach	Miller	Woods
Bordonaro	Margett	Sweeney	

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 158: Assembly Member Davis, from "Aye" to "Not Voting".

Above bill ordered enrolled.

At 12:19 a.m., Assistant Speaker pro Tempore Joe Baca, 62nd District, presiding

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS (RESUMED)**

SENATE BILL NO. 1101—An act to amend Section 6366 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time, and ordered to third reading by unanimous consent.

SENATE BILL NO. 273—An act to add Chapter 2.5 (commencing with Section 104150) to Part 1 of Division 103 of, and to add and repeal Section 109281 of, the Health and Safety Code, relating to prostate cancer, making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted, bill ordered reprinted and to be placed upon the third reading file by unanimous consent.

MESSAGES FROM THE SENATE

Senate Chamber, September 9, 1997

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

Assembly Bill No. 993

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

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS (RESUMED)

SENATE BILL NO. 1101 (Alpert)—An act to amend Section 6366 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

Bill passed by the following vote:

AYES—74

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

NOES—None

Bill ordered transmitted to the Senate.

SENATE BILL NO. 273 (Burton)—An act to add Article 2 (commencing with Section 104175) to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, relating to cancer.

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

Bill passed by the following vote:

AYES—73

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

NOES—2

Baldwin	McClintock
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Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 273: Assembly Member Baldwin, from “Aye” to “No”.

Bill ordered transmitted to the Senate.

REQUEST TO RESCIND ACTION

Assembly Member Mazzoni requested unanimous consent to rescind the action whereby the Assembly, earlier this day (Assembly Journal, page 4686), concurred in Senate amendments to Assembly Bill No. 670, and whereby the bill was ordered enrolled.

Unanimous consent was withheld.

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

ASSEMBLY BILL NO. 217 (Figueroa)—An act to repeal and add Section 14005.23 of the Welfare and Institutions Code, relating to Medi-Cal.

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—57

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

NOES—15

Ackerman	Bordonaro	Kaloogian	Oller
Alby	Bowler	Margett	Thompson
Baldwin	Brewer	McClintock	Woods
Baugh	Campbell	Morrow	

Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 217: Assembly Members Ashburn, Goldsmith, Miller, Poochigian, Richter, and Runner, from "No" to "Aye".

Above bill ordered enrolled.

ASSEMBLY BILL NO. 241 (Lempert)—An act to add Chapter 6.5 (commencing with Section 31275) to Division 21 of the Public Resources Code, relating to natural resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—64

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

NOES—12

Ackerman	Baldwin	Kaloogian	Poochigian
Alby	Bowler	McClintock	Runner
Ashburn	House	Oller	Takasugi

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

AYES—64

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

NOES—12

Ackerman	Baldwin	Kaloogian	Poochigian
Alby	Bowler	McClintock	Runner
Ashburn	House	Oller	Takasugi

Vote Changes

By unanimous consent, the following vote change was permitted on the urgency clause and concurrence in Senate amendments to Assembly Bill No. 241: Assembly Member Poochigian, from ‘‘Aye’’ to ‘‘No’’.

Above bill ordered enrolled.

ACTION RESCINDED ON ASSEMBLY BILL NO. 670

Assembly Member Mazzoni was granted unanimous consent to rescind the action whereby the Assembly, earlier this day (Assembly Journal, page 4686), concurred in Senate amendments to Assembly Bill No. 670, and whereby the bill was ordered enrolled; and that the bill be returned to the Senate for further action.

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

ASSEMBLY BILL NO. 488 (Scott)—An act to add Section 12131 to the Penal Code, relating to firearms.

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.)

Motion to Re-refer Assembly Bill No. 488 to Committee

Assembly Member Pringle moved that Assembly Bill No. 488 be re-referred to the Committee on Public Safety.

Assembly Member Prenter seconded the motion.

The roll was opened.

Call of the Assembly

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

Motion carried. Time, 1:09 a.m.

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

ASSEMBLY BILL NO. 856 (Hertzberg)—An act to add Title 7.5 (commencing with Section 14020) to Part 4 of the Penal Code, relating to crime prevention, and making an appropriation therefor.

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—73

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 999 (Thomson)—An act to add Section 40007 to 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.

Call of the Assembly

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

Motion carried. Time, 1:12 a.m.

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

ASSEMBLY BILL NO. 57 (Escutia)—An act to amend Sections 44015, 44017, and 44056 of, to add Sections 44001.3 and 44017.1 to, to repeal Section 44015.3 of, and to repeal and add Section 44062.1 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—73

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	Torlakson
Battin	Havice	Morrow	Villaraigosa
Baugh	Hertzberg	Murray	Vincent
Bordonaro	Honda	Napolitano	Washington
Bowen	Kaloogian	Oller	Wayne
Bowler	Keeley	Ortiz	Wildman
Brewer	Knox	Pacheco	Woods
Brown	Kuehl	Papan	Wright
Campbell	Kuykendall	Perata	Mr. Speaker
Cardenas	Leach	Poochigian	
Cunneen	Lempert	Prenter	
Davis	Leonard	Pringle	

NOES—4

Cardoza	House	Thompson	Thomson
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Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 57: Assembly Member Thomson, from “Aye” to “No”.

Above bill ordered enrolled.

ASSEMBLY BILL NO. 208 (Migden)—An act to amend Sections 44003, 44021, 44037.1, 44060, 44081, 44091, and 44101 of, to add Section 44024.5 to, and to add and repeal Section 44091.1 of, the Health and Safety Code, to amend Section 6262 of the Revenue and Taxation Code, and to repeal Section 4000.7 of the Vehicle 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—41

Ackerman	Figueroa	Martinez	Sweeney
Alquist	Floyd	Mazzoni	Torlakson
Aroner	Gallegos	Migden	Villaraigosa
Baca	Granlund	Murray	Vincent
Baugh	Hertzberg	Napolitano	Washington
Bowen	Honda	Ortiz	Wildman
Brewer	Keeley	Pacheco	Wright
Brown	Knox	Perata	Mr. Speaker
Davis	Kuehl	Runner	
Ducheny	Lempert	Shelley	
Escutia	Leonard	Strom-Martin	

NOES—19

Aguiar	Cardoza	Leach	Poochigian
Alby	Goldsmith	McClintock	Prenter
Baldwin	Havice	Miller	Thompson
Bordonaro	Kaloogian	Morrissey	Thomson
Bowler	Kuykendall	Morrow	

Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 208: Assembly Members Leach and Morrissey, from "Aye" to "No"; Assembly Members Firestone and Frusetta, from "Aye" to "Not Voting".

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1492 (Baugh)—An act to amend Sections 44001, 44005, 44011, 44014, 44014.5, 44015, 44017, 44036, and 44040 of, to add Section 44017.1 to, and to repeal Section 44015.3 of, the Health and Safety Code, and to repeal Section 4000.7 of the Vehicle 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—76

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

NOES—1

Cardoza

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1492: Assembly Member Cardoza, from “Aye” to “No”.

Above bill ordered enrolled.

At 1:18 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

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

SENATE BILL NO. 524 (Thompson)—An act to add Section 366.1 to the Public Utilities Code, relating to public utilities.

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

Bill passed by the following vote:

AYES—76

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	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Thomson
Bordonaro	Havice	Morrow	Torlakson
Bowen	Hertzberg	Murray	Villaraigosa
Bowler	House	Napolitano	Vincent
Brewer	Kaloogian	Oller	Washington
Brown	Keeley	Ortiz	Wayne
Campbell	Knox	Pacheco	Wildman
Cardenas	Kuehl	Papan	Woods
Cardoza	Kuykendall	Perata	Wright
Cunneen	Leach	Poochigian	Mr. Speaker

NOES—1

Honda

Bill ordered transmitted to the Senate.

SENATE BILL NO. 972 (Greene)—An act to repeal and add Section 19622.2 of the Business and Professions Code, to amend Sections 3311 and 3332 of, and to repeal Sections 3335 and 3336 of, the Food and Agricultural Code, and to amend Sections 11272, 12470, and 16310 of the Government Code, relating to the California Exposition and State Fair, and making an appropriation therefor.

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

Bill passed by the following vote:

AYES—71

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

NOES—5

Alby	Bowler	Thompson
Baugh	Leonard	

Bill ordered transmitted to the Senate.

CAUCUS ANNOUNCEMENTS

At 1:25 a.m., by unanimous consent, the Democratic Caucus was permitted to meet in the Assembly Lounge, and the Republican Caucus was permitted to meet in the Tom Bane Rules Committee Room.

RECESS

By unanimous consent, at 1:26 a.m., Speaker pro Tempore Kuehl declared the Assembly recessed.

REASSEMBLED

At 3:22 a.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

MESSAGES FROM THE SENATE

Senate Chamber, August 28, 1997

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

Assembly Bill No. 308

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, September 4, 1997

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

Assembly Bill No. 1297

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, September 5, 1997

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

Assembly Bill No. 130

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, September 8, 1997

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

Assembly Bill No. 915

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, September 11, 1997

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

Assembly Bill No. 4
Assembly Bill No. 366
Assembly Bill No. 1217

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, September 13, 1997

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

Assembly Bill No. 55

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 28, 1997

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

Assembly Bill No. 99

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, September 13, 1997

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

Assembly Bill No. 670
 Assembly Bill No. 1318
 Assembly Bill No. 1447

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, September 13, 1997

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

Assembly Bill No. 1571

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.

September 13, 1997

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

Dear Dotson: By direction of the Senate I am returning Assembly Bill 233 to the Assembly for further action.

Sincerely,

GREGORY SCHMIDT
 Secretary of the Senate

BILL RETURNED TO SENATE

By unanimous consent Assembly Bill No. 233 was returned to the Senate for further action.

MESSAGES FROM THE SENATE

Senate Chamber, September 12, 1997

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 376
 Senate Bill No. 903

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

Senate Chamber, September 13, 1997

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

Assembly Concurrent Resolution No. 78

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

Above resolution ordered enrolled.

Senate Chamber, September 13, 1997

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

Assembly Bill No. 367

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, September 13, 1997

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

Assembly Bill No. 602

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, September 13, 1997

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

Assembly Bill No. 1554

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, September 12, 1997

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

Senate Bill No. 45
Senate Bill No. 443
Senate Bill No. 521

Senate Bill No. 824
Senate Bill No. 1305

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

Senate Chamber, September 13, 1997

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

Senate Bill No. 273
Senate Bill No. 828
Senate Bill No. 972

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

Senate Chamber, September 12, 1997

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

Senate Bill No. 85
Senate Bill No. 88
Senate Bill No. 110
Senate Bill No. 230
Senate Bill No. 231
Senate Bill No. 255
Senate Bill No. 318
Senate Bill No. 431
Senate Bill No. 466
Senate Bill No. 513
Senate Bill No. 614
Senate Bill No. 638
Senate Bill No. 660
Senate Bill No. 673
Senate Bill No. 721
Senate Bill No. 782
Senate Bill No. 802
Senate Bill No. 812

Senate Bill No. 853
Senate Bill No. 879
Senate Bill No. 940
Senate Bill No. 965
Senate Bill No. 1027
Senate Bill No. 1039
Senate Bill No. 1052
Senate Bill No. 1066
Senate Bill No. 1163
Senate Bill No. 1189
Senate Bill No. 1195
Senate Bill No. 1198
Senate Bill No. 1238
Senate Bill No. 1268
Senate Bill No. 1273
Senate Bill No. 1329
Senate Concurrent Resolution No. 50
Senate Concurrent Resolution No. 55

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

Senate Chamber, September 13, 1997

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

- Senate Bill No. 66
- Senate Bill No. 90
- Senate Bill No. 93
- Senate Bill No. 163
- Senate Bill No. 172
- Senate Bill No. 200
- Senate Bill No. 202
- Senate Bill No. 227
- Senate Bill No. 247
- Senate Bill No. 298
- Senate Bill No. 445
- Senate Bill No. 526

- Senate Bill No. 540
- Senate Bill No. 550
- Senate Bill No. 682
- Senate Bill No. 825
- Senate Bill No. 941
- Senate Bill No. 1026
- Senate Bill No. 1062
- Senate Bill No. 1068
- Senate Bill No. 1092
- Senate Bill No. 1155
- Senate Bill No. 1161
- Senate Bill No. 1328

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

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

ASSEMBLY BILL NO. 308 (Leonard)—An act to amend Section 10177.4 of the Business and Professions Code, and to add Section 641.4 to the Penal Code, relating to real estate.

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—71

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

NOES—1

McClintock

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1297 (Morrow)—An act to add Section 39831.3 to the Education Code, and to amend Section 22112 of the Vehicle Code, relating to vehicles.

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—77

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 130 (Battin)—An act to amend Sections 13350, 13352, 14601.2, 14601.3, 23159, and 23206.5 of, and to add Section 23175.5 to, the Vehicle Code, relating to vehicles.

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 915 (Baugh)—An act to add and repeal Section 115800.1 of the Health and Safety Code, relating to liability.

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.

Call of the Assembly

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

Motion carried. Time, 3:29 a.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 CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 915**

At 3:30 a.m., on motion of Assembly Member Baugh, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendment to Assembly Bill No. 915 by the following vote:

AYES—76

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

NOES—2

Kuehl Martinez

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Villaraigosa was granted unanimous consent that the following statements of legislative intent, communication, and Legislative Counsel opinion to be printed in the Journal.

Legislative Intent—Assembly Bill No. 1890

September 11, 1997

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

RE: AB 1890 Legislative Intent Letter

Dear Dotson: I submit the following declaration to clarify the intent of AB 1890 (Chapered 854, 1996).

It was not my intent in the conference committee which produced AB 1890 that the percentage of the allocated \$540 million designated for the emerging technologies fund be directed to only those technologies that must be installed on the premises of the electricity consumer.

Respectfully submitted,

ASSEMBLYWOMAN DIANE MARTINEZ

Chair of the Assembly Utilities and Commerce Committee

Legislative Intent—Senate Bill No. 45

September 12, 1997

The Honorable Cruz M. Bustamante
Speaker of the Assembly
California Assembly
State Capitol
Sacramento, California

Dear Speaker Bustamante: Senate Bill 45 changes the method by which transportation projects are programmed for the use of state and federal funds. It does not, and shall not be construed to, change the way projects are nominated for inclusion in the regional programs and does not change the relationship between cities, counties, transportation providers and the regional programming entities.

Existing law, the California Constitution and court actions establish the conditions and authorities relative to which entity of government must perform the actual work of designing, constructing, operating and maintaining highways, including state highways. SB 45 is not intended to, nor should it, be construed to change the responsibility of the Department of Transportation as it relates to the performance of work on state highways, including, but not limited to, maintenance, environmental clearance, design, construction, construction engineering and construction management on state highways. SB 45 is not intended to, nor should it, be construed to alter the authority and responsibility of the Department of Transportation as it relates to the above-mentioned activities on state highways.

Sincerely yours,

SENATOR QUENTIN L. KOPP

Legislative Intent—Assembly Bill No. 156

September 12, 1997

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

Dear Dotson: I respectfully request that this letter be printed in the Assembly Journal for purposes of clarifying the intent of AB 156.

The new crime of identity theft established by AB 156 is needed because current statutes have proven difficult to use in this context, and police agencies have been reluctant to write police reports based on existing law.

However, a prosecutor member of the California District Attorneys Association has correctly pointed out that it is theoretically possible for some kinds of identity theft to be prosecuted under existing laws. AB 156 is not intended to preclude prosecution under other laws.

In particular, Penal Code section 529.3 prohibits specific types of "false impersonation" (wrongfully impersonating another where the result might be to cause the victim to incur a "charge forfeiture or penalty"). Section 529.3 has not yet been used in identity theft cases and would not serve as good substitute for the crime created by AB 156. However, it is a felony/misdemeanor statute, while AB 156 creates a misdemeanor statute, and if a prosecutor can somehow

utilize section 529.3 for the prosecution of identity theft cases, nothing in AB 156 should preclude that use.

AB 156 is not intended to limit the applicability of Penal Code section 529.3 or any other related statutes.

Thank you for your consideration.

Sincerely,

KEVIN MURRAY, Assembly Member
Forty-seventh District

Legislative Counsel Opinion—Assembly Bill No. 530

September 11, 1997

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

Dear Mr. Speaker: In drafting AB 530 (Committee on Higher Education), we relied upon the attached opinion completed by Legislative Counsel as to the status of the funds that will be invested by the Scholarshare Investment Board. We respectfully request that this opinion be printed in the Assembly Journal so as to clarify the Assembly’s intent in passing this legislation.

Thank you for your attention to this matter.

Best regards,

BROOKS FIRESTONE
Vice-Chair,
Committee on Higher
Education

TED LEMPERT
Chair,
Committee on Higher
Education

Sacramento, California
August 27, 1997

The Honorable Ted Lempert
2188 State Capitol

Golden State Scholarshare Trust Act—#21168

Dear Mr. Lempert:

QUESTION NO. 1

Would Section 17 of Article XVI of the California Constitution, or any other provision of the California Constitution, prohibit funds in the Golden State Scholarshare Trust, as proposed to be created by Assembly Bill No. 530, as amended July 18, 1997, from being invested in mutual funds, stocks, or similar investments?

OPINION NO. 1

Neither Section 17 of Article XVI of the California Constitution, nor any other provision of the California Constitution, would prohibit funds in the Golden State Scholarshare Trust, as proposed to be created by Assembly Bill No. 530, as amended July 18, 1997, from being invested in mutual funds, stocks, or similar investments.

ANALYSIS NO. 1

Assembly Bill No. 530, as amended July 18, 1997 (hereafter A.B. 530), if enacted, would establish the Golden State Scholarshare Trust Act, pursuant to which, under regulations adopted by the Student Aid Commission (hereafter the commission), participants would invest money in the Golden State Scholarshare Trust for the benefit of a specific beneficiary for the advance savings for the beneficiary's higher education expenses at certain postsecondary educational institutions (see proposed Art. 19 (commencing with Sec. 69980), Ch. 2, Pt. 42, Ed. C.¹).

With respect to the provisions of A.B. 530 that are pertinent to this inquiry, A.B. 530 would express the intent of the Legislature to create the Golden State Scholarshare Trust as a self-sustaining trust, paying all costs of administration out of earnings on moneys on deposit therein (subd. (f), Section 1, A.B. 530). A.B. 530 would require moneys received by the trust to be segregated into two funds, the program fund and the administrative fund (Sec. 69984). A.B. 530 would require all moneys paid by participants in connection with participation agreements to be deposited as received into the program fund and to be promptly invested and accounted for separately (subd. (c), Sec. 69984). A.B. 530 would specify that the participant shall retain ownership of all payments made under any participation agreement up to the date of utilization for payment of higher education costs for the beneficiary and that all interest derived from the investment of the payments made by the participant shall be deemed to be held in trust for the benefit of the beneficiary (subd. (a), Sec. 69986). A.B. 530 would authorize the commission, in the capacity of trustee, to invest moneys within the

¹ All statutory references are to sections proposed to be added to the Education Code by A.B. 530, unless otherwise indicated.

program fund in any investments determined by the commission to be appropriate and prudent (para. (4), subd. (c), Sec. 69981) and to procure insurance against any loss in connection with the property, assets, or activities of the trust (subd. (f), Sec. 69982). A.B. 530 would require the assets of the trust, including the program fund, at all times, to be preserved, invested, and expended solely and only for the purposes of the trust and to be held in trust for the program participants and beneficiaries (Sec. 69991). A.B. 530 would specify that no property rights in the trust shall exist in favor of the state (Sec. 69991). A.B. 530 would prohibit the assets from being transferred or used by the State of California for any purposes other than the purposes of the trust (Sec. 69991).

With those pertinent provisions of A.B. 530 in mind, we turn now to a discussion of Section 17 of Article XVI of the California Constitution (hereafter Section 17), which reads as follows:

“SEC. 17. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the State and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when the stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and the holding of the stock shall entitle the holder thereof to all of the rights, powers and privileges, and shall subject the holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which the stock is so held.

“Notwithstanding any other provisions of law or this Constitution to the contrary, the retirement board of a public pension or retirement system shall have plenary authority and fiduciary responsibility for investment of moneys and administration of the system, subject to all of the following:

“(a) The retirement board of a public pension or retirement system shall have the sole and exclusive fiduciary responsibility over the assets of the public pension or retirement system. The retirement board shall also have sole and exclusive responsibility to administer the system in a manner that will assure prompt delivery of benefits and related services to the participants and their beneficiaries. The assets of a public pension or retirement system are trust funds and shall be held for the exclusive purposes of providing benefits to participants in the pension or retirement system and their beneficiaries and defraying reasonable expenses of administering the system.

“(b) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system solely in the interest of, and for the exclusive purposes of providing benefits to, participants and their beneficiaries, minimizing employer contributions thereto, and defraying reasonable expenses of

administering the system. A retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty.

“(c) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

“(d) The members of the retirement board of a public pension or retirement system shall diversify the investments of the system so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly not prudent to do so.

“(e) The retirement board of a public pension or retirement system, consistent with the exclusive fiduciary responsibilities vested in it, shall have the sole and exclusive power to provide for actuarial services in order to assure the competency of the assets of the public pension or retirement system.

“(f) With regard to the retirement board of a public pension or retirement system which includes in its composition elected employee members, the number, terms, and method of selection or removal of members of the retirement board which were required by law or otherwise in effect on July 1, 1991, shall not be changed, amended, or modified by the Legislature unless the change, amendment, or modification enacted by the Legislature is ratified by a majority vote of the electors of the jurisdiction in which the participants of the system are or were, prior to retirement, employed.

“(g) The Legislature may by statute continue to prohibit certain investments by a retirement board where it is in the public interest to do so, and provided that the prohibition satisfies the standards of fiduciary care and loyalty required of a retirement board pursuant to this section.

“(h) As used in this section, the term ‘retirement board’ shall mean the board of administration, board of trustees, board of directors, or other governing body or board of a public employees’ pension or retirement system; provided, however, that the term ‘retirement board’ shall not be interpreted to mean or include a governing body or board created after July 1, 1991 which does not administer pension or retirement benefits, or the elected legislative body of a jurisdiction which employs participants in a public employees’ pension or retirement system.” (Emphasis added.)

The question here is whether Section 17 would prohibit funds in the Golden State Scholarshare Trust from being invested in mutual funds, stocks, or similar investments.

In *Carpenter v. Pacific Mut. Life Ins. Co.*, 10 Cal. 2d 307 (hereafter *Carpenter*), the California Supreme Court considered a predecessor to Section 17 in a case concerning the investment of funds by the state Insurance Commissioner (*Carpenter*, supra, construing former Sec. 13, Art. XII, Cal. Const.). The predecessor to Section 17 was former Section 13 of Article XII of the California Constitution which provided that “[t]he State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation.” In the *Carpenter* case, the business and assets of an insolvent insurance company were taken over by the Insurance Commissioner, pursuant to statutory authority, as conservator of the insolvent company, for the purpose of conserving them in the interest of all the policyholders, creditors, stockholders, and the public in general (*Id.*, at pp. 315–316, 318). The court approved the Insurance Commissioner’s rehabilitation and reinsurance plan, which provided for the organization of a new company by the Insurance Commissioner to which he transferred certain assets of the insolvent company, and under which he held all the new company’s stock as conservator of the insolvent company (*Id.*, at pp. 321–322). Under the plan, the Insurance Commissioner continued to hold all the stock of the new company as a protection to all of the insolvent company policyholders (*Id.*, at p. 322). The validity of the provisions of the Insurance Code under which the orders had been made were challenged as being unconstitutional and the rehabilitation plan was challenged as being unfair, discriminatory, and illegal (*Id.*, at pp. 318, 325, 329, and 339).

Relevant to the question here is the appellants’ contention that since the Insurance Commissioner, as conservator, and as a state officer acting on behalf of the state, subscribed to all of the stock of the new company, the state, in effect, had subscribed to the stock of the new company, in violation of the predecessor to Section 17 (*Id.*, at p. 339). In response to that contention, the court stated as follows:

“Appellants . . . urge that section 1043 of the Insurance code,² and the plan as approved, are violative of section 13 of article XII of the state Constitution which provides: ‘The state shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation.’ Relying on *Mitchell v Taylor*, 3 Cal. (2d) 217 . . . , where it was held that the insurance commissioner in taking charge of insolvent companies is a state officer acting on behalf of the state, it is contended that since the commissioner as conservator has subscribed to all of the stock of the new company, the state has so subscribed and the Constitution violated. *Of course the insurance commissioner is a state officer, and of course the state has an interest in rehabilitating insolvent insurance companies, but that*

² Section 1043 of the Insurance Code, both at the time this case was decided and under existing law, confers on the Insurance Commissioner, either as conservator or as liquidator, in cases of insolvency or delinquency, subject to the approval of the court, the power to mutualize or reinsure the business of the company or to enter into rehabilitation agreements (see *Carpenter*, supra, at p. 330).

interest is not a vested interest as is contemplated by the above constitutional provision. [The applicable statute] . . . expressly provides that in all proceedings thereunder the commissioner acts as trustee for the benefit of all of the creditors of the insolvent company. It is quite clear that the commissioner by subscribing to the stock of the new company has not loaned the credit of the state to the new company. Not a penny of state money has gone into the treasury of the new company. No liability under the agreement is imposed on the conservator either in his official or personal capacity. There was no loan of credit at all. The commissioner acting pursuant to a statute, with court approval, took certain assets of the old company and transferred them to the new company in exchange for the stock which he holds as trustee for the benefit of the creditors of the old company. Obviously, the commissioner as state officer did not subscribe to the stock of the new company so as to make the state a stockholder. The point is without merit.” (Carpenter, supra, at pp. 339–340, emphasis added.)

In our view, a court could draw upon this reasoning to find that the investment of funds in the Golden State Scholarshare Trust in mutual funds, stocks, or similar investments would not violate Section 17. In this connection, in a manner analogous to that at issue in *Carpenter*, when the commission invests moneys within the program fund, it would do so as trustee for the benefit of the program participants and beneficiaries and not on behalf of the state, since no property rights would exist in favor of the state (Secs. 69981 and 69991). The commission, as a state entity, would not subscribe to, or be interested in, the stock of any company, association, or corporation so as to make the state a stockholder. Further, the commission would be authorized to procure insurance against any loss in connection with the property, assets, or activities of the trust (subd. (f), Sec. 69982). Thus, the commission would not invest state funds in any manner in connection with the trust.³

Based on the foregoing analysis, we conclude that Section 17 would not prohibit funds in the Golden State Scholarshare Trust from being invested in mutual funds, stocks, or similar investments.

As to whether any other provision of the California Constitution would prohibit the investment of funds in the Golden State Scholarshare Trust in mutual funds, stocks, or similar investments, Section 6 of Article XVI of the California Constitution (hereafter Section 6) prohibits the Legislature from authorizing the giving or lending of the credit of the state to any person, association, or corporation and from authorizing the state to subscribe for stock or become a stockholder in any corporation as specified. Section 6 of

³ The only state funds that would be involved are described in Section 69993, which would express the intent of the Legislature that startup and first-year administrative costs may be paid out of the General Fund. In future years, necessary administrative costs would be required to be paid out of the administrative fund (Sec. 69993).

Article XVI reads as follows:

“SEC. 6. *The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and*

“Provided, further, that this section shall not prohibit any county, city and county, city, township, or other political corporation or subdivision of the State from joining with other such agencies in providing for the payment of workers’ compensation, unemployment compensation, tort liability, or public liability losses incurred by such agencies, by entry into an insurance pooling arrangement under a joint exercise of powers agreement, or by membership in such publicly-owned nonprofit corporation or other public agency as may be authorized by the Legislature; and

“Provided, further, that nothing contained in this Constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools,

to be used by the veteran in pursuing a gainful occupation;
and

“Provided, further, that nothing contained in this Constitution shall prohibit the State, or any county, city and county, city, township, or other political corporation or subdivision of the State from providing aid or assistance to persons, if found to be in the public interest, for the purpose of clearing debris, natural materials, and wreckage from privately owned lands and waters deposited thereon or therein during a period of a major disaster or emergency, in either case declared by the President. In such case, the public entity shall be indemnified by the recipient from the award of any claim against the public entity arising from the rendering of such aid or assistance. Such aid or assistance must be eligible for federal reimbursement for the cost thereof.

“And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and the duty to make such temporary transfers from the funds in custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and are paid out solely through the treasurer’s office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the anticipated revenues accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the revenues accruing to such political subdivision before any other obligation of such political subdivision is met from such revenue.” (Emphasis added.)

As can be seen, Section 6 generally prohibits the Legislature from authorizing the lending of the credit of the state to any person, association, or corporation and from authorizing the state to subscribe for stock, or to become a stockholder, in any corporation. Based on our previous conclusion that no state funds would be invested pursuant to A.B. 530, we conclude that Section 6 would not prohibit funds in the Golden State Scholarshare Trust from being invested in mutual funds, stocks, or similar investments.

There is no other provision of the California Constitution that would prohibit funds in the Golden State Scholarshare Trust from being invested in mutual funds, stocks, or similar investments.

Hence, we conclude that neither Section 17 of Article XVI of the California Constitution, nor any other provision of the California Constitution, would prohibit funds in the Golden State Scholarshare

Trust, as proposed to be created by Assembly Bill No. 530, as amended July 18, 1997, from being invested in mutual funds, stocks, or similar investments.

QUESTION NO. 2

If the funds in the Golden State Scholarshare Trust that are to be invested are deemed not to be state funds for purposes of Question No. 1, would that classification jeopardize the tax benefits under Section 529 of Title 26 of the United States Code?

OPINION NO. 2

Although we concluded in Question No. 1 that funds in the Golden State Scholarshare Trust that are to be invested are not state funds, that classification would not jeopardize the tax benefits under Section 529 of Title 26 of the United States Code.

ANALYSIS NO. 2

Section 529 of Title 26 of the United States Code (hereafter Section 529) reads as follows:

“529. Qualified State tuition program

“(a) **General rule.**—A qualified State tuition program shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such program shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

“(b) **Qualified State tuition program.**—For purposes of this section—

“(1) **In general.**—The term ‘qualified State tuition program’ means a program established and maintained by a State or agency or instrumentality thereof—

“(A) under which a person—

“(i) may purchase tuition credits or certificates on behalf of a designated beneficiary which entitle the beneficiary to the waiver or payment of qualified higher education expenses of the beneficiary, or

“(ii) may make contributions to an account which is established for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account, and

“(B) which meets the other requirements of this subsection.

“(2) **Cash contributions.**—A program shall not be treated as a qualified State tuition program unless it provides that purchases or contributions may only be made in cash.

“(3) **Refunds.**—A program shall not be treated as a qualified State tuition program unless it imposes a more than de minimis penalty on any refund of earnings from the account which are not—

“(A) used for qualified higher education expenses of the designated beneficiary,

“(B) made on account of the death or disability of the

designated beneficiary, or

“(C) made on account of a scholarship (or allowance or payment described in section 135(d)(1)(B) or (C)) received by the designated beneficiary to the extent the amount of the refund does not exceed the amount of the scholarship, allowance, or payment.

“(4) **Separate accounting.**—A program shall not be treated as a qualified State tuition program unless it provides separate accounting for each designated beneficiary.

“(5) **No investment direction.**—A program shall not be treated as a qualified State tuition program unless it provides that any contributor to, or designated beneficiary under, such program may not direct the investment of any contributions to the program (or any earnings thereon).

“(6) **No pledging of interest as security.**—A program shall not be treated as a qualified State tuition program if it allows any interest in the program or any portion thereof to be used as security for a loan.

“(7) **Prohibition on excess contributions.**—A program shall not be treated as a qualified State tuition program unless it provides adequate safeguards to prevent contributions on behalf of a designated beneficiary in excess of those necessary to provide for the qualified higher education expenses of the beneficiary.

“(c) **Tax treatment of designated beneficiaries and contributors.**—

“(1) **In general.**—Except as otherwise provided in this subsection, no amount shall be includible in gross income of—

“(A) a designated beneficiary under a qualified State tuition program, or

“(B) a contributor to such program on behalf of a designated beneficiary, with respect to any distribution or earnings under such program.

“(2) **Contributions.**—In no event shall a contribution to a qualified State tuition program on behalf of a designated beneficiary be treated as a taxable gift for purposes of chapter 12.

“(3) **Distributions.**—

“(A) **In general.**—Any distribution under a qualified State tuition program shall be includible in the gross income of the distributee in the manner as provided under section 72 to the extent not excluded from gross income under any provision of this chapter.

“(B) **In-kind distributions.**—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary.

“(C) **Change in beneficiaries.**—

“(i) **Rollovers.**—Subparagraph (A) shall not apply to that portion of any distribution which, within 60 days of such

distribution, is transferred to the credit of another designated beneficiary under a qualified State tuition program who is a member of the family of the designated beneficiary with respect to which the distribution was made.

“(ii) **Change in designated beneficiaries.**—Any change in the designated beneficiary of an interest in a qualified State tuition program shall not be treated as a distribution for purposes of subparagraph (A) if the new beneficiary is a member of the family of the old beneficiary.

“(D) **Operating rules.**—For purposes of applying section 72—

“(i) to the extent provided by the Secretary, all qualified State tuition programs of which an individual is a designated beneficiary shall be treated as one program,

“(ii) all distributions during a taxable year shall be treated as one distribution, and

“(iii) the value of the contract, income on the contract, and investment in the contract shall be computed as of the close of the calendar year in which the taxable year begins.

“(4) **Estate tax inclusion.**—The value of any interest in any qualified State tuition program which is attributable to contributions made by an individual to such program on behalf of any designated beneficiary shall be includible in the gross estate of the contributor for purposes of chapter 11.

“(5) **Special rule for applying section 2503(e).**—For purpose of section 2503(e), the waiver (or payment to an educational institution) of qualified higher education expenses of a designated beneficiary under a qualified State tuition program shall be treated as a qualified transfer.

“(d) **Reporting requirements.**—

“(1) **In general.**—If there is a distribution to any individual with respect to an interest in a qualified State tuition program during any calendar year, each officer or employee having control of the qualified State tuition program or their designee shall make such reports as the Secretary may require regarding such distribution to the Secretary and to the designated beneficiary or the individual to whom the distribution was made. Any such report shall include such information as the Secretary may prescribe.

“(2) **Timing of reports.**—Any report required by this subsection—

“(A) shall be filed at such time and in such matter [sic] as the Secretary prescribes, and

“(B) shall be furnished to individuals not later than January 31 of the calendar year following the calendar year to which such report relates.

“(e) **Other definitions and special rules.**—For purposes of this section—

“(1) **Designated beneficiary.**—The term ‘designated beneficiary’ means—

“(A) the individual designated at the commencement of participation in the qualified State tuition program as the beneficiary of amounts paid (or to be paid) to the program,

“(B) in the case of a change in beneficiaries described in subsection (c)(2)(C), the individual who is the new beneficiary, and

“(C) in the case of an interest in a qualified State tuition program purchased by a State or local government or an organization described in section 501(c)(3) and exempt from taxation under section 501(a) as part of a scholarship program operated by such government or organization, the individual receiving such interest as a scholarship.

“(2) **Member of family.**—The term ‘member of the family’ has the same meaning given such term as Section 2032A(e)(2).

“(3) **Qualified higher education expenses.**—The term ‘qualified higher education expenses’ means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of a designated beneficiary at an eligible educational institution (as defined in section 135(c)(3)).

“(4) **Application of section 514.**—An interest in a qualified State tuition program shall not be treated as debt for purposes of section 514.”

As can be seen, Section 529 of Title 26 of the United States Code (hereafter Section 529) exempts qualified state tuition programs from certain federal taxation and describes qualified state programs for this purpose (26 U.S.C.A. 529(a), (b)). Subsection (c) of Section 529 addresses the matter of the tax treatment of designated beneficiaries and contributors under a qualified state tuition program.

Under Section 529, a qualified state tuition program is one that is established and maintained by a state or an agency or instrumentality of a state under which a person may (1) purchase tuition credits or certificates on behalf of a designated beneficiary, which entitle the beneficiary to the waiver or payment of qualified higher education expenses of the beneficiary or (2) make contributions to an account that is established for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account (26 U.S.C.A. 529(b)(1)(A)(i), (ii)). Nothing in the definition of “qualified state tuition program,” or in any other provision of Section 529, requires a state or an agency or instrumentality of a state to maintain possession or control of funds under the program in order to be a qualified state tuition program.

Accordingly it is our opinion that although we concluded in Question No. 1 that funds in the Golden State Scholarshare Trust that

are to be invested are not state funds, that classification would not jeopardize the tax benefits under Section 529 of Title 26 of the United States Code.

Very truly yours,

BION M. GREGORY
Deputy Legislative Counsel
Legislative Counsel

By
JANA T. HARRINGTON

Explanation of Absence

5 September 1997

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

Dear Mr. Speaker: During the preceding 5 days of legislative session, I attended the annual, national conference of the National Foundation for Women Legislators. I serve as California State Director and National Legislative Director for this bi-partisan organization which serves as a forum to exchange valuable information between state legislators.

These conferences are very helpful in my broader fight to achieve my legislative agenda here in the California Assembly. As an example, Megan's Law which I authored last year is a bill that receives keen interest and presents the opportunity to spread this important idea to other states. In addition to chairing a number of panels, I also made a presentation on my school employee background check bill that came on the heels of Michelle Montoya's death.

I submit this letter as an explanation for the votes I missed, pursuant to Assembly Rule 104, due to my attendance at this unparalleled, national forum.

Cordially,

BARBARA ALBY, Assembly Member
Fifth District

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

ASSEMBLY BILL NO. 4 (Bordonaro)—An act to add Section 12022.53 to the Penal Code, relating to sentencing.

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—72

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

NOES—4

Kuehl	Migden	Washington	Wright
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Above bill ordered enrolled.

ASSEMBLY BILL NO. 55 (Mazzoni)—An act to amend Section 26802.5 of the Government Code, relating to counties.

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—77

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	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	House	Ortiz	Wayne
Brewer	Kaloogian	Pacheco	Wildman
Brown	Keeley	Papan	Woods
Campbell	Knox	Perata	Wright
Cardenas	Kuehl	Poochigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 99 (Runner)—An act to amend, repeal, and add Section 19.8 of, and to add and repeal Section 652 of, the Penal Code, relating to body piercing.

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—73

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

NOES—2

Bowen

Martinez

Above bill ordered enrolled.

RECESS

By unanimous consent, at 3:34 a.m., Assistant Speaker pro Tempore Baca declared the Assembly recessed.

REASSEMBLED

At 3:36 a.m., the Assembly reconvened.

Hon. Joe Baca, Assistant Speaker pro Tempore of the Assembly, presiding.

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

ASSEMBLY BILL NO. 1415 (Bustamante)—An act to add Chapter 3.5 (commencing with Section 66150) to Part 40 of the Education Code, relating to postsecondary education.

Bill presented by Assembly Member Villaraigosa.

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—49

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

NOES—24

Ackerman	Bordonaro	Kaloogian	Morrow
Aguiar	Bowler	Leach	Oller
Alby	Brewer	Leonard	Poochigian
Ashburn	Campbell	Margett	Runner
Baldwin	Goldsmith	McClintock	Takasugi
Baugh	House	Miller	Thompson

Above bill ordered enrolled.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 3:50 a.m., by unanimous consent, the Members of the Committee on Appropriations were excused for the purpose of attending a meeting of the committee at this time, in Room 4202, and without objection, the House was permitted to continue in Floor session.

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

SENATE BILL NO. 5 (Lockyer)—An act to amend Sections 17152, 18042, 18510, 18601, 23732, 23801, 23802, 23806, and 24611 of, and to add Sections 17275.6, 17731.5, 18037.5, 19136.4, 19365, 23800.5, 23802.5, 23804, 23804.5, 23813, 24954, and 24990.4 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

Point of Order

Assembly Member Goldsmith arose to the following point of order: Senate Bill No. 5 is a tax levy and requires vote for passage.

Reply by Assistant Speaker pro Tempore Baca

The Assistant Speaker pro Tempore replied that Legislative Counsel has keyed Senate Bill No. 5 to require a majority vote for passage.

The question being on the passage of the bill

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, 3:56 p.m.

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

At 4 a.m., Hon. Fred Keeley, 27th District, presiding

SENATE BILL NO. 455 (Alpert)—An act to amend Sections 17008.5, 17020.6, 17024.5, 17041, 17052.12, 17054, 17062, 17063, 17072, 17077, 17085, 17088, 17139, 17250, 17273, 17279, 17507, 17561, 17750, 17860, 18037, 18180, 18601, 18624, 18645, 19144, 19164, 19184, 23038.5, 23045, 23453, 23456, 23457, 23609, 23732, 23801, 23802, 23806, 24326, 24343.3, 24349, 24355, 24355.5, 24357, 24443, 24692, 24870, 24916, and 24993 of, to amend the heading of Chapter 14.5 (commencing with Section 24870) of Part 11 of, to add Sections 17088.3, 17132.5, 17154, 17215, 17250.5, 17251.5, 17270.5, 17275.5, 17278.5, 17731.5, 18044, 18152, 18648.5, 19136.2, 19136.3, 19141.2, 19182.5, 19365, 23800.5, 23813, 24272.5, 24343.7, 24429, 24875, 24949.5, 24954, and 24956 to, to repeal Sections 17131.5, 17132, 17137, 17138.5, 17141.5, 17150, 17201.5, 17210, 17213, 17249, 17267, 17283, 17748, 18035, 18040, 18060, 18166, 18173, 24371.5, 24966.3, 24971, 24990.8, and 24990.9 of, and to repeal and add Sections 17255, 17271, 23701h, 24372.5, and 24947 of, the Revenue and Taxation Code, and to amend Sections 928.5 and 934 of the Unemployment Insurance Code, relating to taxation, to take effect immediately, tax levy.

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

Parliamentary Inquiry

Assembly Member Goldsmith arose to the following parliamentary inquiry:

Does Senate Bill No. 455 require a majority vote or vote for passage?

Reply by Acting Speaker Keeley

The Acting Speaker replied that Senate Bill No. 455 is a majority vote bill.

Motion to Appeal from the Decision of the Chair

Assembly Member Goldsmith moved to appeal from the decision of the Chair.

Assembly Member Bowler seconded the motion.

The question being: Shall the decision of the Chair that Senate Bill No. 455 is a majority vote bill be overruled?

The roll was opened and the decision of the Chair sustained by the following vote:

AYES—36

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

NOES—41

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

The question being on the passage of the bill.

Bill passed by the following vote:

AYES—67

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

NOES—7

Bordonaro	Kaloojian	Leonard	Thompson
House	Leach	Miller	

Vote Changes

By unanimous consent, the following vote change was permitted on Senate Bill No. 455: Assembly Member Havice, from "No" to "Aye".

Bill ordered transmitted to the Senate.

OBJECTION TO VOTE CHANGES

Assembly Member Shelley withheld unanimous consent on any requests for vote changes on the roll call vote taken on this day on Senate Bill No. 455.

OBJECTION TO VOTE CHANGES

Assembly Member Thompson withheld unanimous consent on any requests for vote changes on the roll call vote taken on this day on Assembly Bill No. 1492.

ANNOUNCEMENT

Acting Speaker Keeley announced that Members of the Committees on Appropriations and Transportation, who are off the Floor attending a meeting at this time, would be permitted to add their votes to those measures where unanimous consent was withheld.

OBJECTION WITHDRAWN

Assembly Member Shelley withdrew his objection to any requests for vote changes on the roll call vote taken on this day on Senate Bill No. 455.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Leonard was granted unanimous consent that the following communication be printed in the Journal:

September 12, 1997

Mr. E. Dotson Wilson

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

Dear Dotson: I am submitting this letter for publication in the Daily Journal as a result of my absence from Session today.

As I have already indicated to my Assembly colleagues, my absence is due to the recent passing of my grandmother, and my participation in her memorial services that are being conducted out-of-state.

There are several outstanding issues that likely will be addressed today, and I want to indicate my positions on those issues of importance to me and my constituents.

I support the efforts to establish a statewide standardized achievement test for our state's school children, as embodied in the Conference Report of Senate Bill 376 (Alpert).

Earlier this year, I proposed an amendment to Smog Check II legislation that would have eliminated the fee charged for the first renewal of registration for new vehicles. To the extent that the principles embodied by my proposal are incorporated into the several-bill package relating to Smog Check II, I would be supportive of those legislative proposals.

I have consistently supported tax credit legislation for California's businesses and families. Senate Bill 1101 (Alpert) provides a sales tax exemption for ground control stations sold for use outside this state. My Assembly District has demonstrated its ability to compete in this technology, and the benefits provided to the Inland Empire have led me to strongly support this proposal.

Additionally, I would like to extend my appreciation to my colleagues and staff who worked to provide relief to school districts facing increasing home-to-school transportation costs. The efforts to provide the additional funding complement my Assembly Bill 1346 already adopted by the Legislature.

While there were many other issues that came before the Assembly today, these have broad statewide implications and I wanted my constituents to know my positions on these issues.

I appreciate your inclusion of this letter in the Assembly Daily Journal.

Best regards,

KEITH OLBERG, Assembly Member
Thirty-fourth District

BILL RETURNED TO GOVERNOR

At the request of Assembly Member Shelley Assembly Bill No. 730 was ordered returned to the Governor.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

Assembly Member Shelley was granted unanimous consent that the following communication be printed in the Journal:

12 September 1997

Mr. E. Dotson Wilson

Chief Clerk, State Assembly

State Capitol, Room 3196

Sacramento, California 95814

Dear Mr. Wilson: In passing Assembly Bill 280 tonight, the Legislature adopted a legislative measure requested by Santa Cruz County. The bill allows the county to reallocate property tax revenues among its enterprise districts and a specified park district. The enterprise districts must agree to the reallocation. The county has used a similar authority since 1993. However, the current statutory authority sunsetted on June 30, 1997. The bill only applies to Santa Cruz County.

The bill is permissive. The county may, but is not required to, negotiate with the enterprise districts about the disposition of the districts' property tax allocation.

Legislative Counsel has keyed this bill a "state-mandated local program" in his digest but the statutory language in the bill is silent on the nature of the mandate. Counsel also advises that the bill does not result in a reimbursable mandate. There is no new level of service required by the provisions of the bill. Moreover, the county requested this statutory change in a letter to me on July 1, 1997.

I ask that you include this letter in the *Assembly Journal* at your earliest convenience. Thank you for your assistance.

Sincerely,

FRED KEELEY, Assembly Member
Twenty-seventh District

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

ASSEMBLY BILL NO. 1318 (Ducheny)—An act to add Section 66025 to the Education Code, relating to postsecondary education, and making an appropriation therefor.

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—73

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

NOES—1

Ackerman

Above bill ordered enrolled.

ASSEMBLY BILL NO. 366 (Havice)—An act to amend Section 6385 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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—77

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	Gallegos	Miller	Thompson
Baldwin	Goldsmith	Morrissey	Thomson
Battin	Granlund	Morrow	Torlakson
Baugh	Havice	Murray	Villaraigosa
Bordonaro	Hertzberg	Napolitano	Vincent
Bowen	Honda	Oller	Washington
Bowler	Kaloogian	Ortiz	Wayne
Brewer	Keeley	Pacheco	Wildman
Brown	Knox	Papan	Woods
Campbell	Kuehl	Perata	Wright
Cardenas	Kuykendall	Poohigian	Mr. Speaker
Cardoza	Leach	Prenter	
Cunneen	Lempert	Pringle	
Davis	Leonard	Richter	

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1217 (Bustamante)—An act to add Chapter 12.93 (commencing with Section 7097) to Division 7 of Title 1 of the Government Code, and to amend Sections 17039, 17276.2, 23036, and 24416.2 of, and to add Sections 17053.33, 17053.34, 17267.6, 23633, 23634, and 24356.6 to, the Revenue and Taxation Code, relating to economic development.

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—68

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

NOES—6

Ackerman	Bowler	Kaloogian
Baugh	Floyd	Oller

Above bill ordered enrolled.

ASSEMBLY BILL NO. 670 (Mazzoni)—An act to amend Section 41862 of, to amend and repeal Sections 44757.4 and 44759.5 of, and to add Section 17203.5 to, the Education Code, relating to education.

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

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

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

AYES—74

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1571 (Committee on Budget)—An act to amend and supplement the Budget Act of 1997 (Chapter 282 of the Statutes of 1997), relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Assembly Member Ducheny.

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

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

Urgency Clause

Urgency clause read.

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, 4:30 a.m.

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

ASSEMBLY BILL NO. 367 (Havice)—An act to add Article 5 (commencing with Section 49350) to Chapter 8 of Part 27 of the Education Code, relating to education.

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—45

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

NOES—29

Ackerman	Brewer	Leonard	Richter
Aguiar	Campbell	Margett	Runner
Alby	Frusetta	McClintock	Takasugi
Ashburn	Goldsmith	Miller	Thompson
Baldwin	Granlund	Morrow	Woods
Baugh	House	Oller	
Bordonaro	Kaloogian	Pacheco	
Bowler	Leach	Poochigian	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 602 (Davis)—An act to amend Sections 44903.7, 48915.5, 56100, 56140, 56156.5, 56167, 56190, 56200, 56325, 56342, 56360, 56361, 56362, 56366.2, 56441.14, and 56500 of, to amend and repeal Sections 56210, 56213, 56214, 56214.5, 56217, 56218, 56364, and 56370 of, to amend, repeal, and add Sections 56211, 56212, 56425, 56425.5, 56426, 56426.1, 56426.2, 56426.25, 56426.4, 56427, 56429, and 56430 of, to add Sections 56364.5, 56366.9, and 56432 to, to add Chapter 2.5 (commencing with Section 56195) and Chapter 7.2 (commencing with Section 56836) to, and to add Article 1.1 (commencing with Section 56205) to Chapter 3 of, Part 30 of, to add and repeal Sections 56202 and 56832 of, to add and repeal Chapter 7.1 (commencing with Section 56835) of Part 30 of, to repeal Sections 56448 and 56449 of, to repeal Article 6 (commencing with Section 56170) of Chapter 2 of, to repeal Article 1 (commencing with Section 56200) and Article 2 (commencing with Section 56220) of Chapter 3 of, Part 30 of, and to repeal Chapter 4.3 (commencing with Section 56400) and Chapter 7 (commencing with Section 56700) of Part 30 of, the Education Code, relating to special education, and making an appropriation therefor.

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.)

Parliamentary Inquiry

Assembly Member Murray arose to the following parliamentary inquiry:

Does Assembly Bill No. 602 not require unanimous consent to be taken up for consideration, in mock-up form, without reference to file?

Reply by Acting Speaker Keeley

The Acting Speaker replied that it has been the established precedent that all measures are published in a Supplemental File on the last day to pass bills in the Assembly, and are therefore not without reference to file.

The question being on the concurrence in Senate amendments.

Amendments concurred in by the following vote:

AYES—60

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

NOES—11

Cardenas	Knox	Perata	Wildman
Escutia	Martinez	Shelley	Wright
Floyd	Murray	Vincent	

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1554 (Ortiz)—An act to add Sections 104180 and 104182 to the Health and Safety Code, relating to cancer, and making an appropriation therefor.

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—75

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

NOES—None

Above bill ordered enrolled

(NOTE: Later this day, the action was rescinded whereby the Assembly concurred in Senate amendments to Assembly Bill No. 1554 and whereby the bill was ordered enrolled. See page 4750.)

ASSEMBLY BILL NO. 1447 (Washington)—An act relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read.

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, 5:05 a.m.

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

RECESS

By unanimous consent, at 5:10 a.m., Acting Speaker Keeley declared the Assembly recessed.

REASSEMBLED

At 5:53 a.m., the Assembly reconvened.

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

MESSAGES FROM THE SENATE

Senate Chamber, September 13, 1997

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

- Assembly Bill No. 233
- Assembly Bill No. 420
- Assembly Bill No. 1574

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, September 13, 1997

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

- Assembly Bill No. 1042

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.

RESOLUTIONS

By unanimous consent, the following resolution was offered without reference to committee:

Resolution to Suspend Joint Rules

By Assembly Member Knox:

Resolved, That Joint Rule 61(a)(9) and (11) be suspended to permit the Committee on Revenue and Taxation to meet, consider, and report Senate Bill No. 1233 for further action.

Resolution read, and adopted by the following vote:

AYES—78

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

NOES—None

SPECIAL COMMITTEE MEETINGS

Assembly Member Knox was granted unanimous consent that the Committee on Revenue and Taxation be permitted to hold a special meeting immediately in the Tom Bane Rules Committee Room, and that Joint Rule 62(a) be waived for the purpose of setting Senate Bill No. 1233 for hearing.

COMMUNICATIONS

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

September 12, 1997

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

Dear Dotson: Please be advised that I am appointing Assemblymember Ted Lempert to the Assembly Revenue and Taxation Committee for September 12 and 13, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

September 12, 1997

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

Dear Dotson: Please be advised that I am appointing Assemblymember Wally Knox as Chair of the Assembly Revenue and Taxation Committee for September 12 and 13, 1997, only.

Thank you for your attention to this request.

Sincerely,

CRUZ M. BUSTAMANTE
 Speaker of the Assembly

ACTION RESCINDED ON ASSEMBLY BILL NO. 1554

Assembly Member Ortiz was granted unanimous consent to rescind the action whereby the Assembly, earlier this day (Assembly Journal, page 4748), concurred in Senate amendments to Assembly Bill No. 1554, and whereby the bill was ordered enrolled; and that the bill be returned to the Senate for further action.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing: September 12, 1997

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 8

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

MIGDEN, Chairwoman

Above bill ordered to second reading.

**SENATE BILL NO. 8 TAKEN UP BY UNANIMOUS CONSENT
FOR SECOND READING**

Assembly Member Brown was granted unanimous consent to take up Senate Bill No. 8 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

SENATE BILL NO. 8—An act to add Sections 19815.5, 19815.8, and 19824, to, to repeal Sections 19445, 19809, 19816, 19822.1, 19823.1, 19941, and 19950.2 of, to repeal and add Sections 19810, 19811, 19812, 19813, 19814, 19817, 19820, 19821, 19822, 19823, 19841, 19842, 19846, 19847, 19848, 19850, 19851, 19852, 19853, 19854, 19856, 19857, 19858, 19858.7, 19860, 19862, 19863, 19864, 19871, 19872, 19882, 19883, 19910.5, 19911, 19912, 19913, 19915, 19918, 19920, 19921, 19933.5, 19942, 19959.5, and 19960.2 to, to repeal and add Article 3 (commencing with Section 19830) and Article 8 (commencing with Section 19900) of Chapter 5 of, and to repeal and add Chapter 5 (commencing with Section 19800) of, Division 8 of, the Business and Professions Code, to add Section 1822.60 to the Code of Civil Procedure, to amend Sections 12012 and 15001 of, and to add Sections 15001.1 and 15001.2 to, the Government Code, and to amend Sections 186.9 and 14161 of, to add, repeal, and add Section 337j to, the Penal Code, and to add Chapter 8 (commencing with Section 4369) to Part 3 of Division 4 of the Welfare and Institutions Code, relating to gambling.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted.

Consideration of Senate Bill No. 8 Without Reference to File

Assembly Member Brown was granted unanimous consent to take up Senate Bill No. 8, without reference to file, for purpose of consideration.

SENATE BILL NO. 8 (Lockyer)—An act to add Sections 19805.1A, 19810A, 19811A, 19812A, 19813A, 19814A, 19815.5A, 19815.8A, 19817A, 19820A, 19821A, 19822A, 19823A, 19824A, 19841A, 19842A, 19846A, 19847A, 19848A, 19850A, 19851A, 19852A, 19853A, 19854A, 19856A, 19857A, 19858A, 19858.7A, 19860A, 19862A, 19863A, 19864A, 19871A, 19872A, 19882A, 19883A, 19910.5A, 19911A, 19912A, 19913A, 19915A, 19918A, 19920A, 19921A, 19933.5A, 19942A, 19959.5A, and 19960.2A to, to add Article 3 (commencing with Section 19830A) and Article 7 (commencing with Section 19900A) to Chapter 5 of, to, to repeal Sections 19445, 19809, 19816, 19822.1, 19823.1, and 19950.2 of, to repeal Sections 19810, 19811, 19812, 19813, 19814, 19817, 19820, 19821, 19822, 19823, 19841, 19842, 19846, 19847, 19848, 19850, 19851, 19852, 19853, 19854, 19856, 19857, 19858, 19858.7, 19860, 19862, 19863, 19864, 19871, 19872, 19882, 19883, 19910.5, 19911, 19912, 19913, 19915, 19918, 19920, 19921, 19933.5, 19942, 19959.5, and 19960.2 to, to repeal and add Article 3 (commencing with Section 19830) and Article 8 (commencing with Section 19900) of Chapter 5 of, and to repeal and add Chapter 5 (commencing with Section 19800) of, Division 8 of, the Business and Professions Code, to add Section 1822.60 to the Code of Civil Procedure, to amend Section 15001 of, and to add Sections 15001.1 and 15001.2 to, the Government Code, and to amend Sections 186.9 and 14161 of, to add, repeal, and add Section 337j to, the Penal Code, and to add Chapter 8 (commencing with Section 4369) to Part 3 of Division 4 of the Welfare and Institutions Code, relating to gambling.

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

Bill passed by the following vote:

AYES—59

Aguiar	Cunneen	Kuykendall	Runner
Alby	Davis	Leonard	Scott
Alquist	Escutia	Machado	Shelley
Aroner	Figueroa	Margett	Strom-Martin
Ashburn	Firestone	Mazzoni	Sweeney
Baca	Frusetta	Migden	Takasugi
Battin	Gallegos	Miller	Thomson
Bordonaro	Goldsmith	Morrissey	Torlakson
Bowen	Granlund	Murray	Villaraigosa
Bowler	Hertzberg	Pacheco	Vincent
Brewer	Honda	Papan	Washington
Brown	Kaloogian	Perata	Wildman
Campbell	Keeley	Poochigian	Wright
Cardenas	Knox	Pringle	Mr. Speaker
Cardoza	Kuehl	Richter	

NOES—14

Ackerman	Havice	Morrow	Thompson
Baldwin	Leach	Napolitano	Woods
Baugh	Martinez	Oller	
Floyd	McClintock	Prenter	

Bill ordered transmitted to the Senate.

Objection to Vote Adds

Assembly Member Martinez withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Senate Bill No. 8.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF SENATE AMENDMENTS

ASSEMBLY BILL NO. 1219 (Bustamante)—An act to add and repeal Section 15733 of the Government Code, relating to economic development, and making an appropriation therefor.

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.

Call of the Assembly

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

Motion carried. Time, 6:12 a.m.

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

**CONSIDERATION OF SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 233 BY UNANIMOUS CONSENT**

Assembly Member Escutia was granted unanimous consent to take up Assembly Bill No. 233, without reference to file, for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 233 (Escutia)—An act to amend Section 116.230 of the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Sections 26820.4, 26823, 26827, 26827.4, 26830, 26838, 26857, 26862, 27361, 68073, 68085, 68090.8, 68113, 68502.5, 68513, 72054, 72055, 72060, 76000, and 77003 of, to amend, repeal, and add Section 68547 of, to add Sections 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 27081.5, 68073.1, 68085.5, 68088, 72056.01, 76224, 77001, and 77009 to, to add Chapter 14 (commencing with Section 77600) to, Title 8 of, to repeal Article 4 (commencing with Section 77300) of Chapter 13 of Title 8 of, to add and repeal Sections 26826.01 and 77201 of, to repeal and add Section 71383 of, and to repeal and add Article 3 (commencing with Section 77200) of Chapter 13 of Title 8 of, the Government Code, to amend Sections 1463.001, 1463.005, 1463.007, 1463.009, and 1464 of, to add Sections 1170.45, 1463.010, and 1463.07 to, and to repeal Sections 1463.003 and 1463.01 of, the Penal Code, and to amend Section 42007 of, and to add Sections 11205.1 and 42007.1 to, the Vehicle Code, relating to trial court funding.

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—71

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

NOES—3

Kaloogian	McClintock	Oller
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Vote Changes

By unanimous consent, the following vote changes were permitted on concurrence in Senate amendments to Assembly Bill No. 233: Assembly Members Kaloogian and Oller, from "Aye" to "No".

Above bill ordered enrolled.

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

ASSEMBLY BILL NO. 1438 (Escutia)—An act to add Chapter 2.1 (commencing with Section 68650) to Title 8 of the Government Code, relating to courts.

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—43

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

NOES—33

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

Above bill ordered enrolled.

ASSEMBLY BILL NO. 1574 (Escutia)—An act relating to trial court funding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—73

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

NOES—None

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

AYES—73

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

NOES—None

Above bill ordered enrolled.

ASSEMBLY BILL NO. 420 (Baca)—An act to add Section 69620 to the Government Code, relating to judges.

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—72

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

NOES—3

Floyd	Martinez	Murray
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Above bill ordered enrolled.

Objection to Vote Adds

Assembly Member Martinez withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 420.

ASSEMBLY BILL NO. 1042 (Wayne)—An act to amend Sections 17052.12 and 23609 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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—77

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

NOES—1

Floyd

Above bill ordered enrolled.

MESSAGES FROM THE SENATE

Senate Chamber, September 13, 1997

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

Assembly Bill No. 1554

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.

CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1554 BY UNANIMOUS CONSENT

Assembly Member Ortiz was granted unanimous consent to take up Assembly Bill No. 1554, without reference to file, for purpose of consideration of Senate amendments.

ASSEMBLY BILL NO. 1554 (Ortiz)—An act to add Sections 104180 and 104182 to the Health and Safety Code, relating to cancer, and making an appropriation therefor.

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—72

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

NOES—3

Ackerman	Baugh	McClintock
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Above bill ordered enrolled.

**REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation**

Date of Hearing: September 13, 1997

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

Senate Bill No. 1233

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

KNOX, Acting Chairman

Above bill ordered to second reading.

SENATE BILL NO. 1233 TAKEN UP BY UNANIMOUS CONSENT FOR SECOND READING

Unanimous consent was granted to take up Senate Bill No. 1233 without reference to file, for the purpose of reading the bill a second time and adopting the committee amendments at this time.

SENATE BILL NO. 1233—An act to amend Section 19184 of, and to add Sections 17085.8, 17210.6, 17507.4, 17507.6, and 23712 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted.

Consideration of Senate Bill No. 1233 Without Reference to File

Assembly Member Bustamante was granted unanimous consent to take up Senate Bill No. 1233, without reference to file, for purpose of consideration.

SENATE BILL NO. 1233 (Lockyer)—An act to amend Sections 17054, 17062, 17152, 17273, 18510, 19184, and 23802 of, and to add Sections 17085.8, 17210.6, 17507.4, 17507.6, 18037.6, and 23712 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

Bill passed by the following vote:

AYES—76

Ackerman	Ducheny	Lempert	Pringle
Aguiar	Escutia	Leonard	Richter
Alby	Figueroa	Machado	Runner
Alquist	Firestone	Margett	Scott
Aroner	Floyd	Mazzoni	Shelley
Ashburn	Frusetta	McClintock	Strom-Martin
Baca	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	Oller	Vincent
Brown	Kaloogian	Ortiz	Washington
Campbell	Keeley	Pacheco	Wayne
Cardenas	Knox	Papan	Wildman
Cardoza	Kuehl	Perata	Woods
Cunneen	Kuykendall	Poochigian	Wright
Davis	Leach	Prenter	Mr. Speaker

NOES—1

Martinez

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 949**

At 6:52 a.m., on motion of Assembly Member Ducheny, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments to Assembly Bill No. 949 by the following vote:

AYES—37

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

NOES—35

Ackerman	Brewer	Leach	Prenter
Aguiar	Campbell	Leonard	Pringle
Alby	Cunneen	Margett	Richter
Ashburn	Firestone	McClintock	Runner
Baldwin	Goldsmith	Miller	Scott
Battin	Havice	Morrow	Takasugi
Baugh	House	Oller	Thompson
Bordonaro	Kaloogian	Pacheco	Woods
Bowler	Kuykendall	Poochigian	

**CALL OF THE ASSEMBLY DISPENSED WITH ON
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1572**

At 6:53 a.m., on motion of Assembly Member Miller, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Assembly Bill No. 1572 adopted by the following vote:

AYES—56

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

NOES—20

Ackerman	Brewer	Margett	Poochigian
Alby	Campbell	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Baugh	House	Morrow	Thompson
Bowler	Kaloogian	Oller	Woods

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

AYES—56

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

NOES—20

Ackerman	Brewer	Margett	Poochigian
Alby	Campbell	McClintock	Pringle
Baldwin	Goldsmith	Miller	Runner
Baugh	House	Morrow	Thompson
Bowler	Kaloogian	Oller	Woods

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 278**

At 6:55 p.m., on motion of Assembly Member Escutia, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly refused to concur in Senate amendments to Assembly Bill No. 278 by the following vote:

AYES—37

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

NOES—26

Ackerman	Campbell	Margett	Richter
Alby	Goldsmith	McClintock	Runner
Ashburn	Granlund	Miller	Takasugi
Baldwin	House	Morrow	Thompson
Baugh	Kaloogian	Oller	Woods
Bowler	Leach	Poochigian	
Brewer	Leonard	Pringle	

**Motion to Reconsider Assembly Bill No. 278
on Next Legislative Day**

Assembly Member Escutia moved to reconsider on the next legislative day the vote whereby Senate amendments to Assembly Bill No. 278 were this day refused concurrence.

Assembly Bill No. 278 ordered to the unfinished business file.

Objection to Vote Adds

Assembly Member Thompson withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 278.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
CONFERENCE COMMITTEE REPORT ON ASSEMBLY BILL NO. 1126**

At 6:56 a.m., on motion of Assembly Member Miller, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Conference Committee Report on Assembly Bill No. 1126 adopted by the following vote:

AYES—57

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

NOES—20

Ackerman	Bowler	Kaloogian	Poochigian
Alby	Brewer	McClintock	Pringle
Baldwin	Campbell	Miller	Runner
Baugh	Goldsmith	Morrow	Thompson
Bordonaro	House	Oller	Woods

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH
ON URGENCY CLAUSE AND CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 376**

At 6:57 a.m., on motion of Assembly Member Mazzoni, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The urgency clause to Senate Bill No. 376 adopted by the following vote:

AYES—55

Ackerman	Cunneen	Lempert	Prenter
Aguiar	Davis	Leonard	Pringle
Alby	Ducheny	Machado	Richter
Alquist	Figueroa	Margett	Runner
Ashburn	Firestone	Mazzoni	Scott
Baldwin	Frusetta	McClintock	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Pacheco	Woods
Brown	Knox	Papan	Wright
Campbell	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	

NOES—21

Aroner	Gallegos	Murray	Thomson
Baca	Honda	Napolitano	Villaraigosa
Bowen	Keeley	Ortiz	Wildman
Cardenas	Kuehl	Shelley	
Escutia	Martinez	Strom-Martin	
Floyd	Migden	Sweeney	

Report adopted by the following vote:

AYES—55

Ackerman	Cunneen	Lempert	Prenter
Aguiar	Davis	Leonard	Pringle
Alby	Ducheny	Machado	Richter
Alquist	Figueroa	Margett	Runner
Ashburn	Firestone	Mazzoni	Scott
Baldwin	Frusetta	McClintock	Takasugi
Battin	Goldsmith	Miller	Thompson
Baugh	Granlund	Morrissey	Torlakson
Bordonaro	Havice	Morrow	Washington
Bowler	House	Oller	Wayne
Brewer	Kaloogian	Pacheco	Woods
Brown	Knox	Papan	Wright
Campbell	Kuykendall	Perata	Mr. Speaker
Cardoza	Leach	Poochigian	

NOES—21

Aroner	Gallegos	Murray	Thomson
Baca	Honda	Napolitano	Villaraigosa
Bowen	Keeley	Ortiz	Wildman
Cardenas	Kuehl	Shelley	
Escutia	Martinez	Strom-Martin	
Floyd	Migden	Sweeney	

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1015**

At 6:59 a.m., on motion of Assembly Member Knox, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1015 by the following vote:

AYES—43

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

NOES—34

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

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 594**

At 6:59 a.m., on motion of Assembly Member Morrow, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 594 by the following vote:

AYES—41

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

NOES—8

Ackerman	Campbell	Martinez	Morrow
Bowler	Margett	McClintock	Richter

Above bill ordered enrolled.

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 Assembly Bill No. 594.

CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1188

At 7 a.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 urgency clause to Assembly Bill No. 1188 adopted by the following vote:

AYES—62

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

NOES—12

Ackerman	Baugh	Leach	Runner
Alby	House	Margett	Takasugi
Baldwin	Kaloogian	Oller	Thompson

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

AYES—62

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

NOES—12

Ackerman	Baugh	Leach	Runner
Alby	House	Margett	Takasugi
Baldwin	Kaloogian	Oller	Thompson

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1587**

At 6:59 a.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.

Urgency clause to Assembly Bill No. 1587 adopted by the following vote:

AYES—69

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

NOES—6

Ackerman	Baugh	Takasugi
Baldwin	Kaloogian	Thompson

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

AYES—69

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

NOES—6

Ackerman	Baugh	Takasugi
Baldwin	Kaloogian	Thompson

Above bill ordered enrolled.

CALL OF THE ASSEMBLY DISPENSED WITH ON PRINGLE MOTION TO RE-REFER ASSEMBLY BILL NO. 488 TO COMMITTEE

At 7 a.m., on motion of Assembly Member Pringle, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Pringle motion to re-refer Assembly Bill No. 488 to the Committee on Public Safety lost by the following vote:

AYES—34

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

NOES—36

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

Further Consideration of Senate Amendments to Assembly Bill No. 488

ASSEMBLY BILL NO. 488 (Scott)—An act to add Section 12131 to the Penal Code, relating to firearms.

The question being on concurrence in Senate amendments.

Amendments concurred in by the following vote:

AYES—41

Alquist	Firestone	Mazzoni	Sweeney
Aroner	Gallegos	Migden	Thomson
Bowen	Havice	Murray	Torlakson
Brewer	Hertzberg	Napolitano	Villaraigosa
Brown	Honda	Ortiz	Vincent
Cardenas	Keeley	Pacheco	Washington
Cardoza	Knox	Papan	Wayne
Cunneen	Kuehl	Perata	Wildman
Davis	Kuykendall	Scott	
Escutia	Lempert	Shelley	
Figueroa	Machado	Strom-Martin	

NOES—28

Ackerman	Bordonaro	Margett	Pringle
Aguiar	Bowler	Martinez	Richter
Alby	Campbell	Miller	Runner
Ashburn	Goldsmith	Morrow	Takasugi
Baca	Kaloogian	Oller	Thompson
Battin	Leach	Poohigian	Woods
Baugh	Leonard	Prenter	Wright

Above bill ordered enrolled.

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 Assembly Bill No. 488.

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 Assembly Bill No. 278.

CALL OF THE ASSEMBLY DISPENSED WITH ON SENATE BILL NO. 5

At 7:03 a.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.

Senate Bill No. 5 passed by the following vote:

AYES—67

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

NOES—2

Miller Woods

Bill ordered transmitted to the Senate.

OBJECTION TO VOTE ADDS

Assembly Member Kuykendall withheld unanimous consent on any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 278.

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 999**

At 7:04 a.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 Assembly concurred in Senate amendments to Assembly Bill No. 999 by the following vote:

AYES—42

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

NOES—26

Ackerman	Brewer	Leonard	Poochigian
Aguiar	Campbell	Margett	Richter
Ashburn	Frusetta	McClintock	Takasugi
Baldwin	Goldsmith	Miller	Thompson
Baugh	House	Morrissey	Woods
Bordonaro	Kaloogian	Morrow	
Bowler	Leach	Oller	

Above bill ordered enrolled.

OBJECTION WITHDRAWN

Assembly Member Kuykendall withdrew his objection to any requests for vote adds or vote changes on the roll call vote taken on this day on Assembly Bill No. 278.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1571**

At 7:05 a.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 urgency clause to Assembly Bill No. 1571 adopted by the following vote:

AYES—69

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

NOES—6

Ackerman	Margett	Richter
Baugh	McClintock	Thompson

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—69

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

NOES—6

Ackerman	Margett	Richter
Baugh	McClintock	Thompson

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
URGENCY CLAUSE AND CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1447**

At 7:05 a.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 urgency clause to Assembly Bill No. 1447 adopted by the following vote:

AYES—76

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

NOES—None

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

AYES—76

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

NOES—None

Above bill ordered enrolled.

**CALL OF THE ASSEMBLY DISPENSED WITH
ON CONCURRENCE IN SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 1219**

At 7:08 a.m., on motion of Assembly Member Bustamante, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The Assembly concurred in Senate amendments to Assembly Bill No. 1219 by the following vote:

AYES—60

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

NOES—13

Ackerman	Kaloogian	Miller	Woods
Baldwin	Leach	Morrow	
Baugh	Margett	Oller	
Brewer	McClintock	Runner	

Vote Changes

By unanimous consent, the following vote change was permitted on concurrence in Senate amendments to Assembly Bill No. 1219: Assembly Member Poochigian, from "No" to "Aye".

Above bill ordered enrolled.

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 Assembly Bill No. 278.

REQUEST FOR UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

Legislative Intent—Assembly Bill No. 594

September 13, 1997

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

Dear Mr. Wilson: The purpose of this letter is to clarify my intent as the author of AB 594 on issues contained within the bill.

The bill limits the alternative dispute resolution process for construction defects to 180 days. After 180 days, the process culminates, and the parties to the dispute may not stipulate to an extension of the 180 day period.

The bill is not intended to impose upon the insurer of a subcontractor a duty to defend its insureds for losses resulting from the defects identified in the notice required by subdivision 1375(b). The bill is intended to require the attendance of a construction contractor or subcontractor at meetings specified in 1375(c)(1).

Sincerely,

TOM TORLAKSON, Assembly Member
Eleventh District

At 7:10 a.m., Speaker Cruz M. Bustamante, 31st District, presiding

At 7:11 a.m., Speaker pro Tempore Sheila James Kuehl, 41st District, presiding

VOTE ADDS

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

Senate Bill No. 247: Aguiar, Battin, Gallegos, Granlund, Keeley, Martinez, McClintock, Pacheco, and Prenter—Aye; Alby, Ashburn, Baugh, Bordonaro, and Morrow—No.

Senate Bill No. 200: Alby, Ashburn, Baugh, Granlund, Morrow, Pacheco, Prenter, and Runner—Aye; Martinez—No.

Senate Bill No. 550: Alby, Ashburn, Baugh, Martinez, Morrow, Pacheco, and Prenter—Aye.

Senate Bill No. 526: Martinez and Prenter—Aye; Alby, Ashburn, Morrow, Pacheco, and Poochigian—No.

Senate Bill No. 66 and Urgency: Alby, Ashburn, Ducheny, Gallegos, Martinez, Morrow, Pacheco, Prenter, and Takasugi—Aye.

Senate Bill No. 45: Alby, Aroner, Cardenas, Honda, Morrow, Oller, and Pacheco—Aye; Prenter—No.

Senate Bill No. 298 and Urgency: Alby, Morrow, Pacheco, and Prenter—Aye.

Senate Bill No. 540: Alby, Pacheco, and Prenter—Aye.

Senate Bill No. 227: Aroner, Baugh, Pacheco, and Strom-Martin—Aye.

Senate Bill No. 828: Aroner, Baugh, Ducheny, Morrissey, Pacheco, and Prenter—Aye.

Senate Bill No. 990: Baugh, Cardenas, Pacheco, and Poochigian—Aye; Bowen and Prenter—No.

Senate Bill No. 1155: Baugh, Cardoza, Cunneen, Ducheny, Keeley, Pacheco, and Runner—Aye.

Consent Calendar: Pacheco—Aye.

Senate Bill No. 1254: Pacheco—Aye.

Assembly Bill No. 627, Concurrence: Aroner, Baldwin, Battin, Campbell, Honda, Martinez, Migden, Murray, Pacheco, and Pringle—Aye; Baugh and Morrow—No.

Assembly Bill No. 781, Concurrence: Baugh and Pacheco—Aye.

Assembly Bill No. 1230, Urgency and concurrence: Honda and Murray—Aye; Baugh, McClintock, and Morrow—No.

Assembly Bill No. 1394, Concurrence: Gallegos—Aye.

Assembly Bill No. 702, Concurrence: Ashburn, Battin, and Prenter—Aye; Baugh, Goldsmith, Kaloogian, Oller, Poochigian, and Pringle—No.

Assembly Bill No. 1507, Concurrence: Ashburn, Battin, Bowen, Goldsmith, and Martinez—Aye; Baugh, Kaloogian, Margett, McClintock, Oller, Pringle, and Runner—No.

Special Consent Calendar: Ducheny—Aye.

Assembly Bill No. 84, Concurrence: Baugh, Gallegos, and Runner—Aye.

Assembly Bill No. 242, Concurrence: Granlund and Pacheco—Aye; Runner—No.

Assembly Bill No. 352, Concurrence: Granlund, Pacheco, and Pringle—Aye; Runner—No.

Assembly Bill No. 353, Concurrence: Alquist, Ashburn, Cunneen, Granlund, and Scott—Aye; Runner—No.

Assembly Bill No. 498, Concurrence: Alquist, Baca, Battin, Cunneen, Granlund, Poochigian, and Prenter—Aye; Ackerman, Pringle, and Runner—No.

Assembly Bill No. 592, Concurrence: Battin, Baugh, Granlund, and Pringle—Aye.

Assembly Bill No. 680, Concurrence: Battin, Granlund, Honda, Murray, Pacheco, and Runner—Aye.

Assembly Bill No. 922, Concurrence: Alquist, Baugh, Gallegos, Granlund, Pacheco, Runner, and Wayne—Aye; Martinez—No.

Assembly Bill No. 1017, Concurrence: Baugh, Granlund, Pacheco, and Runner—Aye; McClintock—No.

Assembly Bill No. 738, Concurrence: Aguiar, Baugh, Bordonaro, Granlund, Pacheco, and Shelley—Aye; Bowen, McClintock, and Sweeney—No.

Assembly Bill No. 1029, Concurrence: Aguiar, Baca, Baugh, Granlund, Kuykendall, Napolitano, and Pacheco—Aye; Davis and Sweeney—No.

Assembly Bill No. 1363, Concurrence: Aguiar, Baca, Baugh, Davis, Ducheny, Gallegos, Granlund, and Pacheco—Aye.

Assembly Bill No. 1479, Concurrence: Ducheny—Aye; Baugh, Granlund, and Pacheco—No.

Assembly Bill No. 115, Concurrence: Baca, Baugh, Gallegos, Granlund, and McClintock—Aye.

Assembly Bill No. 173, Concurrence: Gallegos, Goldsmith, and Granlund—Aye; Baugh, McClintock, Poochigian, and Runner—No.

Assembly Bill No. 179, Concurrence: Baldwin, Goldsmith, Granlund, Pacheco, and Shelley—Aye; Baugh—No.

Assembly Bill No. 1223, Concurrence: Baldwin, Baugh, Granlund, and Havice—Aye.

Assembly Bill No. 287, Urgency and Concurrence: Alby, Havice, Kaloogian, Oller, and Poochigian—Aye; McClintock—No.

Assembly Bill No. 1043, Concurrence: Alby, Aroner, Battin, McClintock, and Pacheco—Aye.

Assembly Bill No. 1595, Concurrence: Alby, Ashburn, Battin, Bowen, Goldsmith, Kaloogian, Machado, Martinez, and Pacheco—Aye; McClintock—No.

Assembly Bill No. 321, Concurrence: Alby, Battin, Baugh, Bowen, Goldsmith, Granlund, Machado, Pacheco, and Wildman—Aye; McClintock—No.

Senate Bill No. 1092: Alby, Cardenas, Ducheny, Goldsmith, Pacheco, and Runner—Aye.

Senate Bill No. 90: Alby, Baca, Cardenas, Goldsmith, and Pacheco—Aye; Baugh and Runner—No.

Senate Bill No. 368: Ashburn, Baldwin, and Granlund—Aye.

Assembly Bill No. 456, Concurrence: Migden—Aye; McClintock—No.

Assembly Bill No. 1055, Concurrence: Cardenas and Martinez—Aye; Baugh and Bowen—No.

House Resolution No. 47, Co-authors: Baca and Hertzberg—Aye.

Assembly Bill No. 258, Concurrence: Baugh, Cardenas, Cardoza, Keeley, and Runner—Aye.

Assembly Bill No. 412, Concurrence: Battin, Baugh, Ducheny, and Runner—Aye.

Assembly Bill No. 670, Concurrence: Baugh—Aye.

Assembly Bill No. 1544, Concurrence: Baugh and Runner—Aye.

Assembly Bill No. 571, Concurrence: Mazzoni and Migden—Aye; Runner—No.

Assembly Bill No. 560, Concurrence: Runner—Aye.

Assembly Bill No. 280, Concurrence: Bowen—Aye; Baugh and Goldsmith—No.

Assembly Bill No. 1561, Concurrence: Battin, Baugh, and Bordonaro—Aye.

Assembly Bill No. 62, Concurrence: Mazzoni—Aye; Migden—No.

Assembly Bill No. 896, Concurrence: Margett—Aye.

Senate Bill No. 903, Conference Report: Richter—Aye; Goldsmith and Miller—No.

Assembly Bill No. 1484, Concurrence: Aguiar—Aye.

Assembly Bill No. 158, Floyd Motion to Dispense with Call: Cardoza and Honda—Aye.

Assembly Bill No. 158, Concurrence: Mazzoni—Aye.

Senate Bill No. 1101: Ackerman, Battin, Brewer, Cardoza, Honda, Leach, Machado, Prenter, and Pringle—Aye.

Senate Bill No. 273: Battin, Figueroa, Machado, and Pringle—Aye; McClintock—No.

Assembly Bill No. 241, Urgency and Concurrence: Battin—Aye; Runner—No.

Assembly Bill No. 57, Concurrence: Runner—Aye; Cardoza—No.

Assembly Bill No. 208, Concurrence: Thomson and Kuykendall—No.

Assembly Bill No. 308, Concurrence: Baca, Baugh, Bowen, Margett, and Prenter—Aye; McClintock—No.

Assembly Bill No. 1297, Concurrence: Baca and Shelley—Aye.

Assembly Bill No. 130, Concurrence: Baca and Mazzoni—Aye.

Assembly Bill No. 4, Concurrence: Shelley—Aye.

Assembly Bill No. 1415, Concurrence: Woods—Aye.

Senate Bill No. 455, Goldsmith Motion to Appeal Decision of Chair: Runner—Aye.

Senate Bill No. 455: Woods—Aye; Bordonaro—No.

Assembly Bill No. 1217, Concurrence: Baugh—No.

Assembly Bill No. 367, Concurrence: Runner—No.

Assembly Bill No. 602, Concurrence: Bowen, Kaloogian, Machado, and Papan—Aye.

Assembly Bill No. 1554, Concurrence: Papan—Aye.

Assembly Bill No. 1042, Concurrence: Scott—Aye.

Assembly Bill No. 949, Concurrence: Havice—No.

Assembly Bill No. 1572, Urgency and Concurrence: Poochigian—No.

Assembly Bill No. 278, Concurrence: Cardenas—Aye.

Assembly Bill No. 1126, Conference Report: Goldsmith—No.

Senate Bill No. 376, Urgency and Conference Report: Gallegos and Thomson—No.

Senate Bill No. 5: Machado—Aye.

MOTION TO ADJOURN

At 7:11 a.m., pursuant to the provisions of Joint Rule 51, Assembly Member Villaraigosa moved that the Assembly adjourn for the 1997–98 Interim Recess, until Monday, January 5, 1998 at 11 a.m.

Assembly Member Prenter seconded the motion.

REMARKS ON CONDITION OF THE FILE

Assembly Member Martinez arose to speak on the condition of the file.

FURTHER CONSIDERATION OF MOTION TO ADJOURN

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

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 7:12 a.m., Speaker pro Tempore Kuehl declared the quorum call of the Assembly dispensed with.

AUTHOR'S AMENDMENTS
Committee on Revenue and Taxation

September 13, 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.

KNOX, Acting Chairman

ASSEMBLY BILL NO. 873—An act to add Sections 17053.30, 17053.31, 17053.32, 23630, 23631, and 23632 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.

MESSAGES FROM THE SENATE

Senate Chamber, September 13, 1997

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

- Senate Bill No. 5
- Senate Bill No. 376
- Senate Bill No. 1233

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

Senate Chamber, September 13, 1997

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

- Senate Bill No. 8
- Senate Bill No. 368
- Senate Bill No. 455

- Senate Bill No. 990
- Senate Bill No. 1101

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

Senate Chamber, September 13, 1997

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

Senate Bill No. 1254.

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

Senate Chamber, September 13, 1997

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

Senate Bill No. 1254.

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

INTRODUCTION OF GUESTS

Assembly Member Kuykendall, of the 54th Assembly District, introduced former Senator Bill Campbell.

Assembly Member Havice, of the 56th Assembly District, introduced John McLaurin, President of Pacific Merchant Shipping Association.

ADJOURNMENT

At 7:12 a.m., pursuant to the motion by Assembly Member Villaraigosa, the Assembly adjourned for the 1997–98 Interim Recess, until 11 a.m., Monday, January 5, 1998, out of respect to the memory of Patricia Dean, Paul Wilson, Correctional Officer Mylene Gudrun Zalar, and Correctional Officer Paul B. Berldon, on motion of Assembly Member House; out of respect to the memory of Mary Lou Growney Gianniani, on motion of Assembly Member Shelley; out of respect to the memory of Stephanie Frazier McDowell, on motion of Assembly Member Alby; out of respect to the memory of Evelyn M. Campbell, on motion of Assembly Member Brewer; out of respect to the memory of Valerie Vasquez Pasillas, on motion of Assembly Member Gallegos; and out of respect to the memory of Brenda L. Smith, on motion of Assembly Member Ortiz.

CRUZ M. BUSTAMANTE, Speaker

PAM CAVILEER, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON SEPTEMBER 12, 1997**

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

SB	RN
247	9723721

Daily Total:	1
Cumulative Total:	3407

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON SEPTEMBER 13, 1997**

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

AB	RN
873	9723775

SB	RN
8	9724012
273	9723925
1233	9723965

Daily Total:	4
Cumulative Total:	3411

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